

# INTERNATIONAL REGULATORY ACTIVITIES

## International Atomic Energy Agency

### *Resolutions adopted by the IAEA General Conference (2002)*<sup>1</sup>

The 46<sup>th</sup> Session of the IAEA General Conference was held in Vienna from 16 to 20 September 2002 with the participation of delegations from 134 Member States and representatives of various international organisations. Resolutions were adopted by the Conference, *inter alia*, in the following areas.

#### *Nuclear, Radiation, Transport and Waste Safety*

Under Resolution No. 9 on Measures to Strengthen International Co-operation in Nuclear, Radiation, Transport and Waste Safety, the General Conference notes with satisfaction that the Second Review Meeting of the Contracting Parties to the Convention on Nuclear Safety came to the conclusion that significant progress had been made since the First Review Meeting in the areas of legislation; regulatory independence; financial resources for regulators and operators; implementation of safety improvements in installations built to earlier standards; and emergency preparedness. It appeals to all Member States which have not yet become party to this Convention and to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management to do so in a timely manner. The General Conference also welcomes the work done during 2002 to strengthen the Code of Conduct on the Safety and Security of Radioactive Sources, and notes that a draft revised Code is expected to be put to the Board of Governors during 2003.

Regarding transport safety, the General Conference urges Member States to participate in the 2003 International Conference on the Safety of Transport of Radioactive Material, scheduled from 7 to 11 July 2003 in Vienna. It further welcomes the fact that implementation of the 1996 edition of the Agency's Transport Regulations became mandatory on 1 January 2002 under the International Maritime Organisation's Dangerous Goods Code, having already become mandatory on 1 July 2001 in respect of air shipments of radioactive materials under the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air. It expresses satisfaction with the progress that has been made in establishing a schedule for regular reviews of the Agency's Transport Regulations with a view to issuing a revised or amended edition, as necessary, every two years, beginning in 2003, consistent with the schedules of the United Nations Committee of Experts on the Transport of Dangerous Goods and of the relevant international model organisations. It furthermore welcomes the agreement reached in February 2002 on revising the Paris Convention on

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1. The texts of these Resolutions are available on the web site of the IAEA at [www.iaea.org/worldatom/About/Policy/GC/GC46/Resolutions/](http://www.iaea.org/worldatom/About/Policy/GC/GC46/Resolutions/)

Third Party Liability in the Field of Nuclear Energy and urges States Parties to ratify the revised text of the Convention at the earliest opportunity, and stresses the importance of wide adherence to the international nuclear liability regime established by the Vienna Convention on Civil Liability for Nuclear Damage, as amended in 1997.

With regard to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the General Conference notes with concern that nuclear and radiological incidents and accidents have occurred in different parts of the world in recent years, and the number of orphan sources reported and the possibility of radioactive substances being used with malicious intent. It also encourages Member States to implement, if necessary, instruments for improving their own preparedness and response capabilities for nuclear and radiological incidents and accidents, including their arrangements for responding to acts involving the malicious use of nuclear or radioactive material .

#### *Strengthening the IAEA's Safeguards System*

In Resolution No. 12, the General Conference welcomes the fact that as of 20 September 2002, 68 States and other Parties to IAEA safeguards agreements have signed Additional Protocols aimed at strengthening the effectiveness and improving the efficiency of the safeguards system. It requests States and other Parties to the agreements which have not yet done so to sign Additional Protocols promptly, and invites the signatories of these Protocols to implement them.

#### *Nuclear Security – Progress on Measures to Protect against Nuclear Terrorism*

The General Conference also adopted Resolution No. 13 which focuses on the need to devote attention to the potential implications of terrorist acts for the security of nuclear materials and facilities and other radioactive materials, emphasising the importance of further upgrading physical protection, measures against illicit trafficking and national control systems to ensure protection against nuclear terrorism. It calls upon Member States to continue to provide political, financial and technical support, including in-kind contributions, for this purpose, and to provide to the Nuclear Security Fund the political and financial support it needs. It furthermore calls for early finalisation of negotiations on an amendment to strengthen the Convention on the Physical Protection of Nuclear Material (see *infra*).

#### *Safeguards in the Democratic People's Republic of Korea (DPRK)*

The IAEA remains unable to verify fully the DPRK's initial declaration of its nuclear programme. Resolution No. 14 expresses hope that ongoing political developments in Northeast Asia will contribute to progress, and urges the DPRK to take all steps that the IAEA deems necessary to verify the correctness and completeness of that declaration.

#### *Nuclear Inspections in Iraq*

In Resolution No. 15, the General Conference urges Iraq to comply with United Nations Security Council resolutions and provide “immediate, unconditional, and unrestricted access” to enable IAEA inspectors to carry out their mandate. It stresses that the IAEA must, on return to Iraq, resolve the key issue of whether Iraq's nuclear activities and capabilities have changed since December 1998, when inspections in Iraq were interrupted.

### *Application of IAEA Safeguards in the Middle East*

Resolution No. 16 reaffirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope IAEA safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone (NWFZ). In this respect, it calls upon all States concerned to take the practical and appropriate steps required for establishment of such a NWFZ in the region and to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region.

### ***Implementation of the Revised Action Plan (RAP) for the Safety and Security of Radiation Sources<sup>2</sup>***

In September 2001, in Resolution No. 10, the 45<sup>th</sup> IAEA General Conference endorsed a decision of the Board of Governors to request the Secretariat to implement the Revised Action Plan (RAP) for the Safety and Security of Radiation Sources. The Board decision was taken on 10 September 2001, the day before the 11 September terrorist attacks on the United States of America, attacks which – within the Agency – led to a stronger focus on protection against nuclear terrorism. Implementation of the RAP is therefore taking place in conjunction with efforts to strengthen the Agency work relevant to preventing acts of nuclear terrorism as described under Resolution No. 13 *supra*.

The RAP sets out actions to be taken in seven areas:

- regulatory infrastructure;
- source management and control, including the management of disused sources;
- categorisation of sources;
- response to abnormal events;
- information exchange;
- education and training;
- international undertakings.

In September 2002, in Resolution No. 9, the 46<sup>th</sup> General Conference welcomes the progress towards implementing the RAP.

Regarding regulatory infrastructure, it is expected that the final draft of the Safety Guide on the Protection and Safety of Radiation Sources in Medicine, Agriculture, Research, Industry and Education will be ready for submission to the Commission on Safety Standards for endorsement during the first half of 2003. Furthermore, activities within the framework of the Model Project for

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2. The texts of relevant documents are available on the web site of the IAEA at [www.iaea.org/worldatom/About/Policy/GC/GC46/Documents/](http://www.iaea.org/worldatom/About/Policy/GC/GC46/Documents/)

upgrading radiation protection infrastructure in Africa, East Asia and the Pacific, Europe, Latin America and West Asia have continued.

Regarding source management and control, the final draft of a Safety Guide on the Safety and Security of Radiation Sources was to be submitted to the members of the Radiation Safety Standards Committee (RASSC) in September 2002 for consideration at a subsequent RASSC meeting.

Regarding response to abnormal events, a technical document on national strategies for the detection and location of orphan sources and their subsequent management, is in final draft form and is due to be published before the end of 2002.

An open-ended meeting of technical experts to consider the effectiveness of the Code of Conduct on the Safety and Security of Radioactive Sources (see the article by Katia Boustany in *Nuclear Law Bulletin* No. 67; the text of the Code of Conduct is reproduced in the chapter “Texts” of the same *Bulletin*) met from 19 to 23 August 2002. The Group made a number of changes addressing security issues in the wake of the events of 11 September 2001, including the addition of a specific objective relating to security and a reference to the need to protect facilities in which sources are managed as well as the sources themselves.

In discussing ways in which broad adherence to the Code could be encouraged, some experts were of the view that the status of the Code should be enhanced so as to enable States to make commitments relating to the implementation of its principles. Other experts felt that the current status of the Code, as a recommendation to Member States, was sufficient. It was agreed that the precise scope of the Code must be clarified in order to make this important decision, and such clarification cannot be made until the current revision of the IAEA Categorisation of Radiation Sources is finalised. The Group recommended therefore that once that revision is finalised, the Director General consider convening a group of technical and legal experts to consider the revision of the scope of the Code, the resolution of outstanding issues and whether, and how, the principles set out in the Code might be made the subject of individual commitments by States.

## **European Union**

### ***Amendment to the legislation implementing the Regulation on imports of agricultural products originating in third countries following the Chernobyl accident (2002)***

On 10 September 2002, the European Commission adopted Regulation (EC) No. 1608/2002, amending Regulation (EC) No. 1661/1999 (see *Nuclear Law Bulletin* No. 64). Regulation No. 1661 as amended by Regulation (EC) No. 1621/2001 (see *Nuclear Law Bulletin* No. 69) lays down detailed rules for the application of Council Regulation (EEC) No. 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station, as last amended in 2000 (see *Nuclear Law Bulletin* Nos. 45, 49, 55, 64 and 65).

The 2002 Regulation replaces Annex III of Regulation No. 1661/1999 with an Annex setting out the list of customs offices permitting the declaration of products listed in Annex I for free circulation in the Community.

***Regulation setting up a Community regime for the control of exports of dual-use items and technologies (2000)***

On 22 June 2000, the Council of the European Union adopted Regulation (EC) No. 1334/2000 setting up a Community regime for the control of exports of dual-use items and technologies. This Regulation repeals Council Regulation (EC) No. 3381/94 of 19 December 1994 on the same subject.

Pursuant to this Regulation, dual-use items shall mean items, including software and technology, which can be used for both civil and military purposes and which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices (Article 2). The export of these goods and technologies (the list of which set out in Annexes I and IV includes certain nuclear materials, equipment and technologies) is subject to authorisation.

Authorisations are granted by the competent authorities of the Member State where the exporter is established. For the export of certain goods or technologies, a Community general export authorisation is required (Article 6 and Annex II). The Regulation sets out procedures and criteria for the delivery of authorisations.

Regulation No. 1334/2000 has been amended by several subsequent Regulations, the most recent of which was Council Regulation (EC) No. 880/2002 of 27 May 2002, amending Annex IV to Regulation No. 1334/2000 in order to remove those goods and technologies whose transfer is no longer required to be controlled.

***Council Resolution on the establishment of national systems for surveillance and control of the presence of radioactive materials in the recycling of metallic materials in the Member States (2002)***

On 22 April 2002, the Council of the European Union adopted a Resolution inviting Member States to adopt the measures required to establish systems minimising radiological risk in the recycling of metal and prevent, to the extent possible, the presence of radioactive materials.

Considering that the presence of uncontrolled radiation sources or materials contaminated with radio-nuclides of natural or artificial origin has been detected among metallic materials destined for recycling, the Resolution emphasises that this may have serious radiological consequences. The adoption of specific prevention measures in respect of radiological risks is necessary in order to improve national systems for the prevention of radiological risk in the recycling of metallic products, in particular the risk of having radioactive materials being mixed with scrap metals intended for recycling.