

Convention on Supplementary Compensation for Nuclear Damage and its amendment: participation of Lithuania and Poland

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PURPOSE: to authorise Lithuania and Poland to become parties to the Convention on Supplementary Compensation for Nuclear Damage and its amendment 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.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: in the European Union, the nuclear liability regimes of Member States are governed by national laws. In 23 of the 27 Member States, the main principles of these regimes were shaped by two international conventions that harmonised national laws in the area of civil liability for nuclear damage: **the Vienna Convention (IAEA) and the Paris Convention (OECD)**. These international conventions, which originated in the early 1960s, remained largely unchanged for almost 25 years.

In a fragmented and complex legal framework related to liability for nuclear damage, the **Convention on Supplementary Compensation for Nuclear Damage (CSC)** was adopted on 12 September 1997 and entered into force on 15 April 2015. It aims to establish a worldwide system of civil liability and envisages a minimum national compensation amount and at further increasing the amount of compensation through public funds to be made available by the Contracting Parties should the national amount be insufficient to compensate the damage caused by a nuclear incident.

On 13 January 2026, the Contracting Parties to the CSC adopted by consensus an amendment that removes, for States with no nuclear reactors, the obligation to contribute to the CSC with public funds. This amendment will enter into force when all Contracting Parties to the CSC have deposited their ratification instruments.

Czechia, Lithuania and Romania have signed the CSC, and Romania has also ratified it, prior to their accession to the Union. Italy signed it in 1998.

As the provisions of the CSC fall within the **exclusive competence of the Union** and given that Poland and Lithuania have expressed the wish to become parties to the CSC, they need to be authorised to join it through a Council Decision. This would ensure unity in the Union judicial area and the free circulation of judgments within the EU, without having implications on the effective implementation of the Convention.

CONTENT: the purpose of this proposal is **to allow Poland and Lithuania** to join the Convention on Supplementary Compensation for Nuclear Damage while respecting the exclusive external competence of the Union with regard to certain provisions of the convention.

Becoming Party also to the CSC will support the implementation of the 2020 Polish Nuclear Power Programme (PNPP), which envisages, starting from April 2027, the construction of several nuclear power plants in Poland, also in line with the objective of progressive decarbonisation of Poland's electricity system. The establishment of an international fund to supplement national compensation will increase

legal certainty for investors and suppliers and enhanced protection for potential victims of nuclear incidents. Moreover, due to the fact that the contract for the construction of the first nuclear power plant in Poland has been awarded to an American consortium and that US is already Party to the CSC, the ratification of the CSC by Poland will establish a common legal framework between Poland and US in the field of civil liability for nuclear damage.

Lithuania, a signatory to the CSC since 1997, also wishes to finalise its accession.

The Commission has relied upon the extensive work carried out by the IAEA, in particular its Action Plan to establish a global nuclear liability regime that addresses the concerns of all States that might be affected by a nuclear incident.

Ireland is taking part in the adoption and implementation of this decision, while Denmark is not.