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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 442 final

Brussels, 28nd July 1980

PROPOSAL FOR A COUNCIL DECISION
AMENDING DECISION 75/328/EURATOM ESTABLISHING THE
SCHNELL-BRÜTER-KERNKRAFTWERKSGESELLSCHAFT mbH
(SKB) JOINT UNDERTAKING

PROPOSAL FOR A COUNCIL DECISION
ON THE ADAPTATION OF THE CONFERMENT OF TAX ADVANTAGES ON THE
SCHNELL-BRÜTER-KERNKRAFTWERKSGESELLSCHAFT mbH
(SKB) JOINT UNDERTAKING

(presented by the Commission to the Council)

COM(80) 442 final

The Commission of the European Communities proposes to the Council of Ministers that it adapt to the present situation the advantages that it conferred on 20 May 1975 on the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) Joint Undertaking in pursuance of Chapter V of the Euratom Treaty.

Since the Council of Ministers granted the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) Joint Undertaking status on 20 May 1975, the situation has changed significantly by reason of :

- on the one hand, an alteration of the timescale and cost factors inherent in the implementation of the Kalkar nuclear power station project; the fulfilment of the procedure for obtaining a construction permit, the technical evolution of the project and the political controversy surrounding this power station are thus resulting in an overall project cost which will probably exceed twice that initially estimated and the power station cannot now be expected to be accepted before 1984;
- on the other hand, the decision taken in 1976 by SBK to provide, through its participation in NERSA, 16 % of the amount of the investment in the Super-Phénix demonstration power station, in respect of which a financial contribution sought from the public authorities has remained appreciably below the sum requested.

It is thus proposed that the Council act on the attached proposals for amendments which were prepared after the Federal Republic of Germany had on 6 February 1980 expressed its opinion concerning the request submitted by the SBK to the Commission of the European Communities on 29 January 1979;

- by a qualified majority, in accordance with Article 47 of the Euratom Treaty, on the amendment of Article 1 of the Council Decision 75/328/Euratom on the establishment of the SBK Joint Undertaking;
- unanimously, in accordance with Article 48 of the Euratom Treaty, on the amendment of Article 1 of the Council Decision 75/329/Euratom on the conferment of tax advantages on the SBK Joint Undertaking.

COUNCIL DECISION

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amending Decision 75/328/Euratom establishing the Schnell-
Brüter-Kernkraftwerks-gesellschaft mbH (SBK) joint undertaking

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community,
and in particular Article 47 thereof,

Having regard to the proposal from the Commission,

Whereas, by Decision 75/328/Euratom¹, the Council established the Schnell-
Brüter-Kernkraftwerksgesellschaft mbH (SBK) as a joint undertaking;

Whereas the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) has requested
that that Decision be adapted to the present situation;

Whereas the participation of SBK in NERSA, the promoter of the Super-Phénix
demonstration power station, will enable it to benefit from the latest
technical advances achieved in this field;

Whereas it is desirable to adapt the object of the joint undertaking to
that in the Statutes of the SBK - as already approved by the Council,

HAS ADOPTED THIS DECISION :

¹ OJ No L 152, 12.6.1975, p. 8

Article 1

The second paragraph of Article 1 of Decision 75/328/Euratom shall be replaced by the following:

"The object of SBK shall be to develop the fast breeder reactor concept up to the marketing stage by constructing and operating a prototype nuclear power station/^{at}Kalkar equipped with a sodium-cooled fast breeder reactor and by participating in energy-producing companies set up for the purpose of constructing and operating sodium-cooled fast breeders."

Article 2

This Decision is addressed to the Member States and to the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK).

Done at Brussels,

on the adaptation of the conferment of tax advantages on the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) joint undertaking

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 48 thereof,

Having regard to the proposal from the Commission,

Whereas, by Decision 75/328/Euratom⁽¹⁾, the Council established the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) as a joint undertaking;

Whereas, by Decision 75/329/Euratom⁽²⁾, the Council conferred on the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) certain of the advantages listed in Annex III to the Treaty;

Whereas the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) has requested that some of the advantages conferred upon it be adapted to the present situation;

Whereas it is desirable to adapt the advantages by reason of :

- the alteration of the timescale and the investment costs,
- the financial contribution of the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK) to the investment cost of the Super-Phénix demonstration power station,

HAS ADOPTED THIS DECISION :

¹ OJ No L 152, 12.6.1975, p.8

² OJ No L 152, 12.6.1975, p. 11

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Article 1

Article 1 of Decision 75/329/Euratom is hereby amended as follows :

1. Paragraph 1 shall be replaced by the following:

" under paragraph 3 of the said Annex, exemption from the Kapitalverkehrsteuer (Gesellschaftssteuer) on assets and supplementary payments contributed to SBK by members and on capital made available free of charge by them up to a total of DM 400 million."

2. The text of the last indent of paragraph 2 shall be replaced by the following text :

" exemption from that part of the tax on operating capital which is levied on the pro rata value of the Kalkar plant and the outside capital contributed by SBK, financed through public subsidies."

Article 2

This Decision is addressed to the Member States and to the Schnell-Brüter-Kernkraftwerksgesellschaft mbH (SBK).

Done at Brussels,