**Questionnaire C**

**The Inspectors’ Role in the Enforcement Process**

Country: \_\_\_\_\_\_\_\_\_\_\_\_

### Notes:

Only one response per country is required. If more than one person from your country is participating, please co-ordinate the responses accordingly.

Submittals should be sent by email to: [*nancy.salgado@oecd.org*](mailto:nancy.salgado@oecd.org) by 17 February 2016.

**FOREWORD**

One key function of the Regulatory Body (RB) is inspection for monitoring compliance with the regulatory requirements and the licence conditions, and to take enforcement action in the case of non-compliance. The WGIP already dealt with this topic in 2005 and published a report[[1]](#footnote-1) called “Regulatory Inspection Practices to bring about Compliance”. A main result was that in most OECD/NEA countries a series of graded enforcement options are available for the RB, depending on laws, regulations and national culture: giving advice, oral and written cautions, letters, requirement to make improvement, prohibition on activities, directly imposed fines, direction to shut down, refusal to approve or permission an activity, license withdrawal, prosecution in courts.

The topic of this workshop is focused on the inspectors’ role in this enforcement process and to identify associated commendable inspection practices in the discussions. This comprises the specific role of the inspector in evaluating the findings, their role in the enforcement process itself as a key issue of the discussions and their role in the Follow-up of the licensee’s response.

IAEA has issued a Safety Guide[[2]](#footnote-2) GS-G-1.3 “Regulatory Inspection of Nuclear Facilities and Enforcement by the Regulatory Body” which has a chapter devoted to enforcement.

**QUESTIONNAIRE**

For preparation of the workshop, participants are invited to supply their national inspection approaches used according to the following questionnaire:

Note: For the current questionnaire “inspector” is referring to the inspector identifying issues that can lead to potential enforcement.

1. **Inspectors’ role in evaluating the safety significance of findings**
   1. What is the starting point for the enforcement process in regulatory inspections conducted by the inspector (e.g. a finding, a non-compliance, a violation, a wilful violation, etc.)?
   2. What is the inspectors’ role in evaluating the safety significance of the finding, non-compliance or any violation mentioned above?
2. **Inspectors’ role in the enforcement process**
   1. With respect to the graded enforcement options of the RB listed in foreword, what is the limit of the inspectors’ authority?
   2. Does the inspector have discretion to choose enforcement options?
   3. How is the enforcement power given to inspector? (i.e. directly by legislative power; indirectly by Internal RB processes; etc.)
   4. How does the inspector participate in the enforcement process of the RB once it has started?
   5. Is there any written guidance for the inspectors concerning the RBs enforcement processes? Please describe briefly what kind of guidance or technical tools are available to the inspectors.
   6. How does the RB ensure consistency in the inspectors’ behaviour in the enforcement processes?
   7. Are the inspectors specifically trained in the topic of enforcement? (If yes, please describe briefly.)
3. **Inspectors’ role in the Follow-up on the licensee`s response, e.g. verifying closure/fulfillment of licensees actions**
   1. Please describe briefly inspectors’ role.
4. **What issue WOULD you like to discuss during the Workshop?**

1. (NEA/CNRA/R(2005)1), see <http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=NEA/CNRA/R%282005%291&docLanguage=En> [↑](#footnote-ref-1)
2. (IAEA GS-G-1.3), see <http://www-pub.iaea.org/MTCD/publications/PDF/Pub1130_scr.pdf> [↑](#footnote-ref-2)