

Notice pursuant to Article 19 (3) of Council Regulation No 17 concerning Case No IV/E-3/35.876 — Scottish Nuclear Ltd/British Nuclear Fuels plc

(96/C 89/06)

(Text with EEA relevance)

1. On 22 December 1995, Scottish Nuclear Ltd (hereinafter SN) and British Nuclear Fuels plc (hereinafter BNFL), notified, pursuant to Article 4 of Council Regulation No 17 (¹), a series of agreements relating to the provision and management of fuel assemblies used in advanced gas cooled reactors (AGR).
2. SN is principally active in the generation of electricity in the United Kingdom. BNFL provides nuclear fuel and related services. BNFL is also involved in electricity generation.
3. The parties have notified two principal agreements, namely:
 - (i) an agreement for the supply of fuel for use in advanced gas cooled reactors, whereby BNFL agrees to supply SN with fuel assemblies for use in SN's AGR stations. This agreement expires on 31 March 2006, with extension at the option of SN;
 - (ii) an agreement for the storage and reprocessing of irradiated oxide fuel and related services and for the long-term storage of irradiated oxide fuel and related services, whereby BNFL agrees to store, dismantle and subsequently reprocess a specified quantity of AGR fuel assemblies provided by SN and store the resulting products and waste for defined periods. The final date for delivery of fuel to BNFL for reprocessing is to be 31 March 2006, with an option for SN to extend the final delivery date to 31 March 2009. Fuel assemblies for storage can be delivered over the lifetime of SNL's AGR stations.

There are a number of agreements which are ancillary to the principal agreements. These relate to:

flask maintenance and servicing, the manufacture of non-standard fuel assemblies, fuel design, storage services relating to uranics, storage of historic uranic residues and other miscellaneous services connected with the provision of fuel assemblies and services to AGR stations.

4. The market for the provision of fuel assemblies to AGRs and services relating to spent AGR fuel management is limited. The only AGRs in existence are in the United Kingdom. It is considered unlikely that further AGRs will be built.
5. In consideration of the aforementioned, the Commission intends to take a favourable position on the notified agreements.
6. However, before taking this position, the Commission invites interested third parties to send their observations within four weeks from the date of the notice, quoting reference 'IV/E-3/35.876 — Scottish Nuclear Ltd/British Nuclear Fuels plc' to:

Commission of the European Communities,
Directorate-General for Competition,
Directorate E,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

(¹) OJ No 13, 21. 2. 1962, p. 204/62.