

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

- Member countries which are party to the Paris and Brussels Supplementary Conventions on third party liability progressed towards implementing into their national legislation the provisions of the protocols to amend those conventions which were adopted in 2004.
- An overview of nuclear operator liability amounts and financial security limits was made available on the NEA website, covering all major nuclear electricity generating countries in the world.
- The NLC held a special topical session addressing the international regulatory framework for transboundary movements of radioactive waste and the legal issues that may arise relating to the "nationality" of radioactive waste.
- Two issues of the *Nuclear Law Bulletin* (NLB) were published containing topical articles on, *inter alia*, the review conference mechanism in nuclear law, nuclear-weapon-free zone treaties, nuclear new build, the new European Union (EU) Directive on nuclear safety, nuclear third party liability in the EU, the resurgence of nuclear energy in Italy and the International Thermonuclear Experimental Reactor (ITER) project on nuclear fusion.
- The ninth session of the International School of Nuclear Law was successfully held at the University of Montpellier 1.

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 risks include the cost of reinstating an impaired environment and extended prescription periods.

An overview of operator liability amounts and financial security limits was made available on the NEA website. It includes information on NEA member countries and virtually all other countries party to any international nuclear third party liability regime. It is based on information received from authorities in the respective countries, and can be found at www.nea.fr/html/law/legal-documents.html.

In many member countries, legal instruments are seen as the best means of enabling debate by all stakeholders on proposed nuclear projects to ensure that potentially adverse effects are either prevented or acceptably mitigated. The NLC assessed some of the processes that are used in member countries to ensure access to information on nuclear activities, noting that it is difficult for regulators and governments to find the right balance between the need for transparency towards the public and policy makers to allow for informed decision making, and the need to protect confidential information that is either commercially valuable or, if used in a malevolent manner, could pose risks to public health, safety and security. It further addressed the importance of legislative frameworks for stakeholder involvement and environmental impact assessments in nuclear decision making, such as selecting a site for radioactive waste management or licensing a new reactor.

The NLC held a special topical session during a regular meeting addressing the nationality of radioactive waste and associated disposal issues. The session was designed to inform members of the NLC of the international regulatory framework governing transboundary movements of radioactive waste and of legal issues that may arise relating to the "nationality" of radioactive waste, including the disposal of radioactive waste of foreign origin. Referring to the patchwork of national legislative regimes that exists in the 30 OECD member countries, many delegates considered a single import and export approach for all OECD countries to be unachievable even though it might bring with it economies of scale. All NLC representatives did agree, however, that it is the responsibility of those OECD countries which generate radioactive waste to determine the appropriate long-term solutions for managing that waste.

Development and harmonisation of nuclear legislation

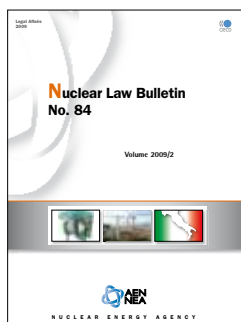
Ensuring adequate and equitable compensation for third party damage caused by a nuclear incident continued to attract the highest level of attention amongst member countries. Those which are party to the Paris and Brussels Supplementary Conventions on nuclear third party liability worked towards implementing the 2004 protocols amending those conventions. Several of them are facing delays



2009 session of the International School of Nuclear Law.

Both the NLC and the NEA Legal Affairs Section were active in providing legal input to the NEA Committee on Radiation Protection and Public Health (CRPPH) and its Working Party on Nuclear Emergency Matters (WPNEM). They participated in meetings of the WPNEM programme committees and will contribute to both the 2010 Workshop on Stakeholder Involvement in Post-Emergency Management and the Fourth International Nuclear Emergency Management Exercise (INEX-4), which will be conducted by the WPNEM in 2010-2011.

Nuclear law publication programme



The 83rd and the 84th issues of the *Nuclear Law Bulletin* were published in June and December 2009 respectively. 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. In the context of current discussions on nuclear new build, the *Nuclear Law Bulletin* has increased its focus on related articles and on bilateral and multilateral agreements. All but the latest three editions of the NLB are available online at www.nea.fr/html/law/nlb. The most recent editions are available on subscription through the OECD bookshop at www.oecdbookshop.org.

Country profiles on the regulatory and institutional framework for nuclear activities in OECD member countries are available at www.nea.fr/html/law/legislation/. A large majority of the country profiles were updated in 2009. The NEA website also proposes a listing of "Latest Legislative Developments", which tracks recent nuclear legislative

events even prior to their publication in the *Nuclear Law Bulletin*; it can be found at www.nea.fr/html/law/legislation/updates.html.

Nuclear law educational programme

The ninth 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 OECD/NEA and the International Atomic Energy Agency (IAEA). The 2010 session marks the tenth anniversary of the ISNL which is scheduled to be held from 23 August to 3 September. Further information may be obtained at www.nea.fr/html/law/isnl/.

The fifth 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 at Oxford University in the United Kingdom where it is expected to make its permanent home. NEA Legal Affairs and the IAEA Office of Legal Affairs coordinated the nuclear law component. Representatives from NEA Legal Affairs also gave lectures at the WNU-organised, week-long courses held in China and Korea on key nuclear energy issues.



Contact:
Julia Schwartz
Head, Legal Affairs
+33 (0)1 45 24 10 30
julia.schwartz@oecd.org