

PATRAM 2010

**16th International Symposium on the Packaging and Transport of
Radioactive Materials**

Panel Session: Liability & Insurance

- Discussion on Civil Liability for Nuclear Damage -

6th October 2010

IMO Headquarters, London

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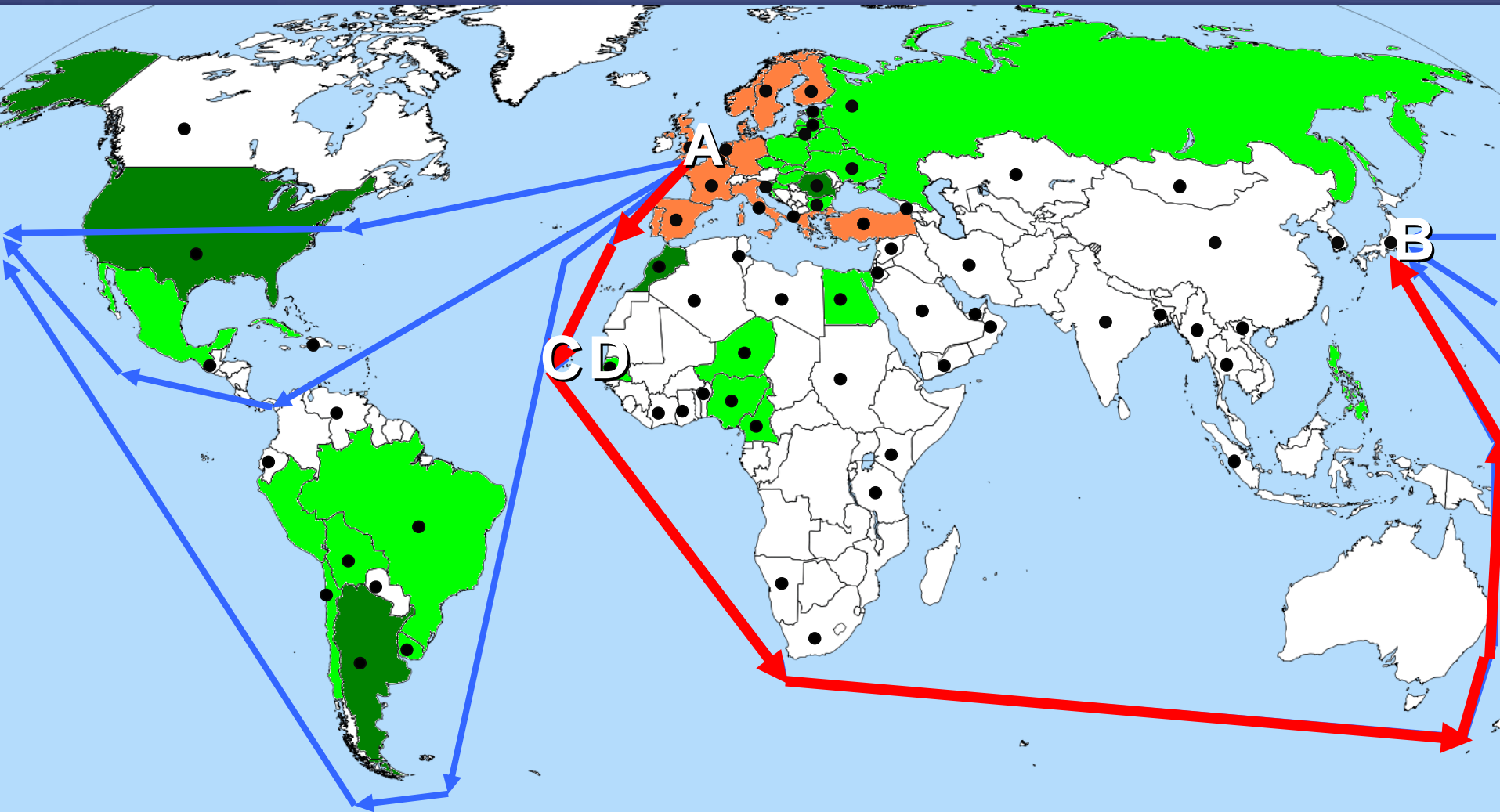


IAEA

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TRANSPORT SCENARIO: OVERVIEW



SPECIAL TRANSPORT LIABILITY RULES

- Material sent between Contracting Parties (CPs): Sending Operator liable unless contract
- Material sent to Non-CP State: Sending Operator liable until unloading in non-CP
- Material sent from Non-CP: Receiving Operator liable but upon written consent

SPECIAL JURISDICTION RULES

BASIC RULE: Court of the Accident State (if a CP)

- **60PC/ 63VC:**

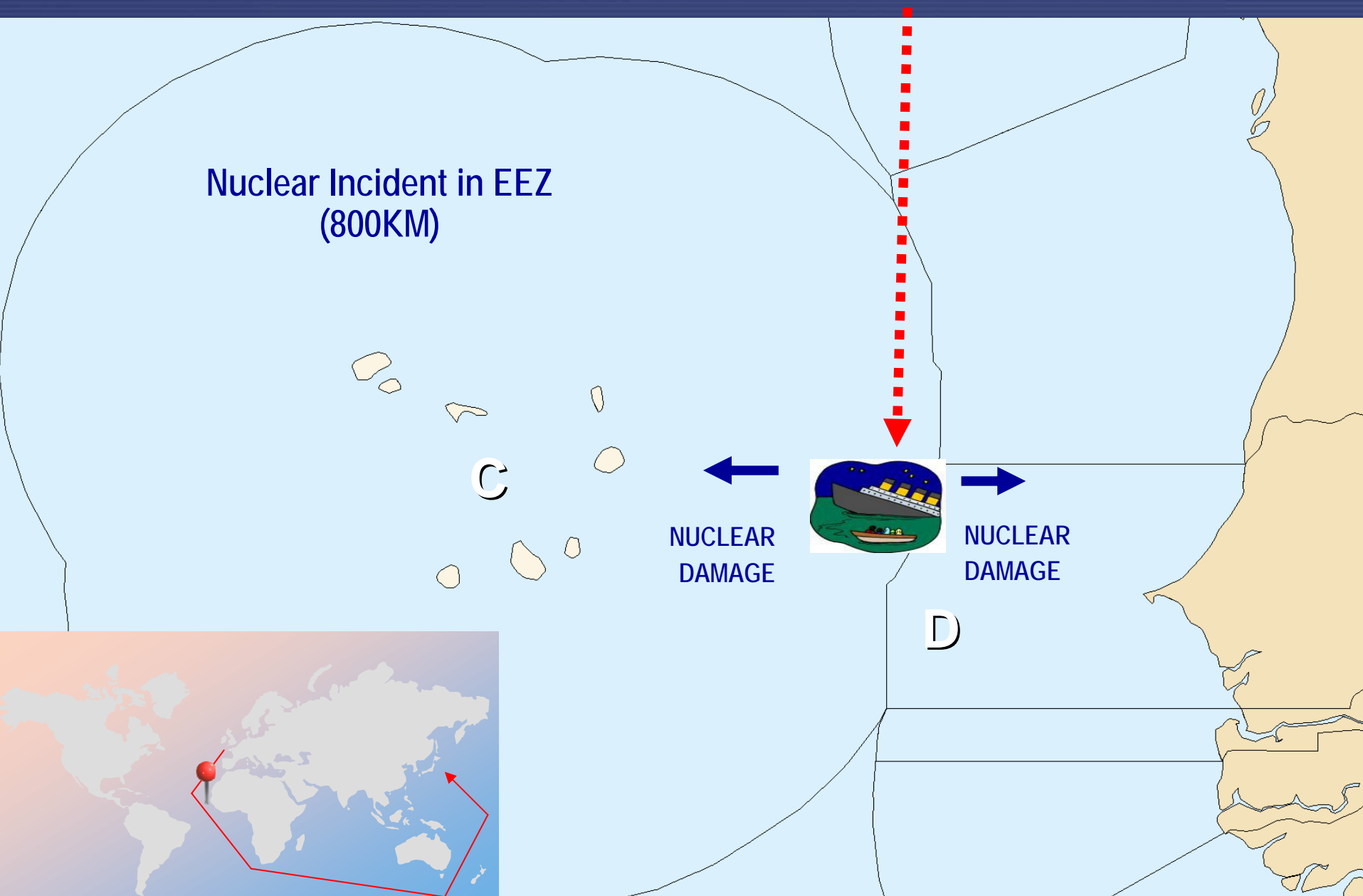
- **Accident outside CP's territory:** Installation State
- **Accident in EEZ wherever:** Installation State

- **04PC/ 97VC & 97CSC:**

- **Accident in CP's EEZ:** Accident State
- **Accident in non-CP's EEZ:** Installation State

- **Reason:** to reflect recent trends in law of sea; to accommodate coastal States' concerns over nuclear transit

TRANSPORT SCENARIO: INCIDENT AND DAMAGE



SCENARIO 1

NUCLEAR LIABILITY STATUS

- Sending Operator
 - **Receiving Operator**
 - **Incident State**
 - **Damage Suffered**
- 1960 Paris Convention
- Non-Contracting Party +
1963 Vienna Convention**
- 

SOME KEY ISSUES

1. Operator liable
2. Applicable instrument
3. State with jurisdiction
4. Scope of damage covered
5. Scope of liability outside of the nuclear liability regime

SCENARIO 2

NUCLEAR LIABILITY STATUS

- Sending Operator
 - Receiving Operator
 - Incident State
 - Damage Suffered
- 2004 Paris Convention
- 1997 Convention on Supplementary Comp.
- Non-Contracting Party +
1997 Convention on Supplementary Comp.
- 

SOME KEY ISSUES

1. Operator liable
2. Applicable instrument
3. State with jurisdiction
4. Scope of damage covered
5. Scope of liability outside of the nuclear liability regime

SCENARIO 3

NUCLEAR LIABILITY STATUS

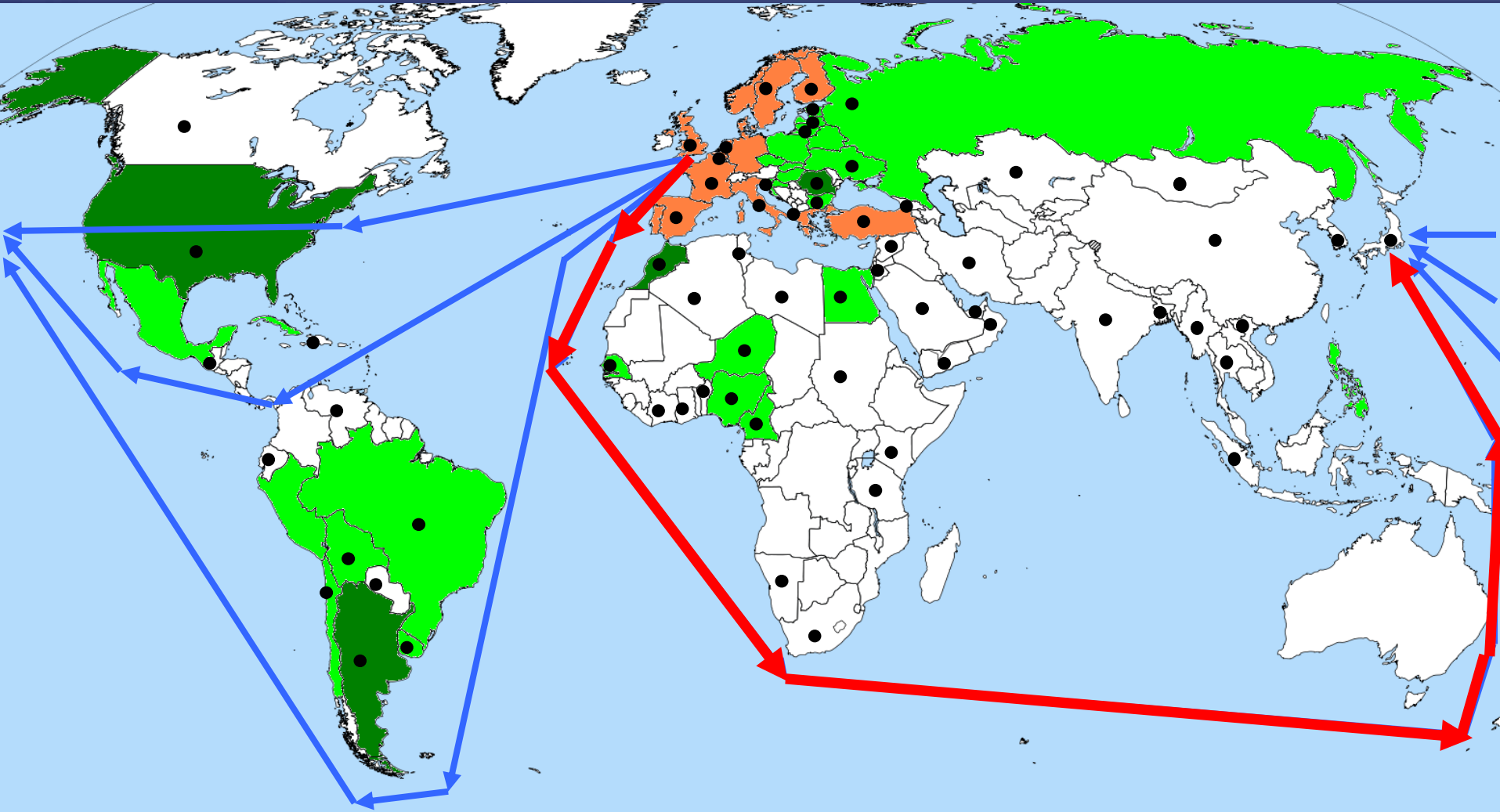
- Sending Operator
- Receiving Operator
- Incident State
- Damage Suffered

1997 Convention on Supplementary Comp.

SOME KEY ISSUES

1. Operator liable
2. Applicable instrument
3. State with jurisdiction
4. Scope of damage covered
5. Scope of liability outside of the nuclear liability regime

KEY POINTS AND CONCLUSIONS



Thank you for your attention