

# General Conference

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## Fifty-third regular session

# Committee of the Whole

## Record of the First Meeting

*Held at Headquarters, Vienna, on Tuesday, 15 September 2009, at 10.40 a.m.*

**Chairman:** Mr SMITH (United Kingdom)

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<sup>1</sup> GC(53)/COM.5/1.



## – Election of Vice-Chairmen and organization of work

1. The CHAIRMAN, having expressed appreciation for the confidence which the General Conference had placed in him, said that there had so far been no nominations of Committee Vice-Chairmen. He appealed to the relevant groups to provide such nominations as soon as possible.
2. Having drawn attention to document GC(53)/COM.5/1, which listed the agenda items referred to the Committee by the General Conference, he proposed that, in line with past practice, he report orally on the Committee's deliberations at a plenary meeting of the Conference. Also, he took it that the Committee wished to continue, to the extent practicable, the practice of clustering the draft resolutions recommended to the Conference by the Committee for adoption.
3. It was so agreed.

## 10. The Agency's Accounts for 2008 (GC(53)/4)

4. The CHAIRMAN, noting that no Committee members wished to take the floor, assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page "1" of document GC(53)/4.
5. It was so agreed.

## 11. The Agency's Programme and Budget 2010-2011 (GC(53)/5 and Corr.1)

6. The CHAIRMAN drew attention to draft resolutions "A. Regular Budget Appropriations for 2010", "B. Technical Cooperation Fund Allocation for 2010" and "C. The Working Capital Fund in 2010" contained in document GC(53)/5, all recommended by the Board of Governors for adoption.
7. The draft programme and budget for 2010-2011 had been considered by the Programme and Budget Committee in April 2009 and by the Board of Governors in June 2009, but no consensus had been reached at those meetings. Following extensive consultations guided by Ambassador Feruță of Romania, the Board had agreed on 3 August 2009 to a set of proposals, including ones relating to the Regular Budget for 2010, which was now before the Committee.
8. Noting that no Committee member wished to take the floor, he assumed that the Committee wished to recommend to the General Conference that it approve a total Regular Budget figure for 2010 of €318 286 509 on the basis of an exchange rate of €1.00 to \$1.00 and, accordingly, that it adopt draft resolution "A . Regular Budget Appropriations for 2010".
9. It was so agreed.

10. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it approve a target for voluntary contributions to the TCF for 2010 of \$85 million and, accordingly, that it adopt draft resolution “B. Technical Cooperation Fund Allocation for 2010”.

11. It was so agreed.

12. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it approve the level of the Working Capital Fund in 2010 at €15 210 000 and, accordingly, that it adopt draft resolution “C. The Working Capital Fund in 2010”.

13. It was so agreed.

### **13. Amendment to Article XIV.A of the Statute** (GC(53)/INF/5, GC(53)/INF/Mod.1 and GC(53)/28)

14. The CHAIRMAN pointed out that the Secretariat had, in document GC(53)/28, just distributed the text of the decision taken by the General Conference in 2008 on the subject of Article XIV.A, updated for 2009. Noting that no Committee member wished to take the floor, he assumed that the Committee wished to recommend to the General Conference that it adopt the decision set out in document GC(53)/28.

15. It was so agreed.

### **14. Scale of assessment of Members’ contributions towards the Regular Budget** (GC(53)/17)

16. The CHAIRMAN, noting that no Committee members wished to take the floor, assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution in document GC(53)/17.

17. It was so agreed.

### **19. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol** (GC(53)/9 and GC(53)/COM.5/L.2)

18. The representative of AUSTRIA, speaking on behalf of the European Union at the request of the representative of SWEDEN and introducing the draft resolution contained in document

GC(53)/COM.5/L.2, said that the text was identical with that of resolution GC(52)/RES/13 adopted the year before, except for factual updates.

19. The representative of INDIA said that his delegation regretted the fact that paragraph 3 of the draft resolution was identical with paragraph 3 of resolution GC(52)/RES/13, on which it had had reservations the previous year. It was prepared to propose some slight amendments that would enable it to join in a consensus on the draft resolution, but, if the text was submitted to the General Conference in a plenary meeting as it stood, it would be obliged to express reservations.

20. The representative of PAKISTAN said that his delegation, which had reservations similar to those of India's delegation about paragraph 3, would welcome efforts to allay its concerns and enable it to join in a consensus.

21. The representative of EGYPT, recalling that votes had had to be taken on a nearly identical text the year before, said that his delegation stood ready to engage in efforts to improve the balance of the draft resolution.

22. The representative of the LIBYAN ARAB JAMAHIRIYA said that his delegation also stood ready to engage in such efforts.

23. The representative of BRAZIL said that the text before the Committee seemed to be a good basis for consultations aimed at achieving a consensus.

24. The CHAIRMAN said that, in the light of the experience of previous years, he proposed that the Committee establish a working group under the chairmanship of Mr Casterton of the delegation of Canada with a view to achieving consensus on the draft resolution contained in document GC(53)/COM.5/L.2. He assumed that the proposal was acceptable to the Committee.

25. It was so agreed.

## **15. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety** (GC(53)/2. GC(53)/INF/2, 2009/Note 38 and GC(53)/COM.5/L.4)

26. The CHAIRMAN invited the Committee to take up consideration of the draft resolution contained in document GC(53)/COM.5/L.4.

27. The representative of AUSTRALIA, introducing the draft resolution, pointed out that it contained a section on transport safety — a subject dealt with in previous years in a separate draft resolution that had been clustered together with the main, 'omnibus' draft resolution after being recommended by the Committee to the General Conference for adoption. Incorporation of the section on transport safety in the 'omnibus' draft resolution now before the Committee had been made possible by negotiations among coastal States conducted by the delegation of New Zealand.

28. The 'omnibus' draft resolution was lengthy, and thought had been given to the idea of 'biennializing' some topics considered under the agenda item "Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety". His delegation would like the Secretariat to consider the feasibility of 'biennializing' them and to submit a proposal to the General Conference at its 2010 regular session.

29. The representative of CANADA, having thanked the delegations of Australia and New Zealand for their efforts, expressed support for the request made of the Secretariat by the delegation of Australia regarding 'biennialization'.

30. The representative of ARGENTINA said that his delegation welcomed the incorporation of the subject of transport safety into the 'omnibus' draft resolution — something it had long advocated. The delegations of Australia and New Zealand were to be commended in that connection. Perhaps the approach leading to the incorporation of the subject of transport safety into the 'omnibus' draft resolution could be adopted with regard to the subjects of nuclear safety and nuclear security, the latter subject being one of which Argentina and France had been among the first Member States to emphasize the importance.

31. Referring to section 8 of the draft resolution under consideration, which was entitled "... Remediation of Contaminated Sites", he said that care should be exercised in the use of the word 'contaminated'. In the *IAEA Safety Glossary* it was stated that "The term *contamination* may have a connotation that is not intended. The term *contamination* refers only to the presence of *radioactivity*, and gives no indication of the magnitude of the hazard involved."

32. In paragraph 39 of the draft resolution, the Secretariat was urged to publish the proceedings of the *XIIIth Congress of the International Radiation Protection Association* (IRPA 12), held in Argentina in October 2008. It was almost a year since IRPA 12, and his delegation would welcome information from the Secretariat as to when the proceedings would be published.

33. The representative of FRANCE, supported by the representative of SWITZERLAND, proposed that in paragraph (cc) the words "to establish a worldwide nuclear liability regime" be amended to read "to contribute to the establishment of a worldwide nuclear liability regime".

34. The representative of EGYPT, having thanked the delegations of Australia and New Zealand for their efforts, referred to paragraph (o) and said that in his delegation's view the Agency did not have an important role to play in connection with the potential impacts of changing global weather patterns on the transport of radioactive materials. He proposed deletion of the words "and, in this regard, recognizing ... addressed".

35. Regarding paragraph (cc), he proposed that "nuclear liability regime" and "other liability regimes" be replaced by "nuclear liability framework" and "other liability frameworks".

36. Regarding paragraph 40, his delegation had problems with the phrase "the principles of nuclear liability, including strict liability in the event of a nuclear accident or incident during the transport of radioactive material".

37. The representative of SWITZERLAND said that in future draft resolutions his delegation would like to see some indication as to which activities had been or were to be covered by the Regular Budget.

38. The representative of MALAYSIA, supported by the representative of EGYPT, said, with reference to paragraph (l), that, although the safety record of the civilian transport of radioactive materials had been excellent, the same could not be said of the military transport of such materials.

39. The representative of INDIA said that the reference in paragraph 3 to the safety standards committees should be deleted as they were not concerned with the establishment of safety priorities.

40. The representative of SOUTH AFRICA welcomed the reference in paragraph 7 to the *International Conference on Effective Nuclear Regulatory Systems*, to be held in his country in

December 2009, and expressed the hope that very many Member States would take part in that conference.

41. Regarding paragraph 10, he requested the insertion of the words “in South Africa” after “launch” in the phrase “recognizes the launch in March 2009 of the Forum for Nuclear Regulatory Bodies in Africa”.

42. He proposed the addition, after paragraph 86, of a paragraph reading “Recognizes the efforts of the Secretariat and Member States in implementing the International Nuclear and Radiological Event Scale”.

43. The representative of FRANCE proposed that paragraph (o) be deleted.

44. Referring to paragraph 3, he proposed that the phrase following “the relevant standing bodies” be replaced by the phrase “including the Commission on Safety Standards (CSS) and the safety standards committees with regard to the development of safety standards”.

45. As to paragraph (l), his delegation would like the existing language to be kept unchanged.

46. The representative of IRELAND, referring to the comment made by the representative of Egypt in connection with paragraph 40, said that his delegation also had problems with the phrase “the principles of nuclear liability, including strict liability in the event of a nuclear accident or incident during the transport of radioactive material”.

47. Regarding paragraph (o), his delegation considered that the wording after “weather patterns” should be deleted.

48. The representative of ARGENTINA echoed the view expressed by the representative of Malaysia with regard to paragraph (l); the safety record of the military transport of radioactive materials had not been excellent.

49. Paragraph (o) had been the subject of extensive informal discussions, and his delegation had gone along with the wording in view of the widespread consensus on the importance of the potential impacts of changing global weather patterns on the transport of radioactive materials. The wording could certainly be improved.

50. The concerns of the delegation of India with regard to paragraph 3 could be allayed by acceptance of the proposal made in respect of that paragraph by the representative of France.

51. The representative of AUSTRALIA proposed that, in paragraph (l), the words “the safety record of transport” be amended to “the safety record of civilian transport”.

52. Responding to the proposals made by the representatives of Egypt and France with regard to paragraph (cc), he recalled that the Convention on Supplementary Compensation for Nuclear Damage talked of the Contracting Parties being “DESIROUS of establishing a worldwide liability regime...”.

53. He expressed support for the request made by the representative of South Africa regarding paragraph 10 and for the proposal made by him regarding the insertion of an additional paragraph after paragraph 86.

54. The representative of the ISLAMIC REPUBLIC OF IRAN suggested that a phrase along the lines of “and realizes the necessity for all Member States to join such networks” be added at the end of paragraph 9 and that one along the lines of “and encourages Member States to establish radiation detection systems at their borders” be added at the end of paragraph 73.

55. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY suggested that in paragraph 3 the phrase “, and the Commission on Safety Standards (CSS) and the safety standards committees,” be deleted.

56. The representative of ARGENTINA, referring to the suggestion made by the representative of the Islamic Republic of Iran with regard to paragraph 9, said that the suggested wording should be amended — for example, by referring to “relevant Member States” — so as to avoid implying that Member States should join networks covering regions other than their own.

57. The representative of FRANCE, referring to the suggestion made by the Director of the Division of Radiation, Transport and Waste Safety with regard to paragraph 3, said that the Commission on Safety Standards had an important role to play in connection with the establishment of safety priorities.

58. The representative of AUSTRALIA proposed that the Committee accept the suggestion made by the Director of the Division of Radiation, Transport and Waste Safety on paragraph 3.

59. With regard to the suggestion made by the representative of the Islamic Republic of Iran in respect of paragraph 9, he echoed the view expressed by the representative of Argentina. Also, he expressed the view that the word “necessity” would be too strong in that context.

60. The suggestion made by the representative of the Islamic Republic of Iran regarding paragraph 73 should be discussed further.

61. The representative of the UNITED STATES OF AMERICA suggested an alternative addition at the end of paragraph 9, reading “recognizes the importance of such networks and encourages Member States to join.” He shared the view that the word “necessity” would be too strong.

62. The representative of EGYPT, having expressed misgivings about the word “necessity”, suggested a further alternative ending to paragraph 9, reading “recognizes the possible benefits of such networks”.

63. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to the suggestion made by him with regard to paragraph 9, said that he could go along with the replacement of “all Member States” by “relevant Member States”.

64. As to his use of the word “necessity”, he had chosen it because some safety networks seemed to be very exclusive; they were not easy for some Member States to join.

65. The representative of BRAZIL expressed support for the deletion of the phrase “, and the Commission on Safety Standards (CSS) and the safety standards committees,” in paragraph 3.

66. Regarding paragraph 9, he expressed support for the statement made by the representative of Argentina and for the suggestion made by the representative of the United States of America.

67. The representative of the UNITED KINGDOM expressed support for the deletion of the phrase “, and the Commission on Safety Standards (CSS) and the safety standards committees,” in paragraph 3 and for the suggestion made the representative of the United States of America regarding paragraph 9.

68. As stated by the representative of Australia, the suggestion made by the representative of the Islamic Republic of Iran regarding paragraph 73 should be discussed further; acceptance of the suggestion would imply a significant commitment on the part of Member States.

69. The CHAIRMAN, inviting the Committee to focus on those paragraphs which had given rise to discussion, recalled the proposal of the representative of Australia that the word “civilian” be inserted between “the safety record of” and “transport” in paragraph (l).
70. The representative of MALAYSIA said that his delegation welcomed that proposal.
71. The CHAIRMAN took it that the Committee wished to recommend paragraph (l) as so amended.
72. It was so agreed.
73. The CHAIRMAN recalled that there had been proposals for the deletion of paragraph (o) and for the deletion of the part of that paragraph after the words “global weather patterns”.
74. The representative of IRELAND suggested that informal consultations be held on recasting the paragraph.
75. The CHAIRMAN, referring to paragraph (cc), recalled the proposal that the words “to establish” be amended to read “to contribute to the establishment of” and the proposal that “regime” and “regimes” be replaced by “framework” and “frameworks”. In response to those proposals, the representative of Australia had pointed out that the Convention on Supplementary Compensation for Nuclear Damage talked of the Contracting Parties being “DESIROUS of establishing a worldwide liability regime...”. That being so, he asked whether the Committee agreed that paragraph (cc) should remain as it stood.
76. It was so agreed.
77. The CHAIRMAN invited further comments on paragraph 3.
78. The representative of ARGENTINA said that he agreed with the delegation of France that the Commission on Safety Standards had an important role to play in connection with the establishment of safety priorities.
79. The representative of CANADA, proposing the deletion of the phrase “, and the Commission on Safety Standards (CSS) and the safety standards committees,” said that section 2 of the draft resolution (entitled “The Agency’s Safety Standards Programme”) referred to the CSS.
80. The CHAIRMAN asked the Committee whether it agreed that paragraph 3 should read “Requests the Secretariat to continue to establish its safety priorities using an integrated assessment process, taking into account the advice of the relevant standing bodies, and to incorporate the results into the delivery of its review services”.
81. It was so agreed.
82. The CHAIRMAN invited further comments on paragraph 9.
83. The representative of the ISLAMIC REPUBLIC OF IRAN, recalling the suggestion made by him with regard to that paragraph, suggested the following alternative for the envisaged additional phrase: “realizes the importance of facilitating the membership of relevant networks”.
84. The CHAIRMAN said that, as he understood it, the aim of the representative of the Islamic Republic of Iran was twofold — to encourage Member States to join relevant networks and to make it easier for Member States to do so.

85. The representative of AUSTRALIA suggested the addition of the following wording at the end of the paragraph: “requests the Secretariat to facilitate membership of such networks and encourages Member States to join relevant networks”.

86. The representative of the ISLAMIC REPUBLIC OF IRAN said that he welcomed the suggestion made by the representative of Australia, but wondered whether the Secretariat could play a role in facilitating membership of such networks.

87. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY said that the Secretariat could facilitate membership of some networks, but not of others.

88. The representative of EGYPT said that in his view it would be sufficient to encourage Member States to join such networks, without going into the details of what the Secretariat could do in that regard.

89. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in some cases, countries might like to join certain networks but be unable to do so, and the resolution should therefore highlight the need to facilitate their membership.

90. The representative of ARGENTINA proposed deleting “ALARA” in the phrase “similar ALARA networks”.

91. The CHAIRMAN — following comments by the representative of the ISLAMIC REPUBLIC OF IRAN, the DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY and the representative of ARGENTINA — proposed that “ALARA” in the phrase “similar ALARA networks” be deleted and that the following wording be inserted after the phrase “similar networks in regions where they do not exist”: “encourages Member States to join relevant networks of this kind, requests the Secretariat and Member States as appropriate to facilitate such efforts”.

92. It was so agreed.

**The meeting rose at 1.05 p.m.**