

## **Royal Decree 1157/1982 of the 30th of April, which approves the Statute of the Nuclear Safety Council.**

*Published in the Spanish Official State Gazette (BOE) number 135, of the 7th of June 1982*

### *Preliminary note:*

The contents of this Statute have been partially modified since it was enacted.

The specific modifications to the text are included as footnotes.

Furthermore, the text has been affected by norms that are posterior to its approval:

Law 14/1999, of the 4th of May, governing Public Prices and Fees for services rendered by the Nuclear Safety Council (published in the Spanish Official State Gazette (BOE) on the 5th of May 1999), which affects the following articles of this Statute:

- Article 5. Regarding the functions of the Council, which are extended.
- Articles 14, 34.7 and 37.7. Regarding the periodicity of the obligation of preparing reports to be sent to the Congress of Deputies and to the Senate, which now becomes annual.

Royal Decree 469/2000, of the 7th of April (published in the BOE on the 10th of May), which modifies the basic organic structure of the Nuclear Safety Council, First Additional Provision, establishes that, "the execution of the functions that pertaining to the evaluation of environmental radiological impact belong to the Nuclear Safety Council, will be carried out according to what is established in paragraph e) of the Additional Provision of Royal Decree 1131/1988, of the 30th of September, which approves the Regulations for the execution of the Royal Legislative Decree 1302/1986, of the 28th of June, for the evaluation of environmental impact, as modified by the Royal Decree-Law 9/2000, of the 6th of October".

Royal Decree 557/2000 of the 27th of April (BOE of the 28th of April) on the Restructuration of Ministerial Departments, article 4, paragraph 1, letter b), "the competencies until now attributed to the Ministry of Industry and Energy...correspond to the Ministry of the Economy...through the Directorate-General of Energy...".

Royal Decree 689/2000, of the 12th of May (BOE of the 13th of May) that establishes the basic organic structure of the Ministry of the Economy, Single Additional Provision, paragraph 4, "...the Directorate-General of Energy and the Directorate-General of Mines are abolished, and their functions assumed by the Directorate-General of Energy Policy and Mining".

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In Article 1 of Law 15/1980, of the 22nd of April, which creates the Nuclear Safety Council, it is established that this aforementioned entity will be governed by a Statute prepared by the Council and approved by the Government, whose text will be transmitted to the Industry and Commerce Commissions of both chambers of Parliament before its publication.

Fulfilling what is established in the aforementioned Law, the Council prepared and presented to the Ministry of Industry and Energy the aforementioned Statute, having informed the Ministries of the Presidency of the Government, and the Ministry of Finance, the former in terms of what is established in paragraph 2 of article 130 of the Law of Administrative Procedure.

Therefore, and with the agreement of the Council of State, and following the proposal of the Ministry of Industry and Energy, prior deliberation of the Council of Ministers during its meeting of the 30th of April 1982.

I PROCLAIM:

**Article 1.**

The Statute of the Nuclear Safety Council is hereby approved, and is annexed to this present Royal Decree.

**Article 2.**

This present Royal Decree shall become effective on the day following its publication in the Spanish Official State Gazette.

Signed in Madrid on the 30th of April 1982.

JUAN CARLOS R.

The Minister of Industry and Energy,  
IGNACIO BAYON MARINE

**ANNEX**

**Statute of the Nuclear Safety Council**

***Title I. General Principles***

***Chapter One.***

*Character. Legal Status. Functions*

**Article 1.**

The Nuclear Safety Council, created by Law 15/1980, of the 22nd of April, is a Public Law Entity, independent from the Central State Administration, with its own assets and legal status, independent from those of the State, and as the only

competent body in matters pertaining to nuclear safety and radiological protection.

**Article 2.**

The Nuclear Safety Council will be governed by its own constitutive Law, by the present Statute, and by all those provisions specifically aimed at it, without prejudice to the supplementary application of the obligations contained in ordinary or special legislation.

The Law on the Legal Status of Autonomous State Entities, of the 26th of December 1958 shall not apply to it.

In its acquisition of assets, it shall be governed by those norms that are applicable to Public Law Entities, such as are mentioned in article 6, paragraph b) of the General Budgetary Law.

**Article 3.**

The assets and economic resources of the Nuclear Safety Council shall be the following:

1. Those proceeding from the collection of the fee created in its constituent Law.
2. Those allocations that are established annually on account of the General State Budgets.
3. Whatever other that may be legally attributed to it.

**Article 4.**

The Nuclear Safety Council will draft the project of its annual budget, which shall comply with the provisions included in the General Budgetary Law, and shall be taken up to the Government through the Ministry of Finance, for its incorporation into the General State Budgets.

A civil servant belonging to the Body of Audits of the State Civil Administration and Accounting shall carry out the auditing function. This civil servant shall be appointed by the Ministry of Finance, after being named by the General Audit department of the State Administration and prior communication to the Nuclear Safety Council.

**Article 5.**

The functions of the Nuclear Safety Council shall be the following:

- a) To propose the necessary regulations regarding nuclear safety and radiological protection, to the Government, as well as the revisions that it considers advisable. Within this regulation, the objective criteria for the selection of sites for nuclear and first category radioactive installations shall be established, following the reports from the Autonomous Communities, in the manner and within the deadlines determined by regulations.

Similarly, it shall have the capacity to prepare and approve the Instructions, Circulars and Guides of a technical nature, relative to nuclear and radioactive installations and for those activities related to nuclear safety and radiological protection.

b) To issue reports to the Ministry of Industry and Energy, prior to the adoption of the resolutions that this body may approve on matters regarding the awarding of authorisations for nuclear and radioactive installations, the transportation of nuclear substances or radioactive materials, the production and official approval of equipment that include radioactive sources or which generate ionising radiation, the exploitation, restoration or closure of uranium mines, and in general, all activities related to the manipulation, processing, storage and transportation of nuclear and radioactive substances.

To present reports, prior to the resolutions of the Ministry of Industry and Energy, regarding the authorisation for vendor companies and those that provide technical assistance for X-ray equipment and installations for medical diagnosis, and other equipment destined to radioactive installations, and to carry out the tasks of inspection and control.

To present the prior reports for those resolutions that in exceptional cases and circumstances are approved by the Ministry of Industry and Energy, on its own initiative or at the request of the Nuclear Safety Council, in relation to the removal and safe management of radioactive materials.

Such reports shall be mandatory in all cases, as well as binding when they be of a negative nature, or when they deny the authorisation for concessions, as well as in terms of the conditions that they establish if they are positive.

The processes in which these reports must be presented, as referred to in this section, can be suspended by the competent body for their resolution, exceptionally, and with an indefinite character, until their presentation or during a length of time considered adequate for them to be presented. Such suspensions must be justified with reasons.

c) To carry out all types of inspections in nuclear or radioactive installations, during the different phases: project, construction, operation, transportation, production and certification of equipment that include radioactive sources or which generate ionising radiations, and the approval or validation of packages destined for the transportation of radioactive substances, to guarantee the compliance with existing legislation and the conditions imposed in the corresponding authorisations, with the capacity to paralyse work in progress or activities when anomalies are detected that affect safety, and until that moment when these are corrected, with the possibility of proposing the annulment of the authorisation if these anomalies are not likely to be corrected.

d) To carry out the inspection and control of nuclear and radioactive installations during their operation, and until their decommissioning, with the aim of guaranteeing the compliance with all the established standards and conditions, of a general nature as well those specific ones imposed on the

installation, in order to ensure that the operation of the aforementioned installations does not generate unnecessary risk for persons or for the environment.

The Nuclear Safety Council has the authority to suspend the operations of installations or of the activities that they perform, for safety reasons.

e) To propose the initiation of sanction proceedings that it considers pertinent within the scope of its competences, according to the existing legislation.

Furthermore, the Nuclear Safety Council, when initiating a sanction proceeding in matters relating to nuclear safety and radiological protection shall emit a report, of a mandatory nature, within two months, for the adequate determination of the events that are the object of the proceeding. This report shall be presented when the proceeding is initiated at the instances of another body, or in the case where having been initiated as a result of a reasoned request from the Nuclear Safety Council itself, there be included in the aforementioned proceeding data other than that released by this same entity.

f) To collaborate with the competent authorities in the elaboration of the criteria to which the off-site emergency plans and those for the physical protection of nuclear and radioactive installations, as well as transportation, must be adjusted. Once these plans are formulated it shall participate in their approval.

To coordinate, in all those aspects related to nuclear safety and radiological protection, the measures for assistance and response to emergency situations, integrating and coordinating the different bodies and public or private companies whose participation is deemed necessary for the implementation of the functions attributed to this Organism.

Furthermore, to carry out whatever other activities in emergency matters that are assigned to it in the applicable regulations.

g) To control the measures for the radiological protection of workers that are professionally exposed, and of the public and the environment. To supervise and control the doses of radiation received by the operating personnel and the off-site radioactive material discharges from nuclear and radioactive installations, as well as their incidence, specific or accumulative, in the areas of influence of these installations.

To evaluate the environmental radiological impact of nuclear and radioactive installations and of those activities that imply the use of ionising radiation, according to the stipulations of the applicable laws.

To control and supervise the radiological quality of the environment throughout the national territory, in compliance with the international obligations of the Spanish State in this matter, without prejudice to the competencies that the different public administrations may have attributed to them.

Similarly, to co-operate with the competent authorities in matters relating to environmental radiological supervision beyond the areas of influence of the nuclear or radioactive installations.

h) To award, and when necessary, revoke the authorisations that correspond to the entities or companies that offer services in the field of radiological protection, as well as being responsible for the inspection and control, in matters of nuclear safety and radiological protection, of the aforementioned entities, companies, services and authorised centres.

To collaborate with the competent authorities in relation to monitoring the health of those workers that are professionally exposed as well as in the medical attention for persons potentially affected by ionising radiations.

To create and maintain the Register of External Companies, for the owners of nuclear or radioactive installations with workers classified as professionally exposed, and to carry out the control or the inspections on the aforementioned companies, that it deems necessary.

Similarly, it will be capable of, upon the request of an interested party, presenting declarations of favourable assessment regarding new designs, methodologies, simulation models or verification protocols related to nuclear safety and radiological protection.

i) To inform the Ministry of Industry and Energy regarding the concentration or activity levels, for their consideration as radioactive waste, of those materials that contain or incorporate radioactive substances, and for which there is no expected use.

j) To award and renew, through the performance of tests, established by the Council itself, the Licenses for Operators and Supervisors of nuclear or radioactive installations, the Diplomas for Heads of Radiological Protection Services, and the accreditations to manage or operate X-ray installations destined to medical diagnosis.

Furthermore, it shall award official approval for training and advanced training programmes and courses dealing specifically with matters of nuclear safety and radiological protection that confer the capacity to manage or to operate radioactive installations and the equipment of the X-ray installations destined to medical diagnosis, and those that allow for the performance of the functions of Head of Radiological Protection Services.

k) To carry out the studies, evaluations, and inspections of the plans, programmes, and projects necessary in all the phases of radioactive waste management.

l) To advise, whenever it is required to do so, the courts and organs of the public administration in matters relating to nuclear safety and radiological protection.

ll) To maintain official relations with similar foreign bodies, and to participate in international organisations with competences in the field of nuclear safety and radiological protection.

Similarly, it can collaborate with international bodies or organisations in programs of assistance on matters of nuclear safety and radiological protection, participating in their execution, be it directly, or by contracting third parties or entities for this end, always in compliance with the conditions determined by these organisations.

m) To inform public opinion, on matters of its competence, in the extension and with the periodicity that the Council determines, without prejudice to the publicity of its administrative actions, within the legally established terms.

n) To be informed by the Government, and to assist the Government, regarding engagements with other countries or international organisations in matters relating to nuclear safety and radiological protection, which shall be taken into account in the exercise of the functions that are attributed to the Council by this present Law.

ñ) To establish and carry out the subsequent tracking of research plans within the field of nuclear safety and radiological protection.

o) To gather precise information, and to assist when needed, regarding the affections that could originate in persons due to ionising radiations derived from the operation of nuclear or radioactive installations.

p) To inspect, evaluate, control, inform, and propose to the competent authorities the adoption of those preventive and corrective measures considered necessary in those exceptional or emergency situations that arise and which could affect nuclear safety and radiological protection, when they originate in installations, equipment, companies or activities that are not bound to the regime of authorisations established by nuclear legislation.

q) Any other, that in the field of nuclear safety and radiological protection, is legally attributed to it.

#### **Article 6.**

The reports of the Nuclear Safety Council shall be mandatory and binding for the Autonomous Communities in the same cases and terms as they are for the State Administration, according to what is established in the Law that creates the Council, when these have assumed their corresponding competences, according to what is established in article 3 of the aforementioned Law.

#### **Article 7.**

The authorisations or licenses that are to be granted to any of the Public Administrations can not be denied or conditioned, for safety reasons, whose appreciation corresponds to the Nuclear Safety Council.

#### **Article 8.**

The Nuclear Safety Council shall issue a statement or offer information in all those matters within its competence that the Courts of Justice, the Government or its members, the Autonomous Communities and the Organs of the Public Administrations submit for its consideration.

**Article 9.**

The provisions and resolutions on those matters submitted to the Council for its consideration, shall express this fact and the authority that adopts them shall inform it of the adoption of the provision or delivered resolution.

**Article 10.**

In those provisions or resolutions in which the Council's prior report is mandatory, the phrase, "with the Nuclear Safety Council's agreement", must be included, when they are resolved according to the report, and in all other cases, the phrase, "having listened to the Nuclear Safety Council" must be included.

In those cases where the report is binding, the phrase "with the Nuclear Safety Council's agreement", shall be included.

When in the processing of whatever matter, if Council has not participated as it should, its President shall bring this to the attention of whomever it may concern.

**Article 11.**

The Nuclear Safety Council shall have the capacity to transfer to the Autonomous Communities the execution of functions that are attributed to it, according to the general criteria that the Council itself agrees on regarding their execution.

The Nuclear Safety Council shall establish the norms and shall monitor the execution of the functions that it has transferred to the Autonomous Communities, maintaining at all times the right to impose itself and repeal the latter.

**Article 12.**

When the Nuclear Safety Council, in the exercise of its functions, observes an infraction that may give rise to the imposition of legally established sanctions, it shall inform the body who is responsible for the initiation of the sanction proceedings regarding the observed infraction, and all those matters that it considers relevant for its evaluation and assessment.

The Council shall be informed of the definitive resolution that is adopted, by the corresponding organ, not later than fifteen days after its adoption.

**Article 13.**

When the concentration of nuclear or radioactive installations in an area makes it advisable, the Nuclear Safety Council will be able to establish delegations of a special character, and for the period of time that it considers opportune in all those areas of the national territory that it considers necessary. The creation of these Delegations, corresponds to the Council, within its budgetary endowments.

Similarly, it has the capacity to create Advisory Commissions for the study of matters within its field of competence.

**Article 14.**

At the end of each natural semester, the Nuclear Safety Council, shall raise to the Congress of Deputies, and the Senate, a report on its activities that shall include at least:

- The state of the country's nuclear installations, be they in construction or operational, regarding nuclear safety and radiological protection.
- A summary, divided into categories, of the state of radioactive installations, regarding the same considerations.
- The most important incidents that occurred during the semester, and their consequences, if any.
- A summary of the activities performed by the Council in terms of its different missions, focusing on the adequacy of its resources for the realisation of these missions.
- All those other aspects which the Council may deem of interest or of importance, or which may have been requested by the Congress or the Senate.

***Chapter two***

*Foreign relations and those with other State organs.*

**Article 15.**

The Nuclear Safety Council shall work together with the Government, in the exercise of its functions and competencies, through the Ministry, whose Department is competent, regarding the matter of the subject dealt with.

The Presidency of the Government, shall determine, in case of any doubts, the Ministry whose competence is most specific.

**Article 16.**

The relationship between the Nuclear Safety Council and the Autonomous Communities shall be carried out through their Presidents.

**Article 17.**

The Nuclear Safety Council, without prejudice to what has been established in previous articles, and in those cases that it considers opportune, can address itself directly to whatever organs of the Public Administrations, that may be dealing, within their own field of competence, with matters in which it may be responsible for some sort of intervention.

**Article 18.**

The Nuclear Safety Council shall be able to propose to the Ministry of Foreign Affairs the designation of members of the Spanish Delegations who assist to

meetings of Organs or Committees, or who may be accredited before International Organisations, of an inter-governmental nature, who may have assigned to them matters of the Council's competence.

**Article 19.**

In performing its functions, the Nuclear Safety Council may propose to the Government, through the Ministry of Foreign Affairs, the celebration with other States or International Organisations, of an inter-governmental nature, of treaties relative to matters in of the Council's competence.

**Article 20.**

The Nuclear Safety Council, shall be informed of, and shall advise the Government, regarding the celebration of treaties with other States and International Organisations, of an inter-governmental nature, relative to matters of the Council's competence. In these cases, the Nuclear Safety Council may propose to the Ministry of Foreign Affairs the designation of members of the Spanish Delegations who are to perform any task regarding such treaties.

***Title II. Composition and operation***

***Chapter One***

***Composition***

**Article 21.**

The Nuclear Safety Council consists of a President, and four Counsellors, and is assisted by a Secretary-General. The positions of President, Counsellor, and Secretary-General are not compatible with any other position of function, be it remunerated or not.

The Council, following the President's proposal, shall designate a Vice-President from among the Counsellors, who shall substitute the President in case of absence, vacancy or illness. In case of absence of the designated Vice-President, this function will be carried out by the most senior Counsellor, and in case of equal seniority, by the oldest one.

**Article 22.**

The President and the Counsellors of the Nuclear Safety Council, shall be chosen from among persons of recognised merit within the specialist fields of nuclear safety, technology, radiological protection and of the environment, medicine, law, or any other related to the previous ones, as well as energy in general, or industrial safety, their independence and objectivity of criteria shall be especially valued.

**Article 23.**

The President and the Counsellors shall be appointed by the Government in the manner that is established, in paragraphs 1 and 2 of Article 5 of Law 15/1980, of the 22nd of April.

**Article 24.**

The members of the Nuclear Safety Council shall be appointed for six-year mandates, and can be appointed for successive periods through the same procedure.

**Article 25.**

The President and the Counsellors of the Nuclear Safety Council shall resign for the following reasons:

- a) After their sixtieth birthday.
- b) After the end of the period for which they were appointed.
- c) At their own request.
- d) For falling under one of the incompatibilities established by Law 15/1980, of the 22nd of April.
- e) By decision of the Government, through the same procedure established for their appointment, when they be considered incapable of performing their functions, or for not attending to the duties of their position with diligently.

**Article 26.**

When a Counsellor resigns for whichever of the reasons previously established, except the one mentioned under the letter b) of the previous article, a new Counsellor shall be appointed, according to the established procedures, and for the remainder of the resigned Counsellor's mandate.

**Article 27.**

The Council shall be assisted by a General Secretariat, from whom the working organs necessary for the accomplishment of its goals, shall depend. The Secretary-General can participate in the Council's meetings but is not entitled to vote.

**Article 28.**

The Secretary-General shall be appointed by the Government, following the proposal of the Minister of Industry and Energy, and after a favourable prior report from the Council. The position of Secretary-General cannot be awarded to anyone older than sixty-five years of age.

**Article 29.**

The formal investiture for the positions of President and of the Counsellors shall be performed in the presence of the President of the Government and in the presence of the rest of the members of the Council, those persons appointed to fulfil these positions shall swear an oath or make a promise according to what is foreseen in the existing legislation.

**Article 30.**

The Secretary-General shall be invested before the Council, swearing the oath or making the promise that is established in the existing legislation.

**Article 31.**

Once the President or the respective Counsellor, or Counsellors, are appointed, and after their investiture, the Council shall meet in a constituent plenary session, from which the corresponding minutes shall be drawn up.

Likewise, a plenary session shall be held after the Secretary's investiture.

**Chapter Two**  
*Organs*

**Article 32.**

The Nuclear Safety Council and its President are directive organs.

The Secretary-General of the Organism shall participate in the Council's meetings but is not entitled to vote.

**Article 33.**

The following correspond to the Nuclear Safety Council:

1. To be informed of all matters related to the functions attributed to it.
2. The adoption of agreements related to such functions and to those matters in which it is expected to be heard..
3. The approval of the reports and statements that, in the performance of its functions, it must emit, as well as the authorisation for the conclusion of international co-operation agreements or conventions.
4. The approval of the proposals for norms, sanctions and motions that it must send to the Government or to the organs of any of the Public Administrations.
5. To inform of the proposal for the appointment of the Council's Secretary-General, according to what is established in article 5, paragraph 3 of the Law that creates the Council.
6. To inform on the proposal for the appointment of the Technical Director.
7. To appoint and dismiss the Deputy Directors following the President's proposal.
8. To be heard, mandatorily, in the appointment of the Head of the Cabinet of the Presidency.
9. To resolve the incompatibilities that are referred to in articles 6 and 7 of the Law that creates the Council.
10. The approval of the draft project of the Council's budget.
11. To establish the directives for the execution of the budget and the audit of its follow-up and its implementation.

12. To be informed of the settlement of the budget, formulated by the General Secretariat, before being sent to the Court of Audit.

13. The approval of its organic staff.

14. The approval of the internal Regulations and Instructions required for the proper operation of the Organism.

15. To resolve the appeals presented against the resolutions or actions of the Council and its organs, which shall exhaust the administrative channel.

16. The approval and, eventual, modification of the annual work schedule and the semester report on the activities carried out.

17. The approval of those contracts that due to their amount and importance the Council reserves for itself.

18. Any other function that the current Statute assigns to it.

**Article 34.**

The following competences belong to the President of the Council:

1. To represent the Council in its relations with all private and Public Entities, and to authorise the reports and statements that the Council makes, by signing them.

2. To convoke and set the agenda for the Council's meetings, as well as to chair its deliberations.

3. To comply and ensure the compliance with the provisions that regulate the Council, and the agreements adopted by it.

4. To settle ties by voting.

5. To propose to the Council the appointment and dismissal of the Deputy Directors, after hearing the Secretary-General.

6. To appoint, having heard the Council, the Head of the Cabinet of the Presidency.

7. To submit to the Council the approval of the annual work schedule, or its alterations, and the semester report on the activities carried out.

8. To direct, guide, impulse, co-ordinate and inspect the compliance with the Council's goals and the development of the Council's activities.

9. To convoke competitive examinations to enter the Technical Staff of Nuclear Safety and Radiological Protection with the agreement of the Council.

10. To appoint, and dismiss, non-permanent staff.
11. To approve, having listened to the Council, the list of civil servants in the Technical Staff of Nuclear Safety and Radiological Protection.
12. To be responsible for the direction, management and disciplinary regime of the personnel that depends on the Council, as well as all other functions relating to staff that are attributed to it in this present Statute.
13. To present the Council's draft project for the budget.
14. To approve the expenses for the services, to authorise their undertaking and settlement, as well as the orders for their payment.
15. To celebrate, together with other similar foreign Organisms, co-operation agreements, previously approved by the Council.
16. To authorise, by signing, all official communications that are directed to the Government, to the members thereof, to the Cortes Generales, to the Presidents of the Autonomous Communities, and to the principal organs of international or foreign Organisms.
17. To perform any other function that is assigned to it in this present Statute.

**Article 35.**

The Counsellors shall assume the following functions:

1. To participate and vote in the Council's sessions.
2. To debate, challenge or defend the Council's reports and statements, and to propose their modification, acceptance or rejection, that they be tabled or kept on the table, or that the antecedents be broadened.
3. To formulate, in the right time and form, their particular reasoned vote, in case it differs from that of the majority.
4. To study and prepare the statements regarding those matters whose presentation before the Plenary corresponds to them.
5. To take care of the management of those matters, that according to the Council given their importance or special nature, are considered to merit being taken care of or managed directly by a designated Counsellor or Counsellors.
6. To represent the Council in those events or meetings in which the President delegates.
7. To act as Vice-President or Secretary when it is necessary.

**Article 36.**

The President shall perceive the same emoluments that are allocated in the General State Budget for Government Ministers, and shall receive the same honours and treatment.

The Counsellors shall perceive the same emoluments that attending to the importance of their function are allocated to them in the General State Budget.

Their formal treatment shall that of Excellency.

**Article 37.**

The Presidency shall be assisted by a Technical Cabinet whose purpose will be to perform all those specific tasks that the President requests from it, as well as those related to the activities of the Council as a collegiate organ. The Head of the Technical Cabinet shall be appointed by the President of the Council, taking into consideration the Council's opinion, and shall perceive the emoluments that within the State Civil Administration are assigned to the level of General Deputy Directors.

**Article 38.**

The General Secretariat is the organ responsible for the execution and development of the Council's activities, under the direct supervision of the President, and within the framework of the agreements adopted by the Council.

**Article 39.**

The following functions shall be attributed to the Secretary-General:

1. To manage the working organs of the Council.
2. To participate, without being entitled to vote, in the meetings of the Council, except for those where the issues dealt with affect the Secretary-General personally.
3. To bear the direct responsibility for personnel, and the internal regime of the services and departments of the Council, including the General Register, without prejudice to the superior authority of the President of the Council.
4. To present before the Council those matters that affect the Council's services and personnel.
5. To prepare the draft project for the annual budget.
6. To perform all those functions that the President delegates formally to it.
7. To prepare the draft of the semester Report on the Council's activities.
8. To carry out all other missions that are assigned to it in this present Statute.

**Article 40.**

The Secretary-General shall perceive the same emoluments as those that are allocated to Deputy Directors in the General State Budget.

**Article 41. (\*)**

1. The Technical Direction for Nuclear Safety and the Technical Direction for Radiological Protection depend on the General Secretariat of the Council.

2. The heads of both Technical-Directorates shall be appointed by the Government, following the proposal by the Minister of Industry and Energy and with the prior favourable report from the Nuclear Safety Council. Their remuneration shall be established, following a joint report by the Ministry of Public Administrations and the Ministry of Economy and Finance.

3. The following functions correspond to the Technical-Directorate of Nuclear Safety:

a) To prepare the proposals for resolutions in those matters referred to in article 2 of Law 15/1980, of the 22nd of April, that creates the Nuclear Safety Council, according to the new version included of the First Additional Provision of Law 14/1999, of the 4th of May, regarding the safety of nuclear installations, except for those destined for the storage of low and medium activity radioactive waste, and the transportation of nuclear substances or radioactive materials.

b) To perform the evaluation, inspection and control of those installations and activities referred to in the previous paragraph.

c) To propose the technical standards and the necessary research projects to ensure greater compliance with its functions.

d) To assist the Technical-Directorate of Radiological Protection in the matters of its specialisation.

4. The following functions correspond to the Technical-Directorate of Radiological Protection:

a) To prepare the proposals for resolution in the matters referred to in article 2 of Law 15/1980, of the 22nd of April, that creates the Nuclear Safety Council, regarding the radiological protection of persons, the control and monitoring of the radiological quality of the environment, radioactive installations, service entities, the management of low and medium activity radioactive waste, emergencies and the plans for physical protection.

b) To perform the evaluation, inspection and control of those installations and activities referred to in the previous paragraph.

c) To propose the technical standards and the necessary research projects to ensure greater compliance with its functions.

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\* Wording given by Royal Decree 469/2000, of the 7th of April, which modifies the basic organic structure of the Nuclear Safety Council (BOE of the 10th of May).

d) To assist the Technical-Directorate of Nuclear Safety Protection in the matters of its specialisation.

5. The following units, whose organic level is that of Deputy Directorate-General are dependent on the Technical-Directorate of Nuclear Safety:

A) The Deputy Directorate-General of Nuclear Installations, whose functions are the following:

a) To carry out evaluations and inspections, as well as to formulate proposals, regarding nuclear power plants, factories for the production or treatment of nuclear substances and the transportation of nuclear substances or radioactive materials.

b) To perform the control and monitoring of those installations and activities referred to in the previous paragraph, and to propose the coercive measures that may correspond.

c) To propose the awarding and renewal of the licences for the operating personnel of those nuclear installations that are contemplated in paragraph a), and to evaluate and inspect the training programmes for operating personnel and for personnel without a license.

B) The Deputy Directorate-General of Engineering, whose functions are the following:

a) To evaluate and inspect the design, construction, operation and maintenance of nuclear, auxiliary, electric, control and instrumentation systems.

b) To evaluate and inspect the methods, programmes and resources for the training of operative personnel.

c) To analyse the operating procedures in normal operating circumstances as well as in emergencies, and the methods for tackling severe accidents.

d) To evaluate and inspect the programmes for the management of nuclear installations' ageing.

C) The Deputy Directorate-General of Nuclear Technology, whose functions are the following:

a) To evaluate and inspect the neutronic, thermo-hydraulic and criticality aspects related to the design, construction and operation of nuclear installations, as well as the proposals for refuelling and the behaviour of the fuel.

b) To evaluate the probabilistic risk analysis of the installations and their implementation regarding the safety of the aforementioned installations and the greater effectiveness of the regulatory activity.

c) To evaluate and inspect the sites of the installations to determine their influence on their own safety and to develop the implementation of the corresponding methodologies.

d) To develop, assimilate and implant new methodologies and tools for the evaluation of the safety of installations.

e) To evaluate and inspect new designs, methodologies, and simulation models, at the request of the title-holders.

6. The following units, whose organic level is of Deputy Directorate-General depend on the Technical-Directorate of Radiological Protection:

A) The Deputy Directorate-General of Environmental Radiological Protection, whose functions are the following:

a) To carry out evaluations and inspections, as well as to formulate proposals regarding the radiological protection of the public, and regarding the dismantling of installations and the management of low and medium activity waste.

b) To control and supervise the radiological quality of the environment throughout the Spanish territory and within the interior and exterior of nuclear and radioactive installations.

c) To evaluate the environmental radiological impact of the installations and of whichever other activity that may generate it.

d) To carry out the control of the corresponding entities and installations required to perform the functions indicated in the paragraphs b) and c) and to propose the coercive measures that may correspond.

e) To propose the awarding and renewal of the licenses for operating personnel of storage and radioactive waste management installations.

f) To propose the preventive and corrective measures necessary for those exceptional situations that may affect radiological protection, when they originate in installations, equipment, companies or activities not subjected to the authorisations system of nuclear law.

B) The Deputy Directorate-General of Operational Radiological Protection, whose functions are the following:

a) To perform evaluations and inspections as well as to formulate proposals regarding radioactive installations, the radiological protection of workers and those companies that offer services of radiological protection and of radiological dosimetry.

b) To carry out the control and monitoring of the activities and installations referred to in the previous paragraph and to propose the corresponding coercive measures.

c) To propose the awarding and renewal of licenses for operating personnel of radiological installations and those companies that offer radiological protection and dosimetry services.

d) To manage the dosimetric control of professionally exposed workers.

e) To perform the activities that the existing legislation on the operational protection of external workers at risk of exposure to ionising radiation by intervention in controlled areas, assign to it.

C) The Deputy Directorate-General of Emergencies, whose functions are the following:

a) To carry out evaluations and inspections, as well as to formulate proposals regarding the management of emergencies, on-site emergency plans and those for the physical protection of installations and activities.

b) To collaborate with the authorities to elaborate and approve the criteria to which the radiological intervention plans must be adjusted.

c) To manage the co-ordination of the actions of the Nuclear Safety Council in situations of radiological emergency.

d) To maintain the operative capacity of the necessary human, organizational and technical means to face radiological emergency situations.

7. Similarly, the following units, whose organic level is that of Deputy Directorate-General, depend directly on the Council's General Secretariat:

A) The Deputy Directorate-General of Planning, Information Systems and Quality, whose functions are the following:

a) To propose the objectives and to co-ordinate in the elaboration of the working plans and programmes, as well as to carry out the monitoring and control of the execution of the objectives and programmes, and to evaluate their efficacy.

b) To elaborate and apply the Information Systems Plan of the Nuclear Safety Council, to manage the information resources and to assign them to the various organic units, as well as to assist them, offering direct technical assistance and training for the users.

c) To prepare and apply the internal quality and continuous improvement system of the Nuclear Safety Council, and to carry out the follow-up and control of its execution as well as to evaluate its efficacy.

B) The Deputy Directorate-General of Personnel and Administration, whose functions are the following:

a) To manage those matters regarding the functional and working human resources, to program for the needs of the organism's personnel, to supervise and assign the human resources to services and units and to manage the selection and promotion programmes.

b) To co-ordinate the elaboration of the training plan as well as its execution and follow-up, as well as to impulse, elaborate and manage the social action programme.

c) To maintain relationships with the personnel's participatory and representative organs.

d) To manage the prevention of occupational hazards and the in-company medical service.

e) To prepare the draft project for the expense and income budget, as well as to carry out the monitoring and control of the execution of these.

f) To collect and manage the incomes and expenses, according to the existing ordinance, to perform the collections and payments, to manage the treasury, to be responsible for the management of the accounts, the finances, and the assets, and in general, all those matters regarding the economic and financial management of the organism.

g) To process the contract proceedings and to carry out the allocation and management of the material resources; the safekeeping, conservation and maintenance of the equipment, buildings and installations; the endowment for services; the establishment and permanent update of the inventory of goods; safety, the internal regime and general matters, such as the management of documents, the archive and the register.

C) The Legal Counsel Office, whose functions are the following:

a) To advise the directive organs and the Deputy Directorate-Generalships that request its assistance in matters of law.

b) To prepare reports, and statements of a legal nature.

c) To elaborate and participate in the preparation of the proposals for regulations in matters of nuclear safety and radiological protection.

d) To elaborate and process proposals for the resolution of appeals against actions and decisions of the organism.

e) To co-ordinate and manage the relations with the Courts and the defence of the Nuclear Safety Council before them.

8. The following units depend on the General Secretariat, with the assignment, organic and remunerative level that is established in the personnel roster:

A) The Inspection Office, that is responsible for the co-ordination and evaluation of the inspection activities in nuclear and radioactive installations.

B) The Technical Standards Office, that is responsible for planning, promoting, and co-ordinating the elaboration of proposals for instructions, circulars, guides and other technical norms, as well as the adaptation and adoption of technical standards proceeding from international organisms.

C) The Research and Development Office, that is responsible for proposing, managing and evaluating the research and development plans and programmes promoted by the Nuclear Safety Council, as well as promoting the exploitation and broadcasting of its results.

**Article 42.**

1. The Secretary-General shall resign given one of the following causes:

a) Reaching sixty-five years of age.

b) At the Secretary-General's own request.

c) Due to the occurrence of one of the incompatibilities referred to in the Law that creates the Council.

d) By a decision of the Government, following the same procedure as for the appointment of the Secretary-General.

2. The Technical Director shall resign given one of the causes mentioned in sections a), b) and d) of the previous paragraph.

**Article 43.**

The Deputy Directors shall be appointed and dismissed by the Council's Plenary, following a proposal from the President, and having heard the Secretary-General's opinion.

***Chapter Three***

*Regime for the adoption of agreements*

**Article 44.**

The proceedings and the regime for the adoption of the Council's agreements shall be regulated according to what is established in Chapter II of Title I of the Law on Administrative Procedures, and by the norms included in this Chapter.

**Article 45.**

The Council shall meet in ordinary session, at least once every fifteen days, on the dates that are agreed on to this effect, and in extraordinary session whenever the President decides, or upon the request of any one of the Counsellors.

**Article 46.**

The agenda shall include all matters to be treated, and shall be set by the President, taking into account the requests of the other members, formulated at least three days in advance.

**Article 47.**

For each one of the issues, the Counsellor chosen to present the issue shall present the matter that shall be the object of discussion. Following this, the Counsellors shall express their opinions following the order established when requesting the floor, and are able to intervene as many times as is considered necessary.

**Article 48.**

The President shall ensure the proper conduction of the deliberations, and can suspend them at any moment, for a justified cause.

The main elements of the deliberations shall be compiled, and shall be included in the minutes of the corresponding meeting.

Any one of the Counsellors can request for the deliberation on any specific topic to be postponed until the next meeting. If the matter is considered urgent, or if it has been on the agenda for two sessions, the President may deny such a request and demand that it be dealt with and resolved.

**Article 49.**

Once the deliberations are concluded, or whenever the President considers that the topic has been sufficiently discussed, a vote on the agreement to be adopted shall take place.

The vote shall take place in reverse order of seniority of appointment, and in cases of equal seniority, age shall prevail. The President shall be the last to vote.

***Title III. Personnel Regulation***

***Chapter One***

*On the personnel at the service of the CSN*

**Article 50.**

The personnel of the Nuclear Safety Council shall be integrated by:

1. Those who bear managerial positions, appointed by the Government.
2. Technical personnel as referred to in the Law that creates the Council, and which constitute the Special Body of Nuclear Safety and Radiological Protection.
3. Those civil servants of whichever Public Administration that are posted temporarily into the service of the Nuclear Safety Council.
4. The designated temporary civil servants.

5. The administrative personnel contracted for terms of less than a year.
6. All other persons, that perform services in the Nuclear Safety Council according to labour regulations or according to private law regulations.

## ***Chapter Two***

### *On the technical body at the CSN's service*

#### **Section 1. Nature, levels and functions**

##### **Article 51.**

The Technical Body of Nuclear Safety and Radiological Protection of the Council for Nuclear Safety, constitutes a special corps of civil servants that shall be regulated by the norms included in this present Statute and by those provisions of general application to all civil servants within the State Civil Administration.

##### **Article 52.**

The Technical Body of Nuclear Safety and Radiological Protection shall include two levels, a Superior Level and a Technical Level.

The civil servants within the Superior Level, shall perform managerial, investigative, inspection and proposal functions of a superior level, regarding the Council's missions, as well as any other of a superior administrative nature that is requested of them. To enter into this Level it is necessary to hold a degree of Doctor, Bachelor, Engineer, Architect or their equivalent.

The civil servants within the Technical Level shall provide technical assistance in all the functions that correspond to civil servants of the Superior Level and shall assume, independently, those of investigation, inspection and proposal that may be requested of them. To enter into this level it is necessary to hold a University Diploma, a Technical Engineer degree or third degree Vocational Training, or equivalent.

The number of positions in the Levels that conform the Body of civil servants of the Nuclear Safety Council, shall be approved by the Council of Ministers, following the proposal of the Nuclear Safety Council, with a report from the Ministry of Finance, that shall be responsible for taking the matter to the Government.

#### **Section 2. Selection, training, proficiency and promotion**

##### **Article 53.**

1. The selection of candidates for incorporation into the Technical Body of the Nuclear Safety Council shall take place by means of a system of competitive examinations, open or restricted, that shall be governed according to the specifications of the respective convocation notice, and shall be held before a Panel appointed by the Council's Plenary.

The convocation notice for restricted tests shall be applicable, within the same cases as those referred to in the Second Additional Provision of Law 70/1978 of the 26th of December.

2. In any case, to be admitted to the selection process it shall be necessary for all candidates to have Spanish nationality, and to hold the required qualifications for the position, or to be in condition of obtaining the qualification by the date of the deadline for the presentation of requests.

3. The conditions of the convocation notice, bind the Nuclear Safety Council, the Panel that shall judge this selection process and those who take part in it.

Once the period for the presentation of requests is open, no changes can be made to these conditions.

4. The Panel cannot pass a number of candidates greater than the number of positions announced.

#### **Article 54.**

If the candidates for incorporation into the Nuclear Safety Body, once the selection process has been successfully passed, and depending on what is established in the convocation notice, have to follow a training course or a period of apprenticeship, they shall have the title of civil service apprentices, with the rights established in the regulations on the Civil Service of the State Civil Administration.

Once the training course or apprenticeship period is successfully completed, the President of the Council shall proceed to appoint those successful candidates as professional civil servants.

The training courses and apprenticeship periods can be organised with the co-operation of the Institute of Nuclear Studies, with the Autonomous Organism of the State Administration responsible for the same missions regarding the civil servants of the Central and Institutional Administration, or other analogous ones with the same level.

#### **Article 55.**

Once the selection processes is completed, and when required, the training periods, the successful candidates shall request the destination that they consider opportune among those that are available at that moment. Preference shall be given, in terms of the allocation of positions, to the classification of the candidates by points obtained. The deadline for incorporation into the new position shall be of thirty working days. Those who without a sufficiently justified cause, according to the Council, do not incorporate themselves to their position by this deadline, shall lose the rights that they may have acquired up to that point.

A file shall be opened for every civil servant of the Council, in which all the vicissitudes of their administrative life shall be included, according to the

present Statute, and all those that may have some significance in terms of noting merits and aptitudes.

**Article 56.**

The civil servants of the Technical Body are obliged to attend, whenever expressly called to do so, all those advanced training and specialisation courses that may be organised on subjects of a general character, or related to the Council's own activities.

The specialisation or advanced training courses that are attended by civil servants, together with the aptitude certificates, or diplomas obtained, shall be registered in the service records of those concerned.

**Article 57.**

1. Every three years, the roster of civil servants of the Technical Body of the Nuclear Safety Council, shall be published in the State Gazette, which shall necessarily include:

- a) First and last names.
- b) Place and date of birth.
- c) Date of incorporation into the roster.
- d) Date of incorporation into the corps.
- e) Level of the civil servant.
- f) Position or function assigned.
- g) General number that the civil servant has in the civil servant roster.
- h) Administrative situation.
- i) Remarks.

2. Within the first fifteen working days, starting from the date of publication of the roster, the concerned parties can present claims against this, before the Secretary-General.

Against the act of rejection by the Secretary-General the interested parties may raise an appeal before the President of the Council, whose resolution shall put an end to the administrative channel.

**Section 3. Provision of working positions**

**Article 58.**

The civil servants of the Technical Body shall work in those positions that are assigned to them, according to the functions that are attributed to them in the organic rosters of the Council.

**Article 59.**

The vacancies in the positions that correspond to the Council shall be filled in through a system of merit and competitive examination selection process and exceptionally by direct appointment, according to the qualification that to these effects is included in the budgetary models.

**Article 60.**

In case of a normal provision, the merit and competitive examination selection process shall be convoked through a resolution of the Secretary-General. In the convocation notice those vacancies that shall appear due to forced retirement, in the three months following the date of the convocation notice, can be included.

**Article 61.**

In the merit and competitive examination selection process all the civil servants from the Level of the position that is offered can apply, as long as they are in a situation of active service and have served in their current position for at least three years, starting from the date in which they took possession of the same position, as well as those, who fulfilling these conditions, return to active service.

Shall be excluded from participating in these examinations, all those civil servants that are in a situation of provisional separation from service.

**Article 62.**

The merit and competitive examination selection processes shall adjust themselves to the stipulations established in the relevant convocation notice, in which seniority in the Corps, effective services rendered in the Council, demonstrated capacity in previous positions, possession of diplomas, studies or publications directly related to the function, honorary mentions and awards shall be taken into consideration.

Once the contest for the allocation of a specific position is concluded, this shall be announced, if the Secretary-General has not done it expressly.

**Article 63.**

The capacity to provide for positions previously qualified within the organic roster as positions of direct appointment, shall correspond to the President of the Council.

The direct appointment, shall in no case, require an obligatory change of residence.

The civil servants designated to fulfil positions by direct appointment, can be removed from these same positions freely by the authority that appointed them.

***Chapter Three***

*Common dispositions to the previous chapters*

**Section 1. Organic rosters**

**Article 64.**

The Nuclear Safety Council shall have an organic roster in which the different working positions reserved for civil servants of the Technical Body shall be listed, as well as those provided for civil servants of any of the Public Administrations, as well as those of normal provision and direct appointment and resignation.

In any case, by means of the direct appointment process, the positions of Deputy Directors and of Head of the Cabinet of the Presidency shall be filled from among all the personnel at the service of the Nuclear Safety Council.

**Article 65.**

The Nuclear Safety Council's organic roster must be previously approved by the Council.

**Section 2. Temporary Civil Servants****Article 66.**

The President of the Council can name up to a maximum of five advisors, and other temporary personnel for the performance of positions of trust not reserved to professional civil servants, within the budgetary allocations.

In any case, these personnel shall resign from their positions once the authority that appointed them does the same.

**Section Three. Inscription in the Register of Personnel of the Civil Service****Article 67.**

The personnel at the service of the Nuclear Safety Council shall be registered in the Register of Personnel of the Civil Service, according to what is established in the existing legislation.

Are excluded from this obligation those personnel of the Council that carry out managerial functions or that are under the Labour Law or Private Law regime.

**Section Four. Incompatibilities****Article 68.**

1. The fulfilment of the condition of personnel at the service of the Council in whichever of its modalities and in a situation of active service is incompatible with any other activity that compromises the impartiality or independence of judgment and decision, or which prevents or undermines the strict obedience of the obligations or that could affect the interests of the service assigned to the person.

2. The Council shall determine, within the organic roster, the positions that require exclusive dedication. The appointment into any one of these positions, that due to the needs of the service, are qualified as of exclusive dedication, shall entail an absolute incompatibility with any other professional activity and the total dedication of those that are assigned to such duties.

**Article 69.**

1. Regarding the monitoring of what is included in the previous article, the personnel at the service of the Council are obliged to declare all their activities, beyond those pertaining to their position or title. The Council can request all pertinent clarifications to its personnel, and will consider a serious infraction, or a very serious infraction, all omissions or falsities that may be incurred in realising the former and latter.

2. The Secretary-General can deny, with the prior processing of the opportune administrative procedure, the compatibility of the exercise of the condition of Council personnel with the performance of another activity.

**Article 70.**

The resolutions of the President of the Nuclear Safety Council on personnel matters shall put an end to the administrative channel, and can be appealed according to the stipulations of the Regulatory Law of the Contentious-Administrative Jurisdiction, or when appropriate, before the competent Jurisdiction.

**Transitory Provisions**

First. Three years after the designation of the first Counsellors of the Nuclear Safety Council, 50% of the appointed members shall resign, by drawing lots. From that moment onwards that which is included in article 5 of Law 15/1980, of the 22nd of April, that creates the Nuclear Safety Council, shall be fully applied. The Counsellors that are to resign, can be re-appointed, according to the procedures established in the aforementioned precept.

Second. A Commission is created, presided by the Minister of Industry and Energy, or person on whom the Minister delegates, composed of the President of the Nuclear Safety Council, the President of the Nuclear Energy Junta and the Director General for the Budget, with the purpose of establishing the positions in the Nuclear Energy Junta, that must be incorporated into the Nuclear Safety Council, as this one assumes tasks previously assigned to that other Organism, and taking into account the needs of both Entities.

Third. The Nuclear Safety Council, according to what is established in the Third Transitory Provision of Law 15/1980, of the 22nd of April, that creates the aforementioned organism, shall establish the criteria for the incorporation into the Nuclear Safety Council of civil servants of the Nuclear Energy Junta that shall be incorporated into this Organism. To this end, it shall take into account the evaluation of academic and personal merit of the aspiring candidates, as well as their experience and specialisation in matters related to Nuclear Safety and Radiological Protection.

Fourth. The previously mentioned incorporation of civil servants from the Nuclear Energy Junta into the Nuclear Safety Council shall take place upon the request of the interested candidates. The civil servants assigned to the Technical Body shall be appointed as members of this Organism, with all the rights and

obligations established in this present Statute, and shall automatically lose their status as civil servants of the Nuclear Energy Junta, although they will fully maintain, in any case, their seniority and Social Security rights.

Fifth. The aforementioned integration of personnel from the Nuclear Energy Junta into the Nuclear Safety Council, in the conditions referred to in the previous provisions, must be requested by the interested parties within two months from the date of the entry in force of this present Statute, and must be completed two months after this.