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CONVENTION ON NUCLEAR SAFETY

FINAL ACT

1. The Diplomatic Conference, which was convened by the International Atomic Energy Agency at its Headquarters from 14 to 17 June 1994, adopted the Convention on Nuclear Safety reproduced in document INFCIRC/449 and the Final Act of the Conference.
2. The text of the Final Act of the Conference, including an annexed document entitled "Some clarification with respect to procedural and financial arrangements, national reports, and the conduct of review meetings, envisaged in the Convention on Nuclear Safety", is reproduced in the Attachment hereto for the information of all Member States.

FINAL ACT

1. The Board of Governors of the International Atomic Energy Agency (IAEA) at its meeting in February 1994 authorized the Director General to convene a diplomatic conference to adopt a convention on nuclear safety.
2. The Conference met in Vienna at the Headquarters of the IAEA, 14-17 June, 1994.
3. The Governments of the following States were represented at the Conference: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Republic of), Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam.
4. One State, Guatemala, sent an observer to the Conference.
5. The following international organizations were represented by observers at the Conference: IAEA, UNESCO, European Commission, OECD/Nuclear Energy Agency.
6. The Conference was formally opened by Dr. Hans Blix, the Director General of the IAEA, who served as the Secretary General of the Conference. Dr. Hans Blix also addressed the Conference.

7. The Conference elected Mr. Walter Hohlefelder (Germany) as President, and Mr. Halim Benattallah (Algeria), Mr. Eduardo Gonzalez Gomez (Spain), Mr. S. Azmat Hassan (Pakistan), Mr. Kunisada Kume (Japan), Mr. Andrés G. Pesci Bourel (Argentina), Mr. Amin Rianom (Indonesia), Mr. Victor A. Sidorenko (Russian Federation), and Mr. Carlton R. Stoiber (United States of America) as Vice-Presidents.

8. The Conference set up a Committee of the Whole of which the members were all States participating in the Conference.

The Conference elected Mr. Lars Högberg (Sweden) as Chairman of the Committee of the Whole, and Ms. Thereza Maria Machado Quintella (Brazil) as Vice-Chairman.

9. The Conference set up a Drafting Committee of which the members were the representatives of the following States: Canada, Chile, China, Egypt, France, Hungary, Japan, Mexico, Russian Federation, Saudi Arabia, Spain, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

The Conference elected Mr. A. Gopalakrishnan (India) as Chairman of the Drafting Committee.

10. The Conference had before it as the basic proposal for its discussions the following document: Draft Nuclear Safety Convention (Document NSC/DC1). The Document had been prepared by a Group of Experts convened by the Director General of the IAEA under the chairmanship of Mr. Z. Domaratzki (Canada).

11. On the basis of its deliberations, the Conference adopted on 17 June 1994 the Convention on Nuclear Safety, which is attached to this Final Act, and will be opened for signature in accordance with its provisions at the Headquarters of the IAEA from 20 September 1994. The Convention on Nuclear Safety is subject to ratification, acceptance, approval or accession, in accordance with its provisions. It will be deposited with the Director General of the IAEA.

12. The Conference agreed to attach to this Final Act a Document containing some clarification with respect to procedural and financial arrangements, national reports and the conduct of review meetings. In doing so, it was understood that this Document was neither exhaustive nor did it bind the Contracting Parties.

13. The Conference adopted this Final Act. The original of this Final Act, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, is deposited with the Director General of the IAEA.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE at Vienna this seventeenth day of June, one thousand nine hundred and ninety-four.

**ANNEX TO THE FINAL ACT OF THE DIPLOMATIC CONFERENCE
SOME CLARIFICATION WITH RESPECT TO PROCEDURAL AND FINANCIAL
ARRANGEMENTS, NATIONAL REPORTS AND THE CONDUCT OF REVIEW
MEETINGS, ENVISAGED IN THE CONVENTION ON NUCLEAR SAFETY**

1. Introduction

1.1 This document contains some clarification with respect to procedural and financial arrangements, national reports and the conduct of review meetings. It is understood that this document is not exhaustive and does not bind the Contracting Parties to the Convention on Nuclear Safety.

1.2 The basic principle underlying this clarification is that all provisions in the Rules of Procedure and the Financial Rules should be in strict conformity with the provisions of the Convention.

1.3 Nothing in the implementation of the Convention should dilute the national responsibility for nuclear safety.

2. National reports

In accordance with Article 5 of the Convention, national reports should, as applicable, address each obligation separately. The reports should demonstrate how each obligation has been met, with specific references to - inter alia - legislation, procedures and design criteria. When a report states that a particular obligation has not been met, that report should also state what measures are being taken or planned to meet that obligation.

3. Conduct of review meetings

the purpose of review meetings referred to in Article 20 of the Convention is the review by experts of national reports. The review process should:

- * include in-depth study of all national reports, to be conducted by each party before the meeting, as it deems appropriate;
- * be carried out through discussion among experts at the meeting;
- * take into consideration the technical characteristics of different types of nuclear installation and the likely radiological impact of potential accidents;
- * identify problems, concerns, uncertainties, or omissions in national reports, focusing on the most significant problems or concerns in order to ensure efficient and fruitful debate at the meetings; and
- * identify technical information and opportunities for technical cooperation in the interest of resolving safety problems identified.

4. Rules of Procedure for the meeting of the Parties

4.1 Equitable representation: Paramount importance should be given to technical competence in the election of chairmen and officers. Consideration should also be given to the overall membership of the Convention, including the geographical distribution of the Contracting Parties.

4.2 Decision-making: Every effort should be made to take decisions by consensus.

4.3 Confidentiality: The Rules of Procedure should be formulated so as to ensure that the provisions of Article 27 are applied to all participants.

5. Financial rules

5.1 Costs to the secretariat: All costs to the secretariat, referred to in Article 28 of the Convention, should be kept to a minimum. The Agency should be requested to provide other services in support of the meeting of the Contracting Parties, only if such services are deemed essential.

5.2 Costs to the Contracting Parties: In order to encourage the widest possible adherence to the Convention, the costs of preparing for and participating in review meetings should, while maintaining the effectiveness of the review, be limited by - inter alia - the following means:

- * limiting the frequency of review meetings; and
- * limiting the duration of the preparatory meeting and of review meetings.