

## Nuclear Law Committee (NLC)

*The NLC promotes the harmonisation of nuclear legislation governing the peaceful uses of nuclear energy in member countries and in selected non-member countries. It supports the modernisation and strengthening of national and international nuclear liability regimes. Under the supervision of the NLC, the NEA also compiles, analyses and disseminates information on nuclear law through a regular publications programme and organises the International School of Nuclear Law educational programme.*

The Contracting Parties to the Paris Convention and to the Brussels Supplementary Convention adopted and signed protocols to amend those conventions at a diplomatic conference held on 12 February 2004 at OECD headquarters. They also adopted a Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds, and an Explanatory Report on the revision of the two conventions. The revised Paris Convention will require nuclear operators to make more money available to compensate more victims for more types of damage than ever before. The revised Brussels Supplementary Convention will ensure that where compensation amounts under the revised Paris Convention are insufficient, a significant amount of additional funding will be provided. In total, the compensation to be made available to victims of a nuclear accident under the revised Paris-Brussels regime will be €1.5 billion, compared to the current total of 300 million Special Drawing Rights (approximately €350 million).

In connection with the diplomatic conference, the NEA co-organised with the Ministry of Foreign Affairs and the *Commissariat à l'énergie atomique* of France, as well as with the International Nuclear Law Association, a colloquium to highlight the major features of the revised conventions. Speakers addressed such important issues as the significant increase in liability and compensation amounts, the expansion of the geographic scope of application of the conventions, the new detailed definition of nuclear damage, and improvements to the regime covering the transport of radioactive substances.

The Nuclear Law Committee undertook a detailed study of existing regimes covering liability, financial security and compensation for damage caused by radioactive sources. The study was carried out using a questionnaire designed to collect information on national legislation governing civil liability for damage caused by radioactive sources, including equipment containing radioactive sources, as well as on current policies and practices of insurers and other financial guarantors in providing financial security in respect of that liability. The issue is particularly relevant since neither the IAEA Code of Conduct on the Safety and Security of Radioactive Sources nor the Council Directive (Euratom) on the Control of High Activity Sealed Sources and Orphan Sources address liability and compensation for damage caused by radioactive sources, and neither the Paris nor the Vienna Convention apply to radioisotopes outside a nuclear installation that have been prepared for use in industrial, commercial, agricultural, medical, scientific or educational

applications. The Committee will continue its study to determine whether particular legislative requirements or practices should be adopted and harmonised amongst member countries.

NEA Legal Affairs, working in consultation with members of the Nuclear Law Committee, undertook major planning activities for the 2<sup>nd</sup> International Workshop on Nuclear Damage Indemnification to take place in Bratislava in May 2005. This workshop is designed to test the effectiveness of nuclear third party liability and compensation mechanisms that would be activated if a nuclear accident were to occur in a Vienna Convention/Joint Protocol country, and is expected to help participants assess the current state of nuclear emergency preparedness and response in their own and neighbouring countries.

### Information on nuclear law

Issues No. 73 and 74 of the *Nuclear Law Bulletin* were published in June and December 2004, along with their respective Supplements reproducing nuclear legislation adopted in Croatia and Iceland. This periodical provides up-to-date information on developments in legislation, regulations, case law and institutional structures in the field of nuclear law at the national and international levels. The Bulletin has proved to be an invaluable tool for those in government, regulatory, academic, industry and international circles that work closely with nuclear law. Back issues of the Bulletin and other nuclear law information resources are available on the NEA website at [www.nea.fr/html/law/](http://www.nea.fr/html/law/).

The 2002/2003 update of the analytical study of nuclear legislation in OECD countries was published in 2004. This study comprises a chapter on the institutional framework and legislation and regulations governing nuclear energy in each OECD country. Country chapters are revised in rotation, and the 2002/2003 update contains replacement chapters for Belgium, Canada, the Czech Republic, France, Germany, Ireland, Mexico, Poland, Portugal, Sweden, Switzerland and the United Kingdom.



- The Protocols to Amend the Paris Convention on Nuclear Third Party Liability and the Brussels Convention Supplementary to the Paris Convention were adopted and signed at a diplomatic conference convened at OECD headquarters on 12 February 2004.
- The Nuclear Law Committee undertook a detailed study of member countries' legislative regimes covering liability and compensation for damage caused by radioactive sources, including existing compensation policies and practices of insurers and other financial guarantors.
- Extensive planning was carried out for the organisation of an international workshop on the indemnification of nuclear damage following a nuclear incident, to be held in Bratislava in May 2005.
- The fourth session of the International School of Nuclear Law was organised at the University of Montpellier 1.
- An International Seminar on Nuclear Law and Environmental Law was organised in Cluj-Napoca, Romania.

## Educational programme

The fourth session of the International School of Nuclear Law (ISNL) was held at the University of Montpellier 1, France, in August-September 2004. The ISNL is jointly managed by the NEA and the University of Montpellier 1. Its objective is to provide high-quality education in nuclear law to law students and legal professionals through a two-week intensive course. A total of 57 participants from more than 30 countries attended the 2004 programme, which was held entirely in English.



The University Diploma (*Diplôme d'Université* – D.U.) in International Nuclear Law, established in 2003, attracted an even higher number of candidates in 2004 than in the previous year. ISNL participants may apply for this diploma which is delivered upon successful completion of written examinations and satisfactory performance during the course. The University has also organised official recognition of the Diploma through ECTS credits (European Credit Transfer and Accumulation System). This system, introduced in 1989 within the framework of Erasmus and now part of the Socrates programme, facilitates the recognition of study periods spent in European universities.

Further information on the 2005 session, scheduled to take place from 22 August to 2 September 2005 is available on the NEA website at [www.nea.fr/html/law/isnl/index.html](http://www.nea.fr/html/law/isnl/index.html). Applications can be submitted online.

An International Seminar on Nuclear Law and Environmental Law was organised in Cluj-Napoca (Romania) from 5 to 9 July 2004. This seminar was the first activity carried out under



Maria Durisova, Bohunice NPP, Slovak Republic

Participants at the International Seminar on Nuclear Law and Environmental Law in Cluj-Napoca, Romania.

the ISNL partnership system and enjoyed close co-operation between the University of Babeş-Bolyai, the NEA, the Romanian nuclear authorities, the French section of the International Nuclear Law Association and the Law and Insurance Branch of the French Nuclear Energy Society. Up for discussion were a series of questions covering environmental protection in the context of nuclear activities; the safety of nuclear installations and radiation protection; legal and political aspects of radioactive waste management; management of nuclear accidents and radiological emergencies; liability and indemnification of nuclear damage; nuclear security and public participation and information. Over 120 participants attended this seminar which was conducted entirely in French.

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