

In a case brought by Bulgarian environmental organisations Greenpeace Bulgaria and Za Zemiata and Greek organisation The Green Tank, with support from ClientEarth, environmental lawyers asked the Bulgarian court to revisit the decision, given the plant's outsized impact on the region's air pollution.

In the end of 2018, the Bulgarian government granted state-owned Maritsa East 2 a derogation, which gave it indefinite permission to emit sulphur dioxide (SO₂) almost double EU limits, putting the health of residents in the surrounding towns in direct danger. Air pollution from coal plants blanket the nearby town of Galabovo, which charts the highest levels of SO₂ pollution in the EU. Bulgaria is the only country in the EU still breaching the bloc's SO₂ limits.

The Bulgarian Supreme Court is asking the top EU court whether the breach of local air quality limits in Galabovo must be considered when allowing Maritsa East 2 to emit almost double the legal limit of SO₂.

"The interpretation of the Court of Justice of the European Union can bring clarity to the chaos of ill-considered and unsynchronized political decisions to save this large coal-fired power plant in the last years. We hope that it will also steer the political discussion towards more meaningful alternatives for those who need it most - the employees in the coal sector and the people affected by pollution," comments Meglena Antonova, program lead at Greenpeace Bulgaria.

Greenpeace Bulgaria and Za Zemiata lawyer Regina Stoilova said: "This is a great development: Bulgarian courts rarely ask EU courts to weigh in on a case. The EU court will now decide whether the Bulgarian government has to consider the breach of air quality limits when granting permission to sidestep the rules. The plant's impact on human health and the environment is devastating and its owners have to clean it up.

The European Commission is already taking serious action to clamp down on Bulgaria's ongoing and major breach of SO₂ limits. In 2019, the Commission referred Bulgaria to the Court of Justice of the European Union on the issue.

ClientEarth lawyer Dominique Doyle said: "Instead of focusing on a plan that would rid the country of toxic sulphur dioxide, the Bulgarian government is doubling down on its efforts to keep old polluting plants alive. Pollution from Maritsa East 2 is now at the centre of not one but two procedures in Brussels. It can no longer be ignored."

The Court of Justice of the European Union is expected to rule on the case in the next year.

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