

International Nuclear Liabilities: the changing landscape

June 2017

The global nuclear liabilities landscape is changing. The last 2 years have seen significant developments, with the Convention on Supplementary Compensation finally entering into force on 15 April 2015 and significant progress towards ratification of the 2004 Protocols to the Paris and Brussels Conventions.

Our global nuclear liabilities map (below) shows the current geographic extent of the Paris Convention, Brussels Supplementary Convention, Vienna Convention, Joint Protocol and Convention on Supplementary Compensation.

Convention on Supplementary Compensation

The latest change is to the status of Canada. Following major revisions to domestic nuclear liabilities legislation, Canada ratified the Convention on Supplementary Compensation on 6 June 2017. The convention will now take effect in Canada on 4 September 2017. This will for the first time ensure consistent allocation of jurisdiction between the US and Canada in the event of a nuclear incident, helping to contain nuclear liabilities within statutory regimes.

Paris / Brussels Conventions: ratification of 2004 Protocols

Ratification of the 2004 Protocols by EU member states (including the UK) is now expected to take place on 1 January 2018 at the earliest.

The changes will substantially reduce risks of nuclear liabilities within Paris / Brussels jurisdictions falling outside the convention regime. Risks of cross-border liabilities in non-Paris / Brussels jurisdictions remain.

The UK Nuclear Installations (Liability for Damage) Order 2016 sets out extensive changes to the Nuclear Installations Act 1965. Those changes will take effect when the UK ratifies the 2004 Protocols and the Protocols enter into force.

Paris / Brussels 2004 Protocols: Summary of changes

- **More losses covered**, including reinstatement of impaired environment, loss of income derived from the environment and cost of preventive measures
- **More potential claimants**, including those suffering damage in a non-convention state with no nuclear installations
- **Higher liability caps**, with increases to €70m, €160m or €1200m, depending on the category of installation and €80m for an incident in transit
- **Longer limitation periods**, including 30 years for death and injury and 10 years for other claims
- **Inclusion of disposal sites**, subject to the UK's proposed exclusion of certain categories of very low level waste (VLLW) and disposal sites accepting that waste

This is a very brief summary and does not constitute advice. Please contact us if you would like to discuss how these changes may affect your business.

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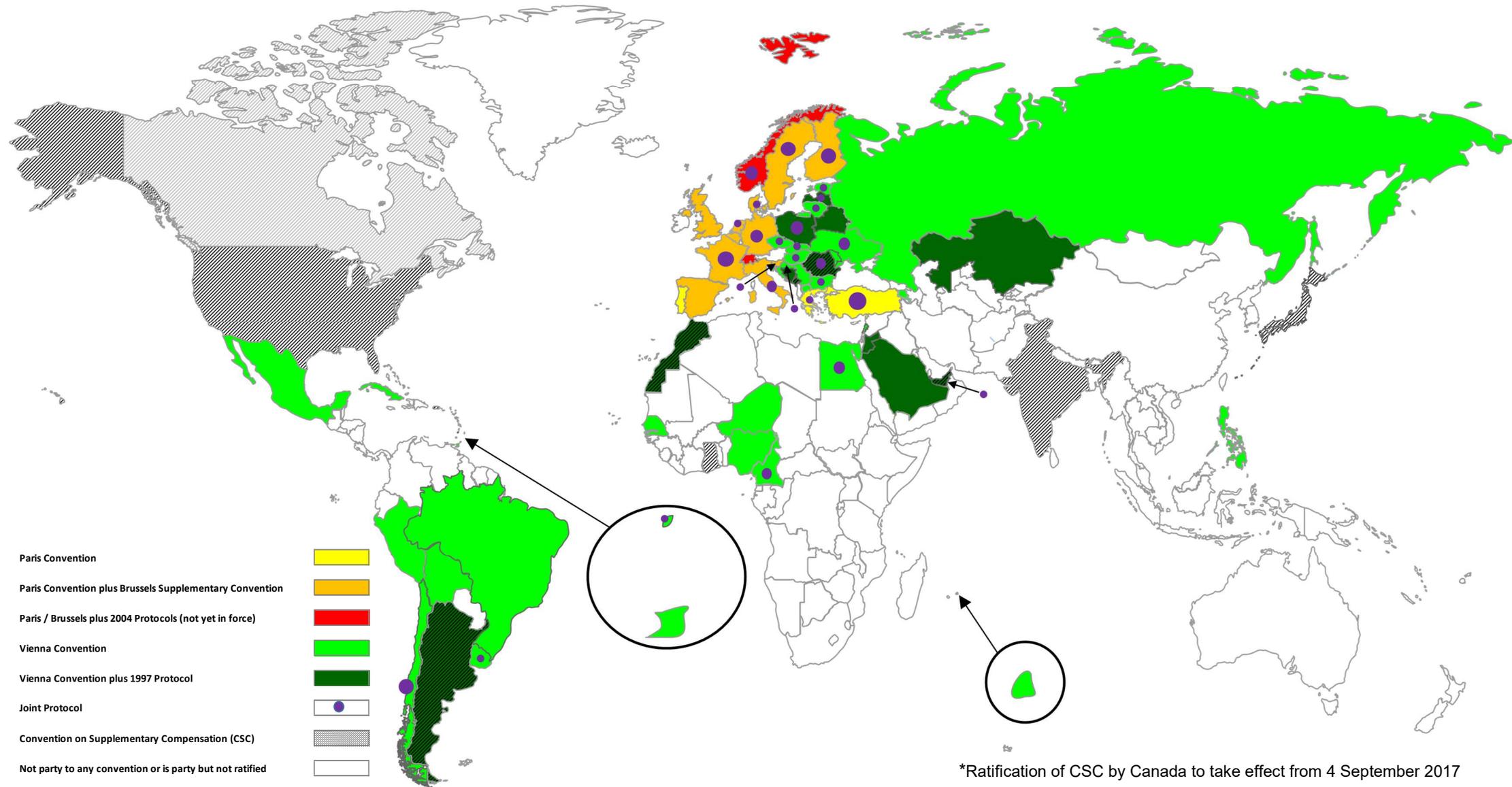


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Global Overview of Nuclear Liabilities Conventions (June 2017*)



*Ratification of CSC by Canada to take effect from 4 September 2017