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TO: Mr. Nikolay Denkov,
Prime Minister of the Republic of Bulgaria

Mr. Rumen Radev, Minister of Energy

Mr. Delyan Dobrev,
Chairman of the Committee on Energy

regarding: **UNLAWFUL DECISION**

OF THE GOVERNMENT OF THE REPUBLIC OF BULGARIA

FOR THE CONSTRUCTION OF A NEW NUCLEAR POWER PLANT.

VIOLATION OF OBLIGATIONS UNDER EUROPEAN DIRECTIVES AND CONVENTIONS.

REQUEST FOR A POSITION STATEMENT AND REACTION.

Dear Mr. Denkov

The safety requirements for the use of nuclear energy in the Republic of Bulgaria are mainly laid down in the Safe Use of Nuclear Energy Act (SUNEA) (https://bnra.bg/media/zakon_za_bezopasno_izpolzvane_na_qdrenata_energiq.pdf), and in its implementing regulations. The requirements of the European Union (EU) Directives as well as of the Conventions in this field have been transposed into national legislation. We note that the directives contain requirements for informing the public and for public participation in decision-making.

According to Article 3 (1) of the SUNEA “*Nuclear energy and ionizing radiation shall be used in accordance with the requirements and principles of nuclear safety and radiation protection in order to ensure the protection of human life, health and living conditions of present and future generations, the environment and material values from the harmful effects of ionizing radiation*”.

According to Article 3 (2) of the SUNEA (Amen. SG 80/2010) “*In the use of nuclear energy and ionizing radiation and in the management of radioactive waste and spent fuel, nuclear safety and*

radiation protection shall have priority over all other aspects of this activity”.

Section IV Special rules for the construction and operation of nuclear power plants sets out the basic safety requirements for the construction of new nuclear power as follows:

Art. 45. (1) A nuclear power plant shall be constructed pursuant to a decision of the Council of Ministers.

(2) (amend. - SG 14/2015) The proposal for the construction of a nuclear power plant shall be submitted by the Minister of Energy with an assessment of:

1. nuclear safety and radiation protection, the impact on the environment environmental and physical protection;
2. the socio-economic significance of the construction of a nuclear power plant for the country or individual regions;
3. the radioactive waste and spent nuclear fuel to be produced in the nuclear power plant and **their management.**

(3) Where the operation of a nuclear power plant is likely to have an impact on the population and the environment in the territory of another State, the Minister for Foreign Affairs shall notify the competent authorities of that State and shall provide them, on request, with the information necessary for the assessment and analysis of the likely impact of the plant in their territory from the point of view of the safety of the population and the protection of the environment. The official statement received shall be attached to the proposal referred to in (2).

(4) (amend. - SG 14/2015) The Minister of Energy shall organise a **consultation on the proposal for the construction of a nuclear power plant**, in which state and local government authorities, representatives of public organisations and interested natural and legal persons shall participate. The notice for it shall be given through the mass media or by other appropriate means **at least one month before the consultation.** The assessment of the results of the consultation shall be annexed to the proposal referred to in (2).

In a number of official documents, the government of the Republic of Bulgaria has repeatedly informed the European Commission (EC) on how the decision to build a new nuclear power plant was taken, how the population was informed and how the public was involved in the decision-making process.

EXAMPLES:

NATIONAL REPORT OF THE REPUBLIC OF BULGARIA ON THE IMPLEMENTATION OF THE REQUIREMENTS OF DIRECTIVE 2011/70/EURATOM ON THE ESTABLISHMENT OF A COMMUNITY FRAMEWORK FOR THE RESPONSIBLE AND SAFE MANAGEMENT OF SPENT FUEL AND RADIOACTIVE WASTE, 2015.

<https://www.bnra.bg/media/2021/06/ndoklad-2015-directive-2011-70-bg.pdf>

Page 43 states: “Another obligation of the Minister of Energy is to **organise a public consultation before submitting a draft decision for the construction of a new nuclear power plant.** For the consultation it is necessary to present data on socio-economic aspects, radiation protection, estimation of generated SNF and RAW during the operation of the future nuclear power plant. The information shall be published on the website of the Ministry of Energy, providing also the opportunity for direct communication of stakeholders with experts from the Ministry.”

REPORT OF THE REPUBLIC OF BULGARIA ON DIRECTIVE 2014/87/EURATOM OF 8

JULY 2014 AMENDING DIRECTIVE 2009/71/EURATOM OF 25 JUNE 2009, Sofia, 2020

<https://www.bnra.bg/media/2021/06/report-directive-2014-87-bulgaria.pdf>,

Page 57 outlines how the requirements of Article 8 (4) of the Directive - **Public participation in the decision-making process concerning the licensing of nuclear installations**, are met, namely:

*“Providing adequate opportunities for meaningful public participation in decision-making on the licensing of nuclear facilities is envisaged at all stages of their life cycle. Active participation of the population is regulated in a number of articles of the SUNEА and the Environmental Protection Act, such as: **public consultation of the proposal for the construction of a nuclear power plant**, participation of state and local authorities, representatives of public organisations and interested natural and legal persons (SUNEА, Article 45)”;*

The safety requirements of the SUNEА were complied with in the decision-making process for the construction of the Belene NPP (before the accession of the Republic of Bulgaria to the EU), with the following key milestones:

28.04.2004: at the meetings of the Council of Ministers (CoM), consent was given for the construction of Belene NPP (decision in principle).

This was followed by the development of the analyses and assessments required by the SUNEА. An opportunity was given for their review by interested parties.

10.01.2005: A public consultation on all analyses and assessments was held.

08.05.2005: The Council of Ministers adopts Decision 260 (substantive decision) for the construction of the Belene NPP with a **maximum power capacity of 2000 MW** and declares it an object of national importance (Decision 259 of 08.05.2005).

On 25 October 2023 the Council of Ministers held a session in which it reviewed **Item 26:** (<https://pris.government.bg/document/d93058dfcb577a9e1864ac7cb93ba179>) **Report for approval of the report of the Minister of Energy on taking actions for the construction of Unit 7 and 8 of Kozloduy NPP with AR 1000 technology.**

However, in violation of the clear requirements of Article 45 of the SUNEА, of the practice of its implementation, and of the obligations to implement the above-mentioned EU Directives, the Minister of Energy **has not developed the required analyses and assessments, has not made them publicly available, and has not organised their public consultation.** We believe that this constitutes a gross violation of the requirements of Article 45 of the SUNEА, as well as of the safety priority requirement set out in Article 3 of the SUNEА.

The Minister of Energy in his report states *“In addition, it should be pointed out that the preparation of a subsequent decision of the Council of Ministers on the substance of the implementation of Unit 7 is underway, in accordance with the provision of Article 45(2) of the Safe Use of Nuclear Energy Act”.* Thus, holding public consultations loses its meaning considering that a decision has been made.

Despite these gross violations, on October 25, 2023 the Council of Ministers adopts a decision for the construction of a new nuclear power plant (Unit 7 of Kozloduy NPP) and instructs the Minister of Energy to take the necessary actions for the transparent selection of a contractor for the design, construction and commissioning of the new power unit (see <https://government.bg/bg/prestentar/novini/aets-%E2%80%9Ekozloduy%E2%80%9C-shte-ima-nov->

[reaktor-prez-2033-g](https://www.me.government.bg/news/ministerskiyat-savet-odobri-predpriemaneto-na-deistviya-po-izgrajdane-na-blok-7-i-8-na-aec-kozlodui-s-tehnologiya-ap-1000-3274.html?p=eyJ0eXBIIjoiaG90bmV3cyJ9) and <https://www.me.government.bg/news/ministerskiyat-savet-odobri-predpriemaneto-na-deistviya-po-izgrajdane-na-blok-7-i-8-na-aec-kozlodui-s-tehnologiya-ap-1000-3274.html?p=eyJ0eXBIIjoiaG90bmV3cyJ9>)

We consider that this Decision of the Council of Ministers constitutes a flagrant violation of the SUNEА Act as well as the aforementioned Directives.

We also consider that there has been a violation of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and Article 8 of the European Convention on Human Rights.

We would like to inform you that due to the gross violations committed, an appeal has been filed with the Supreme Administrative Court (SAC) with a request to annul the Decision of the Council of Ministers for the construction of Units 7 and 8 of Kozloduy NPP as unlawful. Case 63/03.01.2024 was opened.

We call on the government to stop the procedures for the construction of units 7 and 8 at the Kozloduy NPP. Since the time of the corrupt Belene NPP project, not a single economic analysis has proven that Bulgaria needs new nuclear power, which is why the Belene NPP construction project cost the Bulgarian citizens over BGN 3 billion without actually starting the construction of the plant?! The current inadequate decision of the parliament to choose a specific type of reactor as well as a builder will only lead to a dilution of the government's responsibility when analyzing the next draining of huge sums from the national budget for another expensive nuclear adventure - 7 and 8 units of the NPP Kozloduy.

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