

**CONSULTATION PROCESS ON ISSUES ADDRESSED BY THE  
ALMATY GUIDELINES TO THE AARHUS CONVENTION**

**- CONTRIBUTION OF THE IAEA SECRETARIAT -**

**A. Safety Standards:**

Pursuant to Article III.A.6 of its Statute, the Agency is authorized, inter alia, to adopt “standards of safety for protection of health and minimization of danger to life and property”. These Safety Standards are a consensus view among IAEA Member States on what constitutes a high level of safety for protecting people and the environment.

The standards are published under the IAEA Safety Standards Series. The standards are organised into three categories: First, the Safety Fundamentals present the objectives, concepts and principles of protection and safety and provide the basis for the safety requirements. Secondly, the Safety Requirements establish the requirements that must be met to ensure the protection of people and the environment, both now and in the future. The requirements, which are expressed as ‘shall’ statements, are governed by the objectives, concepts and principles of the Safety Fundamentals. If they are not met, measures must be taken to reach or restore the required level of safety. The Safety Requirements use regulatory language to enable them to be incorporated into national law and regulations. Finally, there are Safety Guides which provide recommendations and guidance on how to comply with the Safety Requirements. Recommendations in the Safety Guides are expressed as ‘should’ statements. It is recommended to take the measures stated or equivalent alternative measures. The Safety Guides present international good practices and increasingly they reflect best practices to help users striving to achieve high levels of safety. Each Safety Requirements publication is supplemented by a number of Safety Guides, which can be used in developing national regulatory guides. Only the Safety Fundamentals and Safety Requirements require the approval of the Board of Governors before publication, whereas Safety Guides are issued under the authority of the Director General.

During the process of drafting the Safety Standards, the draft is made public on the IAEA Web Site and can be reviewed and commented. Formal comments are also sought from Member States. The final decision on the incorporation of comments into the draft pertains to Safety Standards committees which are composed of official Member States representatives.

Several of these safety standards address public information and participation of interested parties in radiation and nuclear safety practices, for example, Legal and Governmental Infrastructure for Nuclear, Radiation, Radioactive Waste and Transport Safety Requirements (Safety Standards Series No. GS-R-1).

Provision for public information and consultation are included in Safety Standards mainly when they address the siting of facilities using or involving radioactivity that can impact the environment, for example, in Principle 2 of the Safety Fundamentals and also in specific Safety Requirements, for example, in the Geological Disposal of Radioactive Waste.

Once published the standards are public documents that can be browsed and downloaded from the IAEA web site at <[www.iaea.org](http://www.iaea.org)>.

**B. International Instruments:**

A number of international instruments have been adopted under the auspices of the IAEA, which concern within their scope of application, inter alia, the provision of information to, and consultation with the public:

**i. Convention on Nuclear Safety (the CNS)**

- Article 16.2: Provides that Parties shall take appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent authorities of the states in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.
- Article 17(iv): Provides that Parties shall take appropriate steps to ensure that appropriate procedures are established and implemented for consulting 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 Parties, in order to enable them to evaluate and make their own assessment of the likely safety impact on their own territory of the nuclear installation.
- Article 19(vii): Provides that Parties shall take appropriate steps to ensure programmes to collect and analyse operating experience are established, 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.

**ii. Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management (the Joint Convention)**

- Preambular para.(iv): Provides that the Parties recognize the importance of informing the public on issues regarding the safety of spent fuel and radioactive waste management.
- Articles 6.1 and 13.1: Provide that each Party shall take appropriate steps to ensure that procedures are established and implemented for a proposed spent fuel management facility or a waste management facility to make information on the safety of such a facility available to members of the public, respectively.
- Further, that each Party shall take appropriate steps to ensure that procedures are established and implemented for a proposed spent fuel management facility or a waste management facility, concerning consultation with other Parties in the vicinity of such a facility, insofar as they are likely to be affected by that facility, and provide them, upon their request, with general data relating to the facility to enable them to evaluate the likely safety impact of the facility upon their territory. In so doing, each Party shall take the appropriate steps to ensure that such facilities shall not have unacceptable effects on other Parties by being sited in accordance with the general safety requirements specified in the Convention.

**In addition, the following provisions should be noted:**

- The CNS and the Joint Convention provide for a peer review process under which Parties are quite simply obliged to prepare and submit a national report, inter alia, on the measures they have taken to implement each of the obligations of the Conventions (Article 5 of the CNS and Article 32 of the Joint Convention) and answer written questions and comments on these reports, and attend meetings Review Meetings of Parties with the purpose of reviewing and discussing these national reports. In practice, the majority of Parties have made these national reports available on their national regulatory body's website. They are also available on the IAEA's website.
- Articles 24 and 33 of the CNS and the Joint Convention, respectively, provide for intergovernmental organizations to attend, at the invitation of the Parties, any meeting of the Parties.

- Finally, Articles 25 and 34 of the CNS and Joint Convention, respectively, provide that a document addressing issues discussed and conclusions reached during a meeting of Parties (known as the Summary Report) are to be made available to the public.
- The full text of these instruments and further information can be found on the IAEA web site at <[www.iaea.org](http://www.iaea.org)>.
- These processes are implemented through Member States representatives and Member States are responsible for public participation and information into the processes.

**iii. Code of Conduct on the Safety and Security of Radioactive Sources (the Code of Conduct on Sources)**

- Para. 13(a): Provides that every State should promote awareness among industry, health professionals, the public, and government bodies of the safety and security hazards associated with orphan sources.
- Para. 20(1): Provides that every State should ensure that the regulatory body established by its legislation has the authority to provide, on a case-by-case basis, to a person with an authorization and the public any information that is deemed necessary in order to protect individuals, society and the environment.
- Para. 31: Provides that every State should, as appropriate, inform persons involved in the management of radioactive sources, such as industry, health professionals, and government bodies, and the public, of the measures it has taken to implement this Code, and should take steps to disseminate that information.

**iv. Code of Conduct on the Safety of Research Reactors (the Code of Conduct on Research Reactors)**

- Para. 12: Provides that a State should, if it deems necessary, define how the public and other bodies are involved in the regulatory process.

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