Council of the European Union

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ATO 6

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the extension of the joint-undertaking status of Hochtemperatur-Kernkraftwerk GmbH

COUNCIL DECISION (Euratom) 2023/…

of …

on the extension of the joint-undertaking status of Hochtemperatur-Kernkraftwerk GmbH

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 49 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By Decision 74/295/Euratom[1], the Council established Hochtemperatur-Kernkraftwerk GmbH (HKG) as a joint undertaking for a period of 25 years as from 1 January 1974.

(2) The objectives of HKG were to construct, equip and operate a nuclear power station with a capacity of approximately 300 MWe at Uentrop (Unna district) in the Federal Republic of Germany.

(3) After being in operation from 1987 to 1988, the nuclear power station was finally shut down on 1 September 1989 as a result of technical and economic difficulties.

(4) Since 1 September 1989, the objective of HKG has been to implement a programme for decommissioning the nuclear power station up to the safe enclosure stage and, thereafter, to carry out a programme of surveillance of the enclosed nuclear installations.

(5) By Decision 2011/362/Euratom[2], the Council extended the status of HKG as a joint undertaking until 31 December 2017 to enable HKG to complete its decommissioning and surveillance programmes, in particular by lightening the financial burden.

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[1] Council Decision 74/295/Euratom of 4 June 1974 on the establishment of the Joint Undertaking Hochtemperatur- Kernkraftwerk GmbH (HKG) (OJ L 165, 20.6.1974, p. 7).

[2] Council Decision 2011/362/Euratom of 17 June 2011 on extension of the joint-undertaking status of Hochtemperatur-Kernkraftwerk GmbH (HKG) (OJ L 163, 23.6.2011, p. 24).

(6) That extension period corresponded to the duration of arrangements concluded between the Federal Republic of Germany, the Land of North Rhine-Westphalia, HKG and its members for financing HKG's activities.

(7) By letter of 7 October 2021, HKG asked for the further extension of the joint-undertaking status with retroactive effect from 1 January 2018, until 31 December 2022, which corresponds to the duration of further arrangements concluded between the Federal Republic of Germany, the Land of North Rhine-Westphalia, HKG and its members for financing HKG's activities.

(8) HKG's joint-undertaking status should therefore be extended for the requested period.

(9) After 31 December 2022, any further extension of HKG's Joint Undertaking status is conditional upon the submission by HKG of an application for a decommissioning licence,

HAS ADOPTED THIS DECISION:

Article 1

1. The joint-undertaking status, within the meaning of the Treaty, granted to Hochtemperatur-Kernkraftwerk GmbH (‘HKG’) is hereby extended for five years with effect from 1 January 2018.

2. The objective of HKG shall be to implement a programme for decommissioning the nuclear power station located at Uentrop (Unna district) in the Federal Republic of Germany, up to the safe enclosure stage and, thereafter, to carry out a programme of surveillance of the enclosed nuclear installations.

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to HKG.

Done at …,

For the Council
The President