



# NUCLEAR LIABILITY ARRANGEMENTS IN THE EU - STATE OF PLAY

**Meeting on third party nuclear liability in the EU**

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# INSTRUMENTS

- 1) **National law** as primary layer - each Member State sets the operator's liability, insurance requirements and compensation rules; victims are compensated under national law + national law implements minimum standards set out in international conventions.
- 2) **International conventions** – set minimum standards, regulate cross-border accidents and define which court is competent.

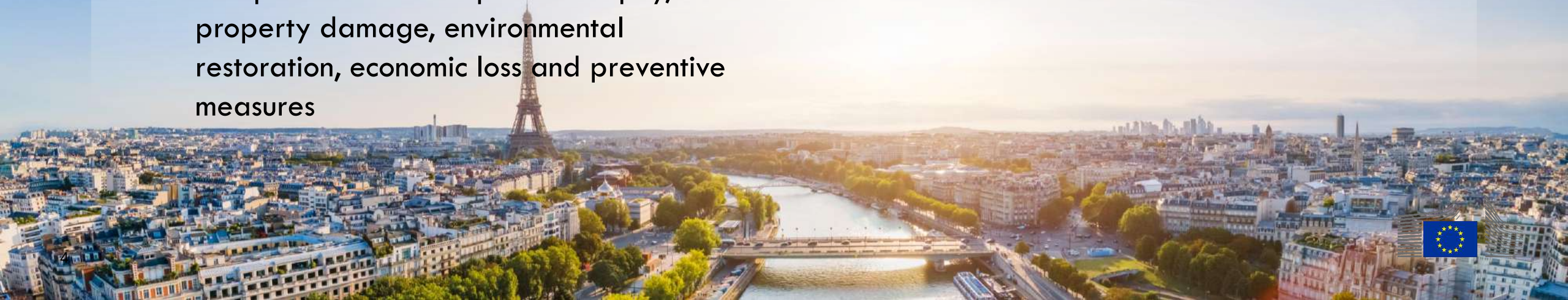


## Nuclear liability instruments



## Paris Convention

- Strict and exclusive operator liability
- Operators must maintain financial security equal to their liability; States must cover claims if this is insufficient
- Victims do not need to demonstrate fault, negligence or intent
- Competent court is the court of the State where the nuclear accident occurred
- Compensation covers personal injury, property damage, environmental restoration, economic loss and preventive measures
- Time limits: up to 30 years for personal injury and 10 years for other damage
- Liability exoneration in case of armed conflicts
- Amended by Protocols adopted in 1964, 1982 and 2004 (in force since 2022).
- The revised Paris Convention is now in force, but only for those States that have ratified the 2004 Protocol.





## Brussels Supplementary Convention (Paris + Brussels):

Supplements the Paris Convention by providing additional public funds when operator liability is insufficient

- Applies only together with the Paris Convention and uses the same legal definitions; only Paris Convention Parties may join
- Amended by protocols adopted in 1964, 1982 and 2004 (in force since 2022).
- Establishes Three-tier compensation system  
**Tier 1 (Paris Convention) – Operator liability:** Minimum €700 million, provided through insurance or financial security

- **Tier 2 – Installation State:** Up to €500 million of public funds from the State where the installation is located
- **Tier 3 – All BSC Parties:** €300 million of public funds jointly contributed by all Parties





## Vienna Convention (as amended by the 1997 Protocol)

- Exclusive and strict liability of the nuclear installation operator
- Victims do not need to prove fault or negligence
- Operators must maintain insurance or other financial security
- October 2003 - Protocol entered into force
- Liability is limited in time and differ for
  - personal injury and other damage (30 years for loss of life and personal injury + 10 years other damage)
- Equal treatment of victims regardless of nationality, domicile or residence
- Exoneration exemption for armed conflicts
- Claims handled by the courts of the State where the incident occurs

## Convention on Supplementary Compensation (CSC, 1997)

- Worldwide system in which all States may participate
- Requires a minimum national compensation amount and provides an international public funding layer when this is insufficient
- Compensable damage includes personal injury, property damage, environmental restoration, economic loss and preventive measures
- All Parties must apply strict and exclusive operator liability, mandatory insurance or financial security, equal treatment of victims and exclusive jurisdictional competence of one Contracting Party
- Signed only by Czech Republic, Italy, Lithuania and Romania (the only ratifier)





## Liability and minimum amounts (MS can impose higher liability caps)

Convention / Regime	Type of Installation	Minimum Liability Amount	Currency / Unit
Paris Convention (old)	Nuclear installation	150 million	SDR *
	Low-risk installation	5 million	SDR
Paris Convention (2004 Protocol, in force 2022)	Nuclear installation	700 million	EUR
	Low-risk installation	70 million	EUR
	Transport of nuclear material	80 million	EUR
Vienna Convention (1963)	Nuclear installation	5 million	USD
Revised Vienna Convention (1997 Protocol)	Nuclear installation	300 million	SDR
Convention on Supplementary Compensation (CSC)	Nuclear installation	300 million	SDR
	Low-risk installation	5 million	SDR
	Transport of nuclear material	5 million	SDR
Paris + Brussels Supplementary Convention (BSC) (combined)	Nuclear installation	1.5 billion	EUR

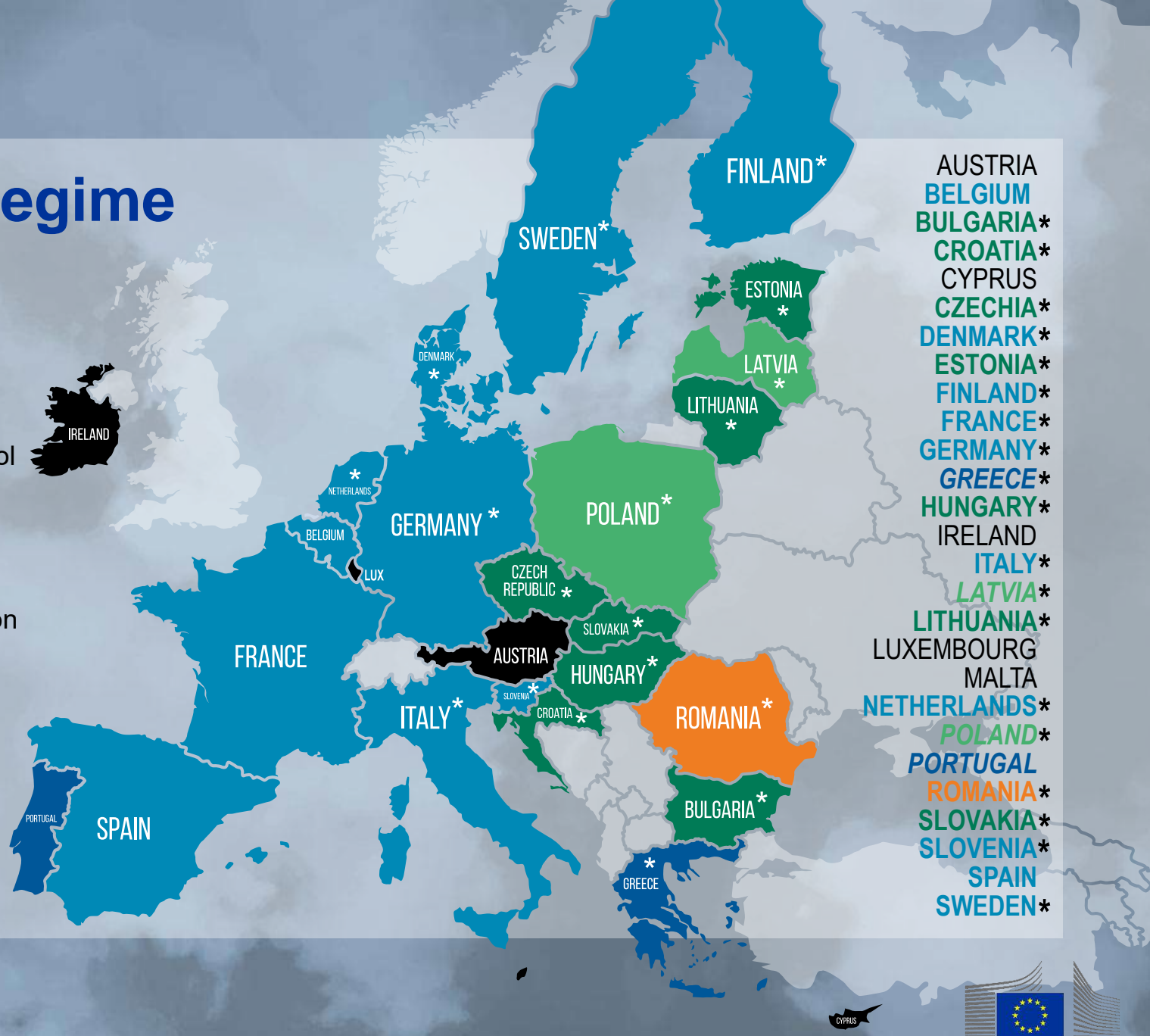
\*SDR - Special drawing rights are supplementary foreign exchange reserve assets defined and maintained by the International Monetary Fund.



## EU Membership by Regime

### Key:

- 1960 Paris Convention only
- 1960 Paris Convention + 1963 Brussels Supplementary Convention + 2004 Protocol to Paris
- 1963 Vienna Convention
- 1997 Vienna Convention
- 1997 Vienna Convention + 1997 Convention on Supplementary Compensation
- Non-convention country
- \* Joint Protocol



## Conclusions

- The EU system remains **legally fragmented**.
- Existing liability amounts are **insufficient** to cover the consequences of major nuclear accidents.
- Member States ultimately **act as payers of last resort** when compensation exceeds operator liability.
- Divergent participation in international conventions leads to **uneven legal effects** and **differing levels of victim protection** across borders.





**THANK YOU!**

**FOR ANY ADDITIONAL QUESTIONS, DO NOT  
HESITATE TO WRITE:**

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