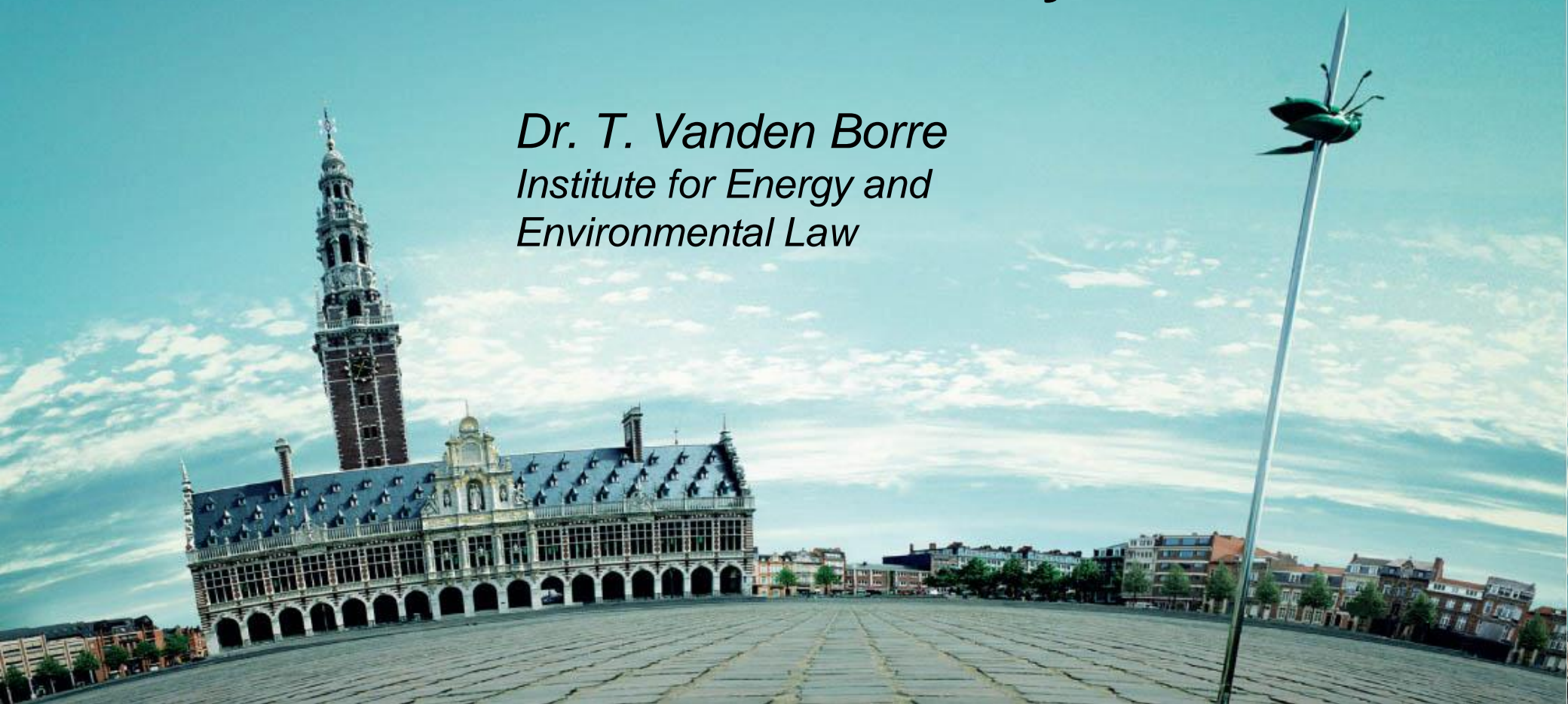




KATHOLIEKE UNIVERSITEIT
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*Dr. T. Vanden Borre
Institute for Energy and
Environmental Law*





Despite conventions huge differences

- Despite Conventions and same principles
 - even within same “family” of conventions, available amounts vary widely
 - huge differences in liability available even inside one convention system
 - Moreover, 5 MS not member to Conventions
- Some claim that common tort law offers more protection for victims than the international conventions (e.g. no liability cap)
- Others say the contrary and highlight complex issues such as applicable law, enforcement of judgements etc. Who is right?



Conventions hard to change

- Little enthusiasm to sign and ratify the 1997 and 2004 Conventions
 - conventions seem to be very rigid and hard to change
- On other hand: US has flexible and adaptable system via Price-Anderson Act which is offering more than 13 billion dollar, i.e. much more than the (even revised) Conventions
- Do we need rigid or flexible system? Moreover, is it operator pooling which allows for higher amounts? If yes, shouldn't we envisage operator pooling in EU?



Complexity cumbersome

- 1997 and 2004 Conventions have added quite some complexity in nuclear liability Conventions
 - E.g. nuclear accident causing damage in new and old Vienna State
 - Complexity increases if nuclear accident causes damage in new and old Vienna state, in new and old Paris State/Brussels Supplementary Convention State and in a non convention state
 - Mentioned by Vanda Lam that it will be difficult to find competent judges, at least in her country, but issue is wider
 - Neither of us envies the task of a judge in case of a nuclear accident: reconcile difficult issues like reciprocity, equal treatment etc.



Economic or legal channelling?

- In public consultation significant support for economic channelling from citizens; industry on the other hand favours legal channelling
- Others defend suppliers' liability saying they see little, if any, reason why suppliers should not be liable
- Also here: complexity of legal proceedings after a nuclear accident
 - claims against suppliers will increase complexity and procedures
 - some say it is worth it, others say it is not



How towards global system?

- Current patchwork does not offer global system
- One system would increase legal certainty, decrease complexity and costs of litigation
- Some say 1997 Convention on Supplementary Compensation is the answer
- Others question this because of grandfather clause and issue of public funding under CSC