

**DRAFT
VIEWPOINT OF THE COMMISSION**

**in accordance with Article 43 of the Euratom Treaty
concerning the investment project for the construction of a new nuclear power plant
"Belene", Bulgaria**

(Only the Bulgarian text is authentic)

1. PROCEDURE

- (1) In accordance with Article 41 of the Euratom Treaty and by letter from the Permanent Representation of the Republic of Bulgaria to the European Union, dated 23 February 2007, Natsionalna Elektricheska Kompania of Bulgaria ("NEK") communicated to the Commission an investment project for the construction of a new nuclear power plant "Belene" in Bulgaria.
- (2) By means of an internal Commission working group and discussions held between the Commission and the Investor as provided for in Article 43 of the Euratom Treaty, in particular during a meeting with the Investor held on 6 July 2007 in Luxembourg, all aspects of the investment which relate to the objectives of the Euratom Treaty were discussed.
- (3) The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the EC Treaty and the obligations stemming from it and from secondary legislation¹.

2. DESCRIPTION OF THE INVESTMENT PROJECT

- (4) The aim of the investment project is to increase the electricity generating capacity of NEK by approximately 2,000 MWe through the construction of a new Pressurized Water Reactor (2 Units PWR of Russian Design VVER 1,000/V466 (AES92)) at Belene, Bulgaria.
- (5) The new plant will contribute mainly to meeting additional regional demand for electricity and also Community wide. It will help to ensure a stable supply of low carbon intensive electricity at predictable prices for consumers throughout the region and beyond.
- (6) The suppliers of the power plant will be Atomstroyexport JSC, Russia, as main contractor and a consortium of AREVA NP and Siemens as main subcontractors.

¹ For instance, under the EC Treaty, both competition and environmental aspects can be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directives 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as modified by Directives 97/11/EC and 2003/35/EC, and 2001/42 on the assessment of the effects of certain plans and programmes on the environment as well as to the EMAS regulation

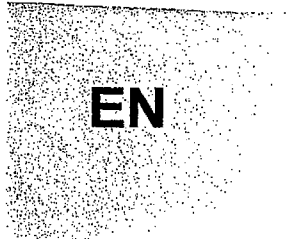
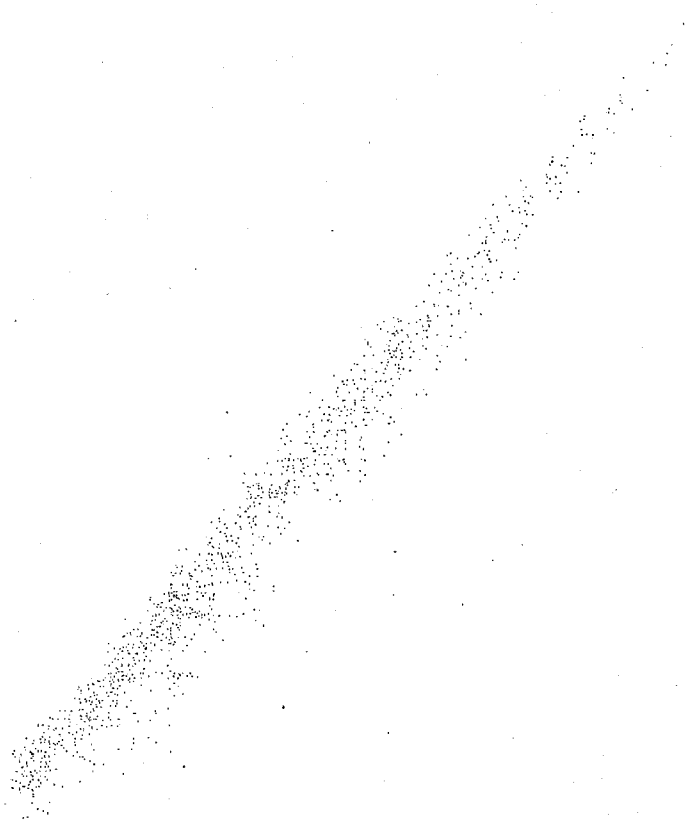
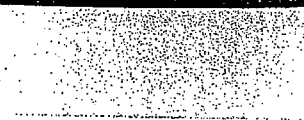
(7)

(8)

(9)

(10)

Deleted



EN

EN

3. **DISCUSSION ON ALL ASPECTS OF THE INVESTMENT PROJECT**

- (11) By virtue of Article 43 of the Euratom Treaty, the Commission shall discuss with the person having communicated the investment project all its aspects, which relate to the objectives of this Treaty. Pursuant to such a discussion, the Commission communicates its views to the Member State concerned.
- (12) In the present case, the Commission has discussed all the elements of the investment as communicated to the Commission pursuant to Council Regulation (Euratom) No 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the Euratom Atomic Energy Community² and Commission Regulation (EC) No 1209/2000 determining procedures for effecting the communications prescribed under Article 41 of the Treaty establishing the European Atomic Energy Community³(Euratom).
- (13) **Project Aims:** The Commission notes that the project aims at meeting new demand for electricity in the South-Eastern European region and beyond. The Investor claims that the project will help to ensure security of low carbon intensive energy supply for both Bulgaria and the neighbouring region, and to maintain the country's current energy mix.

(14)

Deleted

(15)

(16)

² Official Journal L 315, 9/12/1999, P. 01 - 03
³ Official Journal L 138, 09/06/2000 P. 12 - 14

(17)

Deleted

(18)

- (19) **Design Safety:** The Commission took note that the design is new, though based on proven VVER technology and subsequent developments, upgrades of which have been deployed successively at several VVER reactors to arrive at what is now considered as a combined best safety design. Furthermore, the Commission noted that the chosen VVER AES 92 design was found in April 2007 as being in compliance with European Utility Requirements (EUR) for Light Water Reactors (LWRs) in the EU⁴. Further, the Commission appreciates that, from the information submitted by the Investor, the chosen design at Belene includes various passive safety systems as well as improved protection against external hazards, such as earthquakes⁵ and air crashes, as compared to older VVER designs.

4. VIEW OF THE COMMISSION

In the light of the assessment under the Euratom Treaty and discussion with the nuclear operator, the Commission has taken the view, that all the aspects of the investment in question are in line with the objectives of the Euratom Treaty.

⁴ The EUR document is a nuclear power plant specification written by a group of potential investors in electricity generation in Europe, mostly Utilities and other industrial institutions. Its membership includes organisations from EU Member States, Switzerland as well as from Russia (Rosenergoatom). The EUR document has also been used as a base for the bid specification of the new Olkiluoto 3 nuclear unit construction in Finland. It is, however, not a regulatory type of design safety standard on an EU-wide level.

⁵ According to the 2004 Environmental Impact Assessment (EIA) Report – Non-Technical Summary for the Belene project, "seismic activity in the local area surrounding the Belene plant has been studied in details. The major conclusion is, that from seismic-tectonic and seismic risk points of view, there are no excluding evidences and conditions for the use of Belene Site for NPP construction".

The Commission would like to underline the importance of diversification of supply sources under the aspect of secure supply of nuclear fuel for the whole EU nuclear industry.

The Commission acknowledges the initiative as a contribution to the long-term security of low carbon intensive electricity supply of the European Union.

Done at Brussels, [...]

For the Commission

[...]