

JOINT PROTOCOL RELATING TO THE APPLICATION OF THE VIENNA
CONVENTION AND THE PARIS CONVENTION

THE CONTRACTING PARTIES

HAVING REGARD to the Vienna Convention on Civil Liability for Nuclear Damage of 21st May 1963;

HAVING REGARD to the Paris Convention on Third Party Liability in the Field of Nuclear Energy of 29th July 1960 as amended by the Additional Protocol of 28th January 1964 and by the Protocol of 16th November 1982;

CONSIDERING that the Vienna Convention and the Paris Convention are similar in substance and that no State is at present a Party to both Conventions;

CONVINCED that adherence to either Convention by Parties to the other Convention could lead to difficulties resulting from the simultaneous application of both Conventions to a nuclear incident; and

DESIROUS to establish a link between the Vienna Convention and the Paris Convention by mutually extending the benefit of the special regime of civil liability for nuclear damage set forth under each Convention and to eliminate conflicts arising from the simultaneous application of both Conventions to a nuclear incident;

HAVE AGREED as follows:

Article I

In this Protocol:

- (a) »Vienna Convention« means the Vienna Convention on Civil Liability for Nuclear Damage of 21st May 1963 and any amendment thereto which is in force for a Contracting Party to this Protocol;
- (b) »Paris Convention« means the Paris Convention on Third Party Liability in the Field of Nuclear Energy of 29th July 1960 and any amendment thereto which is in force for a Contracting Party to this Protocol.

Article II

For the purposes of this Protocol:

- (a) the operator of a nuclear installation situated in the territory of a Party to the Vienna Convention shall be liable in accordance with that Convention for nuclear damage suffered in the territory of a Party to both the Paris Convention and this Protocol;
- (b) the operator of a nuclear installation situated in the territory of a Party to the Paris Convention shall be liable in accordance with that Convention for nuclear damage suffered in the territory of a Party to both the Vienna Convention and this Protocol.

Article III

1. Either the Vienna Convention or the Paris Convention shall apply to a nuclear incident to the exclusion of the other.