



# The ASN oversight policy

ASN exercises its oversight by using, in a way that is complementary and adapted to each situation, the regulatory framework and licensing decisions, inspections, and if necessary, enforcement measures, to ensure optimal control over the risks that nuclear activities represent for people and the environment.

The oversight is based on in-depth **technical discussions** with those responsible for the activities, taking the organisational factors into account. Its integrated approach takes into account all the aspects of protection of people and the environment. The **stakeholders** contribute to it.

The oversight aims first and foremost at ensuring that the persons or entities responsible for activities effectively meet their obligations. The oversight cannot be exhaustive.

It is ASN's responsibility to define the **architecture of the oversight system**, to implement it and to upgrade it regularly as required.

It is ASN's duty to strive for greater **effectiveness** and to focus its oversight on the actions that produce the greatest benefit for the protection of people and the environment.

It is incumbent on ASN to identify and regularly reassess the oversight **priorities**, by using its skills and field knowledge to the full, particularly through its inspections and the lessons learned from incidents and accidents. The issues are defined with regard to the intrinsic risks the activities present for people and the environment, and the behaviour of those responsible for the activities and the means they deploy to control them. The legitimacy and credibility of ASN's oversight actions depend on the **coherence** of its work methods, not on uniformity of oversight.

ASN must increase its oversight in the priority areas, whether this concerns a type of activity, a particular industrial, medical or research facility, or a technical subject. Conversely, in low-risk areas or situations it considers positive for the protection of people and the environment, ASN must be capable of reducing its oversight and explaining why it is doing so.

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These general guidelines are detailed below for the regulatory supervision and the licensing decisions, inspections and enforcement measures. More generally, all ASN actions (technical examinations, opinions, experience feedback, etc.) are subject to the same general guidelines, whether they are legally binding or simply fall within ASN's power of incentive.

- > **Regulate nuclear activities with respect to the risks**
- > **Inspect while stepping up the graded approach**
- > **Judiciously implement enforcement actions or sanctions**

## Regulate nuclear activities with respect to the risks

It is ASN's duty to take into account the risks for the protection of people and the environment in order to set the rules applicable to nuclear activities, by choosing the most appropriate channels. These rules can take several forms: general or individual regulations, ASN guides, professional guides, or even in-house reference documents of the inspected organisations.

The effectiveness of its regulatory and prescriptive supervision is assessed through the benefits it produces for the protection of people and the environment. This implies applicability, relevance, clarity and conciseness. The supervision must be developed in collaboration with the stakeholders, especially those responsible for activities and who will put it into practice. Its implementation must be accompanied by advisory measures.

The general regulations are firstly objective-based regulations. They are adapted to the sectors regulated. For the development of the general regulations, ASN must take into account experience feedback from the application

of regulatory provisions or previous baseline requirements, and its knowledge of regulatory, technical and scientific practices in other areas at European and international level.

The regulatory supervision is also applied individually. The ASN licensing decisions, including authorisation resolutions, result from a technical examination that is appropriate for the issues, coordinated by ASN and carried out with technical support if necessary, notably from IRSN. ASN can adopt individual prescriptions, for example to render enforceable essential requirements specific to the facility or activity or to impose measures in the event of disagreement with the person or entity responsible for an activity.

The ASN opinions and guides explain the regulatory objectives and, where applicable, describe the practices that are considered to be satisfactory. In addition to this, ASN encourages the preparation of professional guides. All or part of the content of such guides can form the subject of an ASN opinion.

## Inspect while stepping up the graded approach

The inspection aims at verifying compliance with the provisions imposed on the application by the regulations. It also aims at assessing the situation in view of the nuclear safety and radiation protection risks; it serves to identify

the good practices and those that can be improved and to assess the possible developments of the situation. The inspection follow-ups are defined consistently with these objectives.

The inspections, whether announced, unannounced or subsequent to an event, are not intended to be exhaustive. Their extent and depth must be **adapted** according to the intrinsic risks of the activity and the way they are effectively taken into account by those responsible for activities.

The **graded approach** therefore requires defining the points of the ASN inspection which cannot be omitted, being capable of assessing the situation and orienting the inspection accordingly.

The inspection programme takes into account more specifically the results of the past inspections and the assessment of the risks of the activities ASN oversees, which can lead to the implementation of tightened monitoring systems or, on the contrary, alleviated inspection programmes. The establishments to inspect can also be identified by other means such as sector-based surveys.

The ASN inspections can be supplemented by verifications conducted off-site or delegated to third-party organisations.

## Judiciously implement enforcement actions or sanctions

The protection of people and the environment is based in particular on implementing, within satisfactory time frames, the corrective actions necessary to remedy the nonconformities observed in particular during the inspections or further to incidents or accidents.

The implementation of means of enforcement or sanctions must be assessed in consideration of the **significance of the actual or potential consequences** and the **attitude –proactive or not–** of those responsible for the activities, applying an approach that combines dialogue, incentive, enforcement and sanctions.

Whatever the case, when faced with a nonconformity, it is ASN's duty to consider, as a matter of course, the **appropriateness** of resorting to means of enforcement or sanctions –which can be administrative or criminal– on the basis of the enforceable requirements. In cases where these requirements prove to be insufficiently precise, ASN can issue additional prescriptions.

Particular attention must be paid to the rigour of its enforcement or sanction procedures, to their legal security and to the respect of the rights of the persons involved.

**Judicious recourse** to enforcement or sanction measures, by adopting the best means of restoring the conformity and by accompanying this with appropriate information, increases the effectiveness of ASN's oversight action.