**Project for a nuclear power plant in Belene**

The text below is in response to the five questions posed to EPRS on the project for a nuclear power plant in Belene, Bulgaria.

**Q1 “The 2018 relaunch of the project of the Belene NPP constitutes a new project in the meaning of Article 41 of the Euratom Treaty“ and therefore it requires a new notification procedure. Is it correct?**

This is the view expressed by the Commissioner for Energy and Climate Change in [his answer](http://www.europarl.europa.eu/doceo/document/E-8-2018-004703-ASW_EN.html) (19 November 2018) to [your question](http://www.europarl.europa.eu/doceo/document/E-8-2018-004703_EN.html) on the subject. Based on the information at our disposal, this would be a logical conclusion to draw and we would concur with the Commission’s assessment.

The old project for a nuclear power plant in Belen was notified to the Commission in February 2007, but it was ultimately terminated (without construction) by the Bulgarian Parliament in March 2012. The new project was launched in 2018, but its details have not been formally notified yet to the Commission.

**A new assessment by the European Commission will be necessary for several reasons. Firstly, the Commission will need to ensure that the new project conforms to the** [**latest nuclear safety requirements**](http://www.europarl.europa.eu/doceo/document/E-8-2018-004704-ASW_EN.html)**. These have generally become much stricter, especially since the Fukushima (Japan) incident in 2011. The latter was triggered by an earthquake, which also poses a potential risk factor in Belene, given the history of seismic activity in the region. Secondly, the new project has a different financing mechanism, involving a private investor and perhaps lacking an explicit state guarantee. This is very different from the 2007 project, which was due to be carried out by a state-owned company. Since the financing of nuclear projects are a key aspect of the investment decisions to be notified under Article 41 of the Euratom Treaty, this change would in itself constitute sufficient grounds for a requiring a new notification. Thirdly, the new project may not be using exactly the same nuclear technologies, given the time lapsed since the old project was approved (11 years) and the involvement of different investors in the new project. Significant changes in technology likewise constitute sufficient grounds for requiring a new notification.**

**Q2. Is it true that the Commission will have to give a new favourable opinion if a nuclear power plant at the site of Belene is to be built?**

Yes, the Commission will have to deliver a new (and favourable) opinion under Articles 40-44 of the Euratom Treaty. Even if the geographical location and the key objectives (e.g. level of electricity supply) of the new project are both very similar to the old project, there are other differences between them that need to be considered by the Commission. These include (but are not limited to) changes to the financing mechanism, and adaptations to the latest technological and safety requirements in the nuclear energy field.

**Q3. Is the European Commission favourable opinion from December 2007 still valid?**

No, the favourable European Commission opinion from December 2007 only applies to the investment project notified in February 2007, concerning a nuclear power plant in Belene. This project was ultimately terminated by Bulgaria in 2012. **A new project for a nuclear power plant, even if on the same site, will require a new notification to the Commission under the terms of Article 41 of the Euratom Treaty.**

**Q4. Is the Commission Regulation (EC) No 1209/2000, article 4, applicable in that case?**

Our interpretation of the 2000 Commission regulation on procedures for effecting the communications prescribed under Article 41 of the Euratom Treaty, is that Article 4 would not be applicable in this case.

Article 4 is designed to accommodate alterations to investment projects that have already been communicated to the Commission, in order to avoid a new notification procedure every time changes have to be made to a particular aspect of the project (e.g. funding, technologies, safety requirements). **However, Article 4 only applies to changes “made in the course of carrying out investment projects”** where a notification procedure has already been submitted. Since the 2007 project was terminated by the Bulgarian Parliament in 2012 and is no longer being carried out, then the old notification procedure is not valid. The 2000 regulation is not designed for new notification procedures but only for alterations to existing ones.

**Q5 Is it true that the 2018 relaunch of the project of the Belene NPP requires only a further communication under the Commission Regulation (EC) No 1209/2000 and it does not require a new favourable opinion from the European Commission?**

**The European Commission has the exclusive power under the Euratom Treaty to determine whether the 2018 relaunch of the Belene nuclear power plant project constitutes a new investment project that requires a new notification procedure and a new opinion. According to the answer provided by the Commissioner for Energy and Climate Change (19 November 2018), the Commission considers that this is indeed the case.**

Our interpretation, based on the information at our disposal and outlined in our answers to the questions above, is that the Commission answer seems coherent and there are no clear grounds to challenge it. The 2018 relaunch constitutes a new investment project that requires a new notification and new opinion.

Article 42 of the Euratom Treaty specifies a deadline for notification of new investment projects to the European Commission. If the project is to be carried out by a company with its own resources (personnel, equipment, funds etc.), the deadline is 3 months before works are due to begin. If the project involves external suppliers, then the deadline is 3 months before the first contracts are concluded with suppliers.

Our understanding of the new Belene project is that it is still at an early stage of planning, so there should be adequate time to prepare the information for notification to the European Commission. However, it makes sense to provide sufficient time for the Commission to deliver its opinion before works begin or contracts are concluded, otherwise there is a risk of having to delay these works or renegotiate contracts. The 2007 project received an opinion from the Commission less than 11 months after notification. It would be strongly advised for the investor to verify, well in advance, the anticipated timeframe of a Commission opinion.