



International Atomic Energy Agency

INFORMATION CIRCULAR

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INFCIRC/571/Rev.2

2 September 2002

GENERAL Distr.

Original: ENGLISH

GUIDELINES REGARDING THE REVIEW PROCESS UNDER THE CONVENTION ON NUCLEAR SAFETY

I. INTRODUCTION

These guidelines, established by the Contracting Parties pursuant to Article 22 of the Convention, are intended to be read in conjunction with the text of the Convention. Their purpose is to provide guidance to the Contracting Parties on the process for reviewing National Reports submitted in accordance with Article 5 and thereby to facilitate the efficient review of implementation by the Contracting Parties of their obligations under the Convention.

The aim of the review process should be to achieve a thorough examination of National Reports submitted in accordance with Article 5 of the Convention, so that Contracting Parties can learn from each other's solutions to common and individual nuclear safety problems and, above all, contribute to improving nuclear safety worldwide through a constructive exchange of views.

II. BACKGROUND

Recognizing that reviews of National Reports at periodic meetings pursuant to Article 20 of the Convention could be accomplished more efficiently through the establishment of sub-groups, the Contracting Parties considered two possible approaches:

- (a) 'horizontal' division - each group would discuss a limited subject area. Each delegation would have a representative in each subject group (leading to groups with the total number of Contracting Parties as members). Each group would discuss the parts of each National Report which were relevant to the subject area of the group; and
- (b) 'vertical' division - Contracting Parties would be divided into Country Groups, each including up to seven or eight Contracting Parties with nuclear installations. Each group would consider in detail the National Report of each member of that group, discussing all the subject areas covered by the reports.

The Contracting Parties decided that the 'vertical' approach should provide the basis of review at the first Review Meeting. Table 1 describes the main steps involved, in chronological order.

Dividing the Contracting Parties into Country Groups is intended:

- to ensure that all reports are reviewed in detail and in their entirety, reflecting the concept of “safety as a whole”;
- to enable all Contracting Parties, in accordance with Article 20.3 of the Convention, to seek clarification of and comment on the National Reports of all others, both by submitting written questions and comments before Review Meetings and by speaking in the Country Groups meetings and at plenary sessions of the Review Meetings;
- to increase the closeness of international co-operation in dealing with nuclear safety issues and to improve the quality of review;
- to enable Contracting Parties without nuclear installations to play a full part in the review process;
- to streamline the review process by avoiding duplication of discussion of the same information on, for example, the regulatory system, in any one report;
- to save resources by
 - enabling national assessors to focus in detail on a limited number of reports from their own group members (although they may study other reports to whatever depth they wish) and
 - minimizing the number of experts any Contracting Party has to include in its delegation for a Review Meeting; and
- to provide for the efficient conduct of business at, and minimize the overall length of, the Review Meeting.

III. INITIAL COMPOSITION OF COUNTRY GROUPS

At the preparatory meeting held, in accordance with Article 21 of the Convention, within six months of the Convention's entry into force, decisions will be taken on the mechanism for establishing each Country Group for the first Review Meeting.

Not later than six and a half months before each Review Meeting, an organizational meeting will be held to allocate Contracting Parties to Country Groups using the method previously agreed, to elect group co-ordinators and to select and assign Rapporteurs and Group Chairpersons. Such persons should be chosen on the basis of, *inter alia*, expertise, impartiality and availability. Each group co-ordinator will act as a focal point for questions and comments on National Reports before the Review Meeting. Contracting Parties will be notified of the allocation results and the names of the group co-ordinators by the Secretariat.

Country Groups should not be limited to particular geographical areas. In order to achieve sufficient breadth of experience to promote both effective and efficient discussion, each group should contain at least four Contracting Parties with operational nuclear installations. Tables 2 and 3 show a suggested means of allocating Contracting Parties with nuclear installations to Country Groups on the basis of the ranking established in Rule 17.1 of the Rules of Procedure. The Contracting Parties favour the creation of a small number of groups as shown in Table 2 so that each group would include Contracting Parties with nuclear programmes of different sizes; the groups would include up to seven or eight Contracting Parties with nuclear installations and five Contracting Parties without nuclear installations.

Distribution between the Groups of Contracting Parties which do not have a nuclear installation would be made at each Organisational Meeting on an alphabetical basis, continuing the process from where it stopped for Contracting Parties having nuclear installations. This would start with a randomly selected letter and then use the first letter of each Contracting Party's Country Name, spelt in the English language.

IV. ASSIGNMENT TO COUNTRY GROUPS OF STATES RATIFYING AFTER AN ORGANIZATIONAL MEETING

States which ratify the Convention after an organizational meeting but at least 90 days before the Review Meeting should be enabled to join in the review process. Such Contracting Parties are required to submit as soon as possible, and in any event not later than 90 days before the Review Meeting, a National Report pursuant to Article 5 and are entitled to receive the National Reports of others. They should be added to existing Country Groups in sequential order of date of ratification, starting with the group with the fewest members (as shown in Table 2) or, if all the groups have the same number of members, starting with Group 1.

Pursuant to the terms of Article 31.2 of the Convention, States which ratify later than 90 days before the date fixed for a Review Meeting will not become Contracting Parties until after that Review Meeting has begun. Although they do not have the rights of Contracting Parties, such late-ratifying States may be permitted to attend plenary sessions of the Review Meeting and to participate, as appropriate upon a consensus decision of the Contracting Parties in discussions relating to the conduct of subsequent Review Meetings. If they produce a National Report, it should be distributed as soon as possible by the Secretariat, but it will not be considered at that meeting.

V. PARTICIPATION IN COUNTRY GROUPS

As provided for in Article 20.3 of the Convention, each Contracting Party shall have a reasonable opportunity to discuss the reports of all other Contracting Parties. In the period up to two months before a Review Meeting, all Contracting Parties may submit written questions and comments on individual National Reports to the Country Group co-ordinators, Rapporteurs and Contracting Parties concerned. These questions and comments will be distributed to all Contracting Parties (see Section VIII).

In order to ensure the efficient and effective review of National Reports, access to the sessions of a Country Group at a Review Meeting will 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, in accordance with the first paragraph of this Section, previously submitted to the group co-ordinator 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.

The delegations of the Contracting Parties in Country Group meetings should be led by their Regulatory Body, with participation of utility representatives as appropriate.

Review in each Country Group should begin with a short presentation by the particular Contracting Party whose report is to be reviewed. This Contracting Party will then respond to the substantive written questions and comments submitted to it or to the Country Group co-ordinator, whether by other members of that Country Group or by other interested Contracting Parties.

There will then be a discussion period on the report and on all the questions and comments that have been submitted. The members of the Country Group will begin discussions on each group of issues. In the context of these discussions, other Contracting Parties which have demonstrated an interest in the issues may then discuss and seek further clarification of responses to their specific written questions and comments.

Finally, the Country Group members and Chairperson will discuss and agree on the content of the report to be presented at a plenary session of the Review Meeting by the Country Group's Rapporteur.

VI. COMPOSITION OF COUNTRY GROUPS AT SUCCESSIVE MEETINGS

If it is decided to maintain the 'vertical' approach at successive Review Meetings, it would be desirable to vary the membership of the Country Groups at such successive meetings. Such periodical changes in group membership would enable Contracting Parties to acquire in-depth knowledge of a wide range of different approaches to regulation, design, siting and operation and of problems and associated solutions. Over time, this could contribute to an increasingly constructive review process. Such changes in group membership will occur from one Review Meeting to the next through the reordering of Contracting Parties in Table 3 that will occur as nuclear installations move from the "Installations planned" to the "Installations operating" column or from the "Installations operating" to the "Installations closed" column. The addition of new Contracting Parties to Table 3 will also change the grouping. At the same time, continuity will be provided after each change by a core of previous group members. The redrawing and reallocation of Contracting Parties not having nuclear installations will take place at each Organisational Meeting.

VII. ACTIVITIES OF EACH CONTRACTING PARTY AS A MEMBER OF A COUNTRY GROUP

Each Contracting Party, as a member of a Country Group, should:

- (a) read and consider all National Reports and, in particular, study in detail the National Reports of all other members of its group;
- (b) alert other Contracting Parties, both directly and through the relevant group co-ordinator, to any questions and comments arising from its review of the National Reports;
- (c) receive from each group co-ordinator, including its own, a compilation of the questions and comments submitted on each National Report, so that before the Review Meeting each Contracting Party will be aware of all the issues raised on each National Report; and
- (d) during group meetings, consider and discuss in depth the National Report of each member of the group, giving consideration as appropriate for up to one full day to National Reports of Contracting Parties with nuclear installations and for less time to reports of Contracting Parties without nuclear installations.

VIII. DOCUMENTATION AND THE ROLE OF THE GROUP CO-ORDINATORS

Subject to Section IV, at the latest six months before the Review Meeting, each Contracting Party shall submit its National Report pursuant to Article 5 of the Convention to the Secretariat of the Review Meeting for circulation to all Contracting Parties, Country Group Co-ordinators and Rapporteurs.

A time limit of three months before the Review Meeting is set for the receipt of questions and comments by the Contracting Parties concerned and by the relevant Country Group Co-ordinator. Contracting Parties should make every effort to comply with this time limit, in the common interest of an orderly and productive review process. After that time, the group co-ordinator will pass on to each group member a compilation of the questions raised and comments made on each National Report by members of the group and by other Contracting Parties wishing to comment in writing at this stage. The co-ordinator will also pass this compilation to the Rapporteur of the group and to the other group co-ordinators, who will distribute it to their group members. The Country Group Co-ordinator should provide the compilation of questions and comments to the Contracting Parties two months prior to the Review Meeting.

In addition to compiling the written comments and questions, the co-ordinator will analyse the comments and questions and identify any trends in them in order to streamline the discussion and focus it on important topics. During the Review Meeting he should be available to assist in the relevant Country Group. Written responses to all questions and comments, grouped by articles of the Convention, should be made available by the Contracting Parties through the Country Group Co-ordinators, in the single designated language, to all Contracting Parties, at least one week before the start of the Review Meeting.

IX. LENGTH OF REVIEW MEETINGS

The aim should be to minimize length while retaining effectiveness of the process and minimizing costs. A maximum of three weeks is suggested for the first Review Meeting. The

subsequent Review Meetings could be shorter as it may not be necessary to review all areas to the same depth as at the first Review Meeting.

X. CONDUCT OF REVIEW MEETINGS AND THE ROLE OF THE RAPPORTEURS

A. Opening session

At a short, plenary opening session, procedural matters will be addressed and national statements will be accepted in writing only. Before Country Group discussions begin, the Rapporteurs of the Country Groups will meet to finalize a consistent approach to the detailed review process, taking account of any trends in the questions and comments of Contracting Parties on National Reports already received. They should also agree upon the approach to reporting the groups' findings at the main plenary session.

B. Country group sessions

Following the Rapporteurs' meeting, the Contracting Parties will split into Country Groups for the purpose of reviewing in depth the reports of others in the same group and resolving the issues raised in writing by any Contracting Party. It is envisaged that such Country Group sessions will occupy the remainder of the first week and part of the second week. Each Country Group should review its members' National Reports in a consistent and objective manner as a basis for assessing safety.

C. Final plenary session

At the final plenary session of the Review Meeting,

- for each Contracting Party in turn, the relevant group Rapporteur will make an oral report. To ensure consistency, the structure of these oral reports will be agreed at the Rapporteurs' meeting. Each oral report must provide a balanced summary of the views expressed in the discussion on the National Reports in question, should include points of agreement and disagreement, should identify good practices as well as highlighting any areas of concern and should spell out the main themes/topics identified for discussion at the final plenary session;
- each Contracting Party will have an opportunity to respond to the comments made on its National Report; and
- there will be an opportunity for other Contracting Parties to comment on National Reports and on the Rapporteurs' oral reports.

XI. SUMMARY REPORTS

The President, together with the Rapporteurs, should prepare a summary report and submit it at a plenary session for adoption by consensus by the Contracting Parties for publication at the end of the Review Meeting, as provided in Article 25 of the Convention. The summary report

should be concise and clear. It should summarize major issues, possibly by combining significant points made in the Rapporteurs' oral reports on the Country Group discussions. It would not identify any particular Contracting Party by name, but point out any significant areas of concern and interest, highlight good practices and make recommendations for the future.

XII. PROVISION OF PREVIOUS NATIONAL REPORTS TO NEW CONTRACTING PARTIES

National Reports submitted in connection with previous Review Meetings shall be made available to new Contracting Parties.

**ANNEX TO GUIDELINES ON THE REVIEW PROCESS:
GOOD PRACTICES IN CONDUCTING COUNTRY GROUP SESSION**

The following are some suggested approaches which may assist a more efficient and useful review of National Reports in Country Group sessions, based on “lessons learned” at the first Review Meeting in April 1999.

- (1) Contracting Parties should provide written responses in the single designated language to the questions and comments that have been received. These written responses should be made available to the countries that submitted the questions and comments at least one day before the discussion of the National Report in question, in order to prepare a fruitful discussion.
- (2) If a Contracting Party submits questions/comments late in the process (in light of dates agreed for such submissions), those questions/comments will not be entertained unless the questioned State and Country Group Chairperson agree. A Country Group Chairperson may exclude representatives of a late questioner from the session reviewing the National Report on which the questions were submitted.
- (3) Elected and selected Officers of the Review Meeting (including selected Country Group Chairpersons, elected Country Group Co-ordinators and selected Rapporteurs) should meet at least once prior to the opening of the Review Meeting to: develop a proposal for the structure of oral reports and the final summary report, taking into account the structure used at the previous Review Meeting; resolve any pending issues; and to agree on the most uniform and efficient means for conducting the review of National Reports.
- (4) Questions/comments should be divided into subject matter topics by the Country Group co-ordinator as early as possible to permit orderly Country Group discussions and preparation of the rapporteurs’ and summary reports.
- (5) The Country Group Co-ordinator should be available to assist in the relevant Country Group discussions at the Review Meeting.
- (6) Written rapporteurs’s working notes for the Country Group oral report should be prepared at the end of each day’s session, to permit orderly review of each National Report and preparation of the Country Group Rapporteur’s oral report and the overall summary report. A first version of these working notes should be presented orally and briefly discussed at the end of each day’s Country Group session, as a first check that the working notes reflect the important issues covered during the day. This should not restrict the discussion of the overall Group Summary Report.
- (7) With the agreement of the Country Group members, the written daily rapporteurs’s notes may be provided to the Country Group and Review Meeting President at the earliest possible time to permit review and comment and preparation of the overall summary report.