



Prospects of a civil nuclear liability regime in the framework of the European Union

17/18 June 2010

2, rue van Maerlant, B-1040 Brussels

Directorate-General
for Energy



hosted by



European Economic and Social Committee

SECOND ANNOUNCEMENT

Prospects for a Civil Nuclear Liability Regime in the framework of The European Union

A Workshop organised jointly by the Brussels Nuclear Law Association (BNLA) and the DG Energy of the European Commission, hosted by the European Economic and Social Committee (EESC), will take place in Brussels from 17 to 18 June 2010.

Compared with recent or ongoing developments in the field of nuclear safety or radioactive waste management, the regime applicable to the liability and compensation of nuclear damage in Europe is characterised by a high degree of fragmentation. The current situation, as evidenced by the publication in December of a Legal Study^{*} prepared at the request of the European Commission, is compounded by the low level of adherence to the revised Vienna Convention or to the Convention on Supplementary Compensation and by the delays in the entry into force of the 2004 Paris and Brussels Protocols. The main objective of this meeting will be to discuss the obstacles on the way to a more harmonised system of civil nuclear liability as well as to envisage possible initiatives in this respect to be undertaken within the European Union.

The workshop is also intended to provide an opportunity for specialists of liability and insurance, and other stakeholders, to revisit a number of more technical issues associated with the modernisation of this regime.

Date and Venue

The **Workshop** will take place **in the premises of the**

European Economic and Social Committee (EESC), 2 rue Van Maerlant
(please note that the access to the EESC building is on the North side of rue Belliard).

The **registration** will start at **8.30 am** and the **meeting itself** will start at **9.00 am** on **Thursday 17 June**.

It will be followed on the same day by a **Reception and a Walking Dinner** at the

Bibliothèque Solvay, 137 rue Belliard.

^{*} http://ec.europa.eu/energy/nuclear/studies/doc/2009_12_accession_euratom.pdf

The meeting will continue on **Friday 18 June starting at 9.00 am and will end at 13.00 pm.**

Registration

The persons interested in participating are invited to submit their application before 15 May to Mrs. Maria Laguna, BNLA Secretariat, maria.laguna@bnla.be – Fax : +32 2 726 19 63.

Please note that the limited capacity of the meeting room may oblige the organisers to limit accordingly the number of participants.

Languages

The languages used during the Workshop will be English, French and German with simultaneous translation.

Presentations

Instructions will be sent in due time to the authors of reports and to other contributors.

Conference fees

INLA Members : 350 €

Non INLA Members : 450 €

The conference fees include in particular two lunches, a reception and the walking dinner, as well as the workshop's documentation.

The payment of the conference fees must be made at the time of notification of the registration, via bank transfer to : Brussels Nuclear Law Association, rue Ravenstein 36, B-1000 Brussels

International Bank Account Number IBAN BE41 3350 5712 9410 – BIC BBRUBEBB

Reference : EC/BNLA 2010 Conference + Name

PROGRAMME

17 June

08h30 – 9h00 : Registration

Chairs:

- **Massimo Garribba**, *Head of Unit Legal Questions & Euratom Coordination, International Relations – Nuclear, DG Energy, European Commission*
- **Marc Beyens**, *President Brussels Nuclear Law Association (BNLA), Belgium
Vice-President International Nuclear Law Association (INLA)
Chair Legal Task Force FORATOM
Chief Legal Officer Generation & Procurement Electrabel / GdF Suez*

09h00 - 09h45 : Opening Remarks

Janos Toth, *President of the Section Transport, Energy, Infrastructure & Information Society of the European Economic and Social Committee*

Marc Beyens, *President Brussels Nuclear Law Association (BNLA)*

Dominique Ristori, *Deputy Director General DG Energy, European Commission*

09h45 - 12h45 : The question of harmonization of the Nuclear Liability Regime considered in the EU context

09h45 - 10h30 : Introductory presentation on the findings of the EC Legal Study and policy options for an action at the EU level as outlined in the Legal Study (Evelyne Ameye, *Of Counsel Gomez-Acebo & Pombo S.L.P.*, Spain)

10h30 - 11h00 : **BREAK**

Reactions to the Legal Study's from a legal and policy viewpoint

a. By the Depositaries of the

11h00 - 11h15 : • Paris - Brussels Conventions (Julia Schwartz, *Head of Legal Affairs, NEA/OECD*)

11h15 - 11h30 : • Vienna Convention and Convention on Supplementary Compensation (CSC) (Johan Rautenbach, *Director Office of Legal Affairs, IAEA* or Wolfram Tonhauser, *Head, Nuclear and Treaty Law Section, IAEA*).

b. By representatives of specific countries:

11h30 - 11h40 : • A Paris / Brussels Conventions Country (Roland Dussart-Desart, *Chef de Division, Bureau du Président, SPF Economie, PME, Classes Moyennes & Energie, Service juridique - Chair Nuclear Law Committee NEA / OECD, Belgium*)

11h40 - 11h50 : • A Vienna Convention Country (Jakub Handrlica, *Ass. Prof. Law Faculty, Charles University, The Czech Republic*)

11h50 - 12h00 :

- A Convention on Supplementary Compensation (CSC) country (Vlad Chiripus, *President International Nuclear Law Association, Attorney at law, Nuclearelectrica, Romania*)

12h00 - 12h10 :

- A Non-Convention Country (Edmund Carroll, *Advisory Counsel, Office of the Attorney General - Ireland*)

12h10 - 13h00 : General discussion

13h00 - 14h00 : **LUNCH**

14h00 - 17h30 : **Challenges to the present Nuclear Liability Regime**

14h00 - 14h30 : An EU initiative – A chance for enhancing the revised nuclear liability regime. (Dr. Norbert Pelzer, *Consultant, University of Göttingen, Germany*)

14h30 - 15h10 : Recent developments concerning the coverage of nuclear risks by the insurance industry (Marc Folens, *General Manager Syndicat Belge d'Assurances Nucléaires – SYBAM*) and Danny Van Welkenhuyzen, *General Manager, ELINI, Belgium*

15h10 - 15h30 : Alternative financing schemes in Europe, including operators' pooling (Julia Schwartz, *Head of Legal Affairs, NEA/OECD*)

15h30 - 16h00 : **BREAK**

16h00 - 16h40: Nuclear liability and State Aid - Impact of EC competition rules (*A representative of the European Commission & Laurent Garzaniti, Chair Competition and State Aid Task Force of the European Nuclear Energy Forum (ENEF) and Andrew Renshaw, Partners Freshfields, Belgium*)

16h40 - 17h00 : Nuclear industry's (Foratom and World Nuclear Association) concerns / expectations regarding Nuclear liability (Anthony Wetherall, *Burges-Salmon / Mark Richards, Chief Counsel, International Operations, CH2M Hill, UK*)

17h00 - 17h30 : General discussion

Cocktail and Walking Dinner at Bibliothèque Solvay from 18h00

18 June

Chairs:

Massimo Garribba, *Head of Unit Legal Questions & Euratom Coordination, International Relations – Nuclear, DG Energy, European Commission*)

Marc Léger, *President French Section of the International Nuclear Law Association, Vice-President International Nuclear Law Association (INLA) Directeur juridique et du contentieux, Commissariat à l'Energie Atomique, France*

09h00 - 9h15 : Public perception, ENEF process, impact on market and global expansion (**Jean-Pol Poncelet**, *Chair of the European Nuclear Energy Forum (ENEF) Opportunities WG, Directeur du développement durable et du progrès continu, AREVA, Former Belgian Vice-Prime Minister*)

09h15 - 12h15 : Prospects for a better integrated European Nuclear Liability Regime

A. By means of “mutual recognition”

09h15 - 09h30 : 1. A greater harmonisation within the EU of liability and financial security limits. Generalization of adherence to the Joint Protocol in Europe (**Patrick Reyners**, *Vice-President Brussels Nuclear law Association (BNLA) – Secretary General International Nuclear Law Association (INLA), Consultant, France*)

09h30 - 09h45 : 2. CSC (**Ben McRae**, *Assistant General Counsel US Department of Energy*, & **Omer Brown**, *Contractors International Group on Nuclear Liability (CIGNL), United States*)

B. By means of harmonization

09h45 - 10h15 : 1. Clarifying the legal basis for an intervention at the EU level in the domain of nuclear liability - (**Prof Melchior Wathelet**, *Former Judge at the European Court of Justice and Belgian Vice-Prime Minister [to be confirmed]*, and a representative of the European Commission)

10h15 - 10h45 : BREAK

2. Prospects for an EC Directive harmonising insurance matters: steps towards insurance harmonization

10h45 - 11h00 : a. A representative of the *European Commission*

11h00 - 11h15 : b. **Sebastian Reitsma**, *Comité Européen des Assurances, Manager Swiss Nuclear Insurance Pool*

11h15 - 11h30 : c. **Danny Van Welkenhuyzen**, *General Manager ELINI*

11h30 - 11h45 : d. **Denis Philippe**, *Professor at the Université Catholique de Louvain (UCL) and ICHEC and Lecturer at the Université Paris X Nanterre, Attorney at Law (Philippe & Partners)*

11h30 - 12h15 : 3. General discussion

12h15 - 12h50 : Concluding Remarks by **Peter Faross**, *Director Nuclear Energy, DG Energy, European Commission*

12h50 - 13h00 : Closing of the Workshop by **Marc Beyens**, *President Brussels Nuclear Law Association (BNLA)*

To the attention of : Brussels Nuclear Law Association (BNLA)
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B-1140 Brussels
BELGIUM
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**Registration Form BNLA – EC WORKSHOP
Prospects of a Civil Nuclear Liability Regime in
the Framework of the European Union
Rue Van Maerlant 2, B-1040 Brussels**

17 - 18 June 2010

Name : _____

First Name : _____

Position / Title : _____

Authority / Company / Organisation : _____

Address : _____

Telephone : _____

Fax : _____

e-mail : _____

INLA Member : yes no

Conference Fees

INLA Members 350€ _____
Non-INLA 450€ _____

Payment

Payment of the Conference Fee must be made via a bank transfer in Euros

A total amount of _____ will be transferred to : Brussels Nuclear Law Association – ING Bank - IBAN BE41 3350 5712 9410 – BIC BBRUBEBB - Reference: EC / BNLA 2010 Conference + Name

Place, Date

Signature