

Information Circular

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Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Guidelines regarding the Review Process

1. The “Guidelines regarding the Review Process” adopted at the Preparatory Meeting of the Contracting Parties to the Joint Convention held from 10 to 12 December 2001 were modified at the First Review Meeting of Contracting Parties, held from 3 to 14 November 2003.
2. The modified “Guidelines regarding the Review Process” are set forth in the Attachment hereto.

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Guidelines regarding the Review Process

I. INTRODUCTION

1. These guidelines, established by the Contracting Parties under Article 29 of the Convention, are intended to be read in conjunction with the text of the Convention for the purpose of providing guidance to Contracting Parties on the process for reviewing National Reports submitted under Article 32, in order to facilitate the most efficient review of implementation by the Contracting Parties of their obligations under the Convention.
2. The aim of the Review Process is to achieve a thorough examination of National Reports, so that Contracting Parties can learn from each other's solutions to common and individual safety problems concerning spent fuel management and radioactive waste management and, above all, contribute to achieving and maintaining a high level of safety worldwide through a constructive exchange of views. A time chart of the steps leading up to a Review Meeting is given in Table 1 in the Annex hereto.

II. BACKGROUND

1. Recognizing that reviews of National Reports at periodic meetings under Article 30 of the Convention could be accomplished more efficiently through the establishment of subgroups, the Contracting Parties have decided to establish Country Groups for each Review Meeting. Each Group will consider in detail the National Report of each member of that Group, discussing all the subject areas covered by the reports.
2. An Organizational Meeting may decide to organize Topic Sessions to address more specifically particular subjects that may not be adequately considered within the Country Group arrangements.

III. INITIAL COMPOSITION OF COUNTRY GROUPS

1. At the Preparatory Meeting held, in accordance with Article 29 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.
2. 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 elect 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 each Review Meeting. Contracting Parties will be notified of the allocation results and the names of the Group Co-ordinators by the Secretariat.
3. 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 approximately equal numbers of Contracting Parties with experience of the management of spent fuel and radioactive waste associated with nuclear power plants. A means of ensuring this would be to rank Contracting Parties by the number of their nuclear power plant reactors that have achieved criticality, including those that are being decommissioned and those that have completed decommissioning in accordance with the definition in the Convention, and within that alphabetically in English. The number of Groups for a particular Review Meeting will be decided at the

corresponding Organizational Meeting, taking into account the number of Contracting Parties. Table 2 in the Annex shows an example of such an allocation to Country Groups if there were five Groups.

4. The distribution between the Country Groups of the other Contracting Parties should be made at each Organizational Meeting on an alphabetical basis, continuing the process from where it stopped for the Contracting Parties referred to in paragraph 3. This should start with a randomly selected letter and then use the first letter of each Contracting Party's country name, spelt in English.

IV. ASSIGNMENT TO COUNTRY GROUPS OF CONTRACTING PARTIES HAVING RATIFIED AFTER AN ORGANIZATIONAL MEETING AND PARTICIPATION OF LATE RATIFIERS

1. States or regional organizations of an integration or other nature which ratify the Convention after an Organizational Meeting but at least 90 days before the associated Review Meeting are obliged to join in the review process with other Contracting Parties. 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 under Article 32 and are entitled to receive the National Reports of others. Such Contracting Parties should be added to existing Country Groups in sequential order of date of ratification, continuing the process from where it stopped under Section III.

2. Under the terms of Article 40(2), States or regional organizations of an integration or other nature which ratify later than 90 days before the date fixed for a Review Meeting (late ratifiers) will not become Contracting Parties until after that Review Meeting has begun. However they may, upon a consensus decision of the Contracting Parties, participate at the Review Meeting. To facilitate such participation, the President of the Review Meeting shall circulate to all Contracting Parties the proposal for the late ratifier to participate and seek their views thereon. If no Contracting Party objects, the late ratifier may be granted full participation rights in the Review Meeting. National Reports produced by late ratifiers will be distributed as soon as possible by the Secretariat to all Contracting Parties.

V. PARTICIPATION IN COUNTRY GROUPS AND CONDUCT OF DISCUSSIONS

1. As provided for in Article 30(3) of the Convention, each Contracting Party shall have a reasonable opportunity to discuss the National Reports of any other Contracting Party. In the period up to three months before each Review Meeting, all Contracting Parties may submit questions and/or comments on individual National Reports. These questions and/or comments and the responses to them should be distributed to all Contracting Parties (see Section VIII).

2. The delegations of the Contracting Parties in Country Group meetings should provide a leading role for their regulatory bodies.

3. The Country Group shall allow an appropriate amount of time, not exceeding one full day, for the discussion of each National Report. The total time available for Group meetings will have been decided at the Organizational Meeting.

4. Review in each Country Group should start with a short presentation from the particular Contracting Party whose report is to be reviewed. This Contracting Party should then answer the substantive written questions previously sent to the Group Co-ordinator and to the Contracting Party concerned, whether from other members of that Country Group or from other interested Contracting Parties. There should then be a discussion period on the report and on all the questions that have been submitted.

5. This process should be repeated for each National Report.

6. Finally, the Country Group members and Chairperson should discuss and agree the content of the report to be presented in plenary session by the Country Group's Rapporteur.

VI. COMPOSITION OF COUNTRY GROUPS AT SUCCESSIVE REVIEW MEETINGS

At successive Review Meetings, it would be desirable to vary the membership of the Country Groups. A periodical change in Group members 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 solutions associated with them. Over time, this could contribute to an increasingly constructive review process. Such a variation in membership will occur from one Review Meeting to the next through the reordering of Contracting Parties and as new Contracting Parties join. The reallocation of Contracting Parties to Country Groups will take place at each Organizational 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 Coordinator, to any questions and comments arising from its review of the National Reports;
- (c) provide answers to the questions and comments on its own National Report;
- (d) endeavour to issue a compilation of the questions, comments and associated answers on its own National Report to all other Contracting Parties, the Group Coordinator, the Group Rapporteur and the Secretariat, and
- (e) during Country 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 the National Report of each Contracting Party.

VIII. DOCUMENTATION AND ROLE OF THE GROUP CO-ORDINATOR

1. Subject to Section IV, at the latest seven months before each Review Meeting, each Contracting Party should submit its National Report under Article 32 to the Secretariat of the Review Meeting, for circulation to all Contracting Parties, Group Co-ordinators and Rapporteurs and to the observers invited under Article 33(2) of the Convention.

2. Questions and comments on a National Report of a Contracting Party should be sent to that Contracting Party and to the relevant Group Co-ordinator at least three months before each Review Meeting and written answers to the questions and comments should be provided not later than one month before a Review Meeting. Contracting Parties should endeavour to issue a compilation of the questions and comments on their National Reports and of the respective answers to all other Contracting Parties, the Group Coordinator, the Group Rapporteur and the Secretariat one month prior to the Review Meeting. In this way each Contracting Party will be aware of all the issues raised and the associated responses on each National Report before the Review Meeting.

3. The Group Co-ordinator will analyse the questions and comments and identify any trends in them in order to streamline the discussion and focus it on important topics. During the Review Meeting, the Co-ordinator should be available to assist in his/her Country Group.

IX. LENGTH OF REVIEW MEETINGS

The aim is to minimize length while retaining the effectiveness of the process and minimizing costs. A duration of two weeks is suggested for the first Review Meeting; the duration of 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 ROLE OF RAPPORTEURS

1. Prior to the start of the Review Meeting, the designated officers will meet to promote uniformity of the approach of Country Group Chairpersons to discussions, questions and comments. 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 found in the questions and comments of Contracting Parties on National Reports already received. They should also decide upon the approach to reporting the Groups' findings at the main plenary session.

A. Opening Session

2. At a short opening session in plenary, procedural matters will be addressed. National statements, if any, will be accepted in writing only.

B. Country Group Discussion Sessions

3. These discussion sessions will be conducted in the manner described in Section V.

C. Plenary Session

4. In the final plenary session of the Review Meeting,

(a) for each Country Group in turn, the relevant Group Rapporteur will make an oral report. To ensure consistency, the structure of the Rapporteurs' reports will be agreed at the Rapporteurs' meeting. It should take account of all the views expressed in the discussion on each National Report and include points of agreement and disagreement; it should identify good practices, as well as highlighting any areas of concern, and draw out the main issues for discussion in plenary session;

(b) each Contracting Party will have an opportunity to respond to the questions raised and/or comments made on its National Report in its Country Group; and

(c) there will be an opportunity for all Contracting Parties to comment on any National Reports and on the Rapporteurs' oral reports.

XI. SUMMARY REPORTS

The President, together with the Rapporteurs of the Country Groups, will prepare a summary report and will submit it to the final plenary session for adoption by consensus by the Contracting Parties for publication at the end of each Review Meeting, as provided for in Article 34 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' reports summarizing the Country Group discussions. It should not identify any particular Contracting Party by name except as specified below, but should direct attention to any significant areas of concern and interest, highlight good practices and make recommendations for the future. The summary report will identify any Contracting Parties that did not submit National Reports or attend the Review Meeting.

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.

Guidelines Regarding the Review Process: Good Practices in Conducting Country Group Sessions

The following are some suggestions which may lead to a more efficient and useful review of National Reports in Country Group sessions. They are based on “lessons learned” at the first Review Meeting of Contracting Parties to the Convention on Nuclear Safety, held 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 Contracting Parties that submitted the questions and comments at least one day before the discussion of the National Report in question, in order to prepare for a fruitful discussion, and to all other Contracting Parties as soon as reasonably possible.
2. While all Contracting Parties may attend any Country Group session, those wishing to attend these sessions should inform the Secretariat at the latest two weeks before each Review Meeting of their intent to do so, in order to allow the Secretariat to make the appropriate arrangements.
3. If a Contracting Party submits questions and comments late in the process (in light of the dates agreed for such submissions), those questions and comments should not be entertained unless the State and Country Group Chairperson concerned agree.
4. Contracting Parties are encouraged to submit to the Secretariat in advance of the Organizational Meeting the names of individuals that they wish be considered for appointment to the positions of President, Vice-President, Chairperson, Vice-Chairperson, Coordinator, or Rapporteur.
5. Elected officers of the Review Meeting (including Country Group Chairpersons, Country Group Co-ordinators and 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 of the final summary report, taking into account the structure used at the previous Review Meeting; to resolve any pending issues; and to agree on a uniform and efficient way of conducting the review of National Reports.
6. Questions and comments should be divided into subject categories by each Country Group Co-ordinator as early as possible in order to permit orderly Country Group discussions and the preparation of the Rapporteurs’ oral reports and summary reports.
7. The Country Group Co-ordinator should be available to assist in the relevant Country Group discussions at the Review Meeting.
8. Written Rapporteur’s working notes for the Country Group oral report should be prepared at the end of each day’s session, to permit the orderly review of each National Report and the preparation of the Country Group Rapporteur’s oral report and his/her overall summary report. A first version of these working notes should be presented orally and discussed briefly 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.

With the agreement of the Country Group members, the written daily Rapporteur’s working notes should be provided to the Country Group members and the Review Meeting President at the earliest possible time in order to permit review and comment and facilitate preparation of the overall Review Meeting summary report.

Table 1: Time Chart *

| Deadline for Submission of National Reports | Organizational Meeting | Deadline for Submission of Questions and Comments | Deadline for Submission of Answers | Review Meeting |
|--------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------|
| - 7 months | - 6.5 months | - 3 months | - 1 month | 0 day |
| Rule 38 in the Rules of Procedures and Financial Rules | Rule 11.1. in the Rules of Procedures and Financial Rules | Section VIII of the Guidelines Regarding the Review Process | Para 42 in JC/RM.1/08 Report of the President | Article 30.2(i) of the Convention |
| | | | | Issue Summary Report |
| | | | | Set date for the next Review Meeting and Organizational Meeting |
| | | | | Review arrangements for future Review Meetings |

*The time shown in this chart are approximate. The exact deadlines and timing of events` will be determined in accordance with the Convention and the relevant rules and guidelines.

Table 2: An illustrative example of the mechanism for forming Country Groups (December 2001)

Notes:

1. This table is for illustrative purposes only. The actual allocation of Contracting Parties to Country Groups will be made at each Organizational Meeting.
2. The numbers of nuclear power reactors given in brackets are for illustrative purposes. The actual numbers of nuclear power plant reactors would be confirmed by each Contracting Party at each Organizational Meeting.
3. For this example five Country Groups have been created.
4. For this example the random letter used as the starting point for allocating Contracting Parties with no nuclear power plant reactors is “A”.
5. For this example the Contracting Parties at the date of the Preparatory Meeting have been used.

| GROUP | | | | | | |
|-------|--------------|-----------------|-----------------|--------------|------------|--------|
| 1 | France (57) | Slovakia (5) | Czech Rep. (4) | Denmark | Greece | |
| 2 | UK (35) | Switzerland (5) | Finland (4) | Croatia | Ireland | |
| 3 | Canada (21) | Bulgaria (6) | Hungary (4) | Austria | Latvia | |
| 4 | Germany (20) | Spain (9) | Argentina (2) | Slovenia (1) | Luxembourg | Poland |
| 5 | Ukraine (16) | Sweden (12) | Netherlands (2) | Romania (1) | Morocco | Norway |