

INTERNATIONAL ENVIRONMENTAL LAW

NUCLEAR ENERGY

IAEA = International Atomic Energy Agency



Nuclear Power Plant in Temelin, CR

OECD Convention on Third Party Liability in the Field of Nuclear Energy (Paris 1960)

Convention on Civil Liability for Nuclear Damage (Vienna 1963)

Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (Vienna) 1988

Protocol 1997 to the Vienna Convention

Convention on Civil Liability for Nuclear Damage (Vienna 1963)

Aim: to establish a regime of minimum standards for liability and compensation in the event of a nuclear accident

Obligations:

- operator is liable for nuclear damage
- absolute liability of the operator
- exemptions (act of war, act of God)
- the time period to bring the action is limited to 10 years from the date of the nuclear incident
- liability limitations – 5 millions of USD
- financial security or insurance of the operator

**Convention on Supplementary Compensation for Nuclear Damage (Vienna 1997)
Protocol to Amend the 1963 Vienna Convention (1997)**

Convention on the Physical Protection of Nuclear Material (Vienna 1980)

Obligation to adopt measures related to:

- prevention
- detection
- punishment

of offences relating to nuclear material.

2005 Amendment – obligations :

- to protect nuclear facilities and material in peaceful domestic use, storage and transport
- rapid measures to locate stolen/smuggled nuclear material.

Convention on Early Notification of Nuclear Accidents (Vienna 1986)

Aim: - to minimize consequences of a nuclear accident

Obligations:

- to notify immediately IAEA and states that are or might be affected by the consequences of the accident

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Vienna 1986)

Aim: - to facilitate prompt assistance in the event of a nuclear accident or radiological emergency

- to remove administrative barriers which frequently limit the effectiveness of international assistance in case of emergency situations

Obligations:

- notification of the state and IAEA
- information exchange and assistance coordination
- reimbursement of costs

Convention on Nuclear Safety (Vienna 1994)

Objectives:

- to achieve and maintain a high level of nuclear safety worldwide,
- to establish and maintain effective defences in nuclear installations against potential radiological hazards
- to prevent accidents with radiological consequences and to mitigate such consequences should they occur

Obligations:

- to establish a regulatory mechanism to govern the safety of nuclear installations
- to establish minimum standards of construction and operation (including licencing and system of inspections)
- to establish emergency planning

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Vienna 1997)

Objective:

- to achieve and maintain a high level of safety worldwide in spent fuel and radioactive waste management,
- to ensure that during all stages of spent fuel and radioactive waste management there are effective defences against potential hazards,
- to protect against harmful effects of ionising radiation,
- to prevent accidents.

Obligations:

- general requirements,
- requirements for siting, design and construction of facilities,
- safety assessment,
- operation, disposal of spent fuel and institutional measures after closure.

TEMELIN NUCLEAR POWER PLANT CASE

- Temelin is located in the southern part of the CR, app. 60 km from the Austrian border

- A case had been brought under an Austrian law that states:



- A landowner can prohibit his neighbor from causing nuisance emanating from the latter's land if it exceeds normal local levels and significantly interferes with the usual use of the land.
- If the nuisance is caused by an officially authorized installation, the landowner is entitled to bring court proceedings for compensation.
- Austrian courts have no authority over another Member State

Ruling of the CJEU (C-115/08 Land Oberösterreich v. ČEZ, a.s.):

- The MS must take into account of official authorization issued in other MS concerning construction and operation of the plant.
