

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 adoption, implementation and modernisation of national and international nuclear liability regimes. Under its supervision, the NEA analyses and disseminates information on nuclear law through a regular publications programme and conducts annual sessions of the International School of Nuclear Law.

Highlights

- The NLC held its first-ever topical session on legal implications of multilateral approaches to the nuclear fuel cycle, designed to address the legal aspects of initiatives for the security of nuclear fuel supply.
- The Committee explored the challenges facing legislators and regulatory bodies which are trying to balance the needs for both transparency and confidentiality with respect to information concerning nuclear activities.
- The NLC sought to help those countries wishing to ratify the 2004 Protocols to amend the Paris and Brussels Supplementary Conventions to resolve the problem of obtaining sufficient financial security to cover new liability risks being assumed by nuclear operators under those instruments.
- The United States of America ratified the 1997 Convention on Supplementary Compensation for Nuclear Damage (CSC), the first NEA member and major nuclear power generating country to do so.
- Two issues of the *Nuclear Law Bulletin* (NLB) were published containing topical articles on the licensing of new reactors in the United States, EU non-proliferation instruments and policies, environmental law developments in nuclear energy, operator pooling for nuclear third party liability and US-India nuclear co-operation and non-proliferation.
- The eighth session of the International School of Nuclear Law was successfully organised at the University of Montpellier 1.

Development and harmonisation of nuclear legislation

Environmental protection is becoming a growing concern amongst nuclear lawyers and the NLC assessed some of the processes that are used in member countries to ensure adequate environmental protection in the nuclear field, including environmental impact assessments for nuclear installations and public participation in the decision-making process. The NLC explored the challenges facing legislators and regulatory bodies in balancing the needs for transparency and confidentiality: communicating sufficient information on nuclear activities to policy makers and the public to allow for informed decision making, while protecting confidential information that is either commercially valuable or that, if used in a malevolent manner, could pose risks to public health, safety and security.

For the first time during a regular meeting, the NLC held a special topical session addressing the legal implications of multilateral approaches to the nuclear fuel cycle. The session was designed to inform members of the NLC of the most important issues in this field which are currently

being considered at the international level. The legal aspects of several specific proposals put forward by NEA member countries and non-member observers were addressed, as was the potential role of the International Atomic Energy Agency (IAEA) in such initiatives.

The impact of legal and economic factors in decision making in nuclear emergency situations was studied by a joint ad hoc working group comprising representatives of the NLC and of the NEA Committee on Radiation Protection and Public Health (CRPPH). The group stressed the importance of exchanging information between the two disciplines, including among communities from different countries. Issues examined by the group included stakeholder involvement in emergency management, the role of insurers, the notions of "nuclear incident" and "nuclear damage", and the institution of compensation claims for nuclear damage.

National and international nuclear liability regimes

NEA member countries continue to show significant interest in ensuring that adequate and equitable compensation

is made available to victims who suffer injury or damage as a result of a nuclear incident occurring at a nuclear installation or during the transport of nuclear substances. Member countries which are party to the Paris and Brussels Supplementary Conventions on nuclear third party liability continue to work towards implementing the 2004 protocols amending those conventions. Several countries face delays in implementation because private nuclear risk insurers are unable to provide full coverage for certain risks which nuclear operators are obliged to assume under the newly revised conventions, such as the cost of reinstating an impaired environment and extended prescription periods. The NLC has thus sought to help those countries find adequate, alternative financial security. The United States of America was the first NEA member country to deposit its instrument of ratification of the Convention on Supplementary Compensation for Nuclear Damage (CSC), the aim of which is to create a global regime of nuclear liability and compensation to cover nuclear accidents. Three other countries have ratified this instrument (Argentina, Morocco and Romania), but it will only enter into force 90 days after the date on which at least five states with a minimum of 400 000 "units" of installed nuclear capacity (or roughly 400 000 MWth of installed capacity as defined in the convention) have done the same.

Nuclear law publication programme

The June 2008 issue marked the 40th anniversary of the *Nuclear Law Bulletin*. This unique, bilingual periodical provides up-to-date information on national and international developments in legislation, regulations and case law in the nuclear law field and includes articles and studies analysing those developments. It has proven to be an invaluable tool for both professionals and academics. Volumes No. 81 and 82 of the Bulletin were published in June and December respectively. All but the latest three editions are available online at www.nea.fr/html/law/nlb.



Country chapters on the regulatory and institutional framework for nuclear activities in OECD member countries are also available at www.nea.fr/html/law/legislation/welcome.html. Several country profiles were updated in 2008 (Australia, Hungary, Italy, Japan, Luxembourg, Sweden, Turkey and the United States). A new service, "Latest Legislative Developments", was also introduced which tracks recent nuclear legislative news even prior to its publication in the *Nuclear Law Bulletin*; it can be found at www.nea.fr/html/law/legislation/updates.html.



Nuclear law educational programme

The eighth session of the International School of Nuclear Law (ISNL) was held in August/September in co-operation with the University of Montpellier 1, France. Established in 2001, 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 professional expertise provided by the IAEA and by the European Commission. For the first time this year, a session on the impact of environmental law on nuclear activities was included in the intensive two-week course. The 2009 session is scheduled to be held from 24 August to 4 September. Further information may be obtained at www.nea.fr/html/law/isnl/index.html.



Participants at the 2008 session of the ISNL, Montpellier, France.

The fourth Summer Institute of the World Nuclear University (WNU), an intensive six-week programme aimed at building future leadership in nuclear science and technology, took place in Ottawa, Canada in July and August with NEA Legal Affairs and the IAEA's Office of Legal Affairs co-ordinating the nuclear law component. Representatives from NEA Legal Affairs also gave lectures at the WNU-organised week-long courses held in various countries throughout the world on key nuclear energy issues.

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