

Comments by Bulgaria (of 9 June 2023)
(ECE/MP.EIA/MP.EIA/2023/INF.10, p. 14–15)

Draft decision IX/4h on compliance by Bulgaria with its obligations under the Convention with respect to the lifetime extension of units 5 and 6 of Kozloduy nuclear power plant

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling further its decision IX/4¹ on general issues of compliance with the Convention adopted at its ninth session,

Having considered the findings and recommendations of the Implementation Committee on compliance by Bulgaria with its obligations under the Convention with respect to the lifetime extension of units 5 and 6 of Kozloduy nuclear power plant, as set out in document ECE/MP.EIA/IC/2023/6,

[Having also considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Bulgaria],

1. *Expresses* regret at the difficulties with communication from the at the uncooperativeness of Bulgaria with regard to providing the Committee with the information and documentation in a timely manner and complete information needed for its deliberations, requiring it to repeatedly request such information and documentation;

2. *Reminds* Bulgaria, that as a Party it has been strongly urged to facilitate the Committee's work in good faith, (paragraph 11 of decision VIII/4 (ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2) and that it should act accordingly, also in line with article 26 of the Vienna Convention on the Law of Treaties;

3. ~~*Endorses*~~ Takes into account the strong motivated objections from Bulgaria for dissenting with the findings of the Implementation Committee that, in accordance with the information provided to the Committee, Bulgaria was in non-compliance with articles 2 (3) and 3 (1) of the Convention by extending the lifetime of units 5 and 6 of Kozloduy nuclear power plant and preparing the units for long-term operation without applying the Convention;

4. *Welcomes* the fact that Bulgaria committed itself to notifying Austria, Romania and Serbia ahead of any future lifetime extension for units 5 and 6 activities listed in Appendix I of the Convention of Kozloduy nuclear power plant in accordance with article 3 (1) regarding Kozloduy nuclear power plant of the Convention after the Parties had requested such notification;

5. *Requests* Bulgaria to ensure that the Convention is fully applied in the context of any future decision-making for the regarding activities listed in Appendix I regarding of Kozloduy nuclear power plant, including ensuring that:

(a) All impacts of operational states and accidents are properly taken into account during the environmental impact assessment procedure;

¹ Forthcoming.

(b) When considering whether the lifetime extension constitutes a major change, the activities implemented to prepare for long-term operation prior to the latest licence renewals are taken into account;

(c) Bulgaria notifies, in accordance with article 3 (1) of the Convention, any Party which it ([Bulgaria](#)) considers may be affected, including Austria, Romania and Serbia, which, in the context of the present case, have expressly considered themselves potentially affected and requested to be notified;

6. Recommends that Bulgaria follow the good practice recommendations of the Meeting of the Parties that given the great public concern and national interests involved when it comes to nuclear energy-related activities, a wide notification, that is, beyond neighbouring Parties, could prevent later misunderstandings and potential disputes.²

² *Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities* (ECE/MP.EIA/2017/10), para. 28, endorsed by the Meeting of the Parties at its seventh session (Minsk, 13–16 June 2017), through decision VII/6 (ECE/MP.EIA/23.Add.2–ECE/MP.EIA/SEA/7.Add.2).