

Council Directive 2009/71/Euratom of 25 June 2009 establishing a
Community framework for the nuclear safety of nuclear installations

CHAPTER 2

OBLIGATIONS

[^{F1}SECTION 1

General obligations]

Article 4

Legislative, regulatory and organisational framework

[^{F21} Member States shall establish and maintain a national legislative, regulatory and organisational framework ('national framework') for the nuclear safety of nuclear installations. The national framework shall provide in particular for:

- a the allocation of responsibilities and coordination between relevant state bodies;
- b national nuclear safety requirements, covering all stages of the lifecycle of nuclear installations;
- c a system of licensing and prohibition of operation of nuclear installations without a licence;
- d a system of regulatory control of nuclear safety performed by the competent regulatory authority;
- e effective and proportionate enforcement actions, including, where appropriate, corrective action or suspension of operation and modification or revocation of a licence.

The determination on how national nuclear safety requirements referred to in point (b) are adopted and through which instrument they are applied remains within the competences of the Member States.]

2 Member States shall ensure that the national framework is maintained and improved when appropriate, taking into account operating experience, insights gained from safety analyses for operating nuclear installations, development of technology and results of safety research, when available and relevant.

Textual Amendments

- F2** Substituted by [Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.](#)

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Article 5

Competent regulatory authority

1 Member States shall establish and maintain a competent regulatory authority in the field of nuclear safety of nuclear installations.

[^{F2} Member States shall ensure the effective independence from undue influence of the competent regulatory authority in its regulatory decision-making. For this purpose, Member States shall ensure that the national framework requires that the competent regulatory authority:

- a is functionally separate from any other body or organisation concerned with the promotion or utilisation of nuclear energy, and does not seek or take instructions from any such body or organisation when carrying out its regulatory tasks;
- b takes regulatory decisions founded on robust and transparent nuclear safety-related requirements;
- c is given dedicated and appropriate budget allocations to allow for the delivery of its regulatory tasks as defined in the national framework and is responsible for the implementation of the allocated budget;
- d employs an appropriate number of staff with qualifications, experience and expertise necessary to fulfil its obligations. It may use external scientific and technical resources and expertise in support of its regulatory functions;
- e establishes procedures for the prevention and resolution of any conflicts of interest;
- f provides nuclear safety-related information without clearance from any other body or organisation, provided that this does not jeopardise other overriding interests, such as security, recognised in relevant legislation or international instruments.

3 Member States shall ensure that the competent regulatory authority is given the legal powers necessary to fulfil its obligations in connection with the national framework described in Article 4(1). For this purpose, Member States shall ensure that the national framework entrusts the competent regulatory authorities with the following main regulatory tasks, to:

- a propose, define or participate in the definition of national nuclear safety requirements;
- b require that the licence holder complies and demonstrates compliance with national nuclear safety requirements and the terms of the relevant licence;
- c verify such compliance through regulatory assessments and inspections;
- d propose or carry out effective and proportionate enforcement actions.]

Textual Amendments

- F2** Substituted by [Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.](#)

[^{F2} Article 6

Licence holders

Member States shall ensure that the national framework requires that:

- (a) the prime responsibility for the nuclear safety of a nuclear installation rests with the licence holder. That responsibility cannot be delegated and includes responsibility

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- for the activities of contractors and sub-contractors whose activities might affect the nuclear safety of a nuclear installation;
- (b) when applying for a licence, the applicant is required to submit a demonstration of nuclear safety. Its scope and level of detail shall be commensurate with the potential magnitude and nature of the hazard relevant for the nuclear installation and its site;
 - (c) licence holders are to regularly assess, verify, and continuously improve, as far as reasonably practicable, the nuclear safety of their nuclear installations in a systematic and verifiable manner. That shall include verification that measures are in place for the prevention of accidents and mitigation of the consequences of accidents, including the verification of the application of defence-in-depth provisions;
 - (d) licence holders establish and implement management systems which give due priority to nuclear safety;
 - (e) licence holders provide for appropriate on-site emergency procedures and arrangements, including severe accident management guidelines or equivalent arrangements, for responding effectively to accidents in order to prevent or mitigate their consequences. Those shall in particular:
 - (i) be consistent with other operational procedures and periodically exercised to verify their practicability;
 - (ii) address accidents and severe accidents that could occur in all operational modes and those that simultaneously involve or affect several units;
 - (iii) provide arrangements to receive external assistance;
 - (iv) be periodically reviewed and regularly updated, taking account of experience from exercises and lessons learned from accidents;
 - (f) licence holders provide for and maintain financial and human resources with appropriate qualifications and competences, necessary to fulfil their obligations with respect to the nuclear safety of a nuclear installation. Licence holders shall also ensure that contractors and subcontractors under their responsibility and whose activities might affect the nuclear safety of a nuclear installation have the necessary human resources with appropriate qualifications and competences to fulfil their obligations.

Textual Amendments

- F2** Substituted by [Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.](#)

Article 7

Expertise and skills in nuclear safety

Member States shall ensure that the national framework requires all parties to make arrangements for the education and training for their staff having responsibilities related to the nuclear safety of nuclear installations so as to obtain, maintain and to further develop expertise and skills in nuclear safety and on-site emergency preparedness.

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Textual Amendments

- F2** Substituted by [Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.](#)

Article 8

Transparency

1 Member States shall ensure that necessary information in relation to the nuclear safety of nuclear installations and its regulation is made available to workers and the general public, with specific consideration to local authorities, population and stakeholders in the vicinity of a nuclear installation. That obligation includes ensuring that the competent regulatory authority and the licence holders, within their fields of responsibility, provide in the framework of their communication policy:

- a information on normal operating conditions of nuclear installations to workers and the general public; and
- b prompt information in case of incidents and accidents to workers and the general public and to the competent regulatory authorities of other Member States in the vicinity of a nuclear installation.

2 Information shall be made available to the public in accordance with relevant legislation and international instruments, provided that this does not jeopardise other overriding interests, such as security, which are recognised in relevant legislation or international instruments.

3 Member States shall, without prejudice to Article 5(2), ensure that the competent regulatory authority engages, as appropriate, in cooperation activities on the nuclear safety of nuclear installations with competent regulatory authorities of other Member States in the vicinity of a nuclear installation, inter alia, via the exchange and/or sharing of information.

4 Member States shall ensure that the general public is given the appropriate opportunities to participate effectively in the decision-making process relating to the licensing of nuclear installations, in accordance with relevant legislation and international instruments.]

Textual Amendments

- F2** Substituted by [Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.](#)

Textual Amendments

- F1** Inserted by [Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.](#)

[^{F1}SECTION 2

Specific obligations

Article 8a

Nuclear safety objective for nuclear installations

1 Member States shall ensure that the national nuclear safety framework requires that nuclear installations are designed, sited, constructed, commissioned, operated and decommissioned with the objective of preventing accidents and, should an accident occur, mitigating its consequences and avoiding:

- a early radioactive releases that would require off-site emergency measures but with insufficient time to implement them;
- b large radioactive releases that would require protective measures that could not be limited in area or time.

2 Member States shall ensure that the national framework requires that the objective set out in paragraph 1:

- a applies to nuclear installations for which a construction licence is granted for the first time after 14 August 2014;
- b is used as a reference for the timely implementation of reasonably practicable safety improvements to existing nuclear installations, including in the framework of the periodic safety reviews as defined in Article 8c(b).

Article 8b

Implementation of the nuclear safety objective for nuclear installations

1 In order to achieve the nuclear safety objective set out in Article 8a, Member States shall ensure that the national framework requires that where defence-in-depth applies, it shall be applied to ensure that:

- a the impact of extreme external natural and unintended man-made hazards is minimised;
- b abnormal operation and failures are prevented;
- c abnormal operation is controlled and failures are detected;
- d accidents within the design basis are controlled;
- e severe conditions are controlled, including prevention of accidents progression and mitigation of the consequences of severe accidents;
- f organisational structures according to Article 8d(1) are in place.

2 In order to achieve the nuclear safety objective set out in Article 8a, Member States shall ensure that the national framework requires that the competent regulatory authority and the licence holder take measures to promote and enhance an effective nuclear safety culture. Those measures include in particular:

- a management systems which give due priority to nuclear safety and promote, at all levels of staff and management, the ability to question the effective delivery of relevant safety principles and practices, and to report in a timely manner on safety issues, in accordance with Article 6(d);
- b arrangements by the licence holder to register, evaluate and document internal and external safety significant operating experience;

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- c the obligation of the licence holder to report events with a potential impact on nuclear safety to the competent regulatory authority; and,
- d arrangements for education and training, in accordance with Article 7.

Article 8c

Initial assessment and periodic safety reviews

Member States shall ensure that the national framework requires that:

- (a) any grant of a licence to construct a nuclear installation or operate a nuclear installation, is based upon an appropriate site and installation-specific assessment, comprising a nuclear safety demonstration with respect to the national nuclear safety requirements based on the objective set in Article 8a;
- (b) the licence holder under the regulatory control of the competent regulatory authority, re-assesses systematically and regularly, at least every 10 years, the safety of the nuclear installation as laid down in Article 6(c). That safety reassessment aims at ensuring compliance with the current design basis and identifies further safety improvements by taking into account ageing issues, operational experience, most recent research results and developments in international standards, using as a reference the objective set in Article 8a.

Article 8d

On-site emergency preparedness and response

1 Without prejudice to the provisions of the Directive 2013/59/Euratom, Member States shall ensure that the national framework requires that an organisational structure for on-site emergency preparedness and response is established with a clear allocation of responsibilities and coordination between the licence holder, and competent authorities and organisations, taking into account all phases of an emergency.

2 Member States shall ensure that there is consistency and continuity between the on-site emergency preparedness and response arrangements required by the national framework and other emergency preparedness and response arrangements required under Directive 2013/59/Euratom.]