

COUNTRY SHEET: BELGIUM

Applicable upon the entry into force of the revised Paris Convention

Belgium is a member country of the OECD Nuclear Energy Agency. For more information on the legal, regulatory and institutional frameworks for nuclear activities in Belgium, see [here](#).

1. APPLICABLE NUCLEAR THIRD PARTY LIABILITY REGIME

International convention(s):

- 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy, as Amended by the 2004 Protocol (“[Revised Paris Convention](#)”)
- 1963 Brussels Convention Supplementary to the 1960 Paris Convention, as Amended by the 2004 Protocol (“[Revised Brussels Supplementary Convention](#)”)

National law(s):

- Law of 22 July 1985 on civil liability in the field of nuclear energy, as amended by the Law of 29 June 2014 (the “[Law of 22 July 1985](#)”), available in [Dutch](#) and [French](#)

2. NUCLEAR THIRD PARTY LIABILITY AMOUNT(S) UNDER THE APPLICABLE NATIONAL LAW(S)¹

Transport to/from a nuclear installation located in Belgium (“the Country”):

EUR 297 million

[The Royal Decree of 28 December 2011, in application of article 7 of the Law of 22 July 1985, establishes a maximum liability amount for the operator or the carrier, available in [Dutch](#) and [French](#)]

Belgium being party to the Revised Paris Convention, amounts of nuclear liability for transport applicable to operators of nuclear installations situated in the territory of a Contracting Party the Revised Paris Convention shall be determined by the national legislation of the operator liable wherever the nuclear incident occurs [i.e. Article 7(d) of the Revised Paris Convention applies].

Transit through the Country:

There are no specific provisions on the amounts of nuclear liability applicable to transit under the Law of 22 July 1985.

The requirements relevant to transport will also apply to transit, subject, however to Article 16 of the Law of 22 July 1985, which provides that transit of nuclear substances through the territory of Belgium is subject to the condition that the foreign carrier fulfils at least the same obligations as those of the operator of a nuclear installation in Belgium [i.e. Article 7(e) of the Revised Paris Convention applies].

3. FINANCIAL SECURITY/INSURANCE LIMITS UNDER THE APPLICABLE NATIONAL LAW(S)

Domestic transport:

EUR 297 million

International transport to/from a nuclear installation located in the Country:

EUR 297 million

Transit through the Country:

EUR 297 million

Belgian law does not provide that certificates of financial security detail the amount applicable for each transit country.

4. CERTIFICATE OF FINANCIAL SECURITY REQUIRED UNDER THE APPLICABLE NATIONAL LAW(S)

*Certificate of Financial Security for national transports:*²

Required [Article 15 of the Law of 22 July 1985]

All carriers of nuclear substances need to be provided with a certificate delivered by or on behalf of the insurance/financial security provider certifying compliance with Article 8 of the Law of 22 July 1985. This certificate should correspond to the requirements of Article 4(d) of the Paris Convention.

Belgium does not follow the model certificate of financial security provided in the Steering Committee Recommendation of 8 June 1967 [NE/M (67)1].

A model certificate is provided in the Annex to the Royal Decree of 28 April 1986 (available in [Dutch](#) and [French](#)), that should be used for transport of nuclear substances. Its purpose is to ensure that financial security certificates comply with the Revised Paris Convention requirements, as prescribed by the Law of 22 July 1985.

*Type of Certificate of Financial Security for international carriage:*³

- International transport to/from a nuclear installation located in the Country:

Required

[Article 15 of the Law of 22 July 1985]

Belgium does not follow the model certificate of financial security provided in the Steering Committee Recommendation of 8 June 1967 [NE/M (67)1].

A model certificate is provided in the Annex to the Royal Decree of 28 April 1986 (available in [Dutch](#) and [French](#)), that should be used for transport of nuclear substances. Its purpose is to ensure that financial security certificates comply with the Revised Paris Convention requirements, as prescribed by the Law of 22 July 1985.

- Transit through the Country:

Required

While the Law of 22 July 1985 does not contain specific requirements relating to transit, the requirements relevant to transport will also apply to transit.

Specific requirement(s) regarding the entity to issue the Certificate of Financial Security:

- International transport to/from a nuclear installation located in the Country:

No specific requirement

- Transit through the Country:

No specific requirement

5. ENTITY BEARING NUCLEAR LIABILITY AND REFERRED TO IN THE CERTIFICATE OF FINANCIAL SECURITY⁴

Transport from/to a nuclear installation located in the Country:

- Operator
- National carrier
- Foreign carrier

[Articles 14 to 16 of the Law of 22 July 1985]

*Transit through the Country:**

- Operator
- National carrier
- Foreign carrier

While the Law of 22 July 1985 does not contain specific requirements relating to transit, the requirements relevant to transport will also apply to transit.

6. EXCLUSIONS UNDER THE APPLICABLE NATIONAL LAW(S)

*Exclusion of small quantities of nuclear substances:*⁵

Not applied under national legislation

*Exclusion of radioisotopes which have reached the final stage of fabrication:*⁶

Not applied under national legislation

*Exclusion of certain kinds of nuclear substances (only applies to Contracting Parties to the Paris Convention):*⁷

Not applied under national legislation

7. COMPETENT PUBLIC AUTHORITIES

In charge of verifying the certificate of financial security:

SPF Economie, DG Réglementation économique, Assurances

In charge of authorising a national/foreign carrier to bear nuclear liability:

SPF Economie, DG Réglementation économique, Assurances

In charge of stating in the certificate of financial security that the person named in the certificate is an operator in accordance with the nuclear legislation in the Country:

SPF Economie, DG Réglementation économique, Assurances

Entitled to confirm that the transported substances are covered by the definition of “nuclear substances” (as defined under the Paris Convention) or “nuclear material” (as defined under the Vienna Conventions and the CSC):

The Federal Agency for Nuclear Control (FANC/ AFCN)

8. CONTACT FOR QUESTIONS RELATING TO NUCLEAR LIABILITY AND TRANSPORT IN THE COUNTRY

SPF Economie, DG Réglementation économique, Assurances

Email: [to be provided] / Phone: [to be provided]

NOTES

- * **“Transport”** means an international or domestic carriage of nuclear substances by any means of transportation (i.e. sea, air or land) beginning with the departure from a nuclear installation of the sending operator and ending with the arrival at a nuclear installation of the receiving operator.
“Transit” means temporary movement of nuclear substances within the territory of a State that is not the State of departure, where the sending operator is located, or the State of destination, where the receiving operator is located.
- 1 All nuclear liability conventions (with the exception of the [Vienna Convention](#)) expressly provide that the amount of compensation will be determined by the national legislation of the liable operator. See Article 7(d) of the [Paris Convention](#) and the Revised Paris Convention, Article V.3 of the [Revised Vienna Convention](#), and Article 6.1 of the Annex to the [Convention on Supplementary Compensation](#) (CSC).
 Notwithstanding the above, a country may, under certain conditions, subject the transit of nuclear substances through its national territory to an increased nuclear liability amount not exceeding the maximum amount of liability of the operator of a nuclear installation situated in its territory. This is expressly provided in Article 7(e) of the Paris Convention and the Revised Paris Convention, and Article 6.2 of the Annex to the CSC.
- 2 National law may exclude the obligation of the operator liable to provide the carrier with an insurance certificate or other financial security if the carriage takes place wholly within the national territory of a country. This is expressly provided in Article 4(c) of the Paris Convention and the Revised Paris Convention, and Article III of the Revised Vienna Convention.
- 3 The NEA Steering Committee for Nuclear Energy (the “Steering Committee”) recommended to the Contracting Parties to the Paris Convention a model certificate of financial security for the carriage of nuclear substances on 8 June 1967 [[NE/M \(67\)1/NE\(67\)9](#)]. There is no distinction between transport and transit regarding this recommendation.
- 4 National law may provide that a carrier bears nuclear liability in substitution for an operator of a nuclear installation in its territory. This is expressly provided in Article 4(d) of the Paris Convention and Article 4(e) of the revised Paris Convention, Article II.2 of the Vienna Convention and the revised Vienna Convention, Article 3.2 of the Annex to the CSC.
- 5 For the Paris Convention, see the Steering Committee Decision of 3 November 2016 [[NEA/SUM\(2016\)2/NEA/NE\(2016\)8/FINAL](#)]; and for the IAEA Conventions, see the Board of Governors Resolution of 20 November 2014 [[GOV/2014/63](#)]. There is no distinction between transport and transit regarding this exclusion.
- 6 See Article 1(a)(iv) of the Paris Convention and the Revised Paris Convention, and the Steering Committee Recommendation of 19 April 2018 [[NEA/SUM\(2018\)1/NEA/NE\(2018\)3/FINAL](#)]; Article I.1(g) of the Vienna Convention and the Revised Vienna Convention; and Article 1.1(e) of the Annex to the CSC. There is no distinction between transport and transit regarding this exclusion.
- 7 See the Steering Committee Decision of 27 October 1977 [[NE/M\(77\)2/NE\(77\)20](#)]. There is no distinction between transport and transit regarding this exclusion.