

▼B
▼M1

**COMMISSION REGULATION (Euratom) No 1209/2000
of 8 June 2000**

determining the procedures for the examination of the communications prescribed under Article 41 of the Euratom Treaty

▼B

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the provisions of the Treaty establishing the European Atomic Energy Community, and in particular Article 41,

Having regard to the provisions of the Council Regulation (Euratom) No 2587/1999 of 2 December 1999⁽¹⁾, defining the investment project(s) to be communicated to the Commission in pursuance of Article 41 of the Treaty,

Whereas:

It is the responsibility of the Commission, to the extent necessary for the fulfilment of the task devolving on it under Chapter IV of the Treaty, to determine procedure for carrying out the obligation imposed on persons and undertakings by Article 41 to communicate investment projects relating to new installations and also to replacements or conversions which fulfil the criteria as to type and size laid down by the Council,

HAS ADOPTED THIS REGULATION:

▼M1

Article 1

1. Investment projects relating to new installations and also to replacement or conversions which fulfil the criteria as to type and size laid down by Regulation (Euratom) No 2587/1999 shall be communicated to the Commission by means of the form in the Annex to this Regulation.

The form may be submitted on paper or electronically.

2. The Commission shall inform the persons or undertakings concerned without delay of receipt of the communication.

▼B

Article 2

The obligation to communicate to the Commission the investment projects referred to in Article 41 of the Treaty devolves on persons and undertakings engaged in the industrial activities listed in Annex II to the Treaty, in respect of all installations already established or to be established within the Community; (the obligation shall, in appropriate cases, be discharged by the local management in the case of undertakings having their seat outside the Community).

Article 3

Where information to be notified pursuant to article 41 of the Treaty has already been provided in the context of the submission of general data under article 37 of the Treaty, the notification can be limited to a cross reference to such previous submission and, in addition, all other information to be notified according to the content of the form which is annexed to this Regulation.

⁽¹⁾ OJ L 315, 9.12.1999, p. 1.

▼M1

Article 3a

1. The Commission shall examine the communication as soon as it is received. It shall take express its views in a recommendation.
2. Where the Commission, after an examination, finds that the communicated investment project raises no doubts regarding the objectives of and compliance with the Euratom Treaty, it shall record that finding and express its views by way of a recommendation communicated to the persons, the undertakings and the Member State concerned.
3. Where the Commission, after an examination finds that the communicated investment project raises doubts regarding the objectives of and compliance with the Euratom Treaty, it shall initiate a detailed examination procedure to further discuss in detail all aspects of the investment project which relate to the objectives of that Treaty.
4. A recommendation in accordance with paragraph 2 and the opening of the detailed examination procedure, referred to in paragraph 3, shall be made within 2 months. That period shall begin on the day following receipt of a complete communication complying with the provisions of this Regulation and of Regulation (Euratom) No 2587/1999. The communication shall be considered complete if within two months of its receipt, or of receipt of any additional information requested, the Commission does not request any further information.
5. Where the Commission has not issued a recommendation in accordance with paragraph 2 nor acted within the period laid down in paragraph 4, the investment project shall be deemed to be in compliance with the objectives and provisions of the Euratom Treaty.

Article 3b

1. Where the Commission considers that information provided by the person or undertaking concerned with regard to an investment project communicated to it, is incomplete, it shall request all necessary information. Where the person or undertaking concerned responds to such a request, the Commission shall inform that person or undertaking of receipt of the response.
2. Where the person or undertaking concerned does not provide the information requested within a prescribed period provided by the Commission or provides incomplete information, the Commission shall send a reminder, allowing an appropriate additional period within which the information shall be provided.

Article 3c

1. When opening the detailed examination procedure, the Commission shall summarise the relevant issues of fact and law and include a preliminary assessment of the investment project in relation to the provisions and objectives of the Euratom Treaty and Regulation (Euratom) No 2587/1999. The Commission shall call upon the persons or undertakings concerned to submit comments and to further discuss with the Commission within a prescribed period that shall normally not exceed two months.
2. The persons or undertakings concerned are recommended not to put the investment project into effect before the Commission has issued its recommendation on that project or it is deemed to be in compliance with the objectives and provisions of the Euratom Treaty as provided for in Article 3a(5).

Article 3d

1. Where the Commission finds, following discussion and/or modification by the person or undertaking concerned, that the investment project is in compliance with the objectives and provisions of the Euratom Treaty, it shall record its views by way of a recommendation communicated to the persons, undertakings and Member State concerned.

▼M1

2. Where the Commission finds, following discussion and/or modification by the person or undertaking concerned, that the communicated investment project is not in compliance with the objectives and provisions of the Euratom Treaty, it shall express its views by way of a recommendation communicated to the persons, undertakings and Member State concerned.

3. The views taken pursuant to paragraphs 1 and 2 shall be taken as soon as the doubts referred to in Article 3a(3) have been removed. The Commission shall as far as possible endeavour to adopt a recommendation within a period of six months from the opening of the detailed examination procedure.

4. Once the period referred to in paragraph 3 has expired, and should the person or undertaking concerned so request, the Commission shall, within two months, issue its recommendation on the basis of the information available to it.

Article 3e

After having issued its recommendation on the investment project in question, the Commission shall monitor, and where appropriate, discuss with the persons or undertakings concerned, the specific measures taken or intended to be taken pursuant to the Commission's recommendation.

Article 3f

The Commission may revoke a recommendation pursuant to Articles 3a and 3d where information which was a determining factor for that recommendation was incorrect, after giving the persons or undertakings concerned the opportunity to submit observations.

Before revoking its recommendation and adopting a new recommendation, the Commission shall open the detailed examination procedure pursuant to Article 3a(3).

▼B*Article 4*

Any change made in the course of carrying out investment projects communicated to the Commission in accordance with this Regulation shall be made the subject of a further communication under the same conditions.

▼M1*Article 4a*

The Commission shall transmit to the persons or undertakings having communicated an investment project possible comments or views from third parties on the project which will influence the Commission's recommendation.

Article 4b

1. The Commission shall, with the consent of the Member States, persons and undertakings concerned, publish any investment projects communicated to it as well as the recommendations issued pursuant to this Regulation.

2. The Commission shall publish an annual report recording implementation of the recommendations made as well as specific measures taken by the persons or undertakings concerned in response to the views of the Commission.

This report shall respect, where necessary, the rules on professional secrecy if the consent referred to in Article 44 of the Euratom Treaty is finally not given.

▼B*Article 5*

Any change made to the said form shall be published by the Commission in the *Official Journal of the European Communities*.

Article 6

Regulation No 1 of the Commission of the EAEC of 5 November 1958 ⁽¹⁾ is repealed with effect of the date of entry into force of the present Regulation.

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ 25, 27.11.1958, p. 511/58.

▼B

ANNEX

INVESTMENT PROJECT

(model)

Industrial activities listed in Annex II of the Treaty	Information to be provided
All activities 1 to 13	<p>1.1. Name and address of the person or undertaking notifying the investment project and, where appropriate, name of a responsible person to whom supplementary questions may be addressed if necessary.</p> <p>1.2. Name of the investment project.</p> <p>1.3. Industrial activities under which the investment project comes pursuant to Annex II to the Treaty.</p> <p>1.4. It is to be a new installation, a replacement or a conversion?</p> <p>1.5. Reference to documents previously communicated to Euratom in respect of the investment project (date of correspondence).</p> <p>1.6. Name and address of person(s) or undertaking(s):</p> <ul style="list-style-type: none"> (a) to operate the installation; (b) to prepare the project for the installation; (c) to supervise and inspect the carrying out of the project; (d) who will be mainly responsible for supplying the equipment. <p>1.7. Methods of financing.</p> <p>1.8. Geographical location.</p> <p>1.9. Brief description and general plans.</p> <p>1.10. Costs of initial installation (in Euro) and breakdown for the main components of the costs.</p> <p>1.11. Proposed time-scale for the placing of main orders, installations and start-up, particularly the conclusion of initial contracts with suppliers of the commencement of construction work, and the planned commissioning date.</p> <p>1.12. Description of plans if any, for the decommissioning of the installation.</p> <p>1.13. Official state authority supplying the licences for construction and operation: duration of licence for operation.</p> <p>1.14. Short description of research and development programmes, if any.</p>
All activities except 11 (reactors)	<p>2.1. Composition and nature of production; annual capacity.</p> <p>2.2. Main features of the installation.</p> <p>2.3. If an extension to the installation is proposed, state by what process, over what period and in what proportion it is planned to change annual production.</p> <p>2.4. Where no extension is planned, state whether, taking into account local conditions and other circumstances, an increase in annual production capacity is possible and if so to what extent.</p>
For Activity 11	<p>3.1. Name of type of reactor planned and principal use(s).</p> <p>3.2. Main features of the installation.</p> <p>3.3. Main features of the fuel elements to be used.</p> <p>3.4. Characteristics of the moderator and reflector.</p> <p>3.5. Characteristics of the primary coolant and the secondary coolant.</p>
Activities 3, 4, 5, 6, 7, 8, 9, 10; where applicable 12, 13	<p>4.1. Proposed composition and annual quantity of principal supplies needed for the operation of the plant, including power requirements, stating proposed suppliers.</p>
Activities 4, 5, 7, 8, 11, 12; where applicable 13	<p>5.1. If relevant, supplementary data on siting of the installation.</p>

▼B

Industrial activities listed in Annex II of the Treaty	Information to be provided
For Activity 1	6.1. Geology of the deposit to be worked. 6.2. Proved reserves of the deposit to be worked. 6.3. Estimated reserves of the deposit to be worked. 6.4. Proved and estimated reserves for the concession as a whole.
For Activity 5	7.1. Description of fuel elements.