

# Information Circular

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## Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

### **Rules of Procedure and Financial Rules**

1. The “Rules of Procedure and Financial Rules” adopted at the Preparatory Meeting of the Contracting Parties to the Joint Convention held from 10 to 12 December 2001 were modified at the First Review Meeting of Contracting Parties held from 3 to 14 November 2003 and the Extraordinary Meeting of Contracting Parties held on 7 November 2005.
2. The modified “Rules of Procedure and Financial Rules” are set forth in the Attachment hereto.

# Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

## Rules of Procedure and Financial Rules

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## **A. GENERAL PROVISIONS**

### **A.1. SCOPE**

#### **Rule 1      Scope**

These Rules of Procedure apply, *mutatis mutandis*, to any meetings of the Contracting Parties to the Convention.

### **A.2. DEFINITIONS**

#### **Rule 2      Definitions**

For the purposes of these Rules:

- A. "Convention" means the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management adopted at Vienna on 5 September 1997 and opened for signature at Vienna on 29 September 1997;
- B. "Co-ordinator" means a person referred to in Rule 11 (2)(C);
- C. "Country Group" means a group of Contracting Parties established pursuant to Rule 17;
- D. "General Committee" means a Committee established pursuant to Rule 16;
- E. "Late ratifier" means a State, or a regional organization of an integration or other nature, which deposits its instrument of ratification, acceptance, approval or accession later than 90 days before the date fixed for the opening of the meeting concerned;
- F. "Meeting" means a meeting of the Contracting Parties pursuant to Chapter 6 of the Convention;
- G. "Observer" means any intergovernmental organization invited by the Contracting Parties to attend any meeting pursuant to Article 33 (2) of the Convention;
- H. "Organizational Meeting" means a meeting established pursuant to Rule 11;
- I. "Rapporteur" means a person referred to in Rule 11(2)(D);
- J. "Rapporteur's Report" means an oral report prepared pursuant to Rule 17 (3);
- K. "Subsidiary Body" means any body set up in accordance with Section C.2. of the Rules; and
- L. Other terms used in these Rules of Procedure shall have the same meaning that they have in the Convention.

### **A.3. VENUE OF MEETINGS**

#### **Rule 3      Venue of meetings**

Meetings of Contracting Parties to the Convention shall take place at the seat of the Secretariat, unless the Contracting Parties decide otherwise.

## **A.4. AGENDAS**

### **Rule 4 Agendas**

1. The Secretariat shall prepare, in consultation with the person elected pursuant to Rule 11(2)(f) by the Organizational Meeting as President, the provisional agendas for meetings of the Contracting Parties except for the Preparatory Meeting and the first Organizational Meeting, for each of which the provisional agendas shall be prepared by the Secretariat alone.
2. The provisional agenda shall be sent to Contracting Parties and observers by the Secretariat as far in advance as possible, and in any case not later than 60 days before the meeting.

## **A.5. SECRETARIAT**

### **Rule 5 Secretariat of meetings of the Contracting Parties**

In accordance with the Convention, the IAEA shall serve as the Secretariat of the meetings of Contracting Parties and meetings of Subsidiary Bodies and, as appropriate, shall:

- A. arrange for the interpretation of speeches or other interventions made at meetings;
- B. receive, translate pursuant to Rule 9, reproduce and circulate the documents of meetings of Contracting Parties;
- C. publish and circulate any reports or final documents of the meetings of Contracting Parties;
- D. arrange for the custody of any reports or final documents of the meetings of Contracting Parties in the archives of the IAEA, provide authentic copies of those documents or access to records to Contracting Parties, at their request, and ensure their confidentiality, as appropriate; and
- E. generally perform all the work related to the meetings of Contracting Parties within the terms of Article 37 (3) of the Convention.

### **Rule 6 Secretary of meetings of the Contracting Parties**

1. A senior official of the IAEA shall act as Secretary of the meetings of Contracting Parties. The Secretary, or his or her representative, shall act in that capacity at all meetings of Contracting Parties and meetings of Subsidiary Bodies.
2. The Secretary shall direct the staff required by the meetings.
3. The Secretary, or his or her representative, shall assist the President and the General Committee and shall prepare such written records as may be requested.

## **A.6. REPRESENTATION AND CREDENTIALS**

### **Rule 7 Delegations of Contracting Parties**

1. Each Contracting Party shall attend meetings of the Contracting Parties pursuant to Chapter 6 of the Convention and be represented at such meetings by one delegate, and by such alternates, experts and advisers as it deems necessary.
2. Each delegate may designate any member of his or her delegation to act in his or her place during a meeting.

### **Rule 8 Submission of credentials**

1. The credentials of delegates and the names of alternates, experts and advisers shall be submitted to the Secretary of a meeting of the Contracting Parties, if possible one week before the date fixed for the opening of that meeting. Credentials shall be issued by the Ministry for Foreign Affairs or, in the case of regional organizations of an integration or other nature, by the competent authority of that organization.
2. The Secretary shall submit to each meeting of the Contracting Parties a list of the participating delegations, together with any comments the Secretary may consider necessary. The meeting of the Contracting Parties shall decide upon the credentials of the delegates.

## **A.7. FINANCIAL RULES**

### **Rule 9 Financial Rules**

The costs of meetings of the Contracting Parties shall be met as follows:

- A. The following costs shall be met through the regular budget of the IAEA as determined by its policy-making organs within its programme and regular budget procedures:
  - (i) the costs of convening and preparing for meetings;
  - (ii) the costs of providing meeting rooms; and
  - (iii) the costs of normal secretariat services, including interpretation and translation as necessary, the reproduction and distribution of documents and the recording of meetings.
- B. Each Contracting Party shall pay its costs of participating in meetings of the Contracting Parties in connection with travel, maintenance of its delegation, preparation of its national report, and translation of its National Report into the designated language of the Review Meeting, consistent with Article 35 (2) of the Convention.
- C. If compensated, the Secretariat shall assume the translation into the designated language of reports submitted in any other language of the meeting, consistent with Article 35 (3) of the Convention.
- D. As foreseen in Article 37 (3) of the Convention, any services requested from the IAEA by consensus of the Contracting Parties which cannot be undertaken within its programme and regular budget may only be provided if voluntary funding from another source is made available.

## **B. PREPARATORY PROCESS FOR REVIEW MEETINGS**

### **Rule 10 Preparatory Meeting**

At the Preparatory Meeting, the Contracting Parties shall discharge the duties under Article 29 of the Convention and, *inter alia*:

- A. elect a President and Vice-President for the Preparatory Meeting;
- B. prepare and adopt by consensus Rules of Procedure and Financial Rules;
- C. establish in accordance with the Rules of Procedure, guidelines regarding the form and structure of National Reports, a date for the submission of such reports and the process for reviewing such reports;
- D. determine the date of the first Review Meeting and the associated Organizational Meeting;
- E. request the IAEA, through its Director General and Board of Governors, to approve the necessary arrangements for all meetings of the Contracting Parties; and
- F. consider procedural issues regarding the Preparatory Meeting, the Organizational Meeting and the Review Meeting, as appropriate.

### **Rule 11 Organizational Meetings**

1. Approximately seven months prior to each Review Meeting, an Organizational Meeting shall be held. It shall be open for attendance by all Contracting Parties and by late ratifiers.

2. An Organizational Meeting shall, *inter alia*,

- A. elect the President and Vice-President for the Organizational Meeting;
- B. establish Country Groups for the forthcoming Review Meeting;
- C. elect Country Group Co-ordinators;
- D. elect Country Group Rapporteurs and Chairpersons, and assign them to the Country Groups so that no Rapporteur or Chairperson is assigned to the Country Group of which his or her country is a member;
- E. decide whether it is appropriate to organize topic sessions, and, if so, make arrangements for such sessions;
- F. elect the President and the two Vice-Presidents of the Review Meeting;
- G. elect other officers for the Review Meeting;
- H. invite any observers to the Review Meeting;
- I. recommend a budget for the Review Meeting on the basis of cost estimates provided by the Secretariat;
- J. decide on a provisional timetable for the Review Meeting; and
- K. consider any other matters relevant to implementation of the Convention, to the extent that they have not been dealt with at the Preparatory Meeting or at the most recent Review Meeting.

## **C. REVIEW MEETINGS**

### **C.1. OFFICERS**

#### **Rule 12 Officers**

Each Review Meeting shall have the following officers: a President and two Vice-Presidents; a Rapporteur, a Chairperson, a Vice-Chairperson and a Co-ordinator for each Country Group.

#### **Rule 13 Acting President**

1. If the President is absent from a meeting or any part thereof, he or she shall designate one of the Vice-Presidents to take his or her place.
2. A Vice-President acting as President shall have the same powers and duties as the President.

#### **Rule 14 Voting rights of the President**

The President, or a Vice-President acting as President, shall not vote, but the voting right may be exercised by another member of his or her delegation.

#### **Rule 15 General powers of the President**

1. The President shall preside at the plenary sessions of the Review Meeting. The President shall declare the opening and closing of each session, direct the discussion, ensure observance of these rules, accord the right to speak, ascertain consensus, put questions to the vote on procedural matters or elections and announce decisions. The President shall rule on points of order. The President, subject to these rules, shall have complete control of the proceedings and over the maintenance of order. The President may propose to the Review Meeting the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the delegate of each State may speak on any question, the adjournment or the closure of the debate and the suspension or the adjournment of a session. The President shall prepare a report on the procedural decisions taken by the Review Meeting for circulation to the Contracting Parties.
2. The President, in the exercise of his or her functions, shall remain under the authority of the Review Meeting.

### **C.2. SUBSIDIARY BODIES**

#### **Rule 16 General Committee**

1. The General Committee of the Review Meeting shall be composed of the President of the meeting, who shall preside, the two Vice-Presidents, and the Chairpersons of the Country Groups. No two members of the General Committee of the Review Meeting shall be members of the same delegation. The General Committee shall be constituted so as to ensure its representative character.
2. If the President is unable to attend a meeting of the General Committee, he or she may designate one of the Vice-Presidents to preside at that meeting.

3. The General Committee of the Review Meeting shall assist the President in the general conduct of the business of the Review Meeting.

4. A majority of the members of the General Committee shall constitute a quorum.

#### **Rule 17 Country Groups**

1. Each Contracting Party to the Convention shall be represented in its allocated Country Group.

2. Each Country Group, taking into consideration the Preamble and Chapter I of the Convention, shall review the implementation of the Convention by the Contracting Parties within that Group.

3. The Rapporteur of each Country Group shall prepare an agreed working document as the basis for an oral report to be presented at a plenary session of the Review Meeting.

#### **Rule 18 Officers and procedures**

The rules relating to officers, the conduct of business and voting at Review Meetings shall be applicable, *mutatis mutandis*, to the proceedings of Subsidiary Bodies.

#### **Rule 19 Establishment of Subsidiary Bodies**

1. A Meeting may establish such other Subsidiary Bodies as it deems necessary for the performance of its functions.

2. A Meeting shall determine the matters to be considered by those Subsidiary Bodies.

3. Each Subsidiary Body shall elect its own officers, unless otherwise decided by the Meeting.

### **C.3. CONDUCT OF REVIEW MEETINGS**

#### **Rule 20 Quorum**

The President may declare a meeting open and permit the debate to proceed when a majority of the Contracting Parties participating in the Review Meeting are represented.

#### **Rule 21 Points of order**

A delegate may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. An appeal against the ruling of the President shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the delegates present and voting. A delegate may not, in raising a point of order, speak on the substance of the matter under discussion.

#### **Rule 22 Speeches and debate at plenary sessions**

1. No one may address a plenary session of a Review Meeting without having previously obtained the permission of the President. Subject to Rules 21 and 23, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the subject under discussion, and the President may call a speaker to order if his or her remarks are considered by the President not to be relevant thereto.



3. The Contracting Parties may, on a proposal from the President or from any delegate, limit the time allowed to speakers and the number of times the delegate of each Contracting Party may speak on a question. Permission to speak on a motion to set such limits shall be accorded only to two delegates in favour of and two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him or her to order without delay.

**Rule 23      Precedence**

The officers of the Country Groups may be accorded precedence for the purpose of explaining any conclusions arrived at by their Groups.

**Rule 24      Closing of list of speakers**

During the course of a debate, the President may announce the list of speakers and, with the consent of the meeting, declare the list closed. When the debate on an item is concluded, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to Rule 28.

**Rule 25      Right of reply**

Notwithstanding Rule 24, the President may accord the right of reply to a delegate of any Contracting Party participating in the meeting. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last session of the day.

**Rule 26      Suspension or adjournment of meeting**

A delegate may at any time move the suspension or adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to Rule 29, be immediately put to the vote.

**Rule 27      Adjournment of the debate**

A delegate may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two delegates in favour of and two opposing the adjournment, after which the motion shall, subject to Rule 29, be immediately put to the vote.

**Rule 28      Closure of the debate**

A delegate may at any time move the closure of the debate on the question under discussion, whether or not any other delegate has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two delegates opposing the closure, after which the motion shall, subject to Rule 29, be immediately put to the vote.

**Rule 29      Order of motions**

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- A. to suspend the meeting;
- B. to adjourn the meeting;
- C. to adjourn the debate on the question under discussion;
- D. to close the debate on the question under discussion.

### **Rule 30 Submission of proposals and substantive amendments**

Proposals and substantive amendments shall normally be submitted in writing to the Secretary of the Review Meeting, who shall circulate copies to all delegations. Unless the Review Meeting decides otherwise, proposals and substantive amendments shall be discussed no earlier than 24 hours after copies have been circulated in all languages of the Review Meeting to all delegations. The President may, however, permit the discussion and consideration of non-substantive amendments or of motions as to procedure even though such amendments or motions have only been circulated the same day and only in the single designated language.

### **Rule 31 Withdrawal of proposals and motions**

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any delegate.

### **Rule 32 Decisions on competence**

Any motion calling for a decision on the competence of the Review Meeting to adopt a proposal submitted to it shall be decided upon before a decision is taken on the proposal in question.

### **Rule 33 Reconsideration of proposals**

Proposals adopted or rejected may not be reconsidered unless the Review Meeting reaches a consensus on such reconsideration. 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.

## **C.4. VOTING AND ELECTIONS**

### **Rule 34 Voting rights**

Subject to Article 39 (4)(iv) of the Convention, only Contracting Parties shall have a vote and each Contracting Party shall have one vote.

### **Rule 35 Adoption of decisions**

1. Matters of substance shall be decided by consensus. Voting shall be restricted to matters of procedure and to elections.
2. Subject to Rule 37(2) and (3), decisions on matters of procedure and in elections shall be taken by consensus or, where that is not possible, by a majority of the delegates present and voting.
3. If the question arises whether a matter is one of procedure or of substance, the President of the Review Meeting shall rule on that question. An appeal against this ruling shall immediately be put to the vote, and the President's ruling shall stand unless the appeal is approved by a majority of the delegates present and voting.

### **Rule 36 Meaning of the phrase "the delegates present and voting"**

For the purposes of these rules, the phrase "the delegates present and voting" means delegates casting an affirmative or negative vote. Delegates who abstain from voting shall be considered as not voting.

### **Rule 37 Elections**

1. All elections shall be held by secret ballot, unless the Contracting Parties decide otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.
2. 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 President shall decide between the candidates by drawing lots.
3. 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 President 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.

## **C.5. NATIONAL REPORTS**

### **Rule 38 National Reports**

1. Each Contracting Party shall submit to the Secretariat a National Report by a certain date not later than seven months before the Review Meeting. For each Review Meeting, this date shall be determined by the Contracting Parties at the previous Review Meeting. For States, except late ratifiers, ratifying the Convention within seven months before the Review Meeting, National Reports shall be submitted as soon as possible, but not later than 90 days prior to the Review Meeting.
2. Each Contracting Party has the right to submit a National Report in the form, length and structure it believes necessary to describe how it has implemented each of the obligations of the Convention, and containing the information specified in Article 32, in accordance with the document promulgated pursuant to Article 29(2)(iii)(a) of the Convention.

## **C.6. LANGUAGES AND RECORDS**

### **Rule 39 Working languages of meetings of the Contracting Parties**

1. For National Reports and the submission of questions and comments on such reports, the single designated language referred to in Article 35(2) of the Convention shall be English.
2. The Organizational Meetings shall be conducted in English.
3. Plenary sessions at the Review Meetings shall be conducted in Arabic, Chinese, English, French, Russian and Spanish, unless otherwise decided by the Contracting Parties at the Organizational Meeting. Extraordinary Meetings shall also be conducted in Arabic, Chinese, English, French, Russian and Spanish, unless otherwise decided by the Contracting Parties.
4. General Committee sessions shall be conducted in English.
5. In order to allow each Contracting Party to participate fully in the discussions of the Country Group to which it is allocated:

- A. Country Group discussions of a National Report shall be conducted in English as well as, if requested by the Contracting Party presenting the report, in another working language. The request shall be filed at the Organizational Meeting.
- B. If Contracting Parties can substantiate that they would otherwise not be able to participate effectively in the discussion of the Country Group to which they are allocated, they can request - within the budget limits - interpretation in another working language during the whole Country Group meeting. The request shall be filed at the Organizational Meeting.

6. Except for National Reports, documents for the plenary sessions of the Review Meetings shall be made available in Arabic, Chinese, English, French, Russian and Spanish, unless decided otherwise by the Contracting Parties at the Organizational Meeting.

7. At plenary sessions, a delegate may make an intervention in a language other than a working language if he or she provides for interpretation into a working language. Interpretation into the other working languages by interpreters of the Secretariat may be based on the interpretation given in that working language.

8. The summary reports of the Review Meetings shall be issued in Arabic, Chinese, English, French, Russian and Spanish.

#### **Rule 40      Records of meetings**

Voice recordings of the plenary sessions of the Review Meetings shall be made and kept by the Secretariat. Such recordings shall be made accessible to the Contracting Parties that participated in the particular Review Meeting at their request and in accordance with Article 36 of the Convention. Decisions to destroy such recordings shall be made only at Review Meetings. No voice recording shall be made of the meetings of the Country Groups or of the General Committee.

### **C.7. ATTENDANCE AT MEETINGS**

#### **Rule 41      Attendance at meetings**

Attendance at plenary sessions of a Review Meeting, and at meetings of the General Committee and Country Groups shall be limited to delegates and their alternates and advisers, experts of Contracting Parties and, in the case of plenary sessions, observers. A late ratifier may be permitted to participate at the Review Meeting, upon a consensus decision of the Contracting Parties.

### **D. EXTRAORDINARY MEETINGS**

#### **Rule 42      Extraordinary Meetings**

1. If the Contracting Parties agree, according to the procedures under Article 31 of the Convention, that an Extraordinary Meeting shall be held, the Secretariat shall make arrangements to hold it within six months of receiving the relevant request.

2. The Secretariat shall prepare, in consultation with the President of the most recent Review Meeting, the provisional agenda for the Extraordinary Meeting, taking into account any specific matters referred to in the request for the meeting.
3. The Extraordinary Meeting shall be open for attendance by all Contracting Parties. A late ratifier may be permitted to attend the Extraordinary Meeting and to participate, as appropriate, upon a consensus decision of the Contracting Parties.
4. The President of the most recent Review Meeting shall act as President of the Extraordinary Meeting.

## **E. AMENDMENT AND INTERPRETATION OF RULES**

### **Rule 43 Amendments to the Rules of Procedure and Financial Rules**

These rules may be amended at any Review Meeting by consensus of the Contracting Parties pursuant to Article 30(2)(ii) of the Convention. These rules may be amended at an Extraordinary Meeting by consensus of the Contracting Parties.

### **Rule 44 Interpretation of the Rules**

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

## **F. AMENDMENT AND INTERPRETATION OF GUIDELINES**

### **Rule 45 Amendment of Guidelines Documents**

Documents which have been adopted by the Contracting Parties as guidelines for implementation of the Convention may be amended only during the closing plenary session at any Review Meeting by consensus of the Contracting Parties pursuant to Article 30 of the Convention. Those documents may also be amended at an Extraordinary Meeting by consensus of the Contracting Parties.

### **Rule 46 Interpretation of Guidelines**

In the event of any conflict between any provision of these guidelines and any provision of the Convention, the Convention shall prevail.