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**Fifty-eighth regular session**

## Committee of the Whole

### Record of the First Meeting

*Held at Headquarters, Vienna, on Tuesday, 23 September 2014, at 10.35 a.m.*

**Chairperson:** Mr STUART (Australia)

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<sup>1</sup> GC(58)/22.



## – Election of Vice-Chairs and organization of work (GC(58)/COM.5/1)

1. The CHAIRPERSON, 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 Ms Algabre of the Philippines should serve as Vice-Chair of the Committee. He took it that the Committee wished to accept the proposal.

2. It was so agreed.

3. The CHAIRPERSON took it that the Eastern Europe group, which had thus far been unable to nominate the second Vice-Chair, would be able to provide a nomination as soon as possible.

4. Having drawn attention to document GC(58)/COM.5/1, which listed the agenda items referred to the Committee by the General Conference, he proposed that the Committee deal with the agenda items, to the extent possible, in the order in which they were listed. He also 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.

## 9. The Agency's Financial Statements for 2013 (GC(58)/5)

6. The CHAIRPERSON, noting that no Committee members wished to take the floor, took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page i of document GC(58)/5, which had been considered by the Programme and Budget Committee in May 2014 and by the Board of Governors in June 2014.

7. It was so agreed.

## 10. The Agency's Budget Update for 2015 (GC(58)/2)

8. The CHAIRPERSON drew attention to draft resolutions A "Regular Budget appropriations for 2015", B "Technical Cooperation Fund Allocation for 2015" and C "The Working Capital Fund for 2015" contained in document GC(58)/2.

9. Pursuant to Article V.E.5 of the Statute, the General Conference was called upon to approve the Agency's budget for 2015. The Agency's programme for the biennium 2014–2015 had been approved

by the Board and presented to the General Conference in 2013, at which time the General Conference had approved the 2014 portion of the budget. Document GC(58)/2 contained the proposed adjustments for the second year of the biennium. The Secretariat's proposal, which had been recommended by the Board of Governors for the approval of the Conference, constituted a zero-real-growth budget compared with the 2014 budget, with a price adjustment of 1.1% for 2015. Accordingly, the Board had recommended to the Conference a total Regular Budget for 2015 of €348 177 059 for the operational and recurrent portion and €8 306 240 for the capital portion at an exchange rate of \$1.00 to €1.00.

10. With regard to the draft resolution on the Technical Cooperation Fund allocation for 2015, in 2013 the Board had agreed, and accordingly recommended to the General Conference, that the target for voluntary contributions to the Technical Cooperation Fund for 2015 should be \$91 million, which was equivalent to €69 797 000.

11. Regarding the draft resolution on the Agency's Working Capital Fund in 2015, the Board had recommended that the Fund be kept at the level of €15 210 000.

12. Noting that no Committee members 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 2015 of €348 177 059 for the operational and recurrent portion, and €8 306 240 for the capital portion, 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 2015".

13. It was so agreed.

14. The CHAIRPERSON 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 2015 of €69 797 000 and, accordingly, that it adopt draft resolution B "Technical Cooperation Fund Allocation for 2015".

15. It was so agreed.

16. The CHAIRPERSON took it that the Committee wished to recommend to the General Conference that it approve the level of the Working Capital Fund in 2015 at €15 210 000 and, accordingly, that it adopt draft resolution C "The Working Capital Fund for 2015".

17. It was so agreed.

## **11. Amendment of Article XIV.A of the Statute** (GC(58)/6, GC(58)/COM.5/L.5)

18. The CHAIRPERSON, having drawn attention to document GC(58)/6, said that document GC(58)/COM.5/L.5 contained the text of the decision on the establishment of biennial budgeting, adopted by the Conference in 2013, as 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-eighth regular session.

19. The representative of AUSTRALIA said that his country had ratified the amendment to Article XIV.A of the Statute and would be depositing its instrument of acceptance at the earliest opportunity.

20. The representative of COLOMBIA said that her country had also ratified the amendment to Article XIV.A of the Statute that year, and saw its entry into force as essential.

21. The CHAIRPERSON, noting that no further Committee members wished to take the floor, took it that the Committee wished to recommend to the General Conference that it adopt the draft decision set out in document GC(58)/COM.5/L.5.

22. It was so agreed.

## **12. Scale of assessment of Members' contributions towards the Regular Budget** (GC(58)/7)

23. The CHAIRPERSON, noting that no Committee members wished to take the floor, took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page 3 of document GC(58)/7.

24. It was so agreed.

## **13. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety** GC(58)/19 and Corr.1; GC(58)/INF/3, 7 and 20; GC(58)/COM.5/L.1/Rev.1 and Corr.1)

25. The CHAIRPERSON invited the Committee to consider the draft resolution set out in documents GC(58)/COM.5/L.1/Rev.1 and Corr.1.

26. The representative of AUSTRALIA, introducing the draft resolution, thanked the delegation of New Zealand for coordinating the work on the "Transport Safety" section with the coastal and the shipping States. He said that the draft resolution had been prepared with the involvement of some 30–40 Member State representatives at a number of all-day drafting sessions and had broad support. The drafting group had taken into account the Director General's reports on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (document GC(58)/19) and on progress in the implementation of the IAEA Action Plan on Nuclear Safety (document GC(58)/INF/7), along with the outcomes of key nuclear safety-related events held over the previous year. Given the efforts made to find compromise language on some of the more difficult issues, he hoped that the draft resolution would be acceptable to all.

27. The representative of the RUSSIAN FEDERATION said that the text of the draft resolution was balanced and included all the important aspects of the previous year's resolution. He noted, however, that his delegation had not been privy to the most recent consultations on paragraph (gg), and hoped that they had led to no significant changes.

28. Drawing attention to the text in preambular paragraph (ee), "noting the intention of the Convention on Supplementary Compensation for Nuclear Damage to establish a worldwide nuclear liability regime based on the principles of nuclear liability law", he pointed out that any future

worldwide nuclear liability regime was likely to be the product of all relevant international instruments in force, and not established by that Convention, as currently implied by the draft paragraph. The following phrase, “without prejudice to other liability regimes”, had been added to the previous year’s resolution for precisely that reason. He therefore proposed replacing the word “establish” with “contribute to”.

29. With regard to paragraph (ff), he proposed deleting the words “related to civil nuclear liability” and moving the paragraph to the beginning of operative section 2.

30. The representative of AUSTRIA explained that the phrase “that are outlined in the relevant Conventions” had been removed from paragraph (gg) since, while it was acceptable to his delegation to recognize the principles of nuclear liability, directly linking the international nuclear liability regime to existing conventions was problematic. The new wording had been discussed with like-minded delegations, including that of the United States of America, and the revised text had been uploaded to the GovAtom document sharing platform without further discussion with all the other delegations that had participated in the drafting of the resolution.

31. Turning to paragraphs 23 and 24, the representative of the RUSSIAN FEDERATION said that both paragraphs referred to the same conventions on civil liability for nuclear damage. The use of the phrase “enhanced international nuclear liability instruments” in paragraph 24, however, implied that those conventions had been changed or expanded. As the Secretariat should be assisting interested Member States to adhere to any relevant nuclear liability instruments, the word “enhanced” should be deleted.

32. The representative of UNITED STATES OF AMERICA proposed deleting the phrase “in the established processes of early notification” at the end of paragraph 29.

33. The representative of the RUSSIAN FEDERATION, referring to paragraph 70, said that there should be clarification regarding the direction of international discussions on the best practices document mentioned in that paragraph. The group of interested States was welcome to continue its discussions and build confidence through the development and use of guidelines and training programmes. However, if a new regime were to be established, it should be through a broad Agency-wide discussion and not by way of a resolution. He therefore proposed deleting the phrase “including with Secretariat involvement” from the beginning of the paragraph.

34. The representative of NEW ZEALAND said that the group of coastal and shipping States was not exclusive and welcomed wider participation by other Member States. Since it was also important to the group to include the Secretariat as much as possible, he asked whether it would be acceptable to the representative of the Russian Federation to start the paragraph with “encourages”, instead of “calls upon”, without deleting the reference to the Secretariat.

35. The representative of the RUSSIAN FEDERATION said that there was no clear distinction between “encourages” and “calls upon”. As General Conference resolutions were not legally binding on Member States, their importance lay in the directives that they gave to the Secretariat, which was obligated to follow them. His delegation believed that it was too early to give any directives to the Secretariat with regard to a document developed by the group of coastal and shipping States.

36. The CHAIRPERSON proposed suspending the meeting to allow the sponsors of the draft resolution to confer with the delegation of the Russian Federation.

37. It was so agreed.

**The meeting was suspended at 11.55 a.m. and resumed at 12.45 p.m.**

## 22. Elections to the Agency's Staff Pension Committee

38. The CHAIRPERSON recalled that the General Conference was represented on the Agency's Staff Pension Committee by two members and two alternates. Vacancies existed for one member position and the two alternate positions. Following consultations, he had been asked to propose that Mr Balzer of the delegation of the United States of America be elected as member and that Mr Von Glasenapp of the delegation of Paraguay and Ms Raji of the delegation of Nigeria be elected as alternate members.

39. He took it that the Committee wished to recommend to the General Conference that Mr Balzer be elected as a member and that Mr Von Glasenapp and Ms Raji be elected as alternate members to represent the General Conference on the Agency's Staff Pension Committee.

40. It was so agreed.

## 13. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (*resumed*) (GC(58)/COM.5/L.1/Rev.1 and Corr.1)

41. The CHAIRPERSON invited the Committee to consider the draft resolution contained in document GC(58)/COM.5/L.1/Rev.1.

42. The representative of AUSTRALIA said that agreement had been reached on all but paragraphs (ee) and (ff), which the representative of the Russian Federation needed to confirm with his Government. It had been proposed to amend paragraph (ee) by moving the phrase "without prejudice to other liability regimes" to before "noting the intention of" further on in that paragraph.

43. The proposal for paragraph (ff), was to delete the word "relevant" and the phrase "related to civil nuclear liability", and to add the words "related to nuclear safety and civil nuclear liability" to the end. The paragraph would thus read: "Recalling the central role of the IAEA in promoting adherence to all international conventions concluded under its auspices and related to nuclear safety and civil nuclear liability". n

44. In paragraph 24, it had been agreed to delete the word "enhanced".

45. Agreement had been reached to delete the phrase "in the established process of early notification" from paragraph 29.

46. Lastly, it had been agreed to split paragraph 70 into three. In the first part, the words "including with Secretariat involvement" had been deleted, the phrase "including with Secretariat involvement as appropriate" had been added after "voluntary communication practices", and the phrase "with due regard to particular circumstances" had been deleted. Paragraph 70 now read: "Calls upon Member States to further enhance mutual confidence, such as through the use of guidelines, the holding of tabletop exercises and voluntary communication practices, including with Secretariat involvement as appropriate".

47. Paragraph 70 bis would begin with "Recognizes and end with "for security purposes", with the deletion of the phrase "in that regard".

48. Paragraph 70 ter would begin with "Takes note" and contain no other changes.

49. The representative of the RUSSIAN FEDERATION, speaking with regard to paragraph (ee), said that his delegation's proposal to replace "establish" with "contribute to" had not been withdrawn.

50. The CHAIRPERSON proposed that members continue their informal discussions and finalize the draft resolution at the subsequent meeting.

**The meeting rose at 1 p.m.**