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Record of the Eighth Meeting

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Chair: Ms CALLESEN (Denmark)

Contents

Item of the agenda ¹	Paragraphs
13 Nuclear and radiation safety (<i>continued</i>)	1–140

¹ GC(67)/24

Abbreviations used in this record

CNS	Convention on Nuclear Safety
EPR	emergency preparedness and response
EU	European Union

13. Nuclear and radiation safety (continued)

(GC(67)/13; GC(67)/INF/2; GC(67)/COM.5/L.12.Rev.1)

1. The CHAIR recalled that the Committee was discussing a revised version of the draft resolution on nuclear and radiation safety, contained in document GC(67)/COM.5/L.12.Rev.1. At its previous meeting, the Committee had discussed a proposed change to paragraph (v). She took it that the amended paragraph was acceptable to the Committee.

2. It was so agreed.

3. The representative of AUSTRALIA, speaking as the coordinator of the draft resolution, reiterated her appreciation for the support shown for the draft resolution and the collegiate approach to the consultations, and noted that two further Member States — Liechtenstein and Singapore — had decided to sponsor the text. Turning to paragraph (gg), she proposed adding the word “may” before “need to be reviewed or updated”.

4. The representative of the RUSSIAN FEDERATION, while welcoming the attempt to improve the paragraph, said that the proposed amendment did not address her delegation’s previously expressed reservations. Each State had a right to determine independently whether measures should be taken to update its EPR arrangements; furthermore, it was not clear why it was necessary to focus on the specific context of armed conflict and armed attacks. She proposed the deletion of the paragraph.

5. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was necessary to specify who should review the EPR arrangements in question, and proposed adding “by States” after “reviewed or updated”. In addition, the phrase “including, inter alia” should be added before “in armed conflict or subject to armed attacks” in order to avoid limiting the scope of the paragraph to a specific extraordinary situation.

6. The representative of FRANCE said that her delegation attached high importance to the paragraph under discussion, which related to a specific situation currently faced by a Member State. It should therefore not be deleted. To help reach consensus, her delegation was willing to accept the proposed additions of “may” and “by States”, but the rest of the paragraph should remain unchanged.

7. The CHAIR said that the Committee would return to its consideration of paragraph (gg) in due course.

8. The representative of AUSTRALIA said that the next open paragraph was paragraph (ii).

9. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation was still consulting with its technical experts on the paragraph.

10. The CHAIR said that the Committee would return to its consideration of paragraph (ii) in due course.

11. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (pp), said that, although his delegation had received a written explanation from the coordinator of the draft resolution with regard to the reference to the EU stress tests, it remained of the view that it was not necessary to specify “EU”, since such stress tests had been carried out in a number of countries. It continued to consult with its capital on the matter.

12. The CHAIR said that the Committee would return to its consideration of paragraph (pp) in due course.

13. The representative of AUSTRALIA said that paragraph (aaa), which remained unchanged in the revised version of the text, was still under discussion.

14. The representative of the RUSSIAN FEDERATION said that, to facilitate consensus and given the strong desire of a number of delegations to include wording on measures to strengthen EPR, her delegation would be prepared to accept paragraph (aaa) in its current form.

15. The CHAIR, thanking the Russian Federation for its flexibility, took it that paragraph (aaa) was acceptable to the Committee.

16. It was so agreed.

17. The representative of AUSTRALIA said that paragraph 4, one of the more critical paragraphs in the draft resolution, was still under consideration by some delegations.

18. The CHAIR, seeing no requests for the floor, suggested that the Committee revisit paragraph 4 at a later stage.

19. The representative of AUSTRALIA said that the next open paragraph was paragraph 24, on which the Committee had not yet reached consensus.

20. The representative of SPAIN said that it was important to facilitate safe import and export of radioactive sources and maintain appropriate regulatory oversight based on Agency guidance, and that the role played by the relevant points of contact in that regard was critical. The meeting referred to in the paragraph had been attended by a large number of Member States and had produced recommendations aimed at facilitating safe import and export, including actions to be taken by the Agency. His delegation was of the view that that important development should be reflected in the text, but was prepared to work with the coordinator of the draft resolution to come up with wording that was acceptable to all.

21. The representative of the ISLAMIC REPUBLIC OF IRAN said that the reference to the meeting and the resulting recommendations was not acceptable to his delegation and requested that the paragraph be deleted.

22. The representative of AUSTRALIA suggested turning paragraph 24 into a preambular paragraph in order to remove the action while still ensuring that the important meeting was referred to in the text.

23. The representative of the ISLAMIC REPUBLIC OF IRAN, welcoming the proposal made, said that his delegation would need to consult on the matter.

24. The CHAIR said that the Committee would return to its consideration of paragraph 24 in due course.

25. The representative of AUSTRALIA, turning to paragraph 40, said that there had been no change to the positions previously expressed.

26. The CHAIR recalled that the Committee had agreed to revisit the related preambular paragraph (k) at a later stage and suggested that it take the same approach for operative paragraph 40.

27. The representative of the ISLAMIC REPUBLIC OF IRAN said that paragraph 16 was still under consideration by his delegation. Stressing that, pursuant to international law, sovereign States must give their consent to be bound by international instruments, he proposed replacing “Urges all Member States”

with “Encourages Member States” and “to become Contracting Parties” with “to consider becoming Contracting Parties”

28. The representative of FRANCE, supported by the representative of AUSTRALIA, speaking in a national capacity, and also the representatives of FINLAND, ITALY, SWEDEN, SWITZERLAND, the UNITED KINGDOM and the UNITED STATES OF AMERICA, said that the proposal by Iran was not acceptable to her delegation and that the existing wording should be retained. The paragraph was aimed specifically at Member States that had or were developing nuclear power programmes. Given the numerous safety implications of those programmes, it was appropriate to urge such States to become Contracting Parties to the CNS.

29. The representative of SPAIN, recalling that one objective of the CNS and the related review process was to ensure high levels of transparency among States regarding the safety of nuclear facilities, said that the wording of the paragraph had been consensus language for some time and should not be changed.

30. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had already changed its initial proposal from “Notes the importance of Member States” to “Encourages Member States”, and was not prepared to make further concessions.

31. The CHAIR said that the Committee would return to its consideration of paragraph 16 in due course.

32. The representative of AUSTRALIA, turning to paragraph 41, said that a couple of delegations had reservations regarding the phrase “including developing a long term plan for the development of safety standards”.

33. The representative of the ISLAMIC REPUBLIC OF IRAN proposed the deletion of the specified wording.

34. The representative of SWEDEN, speaking on behalf of the European Union, said that she was willing to demonstrate flexibility and accept the proposed deletion.

35. The CHAIR, thanking the European Union for its flexibility, took it that paragraph 41, as amended, was acceptable to the Committee.

36. It was so agreed.

37. The representative of AUSTRALIA said that the next open paragraph was paragraph 44.

38. The representative of the ISLAMIC REPUBLIC OF IRAN said that the phrase “Requests the Agency to continuously review and strengthen” suggested that Member States were prejudging the Agency’s review of its safety standards and should be changed to “Requests the Agency to continuously review”. It was for the Agency to decide whether it should strengthen the standards.

39. The representative of GERMANY said that his delegation did not share that interpretation. In a spirit of compromise, however, he suggested deleting “review” rather than “strengthen”.

40. The representative of the ISLAMIC REPUBLIC OF IRAN said that the aim should be to improve the existing phrasing, rather than the opposite. If the Agency was asked to continuously strengthen its safety standards, what did that imply? Furthermore, if the word “strengthen” was retained, it would be necessary to specify how, and by whom, the standards should be strengthened. His delegation had already shown a great deal of flexibility with regard to the paragraph in question and was merely trying to improve the wording.

41. The representative of FRANCE said that it was not clear to her delegation why the Agency should not be requested to strengthen its safety standards, in particular in the context of technological developments. She requested that the paragraph remain in its current form.

42. The representative of SWEDEN proposed adding “if necessary,” or “if needed,” before “strengthen”.

43. The representative of the ISLAMIC REPUBLIC OF IRAN said that the first part of the paragraph should read, “Requests the Agency to continuously review and, if needed, strengthen, in close consultation with Member States, as broadly and effectively as possible [...]”.

44. The CHAIR said that Member States were generally encompassed in the term “the Agency”.

45. The representative of SWITZERLAND, welcoming the elegant proposal by the representative of Sweden, added that Member States were involved in the various Safety Standards Committees, and therefore in the review process.

46. The representative of the RUSSIAN FEDERATION proposed, as a compromise, copying the start of paragraph 45 — “Encourages the Secretariat, in close consultation with Member States,” — at the start of paragraph 44.

47. The CHAIR said that, alternatively, “Requests the Agency” could be changed to “Requests the Secretariat” in paragraph 44.

48. The representative of FRANCE said that, as far as he understood it, paragraph 45 referred to an internal review by the Secretariat of the application of existing standards, which was not the same as the process implemented by the Safety Standards Committees.

49. The CHAIR, having consulted with an expert from the Department of Nuclear Safety and Security, confirmed that two different processes applied to the respective paragraphs.

50. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation could accept the proposal to copy the first part of paragraph 45 in paragraph 44. In addition, he proposed the deletion of paragraph 45 in its entirety.

51. The representative of the RUSSIAN FEDERATION said that, although the paragraphs related to two slightly different processes, the safety standards were reviewed by the relevant committees with the involvement of Member States. On that basis, the phrase “Encourages the Secretariat, in close consultation with Member States” would reflect the process referred to in paragraph 44 just as accurately as the current wording did.

52. The CHAIR, having consulted with an expert from the Department of Nuclear Safety and Security, said that it was not the Secretariat per se that strengthened the safety standards and that it was therefore important to retain the reference to the Agency in paragraph 44. Seeing no further requests for the floor, she suggested that the Committee return to its consideration of paragraph 44 at a later stage.

53. The representative of AUSTRALIA, turning to paragraph 58 and recalling earlier proposals by the European Union and the Russian Federation, said that the last part of the paragraph currently read, “and recommends that all Contracting Parties take into account the major common issues as well as good practices accordingly”.

54. The CHAIR took it that paragraph 58 was acceptable to the Committee.

55. It was so agreed.

56. The representative of AUSTRALIA said that the next open paragraph was paragraph 66.

57. The representative of the ISLAMIC REPUBLIC OF IRAN, noting that his delegation's concerns had been addressed in the related preambular paragraph, said that he could accept paragraph 66 as it stood.
58. The CHAIR took it that paragraph 66 was acceptable to the Committee.
59. It was so agreed.
60. The representative of AUSTRALIA turning to paragraph 67, recalled that new wording had been agreed upon for the related preambular paragraph (v).
61. The representative of SWITZERLAND proposed that the first part of the paragraph should read, "Encourages Member States to further their understanding of the impact of the increase in frequency and severity of weather-related hazards on nuclear installations". He was hopeful that that wording, while not very elegant, would be acceptable to all.
62. The representative of BULGARIA said that her delegation would need some time to consider the proposed new wording.
63. The representative of FRANCE said that her delegation supported the new wording.
64. The CHAIR said that the Committee would revisit paragraph 67 once all delegations had been able to consider the new wording.
65. The representative of AUSTRALIA said that a number of delegations had been awaiting instructions with regard to paragraph 88.
66. The representative of the ISLAMIC REPUBLIC OF IRAN said that, following consultations, his delegation was in a position to accept paragraph 88 as it stood.
67. The CHAIR, expressing gratification that those consultations had borne fruit, took it that paragraph 88 was acceptable to the Committee.
68. It was so agreed.
69. The representative of AUSTRALIA said that the next open paragraph was paragraph 89.
70. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation could also accept paragraph 89 as it stood.
71. The CHAIR took it that paragraph 89 was acceptable to the Committee.
72. It was so agreed.
73. The representative of AUSTRALIA, turning to paragraph 90 and in an effort to achieve consensus, proposed that the end of the paragraph should read, "[...] in applying these Safety Guides to facilitate safe transboundary shipments of materials;" adding the word "safe" and deleting the phrase "for safe management".
74. The representative of the ISLAMIC REPUBLIC OF IRAN welcomed the proposal, which his delegation could accept.
75. The CHAIR took it that paragraph 90 was acceptable to the Committee.
76. It was so agreed.
77. The representative of AUSTRALIA, turning to paragraph 95, said that the revised draft before the Committee reflected the Russian Federation's proposal to delete wording relating to the need to

convene an open-ended committee of technical and legal experts from Member States. Thanking Argentina for its accommodating approach, she expressed her understanding that the amendment would be conducive to consensus on the paragraph.

78. The representative of the ISLAMIC REPUBLIC OF IRAN proposed that the paragraph should begin with “Notes”, rather than “Welcomes”. It was not appropriate to welcome the work of the specified Working Group — what mattered was the outcome of that work, which was still pending.

79. The representative of ARGENTINA said that, in order to address Iran’s concern, the paragraph could begin with the phrase “Welcomes the outcome of the Working Group”.

80. The representative of the ISLAMIC REPUBLIC OF IRAN said that the Working Group had not yet produced an outcome and that, at the current juncture, it was appropriate only to note the work being carried out. His delegation had demonstrated a great deal of flexibility in order to move forward with the discussions. If other delegations could not accept his innocuous proposal, he would not be in a position to accommodate requests made by others.

81. The representative of ARGENTINA said that his delegation had also shown considerable flexibility in relation to the paragraph under discussion, which was very important for his country and indeed all other Member States. For that reason, it could not accept further amendments.

82. The representative of the ISLAMIC REPUBLIC OF IRAN requested that the whole paragraph be placed in square brackets.

83. The CHAIR suggested that the Committee return to its consideration of paragraph 95 in due course.

84. The representative of AUSTRALIA said that the current version of paragraph 100 included the phrases “as applicable” and “as appropriate”, as proposed by Iran during the open-ended working group discussions.

85. The CHAIR recalled that there had been some opposition to those additions.

86. The representative of the ISLAMIC REPUBLIC OF IRAN said that, for its part, his delegation was opposed to updates made to the wording used in the previous year’s resolution — namely, the replacement of “approaches” with “strategies” and the addition of the phrase “are available for implementation of such programmes or strategies” at the end of the paragraph. If the Committee could not accept his delegation’s proposal to add “as applicable” and “as appropriate”, the previous year’s wording should be reinstated.

87. The representative of AUSTRALIA said that the addition at the end of the paragraph had been agreed upon at a meeting of the open-ended working group.

88. The CHAIR asked Iran whether it would be in a position to accept the paragraph without the proposed addition of “as applicable” and “as appropriate”, if the phrase “for implementation of such programmes or strategies” was deleted.

89. The representative of AUSTRALIA said that the phrase in question had been proposed by the Russian Federation, so that country’s approval would need to be sought.

90. The representative of the RUSSIAN FEDERATION said that her delegation’s proposal had been intended to make the text more readable and understandable. For the sake of compromise, however, she was prepared to reinstate the previous year’s wording.

91. The CHAIR asked whether the previous year’s wording would be acceptable to the Committee.

92. The representative of FINLAND, supported by the representatives of FRANCE, GERMANY and SWEDEN, said that paragraph 100 was very important for his delegation, but that he was prepared to accept the exact wording used in the previous year's resolution.

93. The representative of AUSTRIA, expressing appreciation for the flexibility shown by the Russian Federation, said that his delegation was also willing to reinstate the language used the previous year.

94. The representative of the ISLAMIC REPUBLIC OF IRAN, thanking the Russian delegation for its contribution to the deliberations, said that his country's proposal to insert "as appropriate" and "as applicable" had been entirely necessary. On an exceptional basis and in a spirit of compromise, however, Iran was prepared to reinstate the previous year's wording.

95. The CHAIR, expressing appreciation for the flexibility shown, took it that the Committee was happy to reinstate the wording used in the previous year's resolution.

96. It was so agreed.

97. The representative of AUSTRALIA recalled that some delegations had been awaiting instructions with regard to paragraph 110.

98. The CHAIR, seeing no requests for the floor, took it that paragraph 110 was acceptable to the Committee.

99. It was so agreed.

100. The representative of AUSTRALIA, turning to paragraph 114, said that, as proposed by the European Union in an attempt to address concerns expressed at an earlier Committee meeting, the phrase "for capacity-building in nuclear safety and radiation protection" had been replaced with "for capacity-building in nuclear and radiation safety".

101. The representative of the ISLAMIC REPUBLIC OF IRAN proposed the replacement of "gender equality" with "gender balance".

102. The representative of AUSTRALIA speaking in a national capacity and supported by the representatives of ARGENTINA, BELGIUM, BULGARIA, CANADA, CHILE, COLOMBIA, COSTA RICA, FRANCE, FINLAND, IRELAND, JAPAN, MEXICO, NAMIBIA, the NETHERLANDS, NEW ZEALAND, SOUTH AFRICA, SPAIN, SWEDEN, THAILAND, the UNITED KINGDOM, and the UNITED STATES OF AMERICA, reaffirmed the great importance attached by her country to achieving gender equality — including across all aspects of the nuclear sector. She said that gender equality was a human right that was enshrined in international normative frameworks, including the Universal Declaration of Human Rights, and applied to all people without exception. The revision of previously agreed wording on gender equality in the context of the draft resolutions on technical cooperation and women in the Secretariat had represented a significant compromise made in an effort to reach consensus. Furthermore, the term "gender equality" had been included in the paragraph in question since 2018, and not once during deliberations on the draft resolution under discussion had Iran expressed concern in that regard. Like most other delegations, the Australian delegation had engaged transparently, inclusively and openly throughout the negotiation process. It did not believe that Iran's proposal was being made in good faith and was not in a position to accept it.

103. The CHAIR asked Iran whether it would be prepared to withdraw its proposal, given the strength of feeling in the room.

104. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was not appropriate for others in the room to lecture his delegation on human rights. Whether they wished to recognize it or not, Iran had great cultural diversity. The concept of gender equality carried different cultural and legal

connotations in Iran from those that it had in the West and in various other countries, and his colleagues must respect that.

105. It was not clear why the reference to gender equality had been added to such texts in 2018, and it appeared that efforts were being made to engineer the draft resolutions. No matter how many delegations were asked to speak in order to support one another's statements, his country's position would remain the same. Insistent that "gender equality" should be changed to "gender balance", he said that the entire paragraph should be placed in square brackets.

106. The CHAIR stressed that she did not ask delegations to speak: they requested the floor and she gave it to them.

107. The representative of CANADA said that, rather than debating the term "gender equality", on which countries had differing views, the Committee should simply refer to the very clear definition contained in the United Nations terminology database. The term clearly enjoyed broad support in the room and appeared only once in the draft resolution, which was all the more reason to retain it.

108. The representative of CHILE said that the Committee had spent more than enough time on the issue in question, including in their discussion of other draft resolutions. He stressed that the very diverse group of delegations that were aligned on the matter was a perfect example of the "cultural diversity" referred to by the representative of Iran.

109. The CHAIR said that she had carefully noted the very strong views expressed and that the issue would be revisited in due course.

110. The representative of AUSTRALIA said that the next open paragraph was paragraph 115.

111. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had previously proposed the addition of wording relating to international cooperation and technology transfer, which were extremely important in the nuclear field. That was not currently reflected in the draft.

112. The representative of BULGARIA, speaking on behalf of the European Union, said that efforts had been made to accommodate that proposal through the inclusion of "calls on Member States in a position to do so to share, to the extent possible, their knowledge and experience to this end". That captured the notion of international cooperation.

113. The representative of the ISLAMIC REPUBLIC OF IRAN, while welcoming the attempt to address his delegation's concerns, said that Iran's original proposal had been the following: "Encourages Member States, in particular those in a position to do so, to take concrete measures, including through international cooperation and transfer of technology, aimed at assisting Member States, upon request, to enable them to further strengthen national regulatory capabilities taking into account new and innovative technologies;"

114. The representative of BULGARIA, speaking on behalf of the European Union, said that Iran's original proposal had not been acceptable because it had not been considered appropriate in a resolution to call on Member States to act on the request of other Member States.

115. The representative of the ISLAMIC REPUBLIC OF IRAN said that the current paragraph was not agreed wording. If Member States were to be encouraged to strengthen their national regulatory capabilities with regard to innovative technologies, it was important to take into account whether they were in a position to do so and to facilitate the process through international cooperation, technology transfer and the provision of access to equipment — not merely through the sharing of knowledge and experience, which was already taking place in various contexts.

116. The CHAIR wondered whether some of the wording used in preambular paragraph (g), as already agreed, could be considered for the paragraph under discussion. She suggested that the Committee revisit paragraph 115 at a later stage.

117. The representative of AUSTRALIA said that she had received written comments from the delegation of the Russian Federation on paragraph 126.

118. The representative of the RUSSIAN FEDERATION said that, in line with its proposal relating to another paragraph in the draft resolution, her delegation wished to add “with due regard to confidentiality” after “information exchange” in the first line, and to replace “sharing of information” with “exchange of information” in the last line.

119. The representative of the UNITED STATES OF AMERICA said that her delegation could accept the proposal to replace “sharing of information” with “exchange of information” but would prefer to retain the existing wording in the first line because the Agency already took into account confidentiality.

120. The representative of FRANCE said that her delegation could also accept the proposal to replace “sharing of information” with “exchange of information” but had serious reservations as to the addition of “with due regard to confidentiality” and would in any case need to consult with its capital on that matter.

121. The CHAIR agreed with the observation by the representative of the RUSSIAN FEDERATION that — given the unlikelihood of the Committee completing its discussions on the draft resolution that day — the paragraph should be left open for the time being.

122. The representative of AUSTRALIA said that paragraph 130 contained a number of edits to address concerns previously expressed, and was currently worded: “Encourages the Agency to organize, as appropriate, international emergency exercises to test and analyse the effectiveness of emergency preparedness and response systems including in light of potential emergency events at nuclear facilities affected by armed conflicts;”.

123. The representative of FRANCE, welcoming the constructive changes made, proposed the deletion of “international” in the first line, as it had originally been part of the phrase “national regional and international”.

124. The representative of the RUSSIAN FEDERATION said that, while the current paragraph was a great improvement on the previous version, it could be enhanced further. She proposed that the phrase “in light of potential emergency events at nuclear facilities affected by armed conflicts” be changed to “in light of potential extraordinary circumstances”.

125. The representative of the ISLAMIC REPUBLIC OF IRAN proposed that the phrase simply be deleted.

126. The representative of FRANCE, supported by the representative of SWEDEN, said that her delegation was not prepared to accept the proposals made by Iran and the Russian Federation.

127. The CHAIR suggested that the Committee return to its consideration of paragraph 130 at a later stage.

128. The representative of AUSTRALIA, turning to paragraph 131, said that the word “multilateral” was still under discussion.

129. The CHAIR, seeing no requests for the floor, took it that paragraph 131 was acceptable to the Committee.

130. It was so agreed.

131. The representative of AUSTRALIA said that the current version of paragraph 134 reflected a proposal made at a previous Committee meeting to delete wording from the end of the paragraph.

132. The CHAIR, seeing no requests for the floor, took it that paragraph 134 was acceptable to the Committee.

133. It was so agreed.

134. The representative of AUSTRALIA said that paragraph 136 also contained an edit aimed at addressing concerns expressed at an earlier Committee meeting — namely, “accidents” had been replaced with “nuclear and radiological incidents, accidents and emergencies”.

135. The representative of the RUSSIAN FEDERATION, welcoming the amendment, said that his delegation could accept the revised wording.

136. The CHAIR took it that paragraph 136 was acceptable to the Committee.

137. It was so agreed.

138. The representative of AUSTRALIA said that she would shortly table a second revision of the draft resolution, capturing all changes agreed upon during the current meeting.

139. The representative of the ISLAMIC REPUBLIC OF IRAN said that, because the text under discussion was not projected on the screen, it was very difficult to track the changes made and ensure that all views and concerns expressed during the current meeting would be reflected in the revised version. He called upon the representative of Australia to ensure that the next revision accurately reflected the status of the negotiations.

140. The CHAIR said that she had taken careful note of all comments made and looked forward to receiving the revised version of the text. She was confident that efforts would be made to reflect all positions expressed.

The meeting rose at 11.20 p.m.