

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1977 Nr. 181

A. TITEL

*Verdrag nopens de Organisatie voor Economische Samenwerking en
Ontwikkeling, met Aanvullende Protocollen en Memorandum;
Parijs, 14 december 1960*

B. TEKST

De tekst van Verdrag, Protocollen en Memorandum is geplaatst in
Trb. 1961, 42.

C. VERTALING

Zie *Trb.* 1961, 60.

D. PARLEMENT

Zie *Trb.* 1962, 28.

E. BEKRACHTIGING

Zie *Trb.* 1961, 60 en 125 en *Trb.* 1962, 28.

F. TOETREDING

Zie *Trb.* 1965, 19, *Trb.* 1971, 145 en *Trb.* 1975, 14.

G. INWERKINGTREDING

Zie *Trb.* 1961, 125, *Trb.* 1962, 28, *Trb.* 1965, 19, *Trb.* 1971, 145 en
Trb. 1975, 14.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1962, 28.

J. GEGEVENS

Zie *Trb.* 1961, 60 en 125, *Trb.* 1962, 28, *Trb.* 1965, 19, *Trb.* 1971, 145 en *Trb.* 1975, 14.

Voor het op 18 april 1951 te Parijs tot stand gekomen Verdrag tot oprichting van de Europese Gemeenschap voor Kolen en Staal zie ook *Trb.* 1976, 77.

Voor het op 25 maart 1957 te Rome tot stand gekomen Verdrag tot oprichting van de Europese Economische Gemeenschap zie ook *Trb.* 1976, 78.

Voor het op 25 maart 1957 te Rome tot stand gekomen Verdrag tot oprichting van de Europese Gemeenschap voor Atoomenergie zie ook *Trb.* 1976, 79.

Op 22 juli 1977 heeft de Raad van de Organisatie voor Economische Samenwerking en Ontwikkeling in overeenstemming met de artikelen 5, letter a, en 6 van het Verdrag een besluit genomen betreffende de oprichting van een multilateraal overleg- en controlemechanisme voor het storten in zee van radioactief afval. De Engelse tekst van dit besluit luidt als volgt:

Decision of the Council establishing a multilateral consultation and surveillance mechanism for sea dumping of radioactive waste

Adopted by the Council at its 449th Meeting on 22nd July, 1977 ¹⁾

The Council,

Having regard to Articles 5(a), 6 and 20 of the Convention on the Organisation for Economic Co-operation and Development (hereinafter referred to as the "Organisation") of 14th December, 1960;

Having regard to the Decision of the OEEC Council of 20th December, 1957 approved by the Council of the Organisation on 30th September, 1961 as amended [C(57)255; OECD/C(61)5; C(72)106 (Final); C(75)68 (Final); C(76)172 (Final)], relating to the Statute of the OECD Nuclear Energy Agency (hereinafter referred to as "NEA");

¹⁾ Acceptance of this Decision by Finland, Germany and Norway is contingent upon the requirements of their constitutional procedure or of other internal administrative provisions.

The Representatives for Australia, Austria, Japan and New Zealand abstained.

Having regard to the entry into force of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (hereinafter referred to as the "London Convention") to which a number of Member countries are already party or intend to become party;

Taking into account of the responsibilities entrusted to the International Atomic Energy Agency (hereinafter referred to as "IAEA") under the London Convention with respect to radioactive waste and other radioactive matter and to the provisional Definition and Recommendations established by the IAEA thereunder and as may be revised from time to time (hereinafter referred to as "the IAEA Definition and Recommendations");

Having regard to the Agreement of 30th September, 1960 between the Organisation and the IAEA providing for close co-operation and consultation between NEA and IAEA in regard to matters of common interest with a view to harmonizing their efforts as far as is appropriate in the light of their respective responsibilities;

Considering that the London Convention encourages international and regional co-operation in the development of procedures for its effective application and the promotion, within appropriate international bodies, of measures to protect the marine environment against pollution caused by radioactive pollutants from all sources;

Considering that the Member countries are desirous of pursuing the objectives of the London Convention and of maintaining and strengthening the co-operation already established within the NEA for the purpose of protecting the marine environment and public health in relation to sea dumping of radioactive waste, through the setting up of a multilateral consultation and surveillance mechanism;

Considering that the purpose of the present Decision is consistent with the objectives of the London Convention and the IAEA Definition and Recommendations, that several Member countries object in principle to sea dumping operations, and that nothing in this Decision shall be interpreted as encouraging the sea dumping of radioactive waste;

Having regard to the Report by the Secretary-General on the Recommendation by the Steering Committee for Nuclear Energy of 29th April, 1977, concerning the establishment of a multilateral consultation and surveillance mechanism for sea dumping of radioactive waste [C(77) 115];

Decides:

Article 1

(a) The purpose of the present Decision is to set up within NEA a multilateral consultation and surveillance mechanism for sea dumping of radioactive waste, in order to further the objectives of the London Convention.

(b) The Member countries which take part in the present Decision are hereinafter referred to as "Participating Countries".

Article 2

(a) Without prejudice to the responsibilities of IAEA under the London Convention, NEA shall, in consultation with the Environment Committee with respect to all environmental policy aspects:

- (i) establish and keep under review, in the light of the experience gained, standards, guidelines, recommended practices and procedures for the safe dumping of radioactive waste at sea, in particular:
 - guidelines for the identification of suitable dumping sites, taking account of Annex III.B to the London Convention and of the IAEA Definition and Recommendations;
 - its Guidelines for Sea Disposal Packages of Radioactive Waste, with special attention to improvements intended to facilitate their proper application;
 - operating procedures, including those relating to the preparation of material to be dumped, and criteria for the suitability of ships, with special attention to improvements intended to facilitate their proper application;
- (ii) assess and keep under review studies made of the environmental, ecological and radiological protection aspects of sea dumping of radioactive waste;
- (iii) assess the suitability of sites proposed by national authorities and keep under review those previously considered suitable for dumping radioactive waste; such a review should take place no later than five years after the relevant assessment or the previous review and shall include the results of appropriate monitoring.

(b) Participating Countries carrying out a radioactive waste sea dumping operation, either individually or collectively, undertake to apply, taking into account the provisions of the London Convention and the IAEA Definition and Recommendations, the standards, guidelines, recommended practices and procedures adopted within the Organisation, in force at the time of the operation.

Article 3

(a) Participating Countries shall notify NEA of the legal and administrative measures which they have taken for applying, as

appropriate, the London Convention, the IAEA Definition and Recommendations and the NEA standards, guidelines, recommended practices and procedures.

(b) Participating Countries shall notify NEA as soon as they have determined to carry out, either individually or collectively, a radioactive waste sea dumping operation, and in any case no later than six months before the operation is scheduled to take place. If a new dumping site is proposed, notification thereof shall be given no later than twelve months before the operation is scheduled to take place. Notification of an operation shall include the following:

- (i) the characteristics and composition of the wastes, including estimates of the quantities, types of nuclides and activities, in accordance with Annex IIIA to the London Convention;
- (ii) the dumping site selected;
- (iii) reasons for the selection of the site, including an environmental and ecological assessment in accordance with the IAEA Definition and Recommendations or a reference to the relevant assessment;
- (iv) the operational procedures envisaged, including measures to be taken in the event of incidents such as the release of radioactive material from the containers.

(c) In addition to the notifications made pursuant to paragraph (b) of this Article, the Participating Country or Countries intending to carry out an operation shall, no later than three months before the operation is scheduled to take place, provide NEA with:

- (i) the number and specifications of the containers to be used and a statement that the containers as a minimum conform to the current NEA guidelines;
- (ii) a description of the relevant characteristics of the ship proposed to be used for the operation, together with a statement that as a minimum it meets the requirements of the IAEA Definition and Recommendations and any NEA criteria for the suitability of ships;
- (iii) the name, qualifications and other relevant particulars of the Escorting Officer to be appointed in accordance with Article 5 (a) below, or a request to NEA to propose an Escorting Officer; and
- (iv) any other relevant information such as the timetable envisaged, etc.

(d) All information referred to in paragraphs (b) and (c) of this Article shall be supplied as soon as it is available and must be sufficient to enable the consultation provided for by Article 4 below to take place.

(e) The Participating Country or Countries carrying out an operation shall provide NEA with a certificate that the materials to

be dumped have been prepared in accordance with NEA standards, guidelines, recommended practices and procedures, as soon as such preparations are completed.

Article 4

(a) Upon receipt of the notification referred to in Article 3 above, the NEA Secretariat shall circulate the information so provided to all Participating Countries, together with comments and observations relating a proposed radioactive waste sea dumping operation to the provisions of the London Convention, the IAEA Definition and Recommendations and NEA standards, guidelines, recommended practices and procedures.

(b) In accordance with arrangements to be determined by the Steering Committee for Nuclear Energy, the NEA Secretariat may, on its own initiative, or shall, upon request by any Participating Country, seek the advice on the proposed operation, as appropriate:

- (i) of the competent Committee of NEA, or
- (ii) as regards environmental and ecological assessments, in consultation with the Environment Directorate, of an ad hoc international group of specialists in these fields, or
- (iii) of an ad hoc international group of specialists on other aspects of the operation.

This procedure shall be initiated in sufficient time to enable the advice to be formulated no later than two months before the operation is scheduled to take place.

(c) Such advice shall be sought in the event that:

- (i) a new site is proposed or the proposed site is not or is no longer considered suitable by NEA;
- (ii) it is planned to use new waste conditioning methods or types of containers not previously recognised by NEA as suitable for sea dumping;
- (iii) it is planned to use a ship having characteristics not previously recognised by NEA as suitable for sea dumping and of relevance to the safety of the operation;

or in such other cases as may be determined by the Steering Committee for Nuclear Energy in the light of the experience gained.

(d) The NEA Secretariat shall inform all Participating Countries of the advice obtained in accordance with paragraphs (b) and (c) of this Article.

(e) The Participating Country or Countries intending to carry out the operation shall take account of any advice obtained in accordance with this Article and shall inform NEA of the decision taken, giving the reasons therefore, which shall be reported accordingly to the Steering Committee for Nuclear Energy.

(f) Following completion of the procedure laid down in this Article, the Participating Country or Countries intending to carry out the operation shall inform NEA of the final conditions adopted.

Article 5

(a) The competent authorities of the Participating Country or Countries carrying out a radioactive waste sea dumping operation shall appoint an Escorting Officer or Escorting Officers to supervise the operation. At the request of these authorities NEA may provide assistance by proposing qualified candidates to perform the functions of Escorting Officers.

(b) Escorting Officers shall have the duties and responsibilities, powers and qualifications specified in the IAEA Definition and Recommendations and in relevant NEA guidelines and recommended practices and procedures.

Article 6

(a) For each radioactive waste sea dumping operation carried out by one or more Participating Countries, the Director General of NEA shall appoint a Representative and shall inform such Participating Country or Countries of his name, qualifications, nationality and other relevant particulars. The NEA Representative shall act in accordance with the instructions of the Director General of NEA and shall report to him.

(b) The NEA Representative shall have the duty and right to verify insofar as reasonably practicable by visual inspection and by the use of the instruments required for a proper radiological control of the operation, that the latter is being carried out in accordance with the final conditions adopted in pursuance of the present Decision and, in particular, that the materials to be dumped are in conformity with the certificate provided pursuant to paragraph (e) of Article 3 above. For this purpose he shall have the right to require that all necessary information is provided by the Escorting Officer or Officers, and may make suggestions and representations as to the conduct of the operations. The verification by the NEA Representative shall begin when the materials to be dumped arrive at the dockside and shall end when the contamination clearance certificate for the ship has been issued.

(c) In case of inability of the NEA Representative to fulfil the functions described in paragraph (b) of this Article, the Director General of NEA shall be informed immediately and shall consult the competent national authority or authorities as appropriate.

(d) In the event of the NEA Representative making suggestions or representations to the Escorting Officer or Officers in respect of the

conduct of the operation, the NEA Representative and the Escorting Officer or Officers shall seek to reach agreement as to the action to be taken.

(e) In case of disagreement between the NEA Representative and the Escorting Officer or Officers on the action to be taken in regard to the following matters:

- the ship not appearing to be in the designated area,
- containers not appearing to be in conformity with the approved specifications,
- no adequate observation of the dumping being possible,
- occurrence of significant radiation hazard to the crew or significant contamination of the ship,

or to any other significant matter which has been determined in advance by the Steering Committee for Nuclear Energy in the light of the experience gained, the Escorting Officer or Officers shall immediately suspend the operation or particular action in question and report to the competent national authority or authorities and the NEA Representative shall report immediately to the Director General of NEA. The competent national authority or authorities and the Director General of NEA shall consult together with a view to finding a mutually acceptable solution. If no mutually acceptable solution is found and the competent national authority or authorities decide to authorise continuation of the operation or particular action in question, the circumstances shall be reported by the NEA Secretariat to the Steering Committee for Nuclear Energy, at the earliest convenient opportunity.

Article 7

(a) In conformity with the IAEA Definition and Recommendations, the NEA Secretariat shall maintain records of the nature and quantities of all wastes dumped during radioactive waste sea dumping operations carried out in accordance with the present Decision and of the location, time and method of the dumping.

(b) The NEA Secretariat shall provide reports regularly on all operations to the Steering Committee for Nuclear Energy and to the Environment Committee.

(c) With the approval of the Participating Country or Countries having carried out an operation NEA shall report to the Inter-Governmental Maritime Consultative Organisation the information recorded pursuant to paragraph (a) of this Article.

Article 8

The Organisation and its officials shall, to the extent provided for in Article 19 of the Convention on the OECD and in Supple-

mentary Protocol No. 2 to the Convention, be immune from every form of legal process in respect of any action or claim arising out of an operation of sea dumping of radioactive waste carried out by one or more Participating Countries in accordance with the provisions of this Decision. Each such Participating Country shall ensure that any protection against third party liability in respect of nuclear damage including any insurance or other financial security which may be available under its laws or regulations shall apply to the Organisation and its officials, in respect of any claim or action arising out of such operations of sea dumping of radioactive waste, in the same way as that protection applies to nationals of that Participating Country.

Article 9

No expenditure other than the cost of providing the necessary Secretariat support and the NEA Representative shall be borne by the budget of the Organisation.

Article 10

(a) The present Decision shall apply as from 22nd July, 1977, to all Member countries taking part in this Decision.

(b) Other Member countries may subsequently take part in the present Decision by notification to the Secretary-General of the Organisation to that effect and this Decision shall apply to them as from the date of receipt of such notification.

(c) Any Participating Country may terminate the application of the present Decision to itself by giving six months' notice to that effect to the Secretary-General.

Van het op 29 december 1972 te Londen, Mexico-City, Moskou en Washington voor ondertekening opengestelde Verdrag ter voorkoming van verontreiniging van de zee door het storten van afval en vuil, naar welk Verdrag in de preambule tot bovenstaand besluit wordt verwezen, zijn tekst en vertaling geplaatst in *Trb.* 1973, 172; zie ook *Trb.* 1977, 182.

Voor het OESO Agentschap voor kernenergie zie ook rubriek J van *Trb.* 1977, 180.

Uitgegeven de drieëntwintigste december 1977.

De Minister van Buitenlandse Zaken,
C. A. VAN DER KLAUW.