

## ESPOO 45 - 10-13 Septembrie 2019

In intalnirea de la Geneva a comitetului de implementare a conventiei Espoo la a 45-a sesiune din data 10-13 Septembrie 2019 s-a analizat si pozitia Bulgariei / Kozloduy vs Romania, si s-au constatat urmatoarele conform documentelor publice (<http://www.unece.org/index.php?id=50458>):

“Bulgaria: Kozloduy nuclear power plant (ECE/IC/INFO/28)

78. The Committee continued its consideration of the information regarding the lifetime extension of units 5 and 6 of the Kozloduy nuclear power plant in Bulgaria, 2 km from the border with Romania, that it had gathered further to the information from the Romanian NGO Actiunea pentru Renasterea Craiovei of 13 March 2018.

79. The Committee noted the information from Romania, dated 30 May 2019, that it had been notified by Bulgaria regarding the activity on 13 March 2014, in accordance with article 3 of the Convention. As a potentially affected Party, Romania had confirmed its participation in the procedure and provided its comments and proposals regarding the scope of the environmental impact assessment documentation to be prepared by Bulgaria. In May 2015, however, Bulgaria had informed Romania of its conclusion that environmental impact assessment for the proposed activity was not needed. In July 2015, Romania had responded to Bulgaria, reiterating its wish to participate in the procedure, provided its views on the likely significant adverse impacts from the activity on the territory of Romania and proposed to organize a bilateral expert meeting to discuss the matter further. According to Romania, Bulgaria had not taken its proposals into account and, as of 30 May 2019, had not responded thereto.

80. The Committee then examined the responses from Bulgaria dated 28 May and 19 August 2019 to its letters dated 9 April and 22 July 2019. The Committee expressed regret that Bulgaria had failed to respond to its repeated questions regarding the activity and the related transboundary environmental impact assessment procedure. Instead, it had referred the Committee to the publicly available information on the websites of various national and international organizations. **Bulgaria had also reiterated that, in its view, the Convention did not apply to the extension of the lifetime of nuclear power plants, as such an extension did not qualify as a “new activity” or as a “major change”** and was not expressly listed in appendix I to the Convention.

**81. The Committee found the approach of Bulgaria and the lack of responses to the Committee’s queries to be indicative of uncooperativeness.** With reference to decision II/4 of the Meeting of the Parties establishing the Committee and to the Committee’s structure, functions and operating rules,<sup>5</sup> the Committee stressed that it was the role and prerogative of the Committee to gather information from the Parties on matters under its consideration with a view to reviewing the Parties’ compliance with their obligations under the Convention. Even when a Party itself believed that it had fulfilled all its obligations under the Convention, it was up to the Committee to reach its own conclusions based on the information that the Party should provide. To enable the Committee to perform its functions, as mandated by the Meeting of the Parties, the concerned Parties should facilitate the Committee’s work in good faith – in line with paragraph 26 of the Vienna Convention on the Law of Treaties – by providing the requested information in a timely manner.

82. The Committee recalled its operating rule 11 (7), according to which the Committee might choose not to consider documentation referred to by the Parties via weblinks (ECE/MP.EIA/20.Add.1–ECE/MP.EIA/SEA/4.Add.1, annex II, para. 9). It had decided, however, to exceptionally examine the information available at the websites referred to by Bulgaria. Based on its analysis of the information, **the Committee had found elements indicating possible non-**

## **compliance of Bulgaria with its obligations under the Convention regarding the lifetime extension of the Kozloduy nuclear power plant.**

83. The Committee, however, **decided** to give Bulgaria another opportunity to provide information on the activity and explanations on the related transboundary procedure that might prove the contrary. **The Committee agreed to ask its Chair to again write to Bulgaria inviting it to respond to the Committee's questions.** On the basis of that response, the Committee would decide on further steps at its next session.

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## **ESPOO 44 - 12-15 Martie 2019**

In intalnirea de la Geneva a comitetului de implementare a conventiei Espoo la a 44-a sesiune din data 12-15 Martie 2019 s-a notat sesizarea facuta de ARC (Actiunea pentru Renasterea Craiovei) fata de pozitia Bulgariei / Kozloduy vs Romania, (<http://www.unece.org/index.php?id=50458>):

Bulgaria: Kozloduy nuclear power plant(ECE/IC/INFO/28):

85. The Committee asked the Chair to write to Bulgaria **inviting it to provide the following clarifications and information by 1 June 2019:**

1. (a) A brief description of the Kozloduy nuclear power plant, including information on its location, distance from neighbouring countries, gross electrical capacity of all units and status of their operation (date of first grid connection, design lifetime, dates of the final shut-down and other relevant information);
2. (b) The situation regarding units 5 and 6, including information on:
  1. (i) The design lifetime, initial date of the final shut-down and planned lifetime extension;
  2. (ii) The validity, expiry dates and need for extension of current licences, and information on original and previous licences and/or their extensions and the reasons for their change or extension;
  3. (iii) Whether all supporting operations linked to the operation of the nuclear power plant – such as those related to waste management, including radioactive waste, or the abstraction and release of cooling water – were covered by one overarching licence or by individual licences. In the latter case, Bulgaria should indicate whether the individual licences were still valid and whether they would be affected by the lifetime extension of units 5 and 6;
  4. (iv) Changes, upgrades or other physical work that had been carried out or planned for during the operation of the units:
    1. a. Whether those changes could be considered as a major change pursuant to article 1 (v) of the Convention;
    2. b. Whether any such changes were covered by the original licence or by subsequent licences. If they were covered by subsequent licences, Bulgaria should clarify whether any relevant environmental impact assessment procedures had been undertaken.
3. © Based on its national legislation, Bulgaria should be invited to clarify:
  1. (i) The national procedure for the lifetime extension of the nuclear power plants;
  2. (ii) Which of the national decisions taken to extend the lifetime of units 5 and 6 at the Kozloduy nuclear power plant were considered to be final decisions for the purposes of

the Convention and by which competent authority they had been taken.

4. (d) Clarifications regarding the environmental impact assessment procedure, including on:
  1. (i) Whether and when units 5 and 6 had been subject to an environmental impact assessment procedure. Whether a transboundary environmental impact assessment procedure had been carried out;
  2. (ii) Whether and when Bulgaria had informed potentially affected Parties (including Austria, Serbia and Romania) of the lifetime extension of units 5 and 6.

86. The Committee also asked the Chair to invite Bulgaria and Romania to provide, by 1 June 2019, a summary and an English translation of the communication between them regarding the activity that, according to information provided by the Romanian NGO Actiunea pentru Renasterea Craiovei, had been initiated by Bulgaria in 2014.

87. The Committee asked the secretariat to inform the Romanian **NGO Actiunea pentru Renasterea Craiove** that the Committee had initiated information gathering on the activity and to invite it to provide the Committee with any further relevant information, if available, by 1 June 2019.

## Next meetings

The Committee confirmed that it would hold its forty-sixth session from **10 to 13 December 2019**, its forty-seventh session from **16 to 19 March 2020** and its forty-eighth session from **1 to 4 September 2020**. Unless the Committee decided otherwise, all the sessions would be held in Geneva.

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