

Vienna Convention (1963) on Civil Liability for Nuclear Damage, Protocol: ratification or accession by Member States

2012/0262(NLE) - 26/02/2013 - Legislative proposal

PURPOSE: to permit certain Member States to ratify, or to accede to, the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the European Union, and to make a declaration on the application of the relevant internal rules of Union law.

PROPOSED ACT: Council Decision (non-legislative act).

ROLE OF THE EUROPEAN PARLIAMENT: Council may only adopt the act if approved by the European Parliament.

BACKGROUND: the Protocol of 12 September 1997 amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 was negotiated with a view to improving compensation for victims of damage caused by nuclear incidents. It is therefore desirable that the provisions of the 1997 Protocol be applied in the Member States which are Contracting Parties to the Vienna Convention.

The Vienna Convention and the 1997 Protocol are not open to participation by regional economic integration organisations. As a result, the Union is not in a position to become a Contracting Party to the 1997 Protocol. In these circumstances, it is justified that, by way of exception, the Member States ratify, or accede to, the 1997 Protocol in the interest of the Union.

LEGAL BASIS: Article 81(2) of the Treaty on the Functioning of the European Union (TFEU) in conjunction with Article 218(6)(a) thereof.

CONTENT: by means of this Decision, it is proposed that the Council authorises **Bulgaria, the Czech Republic, Estonia, Lithuania, Hungary, Poland and Slovakia** to ratify, or to accede to, the Protocol of 12 September 1997 amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the Union. These countries are authorised to make a declaration according to which judgments on matters covered by the 1997 Protocol, when given by a court of a Member State of the European Union, which is a Contracting Party to that Protocol, shall be recognised and enforceable in accordance with the relevant rules of the European Union on the subject.

For further details about the draft Decision, as well as the content of the 1997 Protocol, *please refer to the summary of the Commission's initial legislative proposal, dated 26/09/2012.*