

ARTICLE 36 OF THE TREATY OF ACCESSION: DO WE HAVE THE RIGHT TO START THE STOPPED UNITS OF KOZLODUY NUCLEAR POWER PLANT?

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The director of European Institute Yuliana Nikolova commented for Gateway EUROPE that restarting the units of Kozloduy nuclear power plant is hardly the best founded solution to the gas supply issue from economic point of view.

In the words of Nikolova the proposal made by President Parvanov for putting into operation the stopped energy units Kozloduy nuclear power plant gives expression of the strong will to make use of every possible pretext for restarting the units - or at least reviving the debate about their resetting into operation - thus the other topical issues for public discussion are set away.

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Yuliana Nikolova commented further that Bulgaria cannot just willfully start the reactors; the country needs to submit a well grounded request to the European Commission. An evident relation should be proved between the cause and the solution - i.e. between the halt of gas supply and putting the units into operation. After that EC has 5 days to make a decision.

The Accession Treaty provides for the so called safeguard measure - i.e. putting the unit into operation - to take place no longer than necessary - in our case until the supply is put on halt. Furthermore the minimum period needed for the units to be set in operation is 30 days and the gas crisis will be solved in 30 days. So if Bulgaria emphasizes on its preferential relations with Russia it is better do call upon Russia to secure the gas transit to Bulgaria, Yuliana Nikolova added.

Gateway Europe makes note of Article 36 of the Treaty of Accession:

1. If Bulgaria or Romania has failed to implement commitments undertaken in the context of the accession negotiations, causing a serious breach of the functioning of the internal market, including any commitments in all sectoral policies which concern economic activities with cross-border effect, or an imminent risk of such breach the Commission may, until the end of a period of up to three years after accession, upon the motivated request of a Member State or on its own initiative, adopt European regulations or decisions establishing appropriate measures.
2. Such safeguard measures shall not be invoked as a means of arbitrary discrimination or a disguised

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restriction on trade between Member States. The safeguard clause may be invoked even before accession on the basis of the monitoring findings and the measures adopted shall enter into force as of the first day of accession unless they provide for a later date.

3. The **measures shall be maintained no longer than strictly necessary**, and, in any case, shall be lifted when the relevant commitment is implemented. They may however be applied beyond the period specified in the first paragraph as long as the relevant commitments have not been fulfilled. In response to progress made by the new Member State concerned in fulfilling its commitments, the Commission may adapt the measures as appropriate. The Commission shall inform the Council in good time before revoking the European regulations and decisions establishing the safeguard measures, and it shall take duly into account any observations of the Council in this respect.