

Nuclear energy: third-party liability, Protocol on the 1960 Paris Convention, ratification by Slovenia

2006/0260(AVC) - 08/11/2007 - Final act

PURPOSE: authorise Slovenia to ratify the Protocol amending the Paris Convention of 1960 on third-party liability in the field of nuclear energy.

LEGISLATIVE ACT: Council Decision 2007/727/EC authorising the Republic of Slovenia to ratify, in the interest of the European Community, the Protocol of 12 February 2004 amending the Paris Convention of 29 July 1960 on third-party liability in the field of nuclear energy.

CONTENT: the Council adopted a decision aiming to authorise Slovenia, the only new Member State which is part of the Paris Convention of 29 July 1960 on third-party liability in the field of nuclear energy, to ratify the Protocol of 12 February 2004 amending the Convention.

The ratification or accession to the Protocol are as much the responsibility of Member States as the European Community. The Community has an exclusive competence regarding the amendment of Article 13 of the Paris Convention in as far as it is concerned about the provisions of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction, the recognition and enforcement of judgments in civil and commercial matters. Member States retain their jurisdiction on matters covered by the Protocol which are not included in Community law.

Through two Decisions, Decision 2003/882/EC of 27 November 2003 and Decision 2004/294/EC of 8 March 2004, the Council authorised the Member States who are Contracting Parties to the Paris Convention to sign the Protocol in the interest of the European Community, as well as ratifying or acceding to it. Austria, Ireland and Luxembourg, who do not take part in the Paris Convention, did not sign the Protocol.

Slovenia signed the Protocol of the Paris Convention on 12 February 2004. Since Decision 2004/294/EC was addressed only to certain Member States, the Republic of Slovenia could not, upon its accession to the European Union on 1 May 2004, be considered an addressee thereof by virtue of Article 53 of the Act of Accession of 2003. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia are not Contracting Parties to the Paris Convention, but are to the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage. Cyprus and Malta do not take part in any international convention concerning civil liability in the nuclear sector.

The only objective of the Decision is to place Slovenia on the same level as Member States addressed by Decision 2004/294/EC. Denmark does not take part in the adoption of this Decision and is not to be bound by it or subject to its application. The United Kingdom and Ireland are bound by Regulation (EC) N° 44/2001 and are therefore taking part in the adoption of this Decision.