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**Preparatory Committee for the 2010 Review  
Conference of the Parties to the Treaty on the  
Non-Proliferation of Nuclear Weapons**

4 May 2009

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**Third session**

New York, 4-15 May 2009

**Article III (3) and article IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5 (nuclear safety)**

**Working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)**

**Draft recommendations**

The Vienna Group of 10 proposes that the Preparatory Committee agree on the following draft recommendations to the Review Conference:

That the Review Conference:

1. *Urge* all member States commissioning, constructing or planning nuclear power reactors or considering nuclear power programmes to become parties to the Convention on Nuclear Safety and *encourages* their application of the safety standards and codes of the International Atomic Energy Agency (IAEA) to improve national nuclear, radiation, transport and waste safety infrastructures;

2. *Affirm* that it is in the interests of all States that the transportation of radioactive materials be conducted in compliance with international standards of safety, security and environmental protection, *welcome* efforts to improve communication between shipping and coastal States for the purpose of addressing concerns regarding safety, security and emergency preparedness, and *encourage* States to make use of the IAEA appraisal service to improve their transport practices;

3. *Stress* the importance of having effective early notification, assistance and liability mechanisms in place to insure against harm to human health, the environment and actual economic loss due to a nuclear accident or incident; *urge* all States that have not yet done so to become parties to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency; and *encourage* relevant States to give consideration to adherence to the international instruments relating to liability for nuclear damage;



4. *Urge* States to become parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and to actively progress efforts to develop and implement disposal and long-term storage solutions for spent fuel and radioactive waste, and *encourage* the further implementation of the IAEA Action Plan on the Safety of Radioactive Waste Management.

## **Working paper: nuclear safety**

1. The Vienna Group of 10 notes that a demonstrated global record of safety in all activities throughout the nuclear fuel cycle is a key element for the peaceful uses of nuclear energy, and that continuous efforts are needed to ensure that all elements of safety culture are maintained at the optimal level. Although safety is a national responsibility, international cooperation is vital for exchange of knowledge and learning from best practices.

2. The Vienna Group affirms that the Treaty on the Non-Proliferation of Nuclear Weapons can help to ensure that international cooperation in nuclear safety will take place in an appropriate non-proliferation framework. The Group acknowledges the primary responsibility of individual States for the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an effective national technical, human and regulatory infrastructure in nuclear safety, radiological protection and waste management.

3. The Vienna Group stresses the important role of IAEA in enhancing nuclear, radiation, transport and waste safety through its various safety programmes and initiatives and in promoting international cooperation in this regard. The Group reaffirms the importance of States' developing and improving their national nuclear, radiation, transport and waste safety infrastructures.

4. The Vienna Group endorses the work of the IAEA Safety Standards Commission and Committees in the preparation of internationally recognized safety requirements and guides. The IAEA Fundamental Safety Principles, approved in September 2006, continue to provide a unified conceptual basis for the ongoing development of safety standards. The Group welcomes the work that has been started by the Commission to review the overall structure of the IAEA safety standards, and to revise, and, where possible, improve the Basic Safety Standards.

5. The Vienna Group welcomes and endorses the Convention on Nuclear Safety and urges all States constructing or planning nuclear power reactors, or considering a nuclear power programme, which have not yet taken the necessary steps to become parties to the Convention, to do so. The Group notes that all States currently operating nuclear power plants are parties to the Convention. The Group notes the observations of the Fourth Review Meeting under the Convention on Nuclear Safety, held in April 2008, including the need to avoid complacency regarding safety, the importance of the independence of the regulatory body, and challenges around the availability of well-trained staff, and acknowledges the active role of the IAEA secretariat in highlighting key issues and trends.

6. The Vienna Group welcomes the adoption by IAEA of the Code of Conduct on the Safety of Research Reactors and endorses the guidance for the safe management of research reactors set out in the Code. The Group urges States to apply the guidance in the Code and the related safety standards to the management of research reactors. The Group notes that the International Meeting on the Application of the Code, held in Vienna in October 2008, identified a number of ongoing challenges for the safety of research reactors, including the ageing of facilities and the availability of well-trained staff.

7. The Vienna Group endorses the activities of IAEA directed towards strengthening nuclear safety in operating power and research reactors. Specific

activities include international peer review services, including the Engineering Safety Review Services (ESRS), the Operational Safety Review Team (OSART), the International Probabilistic Safety Assessment Review Team (IPSART), the Integrated Regulatory Review Service (IRRS), the Integrated Safety Assessment of Research Reactors (INSARR) and the Safety Culture Assessment Review Team (SCART), and support to the regulatory bodies and other relevant areas of the infrastructure of States through technical assistance programmes.

8. The Vienna Group welcomes the IAEA secretariat's implementation of the Plan of Activities on the Radiation Protection of the Environment, including through the formation and ongoing meetings of the Coordination Group on Radiation Protection of the Environment, which facilitates the coordination of activities related to the protection of non-human species and advises IAEA on the implementation of the Plan of Activities. The Group encourages further cooperation between IAEA and relevant international organizations and stakeholders in promoting a coherent international policy regarding the radiological protection of the environment. This integrated approach was supported by the International Conference on Radioecology and Environmental Radioactivity, held in Bergen, Norway, in June 2008.

9. The Vienna Group welcomes the efforts of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) to assess and report levels and effects of exposure to ionizing radiation, and further welcomes the consideration of UNSCEAR scientific results by IAEA. The Group notes that many States parties rely on UNSCEAR estimates as the scientific basis for evaluating radiation risk and for establishing protective measures.

10. The Vienna Group welcomes the adoption by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources, and supports the comprehensive Action Plan for its implementation subsequently adopted by the Board. The Group welcomes the approval by the IAEA Board of Governors of the Guidance on the Import and Export of Radioactive Sources, and recalls that the IAEA General Conference has encouraged States to act in accordance with the Guidance on a harmonized basis. The Group calls upon all States parties to make a political commitment to the Code and the Guidance and subsequently implement it. The Group welcomes the results of the Open-ended Meeting of Technical and Legal Experts for Sharing of Information as to States' Implementation of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary Guidance on the Import and Export of Radioactive Sources, held by IAEA at its headquarters in Vienna from 25 to 29 June 2007, and looks forward to further such meetings being held on a regular basis.

11. The Vienna Group commends IAEA efforts in waste management and endorses IAEA programmes to assist member States in this area through, inter alia, safety standards for the handling of radioactive waste, peer reviews and technical assistance activities. The Group notes the upcoming Third Review Meeting of the Contracting Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which will be held in Vienna from 11 to 20 May 2009. The Group welcomes the progress made in implementing the IAEA Action Plan on the Safety of Radioactive Waste Management. The Vienna Group welcomes the progress made towards achieving disposal and long-term storage solutions for spent fuel and high-level radioactive waste.

12. The Vienna Group notes the importance of remediating the various nuclear legacy challenges, and encourages the Agency to facilitate ongoing international efforts in this regard.

13. The Vienna Group notes the adoption of the 1997 Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage; the Convention on Supplementary Compensation for Nuclear Damage; and the 2004 Protocol to Amend the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy; and encourages relevant States that have yet to do so to give consideration to adherence to those instruments.

14. The Vienna Group stresses the importance of having effective liability mechanisms in place to insure against harm to human health and the environment as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials. The Group welcomes the valuable work of the IAEA International Expert Group on Nuclear Liability (INLEX), including the examination of the application and scope of the Agency's nuclear liability regime and the consideration and identification of further specific actions to address any gaps in scope and coverage of the regime. The Group notes that the next meeting of INLEX is scheduled to take place in Vienna from 24 to 26 June 2009.

15. The Vienna Group recognizes that nuclear and radiological incidents and emergencies, and acts with malicious intent associated with nuclear and radiological terrorism, may lead to significant radiological consequences over wide geographical areas, generate a pressing need for authoritative information to address public and media concerns, and require an international response. The Group urges all States that have not yet done so to take the necessary steps to become parties to the Convention on Early Notification of a Nuclear Accident and to the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

16. The Vienna Group welcomes the implementation of the IAEA Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies; looks forward to its further implementation; and encourages further measures to improve the overall international emergency response capability, particularly with regard to potential incidents during transport. The Group welcomes the establishment and ongoing work of the IAEA Incident and Emergency Centre (IEC), which serves as the Agency's focal point for responding to nuclear or radiological incidents and emergencies and for promoting improvement in emergency response and preparedness.

17. The Vienna Group welcomes the IAEA addressing the issue of denials of shipments of radioactive materials and the formation of the International Steering Committee on Denial of Shipments of Radioactive Material to coordinate international efforts aimed at resolving issues related to the denial of shipments. The Group welcomes the focus of the action plan on the promotion of communication and training, and urges the Secretariat to actively facilitate the Steering Committee's work. The Group encourages further cooperation with other bodies associated with the transport of dangerous goods, including the International Civil Aviation Organization and the International Maritime Organization.

18. The Vienna Group reaffirms maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments, and stresses the importance of international cooperation to enhance the

safety of international navigation. The group welcomes the implementation of the IAEA Action Plan on the Safety of Transport of Radioactive Materials, commends States that have made use of the Agency's appraisal service, and encourages other States to avail themselves of these services and to improve transport practices. The Group affirms that it is in the interests of all States that the maritime and other transportation of radioactive materials be conducted in compliance with international standards of safety, security and environmental protection, and that States have under international law the obligation to protect and preserve the maritime environment.

19. The Vienna Group notes concerns about a potential accident or incident during the transport of radioactive materials by sea and about the importance of the protection of people, human health and the environment as well as protection from actual economic loss as defined in international law due to an accident or incident. The Group welcomes the practice of some shipping States and operators of providing, in a timely manner, information and responses to relevant coastal States in advance of shipments of radioactive materials for the purpose of addressing concerns regarding safety and security, including emergency preparedness. The Group welcomes informal discussions on communication between shipping States and relevant coastal States with IAEA involvement, notes the intention to hold further discussions with Agency involvement, and looks forward to progress towards understanding and addressing the concerns of coastal and shipping States. The Group also welcomes discussions at the bilateral level between relevant shipping and coastal States on issues of mutual concern.

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