

**THE 2006 PROGRAMME ACT
ON THE SUSTAINABLE MANAGEMENT OF
RADIOACTIVE MATERIALS AND WASTES**

Final Text as adopted by :

- *The National Assembly on 12 April 2006 (First Reading)*
- *The Senate on 31 May 2006 (First Reading)*
- *The National Assembly on 15 June 2006 (Second and Definitive Reading)*

TITLE I

NATIONAL POLICY FOR THE
MANAGEMENT OF
RADIOACTIVE MATERIALS AND WASTES**Article 1**

The heading of Chapter II of Title IV of Book V of the Environmental Code is drafted as follows: 'Specific provisions relating to the sustainable management of radioactive materials and wastes'.

Article 2

Article L542-1 of the Environmental Code is drafted as follows:

'Art. L542-1. – Radioactive materials and wastes of whatever nature, resulting in particular from the operation or dismantling of installations using radioactive sources or materials, are managed sustainably with due regard for the protection of personal health, safety, and the environment.

'To avert or limit the burden that will be borne by future generations, research is undertaken and the necessary means for the definitive securing of radioactive wastes are implemented.'

Producers of spent fuels and radioactive wastes are responsible for these substances, without prejudice to the responsibility their holders have as nuclear activity operators.

Article 3

To manage, in compliance with the principles set forth in Article L542-1 of the Environmental Code, intermediate- or high-level long-lived radioactive wastes, the research and studies on these wastes are pursued according to the three following complementary strands:

1) Separation and transmutation of long-lived radioactive elements. The corresponding studies and research are conducted in relation with those performed on the new generations

of nuclear reactors mentioned in Article 5 of the Programme Act no. 2005-781 of 13 July 2005 fixing the guidelines of the energy policy and those performed on accelerator-driven reactors devoted to waste transmutation, so that an assessment can be made in 2012 of the industrial prospects of these reactor types and a prototype installation set in operation before 31 December 2020;

2) Reversible disposal in deep geological formations. The corresponding studies and research are performed in order to choose a site and design a disposal centre so that, on the basis of the results of the studies undertaken, an application for its authorisation can be made in 2015 pursuant to Article L542-10-1 of the Environmental Code and, subject to said authorisation, the centre can be set in operation in 2025;

3) Storage. The corresponding studies and research are performed in order, at the latest in 2015, to create new storage installations or modify existing ones to meet the needs, in particular in terms of capacity and lifespan, identified by the plan set forth in Article L542-1-2 of the Environmental Code.

Article 4

To manage, with due regard for the principles set forth in Article L542-1 of the Environmental Code, radioactive materials and wastes other than those mentioned in Article 3 of this Act, a research and studies programme is created with the following aims:

1) Development of disposal solutions for graphite wastes and radium-containing wastes, so that the corresponding disposal centre can be set in operation in 2013;

2) Development by 2008 of storage solutions for tritium-containing wastes allowing a reduction of their radioactivity before disposal at the surface or at a low depth;

3) Finalisation by 2008 of processes allowing the disposal of spent sealed sources at existing or to-be-built centres;

4) An appraisal in 2009 of the short- and

long-term management solutions for wastes with enhanced natural radioactivity, proposing new solutions, if applicable;

5) An appraisal in 2008 of the long-term impact of the disposal sites of uranium mining wastes and implementation of a strengthened radiological surveillance plan at these sites.

Article 5

After Article L542-1 of the Environmental Code, an Article L542-1-1 is inserted, drafted as follows:

'Art. L542-1-1. – This chapter applies to radioactive substances resulting from an activity such as mentioned in Article L1333-1 of the Public Health Code or from a comparable activity exercised abroad as well as from a company such as mentioned in Article L1333-10 of said code or from a comparable company located abroad.

'A radioactive substance is a substance containing natural or artificial radionuclides, whose activity or concentration justifies radiation protection control.

'A radioactive material is a radioactive substance for which a subsequent use is planned or envisaged, where applicable after treatment.

'A nuclear fuel is regarded as a spent fuel when, after irradiation in a reactor core, it is definitively removed from it.

'Radioactive wastes are radioactive substances for which no subsequent use is planned or envisaged.

'Ultimate radioactive wastes are radioactive wastes that can no longer be treated in the technical and economic conditions of the time, particularly by extracting their exploitable content or by reducing their polluting or dangerous nature.

'The storage of radioactive materials or wastes is the operation consisting in placing these substances temporarily in a specially laid

out installation at the surface or at a low depth, pending their retrieval.

'The disposal of radioactive wastes is the operation consisting in placing these substances in an installation specially laid out to guard them in a potentially definitive manner with due regard for the interests mentioned in Article L542-1.

'The disposal of radioactive wastes in deep geological formations is the disposal of these substances in a specially laid out underground installation, with due regard for the reversibility principle.'

Article 6

I. – After Article L542-1 of the Environmental Code, an Article L542-1-2 is inserted, drafted as follows:

'Art. L542-1-2. I. – A national plan for the management of radioactive materials and wastes appraises the existing management modes of radioactive materials and wastes, identifies the foreseeable needs for storage or disposal installations, states the necessary capacities for these installations and the storage timeframes and, for radioactive wastes which are not yet the subject of a definitive management mode, determines the aims to be reached.

'In accordance with the guidelines defined in Articles 3 and 4 of the programme Act no. of on the sustainable management of radioactive materials and wastes, the national plan organises the implementation of research and studies on the management of radioactive materials and wastes by setting dates for the implementation of new management modes and the creation of installations or the modification of existing ones so as to meet the needs and aims defined in the first paragraph.

'The plan comprises, in an appendix, a summary of achievements and research conducted in foreign countries.

II. – The national plan and the decree establishing its stipulations comply with the

following guidelines:

'1) Reduction of the quantity and toxicity of radioactive wastes is sought in particular by treating spent fuels and by treating and conditioning radioactive wastes;

'2) Radioactive materials awaiting treatment and ultimate radioactive wastes awaiting disposal are stored in specially laid out installations;

'3) After storage, ultimate radioactive wastes, which cannot for nuclear safety or radiation protection reasons be disposed of at the surface or at a low depth, are disposed of in deep geological formations.

'III. – The national plan is established and updated every three years by the Government. It is transmitted to Parliament which brings it before the Parliamentary Office for Science and Technology Assessment for assessment, and disclosed.

'IV. – The decisions taken by the administrative authorities, especially the authorisations mentioned in Article L1333-4 of the Public Health Code, must be compatible with the stipulations of the decree set forth in II of this article.'

II. – The national plan set forth in Article L542-1-2 of the Environmental Code shall be drawn up for the first time before 31 December 2006.

Article 7

Owners of intermediate-level long-lived wastes produced before 2015 shall condition them at the latest by 2030.

Article 8

I. – Article L542-2 of the Environmental Code is drafted as follows:

'Art. L542-2. – The disposal in France of radioactive wastes from abroad and that of radioactive wastes resulting from the treatment of spent fuels and of radioactive wastes from abroad is forbidden.'

II. – After Article L542-2 of the same code, two Articles L542-2-1 and L542-2-2 are inserted, drafted as follows:

'Art. L542-2-1. – I. - Spent fuels or radioactive wastes cannot be introduced into the national territory, save for treatment, research purposes or transfer between foreign States.

'Their introduction for treatment can be authorised only as part of intergovernmental agreements and provided the radioactive wastes resulting after the treatment of these substances are not stored in France beyond a date set by said agreements. The agreement states the estimated periods for the reception and treatment of these substances and, where applicable, the prospects for the subsequent use of radioactive materials separated during treatment.

'The text of the intergovernmental agreements is published in the *Journal Officiel*.

'II. – The operators of treatment and research installations establish, update and make available to the supervisory authority information on operations on spent fuels or radioactive wastes from abroad. They transmit each year to the minister for energy a report comprising the inventory they hold of spent fuels and radioactive wastes from abroad as well as of the radioactive materials and wastes resulting from them after treatment. The report also comprises information on the forecasts relating to this type of operations. This report is disclosed.

'Art. L542-2-2. - I. – Ignorance of the stipulations of Articles L542-2 and L542-2-1 is observed in accordance with Article L541-45, by the officers and agents mentioned in points 1, 3, 6 and 8 of Article L541-44 as well as by the nuclear safety inspectors and by sworn officials and agents empowered for this purpose by the minister for energy.

'II. – Ignorance of the stipulations of Article L542-2 and of I of Article L542-2-1 is punished by the penalties set forth in Article L541-46. In addition, without prejudice to the application of the sanctions set forth in the eighth point of said article, the administrative authority can issue a financial penalty at the most equal to a fifth of the income obtained from

illegally performed operations, within the limit of ten million euros. The decision ordering the penalty is published in the *Journal Officiel*.

'In the event of non-observance of the obligations defined in II of Article L542-2-1, the administrative authority can issue a financial penalty at most equal to 150,000 €.

'The sums are collected as State debts separate from taxes and state property.

'These penalties can be the subject of administrative-law action.'

Article 9

I. – Article L542-3 of the Environmental Code is amended as follows:

1) I to V are repealed;

2) The first paragraph of VI is replaced by two paragraphs drafted as follows:

'A national commission is tasked with evaluating, annually, the progress of research and studies on the management of radioactive materials and wastes with reference to the guidelines laid down by the national plan set forth in Article L542-1-2

. This evaluation gives rise to an annual report which also gives an account of the research performed abroad. The report is transmitted to Parliament, which brings it before the Parliamentary Office for Science and Technology Assessment, and disclosed.

'The commission is composed of the following members appointed for six years:'

3) In point 2 of the same VI, the words: 'on the proposal of the higher board for nuclear safety and disclosure thereon (CSSIN)' are replaced by the words: 'on the proposal of the Human Sciences Academy (ASMP)';

4) In the last paragraph of the same VI, after the words: 'scientific experts' are inserted the words: 'including at least one international expert';

5) The same VI is completed by five paragraphs drafted as follows :

'The mandate of the commission members is renewable once.

'The commission is half renewed every three years. For the initial constitution of the commission, the mandate of six of its members, appointed by a random draw, is set at three years.

'The commission chairman is elected by the commission members at the time of each three-year renewal.

'Commission members exercise their duties entirely impartially. They cannot directly or indirectly exercise duties or receive fees within or from bodies assessed and from companies or establishments producing or holding wastes.

'Research bodies supply the commission with any document necessary for its mission.'

II. – The national commission mentioned in Article L542-3 of the Environmental Code shall draw up its first report before 30 June 2007.

Article 10

The High Committee for Transparency and Information on Nuclear Safety (HCTISN), created by Article 7 of Act no. 2006-686 of June 13 2006 on transparency and safety in the nuclear field, organises periodically consultations and debates on the sustainable management of radioactive nuclear materials and wastes.

TITLE II

ORGANISATION AND FUNDING OF THE MANAGEMENT OF RADIOACTIVE MATERIALS AND WASTES

Article 11

In Article L542-6 of the Environmental Code, the words: 'of the laboratories' are replaced by the words 'of an underground laboratory or of a disposal centre in a deep geological formation.'

Article 12

After Article L542-10 of the Environmental Code, an Article L542-10-1 is inserted, drafted as follows:

'Art. L542-10-1. – A radioactive wastes disposal centre in a deep geological formation is a basic nuclear installation (INB).

'In derogation from the rules applying to other basic nuclear installations:

'– the application for authorisation to create a centre must concern a geological formation that has been the subject of studies in an underground laboratory;

' – the filing of the authorisation application to create a centre is preceded by a public debate in accordance with Article L121-1, on the basis of a file drawn up by the National Radioactive Wastes Management Agency created in Article L542-12,

'– the application for authorisation to create a centre gives rise to: a report by the national commission mentioned in Article L542-3; an opinion by the Nuclear Safety Authority; and the collection of the opinion of the territorial authorities located entirely or partly in a consultation zone defined by decree;

' – the application is transmitted, along with the record of the public debate, the report of the national commission mentioned in Article L542-3 and the opinion by the Nuclear Safety Authority, to the Parliamentary Office for Science and Technology Assessment which assesses it and reports on its work to the competent committees of the National Assembly and of the Senate;

'– The Government then presents a bill laying down the reversibility conditions.

' – After enactment of this Act, authorisation for the creation of a centre can then be issued by a State Council decree adopted after a public inquiry.

'– No authorisation can be granted to create a disposal centre in a deep geological formation that does not guarantee reversibility

in the manner laid down by this Act.

'During the examination of the authorisation application to create a centre, the safety of the centre is appreciated with regard to the various steps of its management, including final closure. Only an Act can authorise the latter. The authorisation sets the minimum time during which, as a precautionary measure, disposal must be reversible. This period cannot be less than one hundred years.

'The stipulations of Articles L542-8 and L542-9 apply to the creation authorisation.'

Article 13

Article L542-11 of the Environmental Code is drafted as follows:

'Art. L542-11. – In any département in the territory of which is located all or part of the precincts of an underground laboratory or of a disposal centre in a deep geological formation, a public interest group is set up to :

1) Manage equipment that promotes and facilitates the installation and operation of the laboratory or of the disposal centre.

2) Conduct, within the limits of its département, territoryl planning and economic development actions, especially in the zone close - whose precincts are defined by decree adopted after consultation with the general councils concerned - to the underground laboratory or the disposal centre.

3) Support training programmes and the development, mobilisation and dissemination of scientific and technological knowledge, especially in the fields studied at the underground laboratory and in new energy technologies.

'Apart from the State and the holder of the authorisations set forth in Articles L542-7 or L542-10-1, the region, département, communes or inter-commune groupings entirely or partly located in the close zone mentioned in 2) are entitled as of right to join the public interest group.

'Ex officio members of the public interest group may decide that communes or inter-

commune groupings situated in the same département and outside the close zone defined in 2) can join it, insofar as these communes or groupings justify they are indeed concerned by the daily life of the laboratory or of the disposal centre.

'The stipulations of Articles L341-2 to L341-4 of the Research Code apply to said public interest group.

'To fund the actions mentioned in 1) and 2) of the present article, the group receives part of the revenue of the so-called 'Economic development' additional tax to the tax on basic nuclear installations set forth in V of Article 43 of the Finance Act for 2000 (no. 99-1172 of 30 December 1999) to which it can, for the fiscal years 2007 to 2016, add a fraction, within the limit of 80%, of the part of the revenue of the so-called 'technology diffusion' additional tax to the tax on basic nuclear installations for which it qualifies. To fund the actions mentioned in 3) of the present article, the group receives part of the revenue of the so-called 'technology diffusion' additional tax to which it can, for the fiscal years 2007 to 2016, add a fraction, within the limit of 80%, of the part of the revenue of the so-called 'Economic development' additional tax.

'Persons owing this tax publish an annual report on the economic activities they pursue in the départements mentioned in the first paragraph of this article.'

Article 14

Points 1 to 5 of Article L542-12 of the Environmental Code are replaced by eleven paragraphs, drafted as follows:

'1) Establishing, updating every three years and publishing an inventory of radioactive materials and wastes present in France as well as their location in the national territory, the wastes mentioned in Article L542-2-1 being listed per country;

'2) Conducting or having conducted, in accordance with the national plan set forth in Article L542-1-2, research and studies on storage and disposal in deep geological formations and coordinating this work;

'3) Contributing, in the manner defined in the next to last paragraph of this article, to the assessment of the costs relating to the implementation of long-term management solutions for intermediate- and high-level long-lived radioactive wastes, depending on their nature;

'4) Laying down, in compliance with nuclear safety rules, the specifications for the disposal of radioactive wastes and giving the competent administrative authorities an opinion on the specifications for conditioning wastes;

'5) Designing, installing, building and managing radioactive waste storage or disposal centres, bearing in mind the long-term prospects regarding the production and management of these wastes, and conducting any studies required for this purpose;

'6) Collecting, transporting and taking charge of radioactive wastes and the reclamation of radioactively polluted sites on request and at the expense of those responsible for them or following a public injunction when those responsible for these wastes are in default;

'7) Disclosing information to the public on the management of radioactive wastes and participating in the dissemination of scientific and technological culture in this field;

'8) Disseminating its know-how abroad.

'The agency can obtain the reimbursement of the costs incurred in managing radioactive wastes taken charge of following a public injunction order against those responsible if they are identified or return to better fortune.

'The agency proposes to the minister for energy an assessment of the costs relating to the implementation of long-term management solutions for intermediate- and high-level long-lived radioactive wastes depending on their nature. After gathering the remarks of those liable for the additional taxes mentioned in V of Article 43 of the Finance Act for 2000 (n° 99-1172 of 30 December 1999) and the opinion of the Nuclear Safety Authority, the minister for energy finalises the assessment of these costs

and discloses it.

'The agency can conduct, with any interested person, joint actions to inform the public and disseminate scientific and technological culture.'

Article 15

After Article L542-12 of the Environmental Code, an Article L542-12-1 is inserted, drafted as follows:

'Art. L542-12-1. – Within the National Radioactive Wastes Management Agency a fund is set up to finance research and studies on radioactive waste storage and disposal in deep geological formations. The operations of this fund are the subject of separate accounting itemising its revenue and expenditure within the agency budget. The fund is fed by the revenue of the so-called additional 'research' tax to the tax on basic nuclear installations set forth in V of Article 43 of the Finance Act for 2000 (no. 99-1172 of 30 December 1999).

'The agency receives a State subsidy which contributes to funding the general interest missions entrusted to it pursuant to the stipulations of points 1 and 6 of Article L542-12.'

Article 16

After Article L542-12 of the Environmental Code, an Article L542-12-2 is inserted, drafted as follows:

'Art. L542-12-2. – Within the National Radioactive Wastes Management Agency a fund is set up to finance the construction, operation, final closure, maintenance, and monitoring of intermediate- or high-level long-lived waste storage or disposal installations built or operated by the agency. The operations of this fund are the subject of separate accounting itemising its revenue and expenditure within the agency budget. The fund is fed by contributions paid by basic nuclear installation operators. These contributions are defined by agreements.

'If the administrative authority observes that the implementation of the stipulations of

Article 20 of Programme Act no. of on the sustainable management of radioactive materials and wastes is likely to be hindered, it can oblige, where necessary on pain of a penalty payment, the operator of a basic nuclear installation to pay to the fund the sums necessary to cover the costs mentioned in I of the same Article 20.'

Article 17

State subsidies to bodies participating in the research mentioned in point 1 of Article 3 are completed by the contributions by the operators of basic nuclear installations. These contributions are defined by agreement between these bodies and said operators.

Article 18

Article L542-13 of the Environmental Code is modified as follows:

1) The first paragraph is drafted as follows:

'At each underground laboratory, a Local Information and Follow-up Committee (CLIS) is created. It is tasked with a general mission relating to follow-up, disclosure and concertation as regards research on the management of radioactive wastes and, in particular, on disposal of these wastes in deep geological formations.'

2) The second and third paragraphs are drafted as follows:

'This committee includes: State representatives, two deputies and two senators appointed by their respective Assembly; councilors from territorial authorities consulted on the occasion of the public enquiry or concerned by the preliminary research work laid down in Article L542-6; representatives of environmental protection associations, of agricultural unions, of professional organisations, of representative trade union organisations of employees and of medical professions; qualified personalities; and also the holder of the authorisation set forth in Article L542-10-1.

The committee may have legal personality with the status of an association. It is chaired

by one of its members, a national or local elected representative who is appointed by joint decision of the presidents of general councils of the départements where the precincts of the laboratory are situated.’;

3) In the last sentence of the fourth paragraph, the words : ‘of evaluation’ are deleted;

4) The last sentence of the fourth paragraph is completed with the words: ‘and to the High Committee for Transparency and Information on Nuclear Safety (HCTISN), created by Article 23 of Act no.2006-686 of June 13 2006 on transparency and safety in the nuclear field.’;

5) The fourth paragraph is completed with a sentence drafted as follows:

‘The national commission presents each year to the Local Information and Follow-up Committee its evaluation report on progress in research in the three strands of research defined by Article 3 of Programme Act no. of on the sustainable management of radioactive materials and wastes.’;

6) After the fourth paragraph, a paragraph is inserted drafted as follows:

‘The Local Information and Follow-up Committee and the High Committee for Transparency and Information on Nuclear Safety created by Article 23 of Act no. 2006-686 of June 13 2006 quoted above, send each other all useful information for the exercise of their missions and contribute to joint information actions.’;

7) After the word: ‘is’, the end of the last paragraph is drafted as follows: ‘funded equally by State subsidies and subsidies from companies engaging in the disposal of radioactive wastes in deep geological formations.’

Article 19

The last paragraph of Article L515-7 of the Environmental Code is drafted as follows:

‘The stipulations of this article do not apply to the disposal of radioactive wastes.’

Article 20

I. – Operators of basic nuclear installations assess prudently the costs of dismantling their installations or, for their radioactive waste disposal installations, the costs of their final closure, maintenance and monitoring. They assess in the same manner, by taking in particular into account the evaluation laid down by Article L542-12 of the Environmental Code, the management costs of their spent fuels and radioactive wastes.

II. – Operators of basic nuclear installations establish reserves to cover the costs mentioned in I and earmark the necessary assets for the exclusive coverage of these reserves.

They account separately for these assets which must present a sufficient degree of security and liquidity to meet their purpose. Their realisable value is at least equal to the amount of the reserves mentioned in the first paragraph of this II, excluding the reserves tied to the operation cycle.

Except where the State wields its powers to get operators to respect their obligations to dismantle their installations and manage their spent fuels and radioactive wastes, nobody can claim to have a right over the assets mentioned in the first paragraph of this II, including on the basis of book VI of the Commercial Code.

III. – Operators transmit every three years to the administrative authority a report describing the assessment of the costs mentioned in I, the methods applied for the calculation of the reserves covering these costs and the choices adopted with regard to the composition and management of the assets earmarked to cover the reserves. Every year they transmit to the administrative authority a note updating this report and inform it without delay of any event likely to modify its content. On its request, they transmit to the administrative authority a copy of all the accounting documents or vouchers.

If the administrative authority finds an insufficiency or an inadequacy in the assessment of the costs, calculation of the reserves or the amount, composition or management of the assets earmarked for these reserves, it can, after

hearing the operator, prescribe the necessary measures for the operator to regularise his situation while setting the time period in which he must implement these measures.

If these requirements are not met in the allocated time, the administrative authority can order, on pain of a penalty payment, the constitution of the necessary assets as well as any measure relating to their management.

Operators transmit at the latest one year from the publication of this Act their first triennial report mentioned in the first paragraph of this III. This first report comprises, in addition to the elements mentioned in the first paragraph of this III, a plan for constituting the assets defined in II of this article.

Operators implement the assets constitution plan at the latest five years from the publication of this Act.

IV. – A national financial evaluation commission is created to assess the funding of the costs in dismantling basic nuclear installations and managing spent fuels and radioactive wastes.

The commission assesses the monitoring of whether the reserves set forth in II are adequate for the costs mentioned in I and whether the management of the assets set forth in II is adequate. It also assesses the management of the funds mentioned in Articles L542-12-1 and L542-12-2 of the Environmental Code.

It can, at any time, send to Parliament and to the Government opinions on issues within its competence. Its opinions may be disclosed. It transmits to Parliament and to the High Committee for Transparency and Information on Nuclear Safety created by Article 20 of Act no. 2006-686 of June 13 2006 on transparency and safety in the nuclear field, every three years, a report presenting the assessment mentioned in the previous paragraph. This report is disclosed.

The commission is made up of :

1) Chairmen of the National Assembly and Senate committees responsible for energy or tasked with finance, or the representatives

thereof;

2) Four qualified personalities appointed half by the National Assembly and half by the Senate.

3) Four qualified personalities appointed by the Government.

The qualified personalities are appointed for six years.

The commission is sent the reports mentioned in III. It may ask operators to send any documents it needs to accomplish its tasks. It may hear the administrative authority mentioned in III.

The commission hands in its first report at the latest two years from the publication of this Act.

Throughout their term of office, the qualified personalities members of the commission do not take any public stance on issues within its competence. Throughout and after their term of office, commission members are bound by professional secrecy as regards the facts, acts and information that may have come to their knowledge by reason of their office.

Commission members cannot, directly or indirectly, exercise duties at or receive fees from operators of basic nuclear installations or from other energy sector companies.

V. – A decree determines, where required, the manner and method of application of this article, and especially, in compliance with applicable accounting standards, the method of assessing the costs mentioned in I and of calculating the reserves set forth in II, as well as the information which operators are obliged to disclose and the related disclosure rules.

This article, except for the stipulations of I, does not apply to basic nuclear installations operated directly by the State. Persons no longer operating basic nuclear operations are likened, for the application of the stipulations of this article relative to the management of their spent fuels and radioactive wastes, to the operators of such installations.

Article 21

I. – Article 43 of the Finance Act for 2000 (no. 99-1172 of 30 December 1999) is completed by a V, drafted as follows:

'V. – Three additional taxes to the tax on basic nuclear installations are created. The amount of these additional taxes, known respectively as 'research', 'economic development', and 'technology diffusion' additional taxes, is determined, according to each type of installation, by applying a multiplier to a lump sum. The multipliers are determined by a State Council decree, after obtaining the opinions of the general councils concerned and of the public interest groups defined in Article L542-11 of the Environmental Code with regard to the so-called 'Economic development' and 'technology diffusion' taxes, within the limits stated in the table below and according to funding requirements, in terms of the quantities and toxicity of the packages of radioactive wastes produced and to be produced that cannot be disposed of at the surface or at a low depth, which each category of installations may produce.

Category	Lump sum Wastes (million €)	Research multiplier	Economic development multiplier	Technology diffusion multiplier
Energy producing nuclear reactors other than those devoted mainly to research (per reactor)	0,28	[0,5 – 5]	[0,6 – 2]	[0,6 – 1]
Energy producing nuclear reactors devoted mainly to research (per reactor)	0,25	[0,5 – 5]	[0,6 – 2]	[0,6 – 1]
Other nuclear reactors	0,25	[0,5 – 5]	[0,6 – 2]	[0,6 – 1]
Nuclear spent fuel reprocessing plants	0,25	[0,5 – 5]	[0,6 – 2]	[0,6 – 1]

'The additional taxes are collected in the same manner and on pain of the same penalty payments as the tax on basic nuclear installations.

'After deduction of the collection costs set at 1% of the sums collected, the revenue of the so-called 'research' additional tax is paid to the National Radioactive Waste Management Agency.

'After deduction of the collection costs set at 1% of the sums collected, the revenue of the so-called 'Economic development' additional tax is shared, equally, in a number of shares equal to the number of départements mentioned in Article L542-11 of the Environmental Code. A fraction of each of these shares, determined by a State Council decree within the limit of 20% of the share, is paid by the public interest groups mentioned in the same Article L542-11, in proportion to their population, to the 'communes' of the département of which part of the territory is located less than ten kilometres from the main access to the underground installations of an underground laboratory mentioned in Article L542-4 of the same code or from a disposal centre in a deep geological formation mentioned in Article L542-10-1 of the same code. The balance of each of these shares is paid to the public interest group mentioned in Article L542-11 of the same code.

'After deduction of the collection costs set at 1% of the sums collected, the revenue of the so-called 'technology diffusion' tax is paid, equally among them, to the public interest groups mentioned in Article L542-11 of the same code.'

II. – The stipulations of I apply from 1 January 2007.

TITLE III CONTROLS AND SANCTIONS

Article 22

Any person responsible for nuclear activities and any company mentioned in Article L1333 10 of the Public Health Code is obliged to establish, keep up-to-date and make available to the administrative authority and, for matters within its competence, to the National Radioac-

tive Waste Management Agency, the necessary information to implement and monitor the stipulations of this Act.

Without prejudice to the provisions of III of Article 20, a Council of State decree specifies which information is to be transmitted periodically to the administrative authority or to the National Radioactive Waste Management Agency.

Article 23

Should an operator of a basic nuclear installation fail to comply with the obligations defined in I and II of Article 20, the administrative authority can, without prejudice to the measures set forth in III of the same article, issue a pecuniary penalty not in excess of 5% of

the difference between the amount of the assets constituted by the operator of a basic nuclear installation and that stipulated by the administrative authority. The penalty decision is published in the *Journal Officiel*.

Should a failure to comply with the disclosure obligations set forth in III in Article 20 and in Article 22 arise, the administrative authority can issue a pecuniary penalty of 150,000 € at most.

The sums are collected as government debt unconnected with tax or State property.

The penalties set forth in this article can be the subject of an administrative-law action.

*

Legislative Procedure

National Assembly 1st Reading

Programme Bill on the management of radioactive materials and wastes, n° 2977, tabled on 22 March 2006 and referred to the economic affairs, environment and territory committee. Matter Declared Urgent.

Mr Claude Birraux, designated as Rapporteur on 22 March 2006.

Report n° 2003 by Mr Claude Birraux tabled on 29 March 2006.

Committee Meetings - Text and Report : 22, 29 March 2006 - Amendments : 5, 11 April 2006.

Public Sitting Debates : 6, 11, 12 April 2006.

Programme Bill on the sustainable management of radioactive materials and wastes adopted after first reading on 12 April 2006, TA n° 574.

Senate 1st Reading

Programme bill adopted by the National Assembly on the management of radioactive materials and wastes, n° 315, tabled on 13 April 2006, referred to the economic affairs and planning committee.

Mr Henri Revol, designated as Rapporteur on 29 March 2006.

Report n° 358 by Mr Henri Revol tabled on 17 May 2006.

Committee Meetings - Text and Report : 17 May 2006 - Amendments : 30 May 2006.

Public Sitting Debates : 30, 31 May 2006.

Programme Bill on the sustainable management of radioactive materials and waste adopted after first reading on 31 May 2006, TA n° 104.

National Assembly 2nd and Definitive Reading

Programme bill modified by the Senate on the sustainable management of radioactive materials and wastes, n° 3121, tabled on 1st June 2006 and referred to the economic affairs, environment and territory committee.

Report n° 3154 by M. Claude Birraux, tabled on 13 June 2006.

Committee Meetings : 13, 15 June 2006.

Public Sitting Debates : 15 June 2006

*Programme Bill on the sustainable management of radioactive materials and wastes, **definitively adopted** on 15 June 2006, TA n° 590.*

*