

THIRD MEDIATION MEETING ON THE KOZLODUY NATIONAL REPOSITORY FOR RADIOACTIVE WASTE

The [European Bank for Reconstruction and Development](#) (EBRD) is administering the [Kozloduy International Decommissioning Support Fund](#) on behalf of the European Commission and other European contributors (Austria, Belgium, Denmark, France, Greece, Ireland, the Netherlands, Spain, Switzerland and the United Kingdom). The purpose of the fund is, among others, to help the Bulgarian government in the decommissioning of the units 1 to 4 of the Kozloduy nuclear power plant and to build a near-surface repository at the Radiana site for the safe disposal of low and medium level radioactive waste coming from the nuclear units under decommissioning.

The [Project Complaint Mechanism](#) (PCM) of the EBRD is conducting a mediation between civil society representatives from Romania and Bulgaria (Complainants) and the [Bulgarian State Enterprise for Radioactive Waste](#) (SERAW), together referred as “Parties”. The PCM is the EBRD's accountability mechanism, which is responsible for the independent review of environmental, social and public disclosure concerns regarding EBRD projects. The objective of the Problem-Solving Initiative is to address the issues raised in the PCM complaint and to find acceptable solutions for both Parties, without attributing blame or fault.

A summary of the mediation to date is presented below.

A Complaint to the EBRD's PCM by civil society representatives from Romania and Bulgaria

In March 2018 civil society representatives from Romania and Bulgaria raised [concerns](#) with the EBRD's PCM in relation to the financing and construction of the near-surface national repository for radioactive waste, being built close to the nuclear power plant in Kozloduy, Bulgaria (about 4 km from the Danube River). The concerns raised relate to the project's possible impacts on the local population and the environment. Complainants have also highlighted the need for greater transparency and meaningful public consultation in line with best international practices.

In line with the [PCM Rules of Procedure](#), Leonardo D'Urso was appointed to serve as independent mediator for the Problem-solving Initiative, to facilitate the mediation between civil society representatives and SERAW.

The PCM supported Parties in establishing an agenda for the mediation, including a list of topics to be addressed in line with a Framework Agreement that they signed in Kozloduy in December 2018. From March 2018 to February 2020, the PCM facilitated dialogue between civil society representatives and SERAW, helping them with the exchange of information about the EBRD project. Through the PCM process, Complainants received information about the EBRD's role in the Radiana repository construction, and have been offered information about the repository financing, site selection, repository design, disposal capacity and the type of waste to be stored.

The Parties met in a first joint mediation meeting on the 7th December 2018 in Kozloduy, Bulgaria and in a second mediation meeting on the 17th of July 2019 in Craiova, Romania. On the 18th of February 2020, civil society representatives from Romania and Bulgaria and representatives of SERAW participated in a third mediation meeting in Craiova, together with representatives of the EBRD, and environmental experts from Romania and Bulgaria. The Mayor of Kozloduy and the Deputy Mayor of Craiova were also present at the meeting and agreed that the project should not adversely affect people's lives or the environment, and that international regulations should be respected during the construction and the operation of the repository.

Complainants' position and requests during the third mediation meeting

During the third mediation meeting in Craiova, Complainants reiterated their concerns about the selection of the Radiana site for the Bulgarian national repository for low and medium radioactive waste, in relation to the soil characteristics, the type of radioactive waste to be stored, and the capacity of the repository. Complainants expressed fear of a potential radioactive impact on the Danube River and its associated ecosystems, and discussed their concerns regarding the building of the repository in proximity to the NATO facility in Devenselu, Romania. Based on information available through official documents, and civil society experts in the field, Bulgarian and Romanian Complainants expressed their strong opinion that the repository should be built in a different location, far from the Danube. They consider the repository design allowing for its storage capacity of 350 000 tones to be greater than necessary for the waste from decommissioned nuclear power plant units 1 to 4, based on the information provided in the project's Environmental Impact Assessment. The Complainants expressed their concerns that radioactive waste from reactors 5 and 6, and the new unit 7 at the Kozloduy nuclear power plant and the radioactive waste resulting from the future nuclear unit at Belene would also be disposed in the Radiana national repository.

During the mediation meeting, the Complainants stressed that the project needs to have a clear monitoring system to control the type of waste being disposed in the repository during operations and after the closure of the facility. Complainants consider it essential that beside SERAW, whose main role is to build a safe nuclear waste repository, environmental and nuclear regulatory authorities from Bulgaria should be invited to the discussions. In addition, Complainants also expressed their concerns with the organization of public consultations for the project in Craiova, Romania and shared their expectation for stakeholder engagement be conducted in line with the ESPOO convention.

The Complainants requested that the EBRD limit its assistance to support the storage of low and medium radioactive waste resulting from the decommissioning of nuclear units 1 to 4.

The Complainants suggested setting up a joint independent expert group to review geological and hydrogeological aspects of the site. They believe this is necessary in the context of a visible climate change in the last few years. Further, Complainants would like to agree with SERAW on a joint approach to allow for greater transparency and public disclosure about the mediation process and its outcomes. The Complainants expressed their will to continue the mediation process under the PCM's facilitation, since a few important issues remain to be discussed and clarified around the repository for radioactive waste.

SERAW's position and proposals during the third mediation meeting

In response to Complainants' concerns, SERAW representatives reassured them that there are no grounds for concerns in relation with the repository construction and future operation and closure. More than that, the Environmental Impact Assessment completed for the project did not identify negative impacts on either the environment, or people.

SERAW stated that the issues raised by the Complainants were addressed in detail in the Environmental Impact Assessment, which was made accessible to the Romanian public as per good international practice in a transboundary context. They also identified that cumulative and transboundary effects of the repository, as well as an environmental and social risk analysis, were presented to the Romanian public during the public hearing on the Environmental Impact Assessment conducted in June 2016 in Craiova. Detailed information on the site selection, geological and hydrogeological characteristics of the Radiana site, the repository capacity, characteristics of the waste to be disposed at the site, and the repository's multibarrier engineering system were presented to local people.

Additional information on the environmental and social safety of the project was provided by SERAW during the three mediation meetings organized by the EBRD's PCM. SERAW stated that the site and design safety assessments were reviewed by the nuclear regulatory authority in Bulgaria, and all necessary permits and licenses were obtained, including the approval for the selected site, the approval of

the design, and the permit for repository construction. SERAW is confident that all steps followed during the construction of the National Disposal Facility are in full compliance with national legislation, international safety standards and good international practice.

A core value for SERAW is building trust with all stakeholders through transparent and open communication, with special attention to the population living in the area of its facilities. In that regard, SERAW representatives have confirmed that they are open to various forms of dialogue, including providing up-to-date information on the process of the construction, operation and closure of the near-surface repository, organizing site visits for the general public to their information center in Kozloduy, holding discussions, round tables and other forms of outreach to increase public awareness of the repository. SERAW agreed with Complainants that closer cooperation between relevant authorities from Bulgaria and Romania could contribute to better confidence building.

Conclusions of the third mediation meeting

Complainants and SERAW agreed:

- To continue the mediation process under the facilitation of the EBRD's PCM;
- To discuss potential amendments to the framework agreement for mediation;
- To consider setting up a joint expert group to discuss geological and hydrogeological aspects of the site;
- To encourage relevant authorities from Bulgaria and Romania to improve the cross-border cooperation in relation with the repository construction and its operation;
- To continue the dialogue with EBRD management, to find jointly acceptable solutions for the construction and the operation of the repository to store waste coming from the decommissioning of units 1- 4 which is going to be safe for the environment and the people living in Romania and Bulgaria.