

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 434 final

Brussels, 12 July 1982

Proposal for a
COUNCIL DECISION

approving amendments to the Statutes of the
"Kernkraftwerk Lingen GmbH" Joint Undertaking

(submitted to the Council by the Commission)

COM(82) 434 final

Subject : Proposal for a Council Decision approving amendments to the Statutes of the "Kernkraftwerk Lingen GmbH" Joint Undertaking

Explanatory Memorandum

The Council of the European Atomic Energy Community in its Decision of 12 December 1964⁽¹⁾ established Kernkraftwerk Lingen GmbH (KWL) as a Joint Undertaking. In pursuance of the second paragraph of Article 50 of the Euratom Treaty, amendments to the statutes of Joint Undertakings cannot enter into force until they have been approved by the Council acting in accordance with the procedure laid down in Article 47 of the Euratom Treaty on a proposal from the Commission.

The Council in its Decisions of 31 December 1965⁽²⁾, 22 December 1966⁽³⁾, 27 June 1967⁽⁴⁾, 20 December 1968⁽⁵⁾ and 25 November 1969⁽⁶⁾ approved amendments to the Statutes that successively increased the capital of the Joint Undertaking from DM 2.240 million to DM 80 million.

During their extraordinary general meeting of 20 October 1981, the members of the KWL Joint Undertaking decided to reduce the company capital from DM 80 million to DM 20 million following the decision taken on 24 August 1981 to decommission the company's 250 MWe nuclear power station.

The company's operating capacities are in no way affected by this decision.

The reduction in the capital constitutes an adjustment of the latter to the company's more limited activities following the decision taken on 24 August 1981. The revenue resulting from this reduction will be used to offset the losses that have accumulated.

The Commission considers that the reduction in the capital is in accordance with sound financial management of the Joint Undertaking.

(1) OJ No 214, 24.12.1964

(2) OJ No 225, 31.12.1965

(3) OJ No 240, 27.12.1966

(4) OJ No 140, 4.7.1967

(5) OJ No L 308, 23.12.1968

(6) OJ No L 302, 2.12.1969

The Commission also attaches particular importance to the decommissioning programme for this power station, since this is one of the first cases in which a nuclear power station incorporating a light water reactor is being taken out of service in the Community and because the experience acquired in implementing this programme will be beneficial to the further development of nuclear energy in the Community. It should also be pointed out that in pursuance of Article 2 of the Council Decision of 12 December 1964 granting advantages to the "Kernkraftwerk Lingen GmbH" Joint Undertaking, the Commission will still have access to all industrial, technical and economic information resulting from the implementation of this programme.

It therefore proposes that the Council approve the amendments to the Statutes of the Joint Undertaking.

Proposal for a
Council Decision approving amendments to the Statutes
of the "Kernkraftwerk Lingen GmbH" Joint Undertaking

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 50 and 47 thereof,

Having regard to the proposal from the Commission,

Whereas the Council in its Decision of 12 December 1964⁽¹⁾ approved the establishment of "Kernkraftwerk Lingen GmbH" as a Joint Undertaking within the meaning of the Treaty;

Whereas the Council in its Decisions of 31 December 1965⁽²⁾, 22 December 1966⁽³⁾, 27 June 1967⁽⁴⁾, 20 December 1968⁽⁵⁾ and 25 November 1969⁽⁶⁾ approved successive increases in the capital of the Joint Undertaking which raised the latter from DM 2.240 million to DM 80 million;

Whereas the members of the Joint Undertaking decided on 24 August 1981 to decommission the company's nuclear power station;

Whereas the extraordinary general meeting of the members of the Joint Undertaking resolved on 20 October 1981 to reduce the capital of the company from DM 80 million to DM 20 million and to amend Articles 4, 4a and 12 of the Statutes of the Joint Undertaking;

Whereas the reduction in the capital corresponds to the reduction in the activities of the Joint Undertaking as a result of the decommissioning of the 250 MWe nuclear power station;

(1) OJ No 214, 24.12.1964, p.3642/64

(2) OJ No 225, 31.12.1965, p.3305/65

(3) OJ No 240, 27.12.1966, p.4037/66

(4) OJ No 140, 4.7.1967, p.7

(5) OJ No L 308, 23.12.1968, p.20

(6) OJ No L 302, 2.12.1969, p.17

Whereas such a reduction is in accordance with sound financial management of the Joint Undertaking;

Whereas the experience acquired from the decommissioning programme for this power station is of particular value to the further development of nuclear energy in the Community, since this is one of the first nuclear power stations comprising a light water reactor to be decommissioned in the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The amendments to Articles 4, 4a and 12 of the Statutes of the "Kernkraftwerk Lingen GmbH" Joint Undertaking annexed to this Decision are hereby approved.

Article 2

This Decision shall take effect on the date of its publication in the Official Journal of the European Communities.

ANNEX

Amendments to the Statutes of the "Kernkraftwerk Lingen GmbH"
Joint Undertaking

1. Article 4 of the Statutes of the company shall be amended to read as follows :

"Article 4

The capital of the company is DM 20,000,000 (twenty million German marks)"

2. Article 4a of the Statutes of the company shall be deleted.
3. Article 12 of the Statutes of the company shall be amended to read as follows :

"Article 12

Each DM 2,500 fraction of a share shall carry the right to one vote."

