

# **Amendment of the Nuclear Energy Act in connection with the setting-up of the Nuclear Safety and Radiation Protection Authority**

## **BILL**

(25/06/14)

We Willem-Alexander, by the grace of God King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:  
Whereas We have considered it desirable to pool central government duties, responsibilities, powers, knowledge and expertise in the area of nuclear safety and radiation protection, and the associated security and crisis preparation, and safeguards as far as possible in an independent authority for the promotion of nuclear safety and radiation protection, and the associated security and crisis preparation, and safeguards;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

## **Section I**

The Nuclear Energy Act shall be amended as follows:

A

Replacing the full stop at the end of Section 1 (1)(g) with a semicolon, a passage shall be added, to read as follows:

- h. Authority: the Nuclear Safety and Radiation Protection Authority referred to in Section 3 (1).

B

The title 'Part II: The Reactor Safety Committee' shall be deleted.

C

A Part shall be inserted after Section 2, to read as follows:

## **PART II: Nuclear Safety and Radiation Protection Authority**

### **Section 3**

1. There shall be a Nuclear Safety and Radiation Protection Authority.
2. The Authority shall carry out its duties independently.
3. The duties of the Authority with regard to nuclear safety and radiation protection, and the associated security and crisis preparation, and safeguards are:
  - a. To carry out the duties entrusted to it by or pursuant to the law
  - b. To enforce rules laid down by or pursuant to this Act
  - c. To evaluate, prepare and advise on policy and laws and regulations, based on its specific knowledge and expertise
  - d. To provide information
  - e. To participate in activities of international organizations
  - f. To maintain relations with similar foreign authorities and national and international organizations
  - g. To support national organizations with knowledge
  - h. To do research in support of the exercise of its duties.

### **Section 4**

1. It may be laid down by or pursuant to administrative order that the Authority may lay down further rules concerning organizational or technical matters in the area of nuclear safety, radiation protection and the associated security.
2. The Authority shall not issue a regulation until such time as notice has been given of the matter in a suitable way and everyone has been offered the opportunity to notify the Authority of objections in writing for a period of at least four weeks from the date on which the notification is made, to be set by the Authority when giving that notice.

### **Section 5**

1. The Authority shall consist of three members including the chair.
2. Appointments shall be based on expertise or experience needed for the exercise of the Authority's duties.
3. Members shall be reappointed for a period of five years. Members may be reappointed once for another such period.

4. Subsection 1 notwithstanding, in the event of a vacancy the other members shall constitute the Authority.
5. A member shall not have any financial or other interests that could jeopardize his impartiality.
6. Supplementary to Section 9 of the Autonomous Administrative Bodies Enabling Act, a member shall not be an official subordinate to one of Our Ministers.
7. Membership of the Authority shall be designated as a position of trust as referred to in Section 1 (1) (a) of the Security Screening Act.

#### **Section 6**

1. Our Minister of Infrastructure and the Environment shall appoint, suspend and dismiss the members of the Authority.
2. Our Minister of Infrastructure and the Environment shall announce a decision to dismiss a member by publishing the factual content of that decision in the Government Gazette. The reasons for dismissal shall be published in that announcement if the person concerned so requests.

#### **Section 7**

Our Minister of Infrastructure and the Environment shall set the remuneration or compensation of members of the Authority.

#### **Section 8**

The Authority shall lay down procedures to prevent or resolve conflicts of interest in the exercise of its duties.

#### **Section 9**

1. Our Minister of Infrastructure and the Environment shall make sufficient funding available to the Authority for the exercise of its duties.
2. Our Minister of Infrastructure and the Environment shall include the Authority as a separate budget item in his budget and provide notes on this item.

3. Our Minister of Infrastructure and the Environment shall state reasons for any departures from the draft budget of the Authority as referred to in Section 25 of the Autonomous Administrative Bodies Enabling Act in the notes to his budget.

### **Section 10**

Our Minister of Infrastructure and the Environment shall make adequate qualified staff available to the Authority for the exercise of its duties.

### **Section 11**

Without prejudice to Section 18 (2) of the Autonomous Administrative Bodies Enabling Act, the Authority shall send the annual report to Our Ministers of Economic Affairs, Social Affairs & Employment and Health, Welfare & Sport as well to Our Minister of Infrastructure and the Environment.

### **Section 12**

1. Without prejudice to Section 20 (1) of the Autonomous Administrative Bodies Enabling Act, the Authority shall on request furnish all the information necessary to the exercise of their duties to Our Ministers of Economic Affairs, Social Affairs & Employment and Health, Welfare & Sport as well to Our Minister of Infrastructure and the Environment.
2. They may demand access to all factual data and documents if this is reasonably necessary for the fulfilment of their duties.
3. Our Ministers may jointly lay down further rules on the furnishing of data or information by the Authority to Our Ministers and by Our Ministers to the Authority.

### **Section 12a**

Section 21 (1) of the Autonomous Administrative Bodies Enabling Act notwithstanding, Our Minister of Infrastructure and the Environment shall not lay down any policy rules.

### **Section 12b**

1. The Authority shall lay down management regulations.
2. The management regulations shall require the approval of Our Minister of Infrastructure and the Environment.
3. The management regulations may only contain rules on the method of decision-making, financial management, administrative organization, replacement of members, power of representation and procedures with a view to the proper and meticulous exercise of the NSRPA's duties.

4. Following their approval, the Authority shall publish the management regulations referred to in Section 11 of the Independent Administrative Authorities Enabling Act in the Government Gazette.

**Section 12c**

Section 22 (1) of the Autonomous Administrative Bodies Enabling Act notwithstanding, Our Minister of Infrastructure and the Environment may only annul a decision of the Authority if such annulment is based on incompatibility with the law.

**Section 12d**

If the Authority seriously neglects its duties, Our Minister of Infrastructure and the Environment shall take the necessary steps, following consultation with Our Minister or Our Ministers of Economic Affairs, Social Affairs & Employment and Health, Welfare & Sport concerned by the neglect of duties.

## **Section 12e**

Our Minister of Infrastructure and the Environment shall draw up the report referred to in Section 39 (1) of the Autonomous Administrative Bodies Enabling Act following consultation with Our Ministers of Economic Affairs, Social Affairs & Employment and Health, Welfare & Sport.

D

In Sections 13 (1), 15aa, 18a (1) and (2), 19 (1) and 20a (1) and (3) 'Our Minister of Economic Affairs' shall be replaced with 'The Authority'.

E

In Sections 15 (opening), 15b (2), 15d (2), 19 (2)-(4), 20 (2), 29 (1), 29a (2)(c), and 70 (2) and (3) 'Our Minister of Economic Affairs' shall be replaced with 'the Authority'.

F

In Section 15b (1) item (d) shall be deleted and items (e) and (f) lettered (d) and (e).

G

Sections 22 and 33 shall be amended as follows:

1. In subsection 1 'the mayor of the municipality where the goods are located' shall be replaced with 'the Authority'.
2. Subsection 2 shall read as follows:
  2. The Authority shall immediately notify the mayor of the municipality where the goods are located of the report that has been made.
3. In subsection 3 'Section 58 (1)' shall be replaced with 'Section 58 (1)(a)'.
4. In subsection 4 'by Our Ministers of Economic Affairs and Social Affairs & Employment' shall be replaced with 'by the Authority'.

H

In Section 36 (3) 'Our Ministers concerned' shall be replaced with 'the Authority'.

I

Section 37b shall be amended as follows:

1. In subsection 1 'Our Ministers of Economic Affairs and Social Affairs & Employment' shall be replaced with 'the Authority' and 'take' [plural] with 'take' [singular].
2. In subsection 3 'Our Ministers shall exercise their power' shall be replaced with 'the Authority shall exercise its power'.

J

Section 39 shall be amended as follows:

1. In subsection 1 'the mayor of the municipality where it is located' shall be replaced with 'the mayor of the municipality where it is located and to the Authority'.
2. Subsection 2 (old) shall be deleted and subsection 3 renumbered as subsection 2.
3. Subsection 2 (new) shall be amended as follows:
  - a. 'shall furnish the mayor' shall be replaced with 'shall furnish the mayor and the Authority'.
  - b. 'his request' shall be replaced with 'their request'.
  - c. 'his duties' shall be replaced with 'their duties'.

K

Section 47 shall be amended as follows:

1. In subsection 1 'Our Minister' shall be replaced with 'the Authority'.
2. Subsection 3 shall be deleted and subsections 4 and 5 shall be renumbered as subsections 3 and 4.
3. In subsection 3 (new) 'Our Minister, or Our Minister and Our Minister of Social Affairs & Employment respectively' shall be replaced with 'the Authority' and 'referred to in subsection 1 or 3 respectively' shall be replaced with 'referred to in subsection 1'.

L

Section 48 shall be amended as follows:

1. In subsection 1 'Our Minister of the Interior and Kingdom Relations' shall be replaced with 'Our Minister of Security and Justice'.
2. In subsection 2 'Section 47 (5)' shall be replaced with 'Section 47 (4)'.

M

In Section 49b (2) 'and the King's Commissioner' shall be replaced with 'the King's Commissioner and the Authority'.

N

In Section 49c 'and to the King's Commissioner' shall be replaced with 'the King's Commissioner and the Authority'.

O

Section 58 shall be amended as follows:

1. Subsection 1 shall read as follows:
  1. Enforcement of the provisions of or pursuant to this Act is entrusted to:
    - a. the officials designated by decision of the Authority who form part of the staff referred to in Section 10 (1)
    - b. the officials designated by decision of Our Ministers concerned.
2. In subsection 3 'subsections 1 and 2' shall be replaced with 'subsection 1 (b) and subsection 2'.
3. In subsection 4 'subsections 1, 2 and 3' shall be replaced with 'subsection 1 (b) and subsections 2 and 3'.

P

In Section 65 (1) 'Our Ministers concerned may' shall be replaced with 'the Authority may'.

Q

Section 69 shall be amended as follows:

1. In subsection 2 the phrase 'in a register to be designated by Our Ministers of Social Affairs & Employment, Housing, Spatial Planning & the Environment and Health, Welfare & Sport' shall be replaced with 'in a register maintained by the Authority'.



2. Subsection 3 shall be amended as follows:
  - d. In subsection 1 ' Our Ministers of Social Affairs & Employment and Economic Affairs shall decide' shall be replaced with 'the Authority shall decide'.
  - e. In the second sentence 'They shall have the power' shall be replaced with 'It shall have the power'.
3. In subsection 6 items (d) and (f) shall be deleted, the semicolon at the end of item (e) shall be replaced with a full stop, and item (e) shall be lettered as item (d).

R

Sections 69a–69d shall be deleted.

## **Section II**

In Section 1a (3) of the Economic Offences Act the phrase relating to the Nuclear Energy Act 'Sections 36 (1) and – insofar as designated as criminal offences – 73;' shall be replaced with 'Sections 4 (1), 36 (1) and – insofar as designated as criminal offences – 73;'.

## **Section III Transitional Arrangements**

[...]

## **Section IV**

This Act shall enter into force on 1 January 2016.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Issued by:

The Minister of Economic Affairs

The Minister of Infrastructure and the Environment

The Minister of Housing and Civil Service