

6<sup>th</sup> Review Meeting of the Contracting Parties to  
the Convention on Nuclear Safety

24 March – 4 April 2014  
Vienna, Austria

Summary Report

Mr André-Claude Lacoste, President  
Mr Sukho Lee, Vice-President  
Mr Khoirul Huda, Vice-President  
Vienna, 4 April 2014

## **A. Introduction**

1. The 6<sup>th</sup> Review Meeting of the Contracting Parties to the Convention on Nuclear Safety (the Convention), was held, pursuant to Article 20 of the Convention, at the Headquarters of the International Atomic Energy Agency (IAEA) in Vienna, Austria from 24 March to 4 April 2014. The President of the Review Meeting was Mr André-Claude Lacoste from France. The Vice Presidents were Mr Sukho Lee from Republic of Korea and Mr Khoirul Huda from Indonesia.

## **B. Background**

2. As of 24 March 2014, 75 States and one regional organization have become Contracting Parties to the Convention, which entered into force on 24 October 1996. Among the 76 Contracting Parties, 33 Contracting Parties have nuclear power plants while 43 Contracting Parties have no nuclear power plants.

3. Sixty-nine of the 76 Contracting Parties participated in the Review Meeting, these were: Albania; Argentina; Armenia; Australia; Austria; Belarus, Belgium; Bosnia and Herzegovina; Brazil; Bulgaria; Canada; Chile; China; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Ghana; Greece; Hungary; Iceland; India; Indonesia; Ireland; Italy; Japan; Jordan; Kazakhstan; Republic of Korea; Latvia; Lebanon; Libya; Lithuania; Luxembourg; Malta; Mexico; Netherlands; Nigeria; Norway; Oman; Pakistan; Peru; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Senegal; Singapore; Slovakia; Slovenia; South Africa; Spain; Sri Lanka; Sweden; Switzerland; Tunisia; Turkey; Ukraine; United Arab Emirates; United Kingdom; United States of America; Uruguay; Viet Nam; and Euratom. Pursuant to Article 24.2 of the Convention, the OECD Nuclear Energy Agency attended as an observer.

4. Seven Contracting Parties, namely Bahrain, Bangladesh, Cambodia, FYR of Macedonia, Kuwait, Mali and Saudi Arabia did not attend the Review Meeting.

5. Eleven Contracting Parties did not submit a National Report, namely Albania; Bahrain; Bangladesh; Cambodia; Kuwait; Lebanon; Libya; Mali; Nigeria; Saudi Arabia; and Sri Lanka. Oman, which became a Contracting Party after the Organizational Meeting for the 6<sup>th</sup> Review Meeting did not submit a National Report but did participate in the 6<sup>th</sup> Review Meeting. Twenty-two Contracting Parties submitted their reports later than the deadline. Four of them submitted their National Report after the deadline for the submission of questions. Thirty-four Contracting Parties did not post any question or comments.

6. At the time of the Review Meeting 19 Contracting Parties had made their National Report publicly available on the IAEA website via a link to their National website; several other Contracting Parties publish their National Reports on their national

public websites. Similarly, four Contracting Parties had made their questions and answers publicly available on the IAEA website while some publish it on their national website.

7. At the Organizational Meeting, held in August 2012, Contracting Parties organized themselves into six Country Groups, each group including countries with nuclear power programmes of different sizes, as well as countries not having nuclear power reactors, a number of which have plans or aspirations to develop a nuclear power programme. Seven and a half months before the Review Meeting, Contracting Parties submitted National Reports on steps and measures taken to implement Convention obligations. In the following months the Contracting Parties reviewed each other's reports, and exchanged written questions, written answers and comments.

### **C. Overview of the Review Process**

#### ***Opening Plenary Session***

8. At the opening plenary, the Deputy Director General for Nuclear Safety and Security, Mr Denis Flory, welcomed the delegates to the Review Meeting of the Convention on Nuclear Safety. Mr Flory expressed his views that in the three years since the Fukushima Daiichi accident, the IAEA and its Member States had made significant progress in strengthening nuclear safety, emergency preparedness and radiation protection around the world, through the implementation of its Action Plan on Nuclear Safety and that the Action Plan enhanced the IAEA peer review process and strengthened international legal frameworks. Mr Flory referred to the request from the IAEA Director General for the IAEA to finalize a report that would provide an authoritative, factual and balanced assessment of the accident at Fukushima Daiichi that addresses the causes, consequences and lessons learned.

9. The President of the Review Meeting, Mr André-Claude Lacoste, made opening remarks as well as a statement. In his opening remarks he emphasized that the significant attendance clearly demonstrated the importance attached to the Review Meetings of the CNS indicating that it was the most important forum bringing together Contracting Parties with the aim of ensuring progress in nuclear safety around the world.

10. In the statement Mr Lacoste shared his expectations for this Review Meeting, i.e. to achieve three main objectives, namely: to allow wide-ranging, animated, high-quality discussions, with real commitment by all Contracting Parties, so that it is a true peer review, where all learn from the others; to improve the mechanisms of the Convention and to strengthen its effectiveness; and to adopt a common position on the lessons to be learned from the Fukushima Daiichi accident, with a clear statement at the end of this Review Meeting.

11. To promote transparency and the work carried out during the Review Meeting, Mr Lacoste reported that the opening plenary session and the plenary discussion on the summary report would be open to journalists and that a press conference would take place at the end of the Review Meeting.

12. The President acknowledged the submission of a statement from one Contracting Party, Japan. A statement was also provided by Mr Shimomura, OECD/NEA Deputy Director General for Safety and Regulation, attending the meeting as an observer.

### *Country Group Sessions*

13. During the Review Meeting, the Country Groups met for four and one half days and discussed each National Report with each Contracting Party providing answers to the supplementary questions raised in the discussion. The discussions in the Country Group sessions were generally good with a lively and frank exchange of information. Country Group sessions worked well and progress was observed with an increased participation over the 5<sup>th</sup> Review Meeting. Some discussions benefitted from the attendance of Contracting Parties which were not members of that Country Group. The Country Groups noted the significant measures taken by Contracting Parties to improve nuclear safety and identified a number of good practices to be shared with all Contracting Parties.

14. Despite this progress, it was recognized that further improvements could be made and a number of issues and recommendations for future meetings were identified:

- Contracting Parties with nuclear power programmes and embarking on a nuclear power programme should be fully involved in the discussions in the Country Group sessions;
- Contracting Parties with nuclear power programmes should attend the presentations made by non-nuclear Contracting Parties within their Country Group in order to allow a full exchange of views;
- Representatives of the Contracting Parties attending the Country Group sessions should be knowledgeable in the technical aspects of the country's report as well as its programme and be able to answer questions raised during discussions;
- Templates for the Rapporteurs' Working Document and Oral Report were used and were reported to be a useful tool. However, experience showed that there was inconsistency between the Rapporteurs' Oral Reports as the interpretation and attribution of good practices, were variable.

15. The Contracting Parties were therefore reminded of their obligations under the Convention to attend and actively participate in the Review Meeting. The level of participation by Contracting Parties in the review process was thus discussed with special focus on increasing the participation.

16. Accordingly, Contracting Parties at the 6<sup>th</sup> Review Meeting call on all Contracting Parties to commit themselves to the effective implementation of the Convention review process. Full participation in the review process of this international legal instrument benefits all Contracting Parties. Recognizing on the one hand the active participation of many Contracting Parties in the review process, it is on the other hand disappointing that three years after the Fukushima Daiichi accident, a number of the 76 Contracting Parties either did not submit their national report or did not submit their national report to the

Secretariat in time to support effective review by other Contracting Parties. In addition, 34 Contracting Parties did not post any questions on the national reports of their peers.

17. Contracting Parties in attendance at the 6<sup>th</sup> Review Meeting recommend that the President of the CNS 6<sup>th</sup> Review Meeting send a standard letter to each Contracting Party highlighting duties and responsibilities of Contracting Parties to the CNS and inviting them to rededicate themselves to full participation in the Convention's review process.

18. The Organizational Meeting for the 7<sup>th</sup> Review Meeting of the CNS should address the issues above and will attempt to increase active participation.

## **D. Matters arising during the Review Meeting**

### **1. Cross-cutting issues**

#### **19. Independence of Regulatory Bodies**

The Contracting Parties reinforced the fundamental principle of the effective separation between functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy. Some Contracting Parties reported on the extended timescale in establishing an independent regulatory body due to the time required in amending law. Some Contracting Parties reported on the importance of setting up a robust mechanism which provides the Regulatory Body with the necessary human and financial resources to fulfil its mission.

#### **20. Transparency**

Contracting Parties reported on their policies on transparency, openness and involvement of the public in the regulatory process. Some countries reported about establishing their national information system providing data on the current radiological situation around their nuclear power plants online. Making publicly available the National Reports and the questions and comments received from other Contracting Parties during the review process was encouraged. In addition Contracting Parties agreed to the changes in the INFCIRC's documents to increase transparency among them.

#### **21. Safety oversight within licensees**

Some Contracting Parties have reported on the establishment of a safety oversight body within the licensee, independent from the operation teams, for internal checks. According to those Contracting Parties, it is a way to enhance the licensee's ability to deliver its prime responsibility for safety.

#### **22. Safety Culture**

Safety culture and organizational factors were identified during the 2<sup>nd</sup> Extraordinary Meeting as relevant issues to be addressed in the post-Fukushima Daiichi accident reassessment by both licensees and regulatory bodies and to which particular attention was given during this Review Meeting. This was particularly important given that major accidents in the nuclear and other high hazard industries most frequently derive from

organizational and human factors. Several Contracting Parties reported adopting a systematic consideration of safety culture characteristics in inspection and oversight processes. Some regulatory bodies and licensees have in place specific safety culture programmes that focus on attitudes to safety, organizational capability, the decision making processes and the commitment to learn from experience. These include periodic internal and external safety culture assessments. Contracting Parties noted that these initiatives were good practice and encouraged others to take similar measures.

23. **Knowledge management – maintain competence and knowledge**

A number of Contracting Parties reported on the challenges of maintaining staffing in regulatory bodies and licensees as well as the challenges and measures taken to transfer and maintain nuclear safety knowledge in response to an ageing workforce. Such measures include training, developing education networks and programmes for sharing knowledge and experience. It was noted that the difficulties were often increased by the current economic conditions.

24. **Quality and availability issues in the supply of materials and services**

A number of Contracting Parties discussed the measures they have in place to protect nuclear power plants from problems in quality and problems in the supply of relevant materials and external services, including counterfeit, fraudulent and suspect items. Contracting Parties are encouraged to report their experiences and measures taken in this area in the next National Report, including the oversight of the use of sub-contractors in the supply chain.

25. **Instrument & Control (I&C) systems**

A number of Contracting Parties reported on the challenge of licensing nuclear power plants with digital I&C systems or introducing such systems in existing plants. For these Contracting Parties, these challenges included substantiation of reliability claims, the complexity and interconnectivity of the architecture, the independence of the safety systems and the cyber security. It was recommended that Contracting Parties cooperate in sharing knowledge and experience of conducting assessments of these systems and fully utilize the various international forums established to facilitate this exchange.

26. **Long Term Operation**

Several Contracting Parties with nuclear power programmes reported on the challenge regarding the decisions on long term operation or plant life extension reaching or beyond the original design lifetime. Typically, the decisions are taken within a license renewal process or as a result of a periodic safety review and should consider all aspects of ageing and obsolescence as well as new knowledge and R&D results. This includes, physical ageing of systems, structures and components; technological obsolescence of equipment; ability to fulfil most recent safety standards and safety regulations; and knowledge management and organizational issues related to ageing. Decisions concerning long term operation may lead to replacement, upgrading, backfitting or modernization of equipment and procedures.

27. **Reduction of radioactive releases**

The importance of the integrity of the containment as a fundamental barrier to protect the people and the environment against the effect of a nuclear accident is well established. Contracting Parties should ensure timely implementation of effective measures to preserve containment integrity, functionality and/or reduce radioactive releases.

28. **Severe accident management / Emergency Preparedness**

A number of Contracting Parties presented their severe accident management measures described in their severe accident management guidelines and procedures. The Contracting Parties noted that such measures need to be based on an appropriate analysis and the application of at least level 2 PSA. These analyses could be enhanced by research and development, for example in the area of core retention where it was recommended that a state of the art report should be developed at the international level, e.g. by the OECD/NEA or the IAEA. The Contracting Parties noted the advantage of harmonizing the approach to severe accident analysis and the resulting emergency preparedness and response measures through exchange of information and experience. Further some Contracting Parties acknowledged the importance of harmonizing protective measures and trade measures to be taken during an emergency.

29. **Bilateral cooperation issues and regional activities**

A number of Contracting Parties noted the importance of siting and emergency preparedness, and consultation and provision of necessary information to Contracting Parties in the vicinity of a proposed nuclear installation as required by Articles 16 and 17 of the Convention. Several examples of good practices related to cooperation between Contracting Parties were identified during the Review Meeting. It was suggested that Contracting Parties find ways for consultation on information concerning possible transboundary effects of accidents in line with the provisions of the Convention, which should be conducted based on a complete and transparent exchange of information, as this would facilitate the development of appropriate harmonized emergency preparedness and response measures.

30. **International Cooperation between regulatory bodies**

A number of Contracting Parties embarking on a nuclear power programme or Contracting Parties expanding their nuclear programme are considering nuclear power plant designs that have been licensed in other States. It is recommended that the host regulatory body establish bilateral arrangements with the vendor's country regulatory body and multilateral arrangements with regulatory bodies that have licensed similar designs. Similarly, the regulatory body of the vendor country and the regulatory bodies which have already licensed the same plant should be willing to provide adequate assistance to the host country in developing the necessary safety infrastructure.

31. **Peer Reviews**

Many Contracting Parties have conducted or are requesting peer review and follow-up missions for both the regulatory body and the licensees, (e.g. IRRS, OSART, and WANO peer review missions). The findings of these reviews have been reported in many National Reports and discussed during Country Group sessions. It is recommended to

increase emphasis on completion of the peer review missions. Contracting Parties are encouraged to report progress made in implementing the associated actions plans in the National Reports, as well as to conduct follow up missions to confirm the actions implemented.

## **2. Response to Fukushima Daiichi accident**

32. As agreed during the 2<sup>nd</sup> Extraordinary Meeting, Contracting Parties have addressed actions taken with regard to the Fukushima Daiichi accident in their National Reports. Consequently a special session was held during the Final Plenary to report on the actions carried out by Contracting Parties in the light of the Fukushima Daiichi accident. The discussions also included the status of the IAEA Action Plan on Nuclear Safety and the IAEA Fukushima Report which is scheduled to be completed in 2014.

33. In conclusion, those Contracting Parties having completed self-assessments, in light of the lessons learned from the Fukushima Daiichi accident, reported that in general nuclear safety, emergency preparedness and response arrangements had improved. Contracting Parties also acknowledged that more remains to be done. National safety frameworks are being further improved with steps taken to establish the effective independence of regulatory bodies and updating regulations. International cooperation is also increasing with greater participation in peer reviews and exchange of information.

34. However, differences were observed in the objectives, priorities and implementation of schedules for safety improvements. Factors relating to these differences were: different natural conditions, in particular to extreme natural events; different regulatory approaches and application of periodic safety assessments in order to continuously improve safety to meet the objective of the CNS to achieve and maintain a high level of nuclear safety worldwide.

35. Based on these observations a number of challenges were identified by the Special Rapporteur for consideration by Contracting Parties:

- How to minimize gaps between Contracting Parties' safety improvements?
- How to achieve harmonized emergency plans and response measures?
- How to make better use of operating and regulatory experience, and international peer review services?
- How to improve regulators' independence, safety culture, transparency and openness?
- How to engage all countries to commit and participate in international co-operation?

Contracting Parties agreed to continue to report in their National Reports on actions taken with regard to lessons learned from the Fukushima Daiichi accident, taking into account the challenges identified by the Special Rapporteur, as appropriate.



36. Contracting Parties highlighted that important progress is taking place to address the interactions between individuals, technology and organizations and their influence on nuclear safety in general. Efforts are needed to address those factors also in emergency situations.

37. Some Contracting Parties had identified challenges regarding the prioritizing of work in the light of the Fukushima Daiichi accident and other important safety work that regulatory bodies and licensees are performing to enhance nuclear safety.

38. Making preparations for the post-accident phase is an essential part of developing emergency preparedness and response. Contracting Parties noted that such considerations are also applicable to the installations covered by the Joint Convention and suggested that the President of the 6<sup>th</sup> Review Meeting of the CNS discuss with the President of the next Review Meeting of the Joint Convention consideration of the post-accident phase in their Review Meetings.

39. During the meeting Contracting Parties reconfirmed their commitment to the findings of the 2<sup>nd</sup> Extraordinary Meeting and in particular:

“The displacement of people and the land contamination after the Fukushima Daiichi accident calls for all national regulators to identify provisions to prevent and mitigate the potential for severe accidents with off-site consequences.

- Nuclear power plants should be designed, constructed and operated with the objectives of preventing accidents and, should an accident occur, mitigating its effects and avoiding off-site contamination.
- The Contracting Parties also noted that regulatory authorities should ensure that these objectives are applied in order to identify and implement appropriate safety improvements at existing plants”.

40. Contracting Parties further demonstrated their commitment to move this area forward by:

- Placing a request to the IAEA to advance the IAEA Safety Standards necessary to support consistent application of these ideas;
- Improving Convention reporting guidelines to support reporting and peer challenges in this area;
- Approving moving to a Diplomatic Conference to amend the Convention to address this key area;

### **3. Proposals to improve the effectiveness and transparency of the Convention**

41. To improve the effectiveness and transparency of the Convention peer review process, the Contracting Parties discussed the proposals to amend the CNS Guidance

documents INFCIRC/571, 572 and 573, and to make Recommendations for Action to other bodies that have been submitted by a group of Contracting Parties for their consideration at this Review Meeting. These proposals were based on a Report of the Working Group on Effectiveness and Transparency, which was established during the 2<sup>nd</sup> Extraordinary Meeting. The proposed amendments to the guidance documents as well as the recommendations for Actions to other bodies, put forward for consideration at the 6<sup>th</sup> Review Meeting, were agreed by consensus. They provide clearer guidance on actions to be taken by the Contracting Parties to meet the objectives of the Convention, enhance preparation of National Reports, improvements to the review process, enhancement of international cooperation and more transparency towards the public.

42. Pursuant to Article 32(3) of the Convention, Switzerland had submitted a formal proposal to amend Article 18 of the Convention on Nuclear Safety, INFCIRC/449. The Contracting Parties decided by a two-thirds majority to submit the proposal to a Diplomatic Conference to be convened within one year, for further consideration.

43. Article 32 of the CNS designates the Depositary as the responsible authority to convene the Diplomatic Conference. Therefore, the Contracting Parties to the CNS requested the IAEA Director General as Depositary to prepare a set of rules and procedures for organizing the Diplomatic Conference. A consultation meeting open to all Contracting Parties will be organized at least 90 days prior to the first day of the Diplomatic Conference to exchange views and prepare for the adoption of the rules of procedure.

44. It was proposed to convene a Topical Meeting in 2015, to allow the Contracting Parties the opportunity to present and discuss enhancing safety of existing nuclear power plants in light of lessons learned from the Fukushima Daiichi accident.

45. The 7<sup>th</sup> Review Meeting will be held from 27 March – 7 April 2017.



Mr André-Claude Lacoste  
President

6<sup>th</sup> Review Meeting of the Contracting Parties to  
the Convention on Nuclear Safety

**Annexes**

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- Annex 1**      **Proposal to amend the CNS by Switzerland**
- Annex 2**      **Remarks by France on the Swiss proposal**
- Annex 3**      **Recommendations for actions to other body approved by the  
6<sup>th</sup> Review Meeting**

**Annex 1**

**Proposal to amend the CNS by Switzerland**



**IAEA**

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الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

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## **CONVENTION ON NUCLEAR SAFETY**

### **Proposal for Amendments by the Swiss Confederation**

The Director General of the International Atomic Energy Agency, acting in his capacity as depositary of the Convention on Nuclear Safety (the Convention), communicates the following:

Reference is made to Article 32 of the Convention, whereby:

“1. Any Contracting party may propose an amendment to this Convention. Proposed amendments shall be considered at a review meeting or an extraordinary meeting.

2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting for which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.

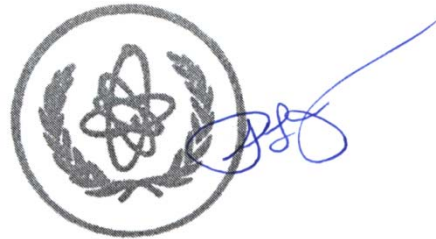
3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or, in the absence of consensus, to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Contracting Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.

4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary and held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article. The Diplomatic Conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted with a two-thirds majority of all Contracting Parties.

5. Amendments to this Convention adopted pursuant to paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties which have ratified, accepted, approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For a Contracting Party which subsequently ratifies, accepts, approves or confirms the said amendments, the amendments will enter into force on the ninetieth day after that Contracting Party has deposited its relevant instrument.”

In this connection, the Director General received on 3 December 2013 a letter from the Permanent Representative of the Swiss Confederation, transmitting on behalf of the Swiss Confederation its proposals for amendments to the Convention.

In accordance with Article 32, paragraph 2, of the Convention, the Director General is hereby circulating the proposed amendments to the Contracting Parties. As requested by the Swiss Confederation, the proposed amendments shall be considered at the Sixth Review Meeting of the Convention on Nuclear Safety, scheduled from 24 March to 4 April 2014. Also, in accordance with Article 32, paragraph 2, of the Convention, any comments received from Contracting Parties on the proposed amendments shall be circulated by the Depositary to the Contracting Parties in advance of the meeting.



2013-12-19

Enclosure: Proposal of the Swiss Confederation



## Swiss Proposal to Amend the Convention on Nuclear Safety

### Background

During the Second Extraordinary Meeting of the Convention on Nuclear Safety (CNS) in August 2012, the decision was taken to establish a Working Group on Effectiveness and Transparency (WG). The task of the WG was to present to the Sixth Review Meeting of the CNS a list of actions to strengthen the CNS and to propose, where necessary, amendments to the Convention. As the WG concluded in November 2013, 68 actions of various scope and range had been developed.

Switzerland has been actively participating in the WG and believes that the actions were produced in an open and constructive manner between the members of the WG and might lead to substantial improvements both regarding the implementation and review process of the Convention.

### Swiss Position

Switzerland, however, also believes that there is one area within which it is particularly important that the Contracting Parties are showing their dedication to the **continuous improvement of global nuclear safety**. Since the nuclear accidents of **Three Mile Island** and **Chernobyl**, the issue of **maintaining containment integrity** has been repeatedly emphasized by the international community.

The accident in **Fukushima Daiichi** highlighted once again the critical importance of maintaining containment integrity through design and operation requirements for already existing nuclear installations. Until now, however, **this safety goal has not been implemented in an international legally binding document**, even though the international community repeatedly recalled its importance.

During the Second Extraordinary Meeting of the Contracting Parties of the CNS in 2012, the importance of **maintaining containment integrity to protect public health and safety in case of a severe accident** was highlighted in the **Summary Report<sup>1</sup>** of the Meeting. Moreover the **General Conference of the IAEA** also included this demand in its Resolution<sup>2</sup> on Nuclear Safety adopted in September 2013.

The safety goal "avoiding off-site contamination" is also currently postulated as one of the three safety goals for the **fourth generation of nuclear installation** designs to "eliminate the need for off-site emergency response".

Switzerland believes that making the principle of "avoiding off-site contamination" **legally binding in the Convention would be a vital step towards improved global nuclear safety**. It would also be an important signal to the international community that the Contracting Parties of the CNS are willing and able to identify and implement one of the most important lessons learned from previous nuclear accidents.

### Proposed amendment to the CNS

For all the above mentioned reasons, Switzerland has decided to submit to the Sixth Review Meeting the following amendment to Article 18 of the Convention on Nuclear Safety:

**Art. 18. (Design and Construction), new para. iv.**

*"Nuclear power plants shall be designed and constructed with the objectives of preventing accidents and, should an accident occur, mitigating its effects and avoiding releases of radionuclides causing long-term off-site contamination. In order to identify and implement appropriate safety improvements, these objectives shall also be applied at existing plants".*

<sup>1</sup> Please refer to the *Final Summary Report of the 2<sup>nd</sup> Extraordinary Meeting of the CNS*, available online at <http://www.iaea.org/Publications/Documents/Conventions/cns-summaryreport310812.pdf>, page 5, paragraph 17.

<sup>2</sup> Please refer to the Resolution of the IAEA entitled *Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety*, adopted on 19 September 2013, available online at [http://www.iaea.org/About/Policy/GC/GC57/GC57Resolutions/English/gc57res-9\\_en.pdf](http://www.iaea.org/About/Policy/GC/GC57/GC57Resolutions/English/gc57res-9_en.pdf), page 8, paragraph 46.

**Annex 2**

**Remarks by France on the Swiss proposal**





**IAEA**

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## **CONVENTION ON NUCLEAR SAFETY**

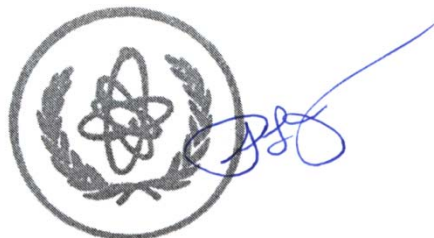
### **Proposal for Amendments by the Swiss Confederation**

#### **Comments by the French Republic**

The Director General of the International Atomic Energy Agency, acting in his capacity as depositary of the Convention on Nuclear Safety (the Convention), and referring to depositary notification N5.41.01 Circ. of 19 December 2013 concerning the Proposal for Amendments to the above-mentioned Convention by the Swiss Confederation, communicates the following:

The Director General received on 12 March 2014, a note verbale from the Permanent Mission of France, transmitting on behalf of the French Republic its comments regarding the above-mentioned proposal for amendments to the Convention.

In accordance with Article 32, paragraph 2, of the Convention, the Director General is hereby circulating these comments to the Contracting Parties to the Convention.



2014-03-18

Enclosure: Comments by the French Republic regarding the Proposal for Amendments by the Swiss Confederation

*Permanent Mission of France to the United Nations Office and the  
international organizations in Vienna*

Remark by France concerning the proposal to amend Article 18 of the  
Convention on Nuclear Safety submitted by the Swiss Confederation

The International Atomic Energy Agency (IAEA), on 19 December 2013, sent the Contracting Parties to the Convention on Nuclear Safety a proposal to amend Article 18 of the Convention submitted by the Swiss Confederation that will be considered at the 6th Review Meeting of the Contracting Parties to be held in Vienna from 24 March to 4 April 2014.

France thanks the Swiss Confederation for its proposal, which addresses a critical issue concerning the sharing of experience from the Chernobyl and Fukushima Daiichi nuclear accidents.

Preventing and mitigating the radiological consequences of nuclear accidents had already been identified as a priority by the Contracting Parties to the Convention on Nuclear Safety in August 2012, during their Second Extraordinary Meeting:

“17. The displacement of people and the land contamination after the Fukushima Daiichi accident calls for all national regulators to identify provisions to prevent and mitigate the potential for severe accidents with off-site consequences. Nuclear power plants should be designed, constructed and operated with the objectives of preventing accidents and, should an accident occur, mitigating its effects and avoiding off-site contamination. The Contracting Parties also noted that regulatory authorities should ensure that these objectives are applied in order to identify and implement appropriate safety improvements at existing plants.”

France attaches particular importance to the implementation of these safety objectives and considers that they should be reaffirmed by the Contracting Parties at the 6th Review Meeting.

France notes that the new formulation proposed by the Swiss Confederation in its proposal to amend Article 18 of the Convention might be improved in order to make more specific the application of these safety objectives to existing reactors. For those reactors, the above-mentioned objectives should serve as a reference for improving safety at the installations, particularly in the context of their periodic safety reviews.

The French delegation notes that the convening of a diplomatic conference would facilitate arriving at a reformulation of the second sentence in the text of the proposal for amendment submitted by the Swiss Confederation to specify the ways in which these safety objectives are applied to existing reactors, along the following lines: "These objectives should serve as a reference for implementing safety improvements to existing nuclear installations, in particular in the framework of the comprehensive and systematic safety assessments as defined in article 14(i) of the Convention."

The French delegation looks forward to the opportunity to exchange views with the other Contracting Parties at their next meeting to consider the most effective ways to reaffirm the objectives already laid out in the Final Summary Report of their Second Extraordinary Meeting on preventing and mitigating the radiological consequences of nuclear accidents.

### Annex 3

## Proposals to recommend to other bodies action to help enhance the effectiveness and transparency of the Convention on Nuclear Safety adopted during the 6<sup>th</sup> Review Meeting

### 1. Template for National Reports

Contracting Parties of the 6<sup>th</sup> Review Meeting (RM) request the IAEA Secretariat to organize a consultancy meeting with a small group of senior experts, in accordance with Article 28 of the CNS, to review INFCIRC 572, Part III.C “Reporting article by article” taking into account the relevant IAEA Safety Standards, in particular Fundamentals and Requirements, which gives valuable guidance on how to meet the obligations of the Convention, according to INFCIRC 572/Rev4/§19.

This review should result in the production of a template to support the draft of national reports in compliance with the guidelines INFCIRC 572, Part III.C “Reporting article by article”, with the objective of:

- Address and, if and where necessary, refer to relevant IAEA safety requirements;
- Increase the discussion in the CNS process on how to take IAEA safety requirements into account in national practice;
- Improve the effectiveness of a “self-assessment” of each Contracting Party when writing their national report;
- Help in the cross-cutting reading of the national reports.

The consultancy group should where possible meet virtually (telephone conference, video conference etc.) and finalize its work on two articles article 17 (Siting) and 18 (Design and Construction), before September 2015, so that Contracting Parties could have the opportunity to use the template on a voluntary basis for the 7<sup>th</sup> RM, when drafting their national report.

The Contracting Parties will then decide during the 7<sup>th</sup> RM, on the basis of the experience of Contracting Parties using the template on a voluntary basis, on how to make best use of this template.

### 2. Publication of national reports on the CNS public website

Increase effectiveness and transparency of the peer review process by:

- Encouraging Contracting Parties to publish their National Reports and Questions and Answers before Review Meetings; and
- Recommending the Presidency of the 6<sup>th</sup> Review Meeting (RM) of the Contracting Parties to the CNS to include in the Summary Report a list of which Contracting Parties had made their National Reports public or had indicated prior

to the RM their intention to make it public after the Review Meeting;

### **3. Web stream of parts of the meeting and of the press conference**

Contracting Parties of the 6<sup>th</sup> Review Meeting to request the Agency, in accordance with Article 28 of the CNS, review the possibility of streaming the opening plenary sessions as well as the part of the final plenary session (at which the final version of the Summary Report of the Review Meeting is adopted of the 7<sup>th</sup> Review Meeting), and the press conference, live via the internet or via a secured platform.

### **4. Increase Participation of journalists in the Press Conference**

To increase the participation of journalists, the Contracting Parties of the 6<sup>th</sup> Review Meeting to request the Agency, in accordance with Article 28 of the CNS, to consider inviting journalists not based in Vienna to participate online in the press conference organized at the end of each Review Meeting.

### **5. Cooperation between operators organizations for mutual assistance**

Contracting Parties to encourage operators, operator organizations and vendors, to consider the establishment of agreements for mutual assistance to be provided in case of emergency or accident situation. These agreements should consider financial matters to include provisions that address and alleviate potential liability to the providers of assistance given in accordance with this agreement.

### **6. Sharing of operating experience on Safety culture**

Contracting Parties to request the Agency to promote the use of existing databases (e.g. the IAEA/NEA international reporting system (IRS) database and the WANO database on good practices) as a platform for sharing operating experience on safety culture.

### **7. IAEA to further develop requirements and technical criteria related to the 2 safety objectives**

Contracting Parties of the 6<sup>th</sup> Review Meeting to urge the Agency, to request the appropriate safety standards committee(s) to review the existing standards, conduct a gap analysis and, if needed, develop requirements and technical criteria related to the 2 safety objectives (i.e. maintaining integrity of the containment and avoiding long term off-site

contamination) highlighted during the 2nd Extraordinary Meeting. The goal should be to ensure that relevant safety requirements and technical criteria that are technology neutral and quantitative are available.

#### **8. Consideration of safety issues related to reactors not covered by the scope of the CNS**

Contracting Parties recommend that the IAEA in consultation with all Member States using the safety issues highlighted in the Summary Report of the 6<sup>th</sup> Review Meeting should identify issues of particular relevance for other civilian nuclear reactors not covered by the scope of the CNS.

#### **9. Training through appropriate international and regional organisations**

At the 6<sup>th</sup> Review Meeting Contracting Parties should recommend that organisations active in the area of training in nuclear safety, should, unless they are already doing so, develop training for countries establishing new nuclear power programmes on the preparation of national reports for CNS Review Meetings.