



Decision 2006-001 of 20 November 2006 of the Nuclear Safety Authority establishing the Nuclear Safety Authority's rules of procedure

The College of the Nuclear Safety Authority (*Autorité de sûreté nucléaire – ASN*),

On a report from the Chairman of the Nuclear Safety Authority,

Having regard to Act 2006-686 of 13 June 2006 on transparency and security in the nuclear field, hereinafter referred to as the "Act", and in particular Articles 12, 13 and 40 thereof,

After considering the matter at its meetings on 13, 16 and 20 November 2006,

Decides:

Article 1

The rules of procedure of the Nuclear Safety Authority annexed to this decision are hereby adopted.

Article 2

The Chairman of the Nuclear Safety Authority shall be responsible for enforcing this decision, which shall be published in the Official Gazette of the French Republic and in the Official Bulletin of the ASN after approval.

Done in Paris, on 20 November 2006

The College of the Nuclear Safety Authority,

André-Claude LACOSTE

Marie-Pierre COMETS

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RULES OF PROCEDURE OF THE NUCLEAR SAFETY AUTHORITY

Preamble

The Nuclear Safety Authority (*Autorité de sûreté nucléaire* – ASN) participates in the supervision of nuclear safety and radiation protection in order to protect workers, patients, the public and the environment from risks related to nuclear activities and helps to provide information to the public.

The ASN carries out its duties in compliance with four values: competence, independence, stringency and transparency.

The ASN aims to provide effective, impartial, legitimate and credible oversight of nuclear activities, recognised as such by citizens and constituting an international reference.

Chapter 1 The Nuclear Safety Authority

Article 1 General Organisation

The College of the ASN, its Chairman and the organic entity constituted by the College of the ASN and the departments placed under the authority of the Chairman are referred to hereinafter respectively as the "College", the "Chairman" and the "ASN".

The departments of the ASN include central departments, regional delegates and regional divisions. The ASN's central departments comprise a general secretariat, an executive office and directorates. Regional delegates are the ASN's representatives in the regions. Divisions are organised and managed by divisional heads placed under the authority of regional delegates.

The Director General shall propose the structure of the ASN's organisation chart to the College.

Under the Chairman's authority, he shall organise and direct the ASN's departments, keeping an up-to-date organisation chart that mentions position-holders by name.

The Director General shall be assisted by Deputy Directors General, the Director of the Executive Office and by advisers.

The group comprising the Director General, the Deputy Directors General and the Director of the Executive Office shall constitute the ASN's Executive Committee. The Director General shall chair the Executive Committee.

The ASN's Management Committee shall comprise the Executive Committee, the Director General's advisers, the directors, regional delegates and divisional heads. It shall be chaired by the Director General.

The Chairman shall appoint the Director General and, on a proposal from the Director General, the persons who, ex officio, make up the ASN's Management Committee.



Article 2 Coordination

The ASN's options as determined by its Chairman after discussion by the College shall be set out and organised in a multi-year strategic plan. The ASN's strategic plan shall be made public. It shall be put into effect by each of the ASN's central departments and divisions in an annual action plan approved by the Director General after informing the College.

The Director General shall frame the rules for coordinating the ASN. Inter alia, he shall determine the operating methods of the Executive Committee and Management Committee.

The College shall help to frame the rules for coordinating the ASN. It shall periodically meet the ASN's departments.

The Executive Committee shall periodically meet the ASN's central departments, regional delegates and regional divisions.

The Chairman shall draw up the terms and conditions under which the Director General reports to him.

The Director General shall prepare and coordinate a continuous quality management and improvement system. The system shall include preparing simple, clear and accessible documentation and keeping it up to date, and organising the internal control and continuous improvement of the ASN's operation.

The ASN shall develop an internal shared information system.

Article 3 Human resources

The Director General shall periodically present the state of the ASN's human resources and the related projections to the College. Inter alia, he shall propose the allocation and redeployment of resources.

He shall organise the recruitment and induction of new employees. He shall ensure the development of individual and collective skills, inter alia by encouraging peer training.

He shall frame rules relating to annual interviews and shall organise the staff's assessment by the management. He shall organise the career progress and promotion of ASN staff.

He shall ensure the development of a good working atmosphere and staff safety.

The Chairman shall organise the terms and conditions for profit-sharing for the ASN's entire staff.

An ASN joint technical committee shall be created. All ASN staff shall be represented on it.



Article 4

Management of the ASN

On a report from the Director General, the College shall adopt a draft budget for the next calendar year, presenting inter alia the necessary credits for it to carry out its duties. After adoption, the draft budget shall be put to the Government with a view to its inclusion in the budget bill.

On a report from the Director General, presented after informing the Radiation Protection and Nuclear Safety Institute (IRSN), the College shall adopt a projected evaluation of expenditure for the next year corresponding to the technical support assignment performed by the IRSN on the ASN's behalf. The evaluation shall distinguish multi-year or recurrent expenditure from exceptional items. After adoption, the evaluation shall be transmitted to the Government and the IRSN as part of the process for drafting the budget bill.

On a report from the Director General, the College shall draw up the projected amount of income for the next calendar year from the tax on basic nuclear installations instituted by Article 43 of the Finance Act for 2000 (Act 99-1172 of 30 December 1999) and the additional taxes created by Act 2006-739 of 28 June 2006 on the sustainable management of radioactive materials and waste. After adoption, the draft shall be transmitted to the Government as part of the process for drafting the budget bill.

The Director General shall periodically present the state of budget implementation for the year in progress to the College.

The College shall set the ASN's performance indicators. The Director General shall periodically present the state of these indicators to the College.

The Director General shall keep up to date a list of agreements concluded by the ASN with French or foreign third-party organisations.

Article 5

External relations

The College shall define the ASN's policy of external relations at national and international level. The Chairman and the Director General shall ensure that it is implemented.

Article 6

Skills enhancement

The Director General shall ensure that ASN staff acquire and develop the necessary skills for accomplishing the ASN's tasks.

The Director General shall organise standing groups of experts which he shall consult as necessary in order to prepare the ASN's decisions. The ASN's central departments shall provide the secretariat for these standing groups.

The agreement between the ASN and the IRSN provided for at Article 16 of the Act shall be the subject of annual protocols. It shall be refined as necessary by framework documents setting out working methods between the ASN and the IRSN in a given area. The ASN shall cooperate with the IRSN so as to take, with its support, relevant decisions within a reasonable time.



Article 7 Regulations

The ASN shall contribute to the preparation of clear, accessible regulations proportionate to the safety and radiation protection issues at stake. It shall ensure that its most important decisions are taken after hearing all parties. The ASN shall prepare and circulate guides to accompany the implementation of regulations and to promote best practice.

The Director General shall keep an up-to-date list of draft texts being prepared by ASN staff.

Article 8 Supervision

The College shall define the ASN's supervision policy.

The Chairman, on a report from the Director General, shall appoint:

1. the nuclear safety inspectors mentioned at Article 40 of the Act;
2. the radiation protection inspectors mentioned at Article L. 1333-17 of the Public Health Code;
3. the labour inspectors for power plants pursuant to Article L. 611-4-1 of the Labour Code;
4. the agents tasked with monitoring compliance with the provisions on the pressurised equipment mentioned at Article 4.2 of the Act.

The Chairman shall inform the College of the criteria of choice used when appointing the above-mentioned inspectors and agents, their term of office and the guarantees of their independence.

Except in the emergencies mentioned at Article 11 of the Act, the Director General shall present a report to the College before it decides to carry out the technical investigation after an incident or accident pursuant to Article 4.5 of the Act.

Article 9 Management of emergencies

The ASN shall ensure that a centre for the management of radiological emergencies is operational at all times.

The Director General shall ensure that the ASN is prepared at all times to manage radiological emergencies.

Article 10 Information

The report on nuclear safety and radiation protection in France drawn up by the ASN pursuant to Article 7 of the Act shall be presented to the media and made public. It shall be posted on the ASN website, www.asn.fr.

The Official Bulletin of the ASN shall be posted on the ASN website.

The ASN shall ensure that the essential information it provides to the public is accessible in English, in particular its annual report on nuclear safety and radiation protection in France.



Chapter 2 The College

Article 11 Meetings of the College

I. Frequency of meetings

The College shall meet every Tuesday. If it is not a working day, the meeting shall be held on the next working day thereafter.

The College may decide to cancel or reschedule any meeting.

The agenda shall set the place for each meeting.

II. Calling of meetings and agenda

The Chairman shall call the meetings of the College.

The agenda for meetings of the College shall include information provided to the College leading to free discussion, and deliberations of the College leading to decisions or opinions.

Should it not be possible to complete the agenda at a meeting, the Chairman may decide to carry items over to the next ordinary meeting or to call an extraordinary meeting without notice, by way of an exception to Article 12 of these rules of procedure.

If an item is carried over because further information is required, it shall be included on the agenda for the meeting at which the College will be in possession of the information that will enable it to consider the item.

At each meeting of the College, the secretary of the meeting shall provide the Commissioners with the planned agenda for forthcoming meetings. The Commissioners may then propose the inclusion of any additional item to the Chairman.

At the end of each meeting the Chairman shall decide the agenda for the next meeting.

In an emergency, the Chairman may at any time amend the agenda of the meetings.

III. Meeting papers

Except in the event of an extraordinary meeting, the Director General shall propose the papers for the meeting to the Chairman, who shall transmit them to the Commissioners three clear days at the latest before the meeting. The papers shall include the agenda decided at the previous meeting and draft resolutions.

IV. Quorum

If a meeting is not quorate, the Chairman shall postpone consideration of the agenda to the next ordinary meeting or to an extraordinary meeting he shall call for the purpose.



V. Conduct of the meeting

The Director General shall arrange the secretariat for meetings of the College.

The Director General or his/her representative and the secretary of the meeting shall attend meetings of the College.

The Chairman may invite any person to attend discussions relating to the "Information" item on the agenda.

The Commissioners may decide to conduct deliberations exclusively amongst themselves. In that case, the Chairman shall act as secretary for such deliberations.

VI. Deliberations of the College and minutes of decisions

The College shall conduct deliberations, as appropriate, on a report presented by ASN departments.

A vote shall be taken whenever a member asks for one.

The secretary of the meeting shall draw up a minute of the College's decisions.

The minute of the College's decisions shall be provided to the College before its next ordinary meeting.

The Chairman shall approve the minute of a meeting's decisions within eight clear days following the meeting of the College. The College's decisions and opinions shall be published in the Official Bulletin of the ASN which follows their approval and, where relevant, their confirmation.

Article 12 Extraordinary meetings of the College

An extraordinary meeting of the College shall be called with at least two clear days' notice:

1. whenever necessary;
2. on a substantiated request from at least two members.

The College shall meet without notice following measures taken by the Chairman or his/her deputy in the case provided for at Article 11 of the Act.

Article 13 Organisation of the College

The College may entrust a particular assignment to a Commissioner by a resolution stating, where appropriate, the resources made available to the Commissioner by the Director General.

The Commissioners may make use of the Director General's executive office.

Article 14 Deputising for the Chairman

If the Chairman is absent or indisposed, a Commissioner appointed by the Chairman for the purpose shall deputise for him.



Article 15
College's delegation of powers to the Chairman or other Commissioners,
Chairman's delegation of signature to ASN employees

- I. – The College, without the option of delegating its powers to the Chairman, shall:
1. dispense the ASN's advice to the Government on the draft decrees and orders mentioned at Articles 3.1, 3.2, 3.4(e) and 4.1 of the Act;
 2. grant the authorisations, impose the prescriptions and take the decisions mentioned respectively at Article 3.6 (b), (c) and (f) of the Act;
 3. take the regulatory decisions mentioned at Article 4.1 of the Act;
 4. initiate the investigations after an incident or accident mentioned at Article 4.5 of the Act;
 5. draw up the report on nuclear safety and radiation protection in France mentioned at Article 7 of the Act;
 6. express the opinions of the ASN to the competent committees of the National Assembly and of the Senate and to the Parliamentary Office for assessment of scientific and technological options mentioned at Article 8 of the Act;
 7. take note of the indisposition or resignation of a member of the College mentioned at Articles 10 and 13 of the Act;
 8. draw up its rules of procedure as mentioned at Article 12 of the Act;
 9. appoint its representatives to the High Committee for Transparency and Information on Nuclear Security mentioned at Article 23.7;
 10. dispense the advice on public utility easements mentioned at Article 31 of the Act;
 11. issue the opinions mentioned at Article L. 1333-14 of the Public Health Code.
- II. – The College may empower the Chairman to take on its behalf:
- A. – The following decisions without the option of delegation of signature:
1. the appointments mentioned at Article 8 of these rules of procedure;
 2. the transmission to Parliament, the Government and the President of the Republic of the report mentioned at Article 7 of the Act;
 3. where necessary, the proposal to the Government mentioned in the first paragraph of Article 9 of the Act;
 4. the proposals to the Government mentioned in the second paragraph of Article 16 of the Act;
 5. the conclusion of the agreement with the IRSN mentioned at Article 16 of the Act;
- B. – Decisions in other matters, designated by a resolution of the College on account of their nature or importance, with or without the option for the Chairman to delegate his signature to ASN staff.

The Chairman, by decision, shall organise a system for delegating signature, both for powers delegated by the College and for his own powers.

The Director General shall ensure that power of signature is available at all times within the ASN.

Article 16
Resignation of members of the College

The Commissioners shall deliberate exclusively amongst themselves when they have to consider a resignation, whether automatic or following a serious failure of compliance. The Commissioner concerned shall put his/her point of view to the College. The College shall then deliberate without the Commissioner concerned being present.

A Commissioner wishing to resign must send a substantiated request to the authority which appointed him/her. He/she shall inform the Chairman of his/her request.

Should the Chairman resign, the College shall appoint an interim chairman from among its members, tasked with ensuring continuity of service until a new Chairman has been appointed.



Chapter 3 Rules of ethical conduct

Article 17 Respect of professional confidentiality and duty of discretion

Disclosure of secret information is liable to the penalties set forth at Articles L. 226-13 and L. 432-9 of the Penal Code.

Commissioners and ASN staff are bound by a duty of discretion, in particular under the professional confidentiality obligation mentioned at Article 26 of Act 83-634 of 13 July 1983 on the rights and obligations of public officials. Under the obligation, interested parties may not disclose information that comes to their attention in the exercise of their duties, except for the needs of their office and in cases where third parties are acknowledged to have a right of access to secret information, and may not divert official documents or communicate them to third parties.

Commissioners and ASN staff shall ensure that they do not circulate information or take public positions that could adversely affect the ASN's stringency, impartiality, legitimacy or credibility.

The College may hear an ASN agent who, by taking a position or failing to react, has called the ASN into question.

Article 18 Abuse of authority and breaches of the duty of integrity

Abuse of authority committed against individuals and breaches of the duty of integrity are liable to criminal prosecution as set forth at Articles 432-4 to 432-16 of the Penal Code.

Article 19 Conflicts of interest

Each Commissioner and each ASN agent shall take all necessary provisions not to hold interests in activities subject to their oversight, such that they could adversely affect the impartiality of their judgment.

ASN agents shall inform their immediate superior of any situation that could entail such conflicts and propose ways of bringing it to an end. The superior may remove the person concerned from certain areas of work.

Article 20 Guarantees of independence with regard to persons or entities subject to oversight by the ASN

Both in the exercise of their duties and at other times, Commissioners shall ensure that they do not place themselves in a position that could compromise their independence with regard to persons or entities over which the ASN has oversight or which could be perceived as being liable to compromise impartial exercise of their duties.



Article 21
Communication between members of the College

The members of the College shall transmit to each other any important information brought to their attention.

Chapter 4
Miscellaneous provisions

Article 22
Revisions of the rules of procedure

The Commissioners and the Director General shall submit any proposals for amendments to the rules of procedure to the Chairman.