

**CSN**

**Statute of the Nuclear  
Safety Council**



# Royal Decree 1440/2010, of 5<sup>th</sup> November, approving the Statute of the Nuclear Safety Council

Published in the Official State Gazette (BOE), number 282,  
of the 22<sup>nd</sup> of November 2010



*Preliminary note*

Royal Decree 1440/2010, of 5<sup>th</sup> November, agrees to approve an organisational Statute for the Nuclear Safety Council, in order to fulfil the mandate lay down in First Final Provision of Law 33/2007, of 7<sup>th</sup> November, reforming Law 15/1980, of 22<sup>nd</sup> April, creating said Nuclear Safety Council.

The text of the Royal Decree specifies the structure, organisation, functions and legal system of this Body and entails the full replacement of the previous Statute, approved by Royal Decree 1157/1982, of 30<sup>th</sup> April, insofar as it was necessary to functionally adapt the Council's organisation to the multiple reforms that have taken place in the regulatory framework of this Body since the last modification of said text in 2000 - some of them directly related to its legal system of action (such as, specifically, Law 33/2007, of 7<sup>th</sup> November) and others derived from reforms in sector laws, making the full update or modification of the Statute in force up to now necessary.

Thus, the Royal Decree reflects the changes introduced by Law 33/2007, of 7<sup>th</sup> November, into the Law creating the Nuclear Safety Council and systematically transfers to a single text the different functions currently performed by this Body and conferred on it by laws or regulations that have emerged as a result of the implementation of the Law on Nuclear Energy since 1964 - which up to now lacked a joint and coherent regulation.

The new Statute –whose text has been drafted by the Nuclear Safety Council itself, approved by the Council of Ministers and submitted to the Congress and the Senate, as stipulated in Article 1 of its Constitutive Act– has been published in the Official State Gazette, its entry into force having been set in the Sole Final Provision on the day following that of said publication. According to the Sole Repealing provision, *Royal Decree 1157/1982, of 30<sup>th</sup> April, approving the previous Statute, the Fourth Additional Provision of Royal Decree 1339/1999, of 31<sup>st</sup> July, approving the Regulation of the National Energy Commission* and, finally, as many *provisions of equal or lower rank oppose the terms laid down therein* are thereby repealed.



## **Royal Decree 1440/2010, of 5<sup>th</sup> November, approving the Statute of the Nuclear Safety Council**

Published in the Official State Gazette (BOE), number 282, of the 22<sup>nd</sup> of November 2010.

The Nuclear Safety Council (Consejo de Seguridad Nuclear - CSN) is a body governed by Public Law, independent from the General Administration of the State, having a distinct legal status and its own patrimony independent from those of the State, created by Law 15/1980, of 22<sup>nd</sup> April, creating the Nuclear Safety Council, as the only competent body as regards nuclear safety and radiation protection. According to said Law, this Public Entity shall be governed by its own Statute - prepared by the Council and approved by the Government; it shall submit a copy of its text to the appropriate Congress and the Senate Commissions before it is published.

Royal Decree 1157/1982, of 30<sup>th</sup> April, approving the Statute of the Nuclear Safety Council, specifies the structure, organisation, functions and legal status of the Body according to the provisions set on a general basis in Law 15/1980, of 22<sup>nd</sup> April, creating the Nuclear Safety Council.

In the time since the Statute was approved, multiple reforms have been made to the regulatory framework affecting the Nuclear Safety Council, some of them directly related to its legal status of action which have had an effect on its Creation Act, such as the publication of a law on the funding of its activities (Law 14/1999, of 4<sup>th</sup> May, on the Fees and Public Prices for the services provided by the Nuclear Safety Council), and others derived from reforms in sector laws, such as those that have had a bearing during these years on Law 25/1964, of 29<sup>th</sup> April, on Nuclear Energy. All of this has led to wide-ranging functional changes to the activity of this Body that were incorporated through a series of adjustments to its organic Statute, the last of which was carried

out by means of Royal Decree 469/2000, of 7<sup>th</sup> April, modifying the basic organic structure of the Nuclear Safety Council.

But it is the approval of Law 33/2007, of 7<sup>th</sup> November, reforming Law 15/1980, of 22<sup>nd</sup> April, creating the Nuclear Safety Council, what has brought about a greater transformation in the legal status of this Body by developing, amongst other new features, the legal aspects that allow to strengthen and guarantee the effective independence thereof, by taking into account the increasing social sensitivity in relation to the environment, and by institutionalising the mechanisms needed to promote and enhance transparency and social participation and to reinforce the right of citizens to access relevant information with regard to nuclear safety and radiation protection - in line with the requirements of Law 27/2006, of 18<sup>th</sup> July, regulating the rights of access to information, of public participation and of access to justice as regards environmental issues. Greater social trust and credibility have been achieved thanks to the addition of new elements, such as the establishment of an Advisory Information and Public Participation Committee, a series of measures for reorganising the Body's powers and resources bearing in mind these new fundamentals having been introduced so as to bring this commitment to fruition.

In order to take in the changes introduced by Law 33/2007, of 7<sup>th</sup> November, on the Law creating the Nuclear Safety Council, it became necessary to proceed to the correlative modification of its current Statute into a new text that would entirely replace the previous version and systematise and harmonise the functions currently performed by the Council, transferring to a single text the basic regulations for the assignment of the administrative powers bestowed upon it in laws or regulations stemming from the development of the Nuclear Energy Act since 1964 and that lacked up until now a joint or coherent regulation.

Thus, the First Final Provision of Law 33/2007, of 7<sup>th</sup> November, which authorised the Government to approve the modification of the Nuclear Safety Council's Statute, is hereby complied with.

The Nuclear Safety Council's standing as an independent Administration is provided for in the Statute's preliminary Title (General Provisions), which reflects the legal system which its actions must be subjected to, which in turn is based on the prevalence of its Creation Act (Law 15/1980, of 22<sup>nd</sup> April) and its Statute, with the addition of the organisational and legal system regulations common to all other public bodies linked to the General Administration of the State.

The «Functions» of the Body are established in Title I with a unifying intent, which systematises the CSN's powers relating to the issuance of preceptive reports, supervision, inspection, control, technical regulation and the proposal of sanctions with regard to the actions of licensees of nuclear and radioactive facilities and activities, or its responsibility in the adoption of response measures when faced with nuclear or radiological emergencies, coordinating all aspects related to nuclear safety and radiation protection in these situations. Likewise, it develops the CSN's functions of giving society and institutions (national and regional Parliaments and Governments) periodic and also case-specific information in real time of events that might affect the operation of nuclear and radioactive facilities or the radiological quality of the environment, of advising the Government, other Public Administrations and the Courts on matters within its jurisdiction, and of collaborating with other national and international, public and private Entities in order to better put into practice its legal authority to control and guarantee the safe operation of said nuclear and radioactive facilities and the protection of workers, the public and the environment against the effects of ionising radiations.

The «CSN's organisational structure» is developed in Title II; the Plenary Assembly and the Presidency are defined as this Body's «higher management organs», their relationships being coordinated on the basis of the principles of cooperation, deliberation and respect for the legitimate exercise of their respective powers without there being any hierarchical subordination therebetween, as established in Article 4.3 of the Law creating the Nuclear Safety Council.

The Council's General Secretariat, the Technical Directorates, the Directorate for the Technical Office of the Presidency, and the Sub-Directorates are subordinate to the higher organs and are regulated as management organs of the CSN in the corresponding chapters.

Two organs of an advisory nature are added to the Body:

- i) The «Advisory Committee», configured according to the guidelines of Article 15 of the Law creating the Nuclear Safety Council, in the wording of Law 33/2007, of 7<sup>th</sup> November, which shall issue recommendations to the CSN to promote and improve transparency, access to information and public participation on matters that fall within the CSN's jurisdiction; and
- ii) the «Technical Advisory Commissions», which already existed in the previous statutory text but which are now provided with a system of operation, with the view that they give support and advice to the CSN's higher management organs by means of specialised technical experts in the making of decisions that directly have a bearing on nuclear safety and radiation protection matters.

As for the «staff regime», the Special Branch to which the civil servants belonging to the CSN are attached –the «Nuclear Safety and Radiation Protection Branch»– has been regulated in Title III, as in the current Statute.

Finally, the aspects related to «contracting and legal assistance» and the «patrimonial, budgetary, economic-financial management control and accounting regime» of the CSN are regulated in Titles IV and V by adapting the general provisions from the basic legislation applicable to the General Administration of the State that affect it.

The draft Statute has been drafted by the Nuclear Safety Council in compliance with the mandate contained in Article 1 of Law 15/1980, of 22<sup>nd</sup> April, in the wording given by Law 33/2007, of 7<sup>th</sup> November.

By virtue of it, by the Minister of Industry, Tourism and Trade's initiative, at the suggestion of the Minister of Regional Policy and Public Administration and the Minister of Economy and Finance, in accordance with the Council of State and following the deliberation of the Council of Ministers in its meeting of the 5<sup>th</sup> of November of 2009,

I HEREBY DECREE:

#### **Sole Article. Approval of the Statute of the Nuclear Safety Council**

By virtue of that established in the First Final Provision of Law 33/2007, 7<sup>th</sup> November, the Statute of the Nuclear Safety Council, whose text is inserted below, is hereby approved.

#### **First Additional Provision. Adaptation to the regulations implementing the Law on the Basic Statute of the Public Employee that might be announced by the General Administration of the State**

The provisions of Articles 53 and 54 of the Statute that is being approved by the present Royal Decree are hereby understood as being without prejudice to their adaptation to the regulations that might be announced to develop

Law 7/2007, of 12<sup>th</sup> April, on the Basic Statute of the Public Employee.

#### **Second Additional Provision. Abolition of organs and units**

The following organs and units are hereby abolished:

- a) The Sub-Directorate General for Nuclear Facilities.
- b) The Sub-Directorate General for Engineering.
- c) The Sub-Directorate General for Nuclear Technology.
- d) The Sub-Directorate General for Environmental Radiation Protection.
- e) The Sub-Directorate General for Operational Radiation Protection.
- f) The Sub-Directorate General for Emergencies.
- g) The Sub-Directorate General for Planning, Information Systems and Quality.
- h) The Sub-Directorate General for Staff and Administration.
- i) The Legal Department.
- j) The Inspection Office.
- k) The Technical Standards Office.
- l) The Research & Development Office.

#### **Sole Repealing Provision. Statutory Repeal**

Royal Decree 1157/1982, of 30<sup>th</sup> April, approving the Statute of the Nuclear Safety Council, the Fourth Additional Provision of Royal Decree 1339/1999, of 31<sup>st</sup> July, approving the Regulation of the National Energy Commission, and as many provisions of equal or lower rank are

opposed to what it is established in this Royal Decree are hereby repealed.

In Madrid, on the 5<sup>th</sup> of November of 2010.

**Sole Final Provision. Entry into force**

KING JUAN CARLOS

The present Royal Decree shall come into force on the day following that of its publication in the «Official State Bulletin».

The Minister of the Presidency,  
RAMÓN JÁUREGUI ATONDO

## ANEXO

### The Statute of the Nuclear Safety Council

#### Preliminary title General provisions

##### **Article 1. The Nuclear Safety Council**

The Nuclear Safety Council, created by Law 15/1980, of 22<sup>nd</sup> April, is a body governed by Public Law, independent from the General Administration of the State, having a distinct legal status and its own patrimony independent from those of the State.

##### **Article 2. Legal system**

1. The Nuclear Safety Council shall be subject to the provisions of Law 15/1980, of 22<sup>nd</sup> April, and to the provisions of the present Statute.

2. Likewise, it shall be governed by the provisions of the General Budget Law 47/2003, of 26<sup>th</sup> November, that might apply to it as well as by Law 30/1992, of 26<sup>th</sup> November, on the Legal System of the Public Administrations and the Common Administrative Procedure, in the exercise of the public functions that have been conferred on it, and by the provisions of Law 33/2003, of 3<sup>rd</sup> November, on the Patrimony of the Public Administrations, and by Law 30/2007, of 30<sup>th</sup> October, on the Contracts of the Public Sector.

3. Additionally, the Nuclear Safety Council shall be subject to Law 6/1997, of 14<sup>th</sup> April, on the Organisation and Operation of the General Administration of the State, in accordance with that established in its Tenth Additional Provision.

4. In the performance of its activities and for the achievement of its goals, the Nuclear Safety Council acts with organic and functional autonomy and full independence from Public Administrations

and stakeholders. Likewise, it is subjected to parliamentary and legal control. The decisions of the Plenary Assembly and the President of the Nuclear Safety Council in the exercise of the public duties that have been conferred on them shall put an end to administrative remedies.

##### **Article 3. Purpose of the Nuclear Safety Council**

The Nuclear Safety Council is the only public body competent as regards nuclear safety and radiological protection and in charge of protecting workers, the population and the environment against the harmful effects of ionising radiations, promoting the safe operation of nuclear and radioactive facilities by licensees and establishing preventive and corrective measures in the event of radiological emergencies, irrespective of their origin.

#### Title I

#### Functions of the Nuclear Safety Council

##### **Article 4. Functions of the Nuclear Safety Council**

It falls to the Nuclear Safety Council to exercise all the functions that are established in Article 2 of Law 15/1980, of 22<sup>nd</sup> April, as well as to exercise any other function that has been conferred on it in the field of nuclear safety, radiation protection and physical protection by a regulation having the force of an act or a regulatory regulation or by virtue of International Treaties.

#### Chapter I

#### Functions of report writing, authorisation and inspection & control

##### **Article 5. Reports from the Nuclear Safety Council to the Ministry of Industry, Tourism and Trade and other Public Administrations**

1. The Nuclear Safety Council shall issue the preliminary reports on which the Ministry of Industry, Tourism and Trade shall base its decisions on the matters regulated in Article 2.b) of Law 15/1980, of 22<sup>nd</sup> April. The reports issued in the exercise of said function shall be preceptive in all cases and, in addition, binding in the terms established by the Law. Likewise, it shall issue the reports provided for in Article 2.9 of Law 25/1964, of 29<sup>th</sup> April, which Section k) of Article 2 of Law 15/1980, of 22<sup>nd</sup> April, refers to.

2. The Nuclear Safety Council's report shall be issued in each case within the period of time set in the regulation that regulates each procedure, the maximum period of time indicated therein for the notification of the decision being observed. The appeals organ shall be entitled to agree, on the proper grounds, the suspension of the procedure for the amount of time deemed to be appropriate for issuing the report. Likewise, exceptionally and on the proper grounds, the competent organ may agree the suspension of the procedure for an indefinite amount of time until the corresponding report is issued.

3. The Nuclear Safety Council shall issue the preliminary report on which the competent Administration shall base its decision on the granting of an authorisation or the major modification of a facility or activity which, given the latter's characteristics or location, may entail an impact on a first-category nuclear or radioactive facility. Said report shall be preceptive and binding in the terms established by current legislation.

4. The reports from the Nuclear Safety Council shall be preceptive and binding for Autonomous Communities, in the same terms in which they are so for the General Administration of the State, whenever the former have assumed the corresponding powers.

5. Those authorisations or licenses whose granting falls to a Public Administration may not be refused or made conditional on safety grounds whose appraisal falls to the Nuclear Safety Council.

#### **Article 6. Authorisations, licenses, and favourable appraisals**

1. In accordance with that established in Article 2, Subsections i) and l), of Law 15/1980, of 22<sup>nd</sup> April, the Nuclear Safety Council shall grant and revoke the authorisations to entities and companies that provide services in the field of radiation protection, and shall grant and renew, by means of the appropriate tests, the Operator and Supervisor Licenses for nuclear or radioactive facilities; likewise, it shall grant the Head of the Radiation Protection Service diplomas and the credentials to manage or operate medical diagnosis X-ray facilities.

2. Likewise, it falls to the Nuclear Safety Council to issue, at the request of a party, the declarations of favourable appraisal on new designs, methodologies, simulation models or verification protocols related to nuclear safety and radiological protection, which Article 2, Subsection j), of Law 15/1980, of 22<sup>nd</sup> April, refers to.

#### **Article 7. Inspection, control and suspension of nuclear and radioactive facilities and of activities, companies and entities**

1. In accordance with the provisions of Article 2, Subsections c), d), i) and r), of Law 15/1980, of 22<sup>nd</sup> April, it falls to the Nuclear Safety Council to:

a) Inspect and control the nuclear and radioactive facilities and the activities, entities and companies listed in Subsections c), d) and i) of the said Article; inspect and control the facilities, equipment, companies or activities not subject to

the authorisation system of the nuclear legislation that are mentioned in Subsection r) of said Article, in the event of exceptional or emergency situations; and inspect the practices, activities and entities regulated in Article 2 and concurrent Articles of Royal Decree 783/2001, of 6<sup>th</sup> July, approving the Regulation on Health Protection against Ionising Radiations.

b) Agree to stop nuclear or radioactive facility construction works and to stop the activities listed in Article 2.c) of Law 15/1980, of 22<sup>nd</sup> April, upon the appearance of anomalies affecting safety and until said anomalies are corrected, and to suggest the cancellation of the corresponding authorisation if the anomalies are not susceptible of being corrected.

c) Agree, in accordance with that established in Article 2.d) of Law 15/1980, of 22<sup>nd</sup> April, the suspension on safety grounds of the operation of nuclear and radioactive facilities and of the performance of activities.

2. The Nuclear Safety Council shall adopt as many measures are necessary for the proper execution of the agreements that are established in the preceding paragraph.

3. Without prejudice to that indicated in the following section for manifestly dangerous situations, the Nuclear Safety Council shall adopt the stoppage or suspension agreement following a preliminary investigation in which the licensee of the facility or the entity responsible for the activity shall be granted audience. The technical, administrative or other measures that are deemed necessary for the correction of the detected anomalies and the period of time set to correct them shall be specified in said agreement.

4. In manifestly dangerous situations, the Nuclear Safety Council or its inspectors may demand the

immediate cessation of the works, of the operation of the facility or of the activity. Likewise, in exceptional or emergency situations that might affect nuclear safety or radiation protection, the Nuclear Safety Council or its inspectors may demand the immediate cessation of the operation of the facilities, equipment, companies or activities that are not subject to the authorisation system of the nuclear legislation, adopting as many preventive or corrective measures are necessary.

#### **Article 8. Sanctions, disciplinary measures and cautions**

1. In accordance with that established in the legislation currently in force, the Nuclear Safety Council may suggest opening disciplinary proceedings with regard to events that might constitute an infraction as regards nuclear safety, radiation protection or physical protection.

2. Likewise, once disciplinary proceedings as regards nuclear safety and radiation protection or physical protection are opened, it falls to the Nuclear Safety Council to issue, within three months, a preceptive report for properly classing the events that are the object of the proceedings, provided said proceedings have not been opened at the suggestion of the Council or, when said proceedings have been opened at its suggestion, there are data different from those conveyed by said Body.

3. When the events may constitute a infraction classed as minor, the Nuclear Safety Council may, alternatively to the proposal for opening disciplinary proceedings, warn the licensee of the facility and demand the appropriate corrective measures be taken, provided people or the environment are not directly harmed and the circumstances of the case so advise it. In the event said demand is not met, the Nuclear Safety Council may impose coercive fines for a sum that

shall amount to, the first time, 10%, and, the second and successive times, 20% of the average value of the sanctions that it would be appropriate to impose, in its intermediate degree, in order to obtain the cessation of the active or omissive conducts that are the object of the demand.

4. Regardless of the sanctions that, where appropriate, might be imposed on the licensee, the Nuclear Safety Council may admonish in writing those individuals who, due to gross negligence, are responsible for the execution of a bad practice from which the material execution of the events susceptible of sanction has stemmed.

#### **Article 9. Actions in the event of emergencies**

1. In accordance with that established in Article 2, Subsections f) and r), of Law 15/1980, of 22<sup>nd</sup> April, as well as with the applicable regulations as regards nuclear and radiological emergencies, it falls to the Nuclear Safety Council to:

a) Collaborate with the competent authorities in the establishment and approval of the criteria which radiological emergency and physical protection plans must abide by and in the implementation of offsite emergency plans.

b) Coordinate, for all aspects related to nuclear safety and radiation protection, support and response measures in emergency situations, integrating and coordinating the different public or private bodies and enterprises whose help is required for the performance of the functions of the Nuclear Safety Council.

c) Carry out the necessary actions to prevent and control exceptional or emergency situations that might arise and might affect nuclear safety or radiation protection, when they originate in facilities, equipment, companies or activities not subject to the authorisation system of the nuclear

legislation, including, when necessary, the direct adoption of protection measures and the notification of the competent authority.

2. The actions of the Nuclear Safety Council shall be in keeping with an Emergency Action Plan and carried out through an Emergency Response Organisation, both approved by the Plenary Assembly.

## **Chapter II**

### **Regulatory suggestion and technical instruction, guide and circular drafting functions**

#### **Article 10. Suggestion of basic regulations**

The Nuclear Safety Council shall suggest to the Government new regulations and reviewing existing regulations as regards nuclear safety and radiological protection as well as regulations as regards the physical protection of nuclear and radioactive facilities and materials, in collaboration with the competent authorities, and those regulations that might be necessary to review in accordance with the international obligations that are contracted in this area. The objective criteria for the selection of sites for first-category nuclear and radioactive facilities, following a report from the Autonomous Communities, shall be set in these regulations.

#### **Article 11. Instructions**

1. The technical standards that are drafted by the Nuclear Safety Council as regards nuclear safety, radiation protection and physical protection shall be called Instructions and shall be binding on the entities affected by their scope of application once they are published in the Official State Gazette.

2. In the procedure for drafting Instructions, the appropriate technical and legal reports shall be

issued by the corresponding services of the Nuclear Safety Council. Likewise, stakeholders shall be given audience in said procedure, and the population shall be informed through the appropriate computer and data transmission means and Instruction drafts shall be subjected to its comments. They shall be submitted to the Congress of Deputies prior to their approval.

3. Additionally, the Nuclear Safety Council, within the scope of its powers, may directly send licensees complementary technical Instructions in order to guarantee, on a general basis, that the safety conditions and requirements of facilities and activities are maintained and, in particular, to better comply with the requirements set in the corresponding authorisation.

#### **Article 12. Safety Guides**

1. The Nuclear Safety Council may draft technical recommendations aimed at the entities affected in relation to current regulations as regards nuclear safety, radiation protection and physical protection, which shall be referred to as Safety Guides.

2. In the procedure for drafting Safety Guides, the appropriate technical and legal reports shall be issued by the corresponding services of the Nuclear Safety Council. Likewise, the population shall be informed during the Safety Guide drafting process through the appropriate computer and data transmission means and the corresponding drafts shall be subjected to its comments.

#### **Article 13. Circulars**

The Nuclear Safety Council may draft technical documents aimed at those affected by its scope of application to inform them of events or circumstances related to nuclear safety or radiation protection, which shall be known as Circulars and have a merely informative nature.

### Chapter III

#### Information, advice and research functions

#### **Article 14. Informing the Government, the Spanish Parliament, Regional Governments and Parliaments, and local authorities**

1. In accordance with the provisions of Article 11 of Law 15/1980, of 22<sup>nd</sup> April, the Nuclear Safety Council shall send on an annual basis a Report on the performance of its activities to both Chambers of the Spanish Parliament and the regional Parliaments of those Autonomous Communities in whose territory nuclear facilities are sited.

2. Likewise, the Nuclear Safety Council shall keep the Government, the Congress of Deputies and the Senate, the regional Governments and Parliaments and the involved Town Councils promptly informed of any circumstance or event affecting the safety of nuclear and radioactive facilities or the radiological quality of the environment in any place inside Spanish territory.

To this end, information on all events or incidents entailing a significant impact on safety shall be provided, in accordance with the criteria set by the Nuclear Safety Council.

Likewise, information shall be provided on the detection of anomalous levels of radioactivity in the environment in any place inside Spanish territory –once they are confirmed– and on those exceptional situations that take place and might affect nuclear safety or radiation protection, when they originate in facilities, equipment, companies or activities not subject to the authorisation system of the nuclear legislation.

3. The regime of appearances of the Nuclear Safety Council before the competent parliamentary Commission shall be that provided for in Article 11 of Law 15/1980, of 22<sup>nd</sup> April.

### **Article 15. Publicising actions, informing the public opinion and citizen participation**

1. In compliance with that established in Articles 2.ñ) and 14 of Law 15/1980, of 22<sup>nd</sup> April, the Nuclear Safety Council shall abide by the principle of transparency in all its actions and inform the population of all relevant events related to the operation of nuclear and radioactive facilities, inside or outside thereof, particularly all aspects relating to their safe operation, the radiological impact on people and the environment, the events and incidents that have occurred therein and the corrective measures adopted to prevent them from reoccurring. This information shall be made public by the Nuclear Safety Council by means of any computer and data transmission means that guarantees that it reaches the widest audience.

2. Likewise, the Nuclear Safety Council shall make the agreements adopted by it known - clearly setting forth the issues the agreement deals with, the reasons for it and the result of the voting - through computer and data transmission means that guarantee they reach the widest audience. The Instructions and Safety Guides approved by the Council, the minutes of the Plenary Assembly's and the Advisory Committee's sessions, the inspection reports, the Entrustment Agreements formalised with Autonomous Communities, and the annual Report sent to the Parliament shall be publicised through the same channels.

3. The information that is disseminated by the Nuclear Safety Council shall be kept updated and shall be made available to the public opinion after deciding about the possible confidential nature of its content and, where appropriate, by observing the provisions of Organic Law 15/1999, of 13<sup>th</sup> December, on the Protection of Personal Data

4. The provisions of this Article shall not apply when any of the legal grounds for the denial of

access to information takes place, in accordance with Law 27/2006, of 18<sup>th</sup> July, regulating the rights of access to information, of public participation and of access to justice as regards environmental issues.

5. The Nuclear Safety Council shall pay special attention during the performance of its functions to the opinions and participation of civil society and all stakeholders as regards nuclear safety and radiation protection.

6. In accordance with that established in Article 14.4 of Law 15/1980, of 22<sup>nd</sup> April, the Nuclear Safety Council shall promote and participate in the Information Committees and any other information forums that have been or are set up in the vicinity of nuclear facilities, promoting therethrough the dissemination of information, in particular that relating to the events that have taken place, and the participation in emergency preparedness.

### **Article 16. Advising the Government, Public Administrations and Courts.**

1. The Nuclear Safety Council shall exercise the function of advising the Government, Public Administrations and Courts as regards nuclear safety, radiation protection and physical protection at the request thereof.

2. On a general basis, the Nuclear Safety Council shall have contact with the Government and the General Administration of the State through the Ministry of Industry, Tourism and Trade, although, in those cases where it is so legally provided for, this advice shall be given by the Department competent by virtue of the subject. Neither the staff nor the members of the Plenary Assembly may request or accept instructions from any public or private entity in relation to the exercise of the Nuclear Safety Council's functions defined in Article 2 of Law 15/1980, of 22<sup>nd</sup> April, and other concurrent provisions.

3. Autonomous Communities shall be given advice through the Presidency thereof.

4. The relations with any other body or entity, as well as with the Courts, shall be channelled through the top official thereof.

5. Without prejudice to the above, the Nuclear Safety Council, in those cases it deems it appropriate, may directly address as many bodies of the Public Administrations and Entities are aware of the issues in which it falls to the Council to intervene.

#### **Article 17. Health effects**

The Nuclear Safety Council shall gather accurate information and shall give advice, where appropriate, with regard to the conditions that might befall people due to the ionising radiations derived from the operation of nuclear or radioactive facilities.

#### **Article 18. Research plans**

It falls to the Nuclear Safety Council to set up and monitor research plans as regards nuclear safety and radiation protection.

### Chapter IV

#### Functions of coordination with other bodies, entities or administrations and other functions

#### **Article 19. Relations with foreign Bodies and international Bodies**

1. The Nuclear Safety Council shall exercise the functions that have been conferred on it in Article 2, Subsections n) and o), of Law 15/1980, of 22<sup>nd</sup> April, and it may suggest to the Ministry of Foreign Affairs and Cooperation the designation of the members of those Spanish delegations that attend the meetings of Bodies or Committees or who are accredited before international Organisations with jurisdiction in nuclear safety, radiation protection and physical protection matters.

2. It may also suggest to the Government, through the Ministry of Foreign Affairs and Cooperation, the entry into Treaties relating to matters that fall under the Council's authority with other Countries or international Organisations. It may also suggest to the Ministry of Foreign Affairs and Cooperation the designation of the members of the Spanish delegations that are to intervene in the process of negotiation of such Treaties.

#### **Article 20. Notification of safety-related events**

1. The events of which individuals or legal entities at the service of nuclear and radioactive facilities must inform the Nuclear Safety Council in application of that established in Article 13 of Law 15/1980, of 22<sup>nd</sup> April, shall be reported to the General Secretariat of the Nuclear Safety Council, which shall notify the Technical Directorate competent by virtue of the subject. This organ, which shall guarantee the confidentiality of the informant, shall be in charge of opening proceedings, conducting investigations and solving proceedings aimed at verifying the reported events and of adopting, where appropriate, the appropriate corrective measures. Prior to the adoption of the opening agreement, the competent Technical Directorate may open a period of preliminary information in order to know the circumstances of the specific case and appraise whether it is legitimate or not to open it.

2. The competent Technical Directorate shall conduct the necessary inspections and investigations to clarify the events and shall collect, where appropriate, information on the actions carried out by the licensee of the facility in relation to the reported events, in accordance with that established in Article 8.a of Royal Decree 1836/1999, of 3<sup>rd</sup> December. Before reaching a Decision on the proceedings, the licensee of the facility and the informant of the

events shall be granted audience, who will be informed of the decision that is finally arrived at.

### **Article 21. Entrusting Autonomous Communities**

1. In accordance with that provided for in the Third Additional Provision of Law 15/1980, of 22<sup>nd</sup> April, the Nuclear Safety Council may entrust Autonomous Communities with the performance of material, technical or service activities within its jurisdiction.

2. The entrustment of said activities shall be governed by the provisions of Article 15 of Law 30/1992, of 26th November, on the Legal System of the Public Administrations and the Common Administrative Procedure, it being the responsibility of the Nuclear Safety Council to approve the general criteria for exercising said entrustments and to announce as many legal acts or decisions are necessary to give support or in which the specific material activity that is the object of entrustment and the supervision of the performance thereof has been incorporated.

3. The entrustment shall be formalised –with the express agreement of the intervening Administration– by means of the corresponding agreement where its nature, the activity or activities that constitute its object, the period of validity, the scope of the entrusted management and the remuneration that is agreed, if any, for the cost of the provision shall be specified.

## Title II Structure of the Nuclear Safety Council

### Chapter I Organs of the Nuclear Safety Council

#### **Article 22. Higher management organs**

In accordance with that provided for in Law 15/1980, of 22<sup>nd</sup> April, the higher management

organs of the Nuclear Safety Council are the Plenary Assembly and the Presidency, which shall act in the exercise of their respective powers with respect for the principles set in Article 4.3 of said Law 15/1980, of 22<sup>nd</sup> April.

#### **Article 23. Other management and advisory organs**

1. The General Secretariat of the Nuclear Safety Council, the Technical Directorate for Nuclear Safety, the Technical Directorate for Radiation Protection, the Directorate for the Technical Office of the Presidency and the Sub-Directorates that are mentioned in Articles 39 and 40 of the present Statute are management organs of the Nuclear Safety Council subordinate to the Presidency and the Plenary Assembly.

2. The Advisory Committee and the Technical Advisory Commissions are advisory organs of the Nuclear Safety Council.

## Chapter II The Plenary Assembly

### **Section 1.<sup>a</sup> Powers and composition of the Plenary Assembly**

#### **Article 24. Powers of the Plenary Assembly**

1. It falls to the Plenary Assembly of the Nuclear Safety Council, as a collegiate management organ, to exercise all the decision-making, advisory, supervisory and regulatory functions as regards nuclear safety and radiological protection provided for in Article 2 of Law 15/1980, of 22<sup>nd</sup> April. It also falls to it to exercise any other functions that have been conferred on the Nuclear Safety Council, as the only organ competent as regards nuclear safety and radiological protection. The Plenary Assembly shall adopt as many agreements are

necessary for the proper performance of said functions.

2. Likewise, it falls to it to exercise the following functions:

a) Approving the regulations implementing the provisions regulating its regime of operation contained in the present Statute.

b) Approving –before they start being processed– the regulatory policy and statutory initiatives that are submitted to be approved by the members of the Plenary Assembly or by the management organs of the Nuclear Safety Council.

c) Approving the draft budget, set the guidelines for its execution, and control and monitor its observance, without prejudice to the internal control to be carried out by the General Comptroller of the Administration of the State, in the terms set forth in the General Budget Law 47/2003, of 26<sup>th</sup> November, in accordance with that established in Article 67 of the present Statute.

d) Approving the Strategic Plan, the Annual Work Plan, the R&D Plan, the Nuclear and Radioactive Emergency Action Plan, the Equal Opportunities Plan, the Publishing Plan, the Training Plan and the Social Action Plan.

e) Examining the annual accounts once they have been audited by the General Comptroller of the Administration of the State and prior to their submission to the Court of Accounts.

f) Approving the annual report on the performance of the activities of the Nuclear Safety Council.

g) Notifying the proposal for the designation of the Secretary-General of the Council and of the Technical Directors for Nuclear safety and for Radiation Protection.

h) Be heard in the appointment of the Director of the Technical Office of the Presidency of the Council.

i) Appointing and dismissing Deputy Directors.

j) Designating the Vice-President of the Plenary Assembly from among its members.

k) Notifying the proposal for the designation of the national or foreign experts who are members of the Advisory Committee and the Technical Advisory Commissions.

l) Authorising, in advance, the purchase of the Nuclear Safety Council's own immovable assets, in accordance with the provisions of Article 36.1.n).

m) Authorising the proposal for the conclusion of international Cooperation Agreements as well as the execution of those agreements and contracts which the Plenary Assembly so determines by agreement due to their amount or significance.

n) Deciding the appeal for reversal that might be lodged against its actions.

ñ) Approving the bases for the official announcements of recruitment processes for joining the Nuclear Safety and Radiation Protection Branch.

o) Approving the list of jobs of civil servants at the service of the Nuclear Safety Council and those modifications that the Plenary Assembly reserves for itself, and approving the proposals for the modification of the list of jobs of employees at the service of the Nuclear Safety Council, in accordance with the provisions of current regulations.

p) Approving the professional career system of civil servants at the service of the Nuclear Safety Council.

q) Approving the system for assessing the performance of the staff at the service of the Nuclear Safety Council.

r) Approving the criteria which the Function Entrustment Agreements with Autonomous Communities must abide by.

s) Exercising any other powers that are necessary for the proper performance of the functions that have been conferred on it by current regulations.

3. The Plenary Assembly may delegate the exercise of its functions to the President or the General Secretariat, in accordance with that provided for in Article 13 of Law 30/1992, of 26<sup>th</sup> November.

4. The Plenary Assembly may agree to set up internal working commissions for the exercise of the specific functions that are determined for that purpose and with regard to which the final decision falls to the Plenary Assembly. Said commissions may adopt their own rules of operation. The presidency of these commissions shall fall to a member of the Plenary Assembly, who will be the person who reports to said Organ.

#### **Article 25. Composition, appointment and duration of the term of office**

1. The Plenary Assembly –a higher management organ of the Nuclear Safety Council– comprises one President and four Council Members.

2. The President and the Council Members of the Nuclear Safety Council shall be designated among people of proven ability in the matters entrusted to the Nuclear Safety Council, in the terms established in Article 5.1 of Law 15/1980, of 22nd April, creating the Nuclear Safety Council.

3. The President and the Council Members of the Nuclear Safety Council shall be appointed by the Government, by means of a Royal Decree, at the suggestion of the Minister of Industry, Tourism and Trade, following the appearance of the person proposed for the post before the corresponding Congress of Deputies Commission, which shall deal with the ability of the candidate. The Congress, through the competent Commission and by the agreement of three fifths of its members, shall state its reasoned acceptance or veto within one calendar month from the reception of the corresponding communication, the appointment being considered accepted once said period has elapsed without the Congress having made an express statement.

4. The time during which the President and the Council Members shall remain in their posts shall be six years; they may be re-elected once for a second six-year term. The aforementioned posts may not be held by people older than seventy years of age.

5. The Vice-President of the Plenary Assembly shall replace the President in the event of his or her absence or illness or in the event the post is vacant.

#### **Article 26. Council Members**

1. It falls to the Council Members to:

a) Attend, with the right to vote, all sessions of the Plenary Assembly and participate in the debates.

b) Discuss, challenge or defend the reports, suggesting their modification, acceptance or rejection, their further discussion or not, or that their background be extended.

c) Exercise their right to vote and formulate, where appropriate, their reasoned, individual

vote when they disagree with the opinion of the majority.

d) Take charge of managing those matters which, in the opinion of the Plenary Assembly, given their entity or special nature, it is deemed they must be directly dealt with or supervised by the Council Member or Members who are designated and, where appropriate, prepare the reports relating to the matters in which they have been designated as speakers by the Plenary Assembly.

e) Submit requests and suggestions to be included in the agenda of the Plenary Assembly as well as regulatory policy initiatives or proposals for new regulations –in accordance with Article 24.2.b– that have been through the procedure provided for in said Article in order for them to be included in the agenda of the Plenary Assembly.

f) Represent the Nuclear Safety Council in those ceremonies or meetings in which the President so agrees it, following the latter's approval.

g) Act as Vice-President or Secretary when it is their turn to do so.

2. Council Members shall have full access to all the information in the possession of the Body. Information may be requested directly or through the General Secretariat of the Council.

#### **Article 27. Conflicts of interests**

1. The posts of President and Council Members are subject to the conflicts of interests regime of the Top Officials of the General Administration of the State established in Law 5/2006, of 10<sup>th</sup> April, regulating the conflicts of interests of the members of the Government and of the Top Officials of the General Administration of the State, and its implementing provisions, as well as in the Agreement of the Council of Ministers,

of 18<sup>th</sup> February 2005, approving the Code of Good Governance of the members of the Government and of the Top Officials of the General Administration of the State.

2. When they resign their post and during the two following years, they may not exercise any professional activity related to nuclear safety and radiological protection.

#### **Article 28. Duty of secrecy**

The members of the Plenary Assembly must keep their own counsel, even after they resign their posts, on any reserved or confidential information they might have had knowledge of in the exercise of their duties.

#### **Article 29. Resignation**

1. The President and the Council Members of the Nuclear Safety Council shall resign on the grounds established in Article 7 of Law 15/1980, of 22<sup>nd</sup> April.

2. When the resignation of the President or a Council Member takes place for any of the motives legally provided for - apart from the expiration of the term for which they were appointed, the new President or the new Council Member shall be designated in accordance with the procedure set in Article 5 of Law 15/1980, of 22<sup>nd</sup> April, for the time remaining for the term of the resignee to be completed.

3. For the purposes provided for in the last paragraph of Article 7.1 of Law 15/1980, of 22<sup>nd</sup> April, the Secretary-General of the Nuclear Safety Council shall inform the Congress of Deputies, with regard to the President or the Council Member who is in an situation of extension in the exercise of his or her duties, of the date when said extension exceeds six months.

### **Article 30. Remuneration and financial compensation**

1. The retribution of the President and the Council Members of the Nuclear Safety Council shall be set by the Minister of Economy and Finance in accordance with the procedure established for Top Officials of bodies and entities governed by public law.

2. By virtue of the restriction imposed in Article 27.2 of this Statute, in the event of their resignation due to having reached 70 years of age, the expiration of their term of office, their resignation or the permanent incapacity for the exercise of their duties, the President and the Council Members of the Nuclear Safety Council shall have the right to receive, from the month following that when their resignation takes place, for a period of time equal to that during which they held their posts and with a two-year limit, a financial compensation equal to one twelfth of 80 percent of the total sum of the remunerations assigned to the respective post in the budget in force during the indicated period of time.

3. Said compensation shall be incompatible with the holding of the reference posts, in the event of being designated again therefor, or with the performance of any type of job, post or activity in the public sector.

### **Section 2.<sup>a</sup> Regime of operation of the Plenary Assembly**

#### **Article 31. Sessions**

1. The Plenary Assembly shall hold ordinary and extraordinary sessions. At least one session shall be held every 15 days.

2. The holding of extraordinary sessions shall be agreed by the President, on his or her own

initiative, or when at least two Council Members request it.

#### **Article 32. Constitution**

1. For the valid constitution of the Plenary Assembly for session-holding, deliberation and agreement-adoption purposes, the presence of at least three members shall be required, one of which shall be the President or the person that replaces him or her as Vice-President.

2. The members of the Council have to attend the meetings in person. Without prejudice to this, the Plenary Assembly may be constituted and adopt agreements through electronic means, in accordance with that established in the First Additional Provision of Law 11/2007, of 22<sup>nd</sup> June, on citizens' electronic access to Public Services. In any case, the system that is used must ensure that communication is multidirectional and confidential and that it takes place in real time and guarantee the unequivocal identification of the respective member and the authenticity of his or her vote in the same act.

3. The Secretary-General of the Nuclear Safety Council shall attend all sessions of the Plenary Assembly, without the right to vote, and shall act as the secretary of the collegiate organ.

#### **Article 33. Convocation and agenda**

1. The convocation for each ordinary session shall be made by the Secretary of the Plenary Assembly –by order of the President– at least forty eight hours in advance of the time it is expected to commence, the date and place of the session being indicated. The above notwithstanding, the Plenary Assembly shall be deemed validly constituted when the President and all Council Members are present and they so unanimously agree it.

2. The convocation of an extraordinary session shall be made by the Secretary of the Plenary Assembly - by order of the President, which shall be held no sooner than forty eight hours and no later than seventy two hours from said convocation.

3. The agenda of the sessions of the Plenary Assembly shall be set by the President by taking the requests of the other members into account, which shall be formulated at least seventy two hours in advance.

4. Any matter not included in the agenda may not be the object of deliberation or agreement unless all the members of the Plenary Assembly are present and the urgency of the matter is declared with the favourable vote of all the members.

#### **Article 34. Debates and voting**

1. It falls to the President of the Plenary Assembly to lead the deliberations and chair the debates, giving or denying the floor, guaranteeing the participation of all the members under conditions of equality and ensuring that the principle of contradiction and the rounds of replies that are reasonably necessary are observed.

The President may also decide, in a reasoned manner, to adjourn the session, stating to those present the reasons for this adjournment and the when the session is expected to be resumed in full guarantee in order for them to return.

2. Any Council Member may request the deliberation on a specific issue to be postponed until the next session, stating the reasons for this. The President shall refuse said request when dealing with an urgent issue that has been declared as such in accordance with the provisions of Article 33.4 or with an issue that has already been discussed in two prior sessions.

3. The President shall be entitled to put an end to a debate when he or she deems that the issue has been discussed sufficiently in depth.

4. The Plenary Assembly shall adopt its agreements by a majority of votes of the members who are present. Where appropriate, the President shall resolve deadlocks with his or her casting vote.

5. Those members of the Plenary Assembly that disagree with a majority agreement may submit an individual vote in writing within forty eight hours, stating the motives behind it.

Members voting against and those who abstain shall be exempt from the liability that, if any, may be derived from the agreements that are adopted.

#### **Article 35. Meeting minutes**

1. The Secretary-General shall take minutes of the sessions, certifying the content of the agreements that are adopted.

2. The minutes shall necessarily state the attendees, the agenda of the meeting, the time and place, the issues dealt with, the reasons for the adopted agreement, and the result of the voting.

3. The votes in opposition to the adopted agreement, the abstentions and the reasons that justify them or the sense of the votes in favour shall appear in the minutes. Likewise, any member has the right to request an unabridged transcription of his or her speech or proposal, provided he or she submits then and there or before the deadline indicated by the President the text that faithfully corresponds to his or her speech, it thereby being recorded in the minutes or a copy being appended thereto.

4. Minutes shall be approved in the same or next session, the Secretary-General being nevertheless

entitled to issue a certification of the adopted agreements, without prejudice to the subsequent approval of the minutes, this circumstance being recorded.

5. Once approved, the minutes shall be signed by the Secretary, with the approval of the President, and they shall be made known through the Nuclear Safety Council's computer and data transmission means.

6. The reports and documents on which the adopted agreements are based shall be kept with the minutes.

### Chapter III Of the President and General Secretariat of the Nuclear Safety Council

#### **Article 36. The President**

1. The President of the Nuclear Safety Council, which shall also be the President of the Plenary Assembly and of the Advisory Committee, shall exercise the following duties:

a) Acting in institutional representation of the Nuclear Safety Council.

b) Presenting the draft budget to the Plenary Assembly and, once it is approved by this organ, sending it to the Ministry of Industry, Tourism and Trade so that a copy of it is given to the Ministry of Economy and Finance and integrated in the National Budget.

c) Bringing the Nuclear Safety Council's proposal of Public Employment vacancies before the Ministry of the Presidency on an annual basis, the Plenary Assembly being informed.

d) Announcing the processes for recruiting civil servants and employees for the Nuclear Safety Council.

e) Announcing and settling the vacancy-filling processes.

f) Appointing civil servants in training and career civil servants of the Nuclear Safety and Radiation Protection Branch and formalising the hiring of employees at the service of the Nuclear Safety Council.

g) Appointing, after having listened to the Plenary Assembly, the Director of the Technical Office of the Presidency.

h) Appointing and dismissing temporary workers, in the terms of Article 49.8 of the present Statute, and, having listened to the Plenary Assembly, appointing and dismissing the holders of posts whose vacancies are filled by means of the free-designation system, as well as suggesting the appointing and dismissal of Deputy Directors to the Plenary Assembly.

i) Leading, governing and disciplining the staff at the service of the Nuclear Safety Council.

j) Ensuring the decisions made by the Plenary Assembly and expressly entrusted to the Presidency are abided by.

k) Approving the expenses of the different services, authorising the commitment therewith and their settlement, and ordering the corresponding payments.

l) Exercising the powers on credit generation and budget modification contained in Articles 53.2 and 63.2 of the General Budget Law 47/2003, of 26<sup>th</sup> November, and the other powers that have been conferred on the President in said Law.

m) Approving and explaining the annual accounts, once they have been examined by the Plenary Assembly.

n) Acquiring, with the Plenary Assembly's authorisation, immovable assets or rights thereto, following a favourable report from the Minister of Economy and Finance, and requesting the Ministry of Economy and Finance the assignment of assets and rights for the fulfilment of the Nuclear Safety Council's own purposes and the de-assignment thereof when they are no longer necessary.

ñ) Exercising the duties relating to the oversight, legal protection, defence, inventory, administration and preservation of the Nuclear Safety Council's own assets and of the assets assigned thereto and as many other powers as regards assets are conferred on the President by Law 33/2003, of 3rd November, on the Patrimony of the Public Administrations, informing the Plenary Assembly of the decisions adopted in those cases requested by said organ and, in any case, in those of the greatest significance.

o) Knowing the claims prior to civil or labour legal proceedings and the appeal for reversal that might be lodged against the President's own actions.

p) Acting as the Nuclear Safety Council's contracting organ, signing all the contracts and agreements that are necessary or convenient for the performance of the functions of the Council, the Plenary Assembly's approval being required in those cases where this organ so considers it, in accordance with that established in Article 24.2.m) of the present Statute.

q) Exercising leadership in emergency situations, in accordance with that established in the Emergency Plan in that regard.

r) Complying with and requiring the observance of the provisions which the Plenary Assembly and the Advisory Committee are subject to and of the agreements adopted by both organs.

s) Designating, following a favourable report from the Plenary Assembly, the national or foreign experts who are members of the Advisory Committee and the Technical Advisory Commissions.

t) Exercising as many other duties are inherent in his or her capacity as President of the Plenary Assembly and as President of an entity of the Spanish public sector, in the terms established by the application regulations.

2. In the event of a vacancy, absence or illness, the President shall be replaced by the Vice-President, or, if the latter is not available, by the most senior Member, or, should there be two or more Members of the same seniority, by the oldest Member.

3. The President may delegate the exercise of his or her powers, in accordance with the provisions of Article 13 of Law 30/1992, of 26<sup>th</sup> November. In the event the delegation is to a Council Member, the acceptance of the delegation made shall be a necessary requirement. The Plenary Assembly shall be informed of all delegations of powers by the President.

### **Article 37. The General Secretariat of the Nuclear Safety Council**

1. The Nuclear Safety Council shall be assisted by the General Secretariat thereof, which is the management organ whose responsibility is to provide the services common to the Nuclear Safety Council, under the immediate direction of the President, within the framework of the agreements adopted by the Plenary Assembly and the guidelines issued by the internal commissions set up by said Plenary Assembly, in accordance with the provisions of Article 24.4 of the present Statute.

2. The Secretary-General shall act as secretary of the Plenary Assembly and attend all sessions of

said organ without the right to vote. In the event of a vacancy, absence or illness, the Secretary-General shall be replaced by the youngest Council Member, which, given his or her capacity as member of the Plenary Assembly, shall indeed have the right to vote. The Secretary-General shall also act as secretary of the Advisory Committee.

3. It falls to the Secretary-General of the Nuclear Safety Council, in his or her capacity as secretary of the Plenary Assembly, to exercise the following duties:

a) Assisting the President and the Council Members in processing the issues and business characteristic of their functions and in preparing the meetings of the Plenary Assembly.

b) Advising on the legality of the issues and matters that are submitted to the Plenary Assembly.

c) Convening the sessions of the Plenary Assembly by order of its President.

d) Receiving communication acts from the members of the Plenary Assembly, addressed to said organ, and thus the notifications, data requests or any other type of documents which they must be appraised of.

e) Drafting and signing the minutes of the sessions and issuing certifications of the agreements adopted by the Plenary Assembly.

f) Guarding the files and documents of the Plenary Assembly.

g) Exercising as many other duties are inherent to his or her capacity as secretary of the collegiate organ.

4. It falls to the General Secretariat of the Nuclear Safety Council to manage, promote, coordinate

and supervise the activity of all organs of the Nuclear Safety Council as well as to provide services common thereto and, in this sense, to exercise the following functions:

a) Giving legal advice on all issues related to the functions and activities of the Body.

b) Processing and reporting regulation proposals and draft Instruction and Safety Guide.

c) Processing and reporting all contract files and the agreements that are signed by the Nuclear Safety Council.

d) Preparing the draft budget, assuming the financial, accounting and assets management of the Nuclear Safety Council, managing the acknowledgement, collection and liquidation of fees and other rights and the accounts office and cash services, and preparing the annual accounts.

e) Reporting the motion for a resolution of the appeals that are lodged against acts of the Plenary Assembly and the President and the motion for a resolution of preliminary claims aimed at the Nuclear Safety Council.

f) Managing the registration, filing and documentation services and the security and surveillance services of the premises of the Nuclear Safety Council.

g) Managing the Nuclear Safety Council's computer and data transmission means as well as the information systems that support corporate processes.

h) Providing the Nuclear Safety Council with the necessary communication systems and drafting and maintaining computer security policies and systems for protecting their operation.

i) Coordinating the drawing up and monitoring of the strategic plan and work plans and programmes and the implementation of the quality-improvement measures that are entrusted to it.

j) Developing process evaluation and audit mechanisms and conducting the independent internal evaluation of the Body.

k) Preparing the proposal of annual work plans corresponding to the organs of the Nuclear Safety Council and direct their execution once they are approved.

l) Preparing the Annual Report on the activities of the Nuclear Safety Council and submitting it to the Plenary Assembly for its approval.

m) Managing the internal regime of the services and premises of the Nuclear Safety Council, the fitting out of the administrative units, the conservation and operation of its buildings and premises, the supplies, and the inventory of immovable assets

n) Setting up the service inspection programmes.

ñ) Exercising the direct leadership of the staff, without prejudice to the functions of the Plenary Assembly and the President.

o) Authorising the secondment, with and without the right to compensation, of the Nuclear Safety Council's staff.

p) Preparing the detailed list of civil servants of the Nuclear Safety and Radiation Protection Branch.

q) Bringing the proposals relating to the staff and the management of the services of the Nuclear Safety Council before the Plenary Assembly.

r) Suggesting plans for staff training, social action, occupational risk prevention and equal opportunities for men and women.

s) Maintaining relations with the staff participation and representation Organs.

t) As many functions as regards staff and service management are conferred on Deputy Secretaries of Ministerial Departments by public-function regulations and that are not conferred on another organ of the Nuclear Safety Council in the present Statute.

u) Coordinating and evaluating nuclear and radioactive facility inspection activities.

v) Proposing, managing and evaluating the R&D plans and programmes promoted by the Nuclear Safety Council.

5. The Secretary-General shall be designated by the Government, at the suggestion of the Minister of Industry, Tourism and Trade and following a favourable report from the Plenary Assembly. The post of Secretary-General may not be held by people older than seventy years of age.

6. The Secretary-General shall be subject to the same conflicts of interests regime that has been established with regard to the President and the Council Members in Article 27 of the present Statute and shall have the right to receive the financial compensation that is regulated in Articles 30.2 and 30.3 thereof. The Secretary-General must keep his or her own counsel, in accordance with that provided for in Article 28 of the present Statute.

7. He or she shall resign for any of the following reasons:

a) Turning seventy years of age.

b) By his or her request.

c) Due to having any of the conflicts of interests provided for in the Law creating the Nuclear Safety Council.

d) By decision of the Government, by means of the same procedure established to appoint him or her.

8. The salary of the Secretary-General of the Nuclear Safety Council shall be authorised by means of a joint report from the Ministry of the Presidency and the Ministry of Economy and Finance, in the manner established in the National Budget laws.

9. The Technical Directorate for Nuclear Safety and the Technical Directorate for Radiation Protection report, as management organs, to the General Secretariat of the Nuclear Safety Council, having the legal system, structure and functions regulated in Articles 38 and 39 of the present Statute.

10. Likewise, the Sub-Directorates and units which are regulated in Article 40 of the present Statute directly report to the General Secretariat of the Nuclear Safety Council.

#### Chapter IV Of the Technical Directorate for Nuclear Safety and the Technical Directorate for Radiation Protection

##### **Article 38. Technical Directorate for Nuclear Safety and Technical Directorate for Radiation Protection**

1. The heads of the Technical Directorate for Nuclear Safety and of the Technical Directorate for Radiation Protection shall be designated by the Government at the suggestion of the Minister of Industry, Tourism and Trade,

following a favourable report from the Nuclear Safety Council.

2. The heads of said management organs shall be subject to the same conflicts of interests regime that has been established with regard to the President and the Council Members in Article 27 of the present Statute. Their salaries shall be authorised by means of a joint report from the Ministry of the Presidency and the Ministry of Economy and Finance, in the manner established in the National Budget laws.

3. Likewise, they must keep their own counsel, in terms provided for in Article 28 of the present Statute.

##### **Article 39. Functions and structure of the Technical Directorates**

1. The following functions fall to the Technical Directorate for Nuclear Safety:

a) Preparing the motions for a resolution on the matters which Article 2 of Law 15/1980, of 22<sup>nd</sup> April, refers to relating to the safety of nuclear facilities and to the transport of nuclear substances or radioactive materials, low and medium level radioactive waste storage facilities and facilities undergoing dismantling being excluded.

b) Conducting the evaluation, inspection and control of the facilities and activities which the preceding paragraph refers to.

c) Preparing the motions for the opening of disciplinary proceedings and for the adoption of coercive measures, in the cases regulated in Law 25/1964, of 29<sup>th</sup> April, on Nuclear Energy, on matters within its jurisdiction.

d) Opening, conducting and settling the proceedings opened by virtue of a communication

made by individuals or legal entities at the service of the nuclear and radioactive facilities which Article 20 of the present Statute refers to, on matters within its jurisdiction.

e) Proposing the technical standards and research projects needed for a better fulfilment of its functions.

f) Supporting the Technical Directorate for Radiation Protection on nuclear safety issues.

2. The following functions fall to the Technical Directorate for Radiation Protection:

a) Preparing the motions for a resolution on the matters which Article 2 of Law 15/1980, of 22<sup>nd</sup> April, refers to relating to the radiological protection of people, the control and monitoring of the radiological quality of the environment, radioactive facilities, the control of radioactive sources, the companies that provide technical radiation-protection services, the management of low and medium level radioactive waste, the dismantling and decommissioning of nuclear and radioactive facilities, and emergencies and physical protection plans; likewise, processing the proposals from Autonomous Communities with Function-Entrustment Agreements in relation to the matters that have been entrusted to them.

b) Conducting the evaluation, inspection and control of the facilities and activities which the preceding paragraph refers to.

c) Preparing the motions for the opening of disciplinary proceedings and for the adoption of coercive measures, in the cases regulated in Law 25/1964, of 29<sup>th</sup> April, on Nuclear Energy, on matters within its jurisdiction.

d) Opening, conducting and settling the proceedings opened by virtue of a communication made by individuals or legal entities at the service

of the nuclear and radioactive facilities which Article 20 of the present Statute refers to, on matters within its jurisdiction.

e) Proposing the technical standards and research projects needed for a better fulfilment of its functions.

f) Supporting the Technical Directorate for Nuclear Safety on radiation protection issues.

3. The following Sub-Directorates report to the Technical Directorate for Nuclear Safety:

a) The Sub-Directorate for Nuclear Facilities, which the exercise of the following functions falls to:

1.º Conducting evaluations and inspections as well as formulating proposals relating to nuclear power plants, nuclear fuel fabrication plants and nuclear substance treatment plants and the transport of nuclear substances and radioactive materials.

2.º Carrying out the control and monitoring of the facilities and activities which the preceding paragraph refers to, including the operating experience, and proposing the appropriate coercive measures.

3.º Maintaining a permanent supervision of the activities of licensees at the sites of nuclear power plants by means of resident inspectors posted thereto.

4.º Collaborating with the competent authorities as regards safeguards, when it is so required.

b) The Sub-Directorate for Engineering, which the exercise of the following functions falls to:

1.º Evaluating and inspecting the design, construction and operation of structures, systems

and components of nuclear facilities according to their importance to safety and their contribution to risk.

2.º Evaluating and examining the neutron, thermal-hydraulic and criticality aspects related to the design, construction and operation of nuclear facilities as well as refuelling proposals and fuel performance.

3.º Evaluating and examining the maintenance and aging management programmes of nuclear facilities.

4.º Evaluating and examining the characteristics of the sites of facilities in order to determine their influence on the safety thereof.

c) The Sub-Directorate for Nuclear Technology, which the exercise of the following functions falls to:

1.º Evaluating and examining the probabilistic risk analyses of facilities and their application to the safety thereto and to the greater efficiency of the regulatory activity.

2.º Evaluating and examining the issues relating to training, human factors and the management system of licensees, including the management of quality.

3.º Proposing the granting and renewal of the licenses for operations personnel of nuclear facilities, to which Paragraphs a.1) and c.5) refer to.

4.º Developing new methodologies and tools for assessing the safety of facilities.

5.º Performing evaluations and inspections and putting forth proposals relating to the management of spent fuel and high level waste as well as to the facilities for the storage thereof.

4. The following Sub-Directorates report to the Technical Directorate for Radiation Protection:

a) The Sub-Directorate for Environmental Radiation Protection, which the following functions fall to:

1.º Performing evaluations and inspections as well as formulating proposals relative to the radiological protection of the public and the environment, fuel-cycle radioactive facilities and uranium mines, the dismantling and decommissioning of fuel-cycle nuclear and radioactive facilities and the management of low and medium level waste.

2.º Carrying out the control of the facilities and activities which the preceding paragraph refers to and suggesting, where appropriate, the appropriate coercive measures.

3.º Monitoring and controlling the radiological quality of the environment throughout Spanish territory and inside and outside nuclear and radioactive facilities and assessing the environmental radiological impact of facilities and of any other activity that might have such an impact. Controlling the corresponding entities and facilities needed to perform these functions.

4.º Proposing the granting and renewal of licenses for operations personnel of the facilities to which Paragraph a).1 of Section 4 of the present Article refers to.

5.º Making proposals relating to the control of exposures due to natural radiation and for the management of the waste that is generated in facilities that process natural radioactive materials.

6.º Making proposals relating to the control of contaminated areas and about post-accident situations and situations of lasting exposure.

b) The Sub-Directorate for Operational Radiation Protection, which the following functions fall to:

1.º Performing evaluations and inspections as well as putting forth proposals relating to radioactive facilities - except those belonging to the fuel cycle, to the radiation protection of workers and to companies that provide technical radiation-protection services. Performing the technical coordination of the activities carried out by Autonomous Communities with Agreements for the Entrustment of Nuclear Safety Council Functions in these fields.

2.º Carrying out the control and monitoring of the activities and facilities which the preceding paragraph refers to and proposing the appropriate coercive measures.

3.º Proposing training programmes and the approval of courses and programmes as well as the granting and renewal of diplomas and licenses proving that operations personnel of radioactive facilities (except fuel cycle facilities) and of companies providing technical radiation-protection services have received training in radiation protection.

4.º Managing the dose control of exposed workers as well as the activities conferred on the Council in relation to the operational protection of outside workers with a risk of exposure to ionising radiations owing to their work in controlled areas.

5.º Making proposals relating to the radiation protection of patients subjected to procedures of diagnosis or treatment with ionising radiations and participating in the studies that are conducted in this field, in collaboration with health authorities.

6.º Controlling the technological safety and the security of authorised radioactive sources and

managing the national inventory of high level radioactive sources.

c) The Sub-Directorate for Emergencies and Physical Protection, which the following functions fall to:

1.º Performing evaluations and inspections relating to emergency management, onsite emergency and physical protection plans of nuclear facilities, activities and materials and proposing the criteria applicable with regard to these matters to radioactive facilities and materials.

2.º Collaborating with the competent authorities in setting and approving the criteria which radiological emergency and physical protection plans must abide by and in implementing offsite emergency plans.

3.º Maintaining the operational capacity of the Nuclear Safety Council's human, organisational and technical means needed to face up to radiological emergency situations, regardless of their origin, and managing the coordination of the actions of the Nuclear Safety Council in said situations.

4.º Performing the actions the fall to the Nuclear Safety Council as regards collaborating with national and international authorities for the prevention of illicit trafficking, the radiological control at borders and the prevention of nuclear or radiological crimes as well as the actions of the Council aimed at retrieving and controlling orphan radioactive sources.

## Chapter V

### Of the Sub-Directorates and Units reporting to the General Secretariat

#### **Article 40. Sub-Directorates and Units reporting to the General Secretariat**

1. The administrative and legal working organs needed to achieve the goals of the General

Secretariat of the Nuclear Safety Council, and, in particular, the following Sub-Directorates, report to it:

a) The Sub-Directorate for Staff and Administration, which the exercise of the functions conferred on the General Secretariat in Article 37, Section 4, Subsections c), d), f), m), n), o), p), q), r), s) and t), of the present Statute falls to.

b) The Sub-Directorate for Information Technologies, which the exercise of the functions conferred on the General Secretariat in Article 37, Section 4, Subsections g) and h), of the present Statute falls to.

c) The Sub-Directorate for Legal Affairs, which the legal advice and the issuance of reports in relation to the functions conferred on the General Secretariat in Article 37, Section 4, Subsections a), b), c) and e), of the present Statute falls to, in addition to the coordination and management of the relations with the judicial organs and the defence of the Nuclear Safety Council before them.

2. The following Units also report to the General Secretariat, with the attachment and organic and salary levels that are established in the list of jobs:

a) The Planning, Assessment and Quality Unit, which is responsible for exercising the functions conferred on the General Secretariat in Article 37, Section 4, Subsections i), j) and k), of the present Statute.

b) The Inspection Unit, which the exercise of the functions conferred on the General Secretariat in Article 37, Section 4, Subsection u), of the present Statute falls to.

c) The Research and Knowledge Management Unit, which the exercise of the functions

conferred on the General Secretariat in Article 37, Section 4, Subsection v), of the present Statute, as well as the development of the knowledge management tasks and the promotion of the use and spreading of its results, the drafting of proposals for technical training programmes in the fields of nuclear safety, radiation protection and physical protection, and the evaluation of their results, falls to.

## Chapter VI

### Of the organs supporting the Presidency and the Members

#### **Article 41. Organs supporting the Presidency and the Members**

1. The Presidency of the Nuclear Safety Council shall be assisted by a Technical Office in charge of performing as many specific tasks are entrusted to it by the President as well as those related to the activities of the Plenary Assembly as a collegiate organ.

2. The Director of the Technical Office shall be designated by the President of the Nuclear Safety Council –the Plenary Assembly having been heard on the matter– and shall have the organic level of Deputy Director; the Director shall automatically resign when the holder of the post which he or she reports to does so.

3. Council Members shall have on a temporary or permanent basis the technical means and advice allowing them to make decisions with the maximum knowledge, objectivity and independence.

4. Staff who give direct support and advice to the President and the Council Members shall be temporary in nature, in the terms established in Article 12 of the Basic Statute of the Public Employee.

## Chapter VII Of the Advisory Committee for public information and participation

### **Article 42. Functions of the Advisory Committee**

1. In accordance with the provisions of Article 15 of Law 15/1980, of 22<sup>nd</sup> April, the exercise of the following functions falls to the Advisory Committee:

a) Issuing recommendations for the Nuclear Safety Council to guarantee and improve transparency.

b) Suggesting to the Nuclear Safety Council measures promoting the access to information and the participation of the population in those matters within the Nuclear Safety Council's jurisdiction.

2. The recommendations and suggestions issued by the Advisory Committee shall not be binding on the Nuclear Safety Council.

### **Article 43. Composition of the Advisory Committee and term of office of its members**

1. The members of the Advisory Committee are the President, the Secretary of the Committee and those persons indicated in Article 15 of Law 15/1980, of 22<sup>nd</sup> April.

2. The Presidency and the Secretariat of the Committee fall to the President and the Secretary-General of the Nuclear Safety Council. In case of absence, vacancy or illness, the President of the Committee shall be replaced by the Vice-President of the Nuclear Safety Council, and the Secretary by the member of the Committee designated by the President for that purpose. The Council Members of the Nuclear Safety Council

may attend the sessions of the Advisory Committee, although without the right to vote. Likewise, the heads of the Technical Directorates may be present when it is deemed appropriate.

3. Those national and foreign experts which Section 2.I) of Article 15 of Law 15/1980, of 22<sup>nd</sup> April, refers to and who have to join the Advisory Committee shall be designated by the President of the Nuclear Safety Council, following a favourable report from the Plenary Assembly.

4. The members of the Advisory Committee shall hold their posts for a four-year term, renewable for the same amount of time for successive periods, except in the case of the representatives of the Public Administrations, whose continuance as members of the Committee shall be conditional upon the time they remain in their post.

5. The members of the Advisory Committee must attend the sessions in person; they shall be reimbursed for the travel, lodging and meal expenses they incur because of said attendance in accordance with that established in Royal Decree 462/2002, of 24<sup>th</sup> May, on compensation for being on duty.

### **Article 44. Regime of operation**

The Advisory Committee's regime of operation shall comply with that established in this Statute and, additionally, with the provisions on the operation of collegiate organs provided for in Chapter II of Title II of Law 30/1992, of 26<sup>th</sup> November.

### **Article 45. Sessions, convocation and agenda**

1. The full Advisory Committee shall meet at least once every fortnight in an ordinary session, following a convocation made at least 15 days in advance. The Plenary Assembly may also meet in an extraordinary session when the

President decides so or when half plus one of its members request it, the convocation being made at least seventy two hours in advance.

2. The ordinary convocation shall be made by the Secretary –by order of the President– and it must include the time, date and place of the meeting to be held as well as the agenda of the session and the specific documentation on the issues to be discussed.

3. The agenda may be expanded or additional documentation may be sent by the Secretariat up to forty eight hours before the session is held.

4. Any matter not included in the agenda may be the object of deliberation and, where appropriate, agreement provided that all members of the Committee are present and the urgency of the matter is declared by means of the favourable vote of the majority of the members.

5. The Advisory Committee may gather from the Nuclear Safety Council the information it deems to be necessary for the exercise of its function.

#### **Article 46. Constitution and agreement-adoption quorums**

1. The presence in a first session of the President and the Secretary –or of the persons that replace them– and of at least two thirds of its members shall be required for the constitution of the Committee to be valid.

It shall be possible to hold a second session thirty minutes after the first one, the presence of the President and the Secretary –or of the persons that replace them– and of at least three fifths of the members of the Committee being required.

2. Agreements shall be reached by a majority of votes of those members present, deadlocks

being resolved by the President by means of his or her casting vote. The vote shall be secret if it so decided by one third of the members of the Committee who are present.

### **Chapter VIII Of the Technical Advisory Commissions**

#### **Article 47. Technical Advisory Commissions**

1. In accordance with that provided for in Article 4.5 of Law 15/1980, of 22<sup>nd</sup> April, the Plenary Assembly may constitute external technical advice Commissions, which shall act as organs of support thereto for the exercise of its functions. The Commissions shall prepare the technical reports, assessments and studies that the Plenary Assembly requests from it, which shall not be binding on the latter.

2. The designation of the members of the Commissions falls to the President of the Nuclear Safety Council, following a favourable report from the Plenary Assembly, among people of recognised ability in nuclear safety, technology, radiation protection, environmental protection, medicine, legislation or any other subject related to the former as well as in energy in general or industrial safety. The Commissions shall be composed of ten experts at the most.

3. The Commissions shall be convened by the initiative of their President, with the necessary frequency to achieve their ends, adapting their operation to that provided for in this Article and, lacking an applicable regulation, to the provisions as regards collegiate organs of Law 30/1992, of 26<sup>th</sup> November.

4. In order to carry out their work, the Commissions may obtain from the Nuclear Safety Council or other entities the assistance that might be necessary.

5. The participation of the experts shall be remunerated in accordance with that established in Royal Decree 462/2002, of 24<sup>th</sup> May, on compensation for being on duty.

6. Without prejudice to that established in the previous Sections, the Plenary Assembly may agree to set up an ad-hoc Advisory Commission for the execution of the specific advisory functions of a technical nature that are established. The Advisory Commission shall be automatically dissolved once it fulfils the specific function that was entrusted to it.

### Title III Of the staff at the service of the Nuclear Safety Council

#### Chapter I General provisions

##### **Article 48. Of the Council's staff**

The staff at the service of the Nuclear Safety Council shall comprise:

- a) Civil servants.
- b) Employees, either permanent, for an indefinite period, or temporary.
- c) Temporary workers.

##### **Article 49. Staff regime**

1. The staff at the service of the Nuclear Safety Council may comprise career civil servants or employees.
2. In any case, the exercise of duties that entail a direct or indirect participation in the exercise of public powers and in safeguarding the general interests of the State and the Public Administrations may only fall to career civil servants.

3. The Nuclear Safety Council's career civil servants shall be governed by the provisions of Law 7/2007, of 12<sup>th</sup> April, on the Basic Statute of the Public Employee, and other regulations applicable to civil servants of the General Administration of the State, without prejudice to the specificities provided for in this Statute.

4. Employees shall be subject to labour legislation, to conventionally applicable regulations and to the precepts of the Basic Statute of the Public Employee that apply to them.

5. The selection of employees shall be conducted by means of procedures in which the guiding principles contained in Article 55 of Law 7/2007, of 12<sup>th</sup> April, on the Basic Statute of the Public Employee, are guaranteed.

6. The systems for selecting permanent employees shall be competitive examination, public competition, or competition based on qualifications.

7. It shall fall to the President of the Nuclear Safety Council to agree the appointment of employees by means of the formalisation of contracts, following the justification of the conditions of ability and requirements of the official announcement.

8. The President of the Nuclear Safety Council may appoint up to five advisors and other temporary staff in the terms established in the Basic Statute of the Public Employee for the performance of special trust or advice duties, whose salaries shall be charged to the budget allocated for such purpose. Likewise, each Council Member may appoint and dismiss one advisor for the performance of this type of duties as well as suggest to the Presidency the appointment and dismissal of two persons with administrative support duties. Both appointment and dismissal shall be free, the dismissal of a person taking place

in any case when the resignation of the President or Council Member for whom he or she performs the trust or advice duty takes place.

9. The Nuclear Safety Council's staff must keep their own counsel, even after the cessation of their functions, on any reserved or confidential information they might have had knowledge of in the exercise of their duties.

#### **Article 50. Deputy Directors**

Deputy Directors shall be freely appointed to and dismissed from their jobs, the Plenary Assembly being in agreement, at the suggestion of the President of the Nuclear Safety Council, taking into account principles of merit and ability, professional competence and experience and suitability criteria, by means of procedures guaranteeing publicity and audience, amongst career civil servants of Group A, Subgroup A1, of those listed in Article 76 of the Basic Statute of the Public Employee. They shall be designated by means of procedures guaranteeing publicity and remain on duty in their respective branch.

#### **Article 51. Job organisation**

1. The Nuclear Safety Council shall have a list of civil servant jobs and another list of employee jobs.

2. Those jobs that must be performed by civil servants as well as the name of the jobs, the professional classification groups, the branches or scales, if any, to which they are attached, the vacancy-filling systems and the complementary salaries shall be included in the list of civil servant jobs.

#### **Article 52. Job-vacancy filling**

1. The filling of civil-servant job vacancies shall be carried out by means of the procedures of

competition and free designation with public official announcement, according to that established in the list of jobs. In any case, Deputy Director job vacancies shall be filled by means of the free-designation system.

2. The filling of employee job vacancies shall be carried out in accordance with that established in the corresponding applicable Collective Agreements and, failing that, by means of the career civil servant job-vacancy filling system.

3. The corresponding official announcements for the filling of job vacancies shall be approved by decision of the President of the Nuclear Safety Council, in terms similar to those set for the General Administration of the State.

4. The Nuclear Safety Council shall determine the content of the official announcements and select its staff by means of its own selection organs, which shall guarantee the principles of equality, merit, ability, publicity, access to employment by disabled people and equal opportunities for men and women.

5. The staff at the service of the Nuclear Safety Council shall be registered in the Central Registry of Staff of the General Administration of the State or in the registry that is established at any given point in time by the legislation currently in force.

#### **Article 53. Professional career**

Civil servants providing services at the Nuclear Safety Council shall have their right to advance within an evaluable professional career recognised, in accordance with the provisions set in Law 7/2007, of 12<sup>th</sup> April, on the Basic Statute of the Public Employee. The Plenary Assembly of the Council shall approve the professional career system of said civil servants, taking into account, in particular, the specificity of the Nuclear Safety and Radiation Protection Branch.

#### **Article 54. Performance assessment**

Within the framework of the human resources policy, and according to the principles established in Law 7/2007, of 12<sup>th</sup> April, on the Basic Statute of the Public Employee, an assessment system shall be set up that serves as an objective tool for appraising the performance of jobs, for the purposes of the salaries and professional careers of the staff at the service of the Body. The corresponding assessment system that will allow to appraise the collective performance of the units as well as to carry out an individual appraisal of the performance of every job shall be approved by the Plenary Assembly.

### Chapter II Of the Nuclear Safety and Radiation Protection Branch

#### **Article 55. Legal system**

1. The Nuclear Safety Council's technical staff shall be made up of the civil servants of the Nuclear Safety and Radiation Protection Branch, which constitute a special Branch, and is divided into two Scales: a Higher Scale and a Technical Scale, classified within Group A, Subgroup A1 and Subgroup A2 respectively, of those included in Article 76 of the Basic Statute of the Public Employee.
2. The regime of entry, job-vacancy filling, administrative situations, professional promotion, mobility, conflicts of interests and other rights and duties of Nuclear Safety and Radiation Protection Branch civil servants shall be the same as that of the civil servants of the General Administration of the State, it being governed by its general provisions, without prejudice to the specificities contained in the present Statute, derived from said Branch's own functional scope.

#### **Article 56. Duties**

1. Civil servants belonging to the Higher Scale of the Nuclear Safety and Radiation Protection Branch shall perform management, analysis and assessment, inspection and control, and proposal and report preparation duties relating to the missions that fall to the Nuclear Safety Council on a legal and regulatory basis, carrying out any other duties of a higher administrative nature that are required of them.
2. Civil servants belonging to the Technical Scale of said Branch shall perform support and collaborative duties within those duties that fall to civil servants belonging to the Higher Scale, as well as the analysis and assessment, inspection and control and proposal and report preparation duties that are entrusted to them, adapted to the requirements and tests required for joining this Scale.

#### **Article 57. Selection**

1. The selection of candidates to join the Nuclear Safety and Radiation Protection Branch shall be carried out by means of public competition, which shall be subject to the bases of the official announcement approved by the Plenary Assembly.
2. In order to join the Nuclear Safety and Radiation Protection Branch, in any of the two Scales that it comprises, it shall be necessary to be in possession of a university degree. Likewise, and in the terms provided for in the Third Transitory Provision of Law 7/2007, of 12<sup>th</sup> April, on the Basic Statute of the Public Employee, the official university degrees of Doctor, Engineer, Architect or any other five-year bachelor's degree shall qualify a person to enter the Higher Scale, and the official university degrees of Technical Engineer, Technical Architect or any other three-year bachelor's degree shall enable a person to

join the Technical Scale; all the aforementioned degrees pertain to the previous university system organisation.

3. Once they have passed the selection tests in accordance with that established in the official announcement, those candidates to join the Nuclear Safety and Radiation Protection Branch who have to undergo a training programme or a work-experience period shall be appointed intern civil servants by the President, with the rights that are established in the public-function regulations of the General Administration of the State.

4. Once they complete the training programme or the work-experience period, those candidates deemed fit for service shall be appointed career civil servants by the President of the Council.

#### **Article 58. Training**

1. The Nuclear Safety Council shall promote the mechanisms and instruments necessary for the continuous training, improvement and technical specialisation of Nuclear Safety and Radiation Protection Branch civil servants, who have the obligation to attend –when they are expressly designated to this end– those courses that might be organised on subjects related to the activities typical of the Nuclear Safety Council.

2. The specialisation or improvement courses taken by civil servants as well as the aptitude certificates or diplomas obtained shall be noted down in their personal file and in the Central Registry of Staff of the General Administration of the State.

#### **Article 59. Detailed list**

1. The list of civil servants that make up the Nuclear Safety and Radiation Protection Branch shall be updated every five years, by means of

a decision by the Secretary-General of the Nuclear Safety Council, a list that shall at least contain the following information:

a) Name and surnames.

b) Date of entry.

c) Administrative situation.

d) The job, post or assignment that the person is performing.

e) The overall position the person occupies in the list of civil servants.

### **Title IV**

#### **Contracting regime and legal assistance**

##### **Article 60. General contracting regime**

1. The Nuclear Safety Council shall adapt its contractual activity to the provisions of Law 30/2007, of 30<sup>th</sup> October, of Public Sector Contracts, its contracting regime being the characteristic regime of a Public Administration.

2. In accordance with that established in Article 8.2 of Law 15/1980, of 22<sup>nd</sup> April, the Nuclear Safety Council shall take the necessary measures to guarantee that the people or companies contracted by it observe the obligation of independence during the provision of their services. In no case whatsoever may it hire the services of people or companies associated with those affected by the services that are the object of contracting.

##### **Article 61. Legal assistance**

The legal assistance given to the Nuclear Safety Council, which consists in giving advice and representing and defending the Council in court, may fall to the Barristers of the State that form

part of the Legal Service of the State by means of the formalisation of the appropriate agreement for that purpose in the terms provided for in Law 52/1997, of 27<sup>th</sup> November, on the Legal Assistance to the State and Public Institutions.

Likewise, the Nuclear Safety Council may agree with other entities the provision of said legal assistance.

## Title V

### Patrimonial, budgetary, economic-financial management control and accounting regime

#### **Article 62. Patrimony**

1. The Nuclear Safety Council shall have its own patrimony, independent from the patrimony of the General Administration of the State, which shall comprise all the assets and rights of which it is the titleholder.

2. Likewise, the Nuclear Safety Council may use the assets from the Patrimony of the State that are assigned to it in order for it to achieve its aims.

3. The financial resources at the disposal of Nuclear Safety Council for it to meet its goals are made up of the following assets, rights and revenue:

a) The assets and rights that constitute its patrimony and the products and income therefrom.

b) The revenue from fees and public prices regulated by Law 14/1999, of 4<sup>th</sup> May.

c) The allocations that are established on an annual basis and charged to the National Budget.

d) Any other that may be legally conferred on the Council.

4. In accordance with the provisions of Article 9 of Law 33/2003, of 3<sup>rd</sup> November, the management, administration and utilisation of those assets and rights of the Patrimony of the State of which the Nuclear Safety Council is the titleholder or which are assigned to it falls to the latter, subject to the provisions of the present Statute and said Law 33/2003, of 3<sup>rd</sup> November.

#### **Article 63. Own assets**

The Nuclear Safety Council may acquire all kinds of assets and rights by any of the legally admitted modes and in accordance with the procedures established in Law 33/2003, of 3<sup>rd</sup> November. The acquisition of immovable assets or rights thereon shall require the preliminary favourable report from the Ministry of Economy and Finance.

#### **Article 64. Collection**

1. The management and collection of fees, public prices and any other public resources whose tax management is conferred on the Nuclear Safety Council falls to said Body, it being able to use the administrative enforcement procedure for the effectiveness thereof.

2. The Nuclear Safety Council may agree with the State Tax Agency the tax collection management of its public-law resources during the enforcement period, in the manner provided for in the General Collection Regulation approved by Royal Decree 939/2005, of 29<sup>th</sup> July.

#### **Article 65. Budget**

1. The Nuclear Safety Council shall prepare the draft budget on an annual basis subject to the provisions of the General Budget Law 47/2003, of 26<sup>th</sup> November, which it shall send, through the intervention of Ministry of Industry, Tourism and Trade, to the Ministry of Economy and

Finance for it to be submitted to the Government and subsequently brought before the Parliament incorporated into the National Budget.

2. The preparation of the draft budget falls to the Secretary-General, and its approval to the Plenary Assembly.

3. The execution and modification of the Nuclear Safety Council's budget shall be subject to the provisions of the General Budget Law 47/2003, of 26<sup>th</sup> November, that apply to it.

4. The Nuclear Safety Council may hold bank accounts for managing all kinds of revenue and payments in the Bank of Spain and commercial banks.

#### **Article 66. Accounting**

The Nuclear Safety Council's accounts shall be governed by Title V of the General Budget Law 47/2003, of 26<sup>th</sup> November. The creation and submission of its accounts shall be done in accordance with the public accounting principles of Article 122 of said Law and the principles and regulations established in the General Public

Accounting Plan and its implementing regulations, for which it shall have an economic-financial and budgetary information system whose purpose is to show, by means of these statements and reports, an accurate picture of the patrimony, the financial situation, the results and the execution of the budget and provides enough information on the costs on its activity for a proper and efficient decision-making process.

#### **Article 67. Economic and financial control**

1. The control of the Nuclear Safety Council's economic-financial management shall be carried out in accordance with the provisions of the General Budget Law 47/2003, of 26<sup>th</sup> November.

2. The Delegated Comptroller of the General Comptroller of the General Administration of the State in the Nuclear Safety Council shall exercise, in the terms provided for in the General Budget Law, the internal control of the economic and financial management thereof, which shall be carried out under the permanent financial control and public audit modes, without prejudice to the external control that must be exercised by the Court of Accounts.

