4th International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident

Lisbon, Portugal
8-10 October 2019

PROGRAMME
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Programme
General information

Location:
Teatro Thalia  
Estrada das Laranjeiras, 211  
1649-018 Lisboa  
Portugal

Registration:
Only pre-registered participants will be allowed to attend the workshop. Badges will be distributed on Tuesday, 8 October from 08:30 to 09:00 at the Teatro Thalia.

Registration fee:
The workshop registration fee is EUR 150 per participant. This fee includes the three-day workshop, all material, lunches and social events as detailed below.

Lunch:
A standing buffet will be provided at lunchtime. It will be served at the Teatro Thalia. Diverse restaurant options are also available within walking distance of the workshop venue (for more information, please see the Participants area on the workshop website: www.oecd-nea.org/law/workshops/lisbon2019).

Wi-Fi access:
Free Wi-Fi connection will be available at the Teatro Thalia for the workshop participants.

   Wi-Fi network:  MecThalia  
   Password:      #MecThalia2013

Social events:

Dinner at the restaurant “Casa do Alentejo” on Tuesday, 8 October at 19:30 (Rua das Portas de Santo Antão nº 58, 1150-268 Lisboa, www.casadoalentejo.com.pt). The restaurant is conveniently reachable by public transportation from the workshop venue. Please see the Participants area on the workshop website for directions.

(Due to limited capacity, the dinner is reserved to the participants who have confirmed their attendance while completing the workshop pre-registration form.)

“Porto de Honra” at the Teatro Thalia on Wednesday, 9 October at 17:15.
Traditional Portuguese cocktail with Porto Wine.
About the workshop

Organisers

The OECD Nuclear Energy Agency (NEA) is an intergovernmental agency that facilitates co-operation among countries with advanced nuclear technology infrastructures to seek excellence in nuclear safety, technology, science, environment and law. The current membership of the NEA consists of 33 countries from Europe, the Americas and the Asia-Pacific region, accounting for approximately 81% of the world’s installed nuclear capacity.

The Instituto Superior Técnico (IST) is the school of Architecture, Engineering, Science and Technology of the University of Lisbon. In 2012 IST integrated the former Instituto Tecnológico e Nuclear and became the operator of the Portuguese Research Reactor, the Radioactive Waste storage facility and the Radiation Protection and Safety Laboratory, providing technical support to the Portuguese Government in the fields of radiation protection and nuclear safety.

Background

The First International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident was organised by the NEA in co-operation with the French authorities and held in November 2001 in Paris, France. Its purpose was to integrate third party liability and compensation issues into an essentially technical emergency exercise (INEX-2000, a simulated nuclear accident at the Gravelines nuclear power plant in France). The emphasis of the workshop was placed on the manner in which the Paris Convention on Third Party Liability in the Field of Nuclear Energy (the “Paris Convention”) and the Brussels Convention Supplementary to the Paris Convention (the “Brussels Supplementary Convention”) would apply to the indemnification of damage incurred by victims in those convention countries as a result of a nuclear accident scenario.

The Second International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident was held in Bratislava, Slovak Republic, in May 2005. This workshop, co-organised by the NEA and the Nuclear Regulatory Authority of the Slovak Republic, was based on two fictitious scenarios aimed to test the implementation of various third party liability regimes with a special focus on an assessment of the indemnification measures that would be taken if a nuclear accident occurred in a state party to the Vienna Convention on Civil Liability for Nuclear Damage (the “Vienna Convention”), and more specifically a state party to both the Vienna Convention and the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (the “Joint Protocol”).
The Third International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident was again held in Bratislava, Slovak Republic, in co-operation with the Nuclear Regulatory Authority of the Slovak Republic in October 2017. This workshop assessed the implementation of currently applicable international nuclear liability conventions in conjunction with, inter alia, non-convention states regimes, assuming all the modernised international nuclear liability instruments have come into force, i.e. i) the Paris Convention and the Brussels Supplementary Convention, both as amended by the 2004 Protocols; ii) the Vienna Convention and the 1997 Protocol to amend the Vienna Convention; iii) the Joint Protocol; and iv) the Convention on Supplementary Compensation for Nuclear Damage.

Programme

The Fourth International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident will be a unique opportunity to continue exploring the practical application of the modernised international nuclear liability conventions and national legislations, in case a nuclear incident occurred at a nuclear installation. It will address, in much more details, topics identified by the 2017 Bratislava workshop participants for further discussion, i.e. the determination of the nuclear damage to be compensated, and transboundary claims handling, in order for the participants to understand the challenges and discuss views and options to ensure an adequate compensation of victims in case of a nuclear incident.

The determination of nuclear damage will be discussed by addressing each of the following heads of damage separately:

1. loss of life or personal injury;
2. loss of or damage to property;
3. economic loss (arising from 1 and 2, loss of income deriving from an economic interest in any use or enjoyment of the environment, loss caused by preventive measures, and any other economic loss);
4. costs of measures of reinstatement of impaired environment;
5. costs of preventive measures.

In addition, the workshop will address:

6. the administrative challenges of handling nuclear damage compensation claims.

A group of experts has been constituted for each topic mentioned above and composed of, as appropriate:

- a nuclear liability expert;
- an environmental law expert;
- an economist;
- a radiological protection expert;
- a representative of the insurance pools or mutuals;
- a representative of a nuclear operator.
These experts have prepared for each session a background note that is available at the Participants restricted area on the workshop website, as well as other supporting documents. Participants are invited to read such background notes in advance of the workshop in order to prepare their questions and comments.

The below programme includes long discussion sessions after the groups of experts’ presentations, in order to allow an active and collaborative discussion between the panel of experts and the participants.

_The participants are invited to prepare the workshop in advance in order to be able to contribute to the discussion sessions by consulting the Participants restricted area on the workshop website._

Photo credit: © Técnico Lisboa
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<thead>
<tr>
<th>Time</th>
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<tr>
<td>08:30</td>
<td>Registration</td>
</tr>
<tr>
<td>09:00</td>
<td><strong>Opening Session – Welcome Addresses</strong></td>
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<tr>
<td></td>
<td>- Prof. Manuel Heitor, Portuguese Minister of Science, Technology and Higher Education</td>
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<td>- Mr William D. Magwood, IV, Director-General, OECD Nuclear Energy Agency</td>
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<td></td>
<td>- Prof. Arlindo Limede de Oliveira, President of Instituto Superior Técnico</td>
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<td>- Prof. Pedro Romano Martinez, Director of the School of Law, University of Lisbon</td>
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<td>- Dr Nuno Lacasta, President of the Portuguese Environment Agency</td>
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<td></td>
<td>- Mr Roland Dussart-Desart, Chair of the NEA Nuclear Law Committee and Former Head of the Legal Division at the Belgian FPS Economy, SMEs, Self-employed and Energy</td>
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<tr>
<td>10:00</td>
<td><strong>Introduction by the moderators of the workshop</strong></td>
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<tr>
<td></td>
<td>- Dr Christian Raetzke, Independent lawyer and consultant, CONLAR - Consulting on Nuclear Law (Germany)</td>
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<td>- Prof. Miguel Sousa Ferro, Professor at the Faculty of Law of the University of Lisbon and the European University of Lisbon (Portugal)</td>
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<td>10:10</td>
<td>Break and Group Photo</td>
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<tr>
<td>10:40</td>
<td><strong>Introductory session</strong></td>
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<tr>
<td></td>
<td>- Nuclear Damage and claims handling in context</td>
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<td><em>Ms Ximena Vásquez-Maignan, Head of the NEA Office of Legal Counsel</em></td>
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<tr>
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<td>- The practical challenges of determining the nuclear damage: panel of concerned stakeholders</td>
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<td>- Government’s perspective</td>
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<tr>
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<td><em>Mr Roland Dussart-Desart, Chair of the NEA Nuclear Law Committee and Former Head of the Legal Division at the Belgian FPS Economy, SMEs, Self-employed and Energy</em></td>
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<td>- Operator’s perspective</td>
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<td><em>Ms Fiona Geoffroy, Senior Legal Adviser, Energies Law Department, Électricité de France (EDF) (France)</em></td>
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<td>- Insurers’ perspective</td>
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<td><em>Mr Peter Lodewyckx, Senior Advisor, SYBAN (Belgium)</em></td>
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<tr>
<td>12:00</td>
<td>Lunch</td>
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13:30 **Loss of life or personal injury**

*Chair:* Prof. Vanda Lamm, President of the Section of Economics and Law, Hungarian Academy of Sciences and member of the NEA Nuclear Law Committee Bureau

- Radiation and health impacts
  *Mr Pedro Rosário, Head of the Division of Authorization and Nuclear Safety, Department of Emergencies and Radiation Protection, Portuguese Environment Agency (Portugal)*

- Personal injury
  *Ms Beata Sparażyńska, Chief Expert for EU and International Affairs, Nuclear Energy Department, Polish Ministry of Energy (Poland)*

- Mental anguish
  *Ms Yulia Tsegelnik, Head of Insurance Division, JSC “Rusatom Energy International” (Russian Federation)*

- The concept of indirect loss of life
  *Mr Jan Prášil, Senior EU Regulatory Affairs Specialist, European Affairs Department, ČEZ, a.s. (Czech Republic)*

- Applicable criteria to establish the damage and calculation methods
  *Prof. António Menezes Cordeiro, Professor of Civil Law, Faculty of Law, University of Lisbon (Portugal)*

- Impact of the prescription period
  *Mr Alain Quéré, Head Nuclear Energy Risks Swiss Re and Pool Manager SPN - Swiss Pool (Switzerland)*

**Discussion session**

15:00 **Break**
15:30 **Loss of or damage to property**

*Chair:* Mr Andrey Shkarbanov, International Law Adviser, Department for Legal and Corporate Affairs, State Atomic Energy Corporation ROSATOM (Russian Federation) and member of the NEA Nuclear Law Committee Bureau

- “Loss of or damage to property” as provided under the international conventions and national legal regimes
  *Ms Neža Kompare, Legal advisor, General Affairs Service, Slovenian Nuclear Safety Administration (Slovenia) and Dr Károly Gerse, Legal Director, MVM Paks NPP (Hungary)*

- Radiological protection issues related to property damage
  *Dr Jacqueline Garnier-Laplace, Radiation protection specialist, NEA Division of Radiological Protection and Human Aspects of Nuclear Safety (RP-HANS)*

- Costs related to “loss of or damage to property”
  *Mr Attila Oláh, Chairman, Hungarian Nuclear Insurance Pool (Hungary) and Mr Justin Franken, Underwriter, DKVG (Germany)*

- Lessons learnt from the Fukushima Daiichi accident: damage to property in nuclear damage compensation regime in Japan
  *Prof. Toyohiro Nomura, Emeritus professor at the Gakushuin University and President of the Japan Energy Law Institute (Japan)*

### Discussion session

17:00 End of Day 1  
Dinner at 19:30

Restaurant “Casa do Alentejo”
*Rua das Portas de Santo Antão nº 58, 1150-268 Lisboa  
(For confirmed participants only)*
09:00  

**Economic loss**

*Chair:* Mr Ben McRae, Assistant General Counsel at the US Department of Energy and member of the NEA Nuclear Law Committee Bureau

- The international legal framework: the evolution and differences  
  *Dr Andrea Gioia, Senior Legal Officer, Nuclear Law and Treaty Section, Office of Legal Affairs, International Atomic Energy Agency (IAEA)*

- Economic loss arising from loss or damage to a person or property  
  *Ms Anastasia Polovinkina, Director, Debt Finance and Investment, Rusatom Energy International (Russian Federation)*

- Loss of income deriving from an economic interest in any use or enjoyment of the environment and further loss caused by preventive measures  
  *Ms Fiona Geoffroy, Senior Legal Adviser, Energies Law Department, Électricité de France (EDF) (France)*

- Any other economic loss (the residual head of damage)  
  *Mr Ben McRae, Assistant General Counsel at the US Department of Energy and member of the NEA Nuclear Law Committee Bureau*

- The rumour related damage  
  *Mr Tomohiro Ichiki, Director and General Manager, Japan Atomic Energy Insurance Pool (Japan)*

- Economic loss from a financial perspective  
  *Mr Bram-Paul Jobse, Chief Financial Officer, Borssele NPP (Netherlands)*

**Discussion session**

10:30 Break
Costs of measures of reinstatement of impaired environment

Chair: Ms Florence Touïtou-Durand, Head of Legal Affairs, French Alternative Energies and Atomic Energy Commission and member of the NEA Nuclear Law Committee Bureau

• Practical perspectives on impairment of the environment and its remediation following a nuclear accident
  Mr Luis Portugal, Head of the Emergency Preparedness and Response Unit, Department of Emergencies and Radiation Protection, Portuguese Environment Agency (Portugal)

• Costs of measures of reinstatement of impaired environment under the revised nuclear third party liability conventions
  Ms Florence Touïtou-Durand, Head of Legal Affairs, French Alternative Energies and Atomic Energy Commission and member of the NEA Nuclear Law Committee Bureau

• Considerations on the significance threshold for environmental impairment and the reasonableness of measures of reinstatement
  Dr João Alves, Director of the Radiological Protection and Safety Department, Instituto Superior Técnico (Portugal) and Ms Maria Meruje, Legal Adviser, Instituto Superior Técnico (Portugal)

• Property damage, tort law and the compensation of environmental harm
  Prof. Monika Hinteregger, Institute of Civil Law, Foreign Private Law and Private International Law, Karl-Franzens-University of Graz (Austria)

• Perspectives from other international and national civil liability regimes for the compensation of costs of measures of reinstatement of impaired environment
  Ms Els Reynaers, Partner, MV Kini (India)

Discussion session

12:15  Lunch
14:00 Costs of preventive measures

Chair: Prof. Taro Hokugo, Director for Atomic Energy and International Affairs, Cabinet Office, Government of Japan and member of the NEA Nuclear Law Committee Bureau

- Preventive measures in theory
  Mr Eduard Klobouček, Lawyer, Legal Division, State Office of Nuclear Safety (Czech Republic)

- Preventive measures in practice
  Mr Christopher Mogg, Radioactive Substances Regulation Advisor, Environment Agency (United Kingdom)

- The nuclear insurance industry’s view
  Mr Mark Popplewell, Managing Director, Nuclear Risk Insurers (NRI) Ltd (United Kingdom)

- Preventive measures in the context of the Fukushima Daiichi accident
  Prof. Taro Hokugo, Director for Atomic Energy and International Affairs, Cabinet Office, Government of Japan and member of the NEA Nuclear Law Committee Bureau

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Discussion session

15:30 Break

16:00 Conclusion of Part I

- Panel of the Chairs

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Discussion session

17:00 End of Day 2

“Porto de Honra” at 17:15

Teatro Thalia
# PART II – TRANSBoundary Claims Handling

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<tr>
<td>09:00</td>
<td><strong>Transboundary claims handling</strong></td>
</tr>
<tr>
<td></td>
<td><em>Chair: Mr Roland Dussart-Desart, Chair of the NEA Nuclear Law Committee and Former Head of the Legal Division at the Belgian FPS Economy, SMEs, Self-employed and Energy</em></td>
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<tr>
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<td>• Role play</td>
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<tr>
<td>11:00</td>
<td><strong>Break</strong></td>
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<tr>
<td>12:15</td>
<td><strong>Lunch</strong></td>
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<tr>
<td>13:45</td>
<td><strong>Conclusion of Part II</strong></td>
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<tr>
<td></td>
<td>• Panel of the Chairs</td>
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<tr>
<td>15:30</td>
<td><strong>Closing session</strong></td>
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<tr>
<td></td>
<td>• Prof. Arlindo Lime de Oliveira, President of Instituto Superior Técnico</td>
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<tr>
<td>16:00</td>
<td><strong>End of workshop</strong></td>
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Questions and contact information

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