

Concerning Decision IX/4h on compliance by Bulgaria  
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1. We were surprised to find that Bulgaria in its position did not refer at all to the Guidance on the Applicability of the Convention to the Lifetime Extension of Nuclear Power Plants. Most of the arguments brought forward by Bulgaria in its letter to the MoP have been extensively discussed while the Guidance was formulated.

The Guidance delivers no new rules under the Convention. It is the result of intensive reflection by this body to help the IC implement the already existing rules of the Convention. Using the Guidance is not retrospective legal use but benefiting from the clarity given by the Guidance in already existing legal rules.

2. We support the findings from the Implementation Committee that Bulgaria has prolonged the operation of K5,6 in non-compliance with the Convention and its argumentation.

3. Although we are not happy with the fact that there are no direct consequences for the current operation of K5,6, we note that in 2027 the next Periodic Safety Review has to take place. This will need public participation on environmental issues under the Aarhus Convention. Our advice is to do that in the form of an EIA under Espoo, so that the situation that K5,6 currently operates without a relevant EIA is remedied – and so that constructive input is provided to be taken into account in decisions if and under which conditions further operation can take place.

4. We know that the work of the IC can be improved still – by larger transparency and a larger openness to participation of the public in its considerations. But in general we find it of great concern that some Parties do not accept the position, standing and assessment of the Implementation Committee and try to “convince” the MoP on the basis of information and argumentation that has already been taken into due consideration in the procedure.