**Meeting of technical and legal experts for Consultations
with States with a view to establishing a formalized process
for a periodic exchange of information and lessons learned
and for the evaluation of progress made by States towards
implementing the Code of Conduct on the Safety and Security of
Radioactive Sources (TM-28817)**

Vienna, 31 May to 2 June 2006

Report of the Chairman

1.   Pursuant to a request from the 2005 General Conference of the IAEA, a meeting of technical and legal experts for 'consultations with States with a view to establishing a formalized process for a periodic exchange of information and lessons learned and for the evaluation of progress made by States towards implementing the Code of Conduct on the Safety and Security of Radioactive Sources', was held from 31 May to 2 June 2006 at the IAEA Headquarters in Vienna under the chairmanship of Mr S. McIntosh (Australia). The meeting was attended by experts from 66 Member States (Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Belgium, Benin, Brazil, Cameroon, Canada, China, Croatia, Cuba, Czech Republic, Ecuador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, India, Indonesia, Iraq, Italy, Japan, Jordan, Kazakhstan, Korea Republic of, Kuwait, Kyrgyzstan, Liberia, Libyan Arab Jamahiriya, Lithuania, Malaysia, Maldives, Mali, Mexico, Moldova, Morocco, Niger, Nigeria, Pakistan, Panama, Philippines, Portugal, Romania, Russian Federation, Senegal, Serbia and Montenegro, Seychelles, the Slovak Republic, Sweden, Tajikistan, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Vietnam, Yemen and Zambia), 5 non-Member States (Brunei Darussalam, Burundi, Mozambique, Palau and St. Vincent and the Grenadines), and the European Commission. The Scientific Secretaries for the meeting were Mr J. Wheatley (NSRW) and Mr W. Tonhauser (OLA). The meeting was opened by Ms E. Amaral, Director NSRW.

2.   The Secretariat provided background information on the current level of international support for the Code, the various means by which IAEA can, and is, assisting States to implement the Code, and an overview of the new nuclear security series. Participants were also informed about the information exchange mechanism for the Code of Conduct on Research Reactors which had recently been developed.

3.   At the outset of the meeting, there was some discussion as to how knowledge concerning the capability of other States to manage Category 1 and 2 sources in a manner consistent with the provisions of the Code might be more effectively disseminated, in order to facilitate the application of the import and export provisions of the Code and of the Guidance. Some States that are already implementing the Guidance strongly urged that selected information such as progress under the Model Project, or pertinent parts of the reports of the Agency's RaSSIA missions to particular Member States, be made available, as this is important for full consideration of export licence applications. Other experts noted that the RaSSIA missions were conducted on the basis of confidentiality (particularly given that they cover security as well as safety), and that their results were in any event only a snapshot in time. It was also noted that the reports of the RaSSIA equivalent in the transport field –

TranSAS missions – were generally public documents. It was recognized that any reports of a RaSSIA mission, or parts thereof, could be provided to other States only with the consent of the State concerned. Experts felt that this issue needed further consideration, both by States and by the Secretariat.

4.   Prior to the meeting, the Chairman had circulated a discussion paper on options for an information exchange mechanism to participants. Based on that paper, a wide discussion on the possible shape of such a mechanism took place. That discussion resulted in consensus support for a mechanism for a voluntary, periodic exchange of information among States on their implementation of the Code and Guidance, as outlined in the Attachment to this Report. Experts noted that information sharing on issues relating to the security of radioactive sources would have to be at a somewhat general rather than a detailed level, given the need not to diminish the effectiveness of States' security systems.

5.   The Chairman's discussion paper had raised the possibility of holding the information exchange in conjunction with a major international conference such as the International Conference on the Safety and Security of Radioactive Sources held from 27 June to 1 July 2005 at Bordeaux, France. Experts felt that, whilst the information exchange which had taken place at that Conference had been valuable, the fact that it had been restricted to less than one day – as necessitated by the overall programme of such a Conference – meant that the issues relating to implementation of the Code and Guidance had not been discussed at great depth and that not all participants had had a full opportunity to contribute to the discussion. It was also noted that such conferences are typically open to the media, and as such States may not feel comfortable in openly sharing experiences in such a forum. The meeting therefore preferred to institute a dedicated mechanism for the information exchange, whilst noting that it might be appropriate for the reports of the meetings held under that mechanism to be reported to future relevant International Conferences, and that the findings of such Conferences may provide an input to the meetings under the mechanism.

6.   The recommended mechanism includes regional meetings. It was noted that such meetings could be held in conjunction with IAEA-organized meetings in the different technical co-operation areas or with meetings of other organisations such as regional meetings of the International Radiation Protection Association.

7.   The recommended mechanism also includes international meetings which would, inter alia, produce a report summarising the discussions. It was noted that this report would, consistent with the flexible nature of the process, be a report of the Chairman which would be discussed, but not formally adopted, by the participating States.

8.   It was noted that the Regular Budget of the Agency currently did not contain the funds necessary for the process outlined in the Attachment to this report, and that it would need to be largely supported by extra-budgetary funding. Some experts considered that the meetings should be funded from the Regular Budget, whilst recognising that that was ultimately a decision to be taken by the Agency's governing bodies. It was further noted that any proposals for interpretation during the meetings or holding the meetings outside IAEA Headquarters would add to the cost of such meetings. Given the value of such a mechanism for the enhancement of the safety and security of radioactive sources around the world, Member States were encouraged to positively consider providing such funding on a voluntary basis. If the first meeting were to be held in 2007 as suggested, some experts considered that it should be held in English only and at IAEA Headquarters.

9.   Experts suggested that the Director-General submit this report and its Attachment to the Agency's policy-making organs for their information and endorsement of the actions proposed therein.

Steven McIntosh
Chairman
2 June 2006

Attachment to Chair report from TM 28817

A Process for the Sharing of Information as to States' Implementation of the Code of Conduct on the Safety and Security of Radioactive Sources and its associated Guidance on the Import and Export of Radioactive Sources

1.   The objective of the process is to promote a wide exchange of information on national implementation of the Code of Conduct on the Safety and Security of Radioactive Sources (the 'Code') and the associated Guidance on the Import and Export of Radioactive Sources (the 'Guidance'). The information exchange would not replace the possible review of the Guidance foreshadowed in paragraph 20, or the informal information exchange and consultation processes recommended in paragraph 21, of that document. Noting the non-binding nature of the Code and the Guidance, such an exchange of information would:

   a) Assist States in their national implementation of the Code and Guidance, by enabling them to learn from the experiences of others and to evaluate their own progress on implementation of the Code and Guidance;

   b) Increase the knowledge of States concerning the capability of other States to manage Category 1 and 2 sources in a manner consistent with the provisions of the Code in order to facilitate the application of the import and export provisions of the Code and of the Guidance;

   c) Increase the awareness of the Secretariat about the implementation of the Code and Guidance to assist them in the planning of their regular and technical co-operation programs; and

   d) invite and encourage more States to implement (and politically commit to) the Code and the Guidance.

2.   The information exchange process should be voluntary in nature. It should encourage the broadest possible participation by all member and non-member States, whether or not they have made a political commitment to the Code and/or the Guidance. Intergovernmental organizations may also be invited to attend as observers.

3.   There should be two elements to such an information exchange:

   a) A dedicated international meeting, to be organised by the IAEA Secretariat and held every three years (ideally, in the year not currently used for the review processes under the CNS and the Joint Convention). The first such meeting could therefore be held in 2007. Such a meeting would provide a forum for a wide exchange of information on national implementation of the Code and Guidance. Each meeting should have a duration of five days. States participating in the meeting should be urged to submit national papers and presentations, but such submission should not be mandatory.

   b) Regional meetings to share information on experiences on implementing the Code and the Guidance should be held as appropriate. Such meetings would be held on an as-needed basis and preferably prior to the international meeting, and reports from such meetings would be presented to the opening plenary of that international meeting. In order to reduce costs, regional meetings may be held in conjunction with other relevant regional meetings. Their organisation would be left to the participants in each meeting. The IAEA Secretariat may wish to attend these regional meetings, if invited.

The Chairs of these regional meetings may also wish to provide meeting summaries to the Secretariat for transmission to other States prior to the international meeting.

4. States wishing to submit voluntary national papers in English sharing experience on implementation of the Code and the Guidance are encouraged to provide these to the IAEA Secretariat four weeks in advance of the meeting to facilitate timely transmission to other States participating in the Meeting. The Secretariat would then make the papers available to other participants in advance of the meeting via a password-protected web site. Countries may choose to discuss any relevant issues in their papers. The papers might cover, but are not limited to:

 a) The infrastructure for regulatory control.

 b) The facilities and services available to the persons authorized to manage radioactive sources (paragraph 9 CoC).

 c) Training of staff in the regulatory body, law enforcement agencies and emergency service organizations (paragraph 10 CoC).

 d) Experience in establishing a national register of radioactive sources (paragraph 11 CoC).

 e) National strategies for gaining or regaining control over orphan sources, including arrangements for reporting loss of control and to encourage awareness of, and monitoring to detect, orphan sources (paragraphs 8(b), 12 and 13 CoC).

 f) Approaches to managing sources at the end of their life cycles (paragraphs 14 and 15 CoC).

 g) Experience with arrangements for implementing the import and export provisions of the Code (paragraphs 23 to 29) and the Guidance on the Import and Export of Radioactive Sources.

 h) Any other issues relevant to the implementation of the Code and the Guidance.

5. The papers may briefly describe the current circumstances in the country with regard to the aforementioned topics. They may also comment on achievements and success stories, on difficulties encountered and lessons learned and/or on areas where improvements were still needed, and set out the future strategies for addressing these matters. Papers should be brief – they do not need to be more than ten pages in length. They should contain a one-page executive summary.

6. The international meeting should commence with an opening plenary to discuss organisational issues, hear and discuss reports from the preceding regional meetings (see paragraph 3(b) above) and discuss any issues relevant to the implementation of the Code and/or the Guidance of particular importance that a State may wish to raise. That plenary should not last for more than one day. The opening plenary should decide upon the allocation of time between the Country Groups and the closing plenary, drawing upon the suggestions in the following paragraphs as appropriate.

7. The opening plenary would be followed by meetings of Country Groups. Allocation of States to Country Groups would be done initially alphabetically, with discretion for the Secretariat to adjust that allocation to ensure that there is an approximately even spread of experience across the Groups. At the first meeting, there should be a total of three groups.

Each meeting should decide upon how many Country Groups there should be at the next meeting. States choosing to make a presentation would do so in their allocated Country Group, but all participants are otherwise free to attend and take part in the discussions in other Country Groups. The chairman of the meeting and members of the Secretariat should be free to take part in any Country Group discussions. National presentations may be made by oral presentation and/or by poster presentations.

8.　　The Country Groups would each have their own chair, to be appointed by the opening plenary. In those Country Groups, States could make a voluntary national presentation, of up to approximately 15 minutes in duration, on their national experiences. There would be no obligation on States to make an oral or poster presentation, even if they have submitted a national paper. After the conclusion of those presentations (which in total should take no more than 50% of the time allocated to the Country Group sessions), there should be open discussions on a range of topics, such as those identified in paragraph 4. The Country Group discussions should conclude by the fourth day of the meeting.

9.　　After the conclusion of the Country Group sessions, all participating States would again meet together in plenary. That plenary would hear reports from the Chairs of the Country Groups on the discussions within those Groups, and may further discuss particular topics of interest identified by those reports. Any other issues relevant to the implementation of the Code and/or the Guidance of particular importance that a State may wish to raise may also be discussed in that plenary meeting. The plenary may also make recommendations as to actions which might be taken by the IAEA Secretariat to assist States in their implementation of the Code and/or Guidance, and should discuss the content of the Chairman's report (see paragraph 10 below).

10.　　The Chairman should prepare a report of the meeting, of approximately 5-6 pages. That report would not identify any participating State by name, but would be grouped under broad themes. The report might also identify areas where the process might be improved for future meetings. In that way, the broad outcomes of the discussions at the meeting would be reported to the governing bodies of the IAEA and to the public. After each international meeting, each State should indicate whether its national paper should be made publicly available by the Secretariat. Diagram 1 gives a pictorial overview of the process.

Diagram 1. Pictorial overview of process

| Provision of national papers and/or poster presentations to IAEA for onward transmission to States participating in International Meeting | Regional Meetings
• Reports by Chairs |

INTERNATIONAL MEETING

PLENARY →
- Allocation of Countries to Country Groups
- Appointment of Country Group Chairs
- Reports of Regional Meetings

COUNTRY GROUPS →
- Presentation of national papers submitted to IAEA
  - infrastructure for regulatory control
  - facilities and services (para 9 of CoC)
  - training (para 10)
  - national registry of sources (para 11).
  - national strategies & arrangements for reporting loss of control (para's 8(b), 12 and 13).
  - managing sources at the end of their life cycles (para's 14 and 15).
  - import and export controls (para's 23 to 29).
  - any other issues relevant to the implementation of the Code and the Guidance.
- Discussion on thematic topics

Poster Presentations

PLENARY →
- Reports from Country Group Chairs to Plenary Session
- Discussion on thematic topics
- Any other issues within the framework of the meeting of concern to States
- Recommendations regarding actions to be taken by the Secretariat in assisting States
- Summary Report