

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 contributes to provide information to the public.

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

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: General provisions relating to ASN

Article 1: General organisation

The Commission of ASN, its Chairman and the organic entity constituted by the Commission of ASN and the services are referred to hereinafter respectively as the "Commission", the "Chairman" and "ASN". The members of the Commission of ASN are referred to hereinafter as “commissioners”.

A Head of private office is placed with the Commission.

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

The services of ASN include the Executive Committee, central departments, and regional divisions.

Regional delegates are ASN's representatives in the regions. Divisions are organised and managed by divisional heads placed under the authority of regional delegates.

The group comprising the Executive Committee, managers of entities comprising the central departments, regional delegates and divisional heads constitute ASN's Management Committee.

On a proposal from the Director General, the Commission shall determine the structure of ASN organisation chart.

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

Under the Chairman's authority, the Director General shall organise and direct ASN's services.

If the Chairman is absent or indisposed, a Commissioner appointed by the Chairman for the purpose shall deputise for him. This Commissioner shall have the powers as delegated by the Commission, is authorised to take the emergency measures as provided for in article 11 of Act 2006-686 dated 13 June 2006 (hereinafter referred to as TSN Act) and acts as Chairman in the meaning of this rule

Similarly, if the Director General of ASN, is absent or indisposed, a replacement appointed from amongst the Director General's deputies shall be appointed by the Director General to deputise for him in the meaning of this rule.

Article 2: Coordination and Audit

A multi-year strategic plan from ASN shall set out the strategic themes as determined by the Commission. ASN's strategic plan shall be made public.

It is implemented by the Director General in an annual operational guidance document and by each central department and each division of ASN in an annual action plan approved by the Director General after informing the Commission.

The Director General shall prepare and coordinate a management system designed to maintain and develop the stringency and individual and collective skills of ASN and set out the operating and coordination rules for the services. The Commission shall take part in this preparation.

ASN is a model of good sustainable development.

The Director General shall define a quality system relating to the application of the management arrangements. This system shall comprise provisions for continuous improvement of the operation and efficiency of ASN's action and relies upon documentation that is simple, clear and accessible.

In accordance with the directive of 25 June 2009 establishing the community requirements for the nuclear safety of nuclear installations, every ten years ASN organises at least one periodic self-assessment and is subject to an international examination by its peers. The results of any peer examination are forwarded to ASN counterparts in the Member States and to the European Commission, when they are available.

Periodically the Commission meets ASN's services.

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

Article 3: Human Resources

Each quarter the Director General shall present the state of ASN's human resources and the related projections to the Commission.

He shall ensure that ASN shall have the individual and collective skills needed to complete its duties.

He shall organise the distribution of the workforce, after informing the Commission.

He shall ensure the development of a good working atmosphere and compliance with health and safety rules.

He shall organise the recruitment and induction of new employees. In compliance with the general rules regarding public service, he shall define the rules relating to annual meetings and shall organise the assessment of the staff by the management. He shall organise the career progress and promotion of ASN staff.

The Commission shall organise ASN's terms and conditions for profit-sharing as applicable to State departments.

A joint technical committee of ASN and a joint consultative commission for ASN contract agents meet at regular intervals. These bodies represent all ASN staff.

Article 4: Management of ASN

On a proposal by the Director General, the Commission shall adopt a draft budget for the next calendar year, presenting inter alia the necessary credits for ASN 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 proposal by the Director General, and after agreement with the Radiation Protection and Nuclear Safety Institute (IRSN), the Commission shall adopt a projected evaluation of expenditure for the next year corresponding to the technical support assignment performed by the IRSN on ASN's behalf. After adoption, this evaluation shall be forwarded to the Government and the IRSN in connection with the preparation of the budget bill.

Pursuant to the combined provisions of article 43 as amended of the budget bill for 2000 (Act 99-1172 of 30 December 1999) and of article 5 of decree 2007-1557 of 2 November 2007, the Commission, on a proposal by the Director General, shall, on 30 June of each year at the latest, establish the projected amount of income for the next calendar year from the tax on basic nuclear installations and its additional taxes, with a view to its inclusion in the budget bill.

The Commission shall, in the last meeting of the year, establish the list of basic nuclear installations at 31 December.

The Director General shall, at least once every six months, present the state of budget implementation for the year in progress to the Commission.

On proposal by the Director General, the Commission shall set ASN's performance indicators. The Director General shall present the state of these indicators to the Commission every six months.

Article 5: External relations

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

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

Article 6: Skills enhancement

The Director General shall ensure, in particular by the recruitment policy and by a suitable training plan, that ASN staff have the necessary skills and qualifications for accomplishing ASN's tasks and that they shall continue to develop such skills and qualifications. In particular, he shall thus ensure that ASN shall, in so far as concerns it, comply with the requirements with regard to skills and qualifications as defined in article 7 of the directive of 25 June 2009 establishing the community requirements for the nuclear safety of nuclear installations.

The Director General shall organise standing groups of experts which he shall consult as necessary in order to prepare ASN's decisions.

The agreement between ASN and the IRSN provided for in 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 ASN and the IRSN in a given area. ASN shall cooperate with the IRSN so as, with its support, to take relevant decisions within a reasonable time.

ASN may have recourse to other external expertise organisations.

Article 7: ASN documents

ASN shall adopt opinions, decisions of a regulatory nature, individual decisions and other decisions which are not of a regulatory nature, the latter being equivalent to a commitment by ASN: positions of principle, general policy notes ...

The Commission shall approve general policy notes relating to the main duties of ASN, in particular the regulation, supervision and management of emergency situations.

Article 8: Regulations

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 decisions are taken after consulting all parties and, for the most important decisions, after formalised hearings, including via the Internet. ASN shall prepare and circulate guides to accompany the implementation of regulations and to promote best practice.

The Director General shall periodically inform the Commission of draft texts being prepared by the services and their state of progress.

Article 9: Supervision

The Commission shall define ASN's supervision policy which comprises in particular the application of the authorisation regime.

The Commission shall determine the selection criteria regulating the appointment of the inspectors and agents mentioned below, the duration of their duties and the guarantees of their independence.

The Commission, on a proposal by 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 R8111-11 of the Labour Code;

Under the same conditions, the Chairman shall appoint the agents tasked with monitoring compliance with the provisions on the pressurised equipment mentioned at Article 3 of the Act of 28 October 1943 relating to steam pressure devices used on land and gas pressure devices used on land or on board sea-going vessels.

Except in the emergencies mentioned at Article 11 of the TSN Act, the Director General shall present a report to the Commission before it decides to carry out the technical investigation after an incident or accident pursuant to paragraph 5 of Article 4 of the same Act.

Article 10: Management of emergencies

ASN shall ensure that a radiological emergency situations management centre is available at all times.

The Director General shall implement a specific organisation to mobilise ASN agents, based in particular on a penalty system, allowing the stringent and efficient management of radiological emergency situations.

Article 11: Information

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

The Official Bulletin of ASN shall be posted on the authority's website. The Director General shall ensure that it is maintained up to date.

ASN shall ensure that the essential information it provides to the public is accessible in English.

Chapter 2: The Commission

Article 12: Meetings of the Commission

I. Organisation of the meetings

The Commission holds ordinary meetings and extraordinary meetings. Save as otherwise decided by the Commission, an ordinary meeting shall be organised at least once a week.

The Chairman shall convene and chair the Commission meetings. If he is absent, the Commission may, if necessary, appoint a Chairman for the meeting from among the members present.

II. Agenda of the meetings

The agenda for meetings of the Commission shall include information provided to the Commission leading to free discussion, and deliberations of the Commission 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.

If an item is carried over because further information is required, it shall be included on the agenda for the meeting when this condition is fulfilled.

At each meeting of the Commission, the Head of the Executive Office 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 for the meeting.

At the end of each meeting the agenda for the next meeting shall be decided.

The Chairman for the meeting may at any time amend the agenda of the meetings.

III. – Meeting papers

Except in the event of an emergency, the Director General shall forward the papers for the meeting 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 Commission documents.

IV. – Quorum and majority

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

The Commission shall conduct deliberations based on a majority vote of those present. No commissioner shall be represented.

V. – Conduct of the meeting

In coordination with the Director of the Executive Office of the Director General, the Head of private Office shall act as secretary for Commission meetings.

The Director General or his representative shall be present at the Commission meeting.

The Director General shall organise the participation of the services in the discussions on an item on the agenda.

The Chairman for the meeting may invite any persons whose presence at the discussions seems to him to be useful for an item on the agenda.

VI. – Hearings

The Commission can hear any persons or any organisations on an important situation or subject.

VII. - Deliberations of the Commission and minutes of the decisions

The Commission shall conduct deliberations, allowing for exceptions, after a report presented by ASN.

The commissioners may decide to deliberate in camera. One of the commissioners shall then act as secretary during the deliberations.

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

The decisions and opinions are signed by the members present at the meeting. This is mentioned in the decision or opinion.

The secretary of the meeting shall draw up a draft report. This draft report shall be approved by the Commission, after any amendments which may be required during the next meeting.

The Commission's decisions and opinions mentioned in article 6 of the TSN Act shall be published immediately in the Official Bulletin of ASN, if necessary after their Ministerial confirmation or publication of the text to which an opinion refers.

Article 13: Extraordinary meetings of the Commission

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

- 1) whenever necessary;
- 2) in the case provided for in IV of article 12 of these rules;
- 3) on a substantiated request from at least two members.

The Commission shall meet without notice

- 1) following measures taken by the Chairman or his/her deputy in the case provided for by Article 11 of the TSN Act.
- 2) in the case provided for in the second paragraph of II of article 12 of these rules.

With the above reserves, extraordinary meetings shall take place in accordance with the provisions of V of article 12 of these rules.

Article 14: Missions entrusted to a commissioner

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

Article 15: Commission's delegations of powers to the Chairman, delegations of the Chairman's signature to ASN employees

I. – The Commission, without the option of delegating its powers to the Chairman, shall:

- 1) dispense ASN's opinions 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 in Article 4.1 of the Act;
- 4) initiate the investigations after an incident or accident mentioned in 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 ASN to the government, 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 Commission 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) dispense the opinions on public utility easements mentioned at Article 31 of the Act;
- 10) dispense the opinions mentioned at Article L. 1333-14 of the Public Health Code.

II. – The Commission, pursuant to article 12 of the TSN Act, shall define by decisions the powers that it delegates to its Chairman, by specifying for each of them whether it can or cannot be the subject of a delegation of the Chairman's signature to the Director General alone or to the Director General and, in decreasing hierarchical order, to other agents.

Article 16: Resignation of members of the Commission

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 Commission. The Commission shall then deliberate without the Commissioner concerned being present.

Any commissioner who resigns must put in a request to the authority that appointed him/her. He/she shall inform the Commission of his/her request.

Article 17: Vacancy of the position of Chairman

In the event of that the position of Chairman becomes vacant, for any reason whatsoever, the Commission shall appoint one of its members tasked with ensuring the continuity of ASN operations until the appointment of a new Chairman.

Chapter 3: Ethical conduct

Article 18: Ethical conduct charter

ASN shall establish a charter of ethical conduct.

Article 19: Respect of professional confidentiality and duty of discretion

Disclosure of secret information is liable to the penalties set forth at Articles 226-13 and 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 ASN.

The Commission may hear an ASN agent who, having contravened the above-mentioned rules by taking a position or failing to react, has called ASN into question.

Article 20: 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 21: 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.

These same obligations apply to commissioners in accordance with article 13 of the TSN Act.

Article 22: Guarantees of independence with regard to persons or entities subject to oversight by 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 ASN has oversight or which could be perceived as being liable to compromise impartial exercise of their duties.

The same obligation applies to ASN agents in the exercise of their duties.

Article 23: Communication between members of the Commission

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

Chapter 4: Miscellaneous provisions

Article 24: Revisions of the rules of procedure

The rules of procedure shall be amended whenever necessary on proposal by the commissioners and the Director General.