

# INTERNATIONAL REGULATORY ACTIVITIES

## International Atomic Energy Agency

### *Resolutions adopted by the IAEA General Conference (2005)\**

The 49<sup>th</sup> Session of the IAEA General Conference was held in Vienna from 26 to 30 September 2005 with the participation of delegates from 126 Member States and representatives of various international organisations.

A number of resolutions<sup>1</sup> were adopted by the Conference. This paper refers in particular to two resolutions [GC(49)RES/9 and GC(49)RES/10] relating to, first, nuclear, radiation and transport safety and waste management, and secondly, nuclear security.

### *Measures to Strengthen International Co-operation in Nuclear, Radiation and Transport Safety and Waste Management [GC(49)RES/9]*

#### *Nuclear Installation Safety*

The General Conference recalled the objective of the Convention on Nuclear Safety to achieve and maintain a high level of nuclear safety worldwide. It noted with satisfaction the report of the Third Review Meeting of the Contracting Parties to the Convention on Nuclear Safety (which was held from 11 to 22 April 2005), particularly the conclusion that significant progress had been made in the improvement of Contracting Parties' overall safety regimes. The Conference called on the Contracting Parties to take steps to further improve the implementation of their obligations and to further enhance nuclear safety, particularly in those areas identified as warranting further attention.

In addition, the Conference also noted with satisfaction that, with India's ratification of the convention in March 2005, all states currently operating nuclear power plants are now parties to the convention. It appealed to all Member States, particularly those constructing or planning nuclear power reactors, which have not yet done so to take the steps necessary to become party to the convention.

The Conference welcomed the resolution of the Third Review Meeting of Contracting Parties to the Convention on Nuclear Safety concerning the need to conduct international meetings on the application of the Code of Conduct on the Safety of Research Reactors. In addition, the Conference

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\* This note was kindly provided by the Office of Legal Affairs of the International Atomic Energy Agency.

1. The texts of these resolutions are available on the IAEA Web site at the following address: [www.iaea.org/About/Policy/GC/GC49/Resolutions/index.html](http://www.iaea.org/About/Policy/GC/GC49/Resolutions/index.html).

looked forward to further progress towards implementation of the Code of Conduct and further development of the International Plan for Enhancing Research Reactor Safety.

#### *The Safety of Radioactive Waste Management*

The General Conference reminded Member States of the relevance of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. The Conference also welcomed Euratom's decision to accede to the Joint Convention.

The General Conference appealed to all Member States which have not yet taken the steps necessary to become Contracting Parties to the Joint Convention to do so. The Conference also encouraged active participation by Contracting Parties in the second Review Meeting of Contracting Parties, to be held in Vienna in May 2006.

#### *International Nuclear and Radiological Emergency Preparedness and Response*

The General Conference noted with concern the nuclear and radiological incidents and emergencies that have occurred in different parts of the world in recent years. The Conference also recognised that such incidents and emergencies, and possible acts with malicious intent, may lead to significant radiological consequences over wide geographical areas, thereby requiring an international response.

The Conference urged all Member States to become Contracting Parties to the Convention on Early Notification of a Nuclear Accident (the Early Notification Convention) and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (the Assistance Convention). The Conference also continued to encourage Member States to improve, where necessary, their own preparedness and response capabilities for nuclear and radiological incidents and emergencies, including their arrangements for responding to acts involving the malicious use of nuclear or radioactive material and to threats of such acts, and to adopt the relevant Agency standards, procedures and practical tools.

#### *Safety and Security of Radioactive Sources*

The General Conference recalled the findings of the International Conference on the Safety and Security of Radioactive Sources: Towards a Global System for the Continuous Control of Sources throughout their Life Cycle held in Bordeaux in June-July 2005 (the Bordeaux Conference). The Conference noted the statement of the 2005 Gleneagles G-8 Summit, which encouraged all states to adopt the Code of Conduct on the Safety and Security of Radioactive Sources [IAEA/CODEOC/2004] and welcomed Agency's endorsement of the Code's supplementary Guidance on the Import and Export of Radioactive Sources [IAEA/CODEOC/IMP-EXP/2005]. In addition, the Conference also noted the entry into force in December 2005 of European Union legislation on the regulatory control of high-activity sealed radiation sources and orphan sources as an initial step for the implementation of the Code of Conduct.

While recognising that the Code of Conduct is not a legally binding instrument, the Conference welcomed the high level of global support for the Code, noting that, as at 8 September 2005, 76 states had made a political commitment to it in line with the Conference's resolutions GC(47)/RES/7.B and GC(48)/RES/10.D, and urged other states to make such a commitment.

The Conference also underlined the important role of the supplementary guidance for the establishment of continuous, global control of radioactive sources, noting that, as at 15 September 2005, only nine states had notified the Director General, pursuant to Conference's resolution GC(48)/RES/10, of their intention to act in accordance with the guidance. The Conference reiterated the need for states to implement the supplementary guidance to the code in a co-operative, harmonised and consistent fashion.

The Conference recognised the value of information exchange on national approaches to controlling radioactive sources, and requested the IAEA Secretariat to undertake consultations with Member States with a view to establishing a formalised process for a periodic exchange of information and lessons learned and for the evaluation of progress made by states towards implementing the provisions of the Code of Conduct. The Conference encouraged the Secretariat to take account of the code, and of feedback from states on how they are implementing the code, in the planned review of the International Basic Safety Standards (BSS).

#### *Civil Liability for Nuclear Damage*

The General Conference welcomed the valuable work that the International Expert Group on Nuclear Liability (INLEX) has done over the past year to clarify the application and scope of the Agency's nuclear liability regime, including the identification of any possible gaps. The Conference also looked forward to the continuation of INLEX's work, in particular its outreach workshops in Australia in November 2005 and in Peru during early 2006.

#### *Transport Safety*

In the context of transport safety, the General Conference stressed the importance of having effective liability mechanisms in place to insure against harm to human health and the environment as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials. The Conference again welcomed the continuing valuable work of INLEX, including the development of an explanatory text on the various nuclear liability instruments and the examination of the application and scope of the Agency's nuclear liability regime, including any serious gaps therein.

#### *Nuclear Security – Measures to Protect Against Nuclear Terrorism [GC(49)RES/10]*

In the first part of the Resolution on Nuclear Security, the General Conference reaffirmed the importance of the Convention on the Physical Protection of Nuclear Material, as the only multilateral legally binding instrument dealing with the physical protection of nuclear material.

The Conference also recalled that other international agreements negotiated under the auspices of the Agency are also relevant to nuclear security and the physical protection of nuclear material and other radioactive materials against the threat of nuclear and radiological terrorism, including the Early Notification and Assistance Conventions, the Convention on Nuclear Safety and the Joint Convention.

The Conference also reaffirmed the importance of the Code of Conduct on the Safety and Security of Radioactive Sources as a valuable instrument for enhancement of safety and security of radioactive sources while recognising that the code is not a legally binding instrument. The Conference also noted the central contribution of Agency safeguards agreements and additional

protocols, and also of states' systems of accounting for and control of nuclear materials, to preventing illicit trafficking and to deterring and detecting diversion of nuclear materials.

#### *Amendment to the Convention on the Physical Protection of Nuclear Material*

The General Conference welcomed the adoption of the important amendment which substantially strengthens the convention, extending its scope to cover the physical protection of nuclear facilities and the domestic transport, storage and use of nuclear material, thereby strengthening global nuclear security. The Conference encouraged all states party to the Convention to ratify the amendment as soon as possible and to deposit instruments of ratification, acceptance or approval with the depositary to enable the early entry into force of the amendment. It also encouraged all states party to the convention to act in accordance with the object and purpose of the amendment until such time as the amendment enters into force. The Conference also appealed to all states that have not yet done so to adhere to the convention and to the amendment as soon as possible.

## **European Union**

### ***Regulations on nuclear trade (including non-proliferation)***

#### *Commission Regulation on the Application of Euratom Safeguards (2005)*

The new Commission Regulation (Euratom) No. 302/2005 was adopted on 8 February 2005 and entered into force on 20 March 2005. It replaces Commission Regulation No. 3227/76/Euratom of 19 October 1976 (see *Nuclear Law Bulletin* No. 73) pursuant to the Council Decision of 29 April 2004. It aims to review the obligations of operators in relation to safeguards in order to take account of developments to the legal framework and technological advancements.

The guidelines for the implementation of this regulation will be adopted by the Commission in the form of a recommendation, in accordance with Article 37 of the regulation.