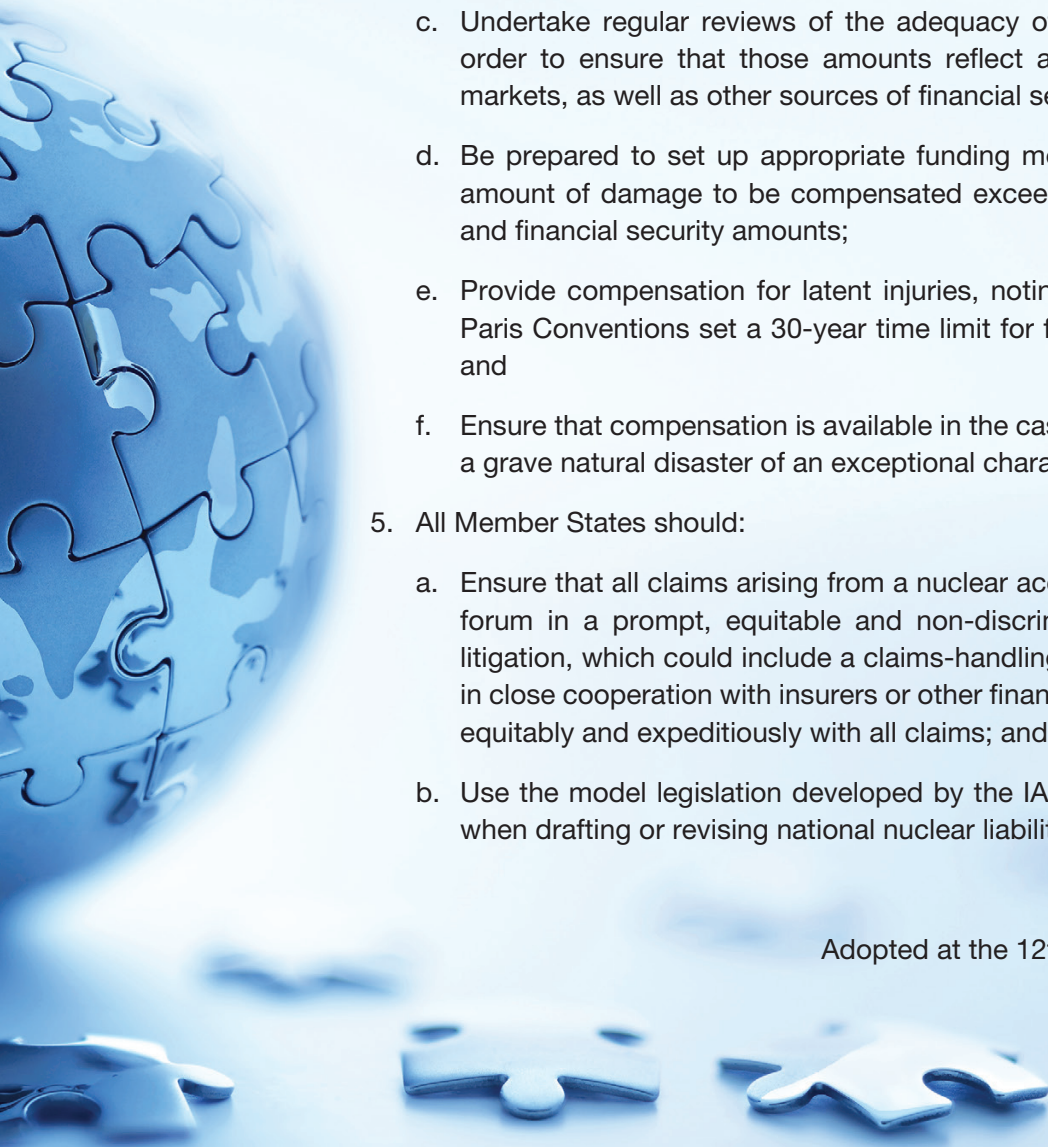


Recommendations on how to facilitate achievement of a global nuclear liability regime, as requested by the IAEA Action Plan on Nuclear Safety

by the International Expert Group
on Nuclear Liability (INLEX)

In order to facilitate the achievement of a global nuclear liability regime, Member States should take the following steps:

1. All Member States with nuclear installations should adhere to one or more of the relevant international nuclear liability instruments that contain commonly shared international principles reflecting the enhancements developed under the auspices of the IAEA during the 1990's. In addition, all Member States with nuclear installations should adopt national laws that are consistent with the principles in those instruments and that incorporate the best practices identified below.
2. All Member States with nuclear installations should strive to establish treaty relations with as many States as practical with a view to ultimately achieving universal participation in a global nuclear liability regime that establishes treaty relations among all States. The INLEX experts note that the CSC establishes treaty relations among States that belong to the Paris Convention, the Vienna Convention or neither, while leaving intact the Joint Protocol that establishes treaty relations among States that belong to the Paris Convention or the Vienna Convention. In addition to providing treaty relations, the CSC mandates the adoption of the enhancements developed under the auspices of the IAEA and contains features to promote appropriate compensation, including an international fund to supplement the amount of compensation available for nuclear damage.
3. Member States with no nuclear installations should give serious consideration to adhering to a global regime, taking into account the benefits which such a regime can offer for victims once it achieves adherence by a significant number of States with nuclear installations.

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4. All Member States with nuclear installations should ensure that there are adequate funds available to compensate all victims of a nuclear incident, without discrimination. Therefore, such Member States should in particular:
 - a. Establish compensation and financial security amounts significantly higher than the minimum amounts envisaged under the existing instruments;
 - b. Undertake regular reviews of the adequacy of compensation amounts in order to ensure that their value is maintained and that they reflect developments in the understanding of the possible impact of incidents involving the installations on their territory, noting that there is a trend towards establishing unlimited liability of the operator;
 - c. Undertake regular reviews of the adequacy of financial security amounts in order to ensure that those amounts reflect available capacity in insurance markets, as well as other sources of financial security;
 - d. Be prepared to set up appropriate funding mechanisms in cases where the amount of damage to be compensated exceeds the available compensation and financial security amounts;
 - e. Provide compensation for latent injuries, noting that the revised Vienna and Paris Conventions set a 30-year time limit for filing claims for personal injury; and
 - f. Ensure that compensation is available in the case of an incident directly due to a grave natural disaster of an exceptional character.
 5. All Member States should:
 - a. Ensure that all claims arising from a nuclear accident are dealt with in a single forum in a prompt, equitable and non-discriminatory manner with minimal litigation, which could include a claims-handling system (which may be set up in close cooperation with insurers or other financial guarantors) in order to deal equitably and expeditiously with all claims; and
 - b. Use the model legislation developed by the IAEA as a guide, as appropriate, when drafting or revising national nuclear liability legislation.

Adopted at the 12th Meeting of INLEX, May 2012