

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2024 Nr. 72

A. TITEL

*Verdrag inzake wettelijke aansprakelijkheid op het gebied van de kernenergie (met Bijlagen);
Parijs, 29 juli 1960*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 007755 in de Verdragenbank.

B. TEKST

Op 30 oktober 2014 heeft de Bestuurscommissie van het Agentschap voor Kernenergie een besluit genomen respectievelijk een aanbeveling gedaan inzake de toepassing van het Verdrag op nucleaire installaties die buiten gebruik worden gesteld.

De Engelse tekst van het besluit respectievelijk de aanbeveling luidt als volgt:

Decision and Recommendation of the Steering Committee concerning the application of the Paris Convention to nuclear installations in the process of being decommissioned

The Steering Committee,

Having regard to the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960, as amended by the Additional Protocol of 28 January 1964, by the Protocol of 16 November 1982 and by the Protocol of 12 February 2004 (hereinafter referred to as the "Paris Convention"), and in particular Article 1(b) thereof;

Considering that, by virtue of that Article, the Steering Committee may, if in its view the small extent of the risks involved so warrants, exclude any nuclear installation, nuclear fuel or nuclear substances from the application of the Paris Convention;

Having regard to Article 8(b) and Article 10(b) of the Statute of the OECD Nuclear Energy Agency;

Considering that nuclear installations in the process of being decommissioned are covered by the provisions of the Paris Convention;

Considering that it should be made possible for Contracting Parties to cease the application of the Paris Convention when the decommissioning of a nuclear installation has reached a stage where the risks involved are so limited;

Considering that the technical exclusion criteria provided in its Decision and Recommendation of 20 April 1990 concerning the Application of the Paris Convention to Nuclear Installations in the Process of Decommissioning [NE/M(90)1], which is based on the superseded 1985 Edition together with the 1988 Supplement of the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency, are no longer appropriate;

Noting the attached Explanatory Note;

¹⁾ Trb. 2005, 89 en Trb. 2010, 29 van het Protocol van 12 december 2004 houdende wijziging van het Verdrag van 29 juli 1960 inzake wettelijke aansprakelijkheid op het gebied van de kernenergie, zoals gewijzigd bij het Aanvullend Protocol van 28 januari 1964 en bij het Protocol van 16 november 1982, zijn ondergebracht onder systematisch nummer 46 (2004).

Decides that any Contracting Party may cease to apply the Paris Convention to a nuclear installation in the process of being decommissioned, provided that the provisions set out in the Annex to this Decision and Recommendation and any additional conditions which the Contracting Party may judge appropriate to establish are met;

Decides that the Decision and Recommendation of 20 April 1990 concerning the Application of the Paris Convention to Nuclear Installations in the Process of Decommissioning [NE/M(90)1] is hereby revoked;

Recommends that the Contracting Parties which make use of this option notify the other Contracting Parties, as well as the Secretariat of the OECD Nuclear Energy Agency; and

Recommends that the Secretariat of the OECD Nuclear Energy Agency, as appropriate, analyse periodically the experience gained by the Contracting Parties which use this option and report back to all the Contracting Parties.

Op 4 november 2016 heeft de Bestuurscommissie van het Agentschap voor Kernenergie een besluit genomen respectievelijk een aanbeveling gedaan inzake toepassing van het Verdrag op kerninstallaties voor de verwijdering van bepaalde soorten laagradioactief afval.

De Engelse tekst van het besluit respectievelijk de aanbeveling luidt als volgt:

Decision and Recommendation concerning the application of the Paris Convention on Third Party Liability in the Field of Nuclear Energy to nuclear installations for the disposal of certain types of low-level radioactive waste

The Steering Committee,

Having regard to the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960, as amended by the Additional Protocol of 28 January 1964, by the Protocol of 16 November 1982 and by the Protocol of 12 February 2004 (hereinafter referred to as the "Paris Convention"), and in particular Article 1(b) thereof;

Considering that, by virtue of that Article, the Steering Committee may, if in its view the small extent of the risks involved so warrants, exclude any nuclear installation, nuclear fuel or nuclear substances from the application of the Paris Convention;

Having regard to Article 8(b) and Article 10(b) of the Statute of the OECD Nuclear Energy Agency;

Considering that nuclear installations for the disposal of low-level radioactive waste are covered by the provisions of the Paris Convention;

Considering that it should be made possible for Contracting Parties to cease the application of the Paris Convention to a nuclear installation for the disposal of certain types of low-level radioactive waste where the risks involved are so limited;

Noting the attached Explanatory Note;

Decides that any Contracting Party may cease to apply the Paris Convention to a nuclear installation for the disposal of low-level radioactive waste, provided that the provisions set out in the Appendix to this Decision and Recommendation and any additional conditions which the Contracting Party may judge appropriate to establish are met;

Recommends that the Contracting Parties which make use of this option notify the other Contracting Parties, as well as the Nuclear Energy Agency; and

Recommends that the Nuclear Energy Agency, as appropriate, analyses periodically the experience gained by the Contracting Parties which use this option and reports back to all the Contracting Parties.

Annex

International Atomic Energy Agency (IAEA) radioactive waste classification scheme

The definitions of the radioactive waste categories referred to in the Explanatory Note accompanying the decision of the Steering Committee on the exclusion of nuclear installations for the disposal of certain types of low-level radioactive waste from the application of the Paris Convention are as follows¹⁾:

Very low-level waste (VLLW): Waste that does not necessarily meet the criteria of exempt waste, but that does not need a high level of containment and isolation and, therefore, is suitable for disposal in near surface landfill type facilities with limited regulatory control. Such landfill type facilities may also contain other hazardous waste. Typical waste in this class includes soil and rubble with low levels of activity concentration. Concentrations of longer lived radionuclides in VLLW are generally very limited.

Low-level waste (LLW): Waste that is above clearance levels, but with limited amounts of long lived radionuclides. Such waste requires robust isolation and containment for periods of up to a few hundred years and is suitable for disposal in engineered near surface facilities. This class covers a very broad range of waste. LLW may include short lived radionuclides at higher levels of activity concentration, and also long lived radionuclides, but only at relatively low levels of activity concentration.

Op 4 november 2016 heeft de Bestuurscommissie van het Agentschap voor Kernenergie een besluit genomen inzake de uitsluiting van kleine hoeveelheden nucleaire stoffen buiten een kerninstallatie van de toepassing van het Verdrag.

De Engelse tekst van het besluit luidt als volgt:

Decision on the exclusion of small quantities of nuclear substances outside a nuclear installation from the application of the Convention on Third Party Liability in the Field of Nuclear Energy

The Steering Committee,

Having regard to the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960, as amended by the Additional Protocol of 28 January 1964, by the Protocol of 16 November 1982 and by the Protocol of 12 February 2004 (hereinafter referred to as the "Paris Convention"), and, in particular, Article 1(b) thereof;

Considering that, by virtue of that Article, the Steering Committee may, if in its view the small extent of the risks involved so warrants, exclude any nuclear installation, nuclear fuel or nuclear substances from the application of the Paris Convention;

Considering that nuclear substances in transport or use outside a nuclear installation, within defined limits and under specifically prescribed conditions during transport, should, in view of the small extent of the risks involved, be excluded from the application of the Paris Convention;

Having regard to its Decision of 18 October 2007 on the Exclusion of Small Quantities of Nuclear Substances outside a Nuclear Installation from the Application of the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960 as amended;

Considering that the 2005 Edition of the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency referred to in the Annex to the above-mentioned Decision, has been replaced by revised editions, the most recent of which is the 2012 Edition, which is used as the basis for corresponding national and international regulations in this field;

Considering the need for a decision the annex of which is in line with the 2012 Edition of those Regulations;

Decides:

1. Nuclear substances which are consigned by an operator to a recipient for use shall be excluded from the application of the Paris Convention for the period during which they are outside a nuclear installation provided that the consignment, when leaving a nuclear installation, complies with the provisions set forth in the Annex to this Decision and with other relevant requirements of the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency;

¹⁾ The Classification of Radioactive Waste, IAEA Safety Standards Series GSG-1, 2009 Edition, is available at: www-pub.iaea.org/books/IAEABooks/8154/Classification-of-Radioactive-Waste-General-Safety

2. The provisions of the Annex to this Decision may be modified subsequently to take account of experience in their application or any relevant changes which may be made in the Regulations referred to above; and
3. The Decision of 18 October 2007 on the Exclusion of Small Quantities of Nuclear Substances outside a Nuclear Installation from the Application of the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960 as amended is hereby abrogated.

Annex

1. General

The definitions in this Annex are contained in Part I of the Appendix, which reproduces Section II of the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency.

2. Provisions applicable to all radionuclides

- 2.1 Consignments containing a single radionuclide with a total activity that is below the threshold value of $100 A_2$ per conveyance are excluded from the application of the Paris Convention.
- 2.2 Consignments containing mixtures of radionuclides, the identity and activity of which are known, and with a total activity per conveyance below the threshold criteria given below, are excluded from the application of the Paris Convention:

$$\sum_i \frac{B(i)}{100 \times A_2(i)} < 1$$

where $B(i)$ is the activity of the radionuclide i contained in radioactive material and $A_2(i)$ is the A_2 value for the radionuclide i .

- 2.3 In the case of consignments containing individual radionuclides or mixtures of radionuclides which are not known or for which relevant data are not available, the formula as set out in 2.2 above shall be applied by using the A_2 values given in Table 3 of Part II of the Appendix. Part II of the Appendix reproduces Section IV of the Regulations for the Safe Transport of Radioactive Material, 2012 Edition, of the International Atomic Energy Agency.

3. Specific additional provisions for fissile material

- 3.1 Subject to 3.2 below, fissile material is governed by the provisions of the Paris Convention.
- 3.2 Consignments of fissile material excepted from classification as "fissile" pursuant to the provisions of Part III of the Appendix are excluded from the application of the Paris Convention. Part III of the Appendix reproduces paragraphs 417 (a) to (f) of the Regulations for the Safe Transport of Radioactive Material, 2012 Edition, of the International Atomic Energy Agency.

Uitgegeven de *achtentwintigste* juni 2024.

De Minister van Buitenlandse Zaken,

H.G.J. BRUINS SLOT