



## Establishing a Nuclear Liability Regime in the United Arab Emirates

*By acceding to the international nuclear liability agreements, the UAE met its Policy commitments and further demonstrated its responsible approach in developing a peaceful nuclear energy programme. The UAE has joined a set of international conventions, which are designed to provide compensation for damage arising from nuclear incidents. The UAE government has issued a Federal Law in 2012 on Nuclear Liability, which aims to regulate the provisions and determine the scope of the civil liability and compensation for nuclear damage that could occur as a result of a nuclear accident.*

*“The establishment of any UAE nuclear energy programme would therefore be accompanied by the introduction of a separate nuclear liability regime for third-party compensation, modelled on IAEA instruments for nuclear liability.”*

### UAE Nuclear Policy

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## Policy Commitments

The UAE's Nuclear Policy of 2008 states, “The UAE recognizes that dealing with eventual nuclear liability claims under existing national compensation laws is greatly limited by the unique character of the risks posed by leakages of radioactive material. Such leakages can produce effects reaching across borders, and it may take decades for the effects of exposure to radiation to manifest. Consequently, as a critical element underpinning the establishment of a peaceful nuclear energy programme, the UAE would introduce a regime of nuclear liability that complies with the major international instruments governing the area of nuclear liability.”

## Joining International Nuclear Liability Conventions

The UAE has joined all relevant international instruments in the area of nuclear liability. In May 2012, the UAE acceded to the *Vienna Convention on Civil Liability for Nuclear Damage as amended by the 1997 Protocol* and further ratified the *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage of 1997*.

In July 2014, the UAE extended these commitments by joining the *Convention on Supplementary Compensation for Nuclear Damage (CSC)*, an international treaty which was developed as an umbrella for international liability conventions, providing the basis for a global nuclear liability regime. The CSC entered into force on 15 April 2015 with an objective to establish a global nuclear liability regime in which all States may participate. It also aims to increase the amount of compensation available in the event of a nuclear incident by establishing a minimum national compensation amount and an international fund, to which Contracting Parties will be expected to contribute in the event of a nuclear accident.

**The Federal Authority for Nuclear Regulation (FANR)** is the competent authority responsible of issuing rules and regulations related to the application of the provisions of the Federal Law concerning civil liability.



## Federal Law Concerning Civil Liability for Nuclear Damage

Following the accession to international conventions, the *Federal Law by Decree No 4 of 2012 Concerning Civil Liability for Nuclear Damage* was established to determine civil liability and compensation for nuclear damage in the United Arab Emirates (UAE). It represents a transposition into UAE law of obligations contained in nuclear liability conventions and incorporates the fundamental principles contained in those conventions, namely:

- the channelling of the entire legal responsibility for nuclear damage exclusively toward the operator;
- the possibility of establishing the operator's liability without having to prove negligence;
- the exclusive jurisdiction of the courts of countries where the nuclear accident occurs;
- the limitation of the amount of liability and the possibility of setting a time limit for such a liability;
- the compensation of damage without discrimination on the basis of nationality, domicile or residence.

## Development of the Nuclear Liability Law

The provisions of the Law by Decree are consistent with UAE international obligations and best international practices, including the assessment of the international insurance market for the nuclear sector. The text and provisions of the Law by Decree have been under consultation and reviewed by the IAEA Legal experts to ensure that the Law by Decree is consistent with IAEA guidance and relevant international obligations.

The Federal Law by Decree No 4 of 2012 sets standards to provide financial protection against damage resulting from nuclear incidents from the peaceful uses of nuclear energy. Under the Federal Law by Decree, the operator of a nuclear facility is solely and exclusively liable for nuclear damage caused by a nuclear incident regardless of whether the operator is at fault. The person suffering the damage does not need to prove negligence or any type of fault on the part of the operator to claim against the damage suffered. This is consistent with the recognized international principles of nuclear liability.

For purposes of this Federal Law by Decree, the term "nuclear damage" is consistent with the definition given by the 1997 Protocol to Amend the Vienna Convention and includes death or personal injury; loss of or damage to property; economic loss; cost of restoring the impaired environment or loss of income from an economic interest as a result of such impairment;

preventive measures arising from further loss or damages of the said measures; and any other economic loss as a result of a nuclear accident.

The operator's liability under this Federal Law by Decree is set not to exceed 450 million Special Drawing Rights (SDRs) i.e. the units of account as defined by the International Monetary Fund (IMF) and used by the IMF for its own operations and transactions. This amount is equivalent to approximately AED 2.5 billion.

The operator is obliged to maintain insurance or provide other financial security of up to 450 million SDRs. In the event that the operator is not able to provide the insurance coverage as determined by the Federal Authority for Nuclear Regulation (FANR), the UAE Government will cover the risks handled by such insurance.

Actions for compensation under this Federal Law may only be brought against the operator or the person providing financial security within three years from the date the person suffering damage had knowledge or ought to have had knowledge of the damage and of the operator liable for the damage.

The right to compensation will be extinguished if the claim is not brought within 30 years for loss of life and personal injury, and within 10 years for other types of damages from the date of a nuclear incident. The Federal Courts in Abu Dhabi will have sole jurisdiction over actions that may be brought in accordance with this Federal Law.

*"The establishment of such a robust nuclear liability regime is another step forward in the UAE Government's responsible approach to developing the solid regulatory framework for its peaceful nuclear energy programme. This regime provides a clear and predictable process for the public and industry in the UAE to deal with compensation for damages that may result from nuclear incidents."*

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