



STATUTORY INSTRUMENTS.

**S.I. No. 332 of 2017**



EUROPEAN COMMUNITIES (NUCLEAR SAFETY) REGULATIONS  
2017

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I, DENIS NAUGHTEN, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Council Directive 2009/71/Euratom of 25 June 2009<sup>1</sup> as amended by Council Directive 2014/87/Euratom of 8 July 2014<sup>2</sup>, hereby order as follows:

*Citation*

1. These Regulations may be cited as the European Communities (Nuclear Safety) Regulations 2017.

*Entry into Force*

2. These Regulations come into operation on 24 July 2017.

*Definitions*

3. (1) In these Regulations—

“Directive” means Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations, as amended by Council Directive 2014/87/Euratom of 8 July 2014.

“Agency” means the Environmental Protection Agency established under Section 19 of the Environmental Protection Agency Act 1992 (No 7 of 1992).

“Minister” means the Minister for Communications, Climate Action and Environment.

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

*Scope*

4. (1) These Regulations apply to any civilian nuclear installation subject to a licence granted by the Agency, pursuant to the regulatory regime established in the Radiological Protection Act 1991.

(2) The application of this order is without prejudice to the provisions of the Electricity Regulations Act 1999 (No.23 of 1999) and in particular Section 18 (6).

<sup>1</sup>OJ No. L.172, 2.7.09, p.18.

<sup>2</sup>OJ No. L.219, 25.7.14, p.42.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th July, 2017.*

*Competent Authority*

5. (1) The Agency is the competent authority in the State to carry out tasks in accordance with these Regulations and the Directive, in accordance with Article 5 of the Directive.

(2) The Agency shall have assigned to it the general functions to promote the continuous improvement of nuclear safety and its regulation for the purpose of these Regulations and the Directive.

*Regulatory and organisational framework*

6. (1) The Agency shall, where appropriate, establish and maintain a national regulatory and organisational framework for the nuclear safety of nuclear installations.

The national framework shall provide in particular for:

- (a) the allocation of responsibilities and coordination between relevant state bodies;
- (b) national nuclear safety requirements, covering all stages of the lifecycle of nuclear installations;
- (c) a system of licencing and prohibition of operation of nuclear installations without a licence;
- (d) a system of regulatory control of nuclear safety performed by the competent regulatory authority;
- (e) effective and proportionate enforcement actions, including, where appropriate, corrective action or suspension of operation and modification or revocation of a license;
- (f) ensuring that an appropriate inspection regime forms part of the regulatory oversight of nuclear installations.

(2) The Agency shall ensure that the national framework is maintained and improved when appropriate.

(3) The Agency shall ensure that the national framework includes, as appropriate, arrangements for nuclear safety education and training for staff having responsibilities in nuclear installations.

(4) The Agency shall, at least once every ten years, arrange that an assessment is carried out of the national framework and its role as competent authority and any relevant segment, as the Agency may so decide, is subject to peer review in line with the provisions of Article 8e of the Directive. The outcomes of such peer reviews shall be reported to the Member States and Commission, when available.

*Reporting*

7. The Agency shall report to the Minister and the European Commission on the implementation of the Directive as required.

8. The Radiological Protection Act 1991 (Nuclear Safety) Order 2011 (S.I. No. 390/2011) is hereby revoked.



GIVEN under the Official Seal of the Minister for Communications,  
Climate Action and Environment,  
24 July 2017.

DENIS NAUGHTEN,  
Minister for Communications, Climate Action and  
Environment.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations transpose Directive 2014/87/Euratom of the European Council of 8 July 2014 amending Directive 2009/71/Euratom which established a Community framework for the nuclear safety of nuclear installations.

The objective of Directive 2014/87/Euratom is to strengthen the nuclear safety framework of the EU by amending the previous Nuclear Safety Directive. The strengthening of provisions in this area was called for by the EU Heads of State or Government following the 2011 nuclear accident in Fukushima, Japan.

Article 4 of these Regulations applies to civilian nuclear installations and is without prejudice to the provisions of the Electricity Regulation Act, 1999 (No. 23 of 1999). Section 18 (6) of the Electricity Regulation Act places a prohibition on the use of nuclear fission within the State for the generation of electricity.

Article 5 of these Regulations establishes the Environmental Protection Agency as the competent authority in the State for the purpose of these Regulations and the Directive.

Article 6 of these Regulations requires the Environmental Protection Agency, where appropriate, to establish and maintain a national, regulatory and organisational framework for nuclear safety along with ensuring that an appropriate inspection regime form part of the regulatory oversight of nuclear installations.

Article 7 of these Regulations sets out the reporting obligations of the Environmental Protection Agency.

Article 8 of these Regulations states that the Radiological Protection Act 1991 (Nuclear Safety) Order 2011 (S.I. No. 390/2011) is hereby revoked.

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