

COUNTRY SHEET: UNITED ARAB EMIRATES

1. APPLICABLE NUCLEAR THIRD PARTY LIABILITY REGIME

International convention(s):

- 1997 Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage (“[Revised Vienna Convention](#)”)
- 1997 Convention on Supplementary Compensation for Nuclear Damage (“[CSC](#)”)
- 1988 Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (“[Joint Protocol](#)”)

National law(s):

- Federal Law by Decree No. 4 of 2012 Concerning Civil Liability for Nuclear Damage (the “[2012 Federal Law](#)”)

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

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

SDR 450 million

Transit through the Country:

There are no specific provisions on the amounts of nuclear liability applicable to transit under the 2012 Federal Law.

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

Domestic transport:

SDR 450 million

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

SDR 450 million

Transit through the Country:

There are no specific provisions on the financial security limits required for transit under the 2012 Federal law.

UAE legislation or regulatory requirements does not require 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

Not required [Article 9(3) of the 2012 Federal Law]

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

- International transport to/from a nuclear installation located in the Country:
Required [Article 9(1) of the 2012 Federal Law]
The liable operator shall provide the carrier with a certificate issued by or on behalf of the insurer or any other financial guarantor furnishing financial security pursuant to Article 8 of the 2012 Federal Law.
National legislation does not provide for a model insurance certificate or other financial security certificate.

- Transit through the Country:
While the 2012 Federal Law 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:
The certificate of financial security shall be issued by or on behalf of the insurer or any other financial guarantor furnishing financial security, as approved by Federal Authority for Nuclear Regulation (FANR) pursuant to the requirements of Article 8 and Article 13 of the 2012 Federal Law.

- Transit through the Country:
While the 2012 Federal Law does not contain specific requirements relating to transit, the requirements relevant to transport will also apply to transit.

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

As regards the carrier, Article 6 of the 2012 Federal Law provides that upon request of a carrier of nuclear material and with a prior written consent of the operator, the carrier can be considered by FANR as an operator for the purpose of the transport. It has to be licensed in accordance with the UAE legislation and therefore shall be a “juridical person approved by the competent authorities” in the UAE.

Therefore, only national carriers can be considered as an operator. In such a case, in the certificate of financial security, the carrier would be referred to as the “liable operator”.

Transit through the Country:

There are no specific provisions on transit under the 2012 Federal law.

6. EXCLUSIONS UNDER THE APPLICABLE NATIONAL LAW(S)

*Exclusion of small quantities of nuclear substances:*⁵

Not applied under national legislation [Article 3 (2) of the 2012 Federal Law]

The Authority may, if the small extent of the risks involved so warrants, exclude [...] small quantities of nuclear material from the application of th[e] Law by Decree, provided that: with respect to small quantities of nuclear material, maximum limits for the exclusion of such quantities have been established by the Board of Governors of the IAEA and the Authority issues a resolution that such exclusion is within such established limits.

FANR has not issued a corresponding resolution yet.

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

Applied under national legislation.

The 2012 Federal Law includes a number of definitions which are in line with those of the Revised Vienna Convention. Based on the definition of “radioactive products” or “waste” included in Article 1 of the Law, radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial or industrial purpose are excluded from the scope of application of the Law, including the transport or transit of such items.

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

N/A

7. COMPETENT PUBLIC AUTHORITIES

In charge of verifying the certificate of financial security:

Federal Authority for Nuclear Regulation (FANR)

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

Federal Authority for Nuclear Regulation (FANR)

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:

Federal Authority for Nuclear Regulation (FANR)

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):

Federal Authority for Nuclear Regulation (FANR)

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

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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.