

## NUCLEAR LAWYERS READING MATERIAL.

*The purpose of this new item on the website is to draw the attention of INLA members on recent publications in the field of nuclear law and policy.*

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### **Nuclear Inter Jura 2009** **Proceedings/Actes du Congrès** **October 5-9, 2009, Toronto.**

It is with great pleasure and pride that I present the Record of the 2009 Inter Jura Congress. The Proceedings assemble the reports submitted to the International Nuclear Law Organisation held in Toronto, Canada from October 5<sup>th</sup> through the 9<sup>th</sup>, 2009 inclusive. Also included in the electronic record of proceedings but not in the written publication are some PowerPoint presentations for those who did not write formal papers. We wanted to have as authentic a record of the week's proceedings as we could. We have also included some minutes of many of the thoughtful questions and answers posed by delegates over the 5 days, the key-note addresses and a transcription of proceedings on the last day of the Congress, including a case study of a fictitious proposed nuclear new build project and the legal issues arising therefrom.

There could be no clearer demonstration of the continuing importance of nuclear energy law around the world, than that despite the poor state of the economy around the world in 2009, over 220 regularly paying registrants from 6 continents attended in Toronto for a good part of a week. The Congress not only updated the state of the law on regulation and safety, environmental protection, new build, nuclear security, waste management and nuclear liability, but achieves something much more significant. Experts in law, policy, science and commerce challenged long accepted legal principles and proposed innovative solutions to keep pace with a new generation of nuclear energy. For example, the sovereignty of nations was questioned as it related to the growing demand for internationalizing design standards for new build. Speakers generally supported imposing greater regulatory responsibility on designers/suppliers should share greater civil liability with nuclear operators. Speakers also challenged the precautionary bias in modeling and ALARA, particularly as it applied to developing nations which need new energy sources for the well-being of their growing populations. Practical sessions on risk allocation for new build, domestic nuclear security, export controls and foreign ownership were also presented.

This publication is the culmination of two years of arduous and detailed preparation which involved myself, my administrative assistant, Cathy Sison, our events coordination, Jill Benneyworth, the Members of the Canadian Nuclear Law Organization Organizing Committee, the Chairs of the INLA Working Groups, INLA's Secretary General Patrick Reyners, INLA's Secretary, Brigitte Helderweirt and a host of sponsors and INLA members

too numerous to single out for acknowledgment. To all we owe our thanks and hope that this Record will stand as a permanent recognition of their contribution.

**Stanley Berger**

INLA members who could not participate in the Toronto Congress and wish to obtain a copy of these Proceedings may contact Cathy Sison ([cathy.sison@opg.com](mailto:cathy.sison@opg.com))

**Europäisches Atomhaftungsrecht im Umbruch / European Nuclear Liability Law in a Process of Change**

**Proceedings of the AIDN/INLA Regional Conference in Berlin 2009**

Edited by Norbert Pelzer

Baden-Baden: Nomos Verlagsgesellschaft 2010, 288 pp., Paperback, € 69.00

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The proceedings present the papers and discussion reports of an international conference which for the first time dealt with the current topical issues of European nuclear liability law.

The European nuclear liability law provides a “patchwork pattern” consisting of provisions of different origin. A number of States are Party to the Paris Convention on Third Party Liability in the Field of Nuclear Energy. Other European States are Party to the Vienna Convention on Civil Liability for Nuclear Damage. A third group takes the view that the conventions are inappropriate instruments and applies general national tort law to the compensation of nuclear damage. One State issued special nuclear liability legislation which conceptually conflicts with the principles of the international nuclear liability conventions. In the event of a major nuclear incident causing transboundary nuclear damage, this legal situation would considerably complicate and hamper the compensation of damage. The international nuclear liability conventions were recently revised with a view to improving the protection of victims. The ratification procedures of the revision protocols are pending. At the same time, the Commission of the EU started an initiative presumably aimed at harmonising nuclear liability law within the EU Member States. Finally the USA, at the worldwide level, urges States to accede to the 1997 Convention on Supplementary Compensation for Nuclear Damage, which, with only one exception, no European State is adhering to so far.

Experts from numerous European and non-European States discussed the problems connected with this unsatisfactory legal situation from the point of view of national and international law, including the law of conflicts and international procedural law. The volume therefore presents a comprehensive overview of a challenging field of law.

## *Nuclear Law Bulletin*

The OECD Nuclear Energy Agency's *Nuclear Law Bulletin* is a unique international publication for both professionals and academics in the field of nuclear law. It provides authoritative and comprehensive information on nuclear law developments. Published twice a year in both English and French, it features topical articles written by renowned legal experts, covers nuclear legislative developments worldwide and reports on relevant case law, bilateral and international agreements and regulatory activities of international organisations.

Past issues, with the exception of the three last issues are available on the Nuclear Energy Agency's website in English and French. The three last issues are on sale on the [OECD online Bookshop](#).

The most recent issue of the *Nuclear Law Bulletin* (June 2010/No. 85) includes the following articles:

- The Momentum of the European Directive on Nuclear Safety – From the Complexity of Nuclear Safety to Key Messages Addressed to European Citizens, by Yvan Pouleur and Petr Krs
- The Independence of the Nuclear Regulator, Notes from the Canadian Experience, by Brenda MacKenzie
- Nuclear Renaissance in Italy – Maintaining Momentum, by Fabrizio Iaccarino
- The Temelín-Judgement of the European Court of Justice, by Wolf-Georg Schärf

## *Bulletin de droit nucléaire*

Le *Bulletin de droit nucléaire* de l'Agence de l'OCDE pour l'énergie nucléaire est une publication internationale unique en son genre destinée aux juristes et aux universitaires en droit nucléaire. Ses lecteurs bénéficient d'informations exhaustives qui font autorité sur les développements qui touchent ce droit. Publié deux fois par an en anglais et en français, il propose des articles thématiques rédigés par des experts juridiques renommés, rend compte du développement des législations à travers le monde et présente la jurisprudence et les accords bilatéraux et multilatéraux pertinents ainsi que les activités réglementaires des organisations internationales.

L'ensemble des numéros publiés, à l'exception des trois derniers sont disponibles en français et en anglais sur le site internet de l'Agence pour l'énergie nucléaire. Les trois derniers numéros sont en vente sur la [librairie en ligne de l'OCDE](#).

Le numéro le plus récent du *Bulletin de droit nucléaire* (juin 2010/n° 85) inclut les articles suivants :

- L'impulsion de la directive européenne sur la sûreté nucléaire – De la complexité de la sûreté nucléaire aux messages clés adressés aux citoyens européens, par Yvan Pouleur et Petr Krs
- L'indépendance de l'autorité de réglementation nucléaire – L'expérience canadienne, par Brenda MacKenzie
- Renaissance de l'énergie nucléaire en Italie – Conserver l'impulsion, par Fabrizio Iaccarino
- Le jugement de la Cour européenne de justice dans l'Affaire Temelín, par Wolf-Georg Schärf

**Publication dedicated to the  
10<sup>th</sup> anniversary of the International School of Nuclear Law**

*International Nuclear Law – History, Evolution and Outlook*

On 23 August 2010, the OECD Nuclear Energy Agency (NEA) and the University of Montpellier 1 in France proudly celebrated the 10th anniversary of the International School of Nuclear Law (ISNL).

The ISNL is a unique academic programme which, during a two week period each summer, provides intensive teaching of virtually all aspects of international nuclear law. Since its inception, the ISNL has trained more than 500 participants who have come from around the world to take advantage of this unrivaled learning experience.

On the occasion of the ISNL's 10<sup>th</sup> anniversary, a special publication has been issued by the NEA: *International Nuclear Law: History, Evolution and Outlook*. This book is a rich source of information comprising scholarly papers on the various aspects of international nuclear law, submitted by renowned experts in the nuclear field. The 18 papers, based on current ISNL lectures, cover a wide range of subjects, including radiological protection, nuclear safety, security, safeguards, transport, trade, liability, insurance, environmental protection and a brief history of the school. It is dedicated to ISNL alumni and free copies are available to anyone interested in nuclear law while stocks last (please contact [isnl@nea.fr](mailto:isnl@nea.fr)).

**Publication dédiée au  
10<sup>e</sup> anniversaire de l'École internationale de droit nucléaire**

*Droit international nucléaire : Histoire, évolution et perspectives*

Le 23 août 2010, l'Agence de l'OCDE pour l'énergie nucléaire (AEN) et l'Université de Montpellier I en France ont célébré l'ouverture de la session du 10<sup>e</sup> anniversaire de l'École internationale de droit nucléaire (EIDN).

L'EIDN est un programme universitaire unique en son genre qui, chaque été pendant une période de deux semaines, offre un enseignement complet sur la quasi-totalité des aspects du droit nucléaire international. Au cours de dix dernières années, l'EIDN a formé plus de 500 participants venus du monde entier pour bénéficier de cette expérience éducative exceptionnelle.

A l'occasion de l'anniversaire de l'EIDN, une publication spéciale est présentée par l'AEN : *Droit international nucléaire : Histoire, évolution et perspectives*. Cet ouvrage est une source riche d'informations comprenant des articles de fond qui portent sur les différents aspects du droit nucléaire international. Les 18 articles, qui reposent sur les enseignements actuels, couvrent une grande variété de sujets, notamment la radioprotection, la sûreté nucléaire, la sécurité, les garanties, le transport, le commerce, la responsabilité, l'assurance, la protection de l'environnement, ainsi qu'un aperçu de l'histoire de l'école. La publication est dédiée aux Anciens de l'EIDN et des copies sont disponibles gratuitement pour toute personne intéressée par le droit nucléaire dans la limite des stocks disponibles (merci de contacter [isnl@nea.fr](mailto:isnl@nea.fr)).

## **I.A.E.A. - Handbook on nuclear law - Implementing Legislation.**

In 2003, the I.A.E.A. published the Handbook on Nuclear Law (the 2003 Handbook), which emphasized that the safe and peaceful uses of nuclear energy in any State can only be ensured with the promulgation and implementation of an effective national legal framework to govern this technology. The IAEA has long been involved in providing assistance to its Member States in developing these frameworks, and demand for such assistance has increased dramatically.

Since publication of the 2003 Handbook, requests for IAEA legislative assistance have - if anything - been even more numerous, in large part due to the fact that over sixty Member States that currently do not utilise nuclear energy for the production of electrical power have recently expressed interest in pursuing this option. The current nuclear laws in many of these States are limited to non-power uses of ionising radiation, such as those utilising radiation sources for medical, agricultural and industrial purposes. If these States move toward nuclear power development, they will need to adopt legislation consistent with the various relevant international legal instruments covering the field (such as the convention on Nuclear Safety and the Convention on the Physical Protection of Nuclear Material, among others) and with relevant voluntary guidance documents developed under the aegis of the IAEA.

Also, over the past six years, representatives of many Member States receiving IAEA legislative assistance have suggested that it would be valuable to develop model texts of legislative provisions covering the key elements needed in a national nuclear law. The present volume provides such model texts, recognising that they provide only a starting point and basic outline of necessary provisions that will need to be shaped to be consistent with each State's national approach to legislative drafting, cultural and social norms, economic structure, and the nature of its nuclear programme.

The authors of the new Handbook are

Carlton Stoiber, Abdelmadjid Cherf, Wolfram Tonhauser, Maria de Lourdes Vez Carmona

Handbook on Nuclear Law : Implementing Legislation (2010) - ISBN 978-92-0-103910-1 at € 90.00

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## **Droit International et gestion des déchets radioactifs.**

La gestion des déchets radioactifs a une place particulière, ayant des conséquences juridiques, dans l'ensemble des activités nucléaires, caractérisée par une réelle complexité, présente surtout dans la phase finale du stockage.

L'objet de l'ouvrage est de rechercher s'il existe, au plan international, un encadrement juridique cohérent et complet relatif à la prévention des risques transfrontières et à la réparation des dommages nucléaires dus aux déchets radioactifs. La focalisation sur le droit international public se justifie par le fait que le domaine de la gestion des déchets radioactifs se caractérise par un cadre international très présent et par la place de la responsabilité des Etats dans cette activité.

Les dispositions concernant la prévention sont étudiées en faisant la distinction entre risques "techniques" (sûreté, protection de l'environnement) et risques "politiques" (sécurité nucléaire et garanties nucléaires). Dans le domaine de la réparation des dommages, l'étude port sur l'adéquation du régime de responsabilité civile nucléaire à la spécificité des accidents dus aux déchets radioactifs.

L'ouvrage montre que les dispositions du droit international apportent aujourd'hui une solution globalement complète et satisfaisante, même s'il existe encore quelques lacunes et insuffisances.

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### **COMMANDE**

L'ouvrage « **Droit international et gestion des déchets radioactifs** » est disponible à la Librairie LGDJ - 20 rue Soufflot - 75005 PARIS (France) au prix unitaire de € 42.  
Informations complémentaires au 33.1.46.33.89.85