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**Introduction to Nuclear Law**

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# **NUCLEAR LAW IN 8 QUESTIONS**

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# WHY A SPECIAL LAW FOR NUCLEAR ENERGY ?

- Nuclear energy (meaning the generation of power and the use of radioactive material) creates special risks to health and safety of persons, and to the environment, which must be managed efficiently
- Nuclear energy offers on the other hand significant benefits that must be weighed with the risks
- This requires a suitable legal and institutional framework, defining the objectives and fundamental principles for nuclear activities

# HOW SPECIAL IS NUCLEAR LAW ?

- A risk common to all nuclear activities : Radioactivity
- Like Janus, historical ambivalence between military and civil applications
- A law closely associated with science and technology
- A multidisciplinary legal system
- A strong influence of State policies and intervention
- A high level of internationalization
- A close interaction with environmental law

# WHAT ARE THE MAIN BRANCHES OF NUCLEAR LAW ?

- Radiation Protection (inside and outside nuclear installations)
- Nuclear Safety (nuclear installations and transport)
- Nuclear Security (physical protection, illicit trafficking, terrorism...)
- Non-Proliferation (incl. control of nuclear trade)
- Liability and Compensation of Nuclear Damage

# **WHAT OBJECTIVES FOR NUCLEAR LAW ?**

To establish a legal framework for the conduct of activities related to nuclear energy and ionizing radiation, in a manner that adequately protects individuals, property and the environment

# HOW TO DEFINE NUCLEAR LAW ?

Nuclear Law is the body of special legal norms created in order to regulate and control the conduct of persons engaged in activities related to fissionable material and other material emitting ionizing radiation

# WHAT PRINCIPLES FOR NUCLEAR LAW ?

- Justification – optimization – limitation of exposure to radiation
- Prior authorization / prohibition
- Prevention of accidents
- Prime responsibility of the « Operator »
- Continuous control by competent public authorities
- Separation of regulatory and promotion functions
- Independence of regulatory bodies
- Transparency and access to information



# WHAT CULTURE FOR NUCLEAR LAW ?

- The enactment of a comprehensive legal framework is not sufficient
- Nuclear Safety Culture is defined as « that assembly of characteristics and attitudes in organizations and individuals which establishes that, as an overriding priority, nuclear safety issues receive the attention warranted by their significance »
- Nuclear security is a parallel concept
- Nuclear legislation must also take into account a State's own particular national culture and legal traditions

# HOW NUCLEAR LAW FITS INTO THE NATIONAL LEGAL FRAMEWORK ?

Nuclear Law is part of a State's general legal hierarchy :

- Constitutional level  
(and international treaties)
- Legislative level
- Regulatory level (acts of government such as decrees, ordinances, orders...)
- Non-mandatory guidance documents
- Note the particular case of licence conditions