



# **Third International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident**

**Bratislava, Slovak Republic  
18-20 October 2017**

## **Programme**



# General information

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## Location:

Holiday Inn Bratislava Hotel  
Bajkalská 25/A, 825 03 Bratislava  
Slovak Republic

## Registration:

Only pre-registered participants will be allowed to attend the workshop. Badges will be distributed on Wednesday, 18 October from 08:30 a.m. to 09:00 a.m. in the lobby of the Holiday Inn Bratislava Hotel.

## Lunch:

Lunch will not be provided as part of the workshop. However, there is a cafeteria and a restaurant located within the Holiday Inn Bratislava Hotel. Other lunch options are also available nearby (for more information, please see the Participants area on the workshop website [www.oecd-nea.org/law/workshops/bratislava2017/](http://www.oecd-nea.org/law/workshops/bratislava2017/)).

## Wi-Fi access:

Free Wi-Fi connection will be available at the Holiday Inn Bratislava Hotel for the workshop participants:

Wi-Fi network:	Holiday Inn
Password:	internet

## Social events:

***Dinner at the Bratislava Castle restaurant: Wednesday, 18 October, 07:00 p.m.*** A free shuttle service will be available between the workshop venue and the restaurant.

***Closing reception at the lobby of the Holiday Inn Bratislava Hotel: Thursday, 19 October, 07:00 p.m.***

*Due to the limited capacity, only participants who have pre-registered will be able to attend these social events and use the free shuttle.*

# About the workshop

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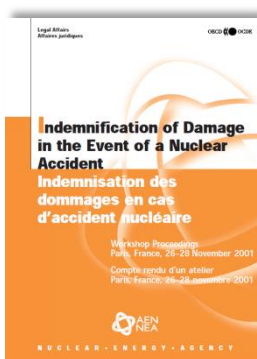
## Organisers

The *OECD Nuclear Energy Agency (NEA)* is an intergovernmental agency that facilitates co-operation among countries with advanced nuclear technology infrastructures to seek excellence in nuclear safety, technology, science, environment and law. The current membership of the NEA consists of 33 countries in Europe, North and South America and the Asia-Pacific region.

The *Nuclear Regulatory Authority of the Slovak Republic* is a central government authority of the Slovak Republic for nuclear regulation. It exercises state supervision over the safety of nuclear installations (in all stages of the fuel cycle including radioactive waste management and spent fuel management), nuclear materials and the physical protection of nuclear installations; and performs assessments of plans for use of nuclear energy, the quality of classified equipment and nuclear technology devices, and the commitments of the Slovak Republic arising from international treaties on nuclear safety of nuclear installations and nuclear materials management.

## Background

The *First International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident* was organised by the NEA in co-operation with the French authorities and held in November 2001 in Paris, France. Its purpose was to integrate third party liability and compensation issues into an essentially technical emergency exercise (INEX-2000, a simulated nuclear accident at the Gravelines nuclear power plant in France). The emphasis of the workshop was placed on the manner in which the Paris Convention on Third Party Liability in the Field of Nuclear Energy and the Brussels Convention Supplementary to the Paris Convention would apply to the indemnification of damage incurred by victims in those convention countries as a result of a nuclear accident scenario.



The *Second International Workshop on the Indemnification of Damage in the Event of a Nuclear Accident* was held in May 2005 in Bratislava, Slovak Republic. This workshop, co-organised by the NEA and the Nuclear Regulatory Authority of the Slovak Republic, was based on two fictitious scenarios aimed to test the implementation of various third party liability regimes with a special focus on an assessment of the indemnification measures that would be taken if a nuclear accident

occurred in a state party to the Vienna Convention on Civil Liability for Nuclear Damage, and more specifically a state party to both the Vienna Convention and the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention.

## **Programme**

The Third Workshop will focus on an assessment of the implementation of currently applicable international nuclear liability conventions in conjunction with, *inter alia*, non-convention states regimes, assuming all the modernised international instruments have come into force. The exercise will therefore assess the implementation of the following instruments: i) the Paris Convention on Third Party Liability in the Field of Nuclear Energy and the Brussels Supplementary Convention, both as amended by the 2004 Protocols; ii) the Vienna Convention on Civil Liability for Nuclear Damage and the 1997 Protocol to amend the Vienna Convention; iii) the Joint Protocol relating to the application of the Vienna Convention and the Paris Convention; and iv) the Convention on Supplementary Compensation for Nuclear Damage.

Workshop participants will be invited to discuss the legal aspects of compensating victims having suffered nuclear damage due to a nuclear incident occurring at a nuclear installation, which has transboundary damage. Even though experts from the public and private sectors will be invited to speak on the different topics addressed in the programme, the workshop should leave enough time for all the participants to contribute to the discussion, to encourage a real exchange of experience and point of views.



View of Bratislava, Slovak Republic.

# Wednesday, 18 October 2017

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08:30 Registration

09:00 **Opening session - Welcome addresses**

- *Mr William D. Magwood, IV, Director-General, Nuclear Energy Agency*
- *Ms Marta Žiaková, Chair of the Nuclear Regulatory Authority of the Slovak Republic and Chair of the NEA Steering Committee for Nuclear Energy*
- *Ms Zora Mistríková, Manager of Legal and Corporate Affairs, Slovenské elektrárne, Slovak Republic*
- *Mr Juraj Chochol, Chair of the Slovak Nuclear Insurance Pool, Head of Non-life Department, KOOOPERATIVA poisťovňa, a.s.*
- *Ms Ingrid Brocková, Director-General, Directorate-General for Economic Cooperation, Ministry of Foreign and European Affairs of the Slovak Republic*
- *Mr Anton Masar, Vice-chairman of the Board of Directors, Director of the Finances and Services Division, JAVYS, a.s.*
- *Mr Roland Dussart-Desart, Chair of the NEA Nuclear Law Committee and Head of the Legal Division at the Belgian FPS Economy, SMEs, Self-employed and Energy*

10:00 **Introduction by the moderators of the workshop:**

- *Mr Martin Pospíšil, Director of the Division of Legislation and Legal Affairs, Nuclear Regulatory Authority of the Slovak Republic, and*
- *Dr. Christian Raetzke, Independent Lawyer and Consultant, CONLAR Law Firm*

10:10 Break

10:30 **Setting the scene:** Overview of challenges of a nuclear incident at a nuclear power plant with transboundary effects and status of ratification of the international nuclear liability conventions and national legal frameworks

*Ms Ximena Vásquez-Maignan, Head of the NEA Office of Legal Counsel*

Discussion session

11:25 **Insurance of nuclear risks:** Overview of nuclear insurance pools system

*Mr Mark Tetley, insurance expert, lecturer at the NEA nuclear law educational programmes*

Discussion session

12:30 Lunch

14:00

## **Notification of an accident**

*Chair: Ms Florence Touitou-Durand, Head of Legal Affairs, French Alternative Energies and Atomic Energy Commission (CEA) and member of the NEA Nuclear Law Committee Bureau*

- International legal framework

*Mr Andrea Gioia, Senior Legal Officer at the Office of Legal Affairs, International Atomic Energy Agency*

- A practical approach

*Commissioner Stephen G. Burns, US Nuclear Regulatory Commission*

Discussion session

14:50

## **Evacuation process**

*Chair: Ms Florence Touitou-Durand, Head of Legal Affairs, French Alternative Energies and Atomic Energy Commission (CEA) and member of the NEA Nuclear Law Committee Bureau*

- Overview of the applicable frameworks

*Dr. Patricia Milligan, Senior Technical Advisor, Division for Emergency Preparedness and Response, Office of Nuclear Security and Incident Response, US Nuclear Regulatory Commission and member of the NEA Working Party on Nuclear Emergency Matters Bureau*

- A practical approach

*Mr Toshimitsu Homma, Senior Advisor for Emergency Preparedness and Radiation Protection Technical Coordinator, Radiation Protection Policy Planning Division, Radiation Protection Department, Japanese Nuclear Regulation Authority*

Discussion session

15:40

Break

16:00

## **Determining the damage to be compensated**

*Chair: Mr Ben McRae, Assistant General Counsel at the US Department of Energy and member of the NEA Nuclear Law Committee Bureau*

- Evolution of the international nuclear liability conventions

*Mr Andrea Gioia, Senior Legal Officer at the Office of Legal Affairs, International Atomic Energy Agency*

- National legal systems

*Ms Ximena Vásquez-Maignan, Head of the NEA Office of Legal Counsel*

*Prof. Monika Hinteregger, Institute of Civil Law, Foreign Private Law and Private International Law, Karl-Franzens-University of Graz,*

- How detailed is detailed enough?

*Mr Will Morris, Underwriting Manager, Nuclear Risk Insurers Ltd.*

	Discussion session
18:00	End of Day 1
19:00	Dinner at the Bratislava Castle



# Thursday, 19 October 2017

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09:00

## Proving the causal link

*Chair: Prof. Vanda Lamm, President of the Section of Economics and Law, Hungarian Academy of Sciences and member of the NEA Nuclear Law Committee Bureau*

- Identifying the persons entitled to claim compensation

*Ms Fiona Geoffroy, Senior Legal Adviser, Électricité de France (EDF)*

- Practical methods to establish the causal link

*Prof. Taro Hokugo, Director for Investigation and Planning of R&D Projects, Atomic Energy Division, Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT)*

*Prof. Shinsuke Toyonaga, Attorney at Law, Advisor, Nuclear Damage Compensation and Decommissioning Facilitation Corporation, Japan*

Discussion session

10:15

Break

10:30

## Identifying the liable entity

*Chair: Mr Konstantin Kryazhevskikh, Director Legal and Corporate, JSC “Rosatom Overseas”*

- Different approaches to channeling

*Mr Ben McRae, Assistant General Counsel at the US Department of Energy and member of the NEA Nuclear Law Committee Bureau*

- Applying in practice the exonerations from liability provided under the nuclear liability conventions

*Mr Roland Dussart-Desart, Chair of the NEA Nuclear Law Committee and Head of Legal Division at the Belgian FPS Economy, SMEs, Self-employed and Energy*

- Terrorism as one of the exonerations from nuclear liability - arguments for further discussion

*Dr Petr Záruba, Independent Legal Advisor, Former Director of the Czech Nuclear Insurance Pool*

- Is channeling at risk?

*Ms Helena Kazamaki, Senior Vice President - General Counsel Europe and France, Group Counsel Nuclear Industry, Legal & Integrity, ABB*

Discussion session

12:30	Lunch
14:00	<p><b>Claims handling</b></p> <p><i>Chair: Mr Juraj Chochoľ, Chair of the Slovak Nuclear Insurance Pool, Head of Non-life Department, KOOOPERATIVA poisťovňa, a.s.</i></p> <ul style="list-style-type: none"> <li>• Is it always the insurer? <i>Mr Marc Beyens, General Counsel Energy BeLux, ENGIE Electrabel</i></li> <li>• How to manage transboundary claims? <i>Mr Alain Quéré, Head Nuclear Energy Risks, Swiss Re / Pool Manager, Swiss Nuclear Pool (SPN)</i></li> </ul>
	Discussion session
15:15	Break
15:35	<p><b>Resolving disputes</b></p> <p><i>Chair: Prof. Yvonne Scannell, Trinity College Dublin, judge of the European Nuclear Energy Tribunal</i></p> <ul style="list-style-type: none"> <li>• Alternative Dispute Resolution mechanisms <i>Prof. Vanda Lamm, President of the Section of Economics and Law, Hungarian Academy of Sciences and member of the NEA Nuclear Law Committee Bureau</i></li> </ul>
	Discussion session
	<ul style="list-style-type: none"> <li>• Identifying the competent court <i>Mr Omer F. Brown, II, Omer F. Brown, II Law Office</i></li> </ul>
	Discussion session
	<ul style="list-style-type: none"> <li>• Enforcement of foreign judgments <i>Prof. Ulrich Magnus, University of Hamburg Professor Emeritus, former judge at the Court of Appeal of the City of Hamburg</i></li> </ul>
	Discussion session
18:00	End of Day 2
19:00	Closing reception at the Holiday Inn Bratislava

## Friday, 20 October 2017

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09:00

### Amounts available

*Chair: Mr Roland Dussart-Desart, Chair of the NEA Nuclear Law Committee, Head of Legal Division at the Belgian FPS Economy, SMEs, Self-employed and Energy*

- The differences between international nuclear liability conventions regimes

*Mr Jacques Hénault, Nuclear Liability Advisor, Uranium and Radioactive Waste Division, Natural Resources Canada*

- The reciprocity principle

*Mr Patrick Reyners, Former Head of the NEA Legal Affairs, Secretary General and Scientific Advisor of the International Nuclear Law Association*

- The impact of providing priority rules

*Ms Beata Sparażyńska, Chief Expert for EU and International Affairs, Nuclear Energy Department, Polish Ministry of Energy*

*Mr Kamil Adamczyk, Expert for Legal Affairs, Nuclear Energy Department, Polish Ministry of Energy*

Discussion session

10:35

Break

11:00

**Closing session:** Conclusions by the Session Chairs and workshop organisers

- *Ms Florence Touitou-Durand – Session on Notification of an accident & Evacuation process*
- *Mr Ben McRae – Session on Determining the damage to be compensated*
- *Prof. Vanda Lamm – Session on Proving the causal link*
- *Mr Konstantin Kryazhevskikh – Session on Identifying the liable entity*
- *Mr Juraj Chochol – Session on Claims handling*
- *Prof. Yvonne Scannell – Session on Resolving disputes*
- *Mr Roland Dussart-Desart – Session on amounts available*
- *Mr Martin Pospíšil, on behalf of the Nuclear Regulatory Authority of the Slovak Republic*
- *Ms Ximena Vásquez-Maignan, on behalf of the Nuclear Energy Agency*

12:00

Workshop adjourned