

**CONFERENCE OF THE PARTIES TO THE AMENDMENT TO THE CONVENTION ON THE
PHYSICAL PROTECTION OF NUCLEAR MATERIAL**

Vienna, 28 March to 1 April 2022

Report of the Meetings of the Preparatory Committee: Annex A

**Agenda for the Preparatory Committee (PrepCom) of the 2021 Conference of the Parties to the
Amendment to the Convention on the Physical Protection of Nuclear Material (2021 Conference)**

- 1) Opening
- 2) Selection of the Co-Chairs of the PrepCom and designation of the Co-Presidents of the 2021 Conference¹
- 3) Adoption of the Agenda and Programme of the PrepCom
- 4) Consideration of the Report of the Co-Chairs of the 2019 Meetings of Legal and Technical Experts in Preparation for the 2021 Conference
- 5) Consideration and finalization of draft Rules of Procedure for the 2021 Conference
- 6) Consideration and finalization of draft provisional Agenda and Programme for the 2021 Conference
- 7) Any Other Business
- 8) Closing

¹ As the IAEA Secretariat has informed Member States in its Notes 2019/Note 60 and 2019/Note 68, Switzerland and Nigeria have been identified as the Co-Presidents for the 2021 Conference.

**2022 CONFERENCE OF THE PARTIES TO THE AMENDMENT TO THE CONVENTION ON
THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL**

Vienna, 28 March to 1 April 2022

Report of the Meetings of the Preparatory Committee: Annex B

**Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14
November 2019**

A. Background

1. Two open-ended meetings of legal and technical experts were convened at IAEA Headquarters, 22-25 July 2019 and 12-14 November 2019 (the “2019 Meetings”). These two meetings addressed preparations for the 2021 Conference to be convened in accordance with Article 16.1 of the amended CPPNM (ACPPNM) (the “2021 Conference”). The 2021 Conference is being convened by the Depositary of the Convention (i.e. the IAEA Director General) pursuant to Article 16.1 “to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation”. The Agenda of the July Meeting and the November Meeting are provided in **Annex I** and **Annex II**, respectively.
2. The 2019 Meetings were convened pursuant to the Provisional Roadmap towards the 2021 Conference, agreed by the Parties participating in an informal meeting held at IAEA Headquarters, 10-11 December 2018 (see **Annex III**). The general objective of the 2019 Meetings, as per the Provisional Roadmap and in line with Article 16.1, was to facilitate the review by the Parties in the lead-up to and during the 2021 Conference.
3. Together, the 2019 Meetings were attended by more than 100 experts from over 70 Parties to the ACPPNM and the CPPNM only (see **Annexes IV and V**).
4. During the 2019 Meetings, it was noted that while the dates for, and duration of, the 2021 Conference will be ultimately determined by the Preparatory Committee Meeting (the “2020 PrepCom”), optimal dates for scheduling the 2021 Conference, from the Secretariat’s perspective, would be at the end of June/start of July 2021.
5. This Report of the Co-Chairs, Mr Tomas Bieda (Argentina) and Mr Robert Floyd (Australia), reflects the main elements of the discussions during the 2019 Meetings. This Report is intended to inform the discussions at the 2020 PrepCom, to be held on 29 June – 3 July 2020.

B. Introduction

6. The participants at the 2019 Meetings considered the key elements of Article 16.1 as concerns “*implementation*” and “*adequacy*” in the context of the “*then prevailing situation*” as well as procedural matters, including participation at the 2021 Conference as well as other matters related to the Rules of Procedure, such as credentials, officers, conduct of business and decision-making. “*Universalization*” of the ACPPNM was identified as an important item of discussion at both meetings.
7. Many representatives in the 2019 Meetings stressed the importance to national and international nuclear security of the full adherence to and effective implementation of the CPPNM and its Amendment. It was noted that the ACPPNM is one of the multilateral legal instruments adopted under the auspices of the Agency with the largest number of parties. However, as of December 2019, there were still 37 Parties to the CPPNM only that were not yet party to the Amendment.
8. Many representatives shared the view that a regional approach to aspects of the reviews of implementation and adequacy would be beneficial. The importance of international cooperation (including those activities related to Article 5 of the ACPPNM) and the role of IAEA in facilitating the effective implementation of the ACPPNM were suggested to be addressed as part of or in the margins of the 2021 Conference.
9. Section C of this report provides a summary of the discussions at both the July and November meetings. Section D sets out the culmination of the discussions where several specific proposals were made with respect to the procedure and substance of the 2021 Conference. Section E points to next steps.

C. Summary of Discussions

C.1 General Considerations

10. When considering how to prepare for and what should be discussed at the 2021 Conference as concerns the “*then prevailing situation*”, many representatives stressed that it should not be viewed in isolation. Rather, they considered that it was important for framing the contemporary context for the review of implementation and adequacy.
11. Some representatives noted that the prevailing situation is dynamic and has changed since 2005, when the Amendment to the CPPNM was adopted. Some representatives proposed elements comprising the “*then prevailing situation*” as well as potential activities and information sources to help determine the “*then prevailing situation*”. These are set out in **Annex VI**.

C.2 Review of the Implementation of the ACPPNM

12. When considering how to prepare for and what should be discussed at the 2021 Conference in the review of implementation, some representatives suggested several ways that certain sources of information could be helpful. Broadly, these consisted of mechanisms where information could be provided by Parties individually on their own implementation and where other sources of information could provide further

and more general insights on implementation. The review of implementation of the ACPPNM should not be considered as a peer review or an assessment of each Party.

13. Specific suggestions made by some representatives for the review of the implementation of the ACPPNM during the 2021 Conference included:

- a) Parties may provide information on general matters of national implementation, with due regard for confidentiality, in national statements at the 2021 Conference.
- b) A set of topical sessions may be convened during the 2021 Conference for States Parties to discuss the implementation of the physical protection regime, international and domestic transport, exchanging information, notification and international cooperation, confidentiality, criminalization and extradition, and submission of information on laws and regulations which give effect to the ACPPNM.

14. In addition, some representatives suggested the following sources of information that could assist the discussion and review of implementation:

- a) The anonymized and consolidated database of good practices from IAEA International Physical Protection Advisory Service (IPPAS) missions, as relevant to the ACPPNM, could assist the review of implementation. However, it was suggested that some good practices observed long ago may have limited utility today.
- b) Papers and discussions at the 2020 IAEA International Conference on Nuclear Security (ICONS 2020) and other relevant meetings and activities (such as IAEA regional workshops) may serve as useful input to the 2021 Conference by providing information on implementation, including good practices, gaps and challenges. It was suggested that the Secretariat could provide Parties with a summary of these matters, in advance of the 2021 Conference.
- c) IAEA Nuclear Security Series guidance was seen as a valuable resource to support the effective implementation of the ACPPNM.

Submission of information on laws and regulations

15. In accordance with Article 14.1, Parties are obliged to inform the Depository (i.e. the IAEA Director General) of the laws and regulations which give effect to the Convention. As the Secretariat informed the Co-Chairs subsequent to the Meetings, by the end of January 2020, only 43 of the 123 ACPPNM Parties had fulfilled this obligation. A commonly shared view was that all Parties that have not yet fulfilled their Article 14 obligation, should, to the extent possible, do so by the time of the 2021 Conference. Some representatives noted significant diversity in the form and level of detail of the information provided to date pursuant to Article 14.1 (which is available on NUSEC). In this context, the potential benefit of Parties' voluntarily addressing a common list of issues, in the absence of a harmonized approach, was highlighted on the understanding that it was not envisaged that an assessment (by other Parties or the

IAEA) would be made of any submitted information. An example guidance template was made available on NUSEC for Parties' consideration (**Annex VII**). However, some representatives stressed the need for caution and to avoid establishing a level of reporting like that pursuant to the Convention on Nuclear Safety and the Joint Convention.

C.3 Review of Adequacy of the ACPPNM

16. When considering how to prepare for and what should be discussed at the 2021 Conference regarding the review of adequacy, some representatives stated the importance of collecting more objective information on this subject and having a transparent understanding of the basis for assessments of adequacy.
17. Most representatives accepted that each State Party would unilaterally arrive at their own conclusion on adequacy, and that the outcomes of the 2021 Conference should include a conclusion on the adequacy of the ACPPNM as a whole. Regional approaches could be employed to assist States Parties in reaching their conclusions on adequacy.
18. Some representatives suggested that Parties should demonstrate the basis for their assessment on adequacy. Further, a suggestion was made that the consideration of adequacy could be broadly divided between those provisions addressing physical protection and those addressing criminalization and related matters.
19. Different views were expressed regarding whether the issue of adequacy was simply a “yes/no” determination or whether the level of adequacy was more variable. It was noted that any identification of inadequacies should not necessarily point to the need for a new Amendment to the Convention but rather could be addressed in other ways.
20. Some proposed inputs for the review of adequacy included:
 - a) Trends established from relevant data in the IAEA Incident and Trafficking Database (ITDB) and from Interpol's Project Geiger database;
 - b) Summary outcomes from ICONS 2020 and other relevant events and meetings; and
 - c) Discussion of case studies, e.g. on self-protection of irradiated fuel.¹

C.4 Procedural Matters and Related Issues

21. The 2019 Meetings considered several procedural matters and related issues, including: the rules of procedure (RoFP) for the 2021 Conference; participation in the 2021 Conference and the 2020 PrepCom; financing of the 2021 Conference and the 2020 PrepCom; interpretation services for the 2021 Conference and the 2020 PrepCom; and the frequency of any future Article 16 conferences.
22. To facilitate the orderly conduct of the 2021 Conference, it was noted that the RoFP would most likely need to address those issues typically addressed in such RoFP, including credentials, observers (see below),

¹ See footnote e' of Annex II of the ACPPNM.

officers of the conference, the secretariat of the conference (e.g. duties of), committees (if any), conduct of business, decision-making procedures (consensus; voting, including rights, required majority (simple and/or two-thirds), method of voting etc.), languages (see below on interpretation) and amendment and interpretation of the RofP.

23. Regarding decision-making at the 2021 Conference; while a commonly held view was that the intended goal of decision-making should be consensus, some representatives insisted that a provision for voting would be necessary for situations in which consensus could not be reached.
24. For the RofP of the 2021 Conference, some representatives considered that the RofP of the IAEA General Conference should be appropriately modified, as was the case for the 1992 CPPNM Review Conference and the 2005 Diplomatic Conference to consider and adopt proposed amendments to the CPPNM (“2005 Diplomatic Conference”). The Secretariat provided for the November Meeting an update of the 1992 CPPNM Review Conference RofP as a possible example. Several representatives expressed the view that a more modern RofP should be used as the basis for the 2021 Conference RofP.
25. Many representatives expressed support for a committee (or bureau) to oversee the 2021 Conference, consisting of the Co-Presidents of the 2021 Conference, Vice-Presidents and the Secretariat. Potential roles for the co-chairs of the preparatory meetings was also mentioned.

Participation

26. Differing views were expressed during the discussions concerning the participation of the Parties to the CPPNM only, non-Parties, inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) in the 2020 PrepCom and 2021 Conference. The discussion focused primarily on whether or not Parties to the CPPNM only should be considered full participants in the 2021 Conference or observers. A number of representatives considered that while Parties to the CPPNM only should be able to participate, they should be observers. However, some representatives expressed the view that Parties to the CPPNM only should be full participants. Some representatives expressed the view that Parties to the CPPNM only should not be involved in taking decisions on text included only in the Amendment to the CPPNM, while others expressed concern that decisions could be taken without the participation of parties to the CPPNM only regarding text that is included in the original CPPNM and that is retained in the ACPPNM.
27. One delegation provided a suggested framework for participation by Amendment Parties (**Annex XIII**), CPPNM-only parties, IGOs and NGOs. While there was a wide acceptance of the need for such a framework, there was no consensus on the division of the participation groups nor on the respective rights. When considering participation, some delegations expressed support for reflecting the commitment made by States in signing the Final Act of the 2005 Diplomatic Conference to amend the CPPNM.
28. In remarks to the November Meeting (see OLA non-paper included as **Annex VIII**), Ms Peri Lynne Johnson, Legal Adviser and Director of the IAEA Office of Legal Affairs (OLA), emphasized that “The

legal basis for convening the 2021 ACPPNM Conference is Article 16.1 of the CPPNM as amended, which is not applicable to the old CPPNM Parties” and that “a decision taken on the status of old CPPNM Parties in the 2021 ACPPNM Conference and its preparatory process is one of policy rather than law. In taking a decision on participation of old CPPNM Parties in the 2021 ACPPNM Conference, whether as full participants or observers, the [Parties to the Amendment to the CPPNM] may wish to keep in mind the objective of universal adherence to and implementation of the ACPPNM.”

29. Overall, the discussion on participation centered around a number of common considerations to be taken into account by the PrepCom:

- a) The legal status of Parties (e.g., Party to the ACPPNM, to the CPPNM only, or neither);
- b) Encouraging the broadest possible participation in the 2021 Conference;
- c) Balancing inclusivity with differentiation;
- d) Supporting the goal of universalization of the ACPPNM;
- e) Reflecting the intent of States (such as in signing the Final Act of the 2005 Diplomatic Conference);
- f) Not limiting participation in discussions;
- g) Ensuring the purpose of the ACPPNM is best served; and
- h) Bearing in mind that the 2021 Conference will not take decisions that are legally binding on Parties.

30. With respect to the participation of relevant IGOs (such as the UN, World Customs Organisation, Interpol, etc.) and relevant NGOs, many representatives expressed the view that these entities may also be invited to attend as observers but with limited rights. For example, it was suggested that the participation of NGOs could be limited to specific sessions. There was also support for UNODC (in light of its mandate with respect to the International Convention for the Suppression of Acts of Nuclear Terrorism) and the UNSCR 1540 Committee, to also participate in the 2021 Conference.

31. There was a common understanding that categories of observers and their respective rights need to be determined and addressed in the RofP, a draft text of which should be finalised by the 2020 PrepCom for transmission to the 2021 Conference for adoption.

Resource requirements

32. The Secretariat noted that, in accordance with para. 9 of GOV/2005/51, provisions have been made in the Agency’s Programme and Budget for 2020-2021 to convene the 2021 Conference. However, this item in the Programme and Budget is unfunded, and would need to be funded using extra-budgetary resources. The Secretariat was encouraged to continue to look for extra-budgetary support from many donors.

33. It was widely recognized that having interpretation into all official UN languages at both the 2020 PrepCom and the 2021 Conference would enhance inclusivity, noting that interpretation was provided for the 2005 Diplomatic Conference and its Preparatory Meeting. However, including interpretation into all official UN languages will significantly impact the budget for both the PrepCom and the 2021 Conference.

Convening of further review conferences

34. A commonly shared view was that further Conferences pursuant to Article 16.2 would, at some point, be beneficial given the changing nature of the prevailing situation. However, a variety of views were expressed regarding the periodicity (including fixed or flexible periods) and the regularization (when and how they could be called) of any future conferences. Many representatives considered that a method to call for a subsequent Conference to Review the ACPPNM should be decided by the 2021 Conference. OLA noted that the language in Article 16.2 of the ACPPNM on submitting proposals for the convening of further review conferences is in essence identical to the language found in Article VIII.3 of the NPT. One option, therefore, would be for Parties to propose the convening of further review conferences by means of a Final Document or other decision at the 2021 Conference, an approach similar to the one previously taken in the NPT context.

35. Two broad ways forward were raised by representatives: the 2021 Conference could set a time window (e.g. 5-7 years) in which the Depositary is instructed to convene a subsequent Conference; or the 2021 Conference could instruct the Depositary to explore Parties' interest in a subsequent Conference no sooner than 5 years after the 2021 Conference is completed. For the latter case, it was noted that it could be administratively challenging to collect the views of the majority of Parties outside of a review conference, even if a majority of Parties would in principle support a further Conference.

C.5 Universalization of the ACPPNM

36. The importance of efforts to universalize the ACPPNM was commonly acknowledged, with a particular focus on the period before the 2021 Conference and on those Parties to the CPPNM only that have not yet joined the Amendment. The importance of efforts to encourage adherence to the CPPNM and its Amendment by States that are not yet Party to the original CPPNM was also acknowledged. The IAEA informed the meeting of its current CPPNM and its Amendment outreach program in the lead-up to the 2021 Conference. Similar outreach could also be undertaken through various activities and events, such as Nuclear Security Support Centre activities, Treaty Events focused on the ACPPNM, events organized by other IGOs and NGOs, regional-level activities focused on universalization and events organized by regional organizations, as well as ICONS 2020. Some Parties reported on the outcomes of recent nuclear security meetings covering the Convention and also on planned regional meetings.

37. Finally, a commonly shared view was that the 2021 Conference should include activities related to universalization, which could include panels and side events.

D. Specific Proposals

38. A group of representatives presented a practical proposal to the November Meeting on the components of a successful 2021 Conference, which provided a basis for the further discussions on this topic (**Annex IX**).
39. Discussion of this paper prompted several representatives to provide other proposals for convening the 2021 Conference, summarizing the discussions that took place. With the exception of item d) below, these proposals were revised following feedback from the participants and received support from many participants. These proposals are attached as Annexes to this report and are outlined below with associated key points that were discussed:
- a) “Proposed Agenda for 2021 Conference to Review the CPPNM as Amended (A/CPPNM) ‘The Conference’” (**Annex X**);
- The entire proposed agenda would take at least 5 days to cover adequately. A proposal to hold parallel sessions did not attract support as this would disadvantage Parties with small delegations.
 - Broadly the agenda should include national statements and topical sessions addressing the articles of the Convention. The topical sessions should be grouped along the lines of the three main “purposes” of the amended Convention, namely related to physical protection, criminalization and international cooperation, as per Article 1A of the ACPPNM.
 - “Implementation” and “adequacy” in the context of the “then prevailing situation” would be addressed throughout the national presentations and topical sessions.
 - There was wide support for a dedicated session on universalization. This could take place either during the 2021 Conference proper or as a separate side event.
 - The topical sessions should provide the opportunity for interactive discussion.
- b) “Suggested Framework for a Voluntary Amended CPPNM Review Conference National Statement” (**Annex XI**);
- Overall, the paper attracted wide support as “food for thought” to use on a voluntary basis.
 - National statements should be brief. It was estimated that 5-7 minute presentations by all Parties would take up the best part of two days.
 - Presentations should not replicate information already given under Article 14.1.
- c) “Topical sessions that might be held during the 2021 Conference to Review the CPPNM as Amended (A/CPPNM) ‘The Conference’” (**Annex XII**);

- The proposal was seen as a framework to assist future consideration of the agenda.
 - It was noted that not all topics would attract the same level of interest.
- d) “Suggested Framework for Participant Types and Roles” (**Annex XIII**).
- This framework would need to be incorporated into the RofP for the 2021 Conference.
 - While there was a wide acceptance of the need for such a framework, there was no consensus on the division of the participation groups nor on the allocation of respective rights.

E. Next Steps

40. Following on from the discussions during the 2019 Meetings, the Co-Chairs recommend that the following issues, in particular, be considered in more detail during the PrepCom:
- a) The Agenda of the 2021 Conference;
 - b) The Rules of Procedure for the 2021 Conference;
 - c) The roles of States and organizations participating in the 2021 Conferences;
 - d) Decisions that will need to be taken by the 2021 Conference and the method of doing so; and
 - e) The Outcome(s) of the 2021 Conference, including planning for future Conferences.
41. The discussions and proposals produced by the 2019 Meetings and summarized in this Report were generated with the participation of a large number of Parties to both the ACPPNM and the CPPNM only, and could serve as a basis for initiating discussions at the PrepCom. The several specific proposals highlighted in the preceding section (contained in Annexes J-M) could be of particular value.

List of Annexes

- Annex I Agenda for July 2019 Meeting of Legal and Technical Experts
- Annex II Agenda for November 2019 Meeting of Legal and Technical Experts
- Annex III Provisional Roadmap Towards the 2021 Conference
- Annex IV List of Participants in Attendance July 2019 Meeting
- Annex V List of Participants in Attendance November 2019 Meeting
- Annex VI Considerations for the “then prevailing situation”
- Annex VII Potential items to be included in a report in line with article 14.1
- Annex VIII Secretariat Non-Paper on Status of Parties to the original Convention in the 2021 Conference
- Annex IX Proposal by UK, France, Canada and USA
- Annex X Proposal by Bulgaria, France, Morocco and USA – Agenda for the 2021 Conference
- Annex XI Proposal by USA – Suggested Framework for a Voluntary National Statement
- Annex XII Proposal by Bulgaria and Morocco – Topical Sessions for the 2021 Conference
- Annex XIII Proposal by USA – Suggested Framework for Participant Types and Roles

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX I

Agenda for 22-25 July 2019 Meeting of Legal and Technical Experts

- A. Opening of meeting and introductory remarks
- B. Introductory remarks by Co-Chairs
- C. Adoption of the Agenda
- D. General comments by Parties
- E. Review of Implementation of the Convention as amended
Parties may wish to address initial views and how the following groups of implementation issues should be addressed during the 2021 Conference and its preparatory process:
- a. Physical Protection in domestic use, storage and transport
 - b. Physical Protection in international transport
 - c. Criminal Law matters
 - d. International Cooperation
 - e. Protection of Information
 - f. National Legislation and Regulations
 - g. Article 14 reporting on laws and regulations
- F. Review of the “then prevailing situation”
- a. Article 16 (1) requires that the review of the implementation of this Convention as amended and its adequacy is done in the light of the then prevailing situation. Parties may wish to address, from their national perspective:
 - b. Nature of their current threat/risk environment
 - c. Disposition of nuclear material and facilities
 - d. Impact (both positive and negative) of current and emerging technologies on security
 - e. Possible future threat/risk trends that may affect the adequacy of the Convention as amended
 - f. How should the above be established? Should there be a presentation on the prevailing situation in 2021 at the Conference? Who should give it? Should this be considered regionally?
- G. Review of Adequacy of the Convention as amended
Regarding the preamble, the whole of the operative part and the annexes of the Convention as amended, Parties may wish to consider whether it is adequate now and for the next five to seven years:
- Is the Convention as amended adequate given the current prevailing situation?
 - How will this conclusion be established?
- H. Procedural Matters
In advance of the Preparatory Committee Meeting in 2020 that will consider all procedural matters, Parties may wish to address the following key issues:

- a. Participation of Parties to the CPPNM but not the A/CPPNM, other States, non-government organizations
- b. Financing
- c. Interpretation services
- d. Rules of procedure
- e. Frequency of future Conferences to review the ACPNM

I. Any other business

- Universalization of the Amendment to the CPPNM
- ...
- ...

J. Next steps

**Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14
November 2019**

ANNEX II

Agenda for 12-14 November 2019 Meeting of Legal and Technical Experts

1. Opening of meeting and introductory remarks
2. Introductory remarks by Co-chairs
3. Adoption of the agenda
4. Comments on current draft Co-chair's report
5. Conducting a review of the implementation and adequacy of the Convention in light of the then prevailing circumstances
 - a. Further reflection on discussion so far
 - b. UK+ (other sponsors) proposal(s)
 - c. Regional approaches
 - d. Case studies
 - e. Article 14 obligations
6. Procedural Matters
 - a. Draft Rules of Procedure including consideration of:
 - i. Credentials
 - ii. Observers
 - iii. Officers of the conference
 - iv. Conduct of business
 - v. Decision-making procedures (voting including, rights, required majority (simple and/or two-thirds), method of voting etc.)
 - b. Convening further review conferences under Article 16.2
7. Outreach and universalisation
8. Any other business
9. Next steps

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX III

**Provisional Roadmap Towards the 2021 Conference
of the Parties to the Amendment to the CPPNM**

1. The Parties to the Amendment to the CPPNM (A/CPPNM), during their informal meeting held in Vienna on 10 and 11 December 2018 on the preparations for the 2021 Conference of the Parties to review the implementation of the amended Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation, as foreseen in Article 16.1 of the A/CPPNM, have discussed and proposed the following approach in preparation for the 2021 Conference:

CONVENING OF MEETINGS BY THE DEPOSITARY

2. The IAEA Secretariat will convene Meetings of the Parties to the A/CPPNM in preparation for the 2021 Conference, as listed below. The IAEA Secretariat will provide the required secretariat services to support the work of these meetings, including the distribution of documents. In addition, the Secretariat will establish a platform within the NUSEC portal to facilitate the distribution of documents. The Division for Nuclear Security and the Office of Legal Affairs will provide the scientific secretariat for the Meetings.

3. Consideration will be given to conducting the meetings organized in preparation for the 2021 Conference in all UN languages, subject to availability of resources.

PARTICIPATION IN THE MEETINGS

4. The Meetings organized in preparation for the 2021 Conference will be held with the participation of the Parties to the CPPNM Amendment. Parties to the CPPNM shall be invited to attend the Meetings organized in preparation for the 2021 Conference as observers.

MEETINGS IN PREPARATION FOR THE 2021 CONFERENCE

Meetings of Legal and Technical Experts

5. Up to two Expert Meetings will be organized in 2019, each with a maximum of five days duration (to be held tentatively on the week of 15 of July 2019 and in Q3/Q4 2019).

6. The Expert Meetings will have the general objective to facilitate the review by the Parties during the 2021 Conference of the implementation of the amended Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

7. This will be accomplished in part through discussions of implementation and adequacy of the amended Convention through the analysis of specific thematic areas based on the preamble, the articles and the annexes of the A/CPPNM such as physical protection in domestic use, storage and transport, physical protection in international transport (including categorization of nuclear material and levels of protection), criminal law matters, international cooperation, protection of information, national legislation and regulations.

8. The first Legal and Technical Expert Meeting will consider the specific thematic areas as identified above. The Expert meeting will also allocate specific time to address matters such as the proposed dates and the rules of procedure for the 2021 Conference. In order to complete the discussions a second meeting of Legal and Technical Experts may be held.

9. These meetings will be co-chaired by two experts, with appropriate legal and/or technical skills on the issues covered by the A/CPPNM. The Parties to the A/CPPNM will identify, and communicate to the IAEA Secretariat, as early as possible, potential candidates to chair the meetings. The chairs will be expected to prepare their report of the meetings. The reports will be submitted for consideration to the Preparatory Committee.

Preparatory Committee Meetings in 2020

10. A meeting of the Preparatory Committee (PrepCom) will be held at the end of June 2020. The Parties to the A/CPPNM will identify and communicate to the IAEA Secretariat, as early as possible, possible candidates to co-chair the meetings of the PrepCom.

11. The PrepCom for the 2021 Conference will be responsible for addressing all issues relevant to the organisation of the 2021 Conference, including but not limited to:

- (a) Rules of Procedure (RoP) of the 2021 Conference, including the attendance, the officers and their election, the conduct of the business, the languages;
- (b) Financing of the 2021 Conference;
- (c) Final dates of the 2021 Conference;
- (d) Agenda of the 2021 Conference;
- (e) Identification of the Co-Chairs for the 2021 Conference.

12. The PrepCom will decide whether a further meeting of the PrepCom would be needed to be held with the objective of finalising the consideration of possibly remaining issues expected to be submitted by the PrepCom to the 2021 Conference.

Vienna 11 December 2018

**Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14
November 2019**

ANNEX IV

List of Participants in Attendance

Meeting of Legal and Technical Experts

22-26 July 2019

Vienna, Austria

		Name	Country
Mr	Rustem	Paci	Albania
Mr	Tomas	Bieda	Argentina
Ms	Maria Luz	Melon	Argentina
Ms	Maria Victoria	Roston	Argentina
Mr	Arshaluys	Karmirmirukyan	Armenia
Mr	Gagik	Mkrтчhyan	Armenia
Mr	Stephan	Bayer	Australia
Ms	Anne	Craig	Australia
Mr	Robert Bruce	Floyd	Australia
Mr	Jarrold	Powell	Australia
Ms	Christine	Göstl	Austria
Ms	Sylvia	Mayer	Austria
Ms	Turan	Ashurova	Azerbaijan
Mr	Stéphane	Celestin	Belgium
Mr	Marcelo	Böhlke	Brazil
Mr	Ivan	Gorinov	Bulgaria
Mr	Jean Faustin	Sabouang	Cameroon
Mr	Bryan	Tomlinson	Canada
Mr	Philip	Webster	Canada
Mr	Yongde	Liu	China
Mr	Bo	Zong	China
Ms	Marianela	Alvarez Blanco	Costa Rica
Ms	Marcela	Zamora Ovarés	Costa Rica
Ms	Marie-Chantal Colette	Goffri Epse Kouassi	Cote d'Ivoire
Ms	Nina	Kremplová Mendrygalová	Czech Republic
Mr	Petrus	Bompere Lemo	Democratic Republic of the Congo
Mr	Jimmy Philip	Thomsen	Denmark
Ms	Lenka	Budinova	Euratom
Ms	Régine	Gaucher	France
Ms	Fabienne	Laugier ep. Braina	France
Ms	Tamta	Ratiani	Georgia
Ms	Addae	Akua Adoma	Ghana
Mr	Subrahmanya Viswanadham	Chebolu	India
Mr	Sean	O Riain	Ireland
Mr	Paul	Shortt	Ireland
Mr	Ronen	Shaul	Israel
Ms	Kazuko	Hamada	Japan
Ms	Lisa	Kokaji	Japan
Mr	Motohiro	Yoshikawa	Japan
Mr	Jae Kwang	Kim	Korea

Mr	Jalal	Abeid	Libya
Mr	Nader	Alghlali	Libya
Mr	Esam	Ganbour	Libya
Mr	Khammar	Mrabit	Morocco
Ms	Helena	Itamba	Namibia
Mr	Marinus	Schraver	Netherlands
Mr	Charles Abechi	Oko	Nigeria
Ms	Hege Schultz	Heireng	Norway
Ms	Faiza	Al-Siyabi	Oman
Mr	Amr	Saeed	Pakistan
Mr	Khalid	Shahbaz	Pakistan
Mr	Ignacio	Cazana Portello	Paraguay
Mr	Leoncio Alberto	Montano Chuqui	Peru
Mr	Andrzej	Glowacki	Poland
Ms	Atena Mihaela	Niculescu	Romania
Mr	Konstantin	Belousov	Russian Federation
Mr	Alexander	Bulavinov	Russian Federation
Mr	Vladimir	Ostropikov	Russian Federation
Mr	Pavel	Tsvetov	Russian Federation
Ms	Elizabeth	Wong Kar Yan	Singapore
Mr	Juraj	Václav	Slovakia
Mr	Bostjan	Pavlic	Slovenia
Ms	Moné	Dye	South Africa
Mr	Carlos	Torres Vidal	Spain
Ms	Maimona Ahmed Mohammed	Khalid	Sudan
Mr	Thord	Eriksson	Sweden
Mr	Karl Robert	Petersson	Sweden
Mr	David	Calic	Switzerland
Mr	Benno	Laggner	Switzerland
Mr	Johann	Mattli	Switzerland
Ms	Annatina	Müller-Germanà	Switzerland
Ms	Sayfieva	Zarina	Tajikistan
Mr	Chaiyod	Soontrapa	Thailand
Mr	Thitidej	Tularak	Thailand
Mr	Engin	Dalgic	Turkey
Ms	Zainab Ali	Hashmi	UK
Mr	Nathaniel Steven	Richman	UK
Mr	Hamad	Alkaabi	United Arab Emirates
Ms	Natalie	Bonilla	United Arab Emirates
Ms	Nancy	Fragoyannis	United States
Ms	Gisele	Irola	United States
Mr	Dinh	Ngoc Quang	Viet Nam
Mr	Nguyen	Ninh Giang	Viet Nam

**Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14
November 2019**

ANNEX V

List of Participants in Attendance

Meeting of Legal and Technical Experts

12-15 November 2019

Vienna, Austria

Name		Country
Mr	Paci Rustem	Albania
Mr	Bieda Tomas	Argentina
Ms	Dominguez Cristina	Argentina
Mr	Zunino Pablo	Argentina
Mr	Aydinyan Ruben	Armenia
Ms	Karmirmirukyan Arshaluys	Armenia
Mr	Bayer Stephan	Australia
Mr	Floyd Robert	Australia
Ms	Mayer Sylvia	Austria
Ms	Ashurova Turan	Azerbaijan
Mr	Celestin Stephane	Belgium
Mr	Zannou Martial	Benin
Mr	Alves Tavares Renato Luiz	Brazil
Mr	Böhlke Marcelo	Brazil
Mr	Ribeiro de Anderson Mattos	Brazil
Mr	Romao Cesar	Brazil
Mr	Gorinov Ivan	Bulgaria
Mr	Mok Vodghanak	Cambodia
Mr	Tsuyuki Bryan Akira Tomlinson	Canada
Mr	Mbaipor Laoutaye Julien	Chad
Mr	Gu Shaogang	China
Mr	Liu Yongde	China
Ms	Gutierrez Ana Maria Suarez	Colombia
Mr	Gomez Murillo Daniel	Costa Rica
Mr	Danek Tomas	Czech Republic
Mr	Achy Ossey	Cote d'Ivoire
Mr	Thomsen Jimmy Philip	Denmark
Ms	Budinova Lenka	Euratom
Ms	Ranguelova Vesselina	Euratom
Ms	Braina Fabienne	France
Ms	Gaucher Régine	France
Ms	Ratiani Tamta	Georgia
Ms	Addae Akua	Ghana
Ms	Campbell- Erskine Kezia Renelsa	Guyana
Ms	Whyte Chin Joyce Glenna	Guyana
Mr	Cserveny Vilmos	Hungary
Mr	Talpai Tamas	Hungary
Mr	Ansari Hesamuddin	India

Mr	Fuadi	Gumilang	Indonesia
Mr	Sudiawan	Usup	Indonesia
Mr	Saeed	Mahmood	Iraq
Mr	Shortt	Paul	Ireland
Mr	Shaul	Ronen	Israel
Mr	Takahashi	Yuki	Japan
Ms	Khries	Dana	Jordan
Mr	Chesire	Edwin Kipkemboi	Kenya
Mr	Kim	Taeseob	Korea, Republic of
Mr	Kim	Jae Kwang	Korea, Republic of
Mr	Park	Weonsang	Korea, Republic of
Mr	Lathdavong	Phonesavanh	Lao People's Democratic Republic
Ms	Philathong	Venephet	Lao People's Democratic Republic
Mr	Zahraman	Khaled	Lebanon
Ms	Alshmakhi	Seham	Libya
Mr	Ammar	Walid	Libya
Mr	Ganbour	Esam	Libya
Mr	Gillander	Alex	Luxembourg
Mr	Debono	Joseph	Malta
Mr	Mounja	Mohamed Mahmoud	Mauritania
Mr	Mrabit	Khammar	Morocco
Mr	Latt	Khin Maung	Myanmar
Ms	Ashipala	Sevelina Etuna	Namibia
Ms	Itamba	Helena	Namibia
Mr	Schraver	Marinus	Netherlands
Mr	Adamu	John Dahua	Nigeria
Ms	Nwakanma	Chigoziri	Nigeria
Ms	Heireng	Hege Schultz	Norway
Ms	Al-Siyabi	Faiza Saif	Oman
Mr	Sarwar	Mohammad Sohail	Pakistan
Mr	Shahbaz	Khalid	Pakistan
Mr	Cabello Leiva	Julio Cesar	Paraguay
Mr	Da Rosa Lopez	Cesar Atilio	Paraguay
Mr	Machuca Gimenez	Braulio Alberto	Paraguay
Mr	Montano Chuqui	Leoncio Alberto	Peru
Mr	Rosario	Pedro	Portugal
Mr	Ayoub	Mowafak	Qatar
Ms	Niculescu	Atena Mihaela	Romania
Mr	Belousov	Konstantin	Russian Federation
Mr	Bulychev	Alexander	Russian Federation
Mr	Ostropikov	Vladimir	Russian Federation
Mr	Tsvetov	Pavel	Russian Federation
Mr	Penny	Michael	Saint Kitts and Nevis
Ms	Roseline	Tara Shirley	Seychelles
Ms	Wong	Elizabeth Kar Yan	Singapore
Mr	Rolencík	Matej	Slovakia
Ms	Dye	Mone	South Africa
Mr	Rodriguez Porras	Raul	Spain
Mr	de las Casas	Alfonso	Spain
Mr	Eriksson	Thord Gunnar	Sweden
Mr	Petersson	Karl Robert	Sweden
Mr	Calic	David	Switzerland

HE	Laggner	Benno	Switzerland
Mr			
Mr	Mattli	Hans	Switzerland
Mr	Nilsson	Hugo Gabriel	Switzerland
Mr	Tularak	Thitidej	Thailand
Mr	Dalgic	Engin	Turkey
Mr	Svyslotsky	Georgiy	Ukraine
Ms	Bonilla	Natalie	United Arab Emirates
Mr	Barrow	Alex	United Kingdom
Ms	Hashmi	Zainab	United Kingdom
Mr	Richman	Nathaniel Steven	United Kingdom
Ms	Chuma	Furaha	Tanzania, United Republic of
Ms	Barlow	Maegon	United States
Ms	Fragoyannis	Nancy	United States
Ms	Von Behren	Heather	United States
Mr	Fayzullaev	Bahodir	Uzbekistan
Mr	Phan	Van Thanh	Viet Nam
Mr	Tran	Van Hung	Viet Nam

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX VI

Considerations for the “then prevailing situation”

1. During the Meetings, some representatives raised a number of specific examples of emerging technologies that could have a positive or negative impact on physical protection and which may be considered when discussing the “*then prevailing situation*” including but not limited to:
 - a) additive manufacturing,
 - b) unmanned aerial vehicles (UAVs),
 - c) cyber capabilities,
 - d) artificial intelligence,
 - e) enhanced data analysis,
 - f) 5G communication technologies and
 - g) biometrics.
2. Some representatives noted that a number of nuclear technologies have evolved since 2005, which may present new physical protection challenges.
3. It was noted that the threat to the physical protection of nuclear material and facilities included but was not limited to developments in international terrorism. Some representatives suggested the nature of security threats may need to be considered at national, regional and global levels.
4. Representatives highlighted a range of options for activities and information sources that could elucidate the “*then prevailing situation*”, including:
 - a) Presentation(s) on the global security situation being delivered by ACPPNM Parties, UNOCT, UNODC, INTERPOL and/or IAEA;
 - b) Scenario based policy discussion(s) involving emerging threats;
 - c) Workshops on emerging nuclear security issues; and
 - d) IAEA summary of elements from ICONS 2020 related to the “*then prevailing situation*”.
5. With respect to the various options noted above, many representatives acknowledged that further thought needs to be given to their applicability globally and regionally, whether they should occur at or before the 2021 Conference and the need to always be mindful of the scope of the ACPPNM.

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX VII

Potential items to be included in the table of content of national report, in line with CPPNM/A article 14.1

Distributed to the Meetings by France, July 2019

Items	Relevance at national level²
<u>Physical protection regime for nuclear material and nuclear facilities: establishment, implementation and maintenance</u> (art. 2A)	
Legislative and regulatory framework, to govern physical protection of nuclear material and nuclear facilities (art. 2A)	
Competent authorities (mission, independency, adequate resources, HR) (Art .2+ Fundamental Principles)	
<ul style="list-style-type: none"> • Regulatory control: Licensing / Inspections/Enforcement • Physical protection requirements 	
Other Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities (art. 2.3)	
<ul style="list-style-type: none"> • • Responsibility of the License Holders • Evaluation of the threat • Defense in Depth • Contingency (emergency) plans • Confidentiality 	
Nuclear security measures during international transport	
<ul style="list-style-type: none"> • Responsibilities during International Transport (Art 3) • Authorization process for import/export/transit • Assurance system • Mechanism of mutual agreement at bilateral level (Art3 & 4 	
<u>International cooperation (Art 5)</u>	

² According to the type of facilities (country with NPPs or not)

Consultation and cooperation on systems of physical protection (<i>international Peer reviews ??</i>) (Art 5.4 and 5.5)	
Information exchange at bilateral level with neighboring countries in case of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof Exchange of information with the IAEA and other international /regional organizations	
Identification of national points of contacts (Art 5.1)	
Request for assistance	
<u>Criminal Law matters</u>	
Criminal offences and associated penalties (Art 7)	
Establishment of jurisdiction (Art 8)	
Extradition / extraditable offences (Art 10 and 11)	
Assistance in criminal proceedings (Art 13)	

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX VIII

NON PAPER³: Status of Parties to the Original Convention on the Physical Protection of Nuclear Material (CPPNM) in the 2021 Conference of Parties to the Amendment to the CPPNM and its Preparatory Process

1. The Secretariat has been requested to provide its views on the status of Parties to the original Convention on the Physical Protection of Nuclear Material (CPPNM), adopted in 1979, in the 2021 Conference of the Parties to the Amendment to the CPPNM (“2021 ACPPNM Conference”) and its preparatory process. It is noted at the outset that the Agency is not Party to the CPPNM and its 2005 Amendment, and therefore cannot present a binding interpretation thereof. However, as the Secretariat was requested to share its views in this context, the following is provided for the consideration of the Parties.
2. Until all Parties to the original CPPNM have ratified, acceded to or approved the Amendment, the original CPPNM remains in force. Only after all Parties to the original CPPNM have become party to the Amendment will the original CPPNM cease to exist. Until that time, therefore, there are two different groups of Parties: Parties to the original CPPNM and Parties to the CPPNM as amended on 8 May 2016 when the necessary two-thirds of the Parties to the CPPNM adhered to the Amendment. The CPPNM and its Amendment are not separate treaties, rather there is a treaty, which is binding on all Parties thereto, and an Amendment to that treaty, which, pursuant to Article 20.2 of the CPPNM, is only binding on those Parties that have ratified, accepted or approved it. This reflects the depositary practice of the UN and is in line with general treaty law (Article 40 of the 1969 Vienna Convention on the Law of Treaties).
3. The legal basis for convening the 2021 ACPPNM Conference is Article 16.1 of the CPPNM as amended, which is not applicable to the old CPPNM Parties. The conference pursuant to Article 16.1 under the original CPPNM took place in 1992. A further such ‘review’ conference under the old CPPNM could only be convened for Parties to the old CPPNM based on Article 16.2 thereof, which would require a request from the majority of the old CPPNM Parties.
4. Article 16.1 of the CPPNM as amended refers to a conference “to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.” This broad language allows for a review of the whole CPPNM as amended, including those provisions which were not in fact amended and which, therefore, apply equally to **all** Parties, whether or not they have brought into force the 2005 Amendment. However, as the Amendment is only binding on Parties to it, any decision that may be taken by ACPPNM Parties in the course of the 2021 ACPPNM Conference, for instance when adopting the final document of the Conference, even if relating to provisions of the old CPPNM that have not been amended, would have no direct effect for old CPPNM Parties.
5. There is no precedent to be found for this issue in the context of other treaties adopted under the Agency’s auspices. Unlike the ACPPNM, the 1997 Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage is a separate treaty, with its own final clauses including on entry into force. Moreover, the Vienna Convention on Civil Liability for Nuclear Damage, in both its original and amended version, does not envisage the possibility of convening a “review” conference, but rather provides for the convening of a

³ This Non Paper was provided to the Meeting of Legal and Technical Experts in Preparation for the 2021 Conference of the States Parties to the Amendment to the Convention on the Physical Protection of Nuclear Material, at the request of the Parties.

“revision” conference (i.e. a conference for adopting amendments). In any event, Article 26 of the Vienna Convention on Civil Liability for Nuclear Damage (both original and amended) does not expressly regulate participation in a “revision” conference and, under the law of treaties, only “contracting States”, i.e. States that have consented to be bound by the respective treaty, would be legally entitled to participate in such revision conferences (see Articles 40 and 2.1(f) of the 1969 Vienna Convention on the Law of Treaties).

6. In light of the foregoing, a decision taken on the status of old CPPNM Parties in the 2021 ACPPNM Conference and its preparatory process is one of policy rather than law. In taking a decision on participation of old CPPNM Parties in the 2021 ACPPNM Conference, whether as full participants or observers, the ACPPNM Parties may wish to keep in mind the objective of universal adherence to and implementation of the ACPPNM.
7. A decision taken on this matter will ultimately be reflected in the Rules of Procedure for the 2021 ACPPNM Conference (the draft of which is to be prepared by the 2020 PrepCom for adoption at the 2021 ACPPNM Conference), for instance in terms of who the participants are versus who would attend as observers.

IAEA Secretariat
12 November 2019

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX IX

Proposal by the United Kingdom, France, Canada and the United States of America

The proposal set-out in this paper seeks to capture all the elements required to deliver a comprehensive and meaningful review of the amended CPPNM (ACPPNM). By highlighting key topics to be addressed at the 2021 ACPPNM Review Conference (RevCon), this paper also aims to initiate discussion and establish a common vision and approach for Parties to collectively work towards. This paper will be transmitted to the participants of the second legal and technical meeting taking place 12-15 November 2019. Legal and technical leads will be asked to share their thoughts and opinions on the practical recommendations presented below.

Components of a successful Review Conference

The ACPPNM Review Conference should:

1. Provide a means for assessing treaty adequacy and implementation as mandated in Article 16 of the amended convention.
2. Acknowledge that Parties have proceeded to appropriate assessment and review implementation to present information at RevCon as they see fit within their national capacity and with due regard for confidentiality.
3. Help address the challenges faced by States to sign or ratify the ACPPNM and identify opportunities to overcome barriers to universalisation.
4. Accommodate and respond to the needs of all Parties and encourage active participation from signatory and non-signatory States in accordance with their status and respective participation remits agreed for RevCon.
5. Seize the opportunity to better understand the barriers to implementation and universalisation with a view to identifying the appropriate possible solutions, be it through sharing national practices, promoting guidance, highlighting offers of assistance or the work of international and regional organisations.

Adequacy

Acknowledging that each States' "prevailing situation", according to its definition in the context of the ACPPNM, is dependent on a range of variables unique to each nation, this proposal recommends a national approach to assessing adequacy. Parties to the ACPPNM would, in advance of the RevCon, assess the adequacy of the treaty text and implementation against their national prevailing situation, and if desired the regional and international prevailing situation. At the RevCon, Parties would then be invited to present their reasoning underlying their assessments of the adequacy of the ACPPNM, including how their physical protection and security regimes respond to their national and/or regional prevailing situation.

Implementation

As Parties review treaty text adequacy within their national contexts, they are encouraged to share (voluntarily) their implementation challenges and highlight practical ways to overcome them. Parties should also be encouraged to share ways in which they've adapted implementation methods to respond to shifts within their "prevailing situation". This approach should facilitate deeper discussions at the RevCon, particularly on challenges faced by smaller States to better understand common implementation barriers. In seeking to address these barriers, the RevCon would include interactive sessions to identify solutions, be it through sharing best practice, facilitating offers of assistance or initiating regional twinning programmes, or other opportunities for cooperation and consultations as envisaged by Article 5 of the amended Convention. RevCon implementation sessions would also include presentations by willing Parties on progress made to fulfil obligations under article 14.1 and increase awareness of the tools available to meet these obligations.

Parties that have already shared information under Article 14.1 would be given the opportunity to update their submissions as part of the review process.

Universalisation

Noting the barriers to achieving universalisation, the review process and RevCon could be utilised to actively engage international and regional organisations, States that have yet to sign or ratify the Amendment, along with States without any status under the Convention, by encouraging them to present on the obstacles faced. The RevCon should address issues concerning universalisation by highlighting the importance and benefits of signing and ratifying the treaty, as well as facilitating offers of assistance and the sharing of national approaches and lessons learned. The universalisation session should highlight the relevance of the ACPPNM to States without nuclear programmes, noting that the ACPPNM contains measures to ensure security of material transported internationally, including through States that do not have nuclear programmes and encourages international cooperation and information sharing. The universalisation session could include interactive sessions to enhance awareness around the ACPPNM's criminalisation, jurisdictional and extradition provisions, and how the ACPPNM relates to other international instruments such as the *International Convention for the Suppression of Acts of Nuclear Terrorism* (ICSANT) and UNSCR 1540.

Points to discuss

1. Should the review process facilitate a series of regional discussions to assist Parties in formulating national assessments and reviewing implementation of their physical protection regimes and of national perspectives on the prevailing situation?
2. What is the most appropriate format or mechanism for providing national adequacy and information on implementation at the RevCon itself?
 - a. Should Parties be encouraged to share their national approach to the review process as an example to help other States conduct their own reviews in the run-up to RevCon?
3. How should the review process take recommendations from Parties to inform a RevCon programme?
4. What are the final tangible outputs Parties should adopt in order to enshrine accomplishments of the 2021 RevCon? How can these final outputs be used to inform future RevCons?

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX X

Proposed Agenda for 2021 Conference to Review the CPPNM as Amended (A/CPPNM) “The Conference”

Proposal by Bulgaria, France, Morocco and USA: 14 November 2019

- 1) Opening of the Conference
- 2) Administrative Issues
 - i) Election of the Co-Presidents
 - ii) Adoption of the Agenda
 - iii) Adoption of the Rules of Procedures
 - iv) Election of Officers and Organization of the Work of the Review Conference
- 3) National Statements⁴
- 4) Topical Sessions for Discussion on the Implementation of the Amended Convention and its Adequacy in the light of the then prevailing situation⁵
 - i) Physical protection regimes including international and domestic transport
 - ii) International cooperation including exchanging information, notification, and confidentiality
 - iii) Criminalization and extradition
 - iv) Submission of the information on laws and regulations which give effect to the A/CPPNM
- 5) Discussion on Universalization of A/CPPNM
- 6) Adequacy of the A/CPPNM
 - i) Review
 - ii) Conclusion
- 7) Adoption of the Final Statement of the Conference
- 8) Closing

⁴ See the document “Suggested Framework for a Voluntary Amended CPPNM Review Conference National Statement” proposed by USA that could be considered when developing national statements

⁵ See Rev. 1 of the Amended Proposal on Topical Sessions by Bulgaria and Morocco

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX XI

Suggested Framework for a Voluntary Amended CPPNM Review Conference National Statement.

Proposal by the United States, 14 November 2019

Country A is pleased to note that it ratified the CPPNM on X date and the Amendment to the CPPNM on Y date.

Country A further notes that pursuant to Article 14.1, it has informed the depositary of its laws and regulations which give effect to the Convention.

Noting further that Article 16 of the amended Convention calls upon States Parties to convene five years after the Amendment entered into force to review the implementation of the amended Convention and its adequacy in the light of the then prevailing situation.

Country A has undertaken a thorough review of what it sees as the prevailing situation with a focus on changes to the prevailing situation since the Amendment entered into force.

As such, the key changes we see to the prevailing situation are:

- Example 1
- Example 2
- Example 3

In order to address these changes, Country A believes that its current laws and regulations that give effect to the amended CPPNM adequately address the prevailing situation, including but not limited to:

- Example 1
- Example 2
- Example 3

- OR -

In order to address these changes in the prevailing situation, Country A has developed and implemented laws and regulations / amended its current laws and regulations that give effect to the amended CPPNM, including but not limited to:

- Example 1
- Example 2
- Example 3

Based on the information above and its analysis, Country A has determined that the amended CPPNM is adequate in its current form and does not need to be amended at this time.

Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14 November 2019

ANNEX XII

NON-PAPER: Topical sessions that might be held during the 2021 Conference to Review the CPPNM as Amended (A/CPPNM) “The Conference” – Rev.1

Amended Proposal by Bulgaria and Morocco: 14 November 2019

This proposal aims at providing for a framework or skeleton of the topical sessions during the 2021 RevCon. These topical sessions would cover Physical Protection, International Co-operation and Criminalisation issues. In addition a separate topical session would cover the State Parties obligations under Article 14.

It is expected that the presentations under each session would address the Convention implementation and its adequacy in light of the then prevailing situation.

The proposed structure is based on the articles of the Convention and the size of each topic will depend on the feedback from the State Parties on their willingness to contribute to each session.

This proposal reflects the understanding of the authors on the feedback received from the meeting discussions on the initial proposal (13.11.2019) and amended proposal (14.11.2019) both submitted by Bulgaria and Morocco.

1. Physical protection

This topical session would cover the provisions of Article 2A, Article 3 and Article 4 of the Convention which aim at:

- *protecting against theft and other unlawful taking of nuclear material and against sabotage;*
- *ensuring the implementation of measures to locate and recover missing or stolen nuclear material; and*
- *mitigating or minimizing the radiological consequences of sabotage;*
- *ensuring that during all modes of transport either domestic or international (related to import, export or transit), the NM is protected at the levels described in Annex I of the Convention*

Willing State Parties may voluntary present their experience in Convention implementation, including challenges faced and solutions found, as well as lessons learned.

Sub-topics that could be considered include, but not limited to, the following:

- a. Legislative and regulatory framework to govern physical protection of nuclear material and nuclear facilities
- b. Competent authority/authorities responsible for the implementation of the legislative and regulatory framework
- c. Practical implementation of Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities
- d. Format and content of the assurances under p.2 and p.3 of the Article 4 that the nuclear material will be protected at the levels described in Annex I
- e. Statistics and information about issued authorizations of the import, export and transit involving States not party to the Convention.

2. International cooperation including exchanging information, notification, and confidentiality

This topical session would cover the provisions of Article 5 and Article 6 of the Convention, which aim at:

- *establishing the communication and points of contact to exchange information regarding theft, sabotage or threats thereof;*
- *providing assistance on stolen material recovery and minimisation and mitigation of consequences from sabotage;*
- *obtaining guidance on the design, maintenance and improvement of national system of physical protection of nuclear material in use, storage and transport and of nuclear facilities;*
- *protecting the confidentiality of any information received in confidence by virtue of the provisions of the Convention.*

Due to the nature of this topic it is expected that presentations will be delivered not only by State Parties, but also by the IAEA.

Sub-topics that could be considered include, but not limited to, the following:

- a. Co-operation and assistance requested, offered and received in cases of theft, robbery or any other unlawful taking of nuclear material, or credible threat thereof, in particular regarding assistance in recovery, return of recovered material, notification of other State Parties and IAEA, etc.
- b. Co-operation and assistance requested, offered and received in cases of credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, in particular advance notification of other State Parties, IAEA and other relevant international organisations regarding threats, transboundary radiological consequences and measures to minimize and mitigate them.
- c. Co-operation in obtaining the guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities
- d. Use of IAEA services to improve the national physical protection regime (e.g. expert advice, IPPAS missions, training, equipment)
- e. Legal and/or regulatory framework and practical implementation of Article 6

3. Criminalisation and extradition

This topical session would cover the provisions of Articles 7-13 of the Convention, which aim at:

- *making certain offences punishable;*
- *establishing jurisdiction over these offences;*
- *establishing measures for detention and/or extradition; and*
- *assisting in criminal proceedings.*

Sub-topics that could be considered include, but not limited to, the following:

- a. Implementation of the Convention provisions regarding criminalisation of certain offences in State's national criminal legislation
- b. Implementation of the Convention provisions regarding extradition, including real cases and/or statistics about requested and approved extraditions;
- c. Information on assistance requested, offered and received regarding criminal proceedings.

4. Submission of the information on laws and regulations which give effect to the Convention

This topical session would cover the provisions of Article 14 of the Convention, which aims at providing information to all State Parties regarding the laws and regulations adopted to assure fulfilling the obligations under Convention.

Due to the nature of this topic it is expected that the IAEA may present information/statistics about information deposited by State Parties according to the requirements of Article 14.

**Report of the Co-Chairs of the Meetings of Legal and Technical Experts: 22-25 July 2019 and 12-14
November 2019**

ANNEX XIII

Suggested Framework for Participant Types and Roles.

Proposal by the United States, revised 16 December 2019

Participant Type	Role in the A/CPPNM RevCon
Have ratified the CPPNM and A/CPPNM	<u>Full Participant</u> . Can participate in full, including speaking in the plenary and topical sessions, and participating in all decisions in the plenary, whether taken by consensus or majority vote.
Have ratified the CPPNM, but not the A/CPPNM	<u>Partial Participant</u> . Can speak in the plenary and topical sessions, but cannot participate in decisions in the plenary, whether taken by consensus or majority vote.
Have ratified neither CPPNM nor A/CPPNM	<u>Full Observer</u> . Can observe the plenary and speak in the topical sessions; cannot speak at or participate in decisions of the plenary, whether taken by consensus or majority vote.
International Organizations	<u>Full Observer</u> . IOs that are approved by States Parties to the A/CPPNM can observe the plenary and speak in the topical sessions; cannot speak at or participate in decisions of the plenary, whether taken by consensus or majority vote.
Non-governmental Organizations	<u>Partial Observer</u> . NGOs that are referred by the IAEA Director General to States Parties to the A/CPPNM can observe topical sessions approved by those State Parties; cannot observe plenary sessions.

**2022 CONFERENCE OF THE PARTIES TO THE AMENDMENT TO THE CONVENTION ON
THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL**

Vienna, 28 March to 1 April 2022

Report of the Meetings of the Preparatory Committee: Annex C

**Draft Annotated Provisional Agenda for the Conference of the Parties to the Amendment to the
Convention on the Physical Protection of Nuclear Material**

*Annotations represent a summary of discussions held during the PrepCom, and are intended as suggestions
for the consideration of the Co-Presidents of the Conference.*

- 1) Opening*
- 2) Election of the Co-Presidents
- 3) Statements by the Co-Presidents
- 4) Adoption of the Rules of Procedure
- 5) Adoption of the Agenda
- 6) Election of Officers
- 7) Examination of Delegates' Credentials
- 8) Programme of Work
- 9) National Statements
 - *Many representatives expressed the view that a time limit should be placed on national statements, with some who commented suggesting 3-4 minutes as a reasonable length, others suggesting 5-10 minutes, with the caveat that the Co-Presidents will need to adjust based on the time available and number of Parties speaking.*
 - *Several representatives stated that it would be beneficial to have the option to present pre-recorded statements in this session. One representative noted that a possible framework for a national statement was provided in Annex K of the Co-Chairs' Report of the Meetings of Legal and Technical Experts.*
 - *Several representatives suggested that the statements in this session should be broadly focused, as more detailed discussion of implementation and adequacy could be addressed under agenda item 11. One representative suggested that Parties should use paragraph 1 of Article 16 of the CPPNM as amended to guide the content of national statements, while another underscored that it is individual Parties' decisions which information to include in the statements.*
- 10) Statements by Inter-governmental Organizations

- *Many representatives expressed the view that NGOs should not be permitted to make statements on the same footing as Parties, and that their role should be clearly distinguished from that of Parties.*
- *A number of representatives did not consider that NGOs should be permitted to speak in any plenary sessions of the Conference, and some did not consider that NGOs should be permitted to be present in any plenary sessions of the Conference. Other representatives considered that NGOs should only be permitted to be present during the opening and closing portions of the plenary.*
- *Further, many representatives suggested that a separate session, or a round table or panel meeting in the framework of the Conference should be organized for NGOs to provide their views (for example, during a lunch or other break in the Conference). Several representatives suggested that such a session should be convened prior to the convening of the topical sessions (item 11, below).*

11) Topical Sessions to Review the Implementation and Adequacy of the CPPNM as Amended

- i. Physical protection regime, including transport security (Articles 1 to 4)
 - ii. International cooperation (Articles 5 & 6)
 - iii. Criminalization (Articles 7 to 13)
 - iv. Article 14.1 and other provisions (the Preamble and Articles 14 to 23)
- *A number of representatives considered that NGOs should not be permitted to be present during these topical sessions and permitted to speak. Some representatives considered that they should be permitted to be present and to speak in this session.*
 - *Some representatives noted that the details of the organization of these sessions will need to be developed in advance by the Co-Presidents of the Conference, in consultation with Parties. One representative also noted that a number of relevant questions for the organization of these sessions were proposed in a national paper by the United States, submitted ahead of the PrepCom (available on the NUSEC portal).*
 - *Several representatives noted that Annex L of the Co-Chairs' Report of the Meetings of Legal and Technical Experts could provide useful detailed information for organizing the technical sessions. One representative expressed doubts regarding the value of including subparagraph (e) under paragraph 1 of this document.*
 - *One representative suggested that discussion in the topical session on the physical protection regime could be based on the Fundamental Principles reflected in Article 2A of the CPPNM as amended.*

12) Universalization*

- *Many representatives considered that NGOs should be permitted to be present during the discussion of universalization and permitted to speak. Many representatives stressed that this session should have the widest possible participation, including States not party to the CPPNM.*

13) Adoption of the Final Document of the Conference

- *A number of representatives expressed the preference that the final document be concise and high level, focusing on the decisions on the implementation and adequacy of the Convention and the timing of/need for a next Review Conference. Some representatives highlighted that this document should be consensus-based.*
- *Some representatives noted that more time might be needed to negotiate this document than currently provided in this draft Agenda.*

14) Any Other Business

- *One representative proposed removing this item.*

15) Closing*

**It was agreed that NGOs, which are approved by the Parties to be represented at the Conference as observers pursuant to Rule 7 of the draft Rules of Procedure, could participate in the sessions of the Conference designated by asterisks.*

**2022 CONFERENCE OF THE PARTIES TO THE AMENDMENT TO THE CONVENTION
ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL**

Vienna, 28 March to 1 April 2022

Report of the Meetings of the Preparatory Committee: Annex D

**Draft Rules of Procedure of the Conference of the Parties to the Amendment to the Convention
on the Physical Protection of Nuclear Material**

These Rules of Procedure apply to the Conference of the Parties to the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) scheduled to take place from [28 March to 1 April 2022], which is being convened pursuant to Article 16.1 of the CPPNM as amended with the objective ‘to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation’. Decisions taken at the Conference are not legally binding and will affect neither the rights and legal obligations of Parties to the Amendment to the CPPNM nor the rights and legal obligations of Parties to the CPPNM only.

I. Representation and credentials

Rule 1. Composition of delegations

- 1) Each Party to the Amendment to the Convention on the Physical Protection of Nuclear Material (hereinafter “Party” or “Parties”) shall be represented at the Conference of the Parties to the Amendment to the Convention on the Physical Protection of Nuclear Material (hereinafter “Conference”) by one delegate, who may be accompanied by as many alternates, advisers, technical advisers, experts and persons of similar status as may be required by the delegation.
- 2) Each delegate may designate any member in their delegation to act in their place during the Conference.

Rule 2. Submission of credentials

The credentials of each delegate and the names of the persons constituting the Party’s delegation shall be submitted to the Director General of the International Atomic Energy Agency (IAEA) if possible not less than seven days in advance of the Conference. The credentials shall be issued either by the Head of State or Government or by the Ministry of Foreign Affairs of the State concerned, or in the case of an international organization or a regional organization of an integration or other nature, which is a Party, by the competent authority of that organization.

Rule 3. Examination of credentials

The credentials of all delegates shall be examined by the Secretary General of the Conference who shall submit a report thereon to the Bureau established under Rule 14. Thereafter, the Bureau shall report to the Conference.

Rule 4. Provisional participation

Any delegate to whose admission a Party has made objection shall be seated provisionally with the same rights as other delegates until the Bureau of the Conference, pursuant to Rule 3, has reported and the Conference has given its decision.

II. Participation and attendance

Rule 5. Representatives of States not party to the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM)

- 1) Representatives of States party to the CPPNM but not to the Amendment shall be invited to participate in the Conference as observers and take part in its deliberations, without taking part in the adoption of decisions. They may also address the Plenary, make proposals, receive documents of the Conference, and submit documents to the participants in the Conference.
- 2) Representatives of States not party to the CPPNM shall be invited to attend the Conference as observers and may address the Plenary, receive the documents of the Conference, and submit documents to the participants in the Conference.

Rule 6. Representatives of the United Nations, the specialized agencies and of the other intergovernmental organizations

- 1) Representatives of the United Nations, the specialized agencies and the IAEA shall be invited to attend the Conference as observers and may address the Plenary, receive the documents of the Conference, and submit documents to the participants in the Conference.
- 2) International organizations and regional organizations of an integration or other nature which, in accordance with Article 18 of the CPPNM as amended, have the right to sign or accede to the CPPNM as amended, may be represented as observers and may address the Plenary, receive the documents of the Conference, and submit documents to the participants in the Conference.
- 3) Representatives of other intergovernmental organizations invited to regular sessions of the General Conference of the IAEA and representatives of other intergovernmental organizations with expertise relevant to the CPPNM as amended shall be invited upon their request to attend the Conference as observers, subject to the approval of the Parties, and may address the Plenary, receive the documents of the Conference, and submit documents to the participants in the Conference.

Rule 7. Non-governmental organizations

A non-governmental organization, which is invited to attend regular sessions of the General Conference of the IAEA as observer or has informed the Depositary of its wish to be represented, may be represented at the Conference as observer, subject to approval of the Parties. It may attend the Opening and Closing sessions of the Plenary, address certain sessions as determined by the Parties, and receive documents of the Conference as determined by the Parties.

III. Officers of the Conference

Rule 8. Temporary President

The Director General of the IAEA, as depositary of the CPPNM and its Amendment, shall open the first meeting of the Conference and preside until the Conference has elected the Co-Presidents.

Rule 9. Election

The Conference will elect two Co-Presidents and eight Vice-Presidents. The Co-Presidents will, having due regard to equitable geographical representation, propose to the Conference the names of the eight Vice-Presidents. The Co-Presidents and Vice-Presidents shall hold office until the close of the Conference.

Rule 10. Acting President

If one or both of the Co-Presidents is absent during a meeting or any part thereof, the other Co-President or, in the case of both Co-Presidents being absent, a Vice-President designated by the Co-Presidents, shall take his/her/their place.

IV. Secretariat of the Conference

Rule 11. Duties of the Secretary General of the Conference

The Director General of the IAEA shall be the Secretary General of the Conference. The Secretary General, or the Secretary General's representative, shall act in that capacity at all meetings of the Conference and may designate a member of the Secretariat to act in the Secretary General's place at these meetings. The Secretary General of the Conference or the Secretary General's representative may at any time, with the approval of the presiding officers, make oral or written statements to such meetings.

Rule 12. Direction of the Staff

The Secretary General of the Conference shall provide and direct the staff required by the Conference and shall be responsible for all the necessary arrangements for the meetings of the Conference.

Rule 13. Duties of the Staff

Under the direction of the Secretary General of the Conference, staff shall receive, translate, reproduce and distribute documents of the Conference and the Bureau; interpret speeches made at meetings; have custody of documents of the Conference in the archives of the Agency; publish the reports of the meetings of the Conference; distribute all documents of the Conference to the Parties; and generally perform all other work which the Conference may require.

V. Bureau of the Conference

Rule 14. Bureau

- 1) There shall be a Bureau of the Conference consisting of the Co-Presidents of the Conference and the Vice-Presidents. Co-Chairs of the meetings convened in preparation for the Conference, or designated alternates from the Co-Chairs' respective delegations, will be invited to participate in the Bureau, except on matters pursuant to Rule 3.
- 2) The Bureau shall consider requests for the inclusion of additional items on the agenda of the Conference and shall report thereon to the Conference. In considering matters relating to the agenda of the Conference, the Bureau shall not discuss the substance of any item, except

insofar as this bears upon the question whether the Bureau should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion, and what priority should be accorded to an item the inclusion of which has been recommended.

- 3) The Bureau shall assist the Co-Presidents of the Conference in conducting and co-ordinating the work of the Conference.
- 4) No two members of the Bureau shall be members of the same delegation and it shall be so constituted as to ensure its representative character.
- 5) The Bureau shall receive the report on credentials by the Secretary General of the Conference and report thereon to the Conference.

VI. Conduct of business

Rule 15. The presiding officers

The Co-Presidents of the Conference, or, in their absence, the Vice-President(s) appointed by the Co-Presidents to take their place, shall be the presiding officers of the Conference.

Rule 16. General powers of the presiding officers

In addition to exercising the powers which are conferred upon them by these Rules, the presiding officers shall declare the opening and closing of each meeting of the Conference, shall direct its discussions, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. They shall rule on points of order and, subject to these Rules, shall have control of the proceedings of the Conference and over the maintenance of order at its meetings. The presiding officers may propose to the Conference the limitation of the time to be allowed to speakers, the limitation of the number of times each delegate may speak on any question, the closure of the list of speakers or the closure of the debate. They may propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion. The presiding officers, in the exercise of their functions, shall remain under the authority of the Conference.

Rule 17. Quorum

A majority of the Parties shall constitute a quorum at a plenary meeting of the Conference.

Rule 18. Speeches

No one may address the Conference without having previously obtained the permission of the presiding officers. Subject to Rule 19 of these Rules, the presiding officers shall call upon speakers in the order in which they signify their desire to speak. The presiding officers may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Rule 19. Precedence

The presiding officers may accord precedence to the Secretary General of the Conference.

Rule 20. Points of order

During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately decided by the presiding officers in accordance with these Rules. A delegate may appeal against the ruling of the presiding officers. The appeal shall be immediately put to the vote and the presiding officers' ruling shall stand unless overruled by a majority of the Parties present

and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

Rule 21. Time-limit on speeches

The Conference may limit the time to be allowed to each speaker and the number of times each delegate may speak on any question. When debate is limited and a delegate has spoken his/her allotted time, the presiding officers shall call him/her to order without delay.

Rule 22. Closing of list of speakers

During the course of a debate the presiding officers may announce a list of speakers and, with the consent of the Conference, declare the list closed. They may, however, accord the right of reply to any delegate if a speech delivered after the list has been closed makes this desirable.

Rule 23. Adjournment of debate

During the discussion of any matter, a delegate may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The presiding officers may limit the time to be allowed to speakers under this Rule.

Rule 24. Closure of debate

A delegate may at any time move the closure of the debate on the item under discussion, whether or not any other delegate has signified his/her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the presiding officers shall declare the closure of the debate. The presiding officers may limit the time to be allowed to speakers under this Rule.

Rule 25. Suspension or adjournment of meeting

During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to a vote. The presiding officers may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 26. Order of procedural motions

Subject to Rule 20 of these Rules, the following motions shall have precedence in the following order over all other proposals or motions before the meetings:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion; and
- (d) For the closure of the debate on the item under discussion.

Rule 27. Proposals and amendments

Proposals and amendments shall normally be introduced in writing and handed to the Secretary General who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed

or put to the vote unless its text has been distributed to all delegations not later than a half day preceding the meeting. The presiding officers may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though these amendments or motions have not been distributed or have been distributed the same day.

Rule 28. Decisions on competence

Subject to Rule 26 of these Rules, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 29. Withdrawal of proposals

Any proposal may be withdrawn by its proposer at any time before voting upon it has commenced. A proposal which has thus been withdrawn may be reintroduced by any delegate.

Rule 30. Reconsideration of proposals and amendments

When a proposal or amendment has been adopted or rejected, it shall not be reconsidered unless the Conference, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VII. Decision-making

Rule 31. Voting rights

Each Party shall have one vote in the Conference.

Rule 32. Consensus

[The Conference shall make every effort to ensure that its decisions on matters of substance, which include but are not limited to amendment or suspension of the Rules of Procedure as described in Rules 49 and 50, are taken by consensus.]

[Matters of substance shall be decided by consensus.]

Rule 33. Voting

[If efforts to reach consensus on matters of substance are exhausted, voting shall take place and decisions shall be taken by a two-thirds majority of the Parties present and voting, except:

- a) In the case of the adoption of the outcome document of the Conference, which shall require consensus;
- b) As otherwise provided in the CPPNM as amended, including calling for further conferences per Article 16.2 and proposing amendments to the Convention per Article 20.]

Decisions of the Conference on matters of procedure and in elections shall be made by a simple majority of the Parties present and voting.

[If the question arises whether a matter is one of procedure or of substance, the presiding officers of the Conference shall rule on the question. An appeal against this ruling [shall be settled by the presiding officers of the Conference through consultation with the Parties to facilitate the achievement

of general agreement][shall immediately be put to a vote, and the presiding officers' ruling shall stand unless the appeal is approved by a simple majority of the Parties present and voting].]

Rule 34. Meaning of Parties present and voting

For the purpose of these Rules, the phrase "Parties present and voting" shall mean Parties casting a valid affirmative or negative vote. Parties who abstain from voting shall be considered as not voting.

Rule 35. Methods of voting

The normal method of voting shall be by show of hands. Any Party may request a vote by roll-call. The roll-call shall be taken in the English alphabetical order of the names of Parties entitled to vote, beginning with the Party whose name is drawn by lot by the presiding officers. Each delegate present shall reply "yes" or "no" or "abstention". The result of the vote shall be inserted in the record of the meeting.

Rule 36. Conduct during voting

After the voting has commenced, no delegate shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

Rule 37. Explanation of vote

The presiding officers may permit Parties to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The presiding officers may limit the time to be allowed for such explanations. The presiding officers shall not permit the proposer of a proposal or of an amendment to explain his/her vote on his/her own proposal or amendment.

Rule 38. Division of proposals and amendments

A delegate may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 39. Voting on amendments

- 1) When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment deemed by the presiding officers to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
- 2) A motion shall be considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 40. Voting on proposals

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 41. Equally divided votes

If a vote is equally divided in voting other than elections, the proposal voted upon shall be considered as not adopted.

VIII. Voting in elections**Rule 42. Secret ballot**

1. All elections shall be by secret ballot unless, in the absence of any objections, the Conference decides to proceed without taking a ballot on an agreed candidate.
2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

Rule 43. Elections to fill one elective place

When only one elective place is to be filled and no candidate obtains in the first ballot the majority required, a second ballot shall be taken which shall be restricted to the two candidates who obtained the largest number of votes in the first ballot. If in the second ballot the votes are equally divided, the presiding officers shall decide between the candidates by drawing lots.

Rule 44. Elections to fill two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining the majority required is less than the number of elective places to be filled, there shall be not more than two ballots in respect of each elective place remaining to be filled. If in the first ballot for an unfilled elective place no candidate obtains the majority required, a second ballot shall be taken which shall be restricted to the two candidates who obtained the largest number of votes in the first ballot for that elective place. If in the second ballot for that elective place the votes are equally divided, the presiding officers shall decide between the candidates by drawing lots. A candidate who fails to be elected for any one elective place will be eligible for election to any other remaining elective place.

IX. Languages and Records**Rule 45. Official and working languages**

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference. Arabic, Chinese, English, French, Russian and Spanish shall be the working languages of the Conference. Speeches made during the Conference in any one of the working languages shall be interpreted into the other working languages.

Rule 46. Interpretation from other languages

Any delegate may make a speech in a language other than the working languages provided, however, if the delegate does so the delegate shall provide for interpretation into one of the working languages. In such cases, interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation provided by the delegate.

Rule 47. Languages of records and important documents

No summary records of meetings shall be prepared. Official documents of the Conference will be made available in the working languages of the Conference.

Rule 48. Distribution of documents

The texts of all documents shall be distributed by the Secretariat as soon as possible.

X. Amendment, suspension and interpretation of Rules

Rule 49. Amendment of Rules

[These Rules may be amended by a decision of the Conference taken [by consensus] [, or if efforts to achieve consensus have been exhausted, voting shall take place as per Rule 33].]

Rule 50. Suspension of Rules

[Any of these Rules may be suspended by a decision of the Conference taken by [consensus] [, or if efforts to achieve consensus have been exhausted, voting shall take place as per Rule 33].]

Rule 51. Interpretation of Rules

In the interpretation of these Rules, recourse may be had to the Rules of Procedure of the General Conference of the IAEA (GC(XXXI)/INF/245/Rev.1). In the event of any conflict between any provision of the Rules of Procedure and any provision of the Convention, the Convention shall prevail.