

# Legal Affairs

## Nuclear Law Committee (NLC)

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

### Development and harmonisation of nuclear legislation

The NLC continued to look for solutions to problems encountered by nuclear operators unable to obtain private insurance coverage for third party liability and material damage resulting from a nuclear accident caused by terrorist acts. After reviewing additional information on lifetime insurance requirements, the availability of coverage more than ten years after an incident and coverage of damage caused by simultaneous attacks on several nuclear facilities, the Committee finalised its report on the matter, which was published in *Nuclear Law Bulletin No. 78*.

The Committee also studied the issue of whether nuclear fusion installations should be included within the scope of the Paris Convention. Recent scientific reports confirm that the radiological risks created by fusion reactors are relatively low and that the risk of transboundary damage resulting from their operation is extremely small. There seems little justification for including such facilities within the scope of the Convention at the moment, but should that situation change, the insurance industry confirmed its ability to resolve any related financial security issues.

In parallel, the Committee examined the best method for ensuring that operators are not burdened by the application of the Paris Convention to small quantities of nuclear substances used or transported outside of a nuclear installation, in keeping with current international regulations. It will consider the amendment of a 1977 Decision of the Steering Committee for Nuclear Energy in this regard.

## Highlights

- Member countries party to the Paris and Brussels Supplementary Conventions continued to work actively to implement into their national legislation the Protocols to amend those conventions which were adopted in 2004.
- The NLC continued the detailed examination of liability and compensation regimes for damage caused by a nuclear incident resulting from terrorist acts; the need to include nuclear fusion installations in a comprehensive, international liability regime; and the best way to ensure that an overly burdensome regime does not apply to small quantities of nuclear substances outside a nuclear installation.
- The NLC examined the impact of the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters on the nuclear energy sector.
- The sixth session of the International School of Nuclear Law was held at the University of Montpellier 1.
- The inaugural session of the eighth term of office of the European Nuclear Energy Tribunal was held at OECD Headquarters.

NLC members also assessed how to implement the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters in the nuclear energy sector. The Convention will most probably change the way in which governments manage nuclear energy information and make decisions on nuclear energy projects.

### International nuclear liability regime

Member countries which adopted the 2004 Protocols to amend the Paris and Brussels Supplementary Conventions worked actively to ratify and implement those Protocols into their national legislation. Once in force, the Protocols will require nuclear operators to make more money available to compensate more victims for more types of damage than ever before. A few countries have already adopted the necessary legislation, but most reported delays due to difficulties in obtaining operator financial security for newly assumed risks.

### European Nuclear Energy Tribunal

The European Nuclear Energy Tribunal was initially established in 1957 pursuant to the Convention on the Establishment of a Security Control in the Field of Nuclear Energy. Its jurisdiction is now limited to resolving disputes over the interpretation or application of the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy and the 1963 Brussels Convention Supplementary to the Paris Convention.

On 24 May 2006, the OECD Council adopted a Resolution appointing the judges of the Tribunal for its eighth term of office and the Tribunal held its Inaugural Session on 27 October 2006.



The European Nuclear Energy Tribunal and members of the NEA Legal Affairs section.

The following judges will hold office for a five-year term: Dr. Peter Baumann (Austria), Ms. Mia Wouters (Belgium), Mr. Olivier Talevski (Denmark), Ms. Marie-Claire Guyader (France), Prof. Armin von Bogdandy (Germany), Mr. Bert Maan (Netherlands) and Prof. Vaughan Lowe (United Kingdom). At that session, Professor von Bogdandy was elected President, and Ms. Julia Schwartz, NEA Head of Legal Affairs, was appointed Registrar of the Tribunal.

### Nuclear law information programme

Issues No. 77 and 78 of the *Nuclear Law Bulletin* were published in June and December 2006 respectively. This periodical provides up-to-date information on developments in legislation, regulations, case law and institutional structures in the field of nuclear law at national and international levels, and has proved to be an invaluable tool for those working on nuclear law issues. More information is available on the NEA website at [www.nea.fr/html/law](http://www.nea.fr/html/law).

In April, the NEA jointly published with the IAEA *International Nuclear Law in the Post-Chernobyl Period*. This compendium of articles on international nuclear law initiatives taken since the Chernobyl accident demonstrates how that event heightened awareness of the need to improve the international legal regime governing the peaceful uses of nuclear energy. The full text of the report is available at [www.nea.fr/html/law/chernobyl/welcome.html](http://www.nea.fr/html/law/chernobyl/welcome.html).

In May, the proceedings of the Second International Workshop on Indemnification of Damage in the Event of a Nuclear Accident were published. This workshop, co-organised by the NEA and the nuclear regulatory authority of the Slovak Republic in 2005, assessed the liability and compensation mechanisms that would be implemented by participating countries affected by a nuclear incident occurring within or near their borders.

The *Regulatory and Institutional Framework for Nuclear Activities* was made available online for free downloading in 2006. It is intended to update the country profiles on a regular basis and to include reproductions of relevant legislation in the member countries concerned.

### Nuclear law educational programme

The sixth session of the International School of Nuclear Law (ISNL) was held from 21 August to 1 September in Montpellier, France, with 60 people from 30 countries and the European Commission participating. Established in 2000 by the NEA and the University of Montpellier 1, the ISNL aims to provide high-quality education in nuclear law to students and legal professionals through an intensive training course. It benefits from the support of the IAEA and the International Nuclear Law Association, and from professional expertise provided by the European Commission services. The 2007 session will take place from 27 August to 7 September. Further information may be obtained at [www.nea.fr/html/law/isnl/index.html](http://www.nea.fr/html/law/isnl/index.html).



Participants at the sixth session of the ISNL, Montpellier, France.

The second session of the World Nuclear University (WNU) Summer Institute took place in July-August in Stockholm, Sweden. This six-week training programme covered a broad spectrum of nuclear energy issues, with the nuclear law module co-organised by the NEA and the IAEA focusing on general nuclear law subjects as well as on non-proliferation and nuclear security. The 2007 WNU Summer Institute will be hosted by the Korea Atomic Energy Research Institute and Korea Hydro & Nuclear Power Co.

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