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REPUBLIC OF BULGARIA

Ministry of Environment and Water

3715 / GLG
10.09.2015

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10.09.2015

QBOC - A
30 July 2015

Ref: Consultations on the EIA procedure for the investment proposal for construction of National disposal facility for low and intermediate radioactive waste initiated by State enterprise "Radioactive Waste"

Dear Ms Gavrilescu,

With regard to your letter Reg №3715 / GLG / 27.05.2015, summarizing the comments of the Romanian competent authorities, posing certain issues and requesting additional information concerning the intent for construction of National disposal facility for low and intermediate radioactive waste and the EIA procedure for the investment proposal, please find enclosed the following documents in electronic format:

1. The answers to your questions prepared by the proponent State Enterprise "Radioactive Waste";
2. The English translation of Verdict 1545 / 26.11.2013 of the Supreme Administrative Court.

Ms Gratiela Leocadia Gavrilescu
Minister of Environment,
Waters and Forests
12 Liberatii Blvd, sector 5
040129 Bucharest, ROMANIA

In addition, with respect to Romanian Natura 2000 site ROSPA0135, we would like to note that Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds do not determine an assessment procedure for the degree of impact on protected sites in transboundary aspect. For this reason Bulgarian legislation does not provide for the inclusion in the scope the assessment of the degree of impact on Natura 2000 sites in Romania. In this respect, taking into account that the aforementioned directives do not provide for assessment in transboundary aspect, there is no procedural possibility to fulfil the requirement for inclusion of ROSPA0135 site. Our consideration is that the impact on Romanian territory should not differ from the impact on the protected sites on Bulgarian territory and their subject of conservation, given the analyses and conclusions in the Report on assessment of the degree of impact on the subject and purposes for conservation in the protected sites.

Regarding your concern for not taking into account the cumulative effects in relation to other projects on Kozloduy NPP site, please be informed that in the Report on assessment of the degree of impact there is a chapter on “cumulative impact” (chapter II), in which all relevant investment proposals and projects on the site and outside of it are analyzed and assessed.

In connection with the comment of the Romanian Ministry of the Regional Development and Public Administration (MRDPA) concerning the project “Common strategy for sustainable territorial development of the cross border area Romania-Bulgaria” financed under Romania-Bulgaria CBC Programme 2007-2013, we requested comments from the Bulgarian competent authority and project partner – the Ministry of Regional Development and Public Works (MRDPW). According their comments, the leading partner MRDPA assigned to a subcontractor (URBAN_INCERC) the development of a strategic document as part of the project activities. As a result of the project a draft document was prepared, which after an initial review and editing was published on the public consultations portal of the Council of Ministers of the Republic of Bulgaria at the following address:

<http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1641>

The investment proposal for the construction of National disposal facility for low and intermediate radioactive waste is not indicated or identified as a project of common interest for both countries and is not included in the strategic guidelines and projects affecting the development of accessibility, mobility, social and economic development



and cohesion of the cross-border region. It is mentioned as a possible future site, subjected to technological risk in chapter "Diagnosis of the region", section "Assessment and priorities of the territory" of the strategic document. The partial information cited in your letter concerning the intent of construction of National repository was not submitted and / or requested officially from MRDPW and in this sense it is not based on official data, available to the Bulgarian partner of the draft strategy. Therefore, this issue was referred to the leading partner MRDPA regarding refining the text and withdrawal of this information from the strategic document.

Regarding Verdict No 11040 /22.07.2015 of the Supreme Administrative Court, enacted on administrative case No 14109 / 2011, upheld by Verdict No 15645 / 26.11.2013 of the Supreme Administrative Court, please be informed that its text is available on the website of the court at the following address:

<http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/3af7ffe535490d01c2257b9300349a4d?OpenDocument>

In connection with the above, and with regard with the need to conduct public discussions on Romanian territory, please inform us as soon as possible about the organization modalities of the upcoming public hearing.

I take the opportunity to reiterate the assurance of my highest consideration and to express readiness for a fruitful cooperation.

Enclosure: As stated

Yours sincerely,

Ivelina Vasileva

Minister of Environment and Water

