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Chair: Mr CSERVENY (Hungary)

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¹ GC(60)/COM.5/1.

Abbreviations used in this record:

FNRBA	Forum for Regulatory Bodies in Africa
G-77	Group of Seventy-Seven
INLEX	International Expert Group on Nuclear Liability
INSAG	International Nuclear Safety Group
IRRS	Integrated Regulatory Review Service

– **Election of Vice-Chairs and organization of work**
(GC(60)/COM.5/1)

1. The CHAIR, having expressed appreciation for the confidence that the General Conference had placed in him, said that, pursuant to Rule 46 of the Rules of Procedure, it had been proposed, following group consultations, that Ms Geels of New Zealand should serve as Vice-Chair. He took it that the Committee wished to adopt the proposal.

2. It was so agreed.

3. He noted that the G-77 was still engaged in consultations and would propose a Vice-Chair in due course.

4. Having drawn attention to document GC(60)/COM.5/1, which listed the agenda items referred to the Committee by the General Conference, he proposed that the Committee should consider the agenda items, to the extent possible, in the order in which they were listed. He also proposed that, in line with past practice, the Chair should report orally on the Committee's deliberations at a plenary meeting of the General Conference. Furthermore, he took it that the Committee wished to continue, to the extent practicable, the practice of clustering the draft resolutions recommended to the General Conference for adoption.

5. It was so agreed.

9. The Agency's Financial Statements for 2015
(GC(60)/3)

6. The CHAIR, 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(60)/3, which had been considered by the Programme and Budget Committee in May 2016 and by the Board of Governors in June 2016.

7. It was so decided.

10. The Agency's Budget Update for 2017
(GC(60)/2)

8. The CHAIR drew attention to draft resolutions "A. Regular Budget Appropriations for 2017", "B. Technical Cooperation Fund Allocation for 2017" and "C. The Working Capital Fund for 2017" contained in document GC(60)/2.

9. With regard to the draft resolution on Regular Budget appropriations for 2017, a draft budget update for 2017 had been issued on 27 January 2016. The Programme and Budget Committee had

discussed the budget at a number of informal meetings and at a formal meeting on 9 May 2016. The resulting proposal had been approved by the Board on 7 June 2016. Accordingly, the Board had recommended to the General Conference a total Regular Budget for 2017 of €366 300 000 for operational and capital requirements combined, which represented a real increase of 1.9% over the 2016 Regular Budget: 0.7% for the operational portion and no increase for the capital portion, after price adjustment of 1.2%.

10. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend that the General Conference approve a total Regular Budget for 2017 of €360 920 506 for the operational portion and €8 100 584 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 2017”.

11. It was so decided.

12. The CHAIR also took it that the Committee wished to recommend that the General Conference approve a target for voluntary contributions to the Technical Cooperation Fund for 2017 of €84 915 000 and, accordingly, that it adopt draft resolution “B. Technical Cooperation Fund Allocation for 2017”.

13. It was so decided.

14. The CHAIR further took it that the Committee wished to recommend that the General Conference approve a Working Capital Fund level of €15 210 000 for 2017 and, accordingly, that it adopt draft resolution “C. The Working Capital Fund for 2017”.

15. It was so decided.

11. Amendment to Article XIV.A of the Statute (GC(60)/10; GC(60)/COM.5/L.8)

16. The CHAIR, having drawn attention to document GC(60)/10, said that document GC(60)/COM.5/L.8 contained the text of the decision adopted by the Conference on the subject in 2015, 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 60th regular session.

17. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend that the General Conference adopt the draft decision set out in document GC(60)/COM.5/L.8.

18. It was so decided.

12. Scale of assessment of Member States' contributions towards the Regular Budget for 2017 (GC(60)/12)

19. The CHAIR, noting that no Committee members wished to take the floor, took it that the Committee wished to recommend that the General Conference adopt the draft resolution on page 3 of document GC(60)/12.

20. It was so decided.

13. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (GC(60)/4; GC(60)/INF/5, 10 and 11; GC(60)/COM.5/L.1 and Add.1)

21. The representative of AUSTRALIA, introducing the draft resolution contained in document GC(60)/COM.5/L.1, said that the drafting negotiations had been complex and labour-intensive owing to the number of proposals and amendments received. She thanked the representative of New Zealand for coordinating work on section 7 (Transport Safety) and drew attention to the list of sponsors of the draft resolution contained in document GC(60)/COM.5/L.1/Add.1.

22. A number of amendments to the draft resolution were required for technical or operational accuracy. The content of paragraph 24 had been moved to paragraph 120 but paragraph 24 had not been deleted. She therefore proposed its deletion.

23. It was so agreed.

24. The representative of AUSTRALIA said that paragraph 4 contained a request for the Secretariat to report periodically to Member States on progress in its nuclear safety activities. As the Secretariat had already undertaken to do that, as indicated in document GC(60)/INF/11, she proposed replacing the words “requests that the Secretariat reports periodically” with “notes that the Secretariat will report periodically”.

25. The representative of the RUSSIAN FEDERATION said that the phrase would then read “notes that the Secretariat will report periodically in this regard for consideration by the Board of Governors and the General Conference”. He proposed replacing “for consideration by” with “to”.

26. The CHAIR asked whether the Committee agreed to amend paragraph 4 as suggested.

27. The representative of ARGENTINA requested the Committee to delay making a decision so as to allow time for delegations to assess the implications of the proposed changes.

28. It was so agreed.

29. The representative of AUSTRALIA explained that, in view of the differences between the terms of reference and reporting mechanisms of INSAG and INLEX, the practice of the former could not serve as a model for the latter. She therefore suggested that paragraph 33 should be amended to read: “Requests the Secretariat to inform Member States on a regular basis about the work of INLEX and its recommendations to the Director General”. She also suggested that, in paragraph 29, the words

“to inform” should be altered to “to communicate with” in order to bring the text into line with the terms of reference of INSAG.

30. The CHAIR added that a similar change would be needed in paragraph 34 so that the request made therein was directed to the Secretariat.

31. The representative of the RUSSIAN FEDERATION expressed support for the proposed amendment to paragraph 29 and said that he would study the amendments suggested to paragraphs 33 and 34. He had no objection to the Chairperson of INLEX informing Member States about its work. Many Member States were unfamiliar with the work of INLEX, INSAG and other relevant groups, which provided the Director General with valuable information that often served as the basis for Agency decisions. INLEX could learn from the experience of INSAG. He pointed out that the terms of reference of INSAG could be amended by the Secretariat if necessary.

32. Further to a request from the representative of BRAZIL, the CHAIR proposed that the Committee return to paragraphs 29, 33 and 34 once the suggested amendments had been circulated in writing.

33. It was so agreed.

34. The representative of AUSTRALIA, referring to paragraph 44, said that the terms of reference of the Peer Review and Advisory Services Committee did not provide for the active participation of Member States in its meetings, although close consultation with Member States was expected. If Member States wished to review how the Committee functioned, the approach taken in paragraph 44 might need to be altered to reflect that.

35. The representative of the RUSSIAN FEDERATION said that new terms of reference explicitly providing for the participation of Member States were needed for the Peer Review and Advisory Services Committee. He suggested amending paragraph 44 to request the Secretariat to prepare new terms of reference.

36. The representative of the UNITED KINGDOM agreed that the engagement of Member States in meetings of internal working groups of the Agency should be discussed, in consultation with the Director General and the Secretariat.

37. The representative of FRANCE said that it was vital for Member States, as the main beneficiaries of the Agency’s peer review and advisory services, to participate in meetings of groups such as the Peer Review and Advisory Services Committee, so as to ensure transparency. An effective mechanism was needed to enable Member States to voice their opinions on how IRRS activities were conducted in their countries.

38. The representative of BELARUS agreed with the need for new terms of reference for the Peer Review and Advisory Services Committee and expressed willingness to participate in the preparation thereof.

39. The representative of the RUSSIAN FEDERATION suggested the following alternative wording for paragraph 44, to reflect his earlier comments: “Requests that the Secretariat provides for and promotes the active participation of Member States in the Peer Review and Advisory Services Committee and requests the Secretariat to consult with Member States on the terms of reference of the Committee and, in coordination with Member States, assess the overall structure, effectiveness and efficiency of services within the purview of the Committee”.

40. The DIRECTOR OF THE OFFICE OF SAFETY AND SECURITY COORDINATION, at the request of the CHAIR, explained that the Peer Review and Advisory Services Committee received

feedback from Member States on the Agency's peer review services. Its primary function was to discuss internal operational matters and it met on an ad hoc basis. As such, it would not be practicable for Member States to participate in its meetings; however, Member States were involved in workshops on lessons learned from IRRS missions.

41. The representative of INDIA said that his country wished to sponsor the draft resolution.

42. The representative of the RUSSIAN FEDERATION, welcoming the explanation provided by the Director of the Office of Safety and Security Coordination, emphasized that Member States were not seeking to impose themselves on the Secretariat and its internal workings. The establishment of the Peer Review and Advisory Services Committee had, however, become a significant landmark in the Agency's nuclear safety efforts and had been treated as such, receiving special mention in the Director General's report on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety, contained in document GC(60)/4, in the context of implementing General Conference resolution GC(59)/RES/9. The Russian Federation naturally welcomed the creation of the Committee; it requested, however, that Member State participation in its activities be ensured, including in the important task of determining the structure of peer reviews and advisory services, which was a matter of interest to all parties.

43. Since the Fukushima Daiichi nuclear accident, explicit language on peer reviews had been included in the Action Plan on Nuclear Safety, and Member States had been strongly encouraged to host peer reviews. The Russian Federation had fully supported that approach. Peer reviews were a valuable mechanism for strengthening nuclear safety globally, but the process needed to be updated regularly. It was for Member States to decide how the structure of peer reviews could be further improved. The Peer Review and Advisory Services Committee had been established for that purpose and should therefore be opened up to Member State participation. The occasional meetings and technical briefings held on the subject should be placed on a more regular footing. Altering the terms of reference of the Committee would achieve that aim.

44. The representative of the UNITED KINGDOM suggested that the amendment proposed to paragraph 44 by the representative of the Russian Federation be altered to the effect that the Secretariat should consult Member States on the work of the Committee, rather than on its terms of reference.

45. The CHAIR observed that, although there were different views on the issue, the overriding sentiment seemed to be that the Secretariat should ensure Member State participation in the Committee's work. He therefore suggested the following wording for the first part of paragraph 44: "Requests that the Secretariat provides for and ensures the active interaction of the Committee with Member States in the Peer Review and Advisory Services Committee".

46. The representative of the RUSSIAN FEDERATION said that the wording suggested by the Chair differed greatly from his own suggestion, which, in line with the comments made by the representative of Australia, had centred on the need to define the scope of the Committee's work. The Chair's suggestion changed the nature of the paragraph entirely. It was revealing that the Secretariat should be able to establish a committee with such an important mandate with such little Member State involvement. The Emergency Preparedness and Response Standards Committee had recently been established in similar circumstances, which was a source of concern to the Russian Federation. If Member States were calling on each other in General Conference resolutions to host various types of mission, the Secretariat should not be determining the scope of those missions in isolation. The significance of Member State participation in that process must not be played down. Whether paragraph 44 was left unchanged or amended in line with his suggestion, the word "participation" should under no circumstances be changed to "interaction".

47. The CHAIR observed that, as yet, there was no consensus within the Committee on paragraph 44 of the draft resolution. Returning to paragraph 4, he asked whether the representative of Argentina was in a position to accept the two amendments proposed earlier in the meeting.

48. The representative of ARGENTINA, as a sponsor of the draft resolution, urged other delegations to show flexibility and to accept the text of paragraph 44, which she considered to be forward-looking, as originally drafted.

49. The representative of AUSTRALIA requested a brief suspension of the meeting for informal discussions on that paragraph.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

50. The representative of SWITZERLAND, supported by the representatives of SINGAPORE and ARGENTINA, said that, in a spirit of compromise, she could agree to the two amendments, on the clear understanding that the Secretariat was, in practical terms, being requested to report periodically to the Board and General Conference.

51. The CHAIR took it that the Committee wished to approve the two amendments in question on that understanding.

52. It was so agreed.

53. The CHAIR suggested that, having taken up all the operational and technical issues raised by the representative of Australia, the Committee proceed to consider the rest of the text of the draft resolution.

54. The representative of the RUSSIAN FEDERATION, referring to preambular paragraph (d), suggested that the word “commitment” be replaced with “resolve”. “Commitment” was an ambiguous term in English and should be avoided so as not to give the incorrect impression that preambular paragraph (d) was introducing a new category of obligations in the area of safety.

55. The CHAIR took it that the proposed amendment was acceptable to the Committee.

56. It was so agreed.

57. The representative of the RUSSIAN FEDERATION said that, in preambular paragraph (r), the reference to resolution GC(58)/RES/10 should be updated to GC(59)/RES/10. In preambular paragraph (aa), he suggested that the words “maintain and” be added before “further improve”.

58. The representative of SOUTH AFRICA requested that the Forum for Regulatory Bodies in Africa (FNRBA) be added to the list of regional organizations of regulatory authorities in preambular paragraph (bb).

59. The representative of CANADA, supported by the representative of AUSTRALIA, noted that the regional organizations referred to in preambular paragraph (bb) had been included because they had undertaken transparent cross peer reviews. She could not agree to the addition suggested by the representative of South Africa without knowing whether such reviews had taken place within the FNRBA.

60. The representative of the RUSSIAN FEDERATION suggested that the words “and to ensure consistency of safety aspects among relevant IAEA publications” be added at the end of paragraph 8. Paragraph 22 of resolution GC(59)/RES/9, on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety, had included a request to the Secretariat “to ensure ongoing consistency among safety-relevant aspects of nuclear power infrastructure publications”, but no similar paragraph had been included in the present draft resolution. In

paragraph 21, he proposed that the words “concluded under its auspices” be added after “relevant conventions” in order to highlight the fact that the conventions in question were concluded under the auspices of the Agency. He also proposed that it would be more logical to invert the order of paragraphs 21 and 22.

61. The CHAIR took it that those suggestions were acceptable to the Committee.

62. It was so agreed.

63. The representative of the RUSSIAN FEDERATION proposed that, in paragraph 43, the words “as appropriate” should be moved to follow the words “recommended actions”.

64. The representative of SWITZERLAND, supported by the representatives of the UNITED STATES OF AMERICA and AUSTRIA, said that she did not support that proposal as it would change the meaning of the paragraph.

65. The representative of AUSTRALIA explained that the words “as appropriate” were intended to refer to follow-up missions to States that had already hosted peer review services.

66. The representative of INDIA expressed support for the proposal made by the representative of the Russian Federation. Primary responsibility for nuclear safety rested with Member States, and the voluntary nature of peer review services and follow-up missions was already referred to earlier in the paragraph.

67. The representative of the ISLAMIC REPUBLIC OF IRAN expressed support for the comments made by the representatives of the Russian Federation and India.

68. The representative of the RUSSIAN FEDERATION expressed the view that the words “as appropriate” should actually refer to the “recommended actions”, which were not mandatory. The Agency was not a global regulatory body. It gave recommendations and advice through its peer review services, but it was up to States to decide whether they followed that advice.

69. The representative of ARGENTINA emphasized that the operative verb in the paragraph was “encourages”. No obligation was being imposed on Member States to implement actions recommended by peer review services. Moving the words “as appropriate” so that they referred to those actions, as suggested by the representative of the Russian Federation, would weaken the text too much unless other changes, such as altering the operative verb to “calls upon”, were also made.

70. The representative of EGYPT suggested that the words “as appropriate” be retained in their current position but that the words “to implement” be replaced with “to consider implementing”, so as to capture the spirit of the Russian proposal.

The meeting rose at 6.05 p.m.