

S T A T E M E N T

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Dear Madam/Mister Chair,

Dear distinguish delegates of the Parties of the Convention,

I am honored to be here today and to be able to present the position of the Republic of Bulgaria regarding the Decision IX/4h on compliance by Bulgaria with its obligations under the Convention in respect of the lifetime extension of units 5 and 6 of Kozloduy nuclear power plant.

Why it's important for the all Parties to the Espoo Convention to understand the reason for our disagreement with the Decision at stake and to be aware of the circumstances:

- Decision IX/4h does not reflect accurately the actions taken by Bulgaria. Moreover, it does not correspond with the procedure Bulgaria strictly followed, in accordance with the recommendations of the high-level declaration adopted in 2014 during the Meeting of the Parties to the Convention. According to this declaration, Bulgaria conducted an assessment procedure for the necessity of an Environmental Impact Assessment (EIA) and a decision "not to conduct an EIA" has been in effect since 2014.
- The continuous operation of units 5 and 6 of Kozloduy NPP is not a new activity or a "major change" and do not has any significant adverse transboundary impact.
- In this regard, in 2014 the Minister of Environment and Water, in his capacity as a Bulgarian national authority under the Espoo Convention, taking into account the opinions of all competent authorities for human health, safety and the environment, issued a screening decision not to carry out an Environmental Impact Assessment.
- Continuous operation of Kozloduy NPP does not require the development of a new technical design of the plant, or changes in the existing design of the plant, or changes in the existing design. No need to construct new buildings/facilities.

The working environment and gaseous and liquid radioactive releases into environment remain the same but the annual generation of the spent fuel is decreased. Continuing operation of units 5 and 6 of Kozloduy NPP does not lead to additional risks to the human health and the environment.

- The process concerning the continuous operation of the Kozloduy NPP units 5 and 6 has been performed strictly following all applicable requirements of the international, European and Bulgarian nuclear legislation, as well in compliance with the requirements of the Espoo Convention and even with the last approved December 2020 Guidance on the applicability of the Convention to the lifetime extension (LTE) of nuclear power plants.
- It is important to state that the legal appeal by NGOs against the 2014 decision of the Minister of Environment and Water has been rejected by a three-member panel, then by a five-member panel of the Supreme Administrative Court of Bulgaria. In addition, other three seven-member panels of the same court classified NGOs complaints as unacceptable. In this manner the legal power of the 2014 decision of the Minister of Environment and Water has been fully confirmed.
- All transboundary procedures carried out by Republic of Bulgaria are recognized as good practices for the implementation of the Espoo Convention in the international documents of the United Nations.

We would like to emphasize that a possible omission to take into account Bulgaria's proposals related to Decision IX/4h, such a development would have wider consequences, such as:

- It would be a precedent for the Parties to the Convention themselves not to respect a Declaration unanimously adopted at the Meeting of the Parties.
- It would not be a private case that concerns only Bulgaria but would have multiplied in all subsequent cases under the Convention, not only for lifetime extension of nuclear power plants, but also for all activities listed in Appendix 1 of the Convention.
- The guidance for implementing of the Convention to the lifetime extension of nuclear power plants will be applied with retroactive effect, and in the case of Bulgaria - with incorrect application.
- The Committee for the Implementation of the Convention will be recognized with powers and competences that are above those of the Supreme National Courts and

the national competent authorities for the environment, human health, safety, local authorities, etc., as well as the European Parliament;

- The Implementation Committee has proposed Decision IX/4h, which is in contradiction with Article 2, paragraph 8 of the Convention. This paragraph states that "The provisions of this Convention shall not affect the right of Parties to implement national laws, regulations, administrative provisions or accepted legal practices protecting information the supply of which would be prejudicial to industrial and commercial secrecy or national security".

In conclusion, I believe that this Meeting of the Parties will not allow to be adopted a misleading Decision against a country that strictly complies with the Convention and therefore you will support proposed changes in Decision IX/4h.