

Legal Affairs

Nuclear Law Committee (NLC)

The NLC promotes the development, strengthening and harmonisation of nuclear legislation governing the peaceful uses of nuclear energy in member countries and selected non-member countries. It supports the application and modernisation 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.

Highlights

- A colloquium on the past, present and future of the NLC was held at OECD headquarters to celebrate the Committee's 50th anniversary.
- Member countries which are party to the Paris and Brussels Supplementary Conventions on Nuclear Third Party Liability continued to work towards implementing in their national legislation the Protocols to amend those conventions, which were adopted in 2004. The NLC actively sought to help those countries resolve the problem of financial security for operator liability which ensued.
- The NLC finalised a draft Steering Committee Decision to ensure that an overly burdensome regime would not apply to small quantities of nuclear substances which are in transport or in use outside a nuclear installation.
- The NLC established a joint ad hoc working group together with the Committee on Radiation Protection and Public Health (CRPPH) in order to study the impact of legal and economic factors on nuclear emergency decision making.
- The seventh session of the International School of Nuclear Law was held at the University of Montpellier 1.

Development and harmonisation of nuclear legislation

To mark its 50th anniversary, the NLC organised a colloquium on its past, present and future in conjunction with the committee's regular meeting in Paris, France. The committee was founded on 24 January 1957 as the Group of Governmental Experts on Third Party Liability in the Field of Nuclear Energy. Over its five decades of work, it has made a significant contribution to the safe and responsible use of nuclear energy, notably by participating in the drafting of international conventions in the field of civil liability for nuclear damage. Those attending the colloquium included nearly all former NLC chairs and former heads of NEA Legal Affairs. Copies of the speeches can be found on the NEA website at www.nea.fr/html/law/colloquium/welcome.html.



Participants at the Nuclear Law Committee's 50th anniversary.



50th anniversary colloquium.
From left to right: N. Pelzer, L. Echávarri,
J. Schwartz, R. Dussart-Desart, M. Léger.

Member countries which are party to the Paris and Brussels Supplementary Conventions on Nuclear Third Party Liability continued to work towards implementing in their national legislation the Protocols to amend those conventions, which were adopted in 2004. Their provisions require nuclear operators to make more money available to compensate more victims for more types of damage than ever before. Nuclear operators are obliged to provide financial security to cover their risks under the revised nuclear liability regimes. Several countries are facing delays in implementation because the private

nuclear risk insurance industry has made it clear that it is unable or unwilling to provide full coverage for certain risks which nuclear operators are obliged to assume under the revised or newly adopted international nuclear liability conventions (risks such as the costs of certain preventive measures, environmental damage and prescription periods which exceed ten years). The NLC actively sought to help those countries find adequate, alternative financial security.

The NLC finalised a draft Steering Committee Decision to ensure that nuclear operators are not overly burdened by the application of the Paris Convention on Nuclear Third Party Liability to small quantities of nuclear substances used or transported outside of a nuclear installation. The NLC co-ordinated its actions with relevant counterparts at the International Atomic Energy Agency to ensure consistency with an almost identical decision relating to the 1963 Vienna Convention on Civil Liability for Nuclear Damage, the 1997 Protocol to amend that Convention and the Convention on Supplementary Compensation for Nuclear Damage. The Decision was adopted by the Steering Committee for Nuclear Energy in October.

The NLC continued its study of the impact on the nuclear energy sector of the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters. The Convention will impact the management of nuclear energy information by public authorities and the decision-making process for nuclear energy projects. The committee examined several national court decisions that relate to the subject matter of the Aarhus Convention and invited an expert to speak about the role of the Aarhus Compliance Committee.

The NLC established an ad hoc working group together with the Working Party on Nuclear Emergency Management of the Committee on Radiation Protection and Public Health (CRPPH) to study the impact of legal and economic factors on nuclear emergency decision making.

Nuclear law publication programme

Volumes No. 79 and 80 of the *Nuclear Law Bulletin* were published in June and December respectively. This periodical provides up-to-date information on national and international developments in legislation, regulations and case law in the field of nuclear law. It also includes articles and studies analysing recent developments. The *Nuclear Law Bulletin* is a unique international publication in nuclear law and has proved to be an invaluable tool for both professionals and academics working in this field. Back issues (except for the latest three) are available for free download at www.nea.fr/html/law/nlb.

Country files on nuclear legislation in OECD member countries, comprising the regulatory and institutional framework for nuclear activities, are also available online at www.nea.fr/html/law/legislation/welcome.html. In 2007, several country files were updated. It is intended to update the country files on a regular basis and to include reproductions of new nuclear legislation.

Nuclear law educational programme

The seventh session of the International School of Nuclear Law (ISNL) was held from 27 August to 7 September in Montpellier, France, with 57 people from 35 countries and the European Commission participating. Established in 2001 by the NEA and the University of Montpellier 1, the ISNL aims to provide high-quality education in international 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 2008 session will take place from 25 August to 5 September. Further information may be obtained at www.nea.fr/html/law/isnl/index.html.



Participants at the 2007 session of the ISNL, Montpellier, France.

The third Summer Institute of the World Nuclear University (WNU) took place in the Republic of Korea in July. This six-week training programme covered a broad spectrum of nuclear energy issues, mainly in the field of nuclear science and technology. The four-day nuclear law module was co-organised by the NEA and the IAEA, and focused on general nuclear law subjects, third party liability and environmental law, and on non-proliferation and safeguards. The 2008 WNU Summer Institute will be held at Ottawa University, Canada from 5 July to 15 August.

The WNU also organised its first regional session in China in July 2007. This session aimed to inform an audience of Chinese graduate students and nuclear professionals of the key issues facing the nuclear energy sector. The NEA participated and delivered a lecture on international nuclear law.

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