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Committee of the Whole

Record of the First Meeting

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Chairman: Mr STRATFORD (United States of America)

Contents

Item of the agenda ¹	Paragraphs
– Election of Vice-Chairmen and organization of work	1–5
10 The Agency's Financial Statements for 2012	6–7
11 The Agency's Programme and Budget for 2014–2015	8–18
13 Amendment to Article XIV.A of the Statute	19–21
14 Scale of assessment of Members' contributions towards the Regular Budget	22–23
24 Amendment of Article VI of the Statute	24–26
25 Elections to the Agency's Staff Pension Committee	27–29

¹ GC(57)/24.

Contents (continued)

Item of the agenda ¹	Paragraphs
26 Personnel Matters	30–35
(a) Staffing of the Agency's Secretariat	
(b) Women in the Secretariat	
15 Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety	36–100

Abbreviations used in this record:

INLEX	International Expert Group on Nuclear Liability
TCF	Technical Cooperation Fund

– **Election of Vice-Chairmen and organization of work**
(GC(57)/COM.5/1)

1. The CHAIRMAN, having expressed appreciation for the confidence which the General Conference had placed in him, said that, pursuant to Rule 46 of the Rules of Procedure, following group consultations it had been proposed that Mr Spassov of Bulgaria and Mr Labbé Villa of Chile should serve as the Vice-Chairmen of the Committee. He took it that the Committee wished to accept the proposal.

2. It was so agreed.

3. The CHAIRMAN said that he had chaired the Committee of the Whole twice before, in 1997 and 2005. On both occasions, he had been able to bring the Committee's work to a successful and timely conclusion. He hoped that that experience would be repeated at the current session.

4. Having drawn attention to document GC(57)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.

5. It was so agreed.

10. The Agency's Financial Statements for 2012
(GC(57)/12)

6. The CHAIRMAN, noting that no Committee members wished to take the floor, said he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page "i" of document GC(57)/12.

7. It was so agreed.

11. The Agency's Programme and Budget for 2014–2015
(GC(57)/2)

8. The CHAIRMAN drew attention to draft resolutions A "Regular Budget Appropriations for 2014", B "Technical Cooperation Fund Allocation for 2014" and C "The Working Capital Fund for 2014" contained in document GC(57)/2.

9. With regard to the draft resolution on the Regular Budget appropriations for 2014, the draft Programme and Budget for 2014–2015 had been issued on 5 March 2013. Intensive consultations on

the proposals had been conducted both before and after the meetings of the Programme and Budget Committee in an informal open-ended working group.

10. On 10 May 2013 the Secretariat had presented a revised budget proposal, but the Board had in June been unable to reach consensus on it. Following further consultations within the working group, a further revised proposal had been approved on 31 July 2013 by the Board, which recommended to the General Conference a Regular Budget for 2014 of €349 800 000, representing an increase of 1.7 per cent over the 2013 Regular Budget.

11. With regard to the draft resolution on the TCF allocation for 2014, the Board had on 31 July 2013, within the framework of its agreement regarding the Regular Budget, agreed on a target for voluntary contributions to the TCF for 2014 of US \$90 250 000 and for 2015 of US \$91 000 000. The Board accordingly recommended to the Conference that the target for voluntary contributions to the TCF for 2014 be US \$90 250 000.

12. With regard to the draft resolution on the Working Capital Fund for 2014, the Board recommended that the level of the Fund be kept at the euro equivalent of US \$18 million, i.e. €15 210 000.

13. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend to the General Conference that it approve a total Regular Budget figure for 2014 of €349 800 000 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 2014”.

14. It was so agreed.

15. The CHAIRMAN said he took it that the Committee wished to recommend to the General Conference that it approve a target for voluntary contributions to the Technical Cooperation Fund for 2014 of €69 221 750 (equivalent to US \$90 250 000) and, accordingly, that it adopt draft resolution B “Technical Cooperation Fund Allocation for 2014”.

16. It was so agreed.

17. The CHAIRMAN said he took it that the Committee wished to recommend to the Conference that it approve a Working Capital Fund level for 2014 of €15 210 000 and, accordingly, that it adopt draft resolution C “The Working Capital Fund for 2014”.

18. It was so agreed.

13. Amendment of Article XIV.A of the Statute (GC(57)/5, GC(57)/COM.5/L.7)

19. The CHAIRMAN, having drawn attention to document GC(57)/5, said that document GC(57)/COM.5/L.7 contained the text of the decision adopted by the Conference on the subject in 2012, updated for the current year. The Committee might wish to recommend the updated text as a decision to be adopted by the General Conference at its fifty-seventh regular session.

20. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend to the Conference that it adopt the draft decision set out in document GC(57)/COM.5/L.7.

21. It was so agreed.

14. Scale of assessment of Members' contributions towards the Regular Budget (GC(57)/20)

22. The CHAIRMAN, noting that no Committee members wished to take the floor, said he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page 3 of document GC(57)/20.

23. It was so agreed.

24. Amendment of Article VI of the Statute (GC(57)/6; GC(57)/COM.5/L.8)

24. The CHAIRMAN, having drawn attention to document GC(57)/6, said that document GC(57)/COM.5/L.8 contained the text of the decision adopted by the Conference on the subject in 2011, updated for the current year. The Committee might wish to recommend that text as a decision to be adopted by the General Conference at its fifty-seventh regular session.

25. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend to the Conference that it adopt the draft decision set out in document GC(57)/COM.5/L.8.

26. It was so agreed.

25. Elections to the Agency's Staff Pension Committee

27. The CHAIRMAN recalled that the General Conference was represented on the Agency's Staff Pension Committee by two members and two alternates. A vacancy existed for one alternate position and, following consultations, he had been asked to propose that Mr Thill of the delegation of Austria be elected as an alternate member to fill it.

28. He took it that the Committee wished to recommend to the General Conference that Mr Thill of the delegation of Austria be elected as an alternate member to represent the General Conference on the Agency's Staff Pension Committee.

29. It was so agreed.

26. Personnel Matters

(a) Staffing of the Agency's Secretariat (GC(57)/14; GC(57)/COM.5/L.4)

30. The representative of the PHILIPPINES, speaking on behalf of the Group of 77 and China and introducing the draft resolution contained in document GC(57)/COM.5/L.4, said that the Group, including her own country, was concerned about the low level of developing Member State representation in the Agency's Secretariat.

31. The CHAIRMAN said he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(57)/COM.5/L.4.

32. It was so agreed.

(b) Women in the Secretariat (GC(57)/15; GC(57)/COM.5/L.5)

33. The representative of the PHILIPPINES, speaking on behalf of the Group of 77 and China and introducing the draft resolution contained in document GC(57)/COM.5/L.5, expressed the hope that the Secretariat would continue its efforts to rectify the gender imbalance within the Secretariat.

34. The CHAIRMAN said he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(57)/COM.5/L.5.

35. It was so agreed.

15. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (GC(57)/8; GC(57)/INF/3; GC(57)/INF/5 and Supplement; GC(57)/INF/12; GC(57)/COM.5/L.6/Rev.2)

36. The representative of AUSTRALIA, introducing the draft resolution contained in document GC(57)/COM.5/L.6/Rev.2, said that it had been prepared by an open-ended drafting group, which had taken account of: the IAEA Action Plan on Nuclear Safety adopted by the General Conference in 2011, following the Fukushima Daiichi nuclear accident; progress made in implementing the Action Plan, as reported by the Director General; and the outcomes of key nuclear safety-related meetings held during the past year.

37. He thanked the delegation of New Zealand for coordinating the work on the "Transport Safety" section of the draft resolution with the coastal and the shipping States.

38. The drafting group had endeavoured to ensure that the operative sections of the draft resolution focused on measurable outcomes that could be achieved within available resources.

39. The representative of NEW ZEALAND, having commended the delegation of Australia on its coordination of the overall work on the draft resolution, thanked the delegations that had participated in the drafting of the "Transport Safety" section.

40. His delegation welcomed the fact that, during the drafting of that section, a more positive atmosphere had prevailed than in previous years.
41. The representative of SWITZERLAND proposed the insertion of a reference to the Western European Nuclear Regulators' Association (WENRA) in paragraph (x) after the references to the Ibero-American Forum of Radiological and Nuclear Regulatory Agencies (FORO) and European Nuclear Safety Regulators Group (ENSREG).
42. The representative of ICELAND proposed that a reference to the Heads of the European Radiological Protection Competent Authorities (HERCA) be added in paragraph (x) after the reference to WENRA.
43. The representative of SOUTH AFRICA said that her delegation would like a reference to the Forum of Nuclear Regulatory Bodies in Africa (FNRBA) to be included in paragraph (x).
44. The representative of CUBA, referring to paragraph (ff), asked whether the General Conference normally took note of bilateral statements such as the Joint Statement on liability for nuclear damage issued by France and the United States. Her delegation would reserve its position on the paragraph pending clarification of that issue.
45. The representative of the UNITED STATES OF AMERICA said that the text of the Joint Statement had been distributed electronically to all Member States the previous week.
46. The representative of FRANCE said that the proposed content of the Joint Statement had been made widely known several weeks previously.
47. The representative of CUBA proposed that paragraph (ff) be placed in square brackets.
48. The representative of the RUSSIAN FEDERATION, referring to paragraph (ee), said that the wording of the paragraph was identical to that of paragraph (z) of resolution GC(56)/RES/9 adopted at the previous session of the General Conference. However, substantial progress had been made since 2012 towards the establishment of a worldwide nuclear liability regime, and relevant discussions had taken place in INLEX.
49. He proposed the insertion of the words "and the other above-mentioned conventions" in paragraph (ee) after the reference to the Convention on Supplementary Compensation for Nuclear Damage.
50. The representative of SOUTH AFRICA proposed amending the words that the representative of the Russian Federation wished to see inserted in paragraph (ee) to read "and other relevant conventions".
51. The representative of the RUSSIAN FEDERATION said that the proposed amendment was acceptable to his delegation.
52. The representative of AUSTRALIA requested that paragraph (ee) be placed in square brackets pending confirmation of the accuracy of the proposed amendment.
53. The representative of the UNITED STATES OF AMERICA said that the only convention that would permit the establishment, under the conditions envisaged in paragraph (ee), of a global nuclear liability regime was the Convention on Supplementary Compensation for Nuclear Damage. Her delegation therefore had reservations about the proposed additional wording.
54. The representative of the RUSSIAN FEDERATION said that the Convention on Supplementary Compensation for Nuclear Damage had not yet entered into force and that, as noted by INLEX, the

intention to establish a worldwide nuclear liability regime underlay all the conventions mentioned in paragraph (ee).

55. The CHAIRMAN proposed the following wording for the second part of paragraph (ee): “and noting also the potential for the above-mentioned liability conventions, taken as a whole, to establish a worldwide nuclear liability regime based on the principles of nuclear liability law”.

56. The representative of the RUSSIAN FEDERATION concurred with the Chairman’s proposal.

57. The representative of the UNITED STATES OF AMERICA said that her delegation doubted whether it could accept the proposal.

58. The CHAIRMAN said that his proposal should be placed in square brackets.

59. The representative of ARGENTINA, commenting on the proposals regarding the mention of further regional regulatory organizations in paragraph (x), pointed out that the paragraph referred to “transparent cross peer reviews” among FORO and ENSREG members of the targeted reassessments of nuclear power plants in the light of the Fukushima Daiichi nuclear accident.

60. Such peer reviews had been conducted in all FORO member countries, and the findings had been recognized in a declaration adopted at the Ibero-American Summit of Heads of State and Government held in Cádiz, Spain, in 2012.

61. Had regional regulatory organizations other than the two mentioned in paragraph (x) conducted “transparent cross peer reviews”?

62. The CHAIRMAN invited delegations to engage in consultations on paragraphs (x), (ee) and (ff) during the break that he was about to announce.

63. The representative of BRAZIL enquired about the procedure to be adopted by the Committee in order to resolve issues relating to draft resolutions.

64. The CHAIRMAN said that, where major issues arose, he intended to invite delegations to engage in consultations. He would rather not set up working groups, since it was difficult for small delegations to participate in the proceedings of working groups and in meetings of the Committee simultaneously.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

65. The representative of the UNITED STATES OF AMERICA, supported by the representative of INDIA, proposed the addition, at the end of paragraph (ee), of the words “while taking into account ongoing discussions of INLEX concerning the above-mentioned conventions”.

66. The representative of the RUSSIAN FEDERATION said that he preferred the Chairman’s proposal regarding paragraph (ee) but could go along with the proposal just made.

67. The representative of SINGAPORE said, with respect to paragraph (x), that her delegation would like to see a reference made to the Asian Nuclear Safety Network. If the words “in particular” were replaced by “where applicable”, such a reference would be quite appropriate.

68. The representative of ARGENTINA, supported by the representative of SPAIN, said that the gist of paragraph (x) would be distorted by those changes.

69. The paragraph should refer only to regional regulatory organizations that had conducted “transparent cross peer reviews” among their respective members “of targeted reassessments of their nuclear power plants in the light of the Fukushima Daiichi nuclear accident”.
70. The representative of SWITZERLAND said that WENRA had conducted such peer reviews (or stress tests).
71. The representatives of SOUTH AFRICA and THAILAND expressed support for the changes proposed made by the representative of Singapore.
72. The representative of MALAYSIA expressed support for those proposed changes but said that the Asian Nuclear Safety Network had not carried out cross peer reviews among its members.
73. The representative of BELGIUM suggested said that the fact that regional regulatory organizations had been strengthening regional efforts through the exchange of information and experience and technical programmes could be recognized in one paragraph, while the transparent cross peer reviews conducted by FORO, ENSREG and WENRA could be recognized in another paragraph.
74. The representative of SOUTH AFRICA, expressing support for the suggestion made by the representative of Belgium, said that the FNBRA had been strengthening regional efforts through the exchange of information and experience and technical programmes.
75. The representative of SINGAPORE said that her proposal to replace “in particular” by “where applicable” had been made in order to take account of the fact that the Asian Nuclear Safety Network did not conduct cross peer reviews. If the proposal was not acceptable, she could agree to the suggestion made by the representative of Belgium.
76. The CHAIRMAN suggested wording on the following lines: “Recognizing that some regional regulatory organizations, such as the [names of organizations], have been conducting transparent cross peer reviews among their respective members of the targeted reassessments of their nuclear power plants in the light of the Fukushima Daiichi nuclear accident,”; and “Also recognizing that other regional regulatory organizations, such as [names of organizations], have been strengthening regional efforts through the exchange of information and experience and technical programmes,”.
77. His reason for making that suggestion was that he understood there to be a strong desire on the part of some delegations to stress the importance of transparent cross peer reviews and a strong desire on the part of some other delegations to point out that some regional regulatory organizations, while not conducting such peer reviews, had been contributing greatly to nuclear safety.
78. He requested the delegations of Australia and Singapore to consult on paragraph (x) during the lunch break.
79. The representative of MALAYSIA said that his country was in favour of peer reviews of the safety of nuclear facilities, but not of cross peer reviews; in its opinion, all peer reviews of the safety of nuclear facilities should be organized by the Secretariat.
80. The representative of SINGAPORE said that her delegation preferred that the paragraph (x) issue be resolved in the Committee rather than in informal consultations.
81. The CHAIRMAN said that, in his view, the issue could be resolved in the Committee more easily if there had first been informal consultations on it.
82. He requested the representative of Australia to produce, for a later meeting of the Committee, wording that took the views expressed during the discussion into account.

83. The representative of SOUTH AFRICA, referring to paragraph 5, said that her delegation would like “encourages” in the first line to be replaced by “requests”.

84. The CHAIRMAN took it that the Committee accepted paragraph 5 as orally amended.

85. It was so agreed.

86. The representative of SWITZERLAND, referring to paragraph 6, proposed that the reference to “FORO and ENSREG” be replaced by “FORO, ENSREG and WENRA” and that “the two organizations” be replaced by “these organizations”.

87. The CHAIRMAN took it that the Committee accepted paragraph 6 as orally amended.

88. It was so agreed.

89. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph 44, proposed the addition of the phrase “and requests the Secretariat to plan for appropriate assistance programmes”; that phrase had appeared in paragraph 33 of resolution GC(56)/RES/9.

90. The CHAIRMAN took it that the Committee accepted paragraph 44 as orally amended.

91. It was so agreed.

92. The representative of FRANCE, referring to paragraph 56, proposed the insertion of the words “justification and” before “use”. The justification principle was very important in the area of radiation safety.

93. The representatives of BELGIUM and SWEDEN expressed support for the proposal made by the representative of France.

94. The representative of ARGENTINA, expressing her delegation’s support for the proposal made by the representative of France, proposed the insertion of the words “radiation protection” before “guidance”.

95. The CHAIRMAN took it that the Committee accepted paragraph 56 as orally amended.

96. It was so agreed.

97. The representative of the RUSSIAN FEDERATION, referring to paragraph 68, said he was not sure that all shipping and coastal States had been represented in the working group on best practice guidelines; certainly not all Member States were familiar with the outcomes of the working group’s deliberations. Accordingly, in his view it was premature to call upon Member States and the Secretariat “to initiate action on them”.

98. In making that comment, he was not challenging the outcomes of the working group.

99. The representatives of NORWAY and NEW ZEALAND said that all Member States had been invited to take part in the work of the working group, whose report would be the subject of a presentation at 2 p.m. that day, at which time copies of the report would be made available.

100. The representative of CUBA said that her delegation was in favour of the deletion of the phrase “; and to initiate action on them” in paragraph 68.

The meeting rose at 1.05 p.m.