



International Atomic Energy Agency

# INFORMATION CIRCULAR

INF

INFCIRC/573/Rev.2

2 September 2002

GENERAL Distr.

Original: ENGLISH

## CONVENTION ON NUCLEAR SAFETY

### RULES OF PROCEDURE AND FINANCIAL RULES

- A. GENERAL PROVISIONS
  - I. SCOPE
  - II. DEFINITIONS
  - III. VENUE OF MEETINGS
  - IV. AGENDAS
  - V. SECRETARIAT
  - VI. REPRESENTATION AND CREDENTIALS
  - VII. FINANCIAL RULES
- B. PREPARATORY PROCESS FOR REVIEW MEETINGS
- C. REVIEW MEETINGS
  - I. OFFICERS
  - II. SUBSIDIARY BODIES
  - III. CONDUCT OF REVIEW MEETINGS
  - IV. VOTING AND ELECTIONS
  - V. NATIONAL REPORTS
  - VI. LANGUAGES AND RECORDS
  - VII. PARTICIPATION AND ATTENDANCE
- D. AMENDMENT AND INTERPRETATION OF RULES

## A. GENERAL PROVISIONS

### I. SCOPE

Rule 1            These Rules of Procedure apply *mutatis mutandis* to any meetings of the Contracting Parties to the Convention convened in accordance with Chapter 3 of the Convention.

### II. DEFINITIONS

Rule 2            For the purposes of these Rules:

"Convention" means the Convention on Nuclear Safety adopted at Vienna on 17 June 1994 and opened for signature at Vienna on 20 September 1994;

"co-ordinator" means a person elected pursuant to Rule 11(b).

"country group" means a group of Contracting Parties established pursuant to Rule 17;

"General Committee" means the committee established pursuant to Rule 16;

"extraordinary meeting" means a meeting held pursuant to Article 23 of the Convention;

"late ratifying State" means a State which deposits its instrument of ratification, acceptance, approval or accession later than 90 days before the date fixed for the opening of a Review Meeting;

"national report" means the report submitted by each Contracting Party for review at a review meeting in accordance with Article 5 of the Convention;

"nuclear installation" means any land-based civil nuclear power plant as defined by Article 2(i) of the Convention;

"observer" means any intergovernmental organization invited by the Contracting Parties to attend a review meeting pursuant to Article 24.2 of the Convention;

"organizational meeting" means a meeting held pursuant to Rule 11;

"preparatory meeting" means the meeting held pursuant to Article 21 of the Convention;

"President" means the President of a review meeting as referred to in Rule 12;

"Rapporteur" means a person selected pursuant to Rule 11(c);

"Rapporteur's report" means an oral report prepared pursuant to Rule 17.4;

"review meeting" means a meeting held pursuant to Article 20 of the Convention;

"Secretariat" means the secretariat to be provided by the International Atomic Energy Agency (IAEA) in accordance with Article 28 of the Convention;

"subsidiary body" means a sub-group established pursuant to Article 20.2 of the Convention, including committees, country groups and working groups;

"summary report" means a document prepared pursuant to Article 25 of the Convention;

### III. VENUE OF MEETINGS

Rule 3 Meetings held pursuant to Chapter 3 of the Convention shall take place at the seat of the Secretariat, unless the Contracting Parties decide otherwise.

### IV. AGENDAS

Rule 4 The Secretariat shall draft the provisional agenda for each meeting held pursuant to Chapter 3 of the Convention for approval by the Contracting Parties.

### V. SECRETARIAT

Rule 5 Secretary of meetings of the Contracting Parties

1. There shall be a Secretary of meetings of the Contracting Parties, who shall act in that capacity at all meetings of the Contracting Parties, including sessions of committees and working groups, and may designate a member of the Secretariat to act in his or her place at those meetings.
2. The Secretary shall direct the staff required by the meetings.
3. The Secretary shall assist the President and General Committee and prepare such written records as may be requested.

Rule 6 Secretariat of meetings of the Contracting Parties

In accordance with the Rules of Procedure, the IAEA shall serve as the Secretariat of meetings of the Contracting Parties and as appropriate, *inter alia*, shall:

- (a) interpret speeches or other interventions made at the meetings;
- (b) receive, translate and circulate the documents of the meetings;
- (c) publish and circulate any reports or final documents of the meetings;

- (d) arrange for the custody of any reports or final documents of the meetings in the archives of the IAEA, provide the Contracting Parties - at their request - with authentic copies of those documents or with access to recordings and ensure the confidentiality of those documents and recordings, and
- (e) generally perform work related to the proper conduct of the meetings.

## VI. REPRESENTATION AND CREDENTIALS

### Rule 7 Delegations of Contracting Parties

1. Each Contracting Party shall attend meetings of the Contracting Parties held pursuant to Chapter 3 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 alternate in his delegation to act in his place during the 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 meetings of the Contracting Parties if possible one week before the date fixed for the opening of the meeting. Credentials shall be issued by the Ministry for Foreign Affairs, or, in the case of a regional organisation of an integration or other nature which is a Contracting Party to the Convention, by the competent authority of that organisation.
2. The Secretary shall submit to meetings of the Contracting Parties the list of the participant delegations, together with any comments the Secretary may consider necessary. The meeting of Contracting Parties shall decide upon the credentials of the delegates.

## VII. FINANCIAL RULES

### Rule 9 Costs

The costs of the 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 the provision of meeting rooms and
  - (ii) the costs of normal secretariat services, including interpretation, translation, document reproduction and distribution, and recording of meetings;

- (b) each Contracting Party shall pay its costs of participating in the meetings of the Contracting Parties in connection with travel, maintenance of its delegation, preparation of its national report, and the translation of its national report into the designated language of the review meeting in accordance with Article 26.2 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; and
- (d) as foreseen in Article 28.3 of the Convention, any services which may be requested by consensus of the Contracting Parties outside the IAEA's programme and regular budget shall be provided only if voluntary funding from another source is made available.

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

### Rule 10 Preparatory meeting

1. Not later than six months after entry into force of the Convention, the Director General of the IAEA, acting as Depositary of the Convention, shall, pursuant to Article 21 of the Convention, call a preparatory meeting of the Contracting Parties to begin the preparatory process for the first review meeting.
2. At the preparatory meeting, the Contracting Parties shall, *inter alia*:
  - (a) elect officers;
  - (b) in keeping with Article 22 of the Convention,
    - (i) prepare and adopt by consensus Rules of Procedure and Financial Rules, and
    - (ii) establish, in accordance with the Rules of Procedure, guidelines regarding the form and structure of national reports and the process for reviewing such reports;
  - (c) decide how group co-ordinators shall be selected;
  - (d) recommend a procedure for allocating Contracting Parties to country groups;
  - (e) determine the date of the first review meeting and the date of the preceding organizational meeting;
  - (f) request the IAEA, through its Director General and Board of Governors, to approve necessary arrangements for all meetings of the Contracting Parties; and

- (g) consider procedural issues regarding the preparatory meeting, the organizational meeting and the review meeting, as appropriate.

Rule 11 Organizational meetings

Approximately six and a half months prior to each review meeting an organizational meeting shall be held. It shall be open for attendance by all Contracting Parties and any other States and regional organisations of an integration or other nature which have deposited an instrument referred to in Article 30.5 of the Convention. The organizational meeting shall, *inter alia*:

- (a) establish country groups in accordance with the procedures established pursuant to Rule 10.2(d);
- (b) elect country group Co-ordinators;
- (c) select the appropriate number of country group Rapporteurs and Chairpersons, and assign them to each country group, so that no Rapporteur or Chairperson is assigned to the country group of which his or her country is a member;
- (d) elect the President and the two Vice-Presidents of the Review Meeting;
- (e) recommend other officers for the review meeting;
- (f) recommend a budget for the review meeting on the basis of cost estimates provided by the Secretariat;
- (g) consider any other matters relevant to implementation of the Convention, to the extent that they have not been resolved at the preparatory meeting or at the latest review meeting; and
- (h) decide on a provisional timetable for the Review Meeting.

## C. REVIEW MEETINGS

### I. OFFICERS

#### Rule 12 Officers

1. Each review meeting shall have the following officers: a President and two Vice-Presidents; a Rapporteur for each country group; a Chairperson and Vice-Chairperson and a Co-ordinator for each country group.
2. The President shall not be eligible for re-election at the subsequent review meeting.

#### 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 his or her voting rights 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 the Rules of Procedure, 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 the Rules of Procedure, shall have complete control over 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 Contracting Party may speak on a given question, the adjournment or closure of the debate and the suspension or adjournment of a session. The President shall prepare a report of the procedural decisions taken by the meeting for circulation to Contracting Parties.
2. The President, in the exercise of his or her functions, shall remain under the authority of the review meeting.

## II. SUBSIDIARY BODIES

### Rule 16 General Committee

1. The General Committee of each review meeting shall be composed of the President of that 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 session of the General Committee, he or she may designate one of the Vice-Presidents to preside at that session.
3. The General Committee shall assist the President in the general conduct of the business of the review meeting.

### Rule 17 Country groups

1. At each organizational meeting, in accordance with the procedures adopted at the preparatory meeting, the Contracting Parties shall establish country groups for the purpose of reviewing national reports. Each country group may establish working groups. For allocation to country groups, the Contracting Parties participating in a review meeting shall be ranked by the number of nuclear installations expected to be in operation at the time of the organizational meeting, then in descending order by the number of nuclear installations closed and, finally, by the number of nuclear installations planned or under construction. Where these numbers are the same in each of these categories for ranking, listing of the Contracting Parties shall be done in alphabetical order. Based on this ranking the Contracting Parties shall be allocated to country groups as illustrated in the "Guidelines regarding the review process under the Convention on Nuclear Safety". The distribution between the country groups of those Contracting Parties which do not have nuclear installations shall be agreed by the Contracting Parties at the organizational meeting on an alphabetical basis, starting with a randomly selected letter and then use of the first letter of each Contracting Party's name, spelt in the English language.
2. Each Contracting Party participating in the review meeting shall be represented in its allocated country group by one representative. It may assign to that country group such alternate representatives and advisers as may be required.
3. 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. The conduct of country group sessions is set forth in Rule 43.
4. 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.
5. The President, together with the Rapporteurs, shall prepare a draft summary report to be adopted by consensus at a plenary session.



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, except that:

- (a) unless otherwise decided, each country group shall elect a Vice-Chairperson and such other officers as it may require;
- (b) the officers of country groups may vote as delegates of the Contracting Parties which they represent; and
- (c) a majority of the members of the General Committee shall constitute a quorum.

### III. CONDUCT OF REVIEW MEETINGS

Rule 19 Quorum

The President may declare a session open and permit the debate to proceed when at least one quarter of the Contracting Parties participating in the review meeting are represented.

Rule 20 Confidentiality

1. Pursuant to Article 27 of the Convention, the Contracting Parties, officers, observers and Secretariat shall respect the confidentiality of protected information received by them and the conditions under which it was supplied and shall use that information only for the purposes for which it was supplied.

2. The content of the debates during the reviewing of reports by the Contracting Parties shall be confidential.

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 the Rules of Procedure. 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 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 to 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 a debate, the President may announce the list of speakers and, with the consent of the review 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 review 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 sessions

A delegate may at any time move the suspension or the adjournment of a session. 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 review meeting:

- (a) to suspend the session;
- (b) to adjourn the session;
- (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 by consensus 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.

#### IV. VOTING AND ELECTIONS

Rule 34 Voting rights

Subject to Article 30.4 (iv) of the Convention, every 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 elections.
2. Decisions on matters of procedure and in elections shall be taken by a majority of 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 the 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 "delegates present and voting"

Except for a decision to hold an extraordinary meeting pursuant to Article 23 of the Convention, for the purposes of the Rules of Procedure the phrase "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. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be held, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
3. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing the number of candidates to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in this special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraphs 1 and 2.

4. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes shall be elected.

5. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in Rule 37.2 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the number of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

6. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of Rule 37.5) is inconclusive, the President shall decide among the candidates by drawing lots.

#### Rule 38 Voting on amendments

Voting on any proposed amendment to the Convention shall be conducted in accordance with the procedures set forth in Article 32 of the Convention.

### V. NATIONAL REPORTS

#### Rule 39

Each Contracting Party shall report to the review meeting on the action taken and progress achieved in implementing the provisions of the Convention, where relevant, and on any action taken with respect to recommendations made by a previous review meeting.

#### Rule 40

1. Each Contracting Party shall submit a national report by a certain date not later than six months before the review meeting. This date shall be determined for the first review meeting by the preparatory meeting. For subsequent review meetings, this date shall be determined by the Contracting Parties at the previous review meeting. For countries ratifying the Convention within the six months before a 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 with the form, length and structure it believes necessary to describe how it has implemented its obligations under the Convention, in accordance with the document promulgated pursuant to Article 22.1 (i) of the Convention.

### VI. LANGUAGES AND RECORDS

Rule 41 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 26.2 of the Convention shall be English.
2. Organizational meetings shall be conducted in English.
3. The plenary sessions of the review meetings shall be conducted in Arabic, Chinese, English, French, Russian and Spanish, unless otherwise decided by the Contracting Parties at the Organisational Meeting.
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 and also, if requested by the Contracting Party presenting the report, in another working language (the request shall be filed at the organizational meeting), and
  - (b) if Contracting Parties can substantiate that they would otherwise not be able to participate effectively in the discussions of the country group to which they are allocated, they can request - within the budget limits - interpretation from and into another working language during all sessions of the country group (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 otherwise decided by the Contracting Parties.
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 one of the working languages. The interpretation given in that working language may be used as the basis for interpretation into the other working languages by interpreters of the Secretariat.
8. The summary reports of the review meetings shall be issued in Arabic, Chinese, English, French, Russian and Spanish.

Rule 42 Records

Voice recordings of the plenary sessions of the review meetings shall be made and kept by the Secretariat. The voice recordings of the plenary sessions of a given review meeting shall be made accessible to the Contracting Parties which participated in that particular review meeting at their request and in accordance with Article 27 of the Convention. Decisions to destroy such recordings shall be taken only at review meetings. No voice recordings shall be made of the sessions of the country groups.

## VII. PARTICIPATION AND ATTENDANCE

### Rule 43 Conduct of country group sessions

1. The sessions of any given country group at a review meeting shall be open to:
  - (a) the members of that country group as full participants; and
  - (b) representatives of Contracting Parties which have been allocated to other country groups and which have submitted to the co-ordinator of the country group in question not later than two months before the review meeting substantive written questions or comments on the national report of a Contracting Party allocated to that country group, such representatives having the right to be present throughout the country group's discussions on that national report.
2. Review in each country group shall begin with a short presentation by the Contracting Party whose report is to be reviewed. This Contracting Party shall then respond to the written questions and comments submitted to the country group co-ordinator, whether by other members of that country group or by other interested Contracting Parties.
3. The country group shall then discuss the national report and any questions or comments previously submitted. Country group members shall begin discussions on each group of issues. In the context of these discussions, other Contracting Parties referred to in subparagraph 1(b) shall then be entitled to discuss and seek further clarification of responses to their specific written questions or comments.
4. Finally, the country group members shall, as full participants, discuss and agree on a working document as the basis for an oral report to be presented by the country group Rapporteur at a plenary session of the review meeting. Other Contracting Parties referred to in subparagraph 1(b) above may be present and may participate in the discussion of this working document with respect to questions or comments they have submitted. Final agreement on the working document shall be reserved for full participants of the country group.

### Rule 44 Attendance

Attendance at plenary sessions of the review meetings and at sessions of the General Committee and of country groups shall be limited to Contracting Parties' delegates and their alternates, experts and advisers and, in the case of plenary sessions, to observers invited pursuant to Article 24.2 of the Convention. A late ratifying State may be permitted to attend plenary sessions of the review meeting and to participate as appropriate, upon a consensus decision of the Contracting Parties.

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

Rule 45 Amendments to the Rules of Procedure and Financial Rules

The Rules of Procedure and Financial Rules may be amended at any review meeting by consensus of the Contracting Parties pursuant to Article 22.2 of the Convention.

Rule 46 Interpretation of the Rules

1. In the event of any conflict between any provision of the Rules of Procedure and Financial Rules and any provision of the Convention, the Convention shall prevail.
2. In the implementation of the Rules of Procedure and Financial Rules, recourse may be had to the 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".