

Bulgarian statement on the draft ‘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’

Thank you, Madam Chair.

First of all, Bulgaria reconfirms its consistent and continued commitment to the implementation of the Espoo Convention. We firmly believe that in the spirit of the main principles of the Espoo Convention we could all achieve sustainable development by strengthening the international cooperation in assessing the environmental impact on nature and humans. Our government laid down consecutive and irreversible national policies and practices in achieving highest standards of safety and measures aimed at preventing, mitigating and monitoring environmental damage.

Bulgarian state fully commits to the application of the Convention ahead of any future decision-making regarding units 5 and 6 of Kozloduy nuclear power plant. Therefore, Bulgaria endorses the following recommendations and findings, namely: 1, 2, 4, 5, and 6.

We acknowledge that the findings and recommendations of the Implementation Committee are mostly result of miscommunication and lack of timely delivered information and clarifications. The restrictions due to the COVID pandemic also affected the process of exchange and cooperation on Bulgarian dossier. From our side there were significant actions in way to apply good practices including as described in the Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants since we carried out several Environmental Impact Assessments (EIA) and transboundary procedures that cover the actual status of units 5 and 6. We fully agree that the rule of law shall be leading condition for developing of trusted conclusions of the local and international institutions and bodies. In this respect Bulgaria shall reconsider its past practices and shall apply broadly transboundary procedures when effects of major change could take part during the new investment initiatives or important improvements of the operation of the existing nuclear units.

Regarding the third finding (point 3 of the draft ‘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), Bulgaria not only does not support the findings that a noncompliance took place, but strongly disagrees and objects, for the reasons mentioned in the statements that have been introduced in the Committee's procedure so far, especially in the position of the Republic of Bulgaria introduced on behalf of the Bulgarian government on 16 November 2023.

As indicated, we consider that the Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants may not be applied with retroactive effect, and in the case of Bulgaria – with incorrect application as the case that was initiated by the Implementation Committee before its adoption by the Parties in 2020.

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 the Supreme Administrative Court of the

Republic of Bulgaria as follows: 1. By a three-member panel and 2. By a five-member panel. Moreover, additional three seven-member panels of the Supreme Administrative Court of Bulgaria classified NGOs complaints as unacceptable and of no legal grounds. In this way, the legal effect of the 2014 decision of the Minister of Environment and Water has been fully confirmed by the Supreme Administrative Court of Bulgaria, thus the decision came into force.

This is to say, allegation of any non-compliance with the Convention, which Bulgaria questions, may not affect the Decision No.6-PR/2014 of the Minister of Environment and Water, confirmed by the Supreme Administrative Court of the Republic of Bulgaria and endorsed by the European Parliament on assessing the need to conduct an EIA for the investment project 'Lifetime Extension of the Kozloduy NPP EAD Units 5 and 6'.

In accordance with the requirements of the national and international legislation, the Bulgarian competent authorities have the power to assess whether or not an EIA procedure is necessary in such a case. The above stated Decision No.6-PR/2014 concludes that it is unlikely to have a significant negative impacts on the environment and human health. The Decision was taken on the basis of the positive statements of all national competent authorities and the public consultations (regarding the risks to human health, nuclear safety and radiation protection, environmental components and factors - air, atmosphere, water, soil, bowels of the earth, landscape, natural sites, mineral diversity, biological diversity, natural and anthropogenic substances and processes; hazardous energy sources: noise, vibrations, radiation, as well as certain genetically modified organisms).

Pursuant to Article 3 of the Convention, the Republic of Bulgaria notified Romania by letter dated March 13, 2014 at the earliest stage of the procedure. This is in full compliance with the 2014 MOP Declaration for activities related to the production of electricity from nuclear power plants approved by the Parties in implementing the Convention (document ECE/MP.EIA/20.Add.3 ECE/MP.EIA/SEA/4.Add.3). We strongly emphasize the fact that this same notification has been cited by the Parties as an example of good practice in the implementation of the Convention.

Furthermore, Kozloduy NPP performed a number of transboundary EIA procedures for the following projects: 1. Decommissioning of Units 1-4 (2013); 2. Construction of Facility for Treatment and Conditioning of Radioactive Wastes with a High-volume Reduction Factor (2014); 3. Construction of a New Nuclear Unit (2015), and 4. Construction of a National Disposal Facility for Low and Intermediate Radioactive Waste (2016). In these procedures all environmental and human health impacts have been fully assessed including lifetime extension of units 5 and 6 of Kozloduy NPP. We would like to mention that some of these transboundary EIA procedures were referred to by the Parties as a good practice for the implementation of the Espoo Convention. The four comprehensive EIA were carried out with respect to other activities at the Kozloduy NPP site, all of which had considered the cumulative effect of the continuous operation of units 5 and 6.

The findings and recommendations of the Implementation Committee dated 20 February 2023 fail to take into account the Environmental Impact Assessment procedure accomplished for Kozloduy NPP Units 5 and 6 and covering all facilities on the site. The EIA Report was approved by a Decision No.28-8/2001 of the Minister of the Environment and Water, which is still in force today. On contrary, the Implementation Committee states that no transboundary EIA procedure has been undertaken. Such statement is misleading and should not be supported.

Please note that after a period of political instability in the country, Bulgaria at last has a regular Government. The new Government in all of its actions is being led amongst others by the following three principles: transparency, international cooperation and rule of law. The past three years were significant challenge globally and particularly for our European family given COVID, the Russian aggression in Ukraine which resulted in energy crisis in security of supply.

To summarize, regarding point 3 of the Decision, Bulgaria not only does not support the findings of the Implementation Committee, but strongly disagrees and objects to it, as well.

Bulgaria kindly requests the above statement to be included in the summary record of the 9'th session of the Meeting of the Parties to the Convention, Geneva, December 12-15, 2023.

Thank you, Madam Chair.