
ACT No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field

The National Assembly and the Senate have adopted,

The President of the Republic promulgates the Act of which the content follows:

TITLE I

GENERAL PROVISIONS

Article 1

I. – Nuclear security comprises nuclear safety, radiation protection, the prevention and fight against malicious acts, and also civil security actions in the event of an accident.

Nuclear safety is the set of technical provisions and organisational measures - related to the design, construction, operation, shut-down and decommissioning of basic nuclear installations, as well as the transport of radioactive substances – which are adopted with a view to preventing accidents or limiting their effects.

Radiation protection is protection against ionising radiations, in other words the set of rules, procedures and prevention and surveillance means aimed at preventing or reducing the harmful effects of ionising radiations caused to people, directly or indirectly, including by their adverse environmental impact.

Transparency in the nuclear field consists in the set of provisions adopted to ensure the public's right to reliable and accessible information on nuclear security.

II. – The State defines the regulations on nuclear security and implements controls to apply these regulations. It ensures the public is informed of the risks related to nuclear activities and their impact on personal health and security as well as on the environment.

Article 2

I. – The exercise of activities comprising a risk of personal exposure to ionising radiations must comply with the principles set forth in Article L. 1333-1 of the Public Health Code and in II of Article L. 110-1 of the Environmental Code.

II. – Pursuant to the participatory principle and the polluter-pays principle, persons engaging in nuclear activities must in particular comply with the following rules:

1° Any person is entitled, under the conditions defined by this Act and its implementing decrees, to be informed of the risks related to nuclear activities and their impact on personal health and security as well as on the environment; and of discharges of effluents from installations;

2° Those responsible for these activities bear the cost of the prevention measures, and especially of analyses, as well as of the measures reducing risks and discharges of effluents, which the administrative authority lays down pursuant to this Act.

III. – Nuclear activities and installations concerning defence are not subject to this Act, except for Article 1 and this article. A State Council decree specifies the categories of installations and activities concerned and defines the disclosure and control obligations applying to them according to procedures reconciling nuclear safety and radiation protection organisational principles with defence-related requirements. The equipment and installations needed to operate a defence-related nuclear installation and located in its boundary are deemed to be part of said installation.

Nuclear installations and activities concerning defence are not subject to the provisions of Articles L. 214-1 to L. 214-6 of the Environmental Code or to those of Title I of Book V of said Code, or to the authorisation or notification regime introduced by Article L. 1333-4 of the Public Health Code.

Equipment and installations located in its boundary, which are not needed to operate a defence-related nuclear installation, remain subject to the provisions of the previously mentioned Environmental Code and Public Health Code. The competent authority for defence-related nuclear activities and installations exercises the administrative authority's powers as regards individual and control decisions laid down by these provisions.

Article 3

Pursuant to this Act:

1° State Council decrees, adopted upon advice of the Nuclear Safety Authority:

- a) Can order the definitive shut-down and decommissioning of a basic nuclear installation under the conditions mentioned in Article 34;
- b) Determine the implementing procedures for Chapter III of Title III of Book III of the first Part of the Public Health Code;
- c) Determine the implementing procedures for the first paragraph of Article L. 231-7-1 of the Labour Code;

2° Decrees, adopted upon advice of the Nuclear Safety Authority:

- a) Authorise the creation of a basic nuclear installation under the conditions defined in Article 29;
- b) Authorise the definitive shut-down and decommissioning or the definitive shut-down and transition to a supervision phase of a basic nuclear installation under the conditions defined in Article 29;
- c) Can put an end to a basic nuclear installation's authorisation under the conditions defined in X of Article 29;

3° Ministers tasked with nuclear safety and ministers tasked with radiation protection approve the rules of procedure of the Nuclear Safety Authority mentioned in Article 12;

4° Ministers tasked with nuclear safety:

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- a) Decide on the general rules defined in Article 30;
 - b) Adopt the Nuclear Safety Authority's regulatory decisions of a technical nature mentioned in 1° of Article 4;
 - c) Approve the Nuclear Safety Authority's decisions delicensing a basic nuclear installation, which are mentioned in VIII of Article 29;
 - d) Can order the suspension of the operation of a basic nuclear installation under the conditions defined in IV of Article 29;
 - e) Can ban, upon advice of the Nuclear Safety Authority, the resumption of operation of a basic nuclear installation under the conditions mentioned in X of Article 29;
 - f) Approve, save for an emergency, decisions by the Nuclear Safety Authority pursuant to IV of Article 41;
- 5° Ministers tasked with radiation protection approve the Nuclear Safety Authority's regulatory decisions of a technical nature, which are mentioned in 1° of Article 4;
- 6° The Nuclear Safety Authority:
- a) Takes the regulatory decisions of a technical nature mentioned in 1° of Article 4;
 - b) Authorises the start-up of a basic nuclear installation under the conditions defined in I of Article 29;
 - c) Can impose prescriptions under the conditions defined in I, III, V, VI, IX and X of Article 29 and in Article 33;
 - d) Pronounces the individual decisions laid down by the regulations on pressurised equipment mentioned in 2° of Article 4;
 - e) Grants the authorisations or approvals mentioned in Article 35 relating to the transport of radioactive substances;
 - f) Pronounces the decisions and takes the measures mentioned in Article 41;
 - g) Grants the authorisations laid down in Article L. 1333-4 of the Public Health Code, including authorisations for medical installations and equipment using ionising radiations, and the authorisations to hold and import radioactive sources; it can withdraw them by a reasoned decision under the conditions laid down in Article L. 1333-5 of said Code.

TITLE II

NUCLEAR SAFETY AUTHORITY

Article 4

The Nuclear Safety Authority, an independent administrative authority, participates in the surveillance of nuclear safety and radiation protection and in informing the public in these fields.

In this respect:

1° 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. Decisions relative to nuclear safety are subject to the approval of the ministers tasked with nuclear safety and decisions relative to radiation protection are subject to the approval of the ministers tasked with radiation protection. Approval orders and approved decisions are published in the *Journal officiel*.

Decisions by the Nuclear Safety Authority taken on the basis of Article 29 are communicated to the ministers tasked with nuclear safety;

2° The Nuclear Safety Authority monitors compliance with the general rules and special prescriptions as regards nuclear safety and radiation protection to which are subject: the basic nuclear installations defined in Article 28; the manufacture and use of pressurised equipment specially designed for these installations; the transport of radioactive substances; and the activities mentioned in Article L. 1333-1 of the Public Health Code and the persons mentioned in Article L. 1333-10 of said Code.

The authority organises a permanent watch in the radiation protection sphere in the national territory.

It appoints among its agents the nuclear safety inspectors mentioned in Title IV of this Act, the radiation protection inspectors mentioned in 1° of Article L. 1333-17 of the Public Health Code, and the agents tasked with monitoring compliance with the provisions on the pressurised equipment mentioned in this 2°. It issues the required approvals to the bodies participating in the controls and in the watch over nuclear safety or radiation protection;

3° The Nuclear Safety Authority participates in informing the public in its spheres of competence;

4° The Nuclear Safety Authority takes part in the management of radiological emergency situations resulting from events likely to endanger personal health and the environment by exposure to ionising radiations and occurring in France or likely to affect the French territory. It contributes its technical assistance to the competent authorities in elaborating, as part of the emergency response plans, , arrangements taking account of the risks resulting from nuclear activities set forth in Articles 14 and 15 of Act No. 2004-811 of 13 August 2004 on the Modernisation of Civil Security.

When such an emergency situation occurs, it assists the Government for all matters within its competence. It sends the competent authorities its recommendations on the measures to be taken at the medical and health levels or regarding civil security. It informs the public of the safety state of the installation that

caused the emergency situation, when the latter is subject to its surveillance, and of the possible releases into the environment and their risks for personal health and the environment;

5° In the event of an incident or accident concerning a nuclear activity, the Nuclear Safety Authority can carry out a technical investigation according to the procedures laid down by Act No. 2002-3 of 3 January 2002 on the Security of Transport Infrastructures and Systems, Technical Investigations and the Underground Storage of Natural Gas, Hydrocarbons and Chemicals.

Article 5

Advice by the Nuclear Safety Authority pursuant to 1° of Article 4 are deemed favourable if they are not given within a two month period. This period can be lessened, in the event of a reasoned emergency, by the administrative authority bringing the matter before the Nuclear Safety Authority. A State Council decree sets the time period beyond which the opinions of the Nuclear Safety Authority, which are required compulsorily pursuant to another provision of this Act, are deemed favourable in the absence of an explicit response.

Article 6

The Nuclear Safety Authority brings to public notice its opinions and decisions deliberated by the college in compliance with the confidentiality rules laid down by the law, particularly Chapter IV of Title II of Book I of the Environmental Code and Act No. 78-753 of 17 July 1978 Introducing Various Measures to Improve Relations Between the Administration and the Public and Various Provisions of an Administrative, Social and Fiscal Nature.

Article 7

The Nuclear Safety Authority draws up an annual activity report which it transmits to: Parliament, which brings it before the Parliamentary Office for Science and Technology Assessment; the Government; and the President of the Republic.

On request by the competent committees of the National Assembly and of the Senate or of the Parliamentary Office for Science and Technology Assessment, the chairman of the Nuclear Safety Authority reports to them on the activities of the Authority.

Article 8

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.

Article 9

The Nuclear Safety Authority sends the Government its proposals to define the French position in international negotiations in the fields of its competence. It participates, on request by the Government, in the French representation in the bodies of international organisations and of the European Communities competent in these fields.

To implement international agreements or European Union regulations relative to radiological emergency situations, the Nuclear Safety Authority is empowered to warn and inform the authorities of third States or to receive their warnings and information.

Article 10

The Nuclear Safety Authority is made up of a college of five members appointed by decree on account of their competence in the field of nuclear safety and radiation protection. Three of the members, including the chairman, are appointed by the President of the Republic. The two other members are appointed respectively by the President of the National Assembly and the President of the Senate.

The mandate of the members is for six years. If one of the members does not exercise his mandate to its term, the member appointed to replace him exercises his duties for the remaining length of the mandate. Nobody can be appointed to the college after age sixty-five.

For the initial setting up of the college, the chairman is appointed for six years and the length of the mandate of the two other members appointed by the President of the Republic is set, by a draw, at four years for one of them and two years for the other. The length of the mandate of the two members appointed by the presidents of the parliamentary assemblies is set, by a draw, at four years for one of them and six years for the other.

The mandate of the members is not renewable. However, this rule does not apply to the members whose mandate has not exceeded two years pursuant to either of the two previous paragraphs.

The duties of a member cannot be terminated except in the event of an impediment or resignation recorded by the Nuclear Safety Authority acting by a majority of the members of its college or in the cases laid down in Article 13.

However, the President of the Republic can also terminate the duties of a member of the college in the event of a serious failure to comply with his obligations.

Article 11

The Nuclear Safety Authority college cannot validly deliberate unless at least three of its members are present. It deliberates by a majority of the members present. In the event of a tie vote, the chairman's vote is deciding.

In the event of an emergency, the chairman of the Authority or, in his absence, the member he has appointed, takes the measures required by the situation in the fields within the competence of the college. He convenes the college as swiftly as possible to report to it on the measures thus taken.

Article 12

The Nuclear Safety Authority draws up its rules of procedure which lay down the rules on its organisation and operation. The rules of procedure set forth the conditions under which the college of members can delegate authority to its chairman or, in his absence, to another member of the college. They also lay down the conditions under which the chairman can delegate his signature to agents of the Authority's departments; however, neither the opinions mentioned in 1° of Article 4, nor decisions of a regulatory nature can be delegated.

The rules of procedure are published in the *Journal officiel* after approval by the ministers tasked with nuclear safety and radiation protection.

Article 13

The members of the college of the Nuclear Safety Authority exercise their duties full time. The chairman and members of the college receive respectively a salary equal to that paid to the first and second of the two higher categories of State employment classified outside the pay scale.

The members of the college exercise their duties entirely impartially without receiving any instructions from the Government or from another other person or institution.

The post of member of the college is incompatible with any professional activity, any elective mandate and any other public employment. The Nuclear Safety Authority records, by a majority of the members composing the college, the automatic resignation of any member who finds himself in one of these cases of incompatibility.

On their appointment, college members draw up a declaration mentioning the interests they hold or have held over the previous five years in the fields within the Authority's competence. This declaration is filed at the Authority headquarters and kept available for college members. It is updated on the initiative of the college member concerned as soon as any change intervenes. No member can hold, during his mandate, any interest likely to affect his independence or impartiality.

Throughout their mandate, college members cannot express, personally, any public position on subjects coming within the Authority's competence. Throughout and after their mandate, they are bound by professional secrecy for the facts, acts and information of which they may have learnt on account of their duties, especially the authority's deliberations and votes.

The chairman takes the appropriate measures to ensure compliance with the obligations resulting from this Article. Apart from automatic resignation, the duties of a college member can be terminated in the event of a serious failure to carry out his duties. This decision is taken by the college ruling by a majority of its members and under the conditions laid down by the rules of procedure.

Article 14

To accomplish the missions entrusted to the Nuclear Safety Authority, its chairman has the capacity to take part in court proceedings on behalf of the State.

Article 15

The Nuclear Safety Authority has departments placed under the authority of its chairman. It organises the inspection of nuclear safety and of radiation protection.

It can employ officials holding a post and recruit contractual agents under the conditions laid down by Article 4 of Act No. 84-16 of 11 January 1984 Laying down Statutory Provisions Relative to the State Civil Service. Officials holding a post in the State services can, with their agreement, be seconded, where applicable part-time, to the Nuclear Safety Authority in accordance with procedures specified by a State Council decree.

The Nuclear Safety Authority can benefit from the secondment, with their agreement, of agents from public establishments.

The chairman is authorised to sign any agreement useful in accomplishing the Authority's missions.

Article 16

The chairman of the Nuclear Safety Authority is tasked with issuing the payment authorisation for and settling, on behalf of the State, the tax introduced by Article 43 of the Finance Act for 2000 (No. 99-1172 of 30 December 1999).

The Nuclear Safety Authority proposes to the Government the necessary funds for the accomplishment of its missions. It is consulted by the Government regarding the share of the State subsidy to the Radiation Protection and Nuclear Safety Institute corresponding to the Nuclear Safety Authority's technical support mission for the Institute. An agreement concluded between the Nuclear Safety Authority and the Institute settles the details of this technical support.

The chairman of the Nuclear Safety Authority is the authorising officer for revenue and expenditure.

Article 17

A State Council decree can specify the implementing procedures for this Title, and particularly the approval procedures for Nuclear Safety Authority decisions.

TITLE III

INFORMATION OF THE PUBLIC AS REGARDS

NUCLEAR SAFETY

Chapter I

Right to information on nuclear safety

and radiation protection

Article 18

The State is responsible for informing the public about the procedures and results of the surveillance of nuclear safety and radiation protection. It supplies the public with information on the consequences, on the national territory, of nuclear activities exercised outside of it, especially in the event of an incident or an accident.

Article 19

I. – Any person is entitled to obtain, from the licensee of a basic nuclear installation or, when their quantities are higher than thresholds laid down by decree, from the persons responsible for transporting radioactive substances or holding such substances, the information held, whether it has been received or drawn up by them, on the risks related to ionising radiations that can result from this activity and on the safety and radiation protection measures taken to prevent or reduce these risks or exposures, under the conditions defined in Articles L. 124-1 to L. 124-6 of the Environmental Code.

II. – Pursuant to this Article, disputes relative to refusals to communicate information are brought before the administrative court in accordance with the procedures set forth by the previously mentioned Act No. 78-753 of 17 July 1978.

III. – The provisions of Chapter II of Title I of the previously mentioned Act No.78-753 of 17 July 1978 do not apply to information communicated pursuant to this Article.

Article 20

Article 21 of the previously mentioned Act No. 78-753 of 17 July 1978 is completed by a paragraph drafted as follows:

‘The Committee is also empowered to address issues relating to access to information held by the licensees of a basic nuclear installation and persons responsible for transporting radioactive substances under the conditions defined in Article 19 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field.’

Article 21

Licensees of basic nuclear installations shall draw up each year a report setting forth the:

- Provisions adopted as regards nuclear safety and radiation protection;
- Incidents and accidents as regards nuclear safety and radiation protection, which are subject to the declaratory obligation pursuant to Article 54, that have occurred within the boundary of the installation, as well as the measures taken to limit their development and consequences on personal health and the environment;
- Nature and results of the measurements of radioactive and non-radioactive releases from the installation into the environment;
- Nature and quantity of radioactive wastes stored at the installation site, as well as the measures taken to limit their volume and effects on health and the environment, especially on the ground and water.

This report is submitted to the health and safety committee of the basic nuclear installation, which can express recommendations. These are appended to the document for the purpose of publication and transmission.

This report is publicly disclosed and transmitted to the local information committee and to the High Committee for Transparency and Information on Nuclear Security.

A decree specifies the nature of the information contained in the report.

Chapter II

Local Information Committees

Article 22

I. – At all sites comprising one or several basic nuclear installations, as defined in Article 28, a local information committee is set up, tasked with a general follow-up, information and concertation mission in the field of nuclear safety, radiation protection and the impact of nuclear activities on persons and the environment as far as the site installations are concerned. The local information committee widely disseminates the results of its work in a form accessible to the greatest number.

The committee can be created once a basic nuclear installation has been the subject of a creation authorisation application pursuant to Article 29.

A local information committee can be created for several close basic nuclear installations. A committee can also be created at an individual site where a basic nuclear installation has been located.

II. – The local information committee comprises; representatives of general councils, of municipal councils or of the deliberating assemblies of groups of *communes* and of regional councils concerned; members of Parliament elected in the *département*; representatives of environmental protection associations,

of economic interests and of representative trade union organisations of employees and of medical professions; as well as qualified personalities.

The representatives of the Nuclear Safety Authority and of the other State services concerned, as well as representatives of the licensee can attend, in an advisory capacity, the sessions of the local information committee. They have access as of right to its work.

III. – The local information committee is created by a decision of the chairman of the general council of the *département* where the boundary of the installation(s) concerned are located or by a joint decision of the chairmen of the general councils if the boundary are spread over several *départements*.

The chairman of the general council appoints the committee members. The committee is chaired by the chairman of the general council or by a local elected representative of the *département* appointed by him among its members.

If the boundary of the basic nuclear installation comprise a waste elimination or disposal facility, the committee mentioned in this Article takes the place of the local committee for information and monitoring mentioned in Article L. 125-1 of the Environmental Code.

IV. – The local information committee may have legal personality with the status of an association.

V. – In pursuit of its missions, the local information committee can have consultancy services performed, including epidemiological studies, and have any measurement or analysis of the environment made with respect to the emissions or releases from the site.

The local information committee is informed by the licensee of the requests for information sent to him in accordance with the provisions of Article 19, within eight days of their reception. Under the same conditions, the licensee sends it the answers given to these requests.

The licensee, the Nuclear Safety Authority and the other State services send it all the documents and information it needs to accomplish its missions. Depending on the case, the provisions of Article 19 of this Act or those of Chapter IV of Title II of Book I of the Environmental Code and of the previously mentioned Act No. 78-753 of 17 July 1978 apply to said transmission.

The licensee informs the committee of any incident or accident mentioned in Article 54 of this Act as soon as possible.

The Nuclear Safety Authority, and the ministers tasked with nuclear safety or radiation protection can consult the committee regarding any project related to the boundary of a basic nuclear installation. Once the committee has been properly constituted, this consultation is mandatory for any project that is the subject of a public enquiry.

The committee can refer to the Nuclear Safety Authority and the ministers tasked with nuclear safety or radiation protection any matter related to nuclear safety and radiation protection concerning the site.

The committee of the *département* competent in the matter of environmental issues, and health and technological risks can refer to the local information committee about any matter coming within the sphere of its competence to obtain its opinion.

The local information committee and the High Committee for Transparency and Information on Nuclear Security mentioned in Article 23 send each other all the useful information for the exercise of their missions and contribute to joint information actions.

The representatives appointed by the health and safety committee of a site comprising one or several of the basic nuclear installations mentioned in I are heard on their request by the local information committees whenever they feel necessary. The local information committees can also ask to hear them.

VI. – Local information committee expenditure is funded by:

- The State;
- Territorial authorities and their groupings.

In addition to the subsidies that can be allocated to committees by the State and territorial authorities and their groupings, committees with a legal personality can receive part of the revenue of the tax introduced by Article 43 of the Finance Act for 2000 (No. 99-1172 of 30 December 1999) under the conditions defined in the Finance Act.

Committee accounts are subject to inspection by the regional accounts chamber.

VII. – Local information committees can set up a federation, in the form of an association, tasked with representing them at the national and European authorities and providing assistance to themselves for matters of common interest.

The resources of this federation mainly come from subsidies paid by the State and contributions from member committees.

VIII. – A State Council decree determines the implementing procedures of this Chapter. It can define clauses belonging to those that must compulsorily appear in the statutes of committees that have a legal personality.

Chapter III

High Committee for Transparency and Information on Nuclear Security

Article 23

A High Committee for Transparency and Information on Nuclear Security is created.

It is composed of members appointed for six years by decree, of which there are four for parliamentarians and five for each of the other categories, split as follows:

- 1° Two deputies appointed by the National Assembly and two senators appointed by the Senate;
- 2° Representatives of local information committees;

3° Representatives of the environmental protection associations mentioned in Article L. 1114-1 of the Public Health Code;

4° Representatives of persons in charge of nuclear activities;

5° Representatives of representative trade union organisations of employees;

6° Personalities chosen on account of their competence in the scientific, technical, economic or social field, or regarding information and communication. Three of them are appointed by the Parliamentary Office for Science and Technology Assessment, one by the Academy of Sciences and one by the Human Sciences Academy;

7°/ Representatives of the Nuclear Safety Authority, of the State services concerned and of the Radiation Protection and Nuclear Safety Institute.

The chairman of the High Committee is appointed by decree among the members of parliament, representatives of local information committees and personalities chosen on account of their competence who are members thereof.

Article 24

The High Committee for Transparency and Information on Nuclear Security is an information, and debate body on the risks related to nuclear activities and the impact of these activities on personal health, on the environment and on nuclear security. For this purpose, it can give an opinion on any matter in these fields, as well as on surveillance and information related to them. It can also deal with any matter relative to the accessibility of information as regards nuclear security and propose any measure likely to ensure or improve transparency in the nuclear field.

Any matter related to information on nuclear security and the surveillance thereof can be brought before the High Committee by the ministers tasked with nuclear safety, the chairman of the competent committees at the National Assembly and Senate, the chairman of the Parliamentary Office for Science and Technology Assessment, the chairmen of local information committees or the licensees of basic nuclear installations.

Article 25

The High Committee for Transparency and Information on Nuclear Security can have consultancy services performed that are necessary to accomplish its missions and it can organise adversarial debates.

It publicly discloses its opinions.

It draws up an annual activity report which is also brought to public notice.

Persons responsible for nuclear activities, the Nuclear Safety Authority and the other State services concerned transmit to the High Committee all the documents and information that are useful in accomplishing its missions. Depending on the case, the provisions of Article 19 of this Act or those of Chapter IV of Title II of Book I of the Environmental Code and of the previously mentioned Act No. 78-753 of 17 July 1978 apply to said transmission.

Article 26

The funds necessary to accomplish the missions of the High Committee for Transparency and Information on Nuclear Security are included in the State budget.

On taking up their post, members of the High Committee, except for representatives of persons responsible for nuclear activities, make a declaration that is publicly disclosed in which they mention their direct or indirect ties with companies or bodies whose activities come within the competence of the High Committee.

Article 27

The implementing procedures of this Chapter are defined by a State Council decree.

TITLE IV

BASIC NUCLEAR INSTALLATIONS

AND THE TRANSPORT OF RADIOACTIVE SUBSTANCES

Chapter I

Rules applying to basic nuclear installations
and to the transport of radioactive substances

Article 28

I. - Basic nuclear installations and the transport of radioactive substances are subject to the provisions of this Title on account of the risks or drawbacks they can present for security, public health and salubrity or protection of nature and the environment.

II. – The licensee of a basic nuclear installation is responsible for the safety of his installation.

III. – The following are basic nuclear installations:

1° Nuclear reactors;

2° Installations meeting characteristics defined by a State Council decree, for preparing, enriching, producing, processing or storing nuclear fuels or treating, storing or disposing of radioactive wastes;

3° Installations containing radioactive or fissile substances and meeting characteristics defined by a State Council decree;

4° Particle accelerators meeting characteristics defined by a State Council decree.

IV. - Basic nuclear installations are not subject to either the provisions of Articles L. 214-1 to L. 214-6 of the Environmental Code or those of Title I of Book V of said Code. They are not subject to the authorisation or declaration regime set forth in Article L. 1333-4 of the Public Health Code.

V. – The equipment and installations which are necessary to operate a basic nuclear installation and located in its boundary defined under I of Article 29 of this Act, including those listed in one of the categories comprised in one of the nomenclatures set forth in Articles L. 214-2 and L. 511-2 of the Environmental Code, are deemed to be part of said installation and are subject to the provisions of this Title.

Other equipment and installations listed in one of the previously mentioned categories and located in the boundary of the basic nuclear installation remain subject to the previously mentioned provisions of the Environmental Code. The Nuclear Safety Authority exercises the powers as regards individual decisions and surveillance which are set forth by those provisions.

Article 29

I. – The creation of a basic nuclear installation is subject to authorisation. This authorisation cannot be issued unless, bearing in mind the scientific and technical knowledge of the time, the licensee proves that the technical or organisational measures taken or envisaged at the design, construction and operation stages as well as the general principles proposed for decommissioning or, for radioactive waste disposal installations, for their maintenance and surveillance after their final shut-down according to the procedures defined in VI, are likely to prevent or limit sufficiently the risks or drawbacks which the installation presents for the interests mentioned in I of Article 28. The authorisation takes into account the technical and financial capacities of the licensee which must allow him to conduct his project in compliance with these interests, especially to cover the costs of decommissioning the installation and conduct remediation work, and to monitor and maintain its location site or, for radioactive waste disposal installations, to cover the definitive shut-down, maintenance and surveillance expenditure.

The authorisation is issued by a decree adopted upon advice of the Nuclear Safety Authority and after a public enquiry. This decree determines the characteristics and boundary of the installation and sets the deadline after which it must be commissioned.

To implement the authorisation decree, the Nuclear Safety Authority defines, in compliance with the general rules set forth in Article 30, the prescriptions relative to the design, construction and operation of the installation, which it feels necessary to protect the interests mentioned in I of Article 28. In this respect, it specifies in particular, as and when required, the prescriptions on water samplings from the installation and on radioactive substances from the installation. The prescriptions laying down the limits of releases from the installation into the environment are subject to approval.

The Nuclear Safety Authority authorises the commissioning of the installation, under the conditions defined by the decree mentioned in Article 36, and pronounces the individual decisions set forth by the regulations on pressurised equipment mentioned in 2° of Article 4.

While an authorisation application is being examined, the Nuclear Safety Authority can take the provisional measures necessary to protect the interests mentioned in I of Article 28.

II. – A new authorisation is required in the event of:

1° A change in the installation's licensee;

2° A change in the installation's boundary;

3° A significant change in the installation.

Except for applications made on account of the cases stated in 1° and 2° of this II, which are the subject of a simplified procedure under the conditions defined by a State Council decree, this new authorisation is granted in accordance with the procedures set forth in I.

III. – The licensee of a basic nuclear installation carries out periodic safety reviews of his installation by taking account of the best international practices. This periodic review must allow the situation of the installation to be appreciated with regard to the rules applying to it and must make it possible to update the assessment of risks or drawbacks the installation presents for the interests mentioned in I of Article 28, by taking account in particular of the state of the installation, the experience learned from operation,

and the evolution of knowledge and of the rules applying to similar installations. The licensee sends the Nuclear Safety Authority and the ministers tasked with nuclear safety a report including the conclusions of this review and, where applicable, the provisions it envisages taking to remedy the observed anomalies or to improve the safety of his installation.

After analysing the report, the Nuclear Safety Authority can impose new technical prescriptions. It sends the ministers tasked with nuclear safety its analysis of the report.

Safety reviews take place every ten years. However, the authorisation decree can lay down a different periodicity if this is justified by the specificities of the installations.

IV. – If it appears that a basic nuclear installation presents serious risks for the interests mentioned in I of Article 28, the ministers tasked with nuclear safety can, by a decree, pronounce the suspension of its operation for the time necessary to implement measures to eliminate these serious risks. Save in an emergency, the licensee is enabled to present his remarks on the projected suspension and the prior opinion of the Nuclear Safety Authority is obtained.

In the event of serious and imminent risks, the Nuclear Safety Authority suspends, if necessary, provisionally and as a precaution, the operation of the installation. It immediately informs thereof the ministers tasked with nuclear safety.

V. – The final shut-down and decommissioning of a basic nuclear installation are subject to prior authorisation. The authorisation application comprises the provisions concerning the shut-down conditions, the decommissioning and waste management procedures, and also concerning the surveillance and subsequent maintenance of the installation site. Bearing in mind the scientific and technical knowledge of the time and the forecasts on subsequent use of the site, this will make it possible to prevent or limit sufficiently the risks or drawbacks for the interests mentioned in I of Article 28.

The authorisation is issued by a decree adopted upon advice of the Nuclear Safety Authority. This decree sets forth the decommissioning characteristics, the time period to carry out decommissioning and the types of operations to be borne by the licensee after decommissioning.

To implement the authorisation decree, the Nuclear Safety Authority defines, in compliance with the general rules set forth in Article 30, the prescriptions on decommissioning necessary to protect the interests mentioned in I of Article 28. It specifies in particular, where necessary, the prescriptions on the samplings of water from the installation and on radioactive substances discharged by the installation. The requirements laying down the limits of discharges from the installation into the environment are subject to approval.

The provisions of this V do not apply to radioactive waste disposal installations.

VI. – The definitive shut-down and transition to a surveillance phase of a radioactive waste disposal installation are subject to authorisation. The authorisation application comprises the provisions on the final shut-down, and the maintenance and surveillance of the installation site. Bearing in mind the scientific and technical knowledge of the time, this will make it possible to prevent or limit sufficiently the risks or drawbacks for the interests mentioned in I of Article 28.

The authorisation is issued by a decree adopted upon advice of the Nuclear Safety Authority. This decree sets forth the types of operations to be borne by the licensee after the definitive shut-down.

To implement the authorisation decree, the Nuclear Safety Authority defines, in compliance with the general rules set forth in Article 30, the prescriptions on the protection of the interests mentioned in I of Article 28. It specifies in particular, where necessary, the prescriptions on the samplings of water from the installation and on radioactive substances discharged by the installation.

VII. – Authorisations are granted subject to the rights of third parties.

If the licensee is not the owner of the plot of land, the authorisation application must be backed up by his commitment to comply with his obligations under Article 44. Any new purchaser of the land makes the same commitment, on pain of cancellation of the sale.

VIII. – When a basic nuclear installation has been decommissioned in accordance with the provisions defined in V, or has entered the surveillance phase in accordance with the provisions defined in VI, and no longer requires the implementation of the provisions set forth in this title, the Nuclear Safety Authority submits to the approval of the ministers tasked with nuclear safety a decision declassifying the installation.

IX. – In the event of a threat for the interests mentioned in I of Article 28, the Nuclear Safety Authority can at any time prescribe assessments and the implementation of provisions that have become necessary. Save in an emergency, the licensee is enabled to present his remarks.

The provisions of the first paragraph of this IX apply even if the threat is observed after the declassification of the installation.

X. – If a basic nuclear installation is not commissioned in the timeframe set by the decree authorising its creation, a decree, adopted upon advice of the Nuclear Safety Authority, can terminate the installation's authorisation. The Nuclear Safety Authority can submit the holder of the authorisation to specific prescriptions in order to protect the interests mentioned in I of Article 28 and ensure site remediation. The surveillance and policing set forth in this Title continue to apply to said installation.

If a basic nuclear installation ceases to operate for a continuous period of over two years, the ministers tasked with nuclear safety can, by a decree adopted upon advice of the Nuclear Safety Authority, ban the resumption of the operation of the installation and call on the licensee to file, within a period they determine, an authorisation application for the definitive shut-down and decommissioning of the installation.

Article 30

To protect the interests mentioned in I of Article 28, the design, construction, operation, final shut-down and decommissioning of basic nuclear installations as well as the final shut-down, maintenance and surveillance of radioactive waste disposal installations are subject to general rules applying to all these installations or to some categories of them. The same applies to the construction and use of pressurised equipment specially designed for these installations. These general rules can lay down specific implementing procedures for existing installations and are determined by a ministerial order.

Article 31

The administrative authority can prescribe around basic nuclear installations, including existing installations, public utility easements related to use of the ground and the execution of work subject to a notification or an administrative authorisation. These easements may also relate to use of the ground on the footprint of the installation and around said footprint, after the basic nuclear installation has been

declassified or has disappeared. They are prescribed upon advice of the Nuclear Safety Authority, under the conditions set forth in Articles L. 515-8 to L. 515-12 of the Environmental Code.

Article 32

Section 4 of Chapter V of Title II of Book IV of the Town Planning Code as it results from Ordinance No. 2005-1527 of 8 December 2005 relative to Building Permits and Town Planning Authorisations is completed by an Article L. 425-12 drafted as follows:

‘Art. L. 425-12. – When the project concerns a basic nuclear installation subject to a creation authorisation pursuant to I or to a new authorisation pursuant to 3° of II of Article 29 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field, work cannot be executed before closure of the public enquiry prior to said authorisation.’

Article 33

A lawfully started installation which, on account of a change in a State Council decree adopted pursuant to 2°, 3° and 4° of III of Article 28, comes within the scope of the provisions of this Title, can continue to operate without the creation authorisation required in I of Article 29 provided the licensee sends a notification to the Nuclear Safety Authority in the year following publication of the decree.

The Nuclear Safety Authority can impose specific prescriptions on said installation to protect the interests mentioned in I of Article 28.

Article 34

A State Council decree adopted upon advice of the Nuclear Safety Authority can order the definitive shut-down and decommissioning of a basic nuclear installation presenting, for the interests mentioned in I of Article 28, serious risks which the measures set forth by this title cannot prevent or limit sufficiently.

Article 35

The Nuclear Safety Authority grants authorisations or approvals and receives notifications relative to the transport of radioactive substances.

Article 36

A State Council decree determines the implementing procedures of this Chapter.

It specifies the Chapter’s implementing conditions for installations that are subject to it after their commissioning.

It defines a simplified authorisation procedure, which can be renewed only once for installations that are intended to operate for a period of less than six months.

Chapter II

Strengthening of the role of the employees of basic nuclear installations as regards risk prevention

Article 37

I. – In the first sentence of the last paragraph of IV of Article L. 230-2 of the Labour Code, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’.

II. – The seventh paragraph of Article L. 236-1 of said Code is amended as follows:

1/ In the first sentence the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’;

2/ A sentence drafted as follows is added:

‘The provisions of this paragraph do not apply to sites, comprising at least one basic nuclear installation, within which the managers of external companies and representatives of employees come together in preventing the specific risks related to the activity of the establishment in accordance with procedures implemented before the publication of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field and which meet characteristics defined by decree’.

III. – In the tenth paragraph of Article L. 236-2 of said code, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’.

Article 38

I. – In the last paragraph of Article L. 231-9 of the Labour Code, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’ and after the words ‘the inspectorate of classified installations’, are inserted the words ‘the Nuclear Safety Authority’.

II. – In the first sentence of Article L. 233-1-1 of said Code, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’.

Article 39

I. – The ninth paragraph of Article L. 236-2 of the Labour Code is completed by four sentences drafted as follows:

‘At sites comprising one or several basic nuclear installations, the committee is informed of the safety policy by the establishment manager and can ask the latter to send it the information mentioned in Article 19 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field. The committee is consulted by the establishment manager on the definition and subsequent amendments to the internal emergency plan mentioned in Article L. 1333-6 of the Public Health Code. It can propose amendments to this plan to the establishment manager who justifies to the committee the follow-up he gives to these proposals. A State Council decree sets the period during which the committee draws up its opinion.’

II. - Article L. 236-2-1 of said Code is amended as follows:

1/ In the first sentence of the last paragraph but one, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’ and, after the words ‘Article L. 236-1 of this code,’ are inserted the words ‘in sites where the provisions of this paragraph apply,’;

2/ In the second sentence of the last paragraph, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation.’

III. – In the third paragraph of Article L. 236-5 of said code, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation.’

IV. - Article L. 236-7 of said Code is amended as follows:

1/ In the second paragraph, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’;

2/ In the last sentence of the last paragraph but one, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’.

V. – In the first sentence of the last paragraph but one of Article L. 236-10 of said Code, the words ‘at least one installation’ are transformed into ‘at least one basic nuclear installation or one installation’ and, after the word ‘including’, are inserted the words ‘, where applicable,’.

Chapter III

Inspection and enforcement

Article 40

I. - Basic nuclear installations and the transport of radioactive substances are the subject of surveillance in order to ensure compliance with nuclear safety rules. This surveillance is exercised by nuclear safety inspectors appointed by the Nuclear Safety Authority among the agents placed under its authority.

The rules of procedure lay down the rules of conduct applying to Nuclear Safety Authority agents.

In exercising their inspection and enforcement mission, nuclear safety inspectors are sworn and bound by professional secrecy under the conditions and on pain of the sanctions set forth in Articles 226-13 and 226-14 of the Penal Code.

The competences of nuclear safety inspectors extend to installations that are the subject of a creation authorisation application mentioned in Article 29 and to delicensed basic nuclear installations that are the subject of the measures set forth in VIII of Article 29 or in Article 31.

II. – Nuclear safety inspectors can, at any time, visit basic nuclear installations and monitor the transport activities of radioactive substances as well as the warehouses, or parking, loading or unloading facilities of radioactive substances. These provisions do not apply to the part of the premises serving as a domicile, except between 6 a.m. and 9 p.m., and on authorisation of the president of the court of first instance or the magistrate he delegates for this purpose. They have access to the means of transport used for the activity or the operation that is the subject of the surveillance.

At the latest at the beginning of the surveillance operations, the installation licensee or the person responsible for transport is informed that he can attend the operations and be assisted by any person of his choice or be represented at them.

III. – In accomplishing their mission of control, nuclear safety inspectors must obtain the transmission of all documents or evidence, whatever their media. They can also copy these and collect the necessary information and justifications on the spot or following a summons.

Nuclear safety inspectors cannot take documents away until after drawing up a list countersigned by the licensee. The list specifies the nature of the documents and their number. The licensee is informed by the Nuclear Safety Authority of the follow-up to the surveillance. The licensee can transmit his remarks to the Authority.

IV. – If the person empowered to authorise access to the installation or to the means of transport cannot be reached, if he opposes access, or if the access concerns premises serving as a domicile, nuclear safety inspectors can ask the president of the court of first instance or the magistrate delegated by him to be authorised to do so. The court of first instance with jurisdiction is the one within the judicial district of which the installation or the means of transport is located. The matter is brought before the magistrate informally and he gives a ruling as a matter of emergency after checking that the application comprises all the useful justifications. He authorises the visit by a reasoned order stating the factual and legal justifications supporting the decision, the address of the premises or the designation of the means of transport to be visited and the names and capacities of the agents empowered to make the visit. He appoints the territorially competent police officer tasked with assisting in the operations and keeping him informed of their progress. The visit is made under the supervision of the magistrate who can decide, at any time, to suspend or stop it.

V. – Nuclear safety inspectors monitor the installations mentioned in the last paragraph of V of Article 28, with regard to the rules applying to them. For this purpose they have the rights and prerogatives granted to the agents mentioned in Article L. 514-5 of the Environmental Code.

Article 41

I. – When some of the conditions imposed on the licensee of an installation or the person responsible for transport are not respected, the Nuclear Safety Authority, apart from the criminal proceedings which it can bring, serves a notice to the concerned party to meet these conditions in a given period.

If, on expiry of the stipulated period, the notice has not been complied with, the Nuclear Safety Authority can, by reasoned decision and after enabling the concerned party to present his remarks:

- a) Oblige him to deposit in the hands of a public accountant a sum covering the total amount of the work to be carried out or the cost of the measures to be taken; this sum is then handed back to the licensee as he executes the work or prescribed measures;
- b) Have the work or prescribed measures carried out as a matter of course and at the expense of the person served a notice; the sums deposited pursuant to a) can be used to settle the expenditure engaged;
- c) Suspend operation of the installation or execution of the operation in question; this measure is repealed as of right as soon as the imposed conditions are completely fulfilled.

II. – When an installation or an operation subject to authorisation, approval or notification is created, operated or carried out without having been the subject of said authorisation, approval or notification, the Nuclear Safety Authority serves a notice on the concerned party to regularise his situation; by a reasoned decision, it can suspend the operation of the installation or the execution of the operation until the notification has been filed or until a ruling has been made on the authorisation or approval application.

If the concerned party does not comply with the notice to regularise his situation or if the authorisation or approval application is turned down, the Nuclear Safety Authority can:

- a) Apply the provisions set forth in a) and b) of I;
- b) In the event of need, and by a reasoned decision, order the suspension of the operation of the installation or of the execution of the operation.

III. – The Nuclear Safety Authority takes the provisional measures rendered necessary to implement the measures set forth in IV and X of Article 29 as well as in I and II of this Article, including the affixing of a seal.

IV. – Save in an emergency, the reasoned decisions taken by the Nuclear Safety Authority pursuant to I and II are subject to approval by the ministers tasked with nuclear safety. This approval is deemed to be given for want of objection within a period of fifteen days or, if the ministers so request, a month. Such objection is reasoned and publicly disclosed.

Article 42

The sums ordered to be deposited in the hands of a public accountant pursuant to the provisions of Article 41 are collected as state credit unconnected with taxes or State property.

For this collection, the State enjoys a same ranking right to preferential payment as that set forth in Article 1920 of the General Tax Code.

When the enforcement order for costs adopted following an immobilisation is the subject of an objection before the administrative magistrate, the president of the administrative court or the magistrate he delegates, ruling in this urgent case, can, notwithstanding this objection, and on request by the Nuclear Safety Authority and if no ground advanced in support of the application is of a nature to create, in the state of the proceedings, a serious doubt as to the legality of the decision, decide within a fifteen day period that the appeal will not be suspensive.

Article 43

When the Nuclear Safety Authority has ordered suspension action pursuant to c) of I and to the first paragraph of II of Article 41, and for the length of this suspension, the licensee of the basic nuclear installation or the person responsible for transport are obliged to pay their personnel their wages, indemnities and remunerations of all kinds to which they were entitled until then.

The licensee of the basic nuclear installation lays down the contractual conditions in which the personnel of external companies intervening at the site of the installation enjoy the same maintenance of payment guarantees for their wages, indemnities and remunerations for the length of said suspension.

Article 44

Should the licensee default, the measures set forth in V, IX or X of Article 29 or in Articles 33, 34, 41 or 42 can be taken, by a reasoned decision of the administrative authority or the Nuclear Safety Authority in keeping with their specific powers, against the owner of the land on which the basic nuclear installation is built, if he has given his agreement for this use of the land while being informed of the obligations which he might have to bear pursuant to this article. The same measures can be taken against persons who, after the licensee defaults, become owners of the land on which the basic nuclear installation is built while

being aware of the existence of said installation and of the obligations they might have to bear pursuant to this Article.

Article 45

Disputes relative to administrative decisions adopted pursuant to Articles 29, 31, 33, 34, 41, 42 and 44 are subject to administrative-law action. The decisions can be brought before the administrative court:

1° By the applicant, the licensee of the basic nuclear installation, the person responsible for transport or, in the event of application of Article 44, the owner of the land, in a two month period commencing on the date of their notification;

2° By third parties owing to the dangers which the operation of the basic nuclear installation or the transport can present for personal health and the environment, in a two year period from their publication for the creation authorisation decrees mentioned in I and II of Article 29, the final shut-down and decommissioning authorisation decrees mentioned in V of said Article, or the definitive shut-down and transition to a surveillance phase authorisation decrees mentioned in VI of said Article, and in a four year period from their publication or display for the other administrative decisions mentioned in the first paragraph of this Article, this latter timeframe being, where applicable, prolonged until the end of a period of two years following the commissioning of the installation.

Chapter IV

Criminal provisions as regards basic nuclear installations and the transport of radioactive substances

Section 1

Recording of offences

Article 46

Nuclear safety inspectors authorised and sworn under the conditions set forth by a State Council decree are empowered to seek and record breaches of the provisions of this Title and of its implementing texts. For this purpose they have the powers set forth in II and III of Article 40 and can, should their action be hindered, have recourse to the procedure set forth in IV of said Article.

The operations to seek and record these offences are placed under the authority and surveillance of the public prosecutor within whose judicial district the offence is committed or likely to be committed.

These offences are recorded by the records of judicial police officers and nuclear safety inspectors. These records are good evidence until proof of the contrary. To be valid, they are sent to the public prosecutor within five days following the recording. A copy is handed to the licensee of the installation or the person responsible for transport.

With regard to the equipment and installations mentioned in the last paragraph of V of Article 28, nuclear safety inspectors have the same rights and prerogatives granted by Articles L. 216-4, L. 216-5, L. 514-5 and L. 514-13 of the Environmental Code.

Article 47

Pursuant to the provisions of Chapter III and of this Chapter, samples can be taken by nuclear safety inspectors in the boundary of basic nuclear installations or at the places of discharges from these installations and in the means of transport of radioactive substances. Several samplings can be taken to allow complementary analyses.

Section 2

Penal sanctions

Article 48

I. – Three years imprisonment and a 150,000 EUR fine are imposed for:

1° Creating or operating a basic nuclear installation without the authorisation set forth in Article 29;

2° Operating a basic nuclear installation mentioned in Article 33 without having made the notification set forth in said Article in the timeframe laid down therein;

3° Continuing to operate a basic nuclear installation in breach of an administrative action or a judicial decision to shut it down or suspend operation.

II. – Two years imprisonment and a 75,000 EUR fine are imposed for:

1° Operating a basic nuclear installation without complying with a notice issued by the administrative authority to comply with prescriptions;

2° Failing to comply with a decision setting the conditions of remediation of the site and taken pursuant to V of Article 29 or of Article 44.

III. – One year imprisonment and a 30,000 EUR fine are imposed for transporting radioactive substances without the authorisation or approval mentioned in Article 35 or in breach of their prescriptions.

IV. - One year imprisonment and a 15,000 EUR fine are imposed on the licensee of a basic nuclear installation for:

1° Refusing, after having been required to do so, to send the administrative authority information on nuclear safety in accordance with Article 40;

2° Hindering the surveillance performed pursuant to Articles 40 and 46.

V. - One year imprisonment and a 15,000 EUR fine are imposed on the licensee of a basic nuclear installation or the person responsible for transporting radioactive substances for failing to make the declarations of an incident or accident, as laid down by Article 54.

VI. - A 7,500 EUR fine is imposed on the licensee of a basic nuclear installation for failing to draw up the annual document set forth in Article 21 in the six months following the end of the year in consideration, hindering its public disclosure or including therein false information.

Article 49

In the event of conviction for an offence set forth in Article 48, natural persons are also liable to the following complementary penalties:

- 1° Display of the decision pronounced or dissemination of the latter by any appropriate means;
- 2° Confiscation of the thing which was used in or was intended for the commission of the offence, or of the thing which is the product of it;
- 3° A five year ban at most on exercising the professional activity in the exercise or on the occasion of which the offence was committed.

Article 50

In the event of conviction for an offence set forth in 1° of 2° of I or of 1° of II of Article 48, the court can:

- 1° Decide to shut down or suspend the operation of all or part of the installation;
- 2° Order the remediation of the site in the timeframe it sets. The injunction to carry out remediation work can be combined with a coercive fine of which it fixes the rate and maximum duration.

The court can decide that the remediation work will be executed as a matter of course at the licensee's expense. In this case it can order the licensee to deposit in the hands of a public account a sum covering the total amount of the work to be performed.

Article 51

Legal entities can be declared penally responsible, under the conditions set forth in Article 121-2 of the Penal Code, for the offences defined by this chapter.

Legal entities are liable to the following penalties:

- 1° In the event of the creation of a basic nuclear installation without authorisation and in the event of pursuit of operation in breach of an administrative or judicial action or without having made the declaration set forth in Article 33, a 1,500,000 EUR fine;
- 2° For other offences, a fine in accordance with the procedures set for in Article 131-38 of the Penal Code;
- 3° The penalties mentioned in 2°, 3°, 4°, 5°, 6°, 8° and 9° of Article 131-39 of the Penal Code. The prohibition mentioned in 2° of said Article concerns the activity in the exercise or on the occasion of which the offence was committed.

Article 52

The provisions of Articles 132-66 to 132-70 of the Penal Code on deferment with injunction apply in the event of a conviction pronounced on the basis of Articles 48 and 51.

The court can combine the injunction with a coercive fine of 15,000 EUR at most per day of delay.

Article 53

In the first paragraph of Article L. 142-2 of the Environmental Code, after the words ‘and nuisances,’ are inserted the words ‘nuclear safety and radiation protection,’.

Chapter V

Provisions applying in the event of an incident

or an accident

Article 54

In the event of an incident or accident, whether nuclear or not, that has or is likely to have significant consequences on the safety of the installation or of the transport or endanger, by significant exposure to ionising radiations, persons, goods or the environment, the licensee of a basic nuclear installation or the person responsible for the transport of radioactive substances is obliged to declare it without delay to the Nuclear Safety Authority and to the State representative in the *département* of the place of the incident or accident and, where applicable, to the State representative at sea.

TITLE V

MISCELLANEOUS PROVISIONS

Article 55

I. – Act No. 68-943 of 30 October 1968 on Third-Party Liability in the Field of Nuclear Energy is amended as follows:

1° Article 1 is drafted as follows:

‘Art. 1. – The provisions of this Act lay down the measures which, pursuant to the Convention on Third Party Liability in the Field of Nuclear Energy signed in Paris on 29 July 1960, the Complementary Convention signed in Brussels on 31 January 1963 and the Additional Protocols to these Conventions signed in Paris on 28 January 1964, 16 November 1982 and 12 February 2004, are left to the initiative of each contracting party.’;

2° The last paragraph of Article 2 is deleted;

3° Article 3 is reinstated as follows:

‘Art. 3. – This Act applies to nuclear damage as defined in VII of a) of Article 1 of the previously mentioned Paris Convention.’;

4° Article 4 is amended as follows:

a) In the first paragraph, the words ‘91,469,410.34 EUR for the same nuclear accident’ are replaced by the words ‘700 millions euros for nuclear damage caused by each nuclear accident’;

b) In the first sentence of the second paragraph, the amount ‘22,867,352.59 EUR’ is replaced by the amount ‘70 million euros’;

c) A paragraph drafted as follows is added:

‘This amount is also reduced in the cases where the Paris Convention applies to a non-contracting State in accordance with II and IV of a) of its Article 2, insofar as this State does not grant an equivalent amount up to and including this latter amount.’;

5° In the second paragraph of Article 5, the amount ‘381,122,543.09 EUR’ is replaced by the amount ‘1.5 billion euros’;

6° In Article 9, the amount ‘22,867,352.59 EUR’ is replaced by the amount ‘80 million EUR’;

7° In Article 9-2, the amount ‘228,673,525.86 EUR’ is replaced by the amount ‘1.2 billion EUR’;

8° In the eighth paragraph of Article 9-3, the reference ‘to Article 4 C’ is replaced by the reference ‘to d) of Article 4’ ;

9° In the last paragraph (b) of Article 13, the words ‘to material damage suffered,’ are replaced by the words ‘to other nuclear damage suffered.’;

10° After Article 13, an Article 13-1 drafted as follows is inserted:

‘Art. 13-1. – If the licensee responsible for nuclear damage proves that this damage results, totally or partially, from serious negligence of the person who has suffered it or that said person has acted or failed to act with the intention to cause damage, said licensee is exempted, to an extent appreciated by the judge on the basis of the seriousness of the fault or the negligence of said person and the obligation to compensate the damage suffered by said person.’;

11° Article 15 is amended as follows:

a) In the first paragraph, the words ‘they cannot however be brought more than ten years after the date of the accident.’ are replaced by the words ‘they cannot however be brought after expiry of the prescription and extinction period set forth in a) of Article 8 of the previously mentioned Paris Convention.’;

b) In the first sentence of the second paragraph, the words ‘compensation of damage’ are changed to ‘compensation of nuclear damage other than to persons’;

c) At the end of the third sentence of the last paragraph, the words ‘set in the previous paragraph.’ are replaced by the words ‘set previously.’;

12° Article 17 is completed by a paragraph drafted as follows:

‘Persons having suffered nuclear damage can assert their rights to compensation without having to start different procedures depending on the origin of the funds.’;

13° Article 22 is drafted as follows:

‘Art. 22. – In the event of the expiry of the Brussels Convention or its denouncement by France, the State complementary indemnification set forth in the first paragraph of Article 5 applies, to the amount of 800 millions euros, only to damage suffered in the territory of the French Republic. The same applies, where applicable, in the period between the entry into force of the Protocol amending the Paris Convention and that of the Protocol amending the Brussels Convention.’.

II. – The amendments to Act No. 68-943 of 30 October 1968 on Third-Party Liability in the Field of Nuclear Energy resulting from I are applicable upon entry into force of the Protocol amending the Paris Convention signed in Paris on 12 February 2004.

III. – Three months after the entry into force of the amendments mentioned in II, any licensee or carrier must be in a position to justify that his liability is covered under the conditions set forth in Articles 4, 7, 9, 9-1 and 9-2 of the previously mentioned Act No. 68-943 of 30 October 1968 as amended by this Act, for the share of liability not covered by the State pursuant to the second paragraph of Article 7 of said Act.

Until that date:

- The maximum amount of the liability for which each licensee is obliged, pursuant to Article 7 of the previously mentioned Act No. 68-943 of 30 October 1968 as amended by this Act, to take out and keep an insurance policy or another financial guarantee remains fixed at the level set forth in Article 4 of said Act in its drafting prior to the entry into force of this Act;
- Article 9 of the previously mentioned Act No. 68-943 of 30 October 1968 remains applicable in its prior drafting after entry into force of this Act.

Article 56

Title III of Book III of the first Part of the Public Health Code is amended as follows:

1° In Article L. 1333-3, the words ‘administrative authority’ are replaced by the words ‘Nuclear Safety Authority and to the State representative in the *département*;

2° Article L. 1333-4 is amended as follows:

a) The first paragraph is completed by a sentence drafted as follows ‘The Nuclear Safety Authority grants authorisations and receives notifications.’;

b) In the third paragraph, the words ‘Act No. 61-842 of 2 August 1961 on the Control of Atmospheric Pollution and Odours of Articles L. 214-1 to L. 214-6 of the Environmental Code’ are replaced by the words ‘Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field’;

3° Article L. 1333-5 is amended as follows:

a) In the second paragraph, after the words ‘by a reasoned decision’ are inserted the words ‘of the Nuclear Safety Authority’;

b) The last paragraph is completed by the words ‘by the Nuclear Safety Authority.’;

4° The second paragraph of Article L. 1333-14 is completed by the words ‘granted upon advice of the Nuclear Safety Authority.’;

5° Article L. 1333-17 is amended as follows:

a) In the first paragraph, the words ‘apart from the agents mentioned in Article L. 1421-1,’ are deleted;

b) The second paragraph (1°) is drafted as follows:

‘1° The agents of the Nuclear Safety Authority competent in the field of radiation protection;’

c) The fourth paragraph (3°) is drafted as follows:

‘3/ The agents mentioned in Article L. 1421-1 of this Code.’;

d) The last paragraph (4°) is deleted;

6° In the first paragraph of Article L. 1333-20, after the words ‘by a State Council decree’, are inserted the words ‘upon advice of the Nuclear Safety Authority.’;

7° In the third paragraph of Article L. 1337-1-1, the words ‘an order of the minister for the environment, labour, agriculture or health’ are replaced by the words ‘a decision of the Nuclear Safety Authority’;

8° Article L. 1337-6 is amended as follows:

a) The words ‘authority which has issued the authorisation or recorded the notification’, ‘authority tasked with surveillance’ and ‘authority having issued the authorisation’ are replaced by the words ‘the Nuclear Safety Authority’;

b) In 5° the reference ‘L. 1333-17’ is replaced by the reference ‘L. 1333-20’.

Article 57

I. – The last paragraph of Article L. 231-7-1 of the Labour Code is completed by the words ‘adopted upon advice of the Nuclear Safety Authority.’.

II. - Article L. 611-4-1 of said Code is amended as follows:

1° The second paragraph is deleted;

2° Before the last paragraph, a paragraph drafted as follows is inserted:

‘In electricity power stations comprising one or several basic nuclear installations in the meaning of III of Article 28 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field, bearing in mind the specific technical constraints, the duties of labour inspectors are exercised by engineers or technicians precisely appointed for this purpose by the Nuclear Safety Authority among the agents placed under its authority.’;

3° At the beginning of the last paragraph, the words ‘These duties’ are replaced by the words ‘The duties mentioned in this Article’.

Article 58

The second sentence of Article L. 227-1 of the Environmental Code is drafted as follows:

‘The prescriptions applying to them are set forth in Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field’.

Article 59

In Article L. 1332-2 of the Defence Code, after the words ‘sites mentioned in Article L. 511-1 of the Environmental Code’ are inserted the words ‘or comprising a basic nuclear installation referred to in Article 28 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field’.

Article 60

I. - Article 3 of Act No. 83-581 of 5 July 1983 on the Safety of Life at Sea, Life on Board Ships and the Prevention of Pollution is completed by two paragraphs drafted as follows:

‘ - Nuclear safety inspectors.’

‘In addition, nuclear safety inspectors have free access on board any ship to monitor the sea transport of radioactive substances with regard to nuclear safety rules.’

II. – After 5° of Article 3 of Act No. 75-1335 of 31 December 1975 on the Detection and Repression of Public and Private Transport Offences, a 6° drafted as follows is inserted:

‘6/ Nuclear safety inspectors meeting the conditions set forth in Article 46 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field.’

III. - In Article L. 150-13 of the Civil Aviation Code, after the words ‘State public works engineers (mines),’ are inserted the words ‘nuclear safety inspectors.’

Article 61

I. - 1. In the title of Act No. 2002-3 of 3 January 2002 on the Security of Transport Infrastructures and Systems, Technical Investigations after an Event at Sea, a Land or Air Accident or Incident and the Underground Storage of Natural Gas, Hydrocarbons and Chemicals, the words ‘after an event at sea, a land or air accident or incident’ are deleted.

2. In all legislative and regulatory provisions, the previously mentioned Act No. 2002-3 of 3 January 2002 is mentioned under the title as amended in 1.

II. – The previously mentioned Act no. 2002-3 of 3 January 2002 is amended as follows:

1° The wording of title III is drafted as follows: ‘Technical Investigations’;

2° Article 14 is amended as follows:

a) In the first sentence of I, after the words ‘land transport incident’ are inserted the words ‘or an accident or incident concerning a nuclear activity mentioned in Article L. 1333-1 of the Public Health Code’ ;

b) II is completed by a paragraph drafted as follows:

The technical investigation on accidents or incidents concerning a nuclear activity may relate to all the activities mentioned in Article L. 1333-1 of the Public Health Code.’;

c) In the first paragraph of III, after the words ‘The technical investigation’ are inserted the words ‘on sea events or on land transport accidents or incidents’;

d) After the first paragraph of III, a paragraph drafted as follows is inserted:

‘The technical investigation on accidents or incidents concerning a nuclear activity is conducted by the agents of the Nuclear Safety Authority which forms a permanent body in the sense of this Act. The Authority can call on members of inspection and surveillance bodies, agents of the Radiation Protection and Nuclear Safety Institute or technical Investigation agents of French or foreign nationality.’;

3° The first paragraph of Article 15 is amended as follows:

a) In the first sentence, after the words 'land transport incident,' are inserted the words 'or an accident or incident concerning a nuclear activity,';

b) In the last sentence, the words 'land transport' are deleted;

4° In the first paragraph and in the last sentence of the last paragraph of Article 16, the words 'land transport' are deleted;

5° In the first sentence of the first paragraph and in the first sentence of the last paragraph of Article 17, the words 'land transport' are deleted;

6° In the first paragraph of Article 18, the words 'land transport' are deleted;

7° Article 19 is amended as follows:

a) In the first paragraph, the words 'land transport' are deleted and, after the words 'in particular' are inserted the words ', for sea events or land transport accidents or incidents,';

b) In the first sentence of the second paragraph, the words ', qualification, aptitude to drive or the roadworthiness test of vehicles' are replaced by the words 'or the qualification of the persons concerned and, for sea events or land transport accidents or incidents, the aptitude to drive or the roadworthiness test of vehicles.';

8/ In Article 20, after the words 'land transport', are inserted the words 'or on persons participating in the nuclear activity,';

9/ In the first paragraph of II of Article 22, the words 'land transport' are deleted and, after the words 'or transport infrastructures and equipment' are inserted the words ', engaging in a nuclear activity and designing, producing or maintaining equipment used in the framework of a nuclear activity';

10/ In the first paragraph of Article 23, the words 'land transport' are deleted.

Article 62

I. – Act No. 61-842 of 2 August 1961 on the Control of Atmospheric Pollution and odours and amending the Act of 19 December 1917 is repealed.

II. - 1. The first paragraph of Article 39 quinquies F of the General Tax Code is amended as follows:

a) As of 1 January 2008, the words 'by the amended Act No. 61-842 of 2 August 1961 on the Control of Atmospheric Pollution and odours and' are deleted;

b) After the words 'rational use of energy' are inserted the words 'and by Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field'.

2. In the first paragraph of II of Article 43 of the Finance Act for 2000 (No. 99-1172 of 30 December 1999), the words 'subject to authorisation and surveillance pursuant to Article 8 of Act No. 61-842 of 2 August 1961 on the Control of Atmospheric Pollution and odours' are replaced by the words 'referred to in Article 28 of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field'.

3. Article 44 of Act No. 96-1236 of 30 December 1996 on Air and the Rational Use of Energy is amended as follows:

a) I is drafted as follows:

I. – Regulatory texts adopted pursuant to Act No. 61-842 of 2 August 1961 on the Control of Atmospheric Pollution and odours remain applicable until the publication of the implementing decrees of Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field which replace them.;

b) In IV, the words ‘Subject to the provisions of I of this Article, reference to this Act replaces’ are replaced by the words ‘References to Title II of Book II of the Environmental Code and, as far as basic nuclear installations are concerned, to Act No. 2006-686 of 13 June 2006 on Transparency and Security in the Nuclear Field replace’.

4. In Article L. 1335-1 of the Public Health Code, the words ‘of Act No. 61-842 of 2 August 1961 on the Control of Atmospheric Pollution and odours and of Act No. 96-1236 of 30 December 1996 on Air and the Rational Use of Energy’ are replaced by the words ‘set forth in Title II of Book II of the Environmental Code.’

III. – The authorisations and prescriptions relative to basic nuclear installations issued pursuant to the previously mentioned Act No. 61-842 of 2 August 1961 or the regulatory texts adopted for its implementation are tantamount to authorisations and prescriptions under this Act. They are amended under the conditions set forth by this Act and by the texts adopted for its implementation.

As basic nuclear installations operate under the benefit of the rights acquired pursuant to Article 14 of Decree No. 63-1228 of 11 December 1963 on Nuclear Installations are subject to the provisions of Article 33 of this Act. The notification made pursuant to said Decree is tantamount to the notification under this Act.

Article 63

The provisions of Articles 4, 8, 9, 56 et 57 come into force on the date of the first meeting of the Nuclear Safety Authority college and, at the latest, on 31 March 2007.

Article 64

The officials and agents assigned to the general-directorate for nuclear safety and radiation protection or to the nuclear safety and radiation protection divisions of the regional directorates of industry, research and the environment or seconded to them on the date mentioned in Article 63 are, as of this date, assigned to the Nuclear Safety Authority or seconded to it under the same conditions. These officials and agents will be able, under the customary management conditions, to return to their original administration or establishment as of the date mentioned in Article 63.

This Act will be implemented as a State Act.

Done in Paris, on 13 June 2006.

Jacques Chirac

[signed by] the President of the Republic:

Prime Minister,

Dominique de Villepin

Minister of State,

Minister of the Interior

and Regional Development,

Nicolas Sarkozy

Minister of Defence,

Michèle Alliot-Marie

Minister for Employment,

Social Cohesion and Housing,

Jean-Louis Borloo

Minister of the Economy,

Finance and Industry

Thierry Breton

Keeper of the Seals, Minister of Justice,

Pascal Clément

Minister for Transport, Infrastructure,

Tourism and the Sea,

Dominique Perben

Minister for Health and Solidarity,

Xavier Bertrand

Minister for the Civil Service,

Christian Jacob



Minister for Ecology
and Sustainable Development,

Nelly Olin

Minister delegate for Employment, Labour
and Youth Employment,

Gérard Larcher

Minister delegate for Industry,

François Loos