

Allocation of Nuclear Liability Risks for Nuclear Substances in Transit

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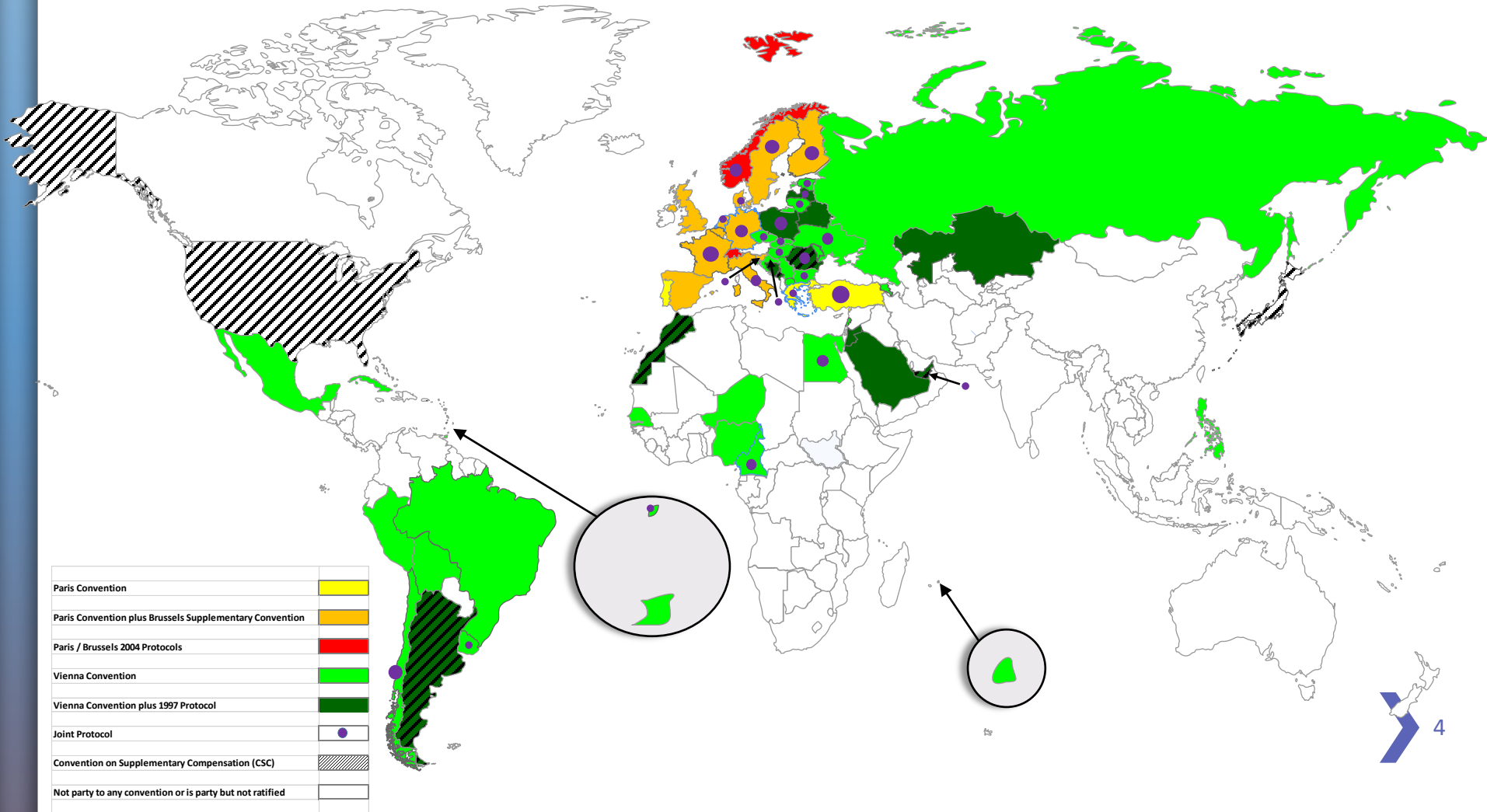
Allocation of Nuclear Liability Risks for Nuclear Substances in Transit

- Mechanisms affecting global market for waste treatment
 - Managing complexities and inconsistencies
 - Ensuring compliance / meeting insuring obligations
- Diversity of liabilities regimes
- Imminent changes
- Options / inconsistencies in national law

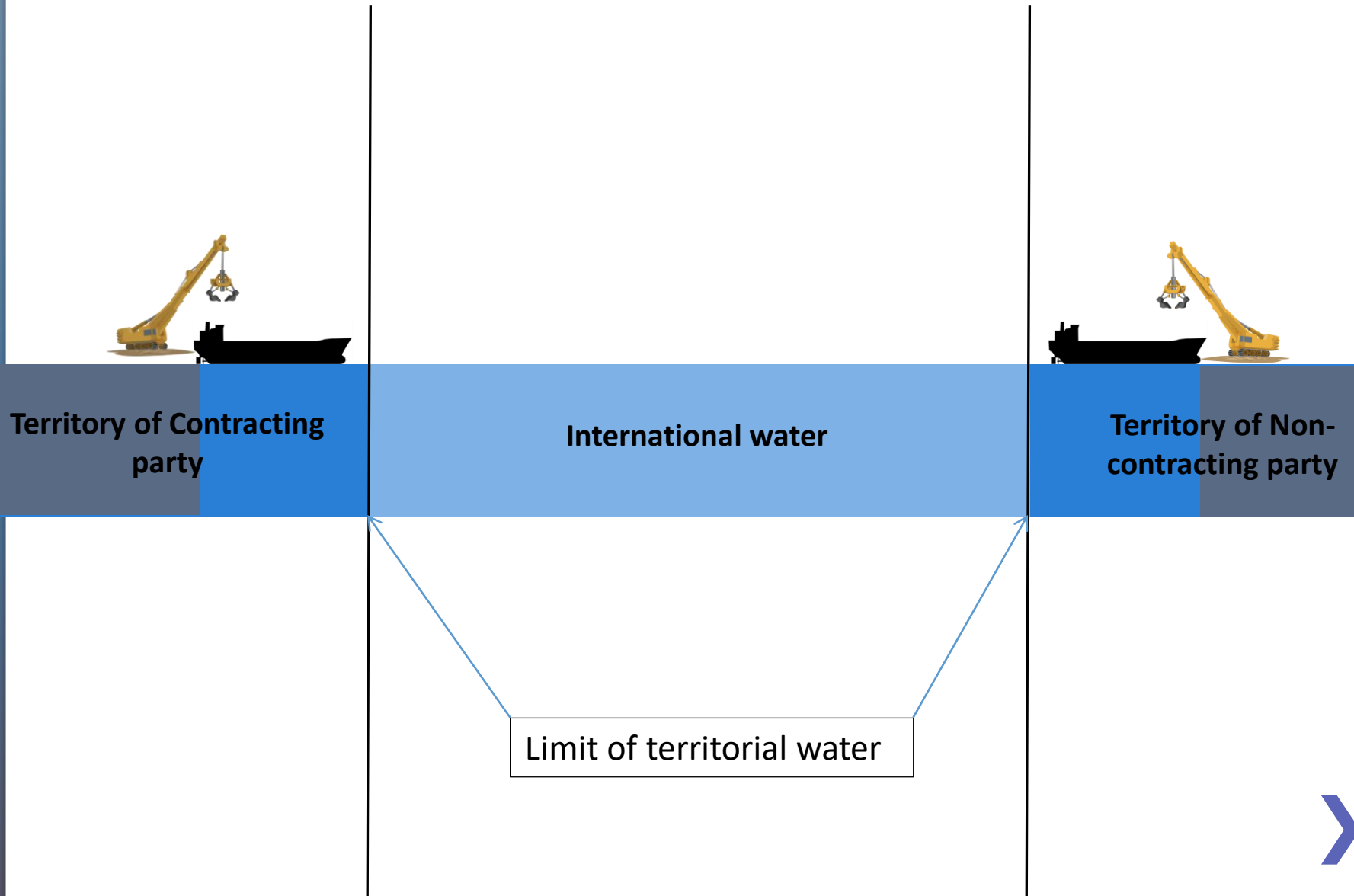
Liability regimes

Paris Convention	
Paris Convention plus Brussels Supplementary Convention	
Paris / Brussels 2004 Protocols	
Vienna Convention	
Vienna Convention plus 1997 Protocol	
Joint Protocol	
Convention on Supplementary Compensation (CSC)	
Not party to any convention or is party but not ratified	

Geographic Extent of Nuclear Liabilities Conventions



Paris / Brussels – Territorial Limits



Paris / Brussels – Territorial Limits

		Pre 2004 Protocols	
	Incident		<ul style="list-style-type: none"> • Joint protocol
			Extended by NL?
	Damage		<ul style="list-style-type: none"> • Joint protocol
			Extended by NL?
Territory of Contracting party	International water		Territory of Non-contracting party
			<ul style="list-style-type: none"> • Joint protocol
	Damage	Ship registered in ...	<ul style="list-style-type: none"> • No installations • Reciprocal benefits / identical principles
	Incident		
		Post 2004 Protocols	

Paris / Brussels – Liabilities for out-bound materials

Pre 2004 Protocols

Operator liable if incident occurs before:

- another operator assumes liability by contract
- another operator has taken charge
- nuclear substances unloaded from means of transport by which have arrived in territory of a non-Contracting State
- Nuclear substances enter territory of non-contracting state (subject to extension under national law)

Territory of Contracting party

International water

Territory of Non-Contracting party

Incident

Damage

Paris / Brussels – Liabilities for out-bound materials

Post 2004 Protocols

Operator liable if incident occurs before:

- another operator assumes liability by contract
- another operator has taken charge
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} Liability transfer requires "direct economic interest"

- ~~Nuclear substances enter territory of non-contracting state (subject to extension under national law)~~

Territory of Contracting party

International water

Territory of Non-Contracting party (with nuclear installations)

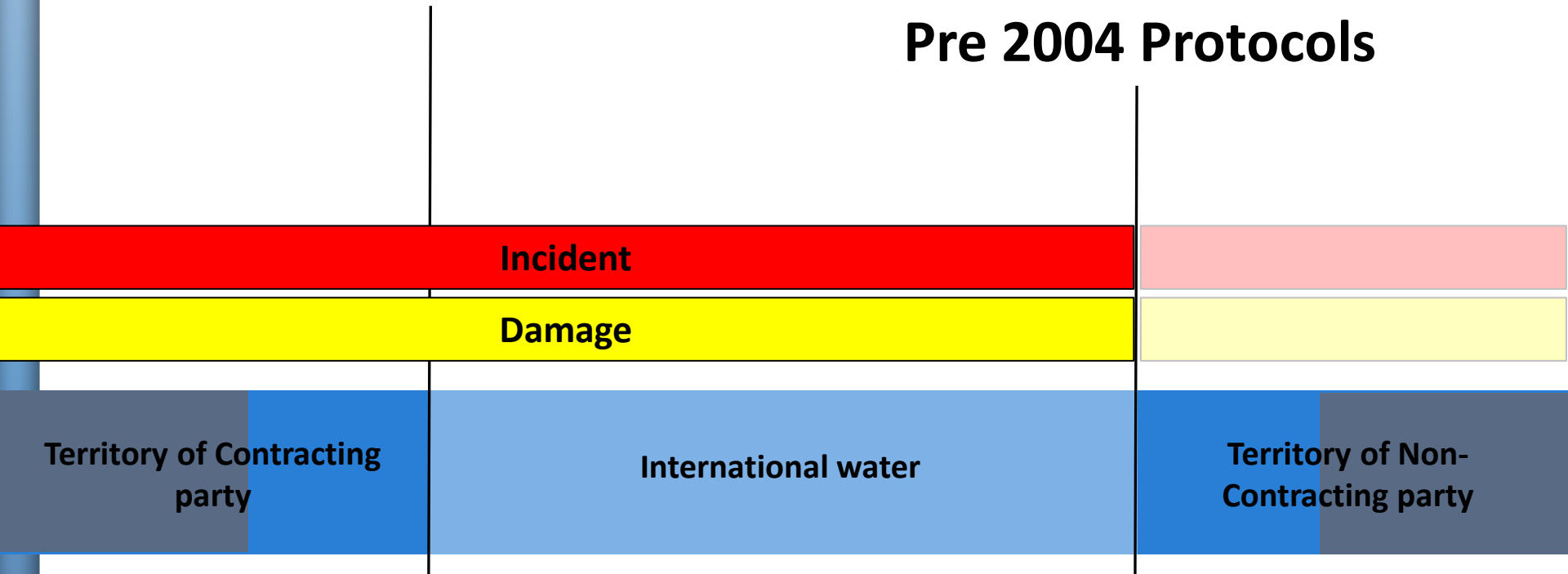
Incident

Damage

Ship registered in ...

Paris / Brussels – Liabilities for in-bound materials

Pre 2004 Protocols



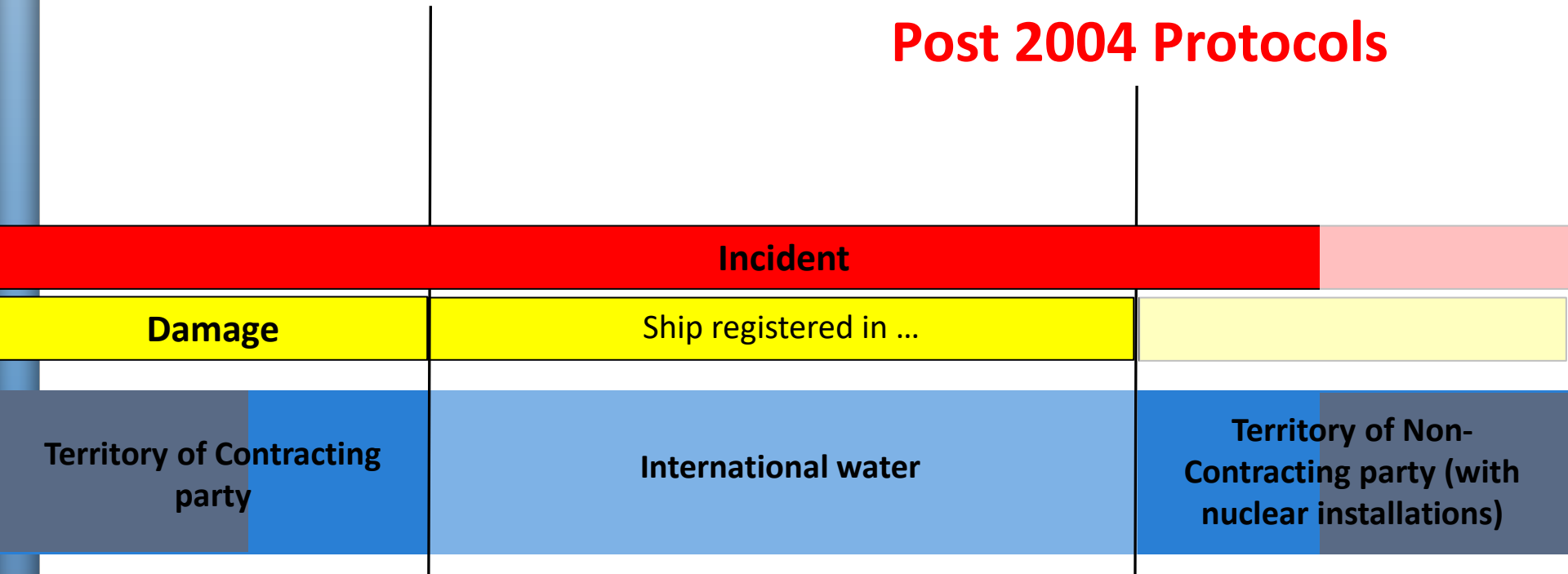
Operator liable if incident occurs after:

- liability assumed by contract from another operator
- has taken charge
- nuclear substances loaded on the means of transport by which they are to be carried from territory of non-Contracting State, where sent with operator's written consent
- nuclear substances leave territory of non-contracting state (subject to extension under national law)



Paris / Brussels – Liabilities for in-bound materials

Post 2004 Protocols



Liability transfer requires "direct economic interest"

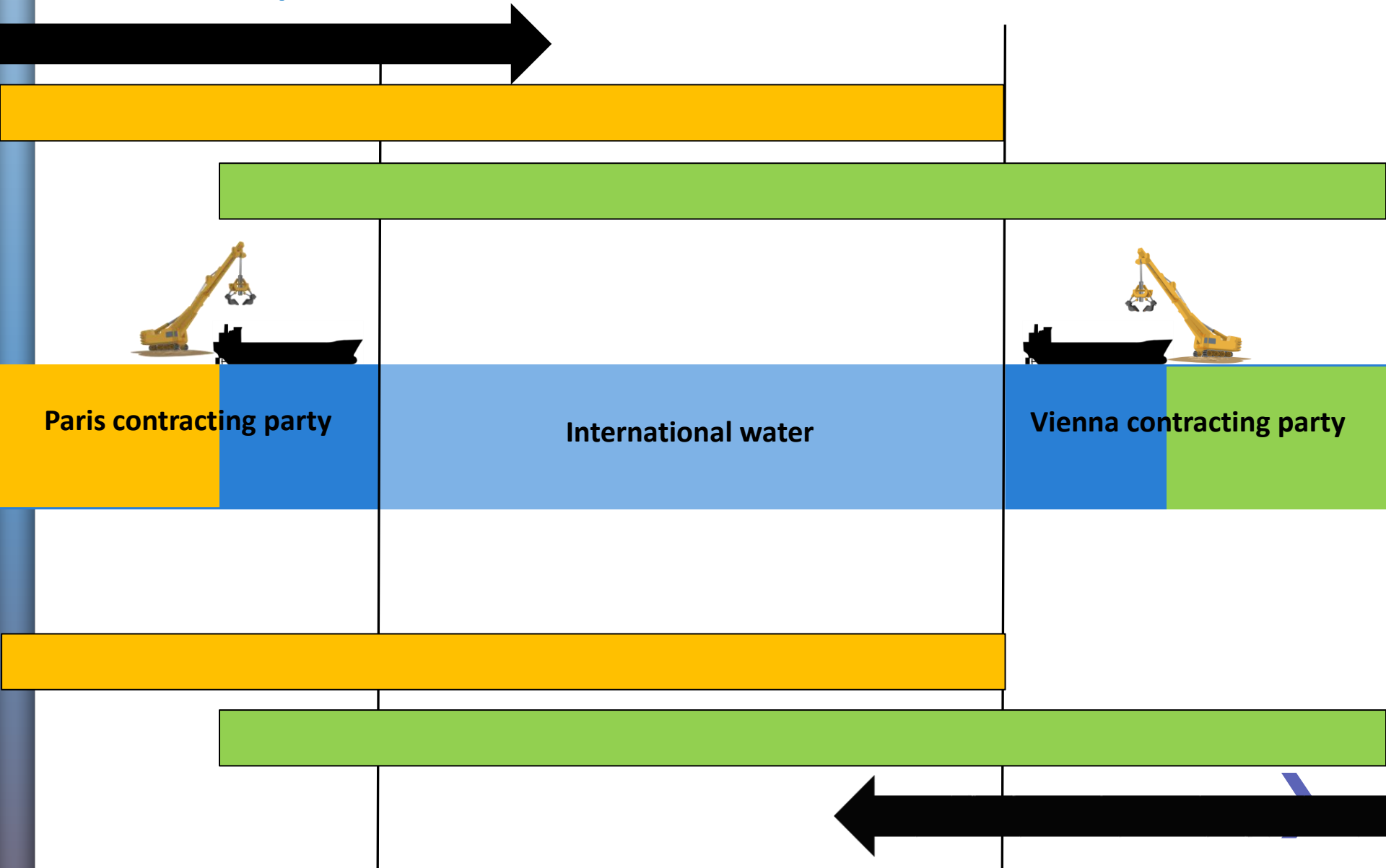


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Overlap - Paris / Vienna



Other liability considerations



- Certificates of financial security
- Combined shipments
- Jurisdiction
- Applicable law
- Liabilities outside convention regimes

- Assessment of practicable options
 - Best Available Technique (BAT) / optimal treatment and disposal routes
 - Limited relevance of proximity - radiological risk?
 - Compliance with EU procurement (where relevant)
- Compliance and liability risks
 - Import / export licencing
 - Environmental risks in destination state
 - Return shipping costs
- Public / political pressures