

COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DECISION

CONCERNING THE APPROVAL OF THE
CONCLUSION BY THE EUROPEAN ATOMIC ENERGY COMMUNITY OF THE
NUCLEAR SAFETY CONVENTION

(presented by the Commission)

EXPLANATORY MEMORANDUM

I INTRODUCTION

1. In 1991 the Commission and the Member States played a major role in the preparation, proceedings and drawing up of conclusions of the "International Conference on the Safety of Nuclear Power: Strategies for the Future" held from 2 to 6 September 1991 in Vienna, under the auspices of the International Atomic Energy Agency (IAEA).
2. In its "Major Findings", the International Conference declared that there was "a need to consider an integrated international approach to all aspects of nuclear safety" and referred to "the potential value of a step-by-step approach" to a framework convention on nuclear safety. It requested "the Governing Bodies of the IAEA" to organize "the preparation of a proposal on the necessary elements of such a formalized international approach, examining the merits of various options and taking into account the activities and roles of relevant international and intergovernmental bodies and using the guidance and mechanisms already established in the IAEA."
3. Pursuant to a resolution of the IAEA General Conference adopted soon afterwards and to the advice given by a group of experts, the IAEA convened the first meeting in May 1992 of an open-ended group of legal and technical experts whose task was to prepare the text of a draft nuclear safety convention. The group met seven times with the full participation of Commission representatives. The final meeting was held from 31 January to 4 February 1994.

4. In September 1993 the Commission put forward a proposal for a Council decision adopting directives for the negotiation by the Commission of an international convention on nuclear safety¹
5. At its meeting on 27 January 1994, the Permanent Representatives Committee agreed that a spokesman of the European Union at the meeting of the group of experts in Vienna should propose a formula which would allow the European Atomic Energy Community (EAEC) to sign, accept or approve the convention, or to accede to it, if it so desired.
6. The group of experts, at the above mentioned meeting of 31 January-4 February 1994 agreed by consensus on the final text of a Draft Nuclear Safety Convention. As proposed by the experts of the Greek presidency, the text contains a clause providing for the signature or accession by regional organizations of an integration or other nature (Article 30 of the Draft Convention).
7. The IAEA will convene a diplomatic conference from 14 to 17 June 1994 in Vienna to consider and formally adopt the nuclear safety convention. The convention will then be open for signature at the thirty eighth regular session of the IAEA General Conference in September 1994 and will remain open for signature until its entry into force.
8. The Commission considers that the Nuclear Safety Convention is compatible with the provisions of the Euratom Treaty and with the legislation derived from it. However, for the reasons set out below, this compatibility can only be ensured in future if the Community becomes party to the

¹ SEC(93)1465 final

convention along with its member states that so desire. It is therefore proposed that the Community signs the convention, with a view to becoming party to it.

II THE NUCLEAR SAFETY CONVENTION

9. The objectives of the convention are, in the terms of its Article 1:

- i) to achieve and maintain a high level of nuclear safety worldwide through national measures and international cooperation;
- ii) to establish and maintain effective defence in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;
- iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

10. In order to realise these objectives, the convention provides in its Chapter 2 for a series of obligations including (Article 7) that the Contracting Parties establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.

11. Specific provisions are foreseen in particular for:

Reporting (Article 5)

Assessment and Verification of Safety (Article 14)

Radiation Protection (Article 15)

Emergency Preparedness (Article 16)

Siting (Article 17)

Design and Construction (Article 18)

Operation (Article 19)

The obligations set out in Chapter 2 of the convention are preceded by general provisions (Chapter 1) and complemented by procedural and institutional arrangements on the meetings of the Contracting Parties (Chapter 3) and Final Clauses and Other Provisions (Chapter 4).

III PROVISIONS OF THE CONVENTION CONCERNING MATTERS WITHIN THE PURVIEW OF THE EAEC TREATY

12. The convention concerns in various ways matters within the purview of the EAEC Treaty. The competence and jurisdiction which the Community exercises are concerned in the following ways:
 - a) Exclusive Community competence under Articles 30 to 32 of the EAEC Treaty
13. Pursuant to Article 4 of the convention the Contracting Parties shall take, within the framework of their national law, regulatory and administrative measures necessary to implement their obligations under the convention. By virtue of Article 15, this includes in particular that each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and no individual shall be exposed to radiation doses which exceed prescribed national dose limits.
14. Within the territory to which the EAEC Treaty applies (cf. its Article 198) these legislative and regulatory tasks are exercised by the Community which shall, in the terms of Article 2 (b) of the EAEC Treaty, "establish uniform safety standards to protect the health of workers

and of the general public and ensure that they are applied". To this end Article 30 of the EAEC Treaty provides more specifically:

"Basic Standards shall be laid down within the Community for the protection of the health of workers and the general public against the dangers arising from ionizing radiations.

The expression 'Basic Standards' means:

- (a) maximum permissible doses compatible with adequate safety;
- (b) maximum permissible levels of exposure and contamination;
- (c) the fundamental principles governing the health surveillance of workers."

15. The Basic Standards which are at present in force in the Community are laid down in Council Directive of 15 July 1980 amending the Directives laying down Basic Safety Standards for the Health Protection of the General Public and Workers Against the Dangers of Ionizing Radiation (80/836/Euratom)², as amended by Council Directive 84/467/Euratom of 3 September 1984³. These Directives are complemented by further relevant Community legislation in the field of health and safety⁴.

² O N° L 246 of 17.9.1980, p. 1

³ O n° L 265 of 5.10.1984, p. 4; on 20 July 1993, the Commission submitted to the Council a revised proposal for a directive laying down the Basic Safety Standards for radiation protection (O n° C 245 of 9.9.1993, p. 5)

⁴ Council Directive 84/466/Euratom of 3.9.1984 laying down basic measures for the radiation protection of persons undergoing medical examination or treatment (O N° L 265, 5.10.1984, p. 1).

Council Decision 87/600/Euratom of 14.12.1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (O N° L 371, 30.12.1987, p. 76).

Council Directive 89/618/Euratom of 27.11.1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (O N° L 357, 7.12.1989, p. 31).

Council Directive 90/641/Euratom of 4.12.1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas (O N° L 349, 13.12.1990, p. 21).

Council Directive 92/3/Euratom of 3.2.1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community (O N° L 35, 12.2.1992).

Council Regulation 87/3954/Euratom of 22.12.1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 371, 31.12.1987, p. 11).

Commission Regulation 89/944/Euratom of 12 April 1989, laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency (O N° L 101, 13.4.1989, p. 17).

Council Regulation 89/2218/Euratom of 18.7.1989 amending Regulation 87/3954/Euratom laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 211, 22.7.1989, p. 1).

Council Regulation 89/2219/EEC of 18.7.1989 on the special conditions for exporting foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 211, 22.7.1989, p. 4).

Council Regulation 90/737/EEC of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (O N° L 82, 29.3.1990, p. 1).

Commission Regulation 90/770/Euratom of 29 March 1990 laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 83, 30.3.1990, p. 78).

Council Regulation 1493/93/Euratom of 8 June 1993 on shipment of radioactive substances between Member States (O N° L 148, 19.6.1993, p. 1).

Commission Regulation 1518/93/Euratom of 21 June 1993 (replacing Council Regulation 92/598/EEC of 9 March 1992) establishing a list of products excluded from the application of Council Regulation 90/737/EEC on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (O N° L 150, 22.6.1993, p. 30).

Council Directive 85/337/EEC on the assessment of the effect of certain public and private projects on the environment (O.J. L 175, 5.7.1985, p. 40); this Directive although based on the EEC Treaty explicitly applies, inter alia, to nuclear power stations.

b) Concurrent Community competences under the EAEC Treaty

16. The exclusive competences of the Community under Articles 30 to 32 of the EAEC Treaty are supplemented by a number of non-exclusive Community responsibilities which are intended to give effect to the Basic Standards and their application in the Community. These responsibilities, which are set out in Articles 33 to 38 of the EAEC Treaty are to be exercised at Community level and relate to the following subject matters covered by the convention.
17. While it is for the Member States under Article 33 of the EAEC Treaty to lay down the appropriate provisions, to ensure compliance with the Basic Standards and to take the necessary measures with regard to teaching, education and vocational training, it is for the Commission to make appropriate recommendations for harmonizing these provisions and for issuing recommendations on any draft provisions in this field.

As regards the application of Article 4 of the convention, the Commission is therefore involved in any relevant legislative and regulatory measures taken by the Member States to give the convention full and complete effect.

18. Article 37 of the EAEC Treaty requires the Commission to issue an opinion determining whether or not the implementation of plans for the disposal of radioactive waste "is liable to result in the radioactive contamination of the water, soil or airspace of another Member State". To the extent that the measures contemplated by the convention in the fields of safety assessment (Article 14) emergency preparedness (Article 16) and the operation of nuclear installations (Article 19) relate to waste disposal within the meaning of Article 37 of the EAEC Treaty, the responsibilities of the Commission are clearly concerned.
19. Under Articles 35 and 36 of the EAEC Treaty the Commission has certain control and monitoring responsibilities which allow it, inter alia, to exercise its competences under Article 38. Pursuant to this provision the Commission shall make recommendations to the Member States with regard to the level of radioactivity in the air, water and soil. Moreover, the Commission has far-reaching competences in cases of emergency as in such cases not only do the Member States have the task of ensuring compliance with the Basic Standards (cf. Article 33) but also the Commission. To the extent therefore that the draft convention applies also in emergency situations, as it does (cf. p.ex. Article 16), the participation of the Community is necessary.
20. In the light of the foregoing the Commission considers that it is in the interests of the Community to conclude the convention as far as the outcome of the negotiations foreseen for 14-17 June 1994 is fair and appropriate for the Community.

21. The Commission now submits the text of the convention (Annex 1) so that the Council may approve its conclusion by the Commission (Annex 2) according to the procedure of Article 101 (2) of the EAEC Treaty.

By virtue of Article 102 of the EAEC Treaty the conclusion of the convention shall not be declared by the Commission for the Community until the Commission has been notified by all the Member States concerned that the convention has become applicable to them.

In accordance with Article 30 (4) (iii) of the convention, the Commission will, at the same time, make a declaration, as set out in Annex 3 indicating which States are members of the European Atomic Energy Community and which articles of the convention apply to it.

DRAFT NUCLEAR SAFETY CONVENTION**PREAMBLE****THE CONTRACTING PARTIES**

- (i) Aware of the importance to the international community of ensuring that the use of nuclear energy is safe, well regulated and environmentally sound;
- (ii) Reaffirming the necessity of continuing to promote a high level of nuclear safety worldwide;
- (iii) Reaffirming that responsibility for nuclear safety rests with the State where a nuclear installation is located;
- (iv) Desiring to promote an effective nuclear safety culture;
- (v) Aware that accidents at nuclear installations have the potential for trans-boundary impacts;
- (vi) Keeping in mind the Convention on the Physical Protection of Nuclear Material (1979), the Convention on Early Notification of a Nuclear Accident (1986), and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986);
- (vii) Affirming the importance of international cooperation for the enhancement of nuclear safety by the use of existing bilateral and multilateral mechanisms and the establishment of this incentive Convention;
- (viii) Recognizing that this Convention entails a commitment to the application of fundamental safety principles rather than detailed safety standards and that there are internationally formulated safety guidelines which are updated from time to time and so can provide guidance on contemporary means of achieving a high level of safety;
- (ix) Affirming the need to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the ongoing process to develop waste management safety fundamentals has resulted in broad international agreement;
- (x) Recognizing the usefulness of further technical work in connection with the safety of other parts of the nuclear fuel cycle, and that this work may, in time, facilitate the development of current or future international instruments;

HAVE AGREED as follows:

CHAPTER 1. OBJECTIVES, DEFINITIONS AND SCOPE

ARTICLE 1. OBJECTIVES

The objectives of this Convention are:

- (i) to achieve and maintain a high level of nuclear safety worldwide through national measures and international co-operation;
- (ii) to establish and maintain effective defences in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;
- (iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

ARTICLE 2. DEFINITIONS

For the purpose of this Convention:

- (i) "nuclear installation" means for each Contracting Party any land based civil nuclear power plant under its jurisdiction including such storage, handling and treatment facilities for radioactive materials as are on the same site and are directly related to the operation of the nuclear power plant. Such a plant ceases to be a nuclear installation when all nuclear fuel elements have been removed permanently from the reactor core and have been stored safely in accordance with approved procedures, and a decommissioning programme has been agreed to by the regulatory body.
- (ii) "licence" means any authorization granted by the regulatory body to the applicant to have the overall responsibility for the siting, design, construction, commissioning or operation of a nuclear installation.
- (iii) "regulatory body" means for each Contracting Party any body or bodies given the legal authority by that Contracting Party to grant licences and to regulate the siting, design, construction, commissioning, operation or decommissioning of nuclear installations.

ARTICLE 3. SCOPE OF APPLICATION

The provisions of this Convention shall apply to the safety of nuclear installations.

CHAPTER 2. OBLIGATIONS

(a) General Provisions

ARTICLE 4. IMPLEMENTING MEASURES

Each Contracting Party shall take, within the framework of its national law, the legislative, regulatory and administrative measures and other steps necessary to implement its obligations under this Convention.

ARTICLE 5. REPORTING

Each Contracting Party shall submit for review, prior to each meeting referred to in Article 20, a report on the measures it has taken to implement each of the obligations of this Convention.

ARTICLE 6. EXISTING NUCLEAR INSTALLATIONS

Each Contracting Party shall take the appropriate steps to ensure that the safety of nuclear installations existing at the time the Convention enters into force for that Contracting Party is reviewed as soon as possible. When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practicable improvements are made as a matter of urgency to upgrade the safety of the installation. If such upgrading cannot be achieved, plans should be implemented to shut down the installation as soon as practically possible. The timing of the shut-down may take into account the whole energy context and possible alternatives as well as the social, environmental and economic impact.

(b) Legislation and regulation

ARTICLE 7. LEGISLATIVE AND REGULATORY FRAMEWORK

1. Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.

2. The legislative and regulatory framework shall provide for:

- (i) the establishment of applicable national safety requirements and regulations;
- (ii) a system of licensing with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a licence;

- (iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of any licence;
- (iv) enforcement of applicable regulations and of the terms of any licence, including suspension, modification or revocation.

ARTICLE 8. REGULATORY BODY

1. Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework established in accordance with Article 7, and provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities.

2. Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

ARTICLE 9. RESPONSIBILITY OF THE LICENCE HOLDER

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant licence and shall take the appropriate steps to ensure that each such licence holder meets its responsibility.

(c) General Safety Considerations

ARTICLE 10. PRIORITY TO SAFETY

Each Contracting Party shall take the appropriate steps to ensure that all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

ARTICLE 11. FINANCIAL AND HUMAN RESOURCES

1. Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life.

2. Each Contracting Party shall take the appropriate steps to ensure that for all safety related activities in or for each nuclear installation throughout its life sufficient numbers of qualified staff with appropriate education, training and retraining are available.

ARTICLE 12. HUMAN FACTORS

Each Contracting Party shall take the appropriate steps to ensure that the capabilities and limitations of human performance are taken into account throughout the life of a nuclear installation.

ARTICLE 13. QUALITY ASSURANCE

Each Contracting Party shall take the appropriate steps to ensure that quality assurance programmes are established and implemented with a view to providing confidence that specified requirements for all activities important to nuclear safety are satisfied throughout the life of a nuclear installation.

ARTICLE 14. ASSESSMENT AND VERIFICATION OF SAFETY

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) comprehensive and systematic safety assessments are carried out before constructing and commissioning a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body;
- (ii) verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state of a nuclear installation and the operation of the installation continue to be in accordance with its design, applicable national safety requirements and with operational limits and conditions.

ARTICLE 15. RADIATION PROTECTION

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and no individual shall be exposed to radiation doses which exceed prescribed national dose limits.

ARTICLE 16. EMERGENCY PREPAREDNESS

1. Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency.

For any new nuclear installation, such plans shall be prepared and tested before it commences operation above a very low power level.

2. Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population as well as the competent authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.

3. Contracting Parties which do not have a nuclear installation on their territory, but are likely to be affected in the event of a radiological emergency in a neighbouring State, shall take the appropriate steps to ensure that emergency plans have been prepared and tested that cover the activities to be carried out in the event of an emergency.

(d) Safety of Installations

ARTICLE 17. SITING

Each Contracting Party shall take the appropriate steps to ensure that appropriate procedures are established and implemented:

- (i) for evaluating all relevant site-related factors which are likely to affect the safety of a nuclear installation for its projected lifetime;
- (ii) for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment;
- (iii) for re-evaluating as necessary all relevant factors referred to under sub-paragraphs (i) and (ii) to ensure the continued safety acceptability of the nuclear installation;
- (iv) for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and, upon request providing the necessary information to such Contracting Parties, in order to enable them to evaluate and form their own assessment of the likely safety impact of the installation.

ARTICLE 18. DESIGN AND CONSTRUCTION

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the design and construction of a nuclear installation provides for several reliable levels and methods of protection (defense in depth) against the release of radioactive materials, with a view to preventing the occurrence of accidents and to mitigating their radiological consequences should they occur;
- (ii) the technologies incorporated in the design and construction of nuclear installations are proven by experience or qualified by testing or analysis;
- (iii) the design allows for reliable, stable and easily manageable operation, with specific consideration of human factors and the man-machine interface.

ARTICLE 19. OPERATION

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the initial authorization to operate a nuclear installation is based upon an appropriate safety analysis and a commissioning programme demonstrating that the installation, as constructed, is consistent with design and safety requirements;
- (ii) operational limits and conditions derived from the safety analysis, tests and operational experience are defined and revised as necessary to identify safe boundaries for operation;
- (iii) operation, maintenance, inspection and testing of a nuclear installation are conducted in accordance with approved procedures;
- (iv) procedures are established to respond to anticipated operational occurrences and to accidents;
- (v) necessary engineering and technical support in all safety related fields is available throughout the lifetime of a nuclear installation;
- (vi) incidents significant to safety are reported by the holder of the relevant licence to the regulatory body;

- (vii) programmes to collect and analyze operating experience are established, that the results obtained and the conclusions drawn are acted upon and that existing mechanisms are used to share important experience with international bodies and with other operating organizations and regulatory bodies;
- (viii) the generation of radioactive waste resulting from the operation of a nuclear installation is kept to the minimum practicable for the process concerned, both in activity and volume, and that any necessary treatment and storage of spent fuel and waste directly related to the operation and on the same site take into consideration conditioning and disposal.

CHAPTER 3. MEETINGS OF THE CONTRACTING PARTIES

ARTICLE 20. REVIEW MEETINGS

1. The Contracting Parties shall hold meetings for the purpose of reviewing the reports submitted pursuant to Article 5 in accordance with the procedures adopted under Article 22. These meetings shall hereinafter be referred to as "review meetings".
2. Subject to the provisions of Article 24 sub-groups comprised of representatives of Contracting Parties may be established and may function during the review meetings as deemed necessary for the purpose of reviewing specific subjects contained in the reports.
3. Each Contracting Party shall have a reasonable opportunity to discuss the reports submitted by other Contracting Parties and to seek clarification of the reports.

ARTICLE 21. TIMETABLE

1. A preparatory meeting of the Contracting Parties shall be held not later than six months after the date of entry into force of this Convention.
2. At this preparatory meeting the Contracting Parties shall determine the date for the first review meeting. This review meeting shall be held as soon as possible but not later than thirty months after the date of entry into force of this Convention.
3. At each review meeting the Contracting Parties shall determine the date for the next such meeting. The interval between review meetings shall not exceed three years.

ARTICLE 22. PROCEDURAL ARRANGEMENTS

1. At the preparatory meeting held pursuant to Article 21 the Contracting Parties shall prepare and adopt by consensus Rules of Procedure and Financial Rules. The Contracting Parties shall establish in particular and in accordance with the Rules of Procedure:

- (i) guidelines regarding the form and structure of the report to be submitted pursuant to Article 5;
- (ii) a date for submission of such reports;
- (iii) the process for reviewing such reports;

2. At review meetings the Contracting Parties may, if necessary, review the arrangements established under subparagraphs (i)-(iii) above, and adopt revised arrangements by consensus unless otherwise provided for in the Rules of Procedure.

ARTICLE 23. EXTRAORDINARY MEETINGS

An extraordinary meeting of the Contracting Parties shall be held:

- (i) if so agreed by a majority of the Contracting Parties present and voting at a meeting, abstention being considered as voting; or
- (ii) at the written request of a Contracting Party, within six months of this request having been communicated to the Contracting Parties and notification having been received by the Secretariat, that the request has been supported by a majority of the Contracting Parties.

ARTICLE 24. ATTENDANCE

1. Each Contracting Party shall attend meetings of the Contracting Parties and be represented at such meetings by one delegate, and such alternates, experts and advisers as it deems necessary.

2. The Contracting Parties may invite, by consensus, any intergovernmental organization which is competent in respect of matters governed by this Convention to attend, as observers, any meeting, or specific sessions thereof. Observers shall be required to accept in writing, and in advance, the provisions of Article 27.

ARTICLE 25. SUMMARY REPORTS

The Contracting Parties shall adopt, by consensus, and make available to the public a document addressing issues discussed during a meeting and conclusions reached.

ARTICLE 26. LANGUAGES

1. The languages of meetings of the Contracting Parties shall be Arabic, Chinese, English, French, Russian and Spanish unless otherwise provided in the Rules of Procedure.

2. Reports submitted pursuant to Article 5 shall be prepared in the national language of the submitting Contracting Party or in a single designated language to be agreed in the Rules of Procedure. Should the report be submitted in a national language other than the designated language, a translation of the report into the designated language shall be provided by the Contracting Party.

ARTICLE 27. CONFIDENTIALITY

1. The provisions of this Convention shall not affect the rights and obligations of the Contracting Parties under their law to protect information from disclosure. For the purposes of this Article, "information" includes, inter alia, (i) personal data; (ii) information protected by intellectual property rights or by industrial or commercial confidentiality; and (iii) information relating to national security, the physical protection of nuclear materials or nuclear installations.

2. When, in the context of this Convention, a Contracting Party provides information identified by it as protected as described in paragraph 1, such information shall be used only for the purposes for which it has been provided and its confidentiality shall be respected.

3. The content of the debates during the reviewing of the reports by the Contracting Parties at each meeting shall be confidential.

ARTICLE 28. SECRETARIAT

1. The International Atomic Energy Agency, (hereinafter referred to as the "Agency") shall provide the secretariat for the meetings of the Contracting Parties.

2. The secretariat shall:

- (i) convene, prepare and service the meetings of the Contracting Parties;

- (ii) transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention.

The costs incurred by the Agency in fulfilling (i) and (ii) above shall be borne by the Agency as part of its regular budget.

3. The Contracting Parties may, by consensus, request the Agency to provide other services in support of meetings of the Contracting Parties. The Agency may provide such services if they can be undertaken within its programme and regular budget. Should this not be possible, the Agency may provide such services if voluntary funding is provided from another source.

CHAPTER 4. FINAL CLAUSES AND OTHER PROVISIONS

ARTICLE 29. RESOLUTION OF DISAGREEMENTS

In the event of a disagreement between two or more Contracting Parties concerning the interpretation or application of this Convention, the Parties shall consult within the framework of a meeting of the Contracting Parties with a view to resolving the disagreement.

ARTICLE 30. SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL, ACCESSION

1. This Convention shall be open for signature by all States at the Headquarters of the Agency in Vienna until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (i) This Convention shall be open for signature or accession by regional organizations of an integration or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(ii) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

- (iii) When becoming party to this Convention such an organization shall communicate to the Depositary a declaration indicating which States are members thereof and which articles of this Convention apply to it, as well as the extent of its competence in the field covered by those articles.
- (iv) Such organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 31. ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the [twentieth] instrument of ratification, acceptance or approval, including the instruments of [fifteen] States, each with at least one nuclear installation.

2. For each State or regional organization of an integration or other nature which ratifies, accepts, approves or accedes to this Convention after the date of deposit of the last instrument required to satisfy the conditions in paragraph 1, this Convention shall enter into force on the ninetieth day after deposit of the appropriate instrument by such a State or organization.

ARTICLE 32. AMENDMENTS TO THE CONVENTION

1. Any Contracting Party may propose an amendment to this Convention. Proposed amendments shall be considered at a review or extraordinary meeting.

2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting at which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.

3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or in the absence of such consensus, whether to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.

4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary to be held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article.

5. Amendments to this Convention adopted under paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties having ratified, accepted, or approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For those Contracting Parties which later on ratify, accept, approve or confirm the said amendments, the latter will enter into force on the ninetieth day after that Party deposits its relevant instrument.

ARTICLE 33. DENUNCIATION

1. Any Contracting Party may denounce this Convention by written notification to the Depositary.

2. Denunciation shall take effect one year following the date of the receipt of the notification by the Depositary, or on such later date as may be specified in the notification.

ARTICLE 34. DEPOSITARY

1. The Director General of the Agency shall be the Depositary of this Convention.

2. The Depositary shall inform the Contracting Parties of:

- (i) the signature of this Convention and of the deposit of instruments of ratification, acceptance, approval or accession, in accordance with Article 30;
- (ii) the date on which the Convention enters into force, in accordance with Article 31;
- (iii) the notifications of denunciation of the Convention and the date thereof, made in accordance with Article 33;
- (iv) the proposed amendments to this Convention submitted by the Contracting Parties, the amendments adopted by the relevant Diplomatic Conference or by the meeting of the Contracting Parties, and the date of entry into force of the said amendments, in accordance with Article 32.

ARTICLE 35. AUTHENTIC TEXTS

The original of this Convention - of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary who shall send certified copies thereof to the Contracting Parties.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS CONVENTION.

Done at on the day of

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ANNEX 2

COUNCIL DECISION

of ...

approving the conclusion by the Commission of the Nuclear Safety Convention

(.../.../Euratom)

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof;

Having regard to the Commission draft;

Whereas the Meeting of Governmental Representatives held in Vienna at the Headquarters of the International Atomic Energy Agency from 14 to 17 June 1994 is to adopt a Nuclear Safety Convention;

Whereas, in view of the tasks assigned to the Community by Chapter III Title two of the Treaty the conclusion of the convention by the Commission should be approved,

HAS DECIDED AS FOLLOWS:

sole Article

The conclusion by the Commission of the Nuclear Safety Convention is hereby approved.

Done at ...

For the Council
The President

...

**Declaration by the European Atomic Energy Community
according to the provisions of Article 30 (4) (iii) of
the Nuclear Safety Convention**

The Following States are presently members of the European Atomic Energy Community: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom.

The Community declares that the following Articles of the Convention apply to it: Articles 1 to 5, Article 7, Articles 14 to 35.

The Community possesses competences in the fields covered by Articles 1 to 5, Article 7, and Articles 14 to 19 as provided for by the Treaty establishing the European Atomic Energy Community and by the Community legislation enumerated hereafter.

In the future the Community may well take further responsibilities by adopting more specific legislation regarding the field covered by the Convention.

LIST OF COMMUNITY LEGISLATION

Council Directive 80/336/Euratom of 15 July amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation. (O.J. L-246 of 17/09/80 page 1)

Council Directive 84/467/Euratom of 3 September 1984 amending Directive 80/336/Euratom as regards the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation. (OJ L-265 of 05/10/84 page 4)

Council Decision 87/600/Euratom of 14.12.1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (O N° L 371, 30.12.1987, p. 76).

Council Directive 89/618/Euratom of 27.11.1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (O N° L 357, 7.12.1989, p. 31).

Council Directive 90/641/Euratom of 4.12.1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas (O N° L 349, 13.12.1990, p. 21).

Council Directive 92/3/Euratom of 3.2.1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community (O N° L 35, 12.2.1992).

Council Regulation 87/3954/Euratom of 22.12.1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 371, 31.12.1987, p. 11).

Commission Regulation 89/944/Euratom of 12 April 1989, laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency (O N° L 101, 13.4.1989, p. 17).

Council Regulation 89/2218/Euratom of 18.7.1989 amending Regulation 87/3954/Euratom laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 211, 22.7.1989, p. 1).

Council Regulation 89/2219/EEC of 18.7.1989 on the special conditions for exporting foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 211, 22.7.1989, p. 4).

Council Regulation 90/737/EEC of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (O N° L 82, 29.3.1990, p. 1).

Commission Regulation 90/770/Euratom of 29 March 1990 laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency (O N° L 83, 30.3.1990, p. 78).

Council Regulation 1493/93/Euratom of 8 June 1993 on shipment of radioactive substances between Member States (O N° L 148, 19.6.1993, p. 1).

Commission Regulation 1518/93/Euratom of 21 June 1993 (replacing Council Regulation 92/598/EEC of 9 March 1992) establishing a list of products excluded from the application of Council Regulation 90/737/EEC on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (O N° L 150, 22.6.1993, p. 30).

Council Directive 85/337/EEC on the assessment of the effect of certain public and private projects on the environment (O.J. L 175, 5.7.1985, p. 40)

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