

# General Conference

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## **Fifty-first regular session**

Item 15 of the agenda

(GC(51)/22)

COMMITTEE OF THE WHOLE

# Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management

## Transport safety

**Draft resolution submitted by Austria, Chile, Colombia, Denmark, Dominican Republic, Ecuador, France, Iceland, Ireland, Japan, Luxembourg, Malaysia, Netherlands, Norway, New Zealand, Peru, Poland, Philippines, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America**

### The General Conference,

- (a) Noting the report on transport safety contained in document GC(51)/3,
- (b) Noting concerns about a potential accident or incident during the transport of radioactive materials by sea and about the importance of the protection of people, human health and the environment as well as protection from actual economic loss, as defined in relevant international instruments, due to an accident or incident,
- (c) Recognizing that, historically, the safety record of maritime transport of nuclear materials has been excellent,
- (d) Recalling that States have under international law the obligation to protect and preserve the maritime environment,
- (e) Reaffirming the competence of the Agency in relation to the safety of transport of radioactive materials,
- (f) Reaffirming maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments,

- (g) Stressing the importance of international cooperation to enhance the safety of international navigation,
- (h) Emphasizing that the General Conference has encouraged Member States to make use of the IAEA appraisal service for transportation,
- (i) Recalling resolutions GC(50)/RES/10, GC(49)/RES/9, GC(48)/RES/10, GC(47)/RES/7 and GC(46)/RES/9, and the previous resolutions which invited Member States shipping radioactive materials to provide, as appropriate, assurances to potentially affected States, upon their request, that their national regulations take into account the Agency's Transport Regulations and to provide them with relevant information relating to shipments of such materials. The information provided should in no case be contradictory to the measures of physical protection and safety,
- (j) Recognizing concerns about the potential for damage to arise in the event of an accident or incident during the maritime transport of radioactive materials, including pollution of the marine environment, recognizing also the importance of having in place effective liability mechanisms, and believing that the principle of strict liability should apply in the event of nuclear damage arising from an accident or incident during the transport of radioactive materials,
- (k) Noting the changing global weather patterns and, in this regard, recognizing the important role of the Agency in continuing to ensure that such changes are addressed, and
- (l) Noting the importance of security for the safe maritime transport of radioactive materials and the strong concern of some States in this regard, and stressing the need to take adequate measures to deter or defeat terrorist and other hostile or criminal actions directed against carriers of radioactive materials, in accordance with international law,

1. Notes further progress on implementation of the Action Plan on the Safety of Transport of Radioactive Materials, approved by the Board in March 2004 and based on the results of the International Conference on the Safety of Transport of Radioactive Material held in July 2003, and encourages the Secretariat to pursue implementation of all areas of the Action Plan and Member States to cooperate fully with the Secretariat to that end;

2. Stresses the importance of having effective liability mechanisms in place to insure against harm to human health and the environment as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials, notes the establishment by the Board of Governors of new maximum limits for the exclusion of small quantities of nuclear material from the scope of the relevant conventions on nuclear liability, welcomes the continuing valuable work of the International Expert Group on Nuclear Liability (INLEX), including the examination of the application and scope of the Agency's nuclear liability regime and the consideration and identification of further specific actions to address any gaps in scope and coverage of the regime, looks forward to the continuation of INLEX's work, in particular its further outreach activities, notes the workshop held in Peru in December 2006 for Latin American countries and the forthcoming workshop to be held in South Africa for African countries, and requests the Secretariat to report at appropriate times on the continuing work of INLEX;

3. Welcomes the practice of some shipping States and operators of providing in a timely manner information and responses to relevant coastal States in advance of shipments for the purpose of addressing concerns regarding safety and security, including emergency preparedness, and invites others to do so in order to improve mutual understanding and confidence regarding shipments of

radioactive materials. The information and responses provided should in no case be contradictory to measures of physical protection and safety;

4. Emphasizes the importance of maintaining dialogue and consultation aimed at improving mutual understanding, confidence building and enhanced communication in relation to the safe maritime transport of radioactive materials, and in this context welcomes the informal discussions on communication held in July 2005, September 2006 and September 2007 between shipping States and relevant coastal States, with Agency involvement, notes the intention of those States to hold further discussions with Agency involvement, looks forward to progress towards addressing and understanding concerns of coastal and shipping States, welcomes the discussions at bilateral level between relevant shipping and coastal States on issues of mutual concern, and expresses the hope that further enhancements to mutual confidence, particularly through voluntary communication practices, with due regard to particular circumstances, will result;

5. Welcomes the constructive exchange of views at the seminar on complex technical issues regarding the transport of radioactive materials held in Vienna in January 2006, which reviewed the latest information related to these issues;

6. Welcomes the implementation so far of the Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies, approved by the Board in June 2004, and looks forward to its further implementation and to further measures to improve the overall international emergency response capability, especially with respect to potential maritime incidents;

7. Commends those Member States that have already made use of the IAEA appraisal service and encourages them to put into effect the resulting recommendations and suggestions, as well as to share their good practices with other Member States, and encourages other Member States to avail themselves of IAEA appraisal and to improve transport practices based on recommendations and suggestions of such missions;

8. Urges Member States that do not have national regulatory documents governing the transport of radioactive materials to adopt such documents expeditiously, and further urges all Member States to ensure that such regulatory documents are in conformity with the current, recently amended, edition of the Agency's Transport Regulations;

9. Notes the Secretariat's work on the security of transport of radioactive materials, welcomes the development of training courses on transport security and looks forward to the publication of the Nuclear Security Series document on Security of Radioactive Material during Transport;

10. Requests Member States to cooperate with the Agency in using the procedures for rating radiological incidents during transport and providing information required for the effective operation of the Database on Events in the Transport of Radioactive Material (EVTRAM) and the International Nuclear Event Scale (INES);

11. Recalls that the Board approved in June 2005 a policy for reviewing and revising the Agency's Transport Regulations whereby the Regulations will be reviewed every two years (the current review cycle of the relevant international bodies), with the decision on revision and publication based on the assessments of the Transport Safety Standards Committee (TRANSSC) and the Commission on Safety Standards (CSS) as to whether a proposal for change is sufficiently important for safety;

12. Calls upon the Agency to continue to take into account scientific evidence of changing global weather patterns, changes to infrastructure and changes to industry operations, in the ongoing review of the relevant Agency safety standards;

13. Welcomes the establishment of a process in which language differences between IAEA and UN Model Regulations may be reconciled and acknowledges differences between the IAEA text and the UN text as an issue to be considered in the review of the IAEA Transport Regulations potentially leading to the 2009 edition;
14. Notes the formation of the International Steering Committee on Denial of Shipments of Radioactive Material, urges the Secretariat to actively facilitate the Steering Committee's work, including the development of an action plan and a database on incidents of denials, and encourages Member States to cooperate with the Steering Committee and its work, notes the successful regional workshop held in Uruguay on denials of shipments in July 2007 and encourages further regional workshops in Asia, Africa and Central Europe, welcomes the progress made in conjunction with the International Federation of Air Line Pilots' Associations (IFALPA) on the problems related to refusals of air shipments of radioactive materials (in particular for medical applications), looks forward to a satisfactory resolution of this issue, and in this context further calls upon Member States to facilitate transport of such radioactive material when it is carried in compliance with the Agency's transport regulations;
15. Acknowledges the progress made in relation to education and training for the safe transport of radioactive materials, including the preparation and translation of training materials into official languages, welcomes the course held in Malaysia in November 2006 and the plans to hold other regional training courses every two or three years, and requests the Director General to continue to strengthen and widen the Agency's efforts in this area, in particular to ensure synergy between regional training courses and the Agency work related to refusals of shipment (by including information on the uses of radioactive material as a module in the training), involving to the extent possible experts from the concerned regions, subject to the availability of resources; and
16. Requests the Director General to report at the fifty-second (2008) regular session of the General Conference on the implementation of this resolution.