

Matthew S. Tejada

**Bulgaria's Democratic Consolidation
and the Kozloduy Nuclear Power Plant**

The Unattainability of Closure

With a foreword by Richard J. Crampton

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“To my wife Deni, who always supported me through the researching and writing of this book, and without whom it would not have been so worthwhile.”

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Foreword

In the early 1990s, as the crisis in Yugoslavia was deepening and moving ever closer to the tragedy of war, German ambassadors in south-eastern Europe were asked to report back to the *Auswärtiges Amt* on what they thought was the greatest potential danger spot in the Balkans. One ambassador returned a one word answer: 'Kozloduy'.

He was not the only person who was alarmed. Although still not much featured in local, Bulgarian or the international media, the problem of the nuclear power complex was already exercising a number of minds. A number of the latter were in the international organizations and associations which were to play, and are still playing, a vital role in Bulgaria's transition and further political, economic, and social evolution. Kozloduy was therefore of vital importance to Bulgaria's standing in the post-communist world, and of particular importance in the negotiations between Sofia and Brussels on Bulgaria's application for membership of the EU. At home, energy costs were a critical factor in the cost of living and therefore in Bulgarian social and political affairs. With Kozloduy producing perhaps as much as forty percent of Bulgaria's electricity all Bulgarians' fate was inevitably connected with the nuclear plant.

That so important a question has not been sufficiently covered in western-language publications is partly due to the fact that information has been so hard to come by, and most researchers did not have the language qualifications necessary to pursue local investigations.

Matthew Tejada does have those qualifications. He has interviewed many of those in the Kozloduy saga and has read through archives and other sources not previously made known to western researchers. What he has to say in this book therefore tells us a great deal that is new about a neglected but vitally important issue.

Richard J. Crampton

List of Abbreviations

AE(AE)	Association Energetika, predecessor of Ministry of Energy and Energy Resources
BSP(БСП)	Bulgarian Socialist Party, formerly the Bulgarian Communist Party
CIS	Commonwealth of Independent States, former Soviet Union
CUAEPР(КИАЕМЦ)	Committee for the Use of Atomic Energy for Peaceful Purposes, former nuclear regulator
EBRD(ЕБВР)	European Bank for Reconstruction and Development
ECU(ЕКЮ)	European Currency Unit, predecessor of the Euro
EdF	Electricité de France
EU(EC)	European Union
IAEA(МААЕ)	International Atomic Energy Association
IFI(МФИ)	International Financial Institutions
IMF(МВФ)	International Monetary Fund
KE(КЕ)	Komitet po Energetika, predecessor of Ministry of Energy and Energy Resources
KNPP(АЕЦ-Козлодуй)	Kozloduy Nuclear Power Plant
kWh(кВч)	kilowatt-hour, basic unit measure of electricity consumption
MEER(МЕЕР)	Ministry of Energy and Energy Resources
mW	mega Watt
NAEE(НАЕЕ)	National Agency for Energy Efficiency
NEC(НЕК)	National Electric Company
NMSS(НДСВ)	National Movement Simeon the Second
NPP(АЕЦ)	Nuclear Power Plant
NRA(АЯР)	Nuclear Regulatory Agency
NSA(СЯБ)	Nuclear Safety Account
OECD	Organization for Economic Cooperation and Development

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PWR	Pressurized Water Reactor
RAW(PAO)	Radioactive Waste
SAC(BAC)	Supreme Administrative Court
TWh	Trillion Wattage hours
UDF(CDC)	Union of Democratic Forces
WANO	World Association of Nuclear Operators

Introduction

The saga of Bulgaria's Kozloduy Nuclear Power Plant (KNPP) has been one of the most controversial issues in Bulgarian politics and society since the fall of communism. The length of time that KNPP has remained an unresolved issue makes it an ideal discreet subject for a closer analysis of Bulgaria's modern history and politics. This is particularly true in showing how successful Bulgaria has been in transforming and consolidating its democratic government. KNPP also sheds new light on the role and impact of western institutions, especially the European Union (EU), in the development of Bulgaria's democracy and market economy. This book will argue that when considering the issue of KNPP Bulgaria has indeed experienced a very slow and imperfect consolidation of its democratic system of governance that has still not achieved lasting and unthreatened stability. Not until late 1999 did the Bulgarian political elite finally come to the realization that an honest and transparent democracy was an absolutely vital foundation for the long-term stability and prosperity of the Bulgarian nation. Unfortunately, this did not ensure that future governments would be successful in continuing to refine their democracy or even that the risk of fundamentally destabilizing the government had been eliminated. KNPP is a crucial component in attempting to understand where Bulgaria's democracy stands today, how it got there and which direction it might take in the future. The EU is also put into a possibly surprising new light when its relation to the KNPP issue is revealed. Touted as the greatest inducement for the former communist states of Eastern Europe to establish and consolidate democracies, the EU has actually proven to be an undemocratic and unfair partner as far as the KNPP issue is concerned.¹

Bulgarian media did not turn its attention on the issue until 2001. KNPP received only sporadic and superficial attention throughout the 1990s. Major

¹ This work does not seek to evaluate or compare the similar cases of Slovakia's Bohunice NPP or Lithuania's Ignalina NPP. The author does, however, note that such a comparison is not only valid but would be a highly illuminating investigation into Eastern Europe's nuclear power facilities and the various ways in which the European Union has reacted to them.

accidents at the plant were not well or truthfully reported and when important agreements were signed concerning the fate of the plant they garnered embarrassingly little mention in the press. The result of this is that investigating the issue is largely limited to documents such as official government reports, international agreements and political communications, many of which are little known and some even unpublished. The unpublished minutes and transcripts of meetings, interviews and personal memoirs also proved to be highly useful and enlightening sources of information. Many of the most crucial documents are not even known to Bulgarian authorities that have been associated with KNPP since the early 1990s. Some individuals were more than willing to openly assist in a full investigation of KNPP's history, while others wished to remain anonymous for political reasons.

Despite the length of time that KNPP has been a prominent domestic and international political issue for the Bulgarian government, it has received very little attention both within Bulgaria and abroad. There are very few published materials that have any reference or relevance to KNPP. Because of this, several published works, like those of Antony Froggatt and Nicole Foss, have been heavily relied upon for background information. But these works deal with much broader subjects such as EU accession and energy markets, international nuclear safety or recent transformations in European energy markets. This book goes far deeper than any other work in placing post-communist Bulgarian politics in the light of a single discreet issue – the future of four nuclear reactors.

The majority of the material is available only in Bulgarian and can be found in the private archives of various governmental and non-governmental organizations and consultancy firms that have in some way been connected to the KNPP issue for many years. These archives, which have never been used by any other outside investigator, present two rather significant problems. First, not a single one of these archives has a complete collection of documents related to KNPP. In fact, only in rare instances can one document be found in two different archives. Second, there is not even a partial catalogue or index of the documents in any of the archives. They are, in general, rather disorganized and require a great amount of time and patience in carefully going through their piles of paper searching for relevant documents.

Without these archives, however, this study would have been impossible. As already noted, almost all of the documents have certainly never been seen by any other outside investigator. The result of the comprehensive study of these documents set against the background of modern Bulgarian politics is an entirely original work that sheds new light on the inner political workings and evolution of Bulgaria's democracy.

But what exactly does it mean to evaluate the evolution of a state's democratic experiment? How does an investigator go about measuring and comparing various facts or events to arrive at some sort of scaled grade for the consolidation of a particular democracy?

During the early 1990s, as scholars tried to interpret the events that were occurring with sometimes breathtaking speed across Central and Eastern Europe and the former Soviet Union, much of the theory applied to the region was a blend of two streams of thought – earlier theories developed for Southern Europe and Latin America combined with immediately visible political characteristics that would be necessary for a transition out of one-party communist rule. At the time, the general qualifications for a state to be classified as 'democratic' involved the destruction of one-party mechanisms of control and dominance followed by the development of multi-party systems, respect for human rights and freedom of the press, free and fair elections with a nearly full adult enfranchisement and non-violent changes of power that adhered to newly written democratic constitutions. These factors are indisputably crucial first steps for a state just beginning its transition from a totalitarian or authoritarian regime towards democracy, but overall they are simply too general for a more in-depth analysis of a state's democratic development. Thus, these initial theories were decent tools for identifying the foundations of democracy building but did not go far enough in trying to establish more discreet theories to measure the extent to which a democracy had been consolidated.² One example of the overextension of such thought is Larry Garber's sparkling review of Bulgaria's democracy in 1992 when he announced that "the transition in Bulgaria illustrates how an amalgam of peaceful demonstra-

² Emil Giatzidis, *An Introduction to Post-Communist Bulgaria: Political, Economic and Social Transformation*, Manchester, UK: Manchester University Press, 2002, pp.2-7.

tions, political activism, civic organizing, elections, legislative bargaining and street politics can create the environment for the evolution to a truly democratic society”.³ He went on to say that “as political parties have formed, even those that have stood against the previous regimes, they have had to move from a posture of permanent opposition to one where it is necessary, at times, to assume responsibility”.⁴

It is exactly this political responsibility, however, that would prove to be lacking in Bulgaria’s case. This severely hindered the state’s ability to move on from transition into deeper consolidation and delayed the establishment of a ‘truly democratic society’. For a number of years Bulgaria’s transition was a slow and unsatisfactory one at best. John Bell has written that the break-up of the Union of Democratic Forces (UDF) on the eve of the October 1991 elections was the greatest single transitional folly of any of the transition states in Central and Eastern Europe.⁵ The Dimitrov government spent most of its time in office on unsuccessful land repatriation and quasi-lustration campaigns that were often unpopular and almost entirely unproductive. Fundamental economic reform was delayed due to the Bulgarian Socialist Party (BSP) majority in the Grand National Assembly, the constant divisions in the UDF, and an International Monetary Fund (IMF) loan of \$503 million.⁶

Vesselin Dimitrov is much more critical in his assessment of Bulgaria’s first period of transition, saying that “the Bulgarian transition to democracy after 1989 has been slow to get off the ground, has been dominated by narrow and often unacceptable elites and has been subject to sudden reverses”.⁷ Dimitrov expanded on this topic later in his work.

The political language used has made challenges to the democratic system literally unutterable in the public domain. At the same time, however, political parties have rarely gone beyond a purely symbolic

³ Larry Garber, ‘Chapter 9 – Bulgaria’, in *The New Democratic Frontier: A Country by Country Report on Elections in Central and Eastern Europe*, National Democratic Institute for International Affairs, 1992, p.136.

⁴ Ibid, 205.

⁵ John D. Bell, *Bulgaria in Transition*, Oxford: Westview, 1998, p.3.

⁶ Stephen White, Judy Batt and Paul G. Lewis (eds), *Developments in East European Politics*, Basingstoke, UK: Macmillan, 1993, pp.94-95.

⁷ Vesselin Dimitrov, *Bulgaria: The Uneven Transition*, London and New York: Routledge, 2001, pp.35.

commitment to democracy, and have evaded their responsibility for producing different policy programs and even more importantly, ones that they have the intention to actually implement.⁸

Dimitrov is not claiming, however, that Bulgaria's democracy was wholly unsuccessful. In fact, he gives a rather optimistic evaluation not only of Bulgaria's transition but of democracy in general.

The continuity of the democratic political process is all the more remarkable in view of the severe shocks that Bulgarian society has experienced. Contrary to the prevailing assumption in political science, the Bulgarian experience has shown that democracy can survive and indeed can prove to be the better system in conditions of fundamental social dislocation.⁹

Bulgaria has in fact achieved a democratic system somewhere between transition and deep consolidation. But where? According to the early democratic theories Bulgaria has successfully fulfilled the requisite criteria throughout its post-communist history. It is safe to say, however, that Bulgaria is far from being a deeply consolidated democracy. The simple fact that it lags behind many other post-communist countries in joining the European Union is evidence enough that its political evolution has yet to reach the deeper stages of consolidation. A complete evaluation of the KNPP issue will offer evidence that every government since the fall of communism has contained severe deficiencies in its adherence to democratic practices. This has had a debilitating effect on Bulgaria's democratic consolidation and threatens its future stability. But the democratic theories of the early 1990s simply did not go far enough in their ability to judge to what extent a democracy had been consolidated.

A step towards refining the theory of democratic transition and consolidation was made by Linz and Stepan when they wrote that "a clear hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal culture in civil society" is a requirement of a consolidated democracy.¹⁰ This idea, along with the eight features of a consolidated democracy

⁸ Ibid, 65.

⁹ Ibid, 35.

¹⁰ Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, Baltimore and London: Johns Hopkins University Press, 1996, p.10.

described by Robert Dahl, have been distilled into Archie Brown's simple yet comprehensive six points that must be present in order for a state to be considered a consolidated democracy. The six points are freedom to form and join organizations, freedom of expression and access to alternative sources of information, the right to vote in free and fair elections, the right to compete for public office, political accountability and the rule of law.¹¹ In Bulgaria's case the first four points were met early on in the transition period and, as Dimitrov pointed out, have withstood the various political and economic shocks of the 1990s. Brown's last two points on political accountability and the rule of law, however, are important because they are exactly the two areas where Bulgaria's democracy is still lacking. The long and hotly debated issue of the closure of KNPP provides the perfect subject for a thorough exploration of Bulgaria's shortcomings in these two areas from the first years of transition all the way up to the present day.

As Brown writes, "accountability is, indeed, as decisive a feature as any distinguishing democracy from varied forms of authoritarian rule".¹² Bulgaria partially answers this call for political accountability since it has gone through a series of governmental and presidential changes due to the dissatisfaction of the population, which has voted out parties and individuals that did not deliver on their campaign promises. Vesselin Dimitrov argues that politicians and voters alike have gone through a learning process in the 1990s and that political parties have begun to recognize that long-term credibility with the population is more important than short-term gain based on "cheap and easy promises".¹³ When looking at the issue of KNPP, however, new light is shone on just how accountable the political elite has been during the transition period including the most recent governments under Kostov and Simeon II.

The rule of law is another area where Bulgaria has had limited improvement. John Bell mentions that "the regard shown toward the Constitutional Court by all political forces set an example of the rule of law at the

¹¹ Archie Brown (ed), *Contemporary Russian Politics: A Reader*, Oxford: Oxford University Press, 2001, p.546.

¹² Ibid, 557.

¹³ Dimitrov, *op.cit.*, 66.

highest levels".¹⁴ But overall Bulgaria has much work left to be done to ensure that the rule of law is respected by both the population and their politicians. Again, an examination of the KNPP issue will reveal how the law has been bent, and sometimes broken, at points throughout the transition period and at all levels of government, the most recent being the legal scandal over the actions of Bulgaria's Foreign Minister Solomon Pasi in closing the EU's Energy chapter.

These most recent troubles are directly related to foreign policy and international engagements conflicting with government institutions and national sovereignty. They thus expose one major omission in Brown's six points as well as in the large body of democratization theory that was produced throughout the 1990s. National events and actors are given primary importance while the international factor has received far less attention due to its relegation to a factor of secondary consideration. But in the case of Bulgaria and its nuclear reactors, the external actors and influences cannot be ignored. As Laurence Whitehead notes, "a balanced analysis will have to give considerable weight to the international context in which they are occurring, as well as to the more strictly domestic forces in play".¹⁵ For Bulgaria and the KNPP issue this will involve looking at both the residue of clientelism and the Soviet style one-party command economy in the energy sector as well as the huge impact the European Union has had on Bulgaria's modern development.

Again, however, Bulgaria's KNPP offers an example where theory does not entirely hold true.

Full membership of the European Union generates powerful, broad-based, and long-term support for the establishment of democratic institutions because it is irreversible, and sets in train a cumulative process of economic and political integration that offers incentives and reassurances to a very wide array of social forces...It sets in motion a very complex and profound set of mutual adjustment processes, both within the incipient democracy and in its interactions with the rest of

¹⁴ Bell, *op.cit.*, 5.

¹⁵ Laurence Whitehead (ed), *The International Dimensions of Democratization: Europe and the Americas – Expanded Edition*, Oxford: Oxford University Press, 2001, p.2.

the Community, nearly all of which tend to favor democratic consolidation...The various strategic actors whose interactions are central to a *Transitions*-type analysis will no longer act according to a purely domestic logic, unmindful of the external ramifications of their choices.¹⁶

The history of KNPP from the very beginning of the early closure issue directly contradicts this statement. Successive Bulgarian governments have characterized themselves by trying to elude internationally recognized engagements, practicing bad faith both towards the national population and international organizations connected to the nuclear power issue, and even sometimes arguing that commitments made by previous governments are not binding for the current holders of power. Throughout, political parties have primarily acted with long-term national interests superseded by short-term domestic political gains, especially with respect towards building strong relationships with the European Union and its member states. Once the closure issue took a more prominent place in Bulgaria's press and thus in popular opinion one question was constantly asked: was eventual membership in the EU worth the financial losses that would be incurred by early closure of the four questionable reactors at KNPP? Another important example of the weak effects of integration in the Bulgarian context is the long delay before Bulgaria finally established a truly independent nuclear regulatory organ that could be respected both by the EU and the International Atomic Energy Association (IAEA). Whitehead's comment does refer to full EU membership, while Bulgaria is still battling through candidacy. But the relative effects should be reasonably similar, though obviously weaker, while a state is a mere candidate, not a member. Unfortunately, the KNPP issue might in the near future bring Bulgaria to the point of being the first candidate state to set the unpleasant precedent of re-opening a closed negotiation chapter, putting the timing of its entry into the EU at risk.

In a later work Whitehead refines his view towards the role of democratization theory when applied not only to the former communist states of Eastern Europe, but to the entire world. He states that "the advance of understanding in this field will not be served by spurious precision or the determination to detect law-like regularities when no more than provisional and qualified

¹⁶ Whitehead 2001, *op.cit.*, 19.

conclusions can be established”.¹⁷ Thus, democratization is best understood as a “complex, long-term, dynamic and open-ended process”.¹⁸ Whitehead later incorporates the qualified and flexible nature of this theory into his belief of how an investigator should go about evaluating any democratic transition.

If that is indeed the nature of our subject matter, then the type of theory-building and hypothesis-testing that would be possible and appropriate would be interpretive rather than demonstrative. This does not mean that any interpretation is as good as any other. On the contrary, generating a good interpretation, like writing a good history, involves satisfying exacting requirements of argument, evidence and exposition.¹⁹

If there is any issue in Bulgaria’s modern history that highlights the need for educated reasoning and logical, well-supported assertions while evaluating the state of its democratic process, it is Kozloduy. Bulgaria has indisputably established a functioning and free democracy. But there are obvious problems that no single, comprehensive theory or set of ‘democracy guidelines’ can demonstrably take account of while giving a full and judicious picture of the state of Bulgaria’s political situation. While Kozloduy cannot give this complete picture, an evaluation of its history and the politics surrounding it will shed invaluable light on Bulgaria’s democratic process and the state of its political affairs today.

There is another factor at play in Bulgaria that is also highlighted by the Kozloduy issue.

The sense of living history is reinforced by the fact that certain problems such as state creation, nation-building, and economic development, arise time and time again, obliterating the distinction between past and present and encouraging each new generation to both identify with its predecessors who were seemingly fighting similar battles, but also to despise them for failing so miserably...The periodic reinvention of history has undoubtedly been useful to a nation that has had to adapt to dramatic changes in its fortunes and has often been victim to forces beyond its control, but it has also served to sow con-

¹⁷ Laurence Whitehead, *Democratization: Theory and Experience*, Oxford: Oxford University Press, 2002, p.32.

¹⁸ Ibid, 27.

¹⁹ Ibid, 238.

fusion and lack of confidence, and provide opportunities for cynical manipulation.²⁰

Bulgaria's domestic politics and its foreign relations, the hard and still not certain road towards the European Union and the seemingly elusive attainment of a "consolidated democracy", plus the popular anxiety that Bulgaria has been at this place before and neither decided its fate nor was pleased with the outcome, are all exemplified in the ongoing saga of the Kozloduy Nuclear Power Plant.

* * * * *

The first chapter of this book covers the history of KNPP up to the signing of the document that first called for the early closure of Kozloduy's Units 1-4. It begins with the story of Bulgaria's nuclear capacities and ambitions during the communist and early transition eras, as well as more general information on the national energy situation and possibilities. This includes the known accident history at the plant with considerable detail of an accident in 1992 that exposed the inner workings of Bulgaria's energy sector. The revelations of 1992 are further supported by the evidence contained in a little-known report from a commission that was established in 1990 to investigate the status of Bulgaria's nuclear reactors. At the same time that Bulgaria was searching for answers, the West became increasingly involved in Eastern Europe's nuclear reactors. This involvement resulted in the call for the early closure of reactors that were deemed too dangerous to be upgraded, including Units 1-4 at KNPP. The chapter finishes with the early evolution of the West's position, leading up to Bulgaria's ill-fated decision to sign away its four oldest reactors in June 1993.

The second chapter discusses the involvement of Bulgaria's next two governments in the KNPP issue. The first of these governments, under Zhan Videnov, did nothing to improve the consolidation of Bulgaria's democracy. In fact, the Videnov government took undemocratic practices to new heights, resulting in the biggest crisis to befall Bulgaria in the 1990s. Examination of the government's stance towards KNPP throughout the period of Videnov's rule

²⁰ Dimitrov, *op.cit.*, 1.

illustrates the continuing decay of the situation until the system finally started to break down in late 1996. When the next government under Ivan Kostov was formed in early 1997, it raised hopes that Bulgarian democracy would start to heal itself and the nation. Unfortunately, for its first two years in power the Kostov government would continue to practice undemocratic methods and policies in relation to KNPP that would eventually lead to a final and clear ultimatum being handed down by the EU. This, and not the 1996-97 crisis, would be the event that finally forced Bulgaria's political elite to accept truthful and transparent democratic practices.

The third chapter deals with the final period of the Kostov government where the KNPP issue was dwarfed by Bulgaria's initial accession negotiations. But the issue would not remain in the background for long. The following government, under Simeon II, while holding to the democratic lessons finally learned by the Kostov government in 1999, had its own different democratic deficiencies. These would not only sap the strength and diminish the popularity of the young and inexperienced government but would clearly start to reveal the unresolved and basic conflicts in Bulgaria's system of democratic governance. The final chapter also includes details of several issues that ran throughout the history of the KNPP problem, some of which have finally achieved some sort of closure while others remain worryingly unresolved. Several of these issues deal with the insufficient and sometimes simply incorrect policies of the EU in dealing with KNPP.