

Convention on Nuclear Safety

First Extraordinary Meeting of Contracting Parties

28 September 2009
President's Report

Opening of the Meeting

1. This Extraordinary Meeting was convened pursuant to Article 32, paragraph (i) of the Convention on Nuclear Safety, which reads:

An extraordinary meeting of the Contracting Parties shall be held:

i. if so agreed by a majority of the Contracting Parties present and voting at a meeting, abstentions being considered as voting;

2. The 4th Review Meeting of the Convention on Nuclear Safety decided to have this 1st Extraordinary Meeting in conjunction with the 5th Organizational Meeting to discuss and agree on the changes to INFCIRC/572/Rev.2, Guidelines Regarding National Reports under the Convention on Nuclear Safety.

3. Pursuant to Rule 45 para 4. of the Rules of Procedure and Financial Rules of the Convention on Nuclear Safety (Convening Extraordinary Meetings): "*The President and Vice-Presidents of the most recent Review Meeting shall serve in the same capacity at the Extraordinary Meeting.*" As the President of the 4th Review Meeting was unable to preside over this Extraordinary Meeting, Ms Ann McGarry, Chief Executive of the Radiological Protection Institute of Ireland (RPII) and Vice-President of the 4th Review Meeting, acted as the President of this Extraordinary Meeting. Mr Juan Eibenschutz, Vice-President of the 4th Review Meeting, continued to serve as Vice-President for the duration of this Extraordinary Meeting.

4. The President requested a decision relating to the participation of the United Arab Emirates at the meeting. The request was made in accordance with Rule 45.3 of the Rules of Procedure and Financial Rules of the Convention on Nuclear Safety: "*a late ratifier may be permitted to attend the Extraordinary Meeting and to participate, as appropriate, upon consensus decision of the Contracting Parties*".

5. The United Arab Emirates had deposited the instrument of accession to the Agency on 31 July 2009. The President asked Contracting Parties to agree to the participation in the Meeting by the United Arab Emirates.

Decision: The Contracting Parties agreed to the participation of the United Arab Emirates

6. The delegation from the United Arab Emirates joined the meeting. The United Arab Emirates delegate thanked the Contracting Parties for having allowed the United Arab Emirates to participate.

7. Mr. Tomihiro Taniguchi, Deputy Director General of the IAEA and Head of the Department of Nuclear Safety and Security made opening remarks. He mentioned the important role of the Convention in the continuous improvement of nuclear safety and called on all countries planning to launch nuclear power programmes to ratify the Convention. He summarized decisions made at the 4th Review Meeting and the Agency's outreach actions. He encouraged Contracting Parties to work to improve the effectiveness of the review process.

Adoption of the Agenda

8. The provisional agenda for the Meeting, CNS/ExM/2009/1, had been distributed to Contracting Parties via a letter dated 10 June 2009, Note verbale J5-CO-37962 from the IAEA Secretariat. The President asked the Contracting Parties for comments on the proposed agenda. No comments had been received and the Contracting Parties were asked to adopt the Agenda as proposed.

Decision: The Contracting Parties agreed to the adoption of the provisional agenda (Annex)

Credentials of Participants

9. As required by Rule 8 of the Rules of Procedure and Financial Rules

- *The credentials of delegates and the names of alternates, experts and advisers shall be submitted to the Secretary of meetings of the Contracting Parties if possible one week before the date fixed for the opening of the meeting. Credentials shall be issued by the Ministry for Foreign Affairs, or, in the case of a regional organization of an integration or other nature which is a Contracting Party to the Convention, by the competent authority of that organization.*
- *The Secretary shall submit to meetings of the Contracting Parties the list of the participant delegations, together with any comments the Secretary may consider necessary. The meeting of Contracting Parties shall decide upon the credentials of the delegates.*

10. The President asked Mr. Wolfram Tonhauser, Office of Legal Affairs, to provide the Contracting Parties with a report on the status of credentials. Mr. Tonhauser reported that the Secretariat had received formal credentials in the form required by Rule 8 from 18 Contracting Parties and various official communications, which do not constitute formal credentials under Rule 8, from 7 Contracting Parties. He also indicated that 40 Contracting Parties had not submitted any credentials.

11. The President proposed that the Meeting accept the credentials of delegates thus far submitted and, in accordance with the established practice, allow the delegates for whom proper credentials have not yet been received to participate in the work of the Meeting on the understanding that they would submit credentials in due form as soon as possible.

Decision: The Contracting Parties accepted the President's proposal.

Adoption of Rule Changes

12. The President reminded the Contracting Parties that at the 4th Review Meeting, the Contracting Parties had established the ‘Working Party on National Reports’ (WPNR), which - in accordance with an approved work plan - and with the assistance of the IAEA Secretariat, including its Office of Legal Affairs, had produced a draft revised version of the ‘Guidelines regarding National Reports under the Convention on Nuclear Safety’.

13. This draft revision tabled as ‘INFCIRC/572/Rev.3_9th March 2009 (version August 2009)’ had been submitted to the Contracting Parties through the official channels, by email, by the pigeon holes and the CNSweb on 10 March 2009. Comments on the draft made by the Contracting Parties had been discussed and incorporated by the WPNR in a final draft. This final draft, including a comment resolution table, had been distributed by the Secretariat to all contact points and officers via email on 2 September 2009 and uploaded to the CNS website on 7 September 2009. This draft was now submitted to this Extraordinary Meeting for final endorsement.

14. The President further reminded the Contracting Parties that, in addition, at the 4th Review Meeting, the Contracting Parties had also requested that the Secretariat review the “Guidelines Regarding the Review Process” (INFCIRC/571/Rev.3), the “Rules of Procedure and Financial Rules” (INFCIRC/573/Rev.3) and the “Guidelines Regarding National Reports under the Convention on Nuclear Safety” (INFCIRC/572/Rev.2) for internal consistency.

15. It had furthermore been agreed at the last Review Meeting that this consistency check would take place after the adoption of INFCIRC/572/Rev.3, by this Extraordinary Meeting. Once effectuated, the revised documents (i.e. the Guidelines as revised by this Extraordinary Meeting, as well as the revised Rules of Procedure and the Guidelines on the Review Process) would be submitted to the Contracting Parties via email, website and pigeon holes for endorsement by early 2010.

16. It had also been agreed that the Contracting Parties would provide their endorsement by tacit approval (electronically) within two months after the circulation of the revised guidelines. This would have the advantage of finalizing the process well ahead of the 5th Review Meeting, thus allowing the Contracting Parties to rely on the revised guidelines in preparation of their participation for the 5th Review Meeting.

17. The President thanked the members of the Working Party, including the IAEA Secretariat, on behalf of the Contracting Parties for their efforts in comprehensively reviewing the Guidelines regarding National Reports which were submitted for consideration to this Extraordinary Meeting.

18. The President asked Mr Peter Addison, a participant of the WPNR, to explain the working methods of the working party and the work that had been done. Mr Addison presented the process to review and revise the “Guidelines Regarding National Reports under the Convention on Nuclear Safety” (INFCIRC/572/Rev.2), background information and basic considerations, and the document tabled by the WPNR.

19. The document INFCIRC/572/Rev.3_9th March 2009 (version August 2009) was reviewed. The President proposed that the draft INFCIRC/572/Rev.3_9th March 2009 (version August 2009) be adopted by the Contracting Parties, subject to the amendment made

to paragraph 2 of the document during the discussion (addition of the phrase “as foreseen in the Convention” at the end of the paragraph).

Decision: The Contracting Parties accepted the President’s proposal.

Other Business

20. The President reminded the Contracting Parties that it had been decided that a short hand-over meeting for incoming officers would be held on 1st October 2009. This date had been chosen to make the Meeting cost-effective, because the Contracting Parties understood that most of the incoming officers would be in Vienna attending the Organizational Meeting. However, the Secretariat had considered the issue and suggested postponing that meeting for a month to make the meeting more efficient, as, based on its experience of servicing previous Organizational Meetings, the Secretariat advised that, in practice, the majority of incoming officers and outgoing officers are not present at the Organizational Meeting.

21. The President agreed with the Secretariat’s proposal to have the meeting early in 2010, sufficiently in advance of the new Review Meeting.

Decision: The Contracting Parties accepted the proposal.

22. The President introduced the brochure “Introduction to the Convention on Nuclear Safety and its associated Rules of Procedures and Guidelines” that had been prepared by the Secretariat on request of the 4th Review Meeting.

23. The purpose of this brochure was to serve as a training tool on the Convention for incoming officers and other interested parties. It includes general information on the Convention and will assist everyone, in particular, the incoming officers to become acquainted with the rules and procedures of the peer review process. The President considered it would also be helpful in the wider sense of promoting the Convention on Nuclear Safety and explaining in easy to understand terms how the process works, and commented the Secretariat for its preparation.

24. The document had been sent to the members of the WPNR for initial review. The comments received had been considered and incorporated by the Secretariat. The current draft had been reviewed by the IAEA’s Legal Division before submission to the Contracting Parties, by email, the pigeon holes and the CNSweb. The draft was now submitted for consideration at this Extraordinary Meeting.

25. The President reminded the Contracting Parties that this brochure was not an official document with regard to the Convention, and as such, it did not require formal approval. However, the Secretariat would welcome the views of Contracting Parties on the format and content of the brochure. The nature of the brochure meant that it would require regular updating.

Closure of the Meeting

26. The President concluded the meeting by thanking the Contracting Parties for their contributions to the discussions and for agreeing the revisions to INFCIRC/572.

27. The President noted that the Secretariat would, following the still outstanding inclusion of the changes agreed on the basis of recommendations made by the Open Ended Working Group at the 4th Review Meeting, the check for internal consistency and the subsequent tacit approval process by the Contracting Parties as outlined by the President in her introductory remarks (see paras 15 and 16), issue the INFCIRC/571/Rev.4, INFCIRC/572/Rev.3, INFCIRC/573/Rev.4 as official Agency documents.

28. The President thanked the Contracting Parties and the Secretariat for their help and support.



Ann McGarry
President

Annex

**Convention on Nuclear Safety
First Extraordinary Meeting of the Contracting Parties**

**28 September 2009
Meeting Room IAEA Board Room, 10 a.m.
Vienna, Austria**

Agenda

- 1. Opening of the Meeting**
- 2. Adoption of the Agenda**
- 3. Credentials of Participants**
- 4. Adoption of Rule Changes**

Results of the Working Party on National Reports (WPNR):

- Draft INFCIRC/572/Rev.3
 - Draft INFCIRC/571/Rev.4
 - Draft INFCIRC/573/Rev.4
- 5. Other business**
 - Date of Officers Hand-over Meeting
 - Brochure 'Introduction to the CNS and its associated Rules of Procedures and Guidelines'