

## COUNTRY SHEET: SPAIN

Applicable upon the entry into force of the Revised Paris Convention

Spain is a member country of the OECD Nuclear Energy Agency. For more information on the legal, regulatory and institutional frameworks for nuclear activities in Spain, see [here](#).

### 1. APPLICABLE NUCLEAR THIRD PARTY LIABILITY REGIME

#### *International convention(s):*

- 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy, as Amended by the 2004 Protocol (the “[Revised Paris Convention](#)”)
- 1963 Brussels Convention Supplementary to the 1960 Paris Convention, as Amended by the 2004 Protocol (the “[Revised Brussels Supplementary Convention](#)”)

#### *National law(s):*

- Act 12/2011 of 27 May 2011 on civil liability for nuclear damage or damage caused by radioactive materials (the “Act 12/2011”), available in [Spanish](#) only

### 2. NUCLEAR THIRD PARTY LIABILITY AMOUNT(S) UNDER THE APPLICABLE NATIONAL LAW(S)<sup>1</sup>

#### *Transport to/from a nuclear installation located in Spain (“the Country”):*

- EUR 80 million-1.2 billion (depending on the nuclear substances carried or the installation involved)

The Ministry for the Ecological Transition and the Demographic Challenge (MITERD) is entitled to decrease the general limit of liability of EUR 1.2 billion to not less than EUR 80 million [Article 4.5.b of the Act 12/2011]. Specific amounts of liability can be established in the Resolutions of the MITERD Directorate-General for Energy Policy and Mines.

Spain being party to the Revised Paris Convention, amounts of nuclear liability for transport applicable to operators of nuclear installations situated in the territory of a Contracting Party the Revised Paris Convention shall be determined by the national legislation of the operator liable wherever the nuclear incident occurs [i.e. Article 7(d) of the Revised Paris Convention applies].

#### *Transit through the Country:*

There are no specific provisions on the amounts of nuclear liability applicable to transit under the Act 12/2011.

Therefore, the requirements relevant to transport will also apply to transit, subject, however, to Article 10 of the Act 12/2011, which provides that when nuclear substances are in transit through the Spanish territory, liability must be guaranteed in an identical manner and for an identical amount as for shipments originating from or sent to a nuclear installation located in Spain [i.e. Article 7(e) of the Revised Paris Convention applies].

### 3. FINANCIAL SECURITY/INSURANCE LIMITS UNDER THE APPLICABLE NATIONAL LAW(S)

#### *Domestic transport:*

- EUR 80 million-1.2 billion (depending on the nuclear substances carried or the installation involved)

#### *International transport to/from a nuclear installation located in the Country:*

- EUR 80 million-1.2 billion (depending on the nuclear substances carried or the installation involved)

#### *Transit through the Country:*

There are no specific provisions on the financial security limits required for transit under the Act 12/2011. Therefore, the requirements relevant to transport will also apply to transit, subject, however, to Article 10 of the Act 12/2011, which provides that when nuclear substances are in transit through the Spanish territory, liability must be guaranteed in an identical manner and for an identical amount as for shipments originating from or sent to a nuclear installation located in Spain [Article 7(e) of the Revised Paris Convention applies].

Even though Spanish law does not provide that certificates of financial security detail the amount applicable for each transit country, such requirement applies in practice.

### 4. CERTIFICATE OF FINANCIAL SECURITY REQUIRED UNDER THE APPLICABLE NATIONAL LAW(S)

#### *Certificate of Financial Security for national transports:<sup>2</sup>*

Not required in practice

#### *Type of Certificate of Financial Security for international carriage:<sup>3</sup>*

- International transport to/from a nuclear installation located in the Country:

There are no specific provisions in Spanish law regarding issuance of a certificate of financial security for international carriage. However, such certificate is required in practice due to the direct application of the relevant provisions in the Paris Convention.

The model certificate of financial security provided in the Steering Committee Recommendation of 8 June 1967 [NE/M (67)1] is not required by law, but followed in practice to cover international transports by Spanish operators liable. Different types of certificates of financial security are accepted to cover transports by other operators liable.

- Transit through the Country:

There are no specific provisions in Spanish law regarding issuance of a certificate of financial security to cover transit through the Spanish territory. However, in practice and prior to any authorisation to transit, the competent authorities verify the existence of a financial cover.

#### *Specific requirement(s) regarding the entity to issue the Certificate of Financial Security:*

- International transport to/from a nuclear installation located in the Country:

No specific requirement

- Transit through the Country:

No specific requirement

## 5. ENTITY BEARING NUCLEAR LIABILITY AND REFERRED TO IN THE CERTIFICATE OF FINANCIAL SECURITY<sup>4</sup>

### *Transport from/to a nuclear installation located in the Country:*

- Operator
- National carrier
- Foreign carrier

[Article 7 of the Act 12/2011]

A carrier (national or foreign), at his request and with the consent of an operator of a nuclear installation, with the authorisation of the competent public authority, can also be liable in place of that operator. A certificate of financial security shall be obtained by such carrier which will be deemed an operator.

### *Transit through the Country:*

- Operator
- National carrier
- Foreign carrier

As the Act 12/2011 does not contain specific requirements relevant to transit, the requirements relevant to transport will also apply to transit.

## 6. EXCLUSIONS UNDER THE APPLICABLE NATIONAL LAW(S)

### *Exclusion of small quantities of nuclear substances:*<sup>5</sup>

Not applied under national legislation

### *Exclusion of radioisotopes which have reached the final stage of fabrication:*<sup>6</sup>

Applied under national legislation [Article 3.1.e of the Act 12/2011]

### *Exclusion of certain kinds of nuclear substances (only applies to Contracting Parties to the Paris Convention):*<sup>7</sup>

Not applied under national legislation

## 7. COMPETENT PUBLIC AUTHORITIES

### *In charge of verifying the certificate of financial security:*

The Nuclear Safety Council (NSC)

### *In charge of authorising a national/foreign carrier to bear nuclear liability:*

The Directorate-General for Energy Policy and Mines, MITERD, after report from the NSC

### *In charge of stating in the certificate of financial security that the person named in the certificate is an operator in accordance with the nuclear legislation in the Country:*

The Directorate-General for Energy Policy and Mines, MITERD

### *Entitled to confirm that the transported substances are covered by the definition of “nuclear substances” (as defined under the Paris Convention) or “nuclear material” (as defined under the Vienna Conventions and the CSC):*

The NSC. In addition, MITERD verifies the nature of the nuclear substances when issuing the respective licenses (if required), and the relevant certificate of financial security

## 8. CONTACT FOR QUESTIONS RELATING TO NUCLEAR LIABILITY AND TRANSPORT IN THE COUNTRY

MITERD, Directorate-General for Policy Energy and Mines Deputy Directorate-General for Nuclear Energy

Email: [bnz-sgenergianuclear@miteco.es](mailto:bnz-sgenergianuclear@miteco.es)

NSC

[www.csn.es/epFormPortalOV/inicio.htm](http://www.csn.es/epFormPortalOV/inicio.htm)

Email: [of-virtual@csn.es](mailto:of-virtual@csn.es)

---

### NOTES

- \* **“Transport”** means an international or domestic carriage of nuclear substances by any means of transportation (i.e. sea, air or land) beginning with the departure from a nuclear installation of the sending operator and ending with the arrival at a nuclear installation of the receiving operator.  
**“Transit”** means temporary movement of nuclear substances within the territory of a State that is not the State of departure, where the sending operator is located, or the State of destination, where the receiving operator is located.
- 1 All nuclear liability conventions (with the exception of the [Vienna Convention](#)) expressly provide that the amount of compensation will be determined by the national legislation of the liable operator. See Article 7(d) of the [Paris Convention](#) and the Revised Paris Convention, Article V.3 of the [Revised Vienna Convention](#), and Article 6.1 of the Annex to the [Convention on Supplementary Compensation \(CSC\)](#).  
Notwithstanding the above, a country may, under certain conditions, subject the transit of nuclear substances through its national territory to an increased nuclear liability amount not exceeding the maximum amount of liability of the operator of a nuclear installation situated in its territory. This is expressly provided in Article 7(e) of the Paris Convention and the Revised Paris Convention, and Article 6.2 of the Annex to the CSC.
- 2 National law may exclude the obligation of the operator liable to provide the carrier with an insurance certificate or other financial security if the carriage takes place wholly within the national territory of a country. This is expressly provided in Article 4(c) of the Paris Convention and the Revised Paris Convention, and Article III of the Revised Vienna Convention.
- 3 The NEA Steering Committee for Nuclear Energy (the “Steering Committee”) recommended to the Contracting Parties to the Paris Convention a model certificate of financial security for the carriage of nuclear substances on 8 June 1967 [[NE/M \(67\)1/NE\(67\)9](#)]. There is no distinction between transport and transit regarding this recommendation.
- 4 National law may provide that a carrier bears nuclear liability in substitution for an operator of a nuclear installation in its territory. This is expressly provided in Article 4(d) of the Paris Convention and Article 4(e) of the revised Paris Convention, Article II.2 of the Vienna Convention and the revised Vienna Convention, Article 3.2 of the Annex to the CSC.
- 5 For the Paris Convention, see the Steering Committee Decision of 3 November 2016 [[NEA/SUM\(2016\)2/NEA/NE\(2016\)8/FINAL](#)]; and for the IAEA Conventions, see the Board of Governors Resolution of 20 November 2014 [[GOV/2014/63](#)]. There is no distinction between transport and transit regarding this exclusion.
- 6 See Article 1(a)(iv) of the Paris Convention and the Revised Paris Convention, and the Steering Committee Recommendation of 19 April 2018 [[NEA/SUM\(2018\)1/NEA/NE\(2018\)3/FINAL](#)]; Article I.1(g) of the Vienna Convention and the Revised Vienna Convention; and Article 1.1(e) of the Annex to the CSC. There is no distinction between transport and transit regarding this exclusion.
- 7 See the Steering Committee Decision of 27 October 1977 [[NE/M\(77\)2/NE\(77\)20](#)]. There is no distinction between transport and transit regarding this exclusion.