


Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2012/0262(NLE)	Procedure completed
Vienna Convention (1963) on Civil Liability for Nuclear Damage, Protocol: ratification or accession by Member States		
Subject 3.60.04 Nuclear energy, industry and safety 7.40.02 Judicial cooperation in civil and commercial matters		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		10/10/2012
		PPE MÉSZÁROS Alajos	
		Shadow rapporteur	
		S&D BERLINGUER Luigi	
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3253	15/07/2013
European Commission	Commission DG	Commissioner	
	Justice and Consumers	REDING Viviane	

Key events			
26/09/2012	Preparatory document	COM(2012)0550	Summary
26/02/2013	Legislative proposal published	06206/2013	Summary
14/03/2013	Committee referral announced in Parliament		
30/05/2013	Vote in committee		
05/06/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0198/2013	Summary
02/07/2013	Results of vote in Parliament		
02/07/2013	Decision by Parliament	T7-0288/2013	Summary
15/07/2013	Act adopted by Council after consultation of Parliament		

15/07/2013	End of procedure in Parliament		
17/08/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0262(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 281-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/10774

Documentation gateway

Preparatory document	COM(2012)0550	26/09/2012	EC	Summary
Legislative proposal	06206/2013	26/02/2013	CSL	Summary
Document attached to the procedure	06658/2013	26/02/2013	CSL	
Committee draft report	PE508.062	09/04/2013	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0198/2013	05/06/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0288/2013	02/07/2013	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2013/434](#)
[OJ L 220 17.08.2013, p. 0001](#) Summary

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

PURPOSE: to permit those Member States that are contracting Parties to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 ("Vienna Convention") to ratify the Protocol amending that Convention in the interest of the European Union, or to accede to it.

PROPOSED ACT: Council Decision.

BACKGROUND: the Vienna Convention of 21 May 1963 was adopted in order to provide adequate and fair compensation to victims of damage caused by nuclear accidents. The following nine EU Member States have ratified the Convention or acceded to it: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, Poland and Romania. The United Kingdom and Spain signed but have not ratified the Convention (these two countries became Contracting Parties to the Paris Convention). The Convention has ceased to apply to Slovenia.

The Protocol of 12 September 1997 amending the Vienna Convention in order to improve the system of compensation for nuclear damage. The Protocol is of particular importance in regard to the European Union's interests and those of its Member States because it improves compensation for damage caused by nuclear incidents. In particular, the 1997 Protocol:

- contains a new definition of nuclear damage (now also addressing the concept of environmental damage and preventive measures);
- extends the geographical scope of the Vienna Convention;
- extends the period during which claims may be brought for loss of life and personal injury; and
- substantially raises the minimum limits of compensation; as well as
- encompassing new provisions on jurisdiction which have implications in cases where the nuclear incident occurs during the transport of nuclear material to or from an installation situated in the territory of a State which is Party to the Vienna Convention.

The 1997 Protocol was signed by the Czech Republic, Hungary, Lithuania and Italy (the latter is a Contracting Party to the Paris Convention). The Protocol was ratified by Romania and Latvia (before their accession to the EU) and by Poland (after accession to the EU).

The Vienna Convention and its 1997 Protocol are not open to participation by regional organisations. As a result, the European Union is not in a position to sign or ratify the Protocol. Under these circumstances, it is justified, on an exceptional basis, that the Member States ratify or conclude the 1997 Protocol in the interest of the European Union.

IMPACT ASSESSMENT: the amendments to the Vienna Convention contain aspects that are beneficial to potential victims of a nuclear accident, i.e. an increase in the amounts of liability and a wider definition of nuclear damage. Therefore, in line with the conclusions of a study published in 2009 and a workshop held in June 2010 on nuclear liability², it is recognized, after consultation with the stakeholders, that any initiative in the field of nuclear liability must not hamper the accession by Member States to any international convention improving the situation of potential victims in the European 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: the Commission proposes that the Council authorises the Member States which are Contracting Parties to the Vienna Convention - i.e. Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland (ex post) and Slovakia - to ratify or conclude, in the interest of the European Union, the Protocol amending the Convention, which was adopted on 12 September 1997 under the auspices of the International Atomic Energy Agency.

The rules on recognition and enforcement of judgments laid down in Article XII of the Vienna Convention, as amended by Article 14 of the 1997 Protocol, should not take precedence either over the relevant rules established in Regulation (EC) No 44/2001, as extended to Denmark, on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, or in the Lugano Convention on jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters of 30 October 2007.

Therefore, when ratifying or acceding to the 1997 Protocol, the Member States must make the declaration with the aim of ensuring continued application of the relevant EU rules.

BUDGETARY IMPACT: the proposal has no impact on the Union's budget.

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

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 Commissions initial legislative proposal, dated 26/09/2012.

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

The Committee on Legal Affairs unanimously adopted the report by Alajos MÉSZÁROS (EPP, SK) on the draft Council decision authorising 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.

It recommends the European Parliament to give its consent to the draft Council Decision.

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

The European Parliament adopted a legislative resolution on the draft Council decision authorising 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.

Parliament gave its consent to the draft Council decision on the conclusion of the protocol.

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

PURPOSE: to permit those Member States that are contracting Parties to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 to ratify the Protocol amending that Convention in the interest of the European Union, or to accede to it.

NON-LEGISLATIVE ACT: Council Decision 2013/434/EU authorising 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.

CONTENT: this Council Decision 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. The text of the 1997 Protocol is attached to this Decision.

The 1997 Protocol 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.

Bulgaria, the Czech Republic, Estonia, Lithuania, Hungary, Poland and Slovakia are authorised to declare that 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 [name of the Member State making the declaration] in accordance with the relevant rules of the European Union on the subject.

ENTRY INTO FORCE: 18.08.2013.