

Convention on Early Notification of a Nuclear Accident

Significance of the Convention:

The Convention strengthens the international response to nuclear accidents by providing a mechanism for rapid information exchange in order to minimize transboundary radiological consequences.

Scope of the Convention:

The Convention applies in the event of any accident involving specified facilities or activities of a State Party from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance to another State.

Obligations of States Parties:

- In the event of an accident, the State Party must directly or through the Agency forthwith notify States which are or may be physically affected, and the Agency of the accident, its nature, the time of its occurrence and its exact location where appropriate. (Article 2(a))
- Each State Party must promptly provide those States and the Agency with available information relevant to minimizing the radiological consequences in those States. (Article 2(b))
- Each State Party must notify the Agency and other States Parties, directly or through the Agency, its competent authorities and point of contact and a focal point responsible for issuing and receiving notification and information. (Article 7(1))

Obligations of the Agency:

- The Agency is to inform States Parties, Member States, other States which are or may be physically affected, and relevant international organisations of any notification it has received. (Article 4 (a))
- The Agency must promptly provide any State Party, Member State or relevant international organisation, on request, with information it has received. (Article 4(b))
- The Agency is required to maintain an up-to-date list of national authorities and points of contact as well as points of contact of relevant international organisations and is to provide it to States Parties and Member States and to relevant international organisations. (Article 7(3))

Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency

Significance of the Convention:

The Convention strengthens the international response to a nuclear accident or radiological emergency, including a terrorist or other malicious act, by providing a mutual assistance mechanism with a view to minimizing the consequences of such accidents or emergencies and protecting life, property and the environment against the effects of radioactive releases.

Scope of the Convention:

The Convention provides an international framework to facilitate prompt requests for and provision of assistance in the event of a nuclear accident or radiological emergency and to promote, facilitate and support cooperation between States Parties to that end.

Obligations of States Parties:

- Co-operate amongst themselves and with the Agency to facilitate prompt assistance. (Article 1(1))
- When assistance is requested from a State Party, it must promptly decide and notify the requesting State Party, directly or through the Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that might be rendered. (Article 2(3))
- The requesting State is to provide local facilities and services for the proper and effective administration of the assistance. Also it should ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the assisting party for such purpose. (Article 3(b))
- Each State Party is to notify the Agency and other States Parties its competent authorities and point of contact authorized to make and receive requests for and to accept offers of assistance. (Article 4(1))
- Unless otherwise agreed, the requesting State is to reimburse the assisting party for costs incurred for the services and for all expenses in connection with the assistance. (Article 7(2))
- The requesting State is to afford personnel of the assisting party and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their assistance functions. (Article 8(1))

Obligations of the Agency:

- The Agency is required to respond to a State Party's or a Member State's request for assistance, in accordance with its Statute and the terms of the Convention, by making available appropriate resources for this purpose, promptly transmitting the request to other States and international organisations which may possess the necessary resources, and co-ordinating assistance at the international level if so requested by the requesting State. (Article 2)
- The Agency is required to regularly and expeditiously provide to States Parties, Member States and relevant international organisations information and changes made regarding the competent authorities and points of contact of each State Party. (Article 4)
- The Agency is required (a) collect and disseminate to States Parties and Member States information concerning (i) experts, equipment and materials which could be made available in the event of nuclear accidents or radiological emergencies and (ii) methodologies, techniques and available results of research relating to response to nuclear accidents or radiological emergencies ... (e) establish and maintain liaison with relevant international organisations for the purposes of obtaining and exchanging relevant information and data, and make a list of such organisations available to States Parties, Member States and the aforementioned organizations. (Article 5)

Convention on Nuclear Safety

Significance of the Convention:

The Convention is the first legally binding international treaty to address the safety of nuclear installations and seeks to ensure that such installations are operated in a safe, well-regulated and environmentally sound manner.

Objectives of the Convention:

- To achieve and maintain a high level of nuclear safety worldwide through the enhancement of national measures and international cooperation including, technical cooperation.
- To establish and maintain effective defences in nuclear installations against potential radiological hazards to protect individuals, society and the environment.
- To prevent accidents with radiological consequences and to mitigate the consequences of accidents if they should occur.

Scope of the Convention:

The Convention applies to the safety of nuclear installations meaning land-based civil nuclear power plants under a Contracting Party's jurisdiction including such storage, handling and treatment facilities for radioactive materials as are on the same site and are directly related to the operation of the nuclear power plant.

Obligations of Contracting Parties:

- Each Party to the Convention is required to take, within the framework of national law, the legislative, regulatory and administrative measures and other steps necessary to implement its obligations under the Convention. (Article 4)
- Each Party is required to submit for review a report on the measures it has taken to implement each of the obligations of the Convention. (Article 5)
- Each Party must establish an independent regulatory body to implement the legislative and regulatory framework required by the Convention with adequate authority, competence, human and financial resources (Article 8).
- Each Party is required to ensure that on-site and off-site emergency plans are in place, are routinely tested and cover the activities to be carried out in the event of an emergency. (Article 16(1))
- Each Party is required to take appropriate steps to ensure that the siting, design and construction, and operation of a nuclear installation are in accordance with their obligations under the Convention with a view to preventing the occurrence of accidents, protect against release of radioactive materials and to mitigate their radiological consequences should they occur. (Articles 17-19)
- Each Party is required to attend meetings of the Contracting Parties and be represented at such meetings by one delegate and such others as it deems necessary. (Article 24(1))

Obligations of the Agency:

- The Agency is required to provide the secretariat for the meetings of the Contracting Parties. (Article 28)
- The Secretariat is to convene, prepare and service the meetings as well as to transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention. (Article 28)

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Significance of the Convention:

The Joint Convention is the first legally binding international treaty on the safety of spent fuel management and radioactive waste management. It represents a commitment by participating States to achieve and maintain a high level of safety in these areas as part of a global regime for ensuring the protection of people and the environment.

Objectives of the Convention:

- To achieve and maintain a high level of safety worldwide through the enhancement of national measures and international co-operation.
- To ensure that there are effective defenses against potential hazards so that individuals, society and the environment are protected from harmful effects of ionizing radiation so that the needs and aspirations of the present generation are met without compromising the ability of future generations to meet their needs and aspirations.
- To prevent accidents with radiological consequences and to mitigate their consequences should they occur.

Scope of the Convention:

- The Convention applies to (i) safety of spent fuel management when the spent fuel results from the operation of civilian nuclear reactors, (ii) safety of radioactive waste management when the radioactive waste results from civilian application and (iii) to certain discharges.

Obligations of Contracting Parties:

- Contracting Parties shall take the appropriate legislative, regulatory and administrative measures to ensure that at all stages of spent fuel management and radioactive waste management, individuals, society and the environment are adequately protected against radiological hazards in the siting, design and construction, assessment of facilities, operations and closure. (Articles 4-17)
- Each Contracting Party shall ensure that before and during operation of a spent fuel or radioactive waste management facility there are appropriate on-site and, if necessary, off-site emergency plans. (Article 25 (1))
- Each Contracting Party shall take the appropriate steps for the preparation and testing of emergency plans for its territory insofar as it is likely to be affected in the event of a radiological emergency at a spent fuel or radioactive waste management facility in the vicinity of its territory. (Article 25 (2))
- Each Contracting Party shall submit a national report to each review meeting of Contracting Parties. (Article 32)
- Each Contracting Party shall attend meetings of the Contracting Parties and be represented at such meetings by one delegate, and by such alternates, expert and advisers as it deems necessary. (Article 33(1))

Obligations of the Agency:

- The Agency shall provide the secretariat for the meetings of the Contracting Parties. (Article 37(1))
- The secretariat shall (i) convene, prepare and service the meetings of the Contracting Parties; (ii) transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention. (Article 37(2))

Convention on the Physical Protection of Nuclear Material

Significance of the Convention:

The Convention is one of the thirteen counter-terrorism instruments and is the only internationally legally binding undertaking in the area of physical protection of nuclear material.

Objective of the Convention:

- To achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes;
- To prevent and combat offences relating to such material and facilities worldwide; and
- To facilitate co-operation among States Parties to those ends.

Scope of the Convention:

The Convention applies to nuclear material used for peaceful purposes while in international nuclear transport and, with certain exceptions, while in domestic use, storage and transport.

Obligations of State Parties:

- Each State shall take appropriate steps to ensure that during international nuclear transport, nuclear material within its territory or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from that State, is protected. (Article 3)
- Each State Party shall not import, export or authorize the import or export or the transit of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport. (Article 4)
- States Parties shall identify and make known to each other directly or through the IAEA their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof. (Article 5(1))
- In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. (Article 5(2))
- States Parties shall cooperate and consult regarding guidance on the design, maintenance and improvement of systems of physical protection for nuclear material in international transport. (Article 5(3))
- Each State Party shall make certain offences punishable by appropriate penalties which take into account their grave nature. (Article 7(2))
- Each State Party shall take such measures as necessary to establish its jurisdiction over certain offences when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State and when the alleged offender is a national of that State or when the offender is present in its territory and it does not extradite him. (Article 8(1)-(2))
- The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with laws of that State. (Article 10)
- States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings. (Article 13(1))

- Each State Party must inform the depositary of its laws and regulations which give effect to this Convention. (Article 14(1))
- The State Party where an alleged offender is prosecuted is required to communicate the final outcome of the proceedings to the States directly concerned then to the depositary who shall inform the States. (Article 14(2))

Obligations of the Agency:

- The Agency is required to make known any information it has received regarding States Parties' designated central authorities and points of contact. (Article 5(1))
- The Agency is to periodically communicate such information as it receives from States Parties regarding their laws and regulations which give effect to this Convention. (Article 14(1))
- The Agency must inform all States of any communication received from a State Party concerning the final outcome of proceedings. Article 14(2))

Amendment to the Convention:

In July 2005, the States Parties agreed to amend the Convention and strengthen its provisions. The Amended Convention makes it legally binding for States parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport. It also provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.

Amendment to the Convention on the Physical Protection of Nuclear Material

Significance of the Amendment:

The Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) was adopted in 2005 in order to strengthen the provisions of the Convention and reduce the vulnerability of States Parties to nuclear terrorism. The Amended Convention makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport. It also provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.

Objectives of the Amendment:

To amend the CPPNM in order to broaden its scope as regards the physical protection of nuclear material and of nuclear facilities used for peaceful purposes as well as the prevention and combating of offences relating thereto, and to strengthen its provisions relating to international co-operation.

Scope of the Amendment:

Whereas the obligations for physical protection under the original cover nuclear material during international transport, the Amendment extends the scope of the Convention to also cover nuclear facilities, nuclear material in domestic use, storage and transport used for peaceful purposes as well as sabotage.

The Amendment explicitly excludes “activities of armed forces during an armed conflict” and “activities undertaken by military forces in the exercise of their official duties”, from the scope of the Convention, inasmuch as they are covered by other rules of international law. The Amendment also explicitly excludes nuclear material used or retained for military purposes and nuclear facilities containing such material. (amendments to Article 2)

Obligations of State Parties:

The Amendment strengthens the original Convention in the following three main areas:

- First, the Amendment sets out a new “core” undertaking by States to establish, implement and maintain a physical protection regime applicable to nuclear material and facilities under their jurisdiction, including: an appropriate legislative and regulatory framework for physical protection; a competent authority responsible for its implementation; and, other administrative measures necessary for the physical protection of such material and facilities. In implementing the relevant obligations under the Amendment, each State shall apply, insofar as is reasonable and practicable, a number of Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities (amendments to Article 2).
- Second, it requires States to bring under their jurisdiction and make punishable under their national laws certain offences including theft, robbery, smuggling of nuclear material or sabotage of nuclear facilities, as well as acts related to directing and contributing to the commission of such offences. It is worth noting in this context that a number of offences were extended to include “substantial damage to the environment” (amendments to Article 7).
- Third, the Amendment introduces new arrangements for co-operation, assistance and coordination amongst States and the Agency including points of contact, exchange of information with a view to protecting or recovering unlawfully taken nuclear material, credible threats of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, guidance in the area of physical protection of nuclear material in international transport and guidance on the design, maintenance and improvement of national systems of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities (amendments to Article 5).

Obligations of the Agency:

Pursuant to the Amendment, the IAEA assumes certain functions in addition to those foreseen in the original Convention, such as:

- to participate in information exchange for recovering and protecting unlawfully taken nuclear material (amendment to paragraph 2 of Article 5);
- to facilitate, coordinate, cooperate and assist in cases related to sabotage of nuclear material and facilities (amendment to paragraph 3 of Article 5);
- to provide guidance on the design, maintenance and improvement of national systems of physical protection (amendment to paragraph 5 of Article 5);
- to communicate information on laws and regulations giving effect to the Convention, received from States Parties (amendment to paragraph 1 of Article 14);
- to convene a conference of States Parties five years after the entry into force of the Amendment_ (8 May 2016) to review the implementation of the Convention as amended (amendment to paragraph 1 of Article 16).

Vienna Convention on Civil Liability for Nuclear Damage

Significance of the Convention

The Convention aims at harmonizing the national law of the Contracting Parties by establishing some minimum standards to provide financial protection against damage resulting from certain peaceful uses of nuclear energy.

Scope of the Convention

The Convention applies to nuclear damage arising out of nuclear incidents occurring at nuclear installations as defined in the Convention (i.e. land based reactors, factories for the production or processing of nuclear material, facilities where nuclear material is stored unless storage is incidental to transport), or in the course of transport of nuclear material (nuclear fuel, excluding natural and depleted uranium, and radioactive products or waste) to or from such installations. The Convention does not apply to installations and radioactive substances which do not pose the risk of large-scale nuclear damage, i.e. radioisotopes in the final stage of fabrication and usable for scientific, medical, agricultural, commercial or industrial purposes. Nuclear damage is defined so as to cover, as a minimum, loss of life or personal injury and loss of or damage to property, but national law can cover any other loss or damage caused by nuclear incidents.

Obligations of Contracting Parties

- The Convention is designed to ensure that all Contracting Parties have laws and regulations in place conforming to the legal regime for civil liability for nuclear damage provided for in the Convention. Contracting Parties are under an obligation to furnish to the depositary, for information and dissemination to the other Contracting Parties, copies of their respective laws and regulations relating to matters covered by the Convention (Article XIX(2)). The legal regime provided for in the Convention is based on the following general principles:
 - exclusive liability of the operator of the nuclear installation concerned, to the exclusion of any other person potentially liable under the general rules of civil liability (Article II(5));
 - “absolute” or “strict” liability, so that the injured party is not required to prove fault or negligence on the part of the operator; liability is only excluded when the nuclear incident is directly due to an act of armed conflict, hostilities, civil war or insurrection or, unless otherwise provided by the applicable national law, to a grave natural disaster of an exceptional character (Article IV);
 - minimum amount of liability (US \$ 5 million under the gold standard for any one nuclear incident) (Article V);
 - obligation for the operator to cover liability through insurance or other financial security (Article VII);
 - limitation of liability in time (ten years from the date of the nuclear incident) (Article VI);
 - equal treatment of victims, irrespective of nationality, domicile or residence (Article XIII);
 - exclusive jurisdictional competence of the courts of the Contracting Party in whose territory the incident occurs or, in case of an incident outside the territories of Contracting Parties (in the course of transport of nuclear material), of the Contracting Party in whose territory the liable operator’s installation is situated) (Article XI);
 - recognition and enforcement of final judgements rendered by the competent court in all Contracting Parties (Article XII).

Protocol to Amend the Convention

In 1997, a Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage was adopted. The Convention as amended by the Protocol provides for broader scope, increased amount of liability of the operator of a nuclear installation and enhanced means for securing adequate and equitable compensation. An overview of the amending Protocol is provided below.

Joint Protocol Relating to the Application of the Vienna Convention and of the Paris Convention

Significance of the Joint Protocol

The international legal regime of civil liability for nuclear damage, as laid down in the Vienna Convention on Civil Liability for Nuclear Damage is largely mirrored in the regional Paris Convention on Third Party Liability in the Field of Nuclear Energy, which is deposited with the Secretary-General of the Organization for Economic Co-operation and Development (OECD). However, the Contracting Parties to the Paris Convention are not Parties to the Vienna Convention and vice versa. The absence of treaty relations between the Contracting Parties to the two Conventions creates problems relating, in particular, to the geographical scope of the regime, inasmuch as damage suffered in the territory of non-Contracting States does not necessarily have to be compensated under both Conventions. Additional problems relate to the determination of the operator liable and of the State whose courts have jurisdiction in transport cases, since both Conventions differentiate between transport between Contracting Parties, on the one hand, and transport between a Contracting Party and a non-Contracting State, on the other. The Joint Protocol is designed to establish treaty relations between the Contracting Parties to the Vienna Convention and the Contracting Parties to the Paris Convention, and to eliminate conflicts that may arise from the simultaneous application of both Conventions to the same nuclear incident. Accordingly, the Joint Protocol is only open to States that are Parties to the Vienna Convention or to the Paris Convention, both Conventions being defined so as to include any amendment thereto.

Scope of the Joint Protocol

The Joint Protocol does not change the scope of application of either the Vienna Convention or the Paris Convention; however, by establishing treaty relations between the Contracting Parties to either Convention that are also Parties to the Joint Protocol, it provides for a mutual extension of the benefits of the special regime of civil liability for nuclear damage set forth under each Convention.

Obligations of Contracting Parties

- The Contracting Parties to either the Vienna Convention or the Paris Convention that are also Contracting Parties to the Joint Protocol are obliged to ensure that the operator's liability under the applicable Convention extends to damage suffered in the territory of the Contracting Parties to the other Convention and the Joint Protocol (Article II).
- In addition, the Contracting Parties to either the Vienna or the Paris Convention that are also Contracting Parties to the Joint Protocol are obliged to apply the substantive provisions of the applicable Convention to the Contracting Parties of the other Convention and the Joint Protocol in the same manner as they apply as between Contracting Parties to the applicable Convention (Article IV).
- As to which is the applicable Convention, the Joint Protocol establishes two choice rules that apply, respectively, in case of a nuclear incident occurring in a nuclear installation, and in case of a nuclear incident outside a nuclear installation and involving nuclear material in the course of transport (Article III).

Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage

Significance of the Protocol

The Protocol aims at amending the Vienna Convention on Civil Liability for Nuclear Damage in order to provide for broader scope, increased amount of liability of the operator of a nuclear installation and enhanced means for securing adequate and equitable compensation. As between the Parties to the Protocol, the Vienna Convention and the Protocol are to be read and applied together as a single text and may be referred to as “the 1997 Vienna Convention on Civil Liability for Nuclear Damage”. As requested by the Protocol, the IAEA Secretariat has established the consolidated text of the Vienna Convention as amended by the Protocol.

All States, irrespective of whether or not they are Contracting Parties to the Vienna Convention, can consent to be bound by the Protocol. A State which is a Party to the Protocol but not a Party to the Vienna Convention shall be bound by the provisions of that Convention as amended by the Protocol in relation to other Contracting Parties to the Protocol. In addition, failing an expression of a different opinion at the time of deposit of an instrument expressing its consent to be bound, a State which is a Party to the Protocol but not a Party to the Vienna Convention shall also be bound by the provisions of the 1963 Vienna Convention in relation to States which are only Parties thereto.

Scope of the Protocol

The Protocol extends the scope of application of the Vienna Convention, as described in the overview of that Convention, to include nuclear damage suffered in non-Contracting States (except for those which have a nuclear installation on their territory or in their maritime zones and do not afford reciprocal benefits). The Protocol also expands the types of damage for which coverage is provided, including costs associated with the reinstatement of a significantly impaired environment, loss of income deriving from an economic interest in the use or enjoyment of a significantly impaired environment and costs of preventive measures. The Protocol does not otherwise change the scope of application of the Vienna Convention except that, as far as the coverage of preventive measures is concerned, a nuclear incident is deemed to have taken place when an occurrence creates a grave and imminent threat of causing nuclear damage. In addition, provision is made for the Board of Governors of the IAEA to include additional categories of nuclear installations in which there are nuclear fuel or radioactive products or waste in the scope of application of the international nuclear liability regime.

Obligations of the Contracting Parties¹

- The Protocol is designed to ensure that all Contracting Parties have laws and regulations in place conforming to the enhanced legal regime of liability for nuclear damage provided for in the Protocol. The Contracting Parties to the Protocol are under an obligation to furnish to the depositary, for information and dissemination to the other Contracting Parties, copies of their respective laws and regulations relating to liability for nuclear damage (Article XIX(2)). Although the general principles underlying the Vienna Convention, as outlined in the overview of that Convention, remain unaffected, the enhanced legal regime for civil liability for nuclear damage envisaged by the Protocol has the following main characteristics:
- the operator cannot be exonerated from liability for natural disasters (Article IV);

¹ The Articles referred to in this section are those of the 1997 Vienna Convention, i.e. the Vienna Convention as amended by the Protocol.

- the minimum compensation amount is raised to 300 million SDRs², although States that have difficulty in immediately implementing the increased amount, may phase in this amount during a fixed period of time (Article V);
- the period for claiming compensation for loss of life and personal injury is extended to thirty years (Article VI);
- in the event of transport incidents within the exclusive economic zone of a Contracting Party, jurisdiction over actions concerning nuclear damage lies with the courts of the coastal State (Article XI).

² SDR stands for 'special drawing right', the unit of account defined and used by the International Monetary Fund.

Convention on Supplementary Compensation for Nuclear Damage

Significance of the Convention

The Convention aims at establishing a worldwide system of civil liability and supplementary compensation for nuclear damage in which all States may participate. Accordingly, the Convention is a free-standing instrument open to all States and envisages a minimum national compensation amount and a supplementary compensation system based on public funds to be made available by the Contracting Parties in the event that the national amount is insufficient to compensate nuclear damage.

Scope of the Convention

Like the existing conventions on civil liability for nuclear damage, the Convention applies to nuclear damage arising out of nuclear incidents occurring both at nuclear installations, as defined in the Convention, and in the course of transport of nuclear material to and from such installations. The nuclear liability regime envisaged by the Convention is largely consistent with the enhancements reflected in the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage. Thus the definition of nuclear damage to be compensated includes, in addition to loss of life and personal injury and loss of or damage to property, costs associated with the reinstatement of the environment, loss of income deriving from an economic interest in the use or enjoyment of the environment and costs of preventive measures designed to prevent or minimize damage.

As far as the national compensation amount is concerned, the Convention leaves a Contracting Party free to include or exclude nuclear damage suffered in non-Contracting States, subject to any obligations it may have under the existing conventions on civil liability for nuclear damage. However, the supplementary funds to be made available by the Contracting Parties in the event that the national compensation amount is insufficient will only be available to compensate damage suffered in the Contracting Parties.

Obligations of Contracting Parties

- All Contracting Parties have to abide by the basic principles of nuclear liability law embodied in the existing conventions on civil liability for nuclear damage or, if they are not Parties to any such conventions, in the Annex to the Convention. Consequently, when depositing an instrument of ratification, acceptance or approval of the Convention, or an instrument of accession thereto, States that are not already Parties to the existing conventions are obliged to declare that their national law complies with the provisions on nuclear liability that are contained in the Annex to the Convention. Moreover, all Contracting Parties have to furnish to the depositary, for circulation to the other Contracting Parties, copies of their national nuclear liability law.
- The basic principles of civil liability for nuclear damage to be complied with by all Contracting Parties are: exclusive liability of the operator of a nuclear installation; strict (no fault) liability of the operator; minimum liability amount; operator's obligation to cover liability through insurance or other financial security; limitation of liability in time; equal treatment of victims; and exclusive jurisdictional competence of the courts of one Contracting Party.
- In respect of jurisdiction for maritime transport incidents, the Convention provides that a Contracting Party shall have exclusive jurisdiction for incidents occurring not only within its territorial sea but also within its exclusive economic zone.
- In respect of the amount of compensation, the Contracting Party in whose territory the liable operator's installation is situated (the Installation State) is obliged to ensure that a minimum of

300 million SDRs³ is available to compensate nuclear damage at the national level. In the case of a nuclear incident that causes damage in excess of this national compensation amount, the supplementary compensation system envisaged by the Convention will be activated and all Contracting Parties shall thereby be obliged to make additional public funds available according to a specified formula.

- The formula for contributions according to which the Contracting Parties shall make additional public funds available entails that more than 90% of the contributions will come from nuclear power generating States on the basis of their installed nuclear capacity, whereas the remaining portion will come from all other States on the basis of their United Nations (UN) rate of assessment. Non-nuclear power generating States on the minimum UN rate of assessment will not be required to make any contribution (Article IV).
- Whereas one half of the supplementary compensation envisaged by the Convention will be used to compensate nuclear damage suffered in all Contracting Parties, including the Installation State, the other half of such funds will be exclusively allocated to compensate transboundary damage (i.e. damage suffered in Contracting Parties other than the Installation State).

³ SDR stands for 'special drawing right', the unit of account defined and used by the International Monetary Fund.