

**Regulation of the Minister of Economic Affairs, Agriculture and Innovation and the State Secretary for Social Affairs and Employment of 18 July 2011, no. WJZ/11014550, concerning the implementation of Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear facilities (OJEU L 172/18) (Temporary regulation implementing Directive No. 2009/71/Euratom on nuclear safety)**

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The Minister of Economic Affairs, Agriculture and Innovation and the State Secretary for Social Affairs and Employment;

Having regard to Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear facilities (OJEU L 172/18) and sections 18a (3), 21 (1) and 76 (4) of the Nuclear Energy Act;

Hereby order:

**Article 1**

In this regulation the following terms are defined as follows:

- nuclear installation: an installation as referred to in section 15 (b) of the Act;
- *Minister*: the Minister of Economic Affairs, Agriculture and Innovation;
- *nuclear safety*: the achievement of proper operating conditions and the presence of prevention and protection mechanisms to prevent accidents and mitigate the consequences of accidents, resulting in protection of workers and the general public from dangers arising from ionising radiations from an installation as referred to in section 15 (b) of the Act;
- *licence holder*: a natural or legal person who has a licence as provided for in section 15 (b) of the Act;
- *Act*: Nuclear Energy Act.

**Article 2**

1. The licence holder must ensure that the nuclear safety of the nuclear installation under its management is continuously inspected and assessed in a systematic and verifiable manner.
2. When inspecting and assessing the nuclear installation concerned, the licence holder must take account of the following:
  - a. relevant developments and insights concerning nuclear safety at comparable facilities in the Netherlands and abroad;
  - b. opportunities for improving nuclear safety.
3. The licence holder must keep systematic records of the inspection and assessment results and ensure that they are stored in such a way as to be immediately accessible when needed.
4. Every ten years the licence holder must submit to the Minister responsible for nuclear safety a report based on the results of the inspections and assessments of the nuclear installation under its management.
5. Without prejudice to paragraph 4, the Minister may instruct the licence holder to submit an interim report if he believes this would be desirable in the interests of nuclear safety.

**Article 3**

1. As soon as the inspections and assessments so require, the licence holder, without prejudice to the provisions of the licence rules, must take such measures as can reasonably be expected of it to improve the nuclear safety of the installation.
2. If measures to improve nuclear safety require amendment of licence rules, the licence holder must immediately submit an application to the Minister to amend the licence rules.

#### **Article 4**

A report as referred to in article 2, paragraph 4, must in any event contain:

- a. an evaluation of the technical, organisational and human resources to ensure the nuclear safety of the nuclear installation;
- b. an evaluation of the measures taken to prevent accidents and mitigate their consequences, including in any event an assessment of the physical protection mechanisms and administrative protection procedures;
- c. an analysis of the own business experiences, including malfunctions, and information obtained from other nuclear facilities and relevant research programmes where applicable to the nuclear safety of the nuclear installation;
- d. a justification of the measurement and research methods used, as well as their registration.

#### **Article 5**

The licence holder must ensure that the management systems of the nuclear installation are organised and implemented in such a way that sufficient priority is given to nuclear safety.

#### **Article 6**

1. The licence holder must have a training plan for the education and training of staff with a view to ensuring the nuclear safety of the nuclear installation under its management and must implement this plan.
2. A training plan as referred to in paragraph 1 must in any event contain:
  - a. the required levels of training for staff, differentiated by function;
  - b. training sessions focused on updating the expertise of staff;
  - c. instructions and practice exercises for staff.

#### **Article 7**

1. The licence holder must have sufficient financial and human resources to fulfil its obligations with regard to the nuclear safety of the nuclear installation under its management.
2. The Minister may give a licence holder an instruction about adjusting the scale or availability of certain financial or human resources.
3. An instruction as referred to in paragraph 2 must allow a reasonable period of at least one month for compliance with the instruction.

#### **Article 8**

This Regulation will enter into force on 22 July 2011.

#### **Article 9**

This Regulation may be cited as the Regulation on the Implementation of Directive 2009/71/Euratom on Nuclear Safety.

This Regulation will be published with its explanatory notes in the Government Gazette.

The Hague, 18 July 2011

The Minister of Economic Affairs, Agriculture and Innovation,  
M.J.M. Verhagen

The State Secretary for Social Affairs and Employment,  
P. de Krom