Rome, February 6th, 2003

SUBJECT: URGENT: Request of postponement of environmental licensing for the Cernavoda 2 NPP project, Romania

Dear Commissioner Wallström,

we recently came back from a Fact-Finding Mission to Romania regarding the controversial Cernavoda 2 NPP (C2) project for which Euratom is considering a € 223 million loan to the Romanian government. During our mission we held fruitful meetings with the energy and environment experts at the EU delegation in Bucharest. You will be receiving our mission report in the very next weeks.

In the meantime we have the urgency to share with you the main findings of our mission – further detailed in the attached memorandum – and in particular our concerns about the lack of capacity of Romanian nuclear safety and environmental authorities to properly implement national and international legislation in force in the case of the C2 project.

The Romanian Environment Ministry is expected to issue the environmental license for the C2 project by mid February. We urgently request the European Commission to urge the Romanian government to postpone the environmental approval of the project with the aim of allowing a new and adequate public consultation with Romanian affected communities and NGOs and with neighbouring countries, such as Bulgaria, which might be interested in receiving additional and thorough environmental information about the controversial project from Romanian authorities.

We believe it crucial that the EU accession process be a key opportunity to promote the application of environmental law in accession countries, in particular in Romania, whose record still remains insufficient as repeatedly admitted by EU authorities. At this regard the Cernavoda case might offer a good opportunity to raise awareness among decision-makers and civil society in Romania about the provisions under the new environmental law recently enforced.

It should be noted that on January 17th, 2003 the new Romanian Environmental Protection Law came into force by adopting the EU directive 85/337/EEC as amended by the 97/11/EC Council Directive within the accession process. As remarked by the environmental experts at the EU delegation in Bucharest it is needed to urge Romanian authorities to fully implement the new environmental legislation soon.

Our independent environmental due diligence of the project has detected an inadequate public consultation process potentially in violation of the Romanian Environmental Protection law 137/1995, and related Ministerial Order No. 125/1996, in force at the time when public consultations took place. Furthermore, at a first glance the environmental documentation made available to the public during public meetings in August/September 2001 included no adequate information about environmental and safety impacts associated with the C2 project and did not inform about potential non-nuclear alternatives, as explicitly requested under both former and current environmental law.
We welcome European Commission’s commitment to monitor developments of bilateral relations between Romania and its neighbours as concerns the significance of the project in a transboundary context and the implementation by Romanian authorities of the provisions under the UN/ECE Espoo Convention - which has been ratified by and entered into force in all countries but Yugoslavia in the past years.

Bulgarian authorities have recently extended the timeline for collecting comments from NGOs and Bulgarian affected people about the transboundary impacts in Bulgaria of the C2 project. At a meeting with the Bulgarian Environment Deputy Minister in Sofia on 18th January, 2003 we realised that Romanian authorities provided Bulgaria with an inadequate summary of the full EIA project document, thus, in our view, in violation of the provisions under the Espoo Convention. Since the recent difficult relationship between the two countries on environmental and nuclear safety issues, we believe that an intervention of the European Commission could facilitate the consultation process by setting a significant precedent of proper implementation of environmental international legislation between the two countries.

We would like also to draw your attention to the complete lack of independence of the Romanian Nuclear Regulator, CNCAN, that we detected during our mission. The Fact-Finding Mission formally requested separate meetings with the nuclear regulator - which is also the Secretary of State of the Romanian Ministry of Water and Environmental Protection - the environmental authorities and the nuclear state-owned company, SNN. Nevertheless we have been allowed to meet environmental experts only in presence of representatives of the nuclear company who systematically influenced the meeting and even the translation of the contributions by the environmental authorities.

Finally we have to express our regret that the Fact-Finding Mission was denied access to the nuclear power plant in Cernavoda, after providing in advance nuclear authorities with all needed information. While reacting to our complains about the modalities by which the mission was diverted to the Cernavoda site and then not allowed to visit the plant, Mr. Chirica, director of the SNN international affairs division, bluntly stated on-the-record its full lack of interest in the possibility that the mission had reported to the European Commission and national governments about the unfortunate case. We urge you to ask clarification to SNN about this event and also about the lack of consideration that Romanian nuclear officials have of those governments who have been requested to approve a Euratom loan for the Cernavoda 2 NPP project.

We have also informed Commissioners Verheugen and Solbes, who have the responsibility for the Romanian application for a Euratom loan as concerns respectively the safety and lead economic due diligence of the project, about our concerns in a separate letter. We hope you will act soon on project-related environmental legal issues in order to prevent that an environmental license for the project will be issued before adequate environmental due diligence and public consultation in Romania and with neighbouring countries be carried out by Romanian authorities in compliance with national and international environmental law.

We would be pleased to have the opportunity of meeting you in Brussels in order to personally submit the mission report to your Office and present in detail our concerns about project impacts. We look forward to your reply to our requests and remain

Sincerely yours

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