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Contents

I *Acts whose publication is obligatory*

- * Regulation (EEC) No 1469/74 of the Council of 4 June 1974 on granting special aid for certain wrapper leaf tobaccos 1
 - * Regulation (EEC) No 1470/74 of the Council of 4 June 1974 fixing for the 1974 harvest the amounts of the premium granted to purchasers of leaf tobacco 3
-

II *Acts whose publication is not obligatory*

Council

74/295/Euratom:

- * Council Decision of 4 June 1974 on the establishment of the Joint Undertaking Hochtemperatur-Kernkraftwerk GmbH (HKG) 7

74/296/Euratom:

- * Council Decision of 4 June 1974 on the conferring of advantages on the Hochtemperatur-Kernkraftwerk GmbH (HKG) Joint Undertaking 14

74/297/EEC:

- * Council Directive of 4 June 1974 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact) 16

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 1469/74 OF THE COUNCIL
of 4 June 1974
on granting special aid for certain wrapper leaf tobaccos

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the common organization of the market in raw tobacco was established by Council Regulation (EEC) No 727/70 ⁽¹⁾ of 21 April 1970, as last amended by the Act of Accession ⁽²⁾; whereas the price system laid down in Articles 2 to 7 of that Regulation was applicable for the first time to the 1970 crop;

Whereas, before the entry into force of the common organization of the market, most tobacco produced in the Community benefited from a guaranteed price, granted by the national market organization, under which tobacco harvested before 1970 was sold;

Whereas for certain varieties which did not benefit from guarantees by the national market organization, the transition to the common system has given rise to certain problems; whereas, in the case of Round Tip, Scafati and Sumatra I, the drop in the international trading price of these varieties of wrapper leaf tobaccos has hampered the sale of quantities harvested in Italy prior to the entry into force of Regulation (EEC) No 727/70 and caused stocks to accumulate;

Whereas the sale of these stocks — which do not benefit from the premium laid down by the common organization of the market — has accordingly occasioned considerable losses to processors and has affected producers in turn; whereas, in order to

correct this situation, the sale of these remaining quantities at prices comparable to those offered by the common organization of the market should be ensured by the granting of aid; whereas since these tobaccos have gone through initial processing and market preparation, aid should be granted to those processing them;

Whereas, in order to ensure that only well-founded claims for aid are honoured, grants shall be restricted to the quantities registered with the competent Italian authorities;

Whereas the amount of aid may be determined on the basis of the premium fixed for 1970 crop leaf tobacco adjusted to processing costs for baled tobacco, a percentage representing the normal difference between tobacco prices in 1970 and those obtaining prior to them being subtracted from the resultant amount;

Whereas, by way of derogation from Council Regulation No 17/64/EEC ⁽³⁾ of 5 February 1964 on the conditions for granting aid from the European Agricultural Guidance and Guarantee Fund, as last amended by Regulation (EEC) No 847/72 ⁽⁴⁾, relevant expenditure incurred by the Italian Government should be financed by the Fund under the 1970 accounting year,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1968 and 1969 crop Round Tip, Scafati and Sumatra I varieties of baled tobacco produced in the Community, special aid shall be granted to

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No 34, 27. 2. 1964, p. 586/64.

⁽⁴⁾ OJ No L 100, 27. 4. 1972, p. 4.

the natural or legal persons responsible for initial processing and market preparation of quantities registered with the competent authorities in the Member State concerned.

2. The aid shall amount to 4.449 units of account per kilogramme of baled tobacco.

Article 2

By way of derogation from Articles 5 and 6 of Regulation No 17/64/EEC, expenses borne by the Italian Republic in respect of the tobacco referred to in Article 1, held in stock at the time when Regulation (EEC) No 727/70 was implemented, shall be financed by the Guarantee Section of the European Agricul-

tural Guidance and Guarantee Fund as coming under the 1970 accounting year. The regulations governing this period shall, therefore, apply to these expenses.

Article 3

Rules for applying this Regulation, including those relating to administrative supervision, shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 727/70.

Article 4

This Regulation shall enter into force on the third day following 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.

Done at Luxembourg, 4 June 1974.

For the Council

The President

J. ERTL

REGULATION (EEC) No 1470/74 OF THE COUNCIL

of 4 June 1974

fixing for the 1974 harvest the amounts of the premium granted to purchasers of leaf tobacco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 727/70 ⁽¹⁾ of 21 April 1970 on the common organization of the market in raw tobacco, as last amended by the Act of Accession ⁽²⁾, and in particular Article 4 (4) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the purpose of the premium granted to purchasers of each of the varieties of leaf tobacco is to secure the norm price and to ensure that tobacco produced in the Community is sold;

Whereas, to this end, the premium must be fixed at an amount made up, for each variety, of a component calculated with regard to foreseeable outlets on the Community market and, where appropriate, the influence of trends in prices of imported tobaccos which are competitive as substitutes for tobacco produced in the Community, and a standard component designed to secure guaranteed price and income and to ensure that Community tobacco is sold;

Whereas, for the purpose of fixing the amount of the premium for leaf tobacco outlets for baled tobacco should be assessed; whereas to this end the costs of first processing and of market preparation for each variety should be taken into account; whereas these costs should correspond to those of well-managed undertakings established in the Community; whereas account should also be taken, for each variety, of the average losses in weight resulting from first processing and preparation for market;

Whereas the amount of the premium theoretically applicable to all tobaccos of the relevant variety is to be fixed, for each of the varieties produced in the Community and for the corresponding reference quality, per kilogramme of leaf tobacco which has not undergone first processing and preparation for market;

Whereas, applying these rules and criteria to the situation on the market in raw tobacco, the premium should be based on the prices for baled tobacco; whereas international trade is in such tobacco; whereas the price of third country and Community baled tobacco should therefore be taken into consideration; whereas this price can be calculated for Community tobacco on the basis of the norm price for each variety of leaf tobacco, as adjusted by a coefficient expressing the loss in weight resulting from first processing and from preparation for market, and as increased by an amount representing costs directly related to such processing and preparation;

Whereas it has been found that the cost price of Community baled tobacco so calculated is higher than the price which would enable that tobacco to compete with similar imported tobacco; whereas the premium granted to purchasers of Community tobacco is intended to enable those purchasers to pay to leaf tobacco producers a price which is the same as the norm price;

Whereas the difference between the price thus calculated and the cost price was established at the baled tobacco stage; whereas this difference should be adjusted to the leaf tobacco stage by a formula similar to that described above;

Whereas, under the second subparagraph of Article 4 (3) of Regulation (EEC) No 727/70, the premium may exceptionally be fixed at an amount above or below that normally applicable to all tobacco of a given variety; whereas this possibility should be used in respect of the lowest quality of the Virgin SCR

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

variety, since the value of this quality is substantially lower than that of the reference quality;

Whereas the increases in the norm price and in first processing and market preparation costs for the 1974 harvest could entail a corresponding increase in the amount of the premium; whereas, however, the trend in world market prices in 1973 indicates that the objectives for which the premium was introduced can be attained by leaving the amounts thereof, with the exception of three varieties of tobacco, at the level fixed for the 1973 harvest,

HAS ADOPTED THIS REGULATION:

Sole Article

For the 1974 harvest the amounts of the premium granted to purchasers of leaf tobacco and provided for in Article 3 of Regulation (EEC) No 727/70 shall be as shown in the Annex.

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

Done at Luxembourg, 4 June 1974.

For the Council

The President

J. ERTL

ANNEX

Amount of the premium per kilogramme of leaf tobacco

Serial No	Varieties	Amount (u.a./kg)
1	a) Badischer Geudertheimer b) Forchheimer Havanna II c)	1·338
2	Badischer Burley E	1·335
3	Virgin SCR	1·200 ⁽¹⁾
4	a) Paraguay and hybrids thereof b) Dragon vert and hybrids thereof	1·048
5	Nijkerk	1·119
6	Burley (Burley × Bel)	0·917
7	a) Misionero and hybrids thereof b) Rio Grande and hybrids thereof	1·002
8	a) Philippin b) Petit Grammont (Flobecq) c) Burley (Ergo × 6410 and Ergo × Bursana)	0·697
9	a) Semois b) Appel terre	0·876
10	Bright	1·118
11 a)	Burley I	0·688
11 b)	Maryland	0·848
12	a) Kentucky and hybrids thereof b) Moro di Cori c) Salento	0·546

Serial No	Varieties	Amount (u.a./kg)
13	a) Nostrano del Brenta b) Resistente 142 c) Gojano	1·180
14	Beneventano	0·805
15	Xanti-Yakà	1·435
16	Perustitza	1·348
17	Erzegovina and hybrids thereof	1·202
18	a) Round Tip b) Scafati c) Sumatra I	5·655
19	a) Brasil Selvaggio b) Other varieties	0·228

(¹) Excluding the lowest quality (Class III) for which the amount of the premium is 0·616 u.a./kg.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 4 June 1974

on the establishment of the Joint Undertaking Hochttemperatur-Kernkraftwerk GmbH (HKG)

(74/295/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Opinion of the Commission;

Having regard to the proposal from the Commission;

Having regard to the report from the Commission;

Whereas the objects of Hochttemperatur-Kernkraftwerk GmbH (HKG) are to construct, equip and operate a nuclear power station with a capacity of approximately 300 MWe at Uentrop, Landkreis Unna in the Federal Republic of Germany;

Whereas HKG has for this purpose applied for establishment as a Joint Undertaking;

Whereas the statutes of HKG are compatible with the provisions of the Treaty which relate to Joint Undertakings, and whereas Article 19 in particular of those Statutes provides that, if HKG is established as a Joint Undertaking, it will be governed by the said provisions, by the acts adopted in implementation thereof and in particular by this Decision;

Whereas it is the task of the Community to contribute to the raising of the standard of living in the Member States and to the development of relations with other

countries by creating the conditions necessary for the speedy establishment and growth of nuclear industries;

Whereas, notwithstanding the economic risks at present inherent in such an undertaking, it is important that there should be established immediately the first power station equipped with a high-temperature reactor and benefiting from all the progress achieved hitherto;

Whereas the project put forward by HKG is therefore, at the present stage of the application of nuclear techniques to the production of energy, of prime importance to the development of the nuclear industry in the Community,

HAS ADOPTED THIS DECISION:

Article 1

Hochttemperatur-Kernkraftwerk GmbH (HKG) is hereby established as a Joint Undertaking within the meaning of the Treaty for a period of 25 years from 1 January 1974.

The objects of HKG shall be to construct, equip and operate a nuclear power station with a capacity of approximately 300 MWe at Uentrop, Landkreis Unna in the Federal Republic of Germany.

Article 2

The statutes of HKG annexed to this Decision are hereby approved. The dissolution provided for in Article 17 of these statutes shall, however, be effected only after approval by the Council, acting on a proposal from the Commission, in accordance with Article 47 of the Treaty. HKG shall add 'Gemeinsames Europäisches Unternehmen' after its name.

Article 3

This Decision is addressed to the Member States and to HKG.

Done at Luxembourg, 4 June 1974.

For the Council

The President

H. D. GENSCHER

COMPANY STATUTES

OF HOCHTEMPERATUR-KERNKRAFTWERK GmbH (HKG)

I

NAME, SEAT AND OBJECTS
OF THE COMPANY

Article 1

Name and seat

The name of the Company shall be

HOCHTEMPERATUR-KERNKRAFTWERK
Gesellschaft mit beschränkter Haftung (HKG)

The seat of the Company shall be at Uentrop (Kreis
Unna).

Article 2

Objects of the undertaking

The objects of the undertaking are the planning, financing, construction and operation of a high-temperature nuclear power station with a capacity of the order of 300 MWe at Uentrop as a power station jointly owned by the Members, in order to test by means of this prototype the technical suitability and the profitability of a high-temperature nuclear power station for public electricity generation.

For the fulfilment of its objects, the undertaking may produce, procure, use and sell electrical energy and further construct, acquire and operate all installations and plant necessary for this purpose, either alone or jointly with other undertakings, for its own account or for account of outsiders. The undertaking may acquire, utilize and dispose of real estate and industrial property rights, establish subsidiaries, acquire holdings in other companies, and generally undertake any operations relating to the objects of the Company.

II

MEMBERS, CAPITAL AND SUBSCRIPTIONS

Article 3

Members

The Members of the Company are:

- | | |
|---|-------------------------------|
| 1. Gemeinschaftskraftwerk Weser
Gesellschaft mit beschränkter
Haftung, Veltheim | Subscription
DM 13 000 000 |
|---|-------------------------------|

- | | |
|---|---------------|
| 2. Kommunales Elektrizitätswerk Mark
Aktiengesellschaft, Hagen | DM 13 000 000 |
| 3. Vereinigte Elektrizitätswerke
Westfalen Aktiengesellschaft,
Dortmund | DM 13 000 000 |
| 4. Gemeinschaftswerk Hattingen Gesellschaft
mit beschränkter Haftung,
Hattingen | DM 6 000 000 |
| 5. Stadtwerke Aachen Aktiengesellschaft,
Aachen | DM 2 500 000 |
| 6. Stadtwerke Bremen Aktiengesellschaft,
Bremen | DM 2 500 000 |

Article 4

Capital

The capital of the Company is 50 million (fifty million German marks), subscribed by the Members named in Article 3 in the proportions specified therein.

Article 5

Subscriptions of capital

One quarter of the capital shall be subscribed prior to application for registration of the Company in the commercial register and the remaining three-quarters shall be paid when called for by the Managers in amounts proportional to the amounts of the subscriptions.

All calls by the Managers for payment of the remaining three-quarters of the capital shall require the assent of the General Meeting of the Members.

Article 6

Shares

The share of each Member in the undertaking shall be determined on the basis of the amount of this subscription to the capital.

Article 7

Transfer of shares

Transfers of shares or of any parts thereof shall be permissible only if approved by the General Meeting of the Members by a majority representing 75 % of the capital.

III

ORGANIZATION

Article 8

Administrative organs

The administrative organs of the Company shall be:

1. The General Meeting of the Members.
2. The Managers.

Article 9

General Meeting of the Members

- (a) The General Meeting shall be convened by the Managers by registered letter, stating the place, time and agenda of the meeting, at two weeks' notice (including the date of dispatch and the date of the meeting).

The voting rights shall be exercised by one representative only. Exercise of voting rights shall be conditional on possession of a legal powers of representation or of a proxy.

A General Meeting shall be validly held only if the shares of the Members represented thereat amount to not less than 60 % of the capital and if at least two-thirds of the Members are represented.

If the quorum is not attained, the General Meeting may be convened afresh at one week's notice with the same agenda, in which case a quorum shall be deemed to be present irrespective of the amount of the capital and the number of Members represented. Special reference shall be made thereto in the notice convening such a meeting.

- (b) The Ordinary General Meeting of the Members shall be convened during the first seven months

of the calendar year. At the Ordinary General Meeting the Managers shall present the balance sheet for the preceding financial year, together with the profit and loss account and the auditor's report.

- (c) An extraordinary general meeting shall be convened forthwith by the Managers whenever the latter deems necessary or upon requisition, stating the reasons therefor by not less than two Members or by Members whose shareholdings amount, individually or jointly, to not less than one-tenth of the capital.
- (d) The chairmanship of the General Meeting shall be exercised in rotation on an annual basis, and in the order shown in Article 3, by the representative of the Member concerned. If this Member is not represented, the chair shall be taken by the representative following in the order shown in Article 3.
- (e) The Chairman shall lay down the voting procedure.
- (f) Proceedings of the General Meeting shall be recorded in minutes, which shall be signed by the Chairman of the meeting and the Secretary and sent to all the Members.

Article 10

Powers of the General Meeting

In addition to matters referred to elsewhere in these Company Statutes, and to matters prescribed by law, the General Meeting shall be empowered to pass resolutions concerning:

1. Acquisition and disposal of interests in undertakings;
2. Conclusion and amendment of contracts for the supply and purchase of electricity;
3. Control contracts, profit transfer agreements and other company interlinking contracts;
4. The finance and economic plan, to be submitted annually within the prescribed time;
5. Undertaking of long-term commitments, investments, acquisition of immovable property and rights in such property not covered by the economic plan, where the amounts in individual cases exceed DM 500 000 (five hundred thousand German marks);
6. Authorization of the Managers to grant powers of procuration.

Article 11

Majority requirements and voting rights

- (a) Resolutions of a Meeting of Members duly represented thereat shall be passed by a simple majority, unless a qualified majority is expressly prescribed in the Company Statutes or by law. Each DM 100 000 share in the Company shall carry entitlement to one vote.
- (b) A three-quarters majority of the Members duly represented shall be required for:
1. Amendment of the Company Statutes;
 2. Appointment of the Managers;
 3. Acquisition of holdings in other undertakings;
 4. Conclusion and amendment of electricity supply and purchase contracts;
 5. Contracts of the type referred to in Article 10 (3);
 6. Winding-up of the Company.

Article 12

Written votes

Written votes shall be acceptable in accordance with Article 48 (II) of the Law on Companies with Limited Liability (GmbH - Gesetz).

Article 13

Management

- (a) The Company shall have three Managers, who shall be appointed by the Members listed in Article 3, paragraphs 1, 2 and 3, namely:
1. Gemeinschaftskraftwerk Weser GmbH, Veltheim,
 2. Kommunales Elektrizitätswerk Mark AG, Hagen,
 3. Vereinigte Elektrizitätswerke Westfalen AG, Dortmund.
- (b) Such appointments shall be for not more than five years; reappointment shall be permissible. The Managers shall perform their duties on a part-time basis.
- (c) The Company shall be represented by two Managers or by one Manager acting jointly with an agent with power of procuration.

Article 14

Distribution of responsibilities

Distribution of responsibilities among the Managers shall be regulated by internal rules, which shall be approved by the General Meeting.

Article 15

Financial year

The financial year shall be the calendar year.

IV

SPECIAL OBLIGATIONS AND RIGHTS OF MEMBERS

Article 16

Special obligations and rights

- (a) All Members undertake to place at the disposal of the Company their knowledge and experience in the field of the construction and operation of reactors — in particular high-temperature reactors — and to obtain the necessary qualified personnel for engagement by the Company.
- (b) The Member designated (3) (Vereinigte Elektrizitätswerke Westfalen AG, Dortmund) undertakes to sell to the Company a site in Uentrop of the required size, which shall be restored to its original owner on expiry of the validity of these statutes.
- (c) The Members shall have the right and the obligation to take up electrical energy generated by the Company to their shareholdings.

For this purpose an electricity supply contract shall be concluded between the Company and the Members. The electricity shall be supplied at the relevant transfer points. The price of the electricity shall be governed by the provisions of the 'risk-sharing contract' between the Company and the Federal Republic of Germany.

- (d) The Member designated (3) (Vereinigte Elektrizitätswerke Westfalen AG, Dortmund) shall conclude with the Company the necessary

arrangements for the supply of electricity at the relevant transfer points.

- (e) The Member designated (3) (Vereingte Elektrizitätswerke Westfalen AG, Dortmund) further undertakes to make available to the Company the workshops and other installations of the VEW-Westfalen power station and such personnel as may be required.

V

WITHDRAWAL, WINDING-UP AND LIQUIDATION

Article 17

Duration of the Company

- (a) The Company is formed for an indefinite period.
- (b) After 25 years (from the date of registration of the Company in the commercial register) each Member shall have the right to give notice of withdrawal. If this right is not exercised, the validity of the Statutes shall be extended for a period of three years.
- (c) Notice of withdrawal may be submitted before the end of a calendar year at two years' prior notice and shall be forwarded to the Managers by registered letter.
- (d) If a Member gives notice of withdrawal, the General Meeting shall decide whether the Company should continue in existence or be dissolved.
- (e) If the Company is to continue in existence, each remaining Member shall have the right to acquire out of the shareholding of the withdrawing Member, a number of shares proportionate to his subscription to the capital of the Company. On receipt of the notice of withdrawal, the Managers shall call on the Members to exercise their right of acquisition, which may only be exercised within six months after receipt of such call. The Member who has given notice of termination shall transfer his shareholding to one or more Members in accordance with the resolution passed by the General Meeting.
- (f) If the General Meeting fails to adopt a resolution or if none of the Members entitled exercises his right within the meaning of subparagraph (e) of this Article, the shareholding of the withdraw-

ing Member shall be redeemed. In such a case compensation shall be paid to the withdrawing Member.

- (g) The foregoing shall be without prejudice to the right of each Member to apply for winding-up of the Company in accordance with Article 61 of the law on companies with limited liability.

- (h) If differences of opinion arise between the Members concerning the valuation of the shareholding pursuant to subparagraph (e) or the compensation pursuant to subparagraph (f) of this Article, the parties to the dispute shall, if they are unable to reach an amicable arrangement, submit to arbitration by experts. If no agreement can be reached on the choice of an expert, the President of the Chamber of Industry and Commerce in Dortmund shall be requested to appoint an expert.

VI

ARBITRATION TRIBUNAL

Article 18

Arbitration tribunal

Failing settlement by amicable arrangement of a dispute — with the exception of disputes referred to in Article 17 (h) — either between the Members themselves or between a Member and the Company in connection with these Statutes, the dispute shall be settled, to the exclusion of action at law, by an arbitration tribunal, upon which the parties hereto have today agreed in a separate document, and to which reference is hereby made.

VII

'JOINT UNDERTAKING' (EURATOM)

Article 19

Obligations under the Euratom Treaty

If the Company is established as a 'Joint Undertaking' within the meaning of the Treaty establishing the European Atomic Energy Community, it shall be subject, for the whole of the period of its activity as such, to the provisions of the Euratom Treaty which relate to Joint Undertakings and also to the Decisions of the Council of Ministers of the European Atomic

Energy Community establishing it as a Joint Undertaking and conferring on it any of the advantages listed in Annex III to the Euratom Treaty. In particular:

- (a) amendments to these Statutes shall not come into force until they have been approved by the Council of Ministers, pursuant to Article 50 of the Euratom Treaty;
- (b) in accordance with Article 171 (3) of the Euratom Treaty the Company's profit and loss accounts and the balance sheets for the preceding financial year shall, within one month after their approval by the General Meeting, be sent by the Managers to the Commission of Euratom, which shall place them before the Council of Ministers and the European Parliament. The estimates of revenue

and expenditure shall be submitted in accordance with the same procedure one month at latest before the beginning of each financial year;

- (c) the transfer of shareholdings or of any parts thereof to companies whose seat is outside the Community, or to persons who are not citizens of Member States of the Community, and also the taking-up of subscriptions in the event of an increase of the capital of the Company by such companies or persons shall require the approval of the Council of the European Communities.

Subject to the foregoing provisions, the Company shall continue to be governed by German law, in particular by the Law of 20 April 1892 on companies with limited liability.

COUNCIL DECISION

of 4 June 1974

on the conferring of advantages on the Hochtemperatur-Kernkraftwerk GmbH (HKG)
Joint Undertaking

(74/296/Euratom)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 48 and 124 thereof;

Having regard to the Opinion of the Commission;

Having regard to the report from the Commission;

Having regard to the proposal from the Commission;

Whereas the objects of the Hochtemperatur-Kernkraftwerk GmbH (HKG) Joint Undertaking, which was established for a period of 25 years by the Council Decision of 4 June 1974, are to construct, equip and operate a nuclear power station with a capacity of the order of 300 MWe in Uentrop, Landkreis Unna, in the Federal Republic of Germany;

Whereas HKG has for this purpose applied for certain advantages listed in Annex III to the Treaty;

Whereas the nuclear power station will be constructed by a consortium of Community undertakings and nearly exclusively with components from the Community, and whereas the construction of this power station will enable the technical processes for the production of electricity on an industrial scale to be considerably improved;

Whereas the conferment on HKG, in respect of the period of construction and operation of the nuclear power station, of advantages listed in Annex III to the Treaty may, by lightening the financial burden, limit the economic risks inherent in such an undertaking;

Whereas it is desirable to confer on HKG the said advantages only if the latter makes available to the Community the non-patentable information it collects in the course of implementing the nuclear power station project,

Article 1

The Member States shall confer on the Hochtemperatur-Kernkraftwerk GmbH (HKG) joint Undertaking, in the first place for a period of three years after final acceptance of the power station by the undertaking, the following advantages listed in Annex III to the Treaty:

1. Under paragraph 3 of the said Annex, exemption from the Kapitalverkehrsteuer (Gesellschaftsteuer) (capital transaction tax — company tax) on assets contributed to HKG by members (Stammeinlagen), up to a total of DM 50 million;
2. Under paragraph 4 of the said Annex, exemption from the Grunderwerbsteuer (tax on the acquisition of immovable property);
3. Under paragraph 5 of the said Annex:
 - exemption from tax on capital;
 - derogation from the deadline set for the deduction of losses pursuant to Article 10d of the Einkommensteuergesetz (income tax law);
 - exemption from that part of the industrial or commercial profits tax which is levied in pursuance of Article 8 point 1 of the Gewerbesteuergesetz (trade tax law) on the interest due on long term financial commitments;
 - derogation from the deadline set for the deduction of operating losses in pursuance of Article 10a of the Gewerbesteuergesetz;
 - exemption from that part of the tax on operating capital which is levied in pursuance of paragraph 2, point 1 of Article 12 of the Gewerbesteuergesetz on long term financial commitments;
 - exemption from that part of the tax on operating capital which is levied on the *pro*

rata value of the plant financed through public subsidies;

— exemption from land tax.

Article 2

The advantages conferred on HKG by this decision shall apply to the rights and obligations of HKG at the time of its incorporation as a Joint Undertaking.

Article 3

The conferment of the advantages listed in Article 1 on HKG is subject to the condition that the Commission shall have access to all the industrial, technical and economic information, including that relating to safety, acquired by HKG throughout the period of design, construction and operation of the

nuclear power station. This duty extends to all the information which HKG is entitled to receive from its major supplier and pass on in accordance with the contracts concluded with him. The Commission shall determine which information must be communicated to it, as well as the manner in which such communication shall be made and shall ensure that this information is disseminated.

Article 4

This Decision is addressed to the Member States and to the Joint Undertaking HKG.

Done at Luxembourg, 4 June 1974.

For the Council

The President

H. D. GENSCHER

COUNCIL DIRECTIVE

of 4 June 1974

on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact)

(74/297/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 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 technical requirements which motor vehicles must satisfy pursuant to national laws relate, *inter alia*, to the behaviour of the steering mechanism in the event of an impact;

Whereas these requirements differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing regulations; in order, in particular, to allow the EEC type-approval procedure which was the subject of the Council Directive of 6 February 1970 ⁽³⁾ on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers to be applied in respect of each type of vehicle;

Whereas common requirements for interior rear-view mirrors have been laid down by the Council Directive of 1 March 1971 ⁽⁴⁾ and for the interior fittings of the passenger compartment, the layout of the controls, the roof and backrest and rear part of the seats by the Council Directive of 17 December 1973 ⁽⁵⁾; whereas other requirements will be adopted subsequently concerning interior fittings and relating to anchorages for safety belts and seats, head restraints and the identification of the controls;

Whereas harmonized requirements must reduce the risk or the severity of injuries which may be suffered by the drivers of motor vehicles and thereby ensure road safety throughout the entire Community;

Whereas, with regard to technical requirements, it is appropriate to utilize those adopted by the Economic Commission for Europe of the UNO in its Regulation No 12 ⁽⁶⁾ (Uniform provisions concerning the approval of vehicles with regard to the protection of the driver against the steering mechanism in the event of impact) which is annexed to the Agreement of 20 March 1958 concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purpose of this Directive, 'vehicle' means any motor vehicle in category M₁ (defined in Annex I of the Directive of 6 February 1970) intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km/h, with the exception of a vehicle fitted with forward control as defined in 2.7 of Annex I.

Article 2

No Member State may refuse to grant EEC type-approval or national type approval of a motor vehicle on grounds relating to the behaviour of the steering mechanism in the event of an impact if the latter complies with the requirements laid down in Annexes I, II and III.

Article 3

No Member State may refuse or prohibit the sale or registration, entry into service or use of any vehicle

⁽¹⁾ OJ No C 14, 27. 3. 1973, p. 18.

⁽²⁾ OJ No C 60, 26. 7. 1973, p. 13.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.

⁽⁴⁾ OJ No L 68, 22. 3. 1971, p. 1.

⁽⁵⁾ OJ No L 38, 11. 2. 1974, p. 2.

⁽⁶⁾ ECE Geneva document E/ECE/324/Add. 11.

on grounds relating to the behaviour of the steering mechanism in the event of an impact if the latter meets the requirements laid down in Annexes I, II and III.

Article 4

A Member State which has granted approval to a vehicle type shall take the necessary measures to ensure that it is informed of any modification to any of the parts or characteristics referred to in Annex I, 2.2. The competent authorities of that Member State shall determine whether it is necessary to carry out fresh tests on a modified vehicle type and to prepare a new report. Where such tests reveal failure to comply with the requirements of this Directive, the modification shall not be granted EEC type-approval.

Article 5

Amendments which are necessary to adapt the requirements of Annexes I, II, III and IV to technical progress shall be adopted in accordance with the

procedure laid down in Article 13 of the Council Directive of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers.

Article 6

1. Member States shall put into force the provisions necessary to comply with this Directive within 18 months of its notification and shall immediately inform the Commission thereof.

2. Member States shall ensure that the texts of legislative provisions which they adopt in the area governed by this Directive are communicated to the Commission.

Article 7

This Directive is addressed to the Member States.

Done at Luxembourg, 4 June 1974.

For the Council

The President

H. D. GENSCHER

ANNEX I (*)

DEFINITIONS, APPLICATION FOR EEC TYPE-APPROVAL, EEC TYPE-APPROVAL, SPECIFICATIONS, TESTS, CONFORMITY OF PRODUCTION

(1.)

2. DEFINITIONS

For the purposes of this Directive,

- 2.1. 'Behaviour of the steering mechanism in the event of an impact' shall mean the behaviour of this mechanism under the effect of two types of force, i.e.:
 - 2.1.1. those resulting from a frontal collision which may produce displacement towards the rear of the steering column,
 - 2.1.2. those due to the inertia of the mass of the driver in the event of an impact against the steering column in a frontal collision.
- 2.2. 'Vehicle type' means a category of motor vehicles which do not differ in such essential respects as:
 - 2.2.1. the structure, dimensions, lines and constituent materials of that part of the vehicle forward of the steering control;
 - 2.2.2. the maximum permissible weight of the vehicle.
- 2.3. 'Steering control' means the steering device, usually the steering wheel, which is actuated by the driver.
- 2.4. 'Steering column' means the housing enclosing the steering shaft.
- 2.5. 'Steering shaft' means the component which transmits to the steering gear housing the torque applied to the steering control.
- 2.6. 'Steering mechanism' means the aggregate comprising the steering control, the steering column, the assembly accessories, the steering shaft, the steering gear housing, and all other components such as those designed to contribute to the absorption of energy in the event of impact against the steering wheel.
- 2.7. 'Forward control' means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length.

3. APPLICATION FOR EEC TYPE-APPROVAL

- 3.1. The application for EEC approval of a vehicle type shall be submitted by the manufacturer or by his representative.
- 3.2. It shall be accompanied by the undermentioned documents in triplicate and the following particulars:
 - 3.2.1. a detailed description of the vehicle type with respect to the structure, the dimensions, the lines and the constituent materials of that part of the vehicle forward of the steering control;
 - 3.2.2. drawings, on an appropriate scale and in sufficient detail, of the steering mechanism and of its attachment to the vehicle chassis and body; and

(*) The text of the Annexes is essentially the same, with the exception of item 2.1, as that of Regulation No 12 of the United Nations Economic Commission for Europe; in particular the subdivision of the sections is the same; where an item of Regulation No 12 has no corresponding item in these Annexes its number is shown for the record in brackets.

- 3.2.3. a technical description of the mechanism.
- 3.3. The following must be submitted to the technical service responsible for conducting the approval tests:
 - 3.3.1. a vehicle which is representative of the vehicle type to be approved, for the test referred to in item 5.1,
 - 3.3.2. at the manufacturer's discretion, either a second vehicle, or those parts of the vehicle regarded as essential for the test referred to in item 5.2.

4. EEC TYPE-APPROVAL

(4.1.)

(4.2.)

- 4.3. A form conforming to the model set out in Annex IV shall be attached to the EEC type-approval certificate.

(4.4.)

(4.5.)

(4.6.)

5. SPECIFICATIONS

- 5.1. When the unladen car without a dummy is collision-tested against a barrier at a speed of 48.3 km/h, the top of the steering column and its shaft shall not move backwards, horizontally and parallel to the longitudinal axis of the vehicle, by more than 12.7 cm in relation to a point of the vehicle not affected by the impact, the distance being determined by dynamic measurement.
- 5.2. When the steering control is struck by a body block released against this control at a relative speed of at least 24.1 km/h; the force exerted on the 'chest' of the body block by the steering control shall not exceed 1 111 daN.
 - 5.2.1. The steering control shall be so designed, constructed and fitted as not to comprise either any dangerous roughness or sharp edges likely to increase the danger or severity of injuries to the driver in the event of impact.
 - 5.2.2. The steering control shall be so designed, constructed and fitted as not to embody components or accessories, including the horn control and assembly accessories, capable of catching in the driver's clothing or jewellery in normal driving movements.

6. TESTS

Compliance with the requirements of item 5 shall be checked in accordance with the methods set out in Annexes II and III.

7. CONFORMITY OF PRODUCTION

(7.1.)

- 7.2. In order to verify conformity, a sufficient number of production vehicles shall be subjected to random checks.
- 7.3. As a general rule the checks as aforesaid shall be confined to the taking of measurements. However, if necessary, the vehicles shall be subjected to the test prescribed in item 5.

(8.)

(9.)

ANNEX II

FRONTAL IMPACT TEST AGAINST A BARRIER

1. PURPOSE

The purpose of this test is to verify whether the vehicle satisfies the requirements set forth in item 5.1 of Annex I.

2. INSTALLATIONS, PROCEDURES AND MEASURING INSTRUMENTS

2.1. Testing site

The test area must be large enough to accommodate the run-up track, barrier and technical installations necessary for the test. The last part of the track, for at least 5 m before the barrier must be horizontal, flat and stabilized.

2.2. Barrier

The barrier shall consist of a block of reinforced concrete at least 3 m wide, at least 1.5 m high and at least 0.6 m thick. The collision wall must be perpendicular to the last part of the run-up track and be covered with plywood 2 cm thick. At least 90 metric tons of earth must be banked up behind the concrete block. The concrete and earth barrier may be replaced by obstacles, having the same frontal area and producing equivalent results.

2.3. Propulsion of vehicle

At the moment of impact the vehicle must be moving freely as a result of its propulsion. It must reach the obstacle on a course perpendicular to the collision wall; the maximum lateral disalignment tolerated between the vertical median line of the front of the vehicle and the vertical median line of the collision wall is ± 30 cm.

2.4. State of vehicle

During the test, the vehicle must be fitted with all its normal parts and equipment. In addition, objects in the passenger compartment must not accidentally strike the steering wheel (tip-up driver's seat, rear seat cushion, etc.).

2.5. Speed

The speed at the time of impact must be between 48.3 km/h and 53.1 km/h.

2.6. Measuring instruments

2.6.1. The instrument used to record the measurements referred to in item 3.1 must have the following degrees of accuracy:

2.6.1.1. speed of vehicle: within 1/100,

2.6.1.2. time recording: within 1/1 000 second,

2.6.1.3. the beginning of the impact (zero point) at the moment of first contact of the vehicle with the obstacle, shall be reproduced on the recordings and films used for evaluating the test.

2.6.2. The distance referred to in item 3.1 must be measured to within ± 5 mm.

3. RESULTS

- 3.1. To determine the rearward movement of the steering control, a recording shall be made ⁽¹⁾, during the collision, of the variation in the distance — measured horizontally and parallel to the longitudinal axis of the vehicle — between the top of the steering column (and shaft) and a point on the vehicle which is not affected by the impact. If the speed measured is higher than the nominal speed of 48.3 km/h, this displacement shall be reduced to the corrected value appropriate to the nominal speed by multiplying it by the square of the ratio between this nominal speed and the speed measured.
- 3.2. After the test, the damage sustained by the vehicle shall be described in a written report; at least one photograph must be taken of each of the following views of the vehicle:
- 3.2.1. sides (right and left),
 - 3.2.2. front,
 - 3.2.3. bottom,
 - 3.2.4. affected area inside the passenger compartment.

4. EQUIVALENT TEST METHODS

Equivalent non-destructive test methods are permitted, provided that the results referred to in item 3 can be obtained either entirely by means of the substitute test, or by calculation from the results of the substitute test. If a method other than that described in items 2 and 3 is used, its equivalence must be demonstrated.

⁽¹⁾ This recording may be replaced by maximum and minimum measurements.

ANNEX III

TEST FOR ENERGY ABSORPTION CAPACITY IN THE EVENT OF IMPACT AGAINST
THE STEERING CONTROL

1. PURPOSE

The purpose of the test is to verify whether the vehicle meets the requirements set forth in item 5.2 of Annex I.

2. INSTALLATIONS, PROCEDURES AND MEASURING INSTRUMENTS

2.1. Mounting of the steering control

2.1.1. The control shall be mounted on the front section of the vehicle obtained by cutting the body transversely at the level of the front seats, and possibly eliminating the roof, wind-screen and doors. This section shall be fixed rigidly to the test bench, so that it does not move under the impact of the body block.

2.1.2. However, at the request of the manufacturer, the steering control may be mounted on a framework simulating the mounting of the steering mechanism, provided that as compared with the real 'front body section and steering' the 'framework and steering' assembly has:

2.1.2.1. the same geometrical lay-out,

2.1.2.2. a greater rigidity.

2.2. During the first test, the steering control shall be turned so that its most rigid spoke is perpendicular to the point of contact with the body block; if the steering control is a steering wheel, the test shall be repeated with the most flexible part of the steering wheel perpendicular to this point of contact. In the case of an adjustable steering control, both tests shall be made with the wheel adjusted to the middle position.

2.3. Body block

The body block shall have the shape, dimensions, weight and characteristics shown in the Appendix to this Annex.

2.4. Measurement of forces

2.4.1. Measurements shall be made of the maximum force, acting horizontally and parallel to the longitudinal axis of the vehicle, applied to the body block as a result of impact against the steering control.

2.4.2. This force may be measured directly or indirectly, or may be calculated from values measured during the test.

2.5. Propulsion of the body block

Any method of propulsion may be used, provided that when the body block strikes the steering control it is free from all connection with the propelling device. The body block must strike this control after an approximately straight trajectory, parallel to the longitudinal axis of the front section of the car. The initial contact of the body block with the steering control must take place at the point where contact will normally occur when a man weighing 75.3 kg and having a height of 1.73 m ⁽¹⁾, occupying the driver's seat of the vehicle (set at the most forward position), is thrown forward, parallel to the longitudinal axis of the vehicle until he touches the steering wheel.

2.6. Speed

The body block must strike the steering control at a speed of at least 24.1 km/h and as near to this speed as possible.

⁽¹⁾ These dimensions correspond to the 50th percentile body block with the specifications of the National Centre for Health Statistics, series 11, No 8, United States of America Centre for Health, Education and Welfare, 12 May 1967.

2.7. Measuring instruments

- 2.7.1. The instrument used to record the measurements referred to in item 3.2 below must have the following degrees of accuracy:
 - 2.7.1.1. speed of body block: within 2/100,
 - 2.7.1.2. time recording: within 1/1 000 second,
 - 2.7.1.3. the beginning of the impact (zero point) at the moment of first contact of the body block with the steering control shall be reproduced on the recordings and films used for evaluating the test,
 - 2.7.1.4. measurement of force: the measuring range shall be 3 920 daN. The force must be recorded without distortion for phenomena having frequencies up to 1 000 cycles, with an accuracy of 2.5 % of the maximum measuring range or ± 5 % of the real value,
 - 2.7.1.5. transverse sensitivity: below 5 % of the measuring range.

3. RESULTS

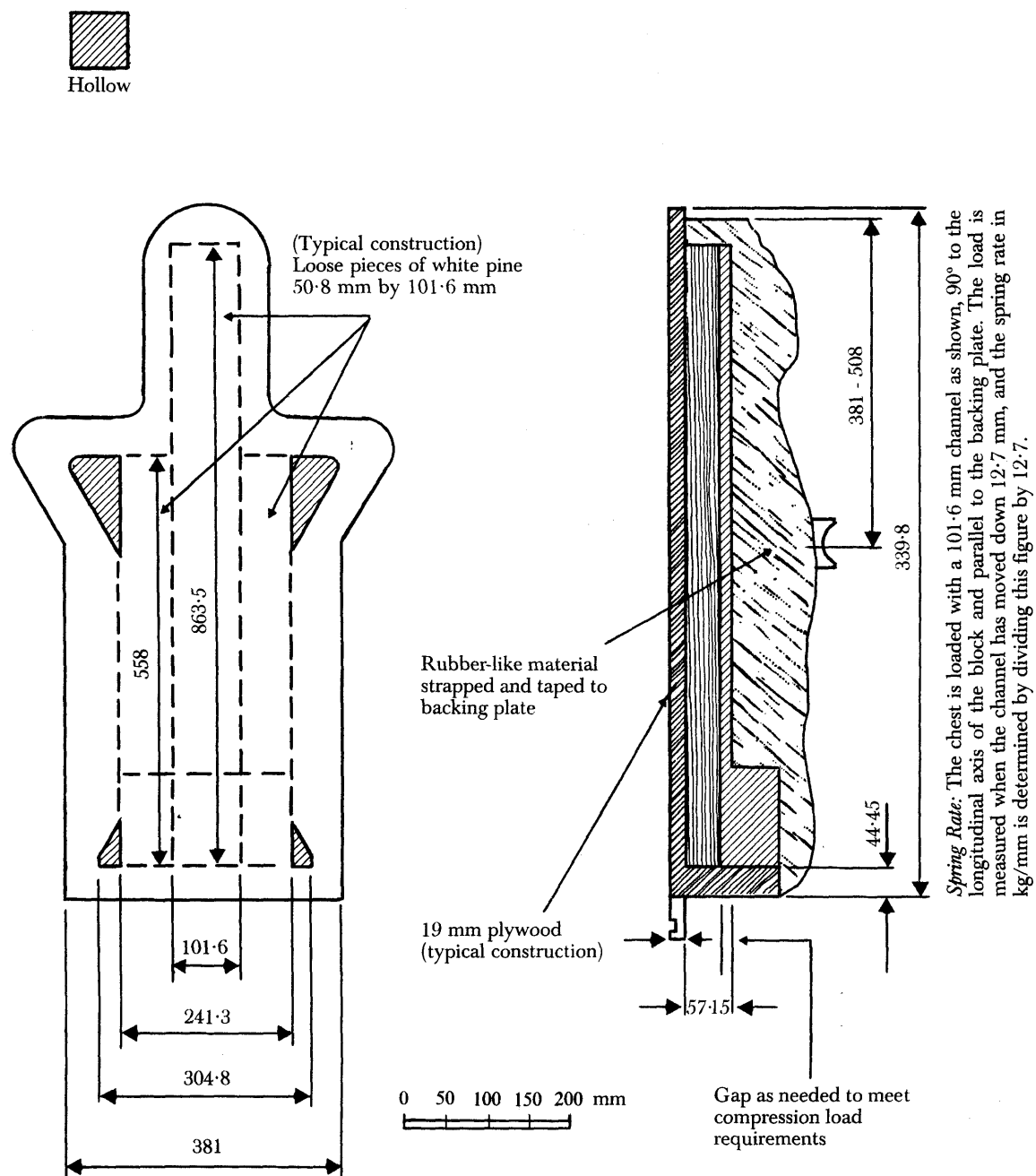
- 3.1. After the test, the damage sustained by the steering mechanism shall be ascertained and described in a written report; at least one side view and one front view of the 'steering control/steering column/instrument panel' area shall be photographed.
- 3.2. A recording shall be made, during the collision, of the total forces applied to the chest of the body block by the steering control, measured as described in item 2.7.

4. EQUIVALENT TEST METHODS

Equivalent non-destructive test methods are permitted, provided that the results referred to in item 3 can be obtained either entirely by means of the substitute test, or by calculation from the results of the substitute test. If a method other than that described in items 2 and 3 is used, its equivalence must be demonstrated.

Appendix to Annex III

BODY BLOCK



Body block, 34 to 36.3 kg. 50th percentile torso shape block, spring rate: 107 to 142 kg/cm.

ANNEX IV

Name of administration

Communication concerning the approval (or refusal or withdrawal of approval) of a vehicle type with regard to the behaviour of the steering mechanism in the event of an impact

Approval No:

1. Trade name or mark of the motor vehicle:
2. Vehicle type:
3. Manufacturer's name and address:
4. Where applicable, name and address of the manufacturer's representative:
.....
5. Brief description of the steering mechanism and the components of the vehicle affecting the behaviour of the steering mechanism in the event of an impact:
.....
6. Vehicle presented for approval on:
7. Technical service conducting approval tests:
8. Date of report issued by that service:
9. Number of report issued by that service:
10. Approval concerning the behaviour of the steering mechanism in the event of an impact shall be granted/refused/withdrawn ⁽¹⁾
11. Place:
12. Date:
13. Signature:
14. The following documents, bearing the approval number shown above, are annexed to this communication:

..... drawings, diagrams and plans of the steering mechanism;

..... photographs of the steering mechanism and other components affecting the behaviour of the steering mechanism in the event of an impact.

⁽¹⁾ Delete where inapplicable.