



Recommendation of the Council on  
the Application of the Brussels  
Supplementary Convention, in  
the Field of Nuclear  
Liability

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## Background Information

**THE COUNCIL,**

**HAVING REGARD** to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

**HAVING REGARD** to the Paris Convention on Third Party Liability in the Field of Nuclear Energy, as amended by the Additional Protocol of 28 January 1964, the Protocol of 16 November 1982 and the Protocol of 12 February 2004 (the “Paris Convention”);

**HAVING REGARD** to the Brussels Convention of 31 January 1963 Supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy, as amended by the Additional Protocol of 28 January 1964, the Protocol of 16 November 1982 and the Protocol of 12 February 2004 (the “Brussels Supplementary Convention”);

**HAVING REGARD** to the Joint Protocol of 21 September 1988 relating to the Application of the Vienna Convention and the Paris Convention (the “Joint Protocol”);

**HAVING REGARD** to the Notes by the Secretary-General on questions concerning the application of the Brussels Supplementary Convention [[C\(92\)166](#) and [C\(2021\)135](#)];

**CONSIDERING** that the Brussels Supplementary Convention may be inapplicable in certain cases involving the transport of nuclear substances as a consequence of the Joint Protocol;

**CONSIDERING** the importance of preserving the application of the Brussels Supplementary Convention in such cases;

**CONSIDERING** that the object and purpose of the Brussels Supplementary Convention is to supplement the measures provided by the Paris Convention by increasing the amount of compensation for damage which might result from the use of nuclear energy for peaceful purposes;

**On the proposal of the Steering Committee for Nuclear Energy:**

**RECOMMENDS** that the Contracting Parties to the Brussels Supplementary Convention which ratify the Joint Protocol should take appropriate measures to ensure that the operators of nuclear installations or carriers under their jurisdiction assume liability in all cases involving the transport of nuclear substances between such installations and those of operators situated in the territory of Contracting Parties to the Vienna Convention on Civil Liability for Nuclear Damage and to the Joint Protocol, in the case that nuclear incidents occurring during such transport would, were it not for the operation of the Joint Protocol, lead to the application of the Brussels Supplementary Convention according to its Article 2, considering that the public funds made available pursuant to Articles 3(b)(ii) and 3(b)(iii) of the Brussels Supplementary Convention by the Contracting Party in whose territory the nuclear installation of the operator liable is situated will be exclusively allocated to victims in States parties to the Brussels Supplementary Convention.

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- **International Agreements** are negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
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