

**Diplomatic Conference to consider a Proposal by Switzerland
to amend the Convention on Nuclear Safety**

**9 February 2015
Vienna, Austria**

Summary Report

1. In December 2013, pursuant to Article 32.3 of the Convention on Nuclear Safety (CNS), the Swiss Confederation submitted to the Director General of the International Atomic Energy Agency (IAEA) as depositary of the CNS, a Proposal to amend Article 18 of the Convention (the “Swiss Proposal”). The depositary communicated the proposal to the Contracting Parties on 19 December 2013.
2. The proposed amendment would have added a paragraph to Article 18 of the Convention that stated, “Nuclear power plants shall be designed and constructed with the objectives of preventing accidents and, should an accident occur, mitigating its effects and avoiding releases of radionuclides causing long-term off-site contamination. In order to identify and implement appropriate safety improvements, these objectives shall also be applied to existing plants.”
3. At the Sixth Review Meeting of the Contracting Parties to the CNS, held from 24 March to 4 April 2014, Contracting Parties present and voting, decided by a two-thirds majority to convene a Diplomatic Conference within one year to consider the Swiss Proposal. The Contracting Parties attending the Sixth Review Meeting also requested the depositary to organize, at least 90 days prior to the first day of the Diplomatic Conference, a consultation meeting open to all Contracting Parties to exchange views and prepare for the adoption of the rules of procedure.
4. An Informal Working Group (IWG) was established to facilitate preparations for the Diplomatic Conference. The IWG, chaired by Ambassador Rafael Mariano Grossi from Argentina, met on 3 July, 27 August, 13-14 October, 4 December 2014 and on 13 January, 21 January, 3 and 5 February 2015. During these meetings, Contracting Parties discussed draft rules of procedure, related organizational issues, and the substance of the Swiss Proposal. Presentations were made by Argentina, Canada, China, India, European Commission,

Finland, France, South Africa, Spain, Sweden, Switzerland, United Kingdom, the United States, Japan, and Russian Federation. Consistent with the CNS, participants in the IWG were of the view that the Diplomatic Conference should proceed on the basis of consensus.

5. As requested during the Sixth Review Meeting, a Consultation Meeting was organised on 15 October 2014 during which views were exchanged on the draft rules of procedure and other organizational matters. Following consultations with Contracting Parties, it was agreed that the IWG Chair, Ambassador Grossi, would preside over the Meeting.
6. The Diplomatic Conference met at the Headquarters of the IAEA, Vienna, Austria, on 9 February 2015 and was attended by the following Contracting Parties: Albania, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, India, Indonesia, Ireland, Italy, Japan, Jordan, Kazakhstan, Korea (Republic of), Kuwait, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States of America, Uruguay, Viet Nam and Euratom.
7. The Conference was formally opened by Yukiya Amano, Director General of the IAEA, who served as the Secretary General of the Conference.
8. The Conference elected Ambassador Rafael Mariano Grossi from Argentina as President by acclamation. The Contracting Parties agreed that the Conference would be open only to Contracting Parties, that the Summary Report agreed by the Contracting Parties would be made public at the end of the Conference, and that the President would brief the media at the end of the Conference, and that the Conference would proceed on the basis of consensus.
9. The Secretariat, based on established practice, reviewed the credentials.
10. The President of the Conference introduced the work of the Informal Working Group (IWG) which was a draft outcome document – the Vienna Declaration – that would include a political commitment by the Contracting Parties to certain principles for implementation of the Convention’s objective to prevent occurrence of accidents and mitigate their radiological consequences should they occur. This document had been discussed in the IWG and was offered as an outcome around which the Contracting Parties could achieve consensus.
11. The Contracting Parties thoroughly considered the Swiss proposal. The Contracting Parties concluded that it would not be possible to reach consensus on the proposed amendment. Instead, in order to reach the same objective as the proposed amendment, Contracting Parties unanimously recommended for adoption the “Vienna Declaration on Nuclear Safety” including principles for the implementation of the Convention to prevent accidents and

mitigate radiological consequences. Accordingly, the Contracting Parties at the Diplomatic Conference adopted the Vienna Declaration by consensus. It was agreed that this Summary Report containing the Vienna Declaration would be made public. The Vienna Declaration and the Opening Statement of the President of the Conference are attached as annexes to this Report.

12. Contracting Parties commended the Government of the Swiss Confederation for its initiative which called attention to these issues. Contracting Parties noted that the initiative has prompted the international community to look forward and build on the actions undertaken since the accident at Fukushima in the spirit of continuous improvement as reflected in the Vienna Declaration.
13. The Conference also adopted this Summary Report by consensus.

Annexes

Annex I – Vienna Declaration on Nuclear Safety (CNS/DC/2015/2/Rev.1)

Annex II – Opening statement of the President of the Diplomatic Conference

Annex I

Vienna Declaration on Nuclear Safety

(CNS/DC/2015/2/Rev.1)

CNS/DC/2015/2/Rev.1

February 9, 2015

Diplomatic Conference
to consider a proposal to amend the Convention on
Nuclear Safety

Vienna Declaration on Nuclear Safety

On principles for the implementation of the objective of the Convention
on Nuclear Safety to prevent accidents and mitigate radiological
consequences

Adopted by the Contracting Parties meeting at the Diplomatic
Conference of the Convention on Nuclear Safety

Vienna, Austria

9 February 2015

THE CONTRACTING PARTIES
TO
THE CONVENTION ON NUCLEAR SAFETY

- (i) **taking into account** the significant number of efforts and initiatives taken place after the accident at the Fukushima Daiichi Nuclear Power Plant on a national, regional and international level, to enhance nuclear safety;
- (ii) **noting** changes adopted in the Guidance Documents INFCIRC/571, 572 and 573 to strengthen the review process of the Convention on Nuclear Safety (hereinafter referred to as CNS);
- (iii) **recalling** the observations of the Contracting Parties of the CNS at the 2nd Extraordinary Meeting in 2012, confirmed at the 6th Review Meeting in 2014, that the displacement of people and the land contamination after a nuclear accident call for all national regulators to identify provisions to prevent and mitigate the potential for severe accidents with off-site consequences;
- (iv) **reaffirming** the fundamental safety principles provided by the CNS and the commitment it entails to the continuous improvement of the implementation of these principles;
- (v) **aware of** the world-wide Action Plan on Nuclear Safety endorsed by all Member States of the International Atomic Energy Agency in September 2011; and,

(vi) ***having considered*** the proposal by the Swiss Confederation to amend Article 18 of the CNS presented at the 6th Review Meeting of the CNS;

have adopted the following principles to guide them, as appropriate, in the implementation of the objective of the CNS to prevent accidents with radiological consequences and mitigate such consequences should they occur:

1. New nuclear power plants are to be designed, sited, and constructed, consistent with the objective of preventing accidents in the commissioning and operation and, should an accident occur, mitigating possible releases of radionuclides causing long-term off site contamination and avoiding early radioactive releases or radioactive releases large enough to require long-term protective measures and actions.
2. Comprehensive and systematic safety assessments are to be carried out periodically and regularly for existing installations throughout their lifetime in order to identify safety improvements that are oriented to meet the above objective. Reasonably practicable or achievable safety improvements are to be implemented in a timely manner.
3. National requirements and regulations for addressing this objective throughout the lifetime of nuclear power plants are to take into account the relevant IAEA Safety Standards and, as appropriate, other good practices as identified *inter alia* in the Review Meetings of the CNS.

The Contracting Parties to the CNS further decide that:

- (1) The agenda of the 7th Review Meeting of the CNS shall under its process include a peer review of the incorporation of appropriate technical criteria and standards used by Contracting Parties for addressing these principles in national requirements and regulations, which should lead the CNS to a process of consideration of key areas to be agreed at Review Meetings for subsequent Review Meetings.
- (2) With immediate effect, these principles should be reflected in the actions of Contracting Parties, in particular when preparing their reports on the implementation of the CNS, with special focus on Article 18 as well as other relevant Articles, including Articles 6, 14, 17 and 19, starting with the national reports to be submitted by Contracting Parties for consideration during the 7th Review Meeting of the CNS.
- (3) Each national report should include *inter alia* an overview of implementation measures, planned programs and measures for the safety improvements identified for existing nuclear installations.
- (4) Contracting Parties are committing to ensuring that the safety objectives set out above form an integral part of considerations during future Review Meetings and will be used as a reference to help strengthening the peer review process of the CNS.

The Contracting Parties to the CNS request the IAEA Director General to:

- a. **transmit** this Declaration to the IAEA Commission on Safety Standards for its consideration with the four safety standards committees under its aegis, of the technical elements contained therein with a view to incorporating them as appropriate into the relevant IAEA Safety Standards; and
- b. **publish** this Declaration as an INFCIRC for its widest dissemination including to States which are not Contracting Parties to the CNS, and the public in general.

Annex II

Opening Statement of the President of the Diplomatic Conference

**Opening Statement
of the
President
of the Diplomatic Conference on the
Convention on Nuclear Safety**

Rafael Mariano Grossi

**Ambassador and Permanent Representative of the
Argentine Republic to the International
Organizations in Vienna**

Monday, 9 February 2015

Dear colleagues

Welcome to Vienna

Welcome to the Diplomatic Conference on the Convention on Nuclear Safety.

We are gathered here today, on a new occasion to work together, as a community of countries in the nuclear field, to strengthen nuclear safety worldwide.

There is great logic in this assembly coming together in this form, today.

Nuclear safety is at the top of the list of priorities in every country in the world operating nuclear installations.

It is also an aspiration of all those in neighboring countries to those operating nuclear power plants, and the world community as a whole.

It is evident that this meeting, and everything else countries do in the nuclear field, is subject to an increased level of attention as it comes in the post Fukushima world.

The world was shocked by the accident and as a consequence expects from all of us to abide by the highest standards of safety, accountability and transparency.

We do not arrive here today empty handed.

Quite to the contrary, a lot has happened since the fateful afternoon in March 2011, when the great earthquake and tsunami triggered off, in a deadly combination, the accident.

Countries did not wait to act until now.

Since then, parties have taken a great number of actions and initiatives at the national, regional, and international levels, aimed at enhancing nuclear safety.

Nearly all contracting parties to the Convention on Nuclear Safety (CNS) operating nuclear power plants have completed or committed to undertake safety reassessments with the aim of evaluating the design and safety aspects and the robustness of NPPs to withstand extreme events, including a defense in depth, safety margins and multiple unit failures occurring in parallel as well as the prolonged loss of support systems.

These assessments, in some countries known as stress tests, have been completed and, as a result, additional safety measures have been introduced

These are aimed at preventing new accidents, and mitigating their consequences, should an accident occur.

The actions and initiatives undertaken since 2011 have been carried out at three different levels.

First, as I just indicated, the national level, which is the initial, and most immediate level. Here, operators themselves and national regulators reacted without delay introducing changes and checking the areas of vulnerability.

Second, at the regional level, primarily but not exclusively Regulators and regional associations, ensured that these initiatives would not be isolated from what was being done in nearby countries.

There was also the important contribution from the International Atomic Energy Agency (IAEA) that came in the form of a Ministerial Meeting in June 2011, as a result of which a worldwide Action Plan on Nuclear Safety was later adopted in September of that year. There is today wide agreement on the positive impact of this Action Plan, which has resulted in a number of specific initiatives or actions, including Member States responses to the Action Plan and IAEA-hosted

International Experts Meetings on a number of topical areas. This is an ongoing effort, and we will have another opportunity to attest in a few weeks, when the IAEA Board of Governors will review the progress achieved and approve key nuclear safety documents.

But that is not all.

As we all know, the Convention on Nuclear Safety itself, contains an elaborated peer review process which was reviewed immediately after the accident.

Within its framework, Contracting Parties discussed and agreed on a number of proposals to update the CNS Guidance documents, contained in Information Circulars INFCIRC/571, 572 and 573 and have made recommendations for action to the IAEA and international organizations.

These modifications provide clearer guidance on actions taken by CNS Contracting Parties to meet the objectives of the Convention, enhance the preparation of national reports, improve the review process, and enhance international cooperation and increased transparency to the public.

Distinguished colleagues

We are meeting here today against the backdrop of these actions, initiatives, all very concrete, and all mutually reinforcing.

At the 6th Review Meeting of the Convention on Nuclear Safety, which took place in Vienna from 24 March to 4 April 2014, a two thirds majority of parties present and voting decided to convene a Diplomatic Conference to consider the Swiss proposal to amend Article 18 of the CNS.

I think it is proper to commend Switzerland for its initiative, which has focused our efforts to strengthen nuclear safety.

The 6th Review Meeting also decided to hold a consultation meeting open to all Contracting Parties, at least 90 days before the Diplomatic Conference to exchange views and prepare for the adoption of the rules of procedure.

It soon became clear that a single meeting would be far from sufficient to ensure thorough consideration of the Swiss Proposal and to look into other organizational aspects.

Contracting Parties took upon themselves to set up a mechanism for consultations, the Informal Working Group, (IWG) which I chaired, to facilitate this process. As a group we have been meeting regularly since July 2014, having had at least 8 sessions plus innumerable more informal meetings and consultations in what became an intensive and structured process where rules have been studied and drafted, organizational matters have been sorted out and the Swiss proposal has been analyzed including through national presentations which put that proposal in the perspective of national plans and actions.

I think I reflect the view of all Contracting Parties when I say that the IWG has served us well to do this work and to elaborate a way forward.

Distinguished colleagues, ladies and gentlemen

As Chair of the preparatory process two things have surfaced with great clarity to me.

The first one is, that all Contracting Parties, without an exception are unequivocally committed to nuclear safety.

In this sense, the consultation and incentive forum the CNS provides has been playing its envisaged role, and more will be expected from it in years to come.

We all agree that there must be unanimous resolve to strengthen nuclear safety and that divisions and disagreement in this particular field must be avoided.

Having a split, two tiered, two speed, two system regime as a result of the Diplomatic Conference would be a clear loss.

Our intensive consideration of the Swiss proposal led us to the conclusion that it would not be possible to reach consensus on the Swiss proposal.

Confronted by this fact, and convinced and encouraged by my colleagues' unanimous resolve to move forward in unison, I have proposed an alternative consensus outcome, consisting of a Declaration which would set out principles for the implementation of the objective of the Convention on Nuclear safety to prevent accidents and mitigate radiological consequences.

This document, the Vienna Declaration on Nuclear Safety, encompasses principles to guide all Contracting Parties in specific areas like design, siting and construction of new nuclear power plants. It also contains guidance on comprehensive and systematic safety assessments to be carried out periodically and regularly for existing installations throughout their lifetime. Importantly, it reminds us all that national requirements are to take into account the relevant IAEA Safety Standards and other relevant good practices.

The Vienna Declaration on Nuclear Safety also integrates into the existing CNS Review Meeting process by requesting us all to commit to consider the principles agreed at this Conference in future national reports, starting immediately with the ones to be submitted to the next, 7th Review Meeting and onwards.

Lastly, we recognize that there is an organic link between what we do as 77 Contracting Parties to the CNS and the wider work of the IAEA, including through its Safety Standard Committees. This is why we would like to request the Director General of the IAEA to refer the result of our work to these

committees for review and to ensure coherence and consistency between what we do here and what is done by the Agency.

Dear colleagues

All Contracting Parties have worked hard on the Vienna Declaration.

As in any honest, open and professional negotiation, concessions have been made by all sides.

We have come to a point where a strong, meaningful, agreed document can be approved by consensus, thus making the Diplomatic Conference a true example of collective determination to work through our differences to uphold a high level of nuclear safety.

I call on all contracting parties to adopt the Vienna Declaration, which will be attached to our Summary Report.

I hope you will concur on this way forward.

Thank you.