

INTERNATIONAL REGULATORY ACTIVITIES

OECD Nuclear Energy Agency

INEX 2000 – Workshop on the Indemnification of Damage in the Event of a Nuclear Accident (2001)

A Workshop on the Indemnification of Damage in the Event of a Nuclear Accident was held on 26-28 November 2001, as part of the International Nuclear Emergency Exercise – INEX 2000. The INEX Programme, carried out by the OECD Nuclear Energy Agency (NEA) since 1993, addresses Member States' concerns to promote means of ensuring effective co-ordination between the various bodies which have a role to play in the event of a nuclear accident, in order to ensure rapid and efficient management of such a situation. This programme is composed of a series of exercises simulating nuclear accidents in which interested countries may participate.

For the first time, it was decided to incorporate third party liability aspects into the INEX 2000 Exercise. The technical exercise, which took place on 22 and 23 May 2001 at the Gravelines nuclear power plant, located near Dunkerque in the North of France, was therefore followed by a Workshop on the Indemnification of Damage in the Event of a Nuclear Accident.

The Workshop aimed to test the mechanisms which apply to the compensation of potential victims of such an accident, both in France and in affected neighbouring countries. More particularly with regard to the NEA, it was also deemed interesting to examine the manner in which the Paris Convention on Third Party Liability in the Field of Nuclear Energy and the Brussels Supplementary Convention would be applied.

The Workshop was organised in three main stages:

- the alert phase: “grave and imminent danger of a nuclear accident”;
- the accident phase: effective releases, possible damage; and
- the post-accident phase: putting into operation most of the procedures to identify damage and provide compensation.

The following aspects were in particular examined: intervention of the nuclear operator's insurer, dissemination of information concerning the rights of potential victims and compensation claims, emergency assistance payments, compensation claims handling, and the interface between the accident State and the international nuclear third-party liability regime.

International Atomic Energy Agency

Resolutions adopted by the IAEA General Conference (2001)

The 45th Session of the IAEA General Conference was held in Vienna from 17 to 21 September 2001 with delegations from 132 Member States and representatives of various international organisations in attendance. Resolutions were adopted *inter alia* in the following areas.

Nuclear, Radiation, Transport and Waste Safety

The Conference adopted a number of resolutions to strengthen international co-operation in these fields. Under Resolution No. 10 on Measures to Strengthen International Co-operation in Nuclear, Radiation, Transport and Waste Safety, the General Conference notes with satisfaction that the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management entered into force on 18 June 2001. It appeals to all Member States which have not yet taken the necessary steps to become party to the above-mentioned Convention and to the Convention on Nuclear Safety to do so, and also to implement the Code of Conduct on the Safety and Security of Radioactive Sources. The General Conference invites the Secretariat to complete the corpus of the IAEA safety requirements.

Regarding transport safety, the General Conference urges Member States which do not have national regulatory texts governing the transport of radioactive material to adopt such documents expeditiously, ensuring that they are in conformity with the 1996 edition of the Agency's Transport Regulations. It requests that Member States make use where appropriate of the Transport Safety Appraisal Service established by the IAEA Secretariat with a view to achieving the highest possible levels of safety during the transport of radioactive materials. It emphasises the particular importance of having effective liability mechanisms to ensure the indemnification of damage resulting from nuclear accidents.

Physical Protection and Illicit Trafficking in Nuclear Materials

In Resolution No. 14 on Measures to Improve the Security of Nuclear Materials and Other Radioactive Materials, the General Conference invites States that have not yet done so to accede to the Convention on the Physical Protection of Nuclear Material, to apply relevant physical protection recommendations and to participate in the illicit trafficking database programme on a voluntary basis. It invites the UN General Assembly, in its continued elaboration of an international convention on the suppression of acts of nuclear terrorism, to bear in mind IAEA activities in preventing and combating illicit trafficking in nuclear materials and other radioactive materials. It requests the Director General to review thoroughly the activities and programmes of the Agency with a view to strengthening the Agency work relevant to preventing acts of terrorism involving nuclear materials and other radioactive materials.

Strengthening IAEA Technical Co-operation Activities

Resolution No. 11 reiterates the need to strengthen the Technical Co-operation Strategy through the development of effective programmes aimed at promoting and improving the scientific, technological and regulatory capabilities of developing countries regarding peaceful, safe and

regulated applications of atomic energy and nuclear techniques in the fields of – *inter alia* – food and agriculture, human health, industry, water resource management and environment. The General Conference also requests the Director General to help interested Member States to obtain access to relevant information on the role of nuclear power in mitigating greenhouse gas emissions and to provide factual input to the forthcoming World Summit on Sustainable Development.

Strengthening the IAEA's Safeguards System

In Resolution No. 13, “Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol”, the General Conference welcomes the fact that 58 States and other Parties to IAEA safeguards agreements have signed Additional Protocols aimed at strengthening the effectiveness and improving the efficiency of the safeguards system. It requests States and other Parties to Agreements which have not yet done so to sign Additional Protocols promptly, and invites the signatories of these Protocols to implement them.

Safeguards in the Democratic People's Republic of Korea (DPRK)

Resolution No. 16 expresses the General Conference's concern about its inability to verify the correctness and completeness of the initial declaration made by the DPRK and is therefore unable to conclude that there has been no diversion of nuclear material in the DPRK. The General Conference urges again the DPRK to comply fully with its safeguards agreement and to co-operate with the Agency in making the first concrete steps needed for the implementation of the generic requirements for the verification of the correctness and completeness of the DPRK's initial declaration.

Nuclear Inspections in Iraq

In Resolution No. 17, the General Conference expresses its concern about the Agency's inability to carry out its ongoing monitoring and verification activities related to Iraq's past clandestine nuclear programme, and it invites Iraq to comply with the relevant UN Security Council resolutions. It also requests the Agency, in light of the 32-month break since it was last able to implement its mandate under the relevant Security Council resolutions, to place highest priority on regaining a level of knowledge of the status of Iraq's nuclear-related assets required for the full implementation of the Agency's system of ongoing monitoring and verification.

Non-proliferation Safeguards in the Middle East

In Resolution No. 18, the General Conference reaffirms the urgent need for States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as a step towards establishing a nuclear-weapon-free zone in that region. In this respect, it calls upon all States concerned to take the steps required for the establishment of such a zone and to adhere to international non-proliferation regimes.