STATUS OF THE DECISIONS, RECOMMENDATIONS AND INTERPRETATIONS CONCERNING THE PARIS CONVENTION ADOPTED BY THE STEERING COMMITTEE FOR NUCLEAR ENERGY IN CONTRACTING PARTIES TO THE PARIS CONVENTION

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NOTE:

The 1960 Convention on Third Party Liability in the Field of Nuclear Energy (the "Paris Convention") was adopted under the auspices of the OECD Nuclear Energy Agency (the "NEA"). It was then amended by the Additional Protocol of 28 January 1964 and by the Protocol of 16 November 1982. The Contracting Parties to the Paris Convention (the "CPPCs") also adopted the Protocol of 12 February 2004 (referred to as the "2004 Protocol"), which entered into force on 1 January 2022.

Since the adoption of the Paris Convention, various Decisions, Recommendations and Interpretations (referred to as "DRI") have been adopted, either by the OECD Council (the "Council") or by the Steering Committee for Nuclear Energy (the "Steering Committee"), to further specify the scope of application of the Convention or to assist Contracting Parties in its implementation.

Decisions, Recommendations and Interpretations	References	Date of adoption	Decision-making body
Decision on the Exclusion of Certain Kinds of Nuclear Substances	NE(77)20 and NE/M(77)2	27.10.1977	Steering Committee
Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned	NEA/NE(2014)14/REV1 and NEA/SUM(2014)2	30.10.2014	Steering Committee
Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste	NEA/NE(2016)7/FINAL	3.11.2016	Steering Committee
Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation	NEA/NE(2016)8/FINAL	3.11.2016	Steering Committee
Recommendation on the Damage to Nuclear Substances in the Course of Carriage	NE(81)8 and NE/M(81)1	8.4.1981	Steering Committee
Recommendation on Nuclear Substances in Transit (1968)	NE(68)5&Addendum and NE/M(68)1	25.4.1968	Steering Committee
Recommendation on the Territorial Scope	NE(68)5&Addendum and NE/M(68)1	25.4.1968	Steering Committee
Recommendation on the Operator's Certificate of Financial Security	NEA/NE(2021)14, Annex 2, Appendix A	8.10.2021	Steering Committee
Recommendation on Nuclear Substances in Transit (2021)	NEA/NE(2021)14, Annex 2, Appendix D	8.10.2021	Steering Committee
Interpretation on the Financial Security for the Operator's Liability	NE(67)25 and NE/M(67)2	19.10.1967	Steering Committee
Interpretation on the Definition of "Reactor"	NE(67)10 and NE/M(67)1	8.6.1967	Steering Committee
Interpretation on the Substitution of a Carrier for the Operator	NEA/NE(2021)14, Annex 2, Appendix B	8.10.2021	Steering Committee
Interpretation on the Rights of Subrogation of a Carrier	NEA/NE(2021)14, Annex 2, Appendix C	8.10.2021	Steering Committee
Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication	NEA/NE(2018)3/FINAL	19.4.2018	Steering Committee

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Belgium 	***Recommendation on Nuclear Substances in Transit (1968)*** • Implemented in national legislation ***Recommendation on Nuclear Substances in Transit (2021)*** • Implemented in national legislation ***Interpretation on the Financial Security for the Operator's Liability*** • Implemented in national legislation ***Interpretation on the Definition of "Reactor"*** • Definition of nuclear installation under national legislation refers to the definition of the Paris Convention ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation ***Interpretation on the Rights of Subrogation of a Carrier*** • Implemented in national legislation ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • May be taken into account by national courts ***Recommendation on the Territorial Scope*** • Official position on the implementation is yet to be adopted

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Denmark	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Implemented in national legislation ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • No specific action has been taken with regard to this Recommendation; however, the relevant minister may exempt from the applicable national legislation certain installations that only constitute an insignificant danger ***Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste*** • No specific action has been taken with regard to this Recommendation; however, the relevant minister may exempt from the applicable national legislation certain installations that only constitute an insignificant danger ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • The relevant minister may exempt from the applicable national legislation certain substances that only constitute an insignificant danger. A revision of the applicable legal framework is under consideration ***Recommendation on Nuclear Substances in Transit (1968)*** • National legislation does not increase the amount of liability in case of transit of nuclear substances through its territory (i.e. no need to implement the Recommendation) ***Recommendation on Nuclear Substances in Transit (2021)*** • National legislation does not increase the amount of liability in case of transit of nuclear substances through its territory (i.e. no need to implement the Recommendation) ***Recommendation on the Territorial Scope*** • Territorial scope of application of the Paris Convention will follow the definition in Article 2 of the Paris Convention ***Interpretation on the Financial Security for the Operator's Liability*** • The obligation of the operator liable to have and maintain insurance of other financial security is not altered by the fact that the damage is already covered by other insurance or financial security (i.e. no need to implement the Interpretation) ***Interpretation on the Definition of "Reactor*** • Implemented in national legislation ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Finland 	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Implemented in national legislation ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Implemented in national legislation ***Recommendation on the Territorial Scope*** • Territorial scope of application of the Paris Convention will follow the definition in Article 2 of the Paris Convention ***Recommendation on the Operator's Certificate of Financial Security*** • Implemented in national legislation ***Interpretation on the Financial Security for the Operator's Liability*** • Implemented in national legislation ***Interpretation on the Definition of "Reactor"*** • Implemented in national legislation. The meaning of the term "sub-critical assemblies" has been interpreted by national authorities as it is not defined in the Interpretation ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation ***Interpretation on the Rights of Subrogation of a Carrier*** • Implemented in national legislation

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
France	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Implemented in national legislation ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Implemented in national legislation ***Recommendation on Nuclear Substances in Transit (1968)*** • May be implemented under certain conditions, i.e. in cases in which the carriage is not covered under the Paris Convention[1] ***Recommendation on Nuclear Substances in Transit (2021)*** • May be implemented under certain conditions, i.e. in cases in which the carriage is not covered under the Paris Convention[2] ***Recommendation on the Territorial Scope*** • Territorial scope of application of the Paris Convention will follow the definition in Article 2 of the Paris Convention ***Recommendation on the Operator's Certificate of Financial Security*** • Relevant provisions of the Recommendation have been incorporated in national law, a regulation (*arrêté*) establishing an insurance certificate template that would be applicable in the country has not been adopted yet ***Interpretation on the Financial Security for the Operator's Liability*** • The principle in the Interpretation is inferred from the obligation to maintain insurance or other financial security, which is stated in national law and persists in any event ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • Followed in practice

[1] In the case of a transit across France, which is covered under the Paris Convention, the operator's liability amount and the financial security limit is set at EUR 80 million. On the contrary, when a transit across France is not covered under the Paris Convention, the operator's liability amount will be unlimited and the financial security limit is set at EUR 1.2 billion.

[2] *Ibid*

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Germany	***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • Implemented in national legislation ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Implemented in national legislation ***Recommendation on Damage to Nuclear Substances in the Course of Carriage*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (1968)*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (2021)*** • May be taken into account by national courts ***Recommendation on the Territorial Scope*** • May be taken into account by national courts ***Recommendation on the Operator's Certificate of Financial Security*** • Recommendation and model certificate attached to it have been taken into account or are followed in practice ***Interpretation on the Financial Security for the Operator's Liability*** • May be taken into account by national courts ***Interpretation on the Definition of "Reactor"*** • May be taken into account by national courts ***Interpretation on the Substitution of a Carrier for the Operator*** • May be taken into account by national courts ***Interpretation on the Rights of Subrogation of a Carrier*** • May be taken into account by national courts
Greece	***No available information***

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Italy 	***Recommendation on Nuclear Substances in Transit (1968)*** • Implemented in national legislation [*pending approval*] ***Recommendation on the Operator's Certificate of Financial Security*** • Implemented in national legislation [*pending approval*] ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation [*pending approval*]

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Netherlands 	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Directly applicable in national legislation (i.e. no need to adopt implementing national legislation) ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • Implemented in national legislation (*used the option to exclude installations twice*[3]) ***Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste*** • Implemented in national legislation ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Directly applicable in national legislation ***Recommendation on the Territorial Scope*** • May be taken into account by national courts ***Recommendation on the Operator's Certificate of Financial Security*** • Recommendation and model certificate attached to it have been taken into account or are followed in practice ***Interpretation on the Financial Security for the Operator's Liability*** • Directly applicable in national legislation (i.e. no need to adopt implementing national legislation) ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation (even though relevant national legislation has been adopted, conditions for its implementation may not be fully met) ***Interpretation on the Rights of Subrogation of a Carrier*** • Implemented in national legislation (even though relevant national legislation has been adopted, conditions for its implementation may not be fully met)

[3] The Netherlands made use of this option twice: (i) in 1992, the Government of the Netherlands requested the Secretariat to inform the other Contracting Parties that the decommissioned installation operated by the Instituut voor Toepassing van Atoomenergie in de Landbouw (ITAL) was excluded from the scope of the Paris Convention; and (ii) in 2015, the Government of the Netherlands requested the Secretariat to inform the other Contracting Parties that the nuclear installation of Dodewaard Nuclear Power Plant, which was in the process of being decommissioned, was excluded from the scope of the Paris Convention.

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Norway 	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Implemented in national legislation ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • Implemented in national legislation ***Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste*** • Implemented in national legislation ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Implemented in national legislation ***Recommendation on the Territorial Scope*** • Official position on the implementation is yet to be adopted ***Recommendation on the Operator's Certificate of Financial Security*** • Recommendation and model certificate attached to it have been taken into account or are followed in practice ***Interpretation on the Definition of "Reactor"*** • No specific action has been taken with regard to this Interpretation ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • No specific action has been taken with regard to this Recommendation

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Portugal 	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Followed as a good practice ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Followed as a good practice **Recommendation on Damage to Nuclear Substances in the Course of Carriage** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (1968)*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (2021)*** • May be taken into account by national courts ***Recommendation on the Territorial Scope*** • May be taken into account by national courts ***Recommendation on the Operator's Certificate of Financial Security*** • May be taken into account by national courts ***Interpretation on the Financial Security for the Operator's Liability*** • May be taken into account by national courts ***Interpretation on the Definition of "Reactor"*** • May be taken into account by national courts ***Interpretation on the Substitution of a Carrier for the Operator*** • May be taken into account by national courts ***Interpretation on the Rights of Subrogation of a Carrier*** • May be taken into account by national courts ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • No relevant practice as there is no production of radioisotopes in nuclear installations

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Slovenia 	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • May be taken into account by national courts ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • May be taken into account by national courts ***Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste*** • May be taken into account by national courts ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • May be taken into account by national courts ***Recommendation on Damage to Nuclear Substances in the Course of Carriage*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (1968)*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (2021)*** • May be taken into account by national courts ***Recommendation on the Territorial Scope*** • May be taken into account by national courts ***Recommendation on the Operator's Certificate of Financial Security*** • Recommendation and model certificate attached to it have been taken into account or are followed in practice ***Interpretation on the Financial Security for the Operator's Liability*** • May be taken into account by national courts ***Interpretation on the Definition of "Reactor"*** • May be taken into account by national courts ***Interpretation on the Substitution of a Carrier for the Operator*** • May be taken into account by national courts ***Interpretation on the Rights of Subrogation of a Carrier*** • May be taken into account by national courts ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • May be taken into account by national courts

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Spain 	***Recommendation on Nuclear Substances in Transit (1968)*** • Not strictly followed in its current wording ***Recommendation on the Territorial Scope*** • Territorial scope of application of the Paris Convention will follow the definition in Article 2 of the Paris Convention ***Recommendation on the Operator's Certificate of Financial Security*** • Recommendation and model certificate attached to it have been taken into account or are followed in practice ***Interpretation on the Financial Security for the Operator's Liability*** • Implemented in national legislation ***Interpretation on the Definition of "Reactor"*** • Implemented in national legislation ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • Implemented in national legislation[4]

[4] According to a common understanding among the Contracting Parties to the Paris Convention (CPPCs) regarding certain terms of the Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication", radioisotopes which have reached the final stage of fabrication would only be subject to the Recommendation if they are outside a nuclear installation. For more information, see CPPC (2023), Summary Report, Meeting of the CPPCs, 14 June 2023, Paris, France, para. 16 (CPPC restricted).

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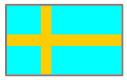
Sweden 	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Implemented in national legislation ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • The Government or national authorities may exclude the installations mentioned through decisions or regulations; no regulations have been adopted yet ***Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste*** • The Government or national authorities may exclude the installations mentioned through decisions or regulations; no regulations have been adopted yet ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • The Government or national authorities may exclude the substances mentioned through decisions or regulations; no regulations have been adopted yet ***Recommendation on the Territorial Scope*** • Territorial scope of application of the Paris Convention will follow the definition in Article 2 of the Paris Convention ***Recommendation on the Operator's Certificate of Financial Security*** • Implemented in national legislation ***Interpretation on the Definition of "Reactor"*** • Implemented in national legislation ***Interpretation on the Substitution of a Carrier for the Operator*** • Implemented in national legislation ***Interpretation on the Rights of Subrogation of a Carrier*** • Implemented in national legislation

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
Switzerland	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Directly applicable in national legislation (i.e. no need to adopt implementing national legislation) ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • the Government or national authorities may exclude the installations mentioned in the Recommendation through governmental decree or regulations, but no such instruments have been adopted for the moment ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Directly applicable in national legislation ***Recommendation on Damage to Nuclear Substances in the Course of Carriage*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (1968)*** • May be taken into account by national courts ***Recommendation on Nuclear Substances in Transit (2021)*** • May be taken into account by national courts ***Recommendation on the Territorial Scope*** • The territorial scope of application of the Paris Convention will follow the definition in Article 2 of the Paris Convention ***Interpretation on the Financial Security for the Operator's Liability*** • May be taken into account by national courts ***Interpretation on the Definition of "Reactor"*** • May be taken into account by national courts ***Interpretation on the Substitution of a Carrier for the Operator*** • May be taken into account by national courts ***Interpretation on the Rights of Subrogation of a Carrier*** • May be taken into account by national courts ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • May be taken into account by national courts
Türkiye	***No available information***

State	Status of the Decisions, Recommendations and Interpretations concerning the Paris Convention
United Kingdom	***Decision on the Exclusion of Certain Kinds of Nuclear Substances*** • Implemented in national legislation ***Decision and Recommendation on the Possibility of Excluding Nuclear Installations in the Process of Being Decommissioned*** • Implemented in national legislation [*relevant framework has not been fully adopted yet*] ***Decision and Recommendation on Nuclear Installations for the Disposal of Certain Types of Low-level Radioactive Waste*** • The enabling secondary legislation to allow for the implementation of the Recommendation has not been adopted yet ***Decision on the Exclusion of Small Quantities of Nuclear Substances Outside a Nuclear Installation*** • Implemented in national legislation ***Recommendation on Damage to Nuclear Substances in the Course of Carriage*** • Implemented in national legislation ***Recommendation on the Operator's Certificate of Financial Security*** • Implemented in national legislation ***Interpretation on the Financial Security for the Operator's Liability*** • Not implemented but the nuclear third party liability regime is structured in such a way as to give effect to this Interpretation ***Interpretation on the Definition of "Reactor"*** • Implemented in national legislation ***Interpretation on the Substitution of a Carrier for the Operator*** • No specific provision under domestic legislation covering this Interpretation, but, it is, however, covered under other legal provisions ***Interpretation on the Rights of Subrogation of a Carrier*** • No specific provision under domestic legislation covering this Interpretation, but, it is, however, covered under other legal provisions ***Recommendation on the Definition of "Radioisotopes which Have Reached the Final Stage of Fabrication"*** • Implemented in national legislation