

ASN's General Regulatory Policy

A. Scope

The legitimacy of ASN's regulation of nuclear activities is based on:

1°/ the provisions of section 1° of article 4 of the law of 13 June 2006 on transparency and safety in the nuclear field (TSN Act): “(...) *The Nuclear Safety Authority is consulted on draft decrees and draft ministerial orders of a regulatory nature relating to nuclear safety.*”

It can take regulatory decisions of a technical nature to complete the implementing procedures for decrees and orders adopted in the nuclear safety or radiation protection field, except for those relating to occupational medicine. [...]”;

2°/ the provisions of article 8 of the same law: “*On request by the Government, by the competent committees of the National Assembly and of the Senate or by the Parliamentary Office for Science and Technology Assessment, the Nuclear Safety Authority expresses opinions or carries out studies on matters within its competence. On request by the ministers tasked with nuclear safety or radiation protection, it carries out technical investigations within its competence.*”

ASN's action includes regulation of:

- operators of basic nuclear installations;
- those responsible for transporting radioactive substances;
- those responsible for other activities that include a risk of exposure to people and those working with ionising radiation;
- those responsible for manufacturing and using pressurised equipment specially designed for basic nuclear installations;
- organisations that it certifies to assist with inspection and monitoring in the field of nuclear safety and radiation protection.

B. Objectives and principles

B.1. Objectives

ASN's regulatory policy aims to:

- ensure a high level of protection for workers, patients, the public and the environment by taking into consideration the rules and best foreign and international practices in particular and by contributing to the preparation and implementation of the latter;
- encourage the development of a “safety culture” that is fully understood and shared by all involved in nuclear safety and radiation protection;
- make requirements commensurate with the stakes involved in nuclear safety and radiation protection;
- specify the rights and responsibilities of stakeholders in the field, most significantly by applying the principle of the operator's primary responsibility.

B.2. Principles

To prepare regulation, ASN adheres to the following ten principles:

1. definition of an organisation to study and then prepare each text;
2. examination of the usefulness of a prepared text in view of its ultimate impact and the issues it raises. At the beginning and end of the preparation process, an assessment is performed on the need to prepare or modify a text. ASN aims to ensure a solid legal foundation for regulation relating to nuclear safety and radiation protection;



3. desire for applicable regulations, which requires striking a fair balance between the need to regulate and the consequences of this regulation on the situations and interests involved. To this end, ASN ensures that regulation in the planning stage will not lead to an uncertain legal situation, or to contradiction;

4. compliance with legislative and community texts as well as binding international texts and taking into account non-binding texts (norms, standards and recommendations);

5. preference will be given to regulatory provisions rather than individual provisions;

6. examination of solutions provided by other French and foreign bodies and organisations;

7. sharing jurisdiction so that the Government sets, by decree or order, the objectives, general principles and the principal conditions for application in the field of nuclear safety and radiation protection. ASN specifies the conditions for application in the form of decisions;

8. desire for clear and concise texts with an inventory of the changes and express repeal of obsolete or unused provisions;

9. compliance with obligatory consultations within a realistic time period and, above and beyond the legal obligations, implementation of any consultation judged advisable by stakeholders and experts;

10. making regulations in the field of safety and radiation protection known to all involved, under conditions for proper understanding that are the product of efforts to inform and train, and the preparation of guides.

C. Resources

ASN makes a twin contribution to regulation in the field of nuclear safety and radiation protection: ASN offers draft decrees and orders in the field of nuclear safety and radiation protection to the Government and takes regulatory decisions of a technical nature to clarify governmental texts. In application of the TSN Act, these decisions are subject to the Public Health Code and the Labour Code, to the approval of the ministers responsible for nuclear safety in matters of nuclear safety and to the ministers responsible for radiation protection in matters of radiation protection.

To facilitate the drafting effort, ASN makes available to them tools and an organisation consisting of:

- the “quality” regulation process that provides, among other things, for implementing working groups for drafting texts and a body for rereading draft texts;
- training in drafting legal texts;
- support of the legal section of general secretariat;
- recourse to outside legal assessments as needed;
- general monitoring of regulatory production;
- legal monitoring.