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► **B**

COUNCIL DECISION

of 29 March 1977

empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations

(77/270/Euratom)

(OJ L 88, 6.4.1977, p. 9)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Decision of 21 March 1994 (94/179/Euratom)	L 84	41	29.3.1994
► <u>M2</u>	Council Regulation (EC) No 1791/2006 of 20 November 2006	L 363	1	20.12.2006

Amended by:

► <u>A1</u>	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003
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▼B**COUNCIL DECISION****of 29 March 1977****empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations**

(77/270/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 2, 172 and 203 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the use of nuclear energy can reduce the Community's excessive dependence on external sources of energy and thus improve the terms on which energy is imported;

Whereas, under present technical and economic conditions, the use of nuclear energy for the production of electricity is economically advantageous and more satisfactory than the use of petroleum products;

Whereas the additional investment required for nuclear plant by comparison with conventional plant, combined with the costs arising out of the increase in the price of petroleum products which affect the operating costs of existing conventional power stations, means that electricity producers are being forced to borrow more;

Whereas Article 2 (c) of the Treaty gives the Community the task of facilitating investment and ensuring, particularly by encouraging ventures on the part of undertakings, the establishment of the basic installations necessary for the development of nuclear energy in the Community; whereas, if a contribution is to be made to the financing of nuclear power stations, arrangements must be made for borrowing and lending; whereas such action appears to be necessary if the objective set out in Article 2 (c) of the Treaty is to be attained, although the Treaty does not provide for the powers necessary for that purpose;

Whereas in view of the large amount of capital required the financing potential should be increased; whereas it appears that the Community can provide a substantial amount of aid in this field;

Whereas the Community has a duty to employ all the means at its disposal to facilitate the attainment of the aims adopted under the new common energy policy strategy,

HAS DECIDED AS FOLLOWS:

▼M1*Article 1*

The Commission is hereby empowered to contract, on behalf of the European Atomic Energy Community (Euratom), and within the limits fixed by the Council, borrowings, the proceeds of which will be allocated in the form of loans to finance, within the Community, investment projects relating to the industrial production of electricity

⁽¹⁾ OJ No C 157, 14. 7. 1975, p. 35.

⁽²⁾ OJ No C 248, 29. 10. 1975, p. 8.

▼M1

in nuclear power stations and to industrial installations in the nuclear fuel cycle.

The Commission shall also be empowered to contract, within the same limits, borrowings, the proceeds of which will be allocated in the form of loans to finance projects to increase the safety and efficiency of the nuclear power stations of the non-member countries listed in the Annex.

For these projects to be eligible they must:

- relate to nuclear power stations or installations in the nuclear fuel cycle which are in service, or under construction, or to the dismantling of installations where modification cannot be justified in technical or economic terms,
- have received all the necessary authorization at national level and in particular the approval of the safety authorities,
- have received a favourable opinion from the Commission in technical and economic terms.

The Commission may borrow only within the limits of loans requested of it.

The borrowing and corresponding lending operations shall be denominated in the same monetary unit and carried out under the same conditions as regards repayment of the principal and interest payments. Cost incurred by the Community in concluding and executing each operation shall be borne by the recipient undertakings.

▼B*Article 2*

The terms of loans to be issued shall be negotiated by the Commission in the best interests of the Community having regard to the conditions on capital markets and in accordance with the constraints imposed by the duration of the loans to be granted.

Article 3

The Commission shall decide on the grant of each loan. Its decisions shall be based in particular on the principle that preference will be given to the use of resources under the most profitable conditions in installations of optimum size.

Loans shall be guaranteed in the manner customary in banking practice.

Article 4

The Commission shall inform the Council and the European Parliament at regular intervals of the revenue and expenditure transactions arising out of the contracting and servicing of Euratom loans issued and granted. Each year it shall submit a review of its borrowing policy together with the budget estimates.

Article 5

Financial control and auditing shall be carried out in accordance with the Financial Regulation of 25 April 1973 applicable to the general budget of the European Communities ⁽¹⁾.

⁽¹⁾ OJ No L 116, 1. 5. 1973, p. 1.

▼ M1

ANNEX I

List of eligible non-member countries

▼ M2

▼ A1

▼ M2

▼ A1

▼ M1

- Russian Federation
- Republic of Armenia
- Ukraine