

Legal Affairs

Nuclear Law Committee (NLC)

The NLC promotes the harmonisation of nuclear legislation governing the peaceful uses of nuclear energy, particularly nuclear liability legislation. 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.

Nuclear third party liability

In 2002, the objective of promoting the modernisation and strengthening of international nuclear liability regimes was accomplished through the successful completion of negotiations to revise the Paris and Brussels Supplementary Conventions, the approval of both amending Protocols by the Contracting Parties thereto and agreement to hold a diplomatic conference in 2003 to adopt those Protocols. The revision of these Conventions will ensure that significantly more money will be made available to compensate a greater number of victims for a much broader range of nuclear damage than is currently the case; in fact under the revised Conventions up to 1.5 billion euros of compensation will be made available. At the same time, the revised Conventions will remain compatible with other existing international nuclear liability instruments, including the 1988 Joint Protocol on the Application of the Vienna and Paris Conventions, the 1997 Protocol to Amend the Vienna Convention, and the 1997 Convention on Supplementary Compensation for Nuclear Damage.

The Nuclear Law Committee continued to serve as a forum for the examination of topical issues in the nuclear field in 2002. Particular emphasis was given to studying the potential conflict between proposed European Union legislation and existing international nuclear liability instruments related to liability and compensation for environmental damage arising from a nuclear incident, and to the implications of terrorist activities upon the ability of nuclear operators to obtain financial security in respect of nuclear damage caused by such activities.

Co-operation with non-member countries

In keeping with its objectives, the Agency provided assistance to certain non-member countries in which NEA member countries have a special interest, particularly those of Central and Eastern Europe and the New Independent States. This assistance is primarily aimed at helping those countries develop nuclear legislation that reflects internationally accepted principles for the peaceful utilisation of

nuclear energy. The most significant accomplishment in 2002 in this area was the very successful Special Session of the Joint Task Force on Nuclear Legislation in Ukraine, held in June, during which the NEA and several experts from NEA member countries provided assistance to Ukraine on drafting legislation to establish and manage a fund for the costs of decommissioning nuclear installations in that country.

Information on nuclear law

Issues No. 69 and 70 of the *Nuclear Law Bulletin* were published in June and December 2002, along with their respective Supplements which reproduced new nuclear legislation adopted in Germany, Romania and Ukraine. This periodical, issued twice per year, provides up-to-date information on recent 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 over the past thirty years for those in government, regulatory, academic, industry and international circles that work closely with nuclear law.

The proceedings of the INEX "Workshop on the Indemnification of Nuclear Damage in the Event of a Nuclear Accident" were also prepared. The objective of this workshop, held in November 2001, was to test the capacity of existing national nuclear liability and compensation mechanisms to manage the consequences of a nuclear accident. These proceedings contain a comparative analysis of the legislative and regulatory regime governing emergency response and nuclear third party liability in force in those countries that replied to the questionnaire circulated for this purpose. A compilation of the responses provided to that questionnaire is also included. The proceedings reproduce the texts of presentations made by special guests from Germany and Japan describing the manner in which the public authorities in their respective countries responded to two nuclear accidents of a very different nature and scale. This publication provides food for thought on the optimisation of methods and procedures to be used in the aftermath of a nuclear emergency and on their possible harmonisation.

International School of Nuclear Law

The second session of the International School of Nuclear Law (ISNL) was held at the University of Montpellier 1, France, in August-September 2002. Following the success of the inaugural session of the school in 2001, it was deemed useful to organise a second course with similar content the following year. The ISNL is jointly managed by the NEA and the University of Montpellier 1 on the basis of close co-operation between these institutions. On the occasion of the 2002 session, a Co-operation Agreement was signed by Professor Alain Uziel, President of the University of Montpellier 1, and by Ms. Carol Kessler, Deputy Director-General of the NEA, in order to establish an official framework for this partnership. The International Nuclear Law Association, the European Commission and the International Atomic Energy Agency also provide sponsorship or direct support to this programme.

The objective of the ISNL is to provide high-quality courses on the various aspects of this discipline both to law students pursuing their studies at doctoral and masters level, who wish to follow an introductory course on nuclear law and familiarise themselves with career

- The Contracting Parties to the Paris and Brussels Supplementary Conventions completed their negotiations to revise both Conventions, approved the final texts of both amending Protocols and agreed to hold a diplomatic conference to adopt the amending Protocols early in 2003.
- A Special Session of the Joint Task Force on Nuclear Legislation in Ukraine was organised to provide assistance to Ukraine in drafting legislation to establish and manage a decommissioning fund.
- The second session of the International School of Nuclear Law was held in the summer of 2002 at the University of Montpellier 1, enabling 57 participants from 34 countries to attend high-quality courses on the various aspects of this discipline.

2002 Session of the International School of Nuclear Law



Students came from 34 countries

Brazil	Mexico
Bulgaria	Nigeria
Cameroon	Romania
Canada	Russian Federation
China	Slovak Republic
Egypt	Slovenia
Finland	South Africa
France	Spain
Germany	Sudan
Hungary	Sweden
Indonesia	Syria
Iran	Tanzania
Ireland	Turkey
Ivory Coast	Uganda
Japan	Ukraine
Lithuania	United Kingdom
Malaysia	United States

opportunities open to them in this field, as well as to young legal professionals already active in the nuclear sector and who wish to develop their knowledge. A total of 57 participants from 34 countries attended the 2002 programme, which was comprised of ten days of classes, held in English over a two-week period, combining main lectures in the morning with practical exercises and case studies in the afternoon. Subjects explored included:

- The origins and uniqueness of nuclear law;
- Protection against ionising radiation;
- Nuclear safety and prevention and management of nuclear accidents;
- Management of spent fuel and radioactive waste;
- Transport of nuclear materials and fuel;
- Physical protection of nuclear materials and installations;
- Preventing the proliferation of nuclear weapons;
- Liability and compensation for nuclear damage, including insurance;
- International trade of nuclear materials and equipment.

Plans are currently under way to explore the possibility of awarding a diploma of the University of Montpellier 1 to future ISNL participants, and to arrange the validation by other universities of university credits for participation in this course.

Further information on the 2003 session (scheduled to take place from 25 August to 5 September 2003) and application forms are available on the NEA website at www.nea.fr/html/law/isnl/index.html.



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