

**Federal Decree by Law No. 4 of 2012
Concerning the Civil Liability for Nuclear Damage**

We Khalifah Bin Zayed Al Nahyan

UAE President,

- After reviewing the Constitution;
- Federal Law No. 1 of 1972 concerning the responsibilities of ministries and the powers of ministers as amended;
- Federal Decree by Law No. 6 of 2009 concerning the peaceful usage of nuclear energy;
- Federal Decree No. 32 of 2012 on ratifying the protocol of amending Vienna Convention concerning the Civil Liability for Nuclear Damages 1997;
- Federal Decree No. 33 of 2012 on ratifying the joint protocol concerning the application of Vienna Convention and Paris Convention of 1988; and
- Based on the proposal made by the Ministry of Energy and the approval of the Cabinet,

Have issued the following Federal Decree by Law:

Article (1)

Definitions

In the application of the provisions of the Law hereof, and in spite of what was stipulated in any other Legislation, the following words and expressions shall have the meanings set out opposite to each of them unless the context requires otherwise:

The State : State of the United Arab of Emirates

The Authority : Federal Authority for Nuclear Regulation

The International Agency : The International Atomic Energy Agency

The Operator : The person licensed by the Authority to operate a nuclear facility and which is named in the licensing issued according to the foregoing Decree by Federal Law No. 6 of 2009.

- The Nuclear Fuel** : Any material that is capable of generating energy by a self sequential nuclear fission.
- Radioactive Products or Waste** : Any radioactive material produced out of the processes of the usage or production of nuclear fuel, or any material that becomes radioactive as a result of being exposed to radiations that emit from such processes. The aforementioned does not include the radioisotopes that had reached the final stage of manufacture for the usage in any scientific, medical, agricultural, commercial or industrial purpose.
- Nuclear Materials** : 1. Any nuclear fuel, apart from the natural and depleted uranium, that is capable of generating energy solely or with other materials by self sequential nuclear fission without the nuclear reactor.
2. Radioactive products and waste.
- The Nuclear Reactor** : Any structure that contains nuclear fuel that is arranged in a manner that allows self sequential fission therein without the need of additional source of neutrons.
- The Nuclear Facility** : 1. Any nuclear reactor apart from the nuclear reactors that the maritime or air means of transportation are supplied with in order to be a source of driving powers, or that are used for other purposes.
2. Any factory that uses nuclear fuel to produce nuclear materials, or any other factory that processes nuclear materials including the reprocesses of nuclear fuel after the saturation thereof.
3. Any facility that stores nuclear materials apart from the same that stores nuclear materials during transportation.
4. Other facilities that contain nuclear materials or saturated products or waste according to the stipulations of the

International Agency Board of Governors from time to time.

The nuclear facilities that are affiliated to one operator in one location shall be deemed as one nuclear facility.

- Nuclear Damages** :
1. Decease or personal injury.
 2. Loss or damage of properties.
 3. Economic losses arising from losses or damages that are not listed in the above mentioned Paragraphs 1 or 2 that are incurred on a person who shall have the right in requesting reimbursement on such losses or damages.
 4. The expenses of the measures of resetting the damaged environment unless such damage was slight, if such measures were actually taken or intended to be taken and to the extent which is not stipulated in the above mentioned Paragraph 2.
 5. Loss of the income resulting from an economic benefit from the usage of the environment of the enjoyment therein, incurred as a result of a severe damage incurred thereon and to the extent which is not stipulated in the above mentioned Paragraph 2.
 6. The expenses of precautionary measures and every other loss or damage caused by such measures.
 7. Any other economic losses apart from the same resulting from the damage of environment, and so according to the extent of the losses and damages referred to in Clauses 1 to 5 and 7 mentioned above arising or resulting from the ionized radiations emitted from any other source of radiation inside a nuclear facility, or emitted from nuclear fuel or radiated waste or products existing inside a nuclear facility, or that are attributed to nuclear materials received

or resulting from a nuclear facility or delivered to the same and whether they were resulting from radiological properties of such materials, a mixture thereof and of toxic and explosive properties or other dangers of such materials.

The Cabinet may issue the instructions related to the execution of Clauses 1 to 7

The nuclear Accident : Any accident or series of accidents arising from one origin, causing nuclear damages, imminent or serious threatens of causing such damages in regard to the precaution measures.

Special Drawing Rights SDRs : The unit of account as determined by the World Monetary Fund and used thereby in the transactions and operation thereof.

Vienna Convention of 1997 : The unified text of Vienna Convention of 1963 as amended and attached to the protocol of amending Vienna Convention concerning the civil liability for nuclear damages dated on 12 September 1997.

Article (2)

Targets of the Law

The Decree by Law hereof purports to the following:

1. Regulating the provisions and determining the scope of civil liability and reimbursement on nuclear damages.
2. Determining the financial guarantee which the operator shall be committed to the reservation thereof.
3. Applying Vienna Convention of 1997 concerning civil liability on nuclear damages regarding what had not been stipulated in the Decree by Law hereof.

Article (3)

Scope of Application

The operator of the nuclear facility shall utterly hold liability on the damages that are proved to be the cause of a nuclear accident as stipulated in Article 2 from Vienna Convention of 1997.

The Authority may exclude any nuclear facility or little quantities from the nuclear materials from the scope of applying the Decree by Law hereof, if the small sized dangers involved formulation thereto, provided the:

1. Determination of the standards of exclusion related to the nuclear facilities by the Council of Governors of the International Agency and issuance of a Resolution thereby to fulfill the exclusion to meet such standards.
1. Determination of the maximum limits to exclude the least quantities from the nuclear materials by the Council of Governors of the International Agency and issuance the Authority of a Resolution that such exclusion is within the resolved limits.

Article (4)

Liability on Nuclear Damages

The operator shall be the sole liable party on any nuclear damages arising from a nuclear accident according to the provisions of Article 2 of Vienna Convention of 1997.

Article (5)

1. Liability of the operator on reimbursing the nuclear damages on each single nuclear accident shall not exceed the amount of 450 million of the Special Drawing Rights.
2. The Authority may decide the minimum liability of the operator on reimbursing the nuclear damages referred to in Paragraph 1 from the Article hereof as for the nuclear facilities formed of reactors for the purposes of researches and low power reactors and facilities that process or store nuclear materials, subject to the nature of such facility, the involved nuclear materials and the possible consequences that may be resulting from an accident caused for the reason thereof, provided that the determined amount of

reimbursement shall not be less than 5 million of the SDRs in any event, provided that the International Agency shall guarantee the coverage of the balance between the minimum determined by the Authority according to the Paragraph hereof and the maximum liability stipulated in Paragraph 1 from the Article hereof.

Article (6)

The Authority, based on a prior written approval by the operator and the request of the tanker or handler of the nuclear materials or waste, may acknowledge the same or recommend him as an operator instead of the same determined by such Authority only for the purposes of the second Article from Vienna Convention of 1997, after fulfilling the requirements pertaining to insurance coverage and financial guarantee stipulated in Article 8 from the Decree by Law hereof.

In such event, the tanker or handler stipulated in Paragraph one from the Article hereof, shall be deemed an operator for the nuclear facility inside the lands of the State.

Article (7)

The Court may exempt the operator entirely or partially from the obligation of reimbursement on the damage incurred on the aggrieved party if the operator proved that the nuclear damages aroused fully or partially from a gross negligence of the same, or of an act that the same had conducted or refrained from conducting for the purpose of causing damage.

Article (8)

Financial Guarantee and Insurance

5. The operator shall be committed to offer or keep the insurance and guarantees provided by the Authority in regard of the liability on nuclear damages.
5. For the purposes of issuing a license for the operation of a nuclear facility, the operator thereof shall keep the insurance or offer another financial guarantee until the amount of 450 million SDRs or the amount determined by the Authority according to the provisions of Paragraph 2 of Article 5 from the Decree by Law hereof, in order to cover

the liability on a single nuclear accident, provided that such other insurance or guarantee shall meet the form and provisions adopted by the Authority.

5. The operator may obtain such insurance or financial guarantee from any sources adopted by the Authority whether from inside or outside the State.
5. The provisions of the Decree by Law hereof shall meet the priority of disbursing the due reimbursement in the claims of a decease case or personal injury stipulated in Paragraph 2 of Article 8 from Vienna Convention of 1997.
5. If the operator was unable to exhaust all the efforts from obtaining the insurance coverage or any part thereof stipulated in Paragraph 2 of Article 2 hereof, the Authority may resolve the insurance stipulated by virtue of the provisions of the Decree hereof by a Law that is not provided in the local or international insurance market, or to resolve that the insurance coverage is not provided or suspended momentarily. In all events, the risks covered by virtue of the insurance coverage shall become directly covered by the State until the maximum stipulated in Paragraph 1 or 2 of Article 5 from the Law hereof as the case may be, until the Authority announces the availability of insurance coverage and granting the concerned parties a grace period that shall be determined by the Authority solely in order to obtain such insurances.

Article (9)

1. The operator shall provide the tanker with a certificate issued by the underwriter or his delegate or any other financial guarantor who offers financial guarantees by virtue of the provisions of Article 8 from the Decree by Law hereof.
2. The certificate referred to in the first paragraph from such Article, shall be in conformity with the stipulated requirements in such Decree by Law and the third Article from Vienna Convention of 1997.
3. The transportations that are fully made inside the State shall be excluded from such Article.

Article (10)

Claims of Reimbursement

1. The reimbursement claims on the nuclear damages shall be filed exclusively against the operator or the person who submitted the guarantee or insurance by virtue of the provisions of Paragraph 1 of Article 8 from the Decree by Law hereof.
2. The request for reimbursement claims shall be subscribed against the operator by the lapse of the insurance duration or the effective financial guarantee if it remained effective for a longer period from the duration stipulated in Paragraph 1/a of Article 6 from Vienna Convention of 1997.
3. The request of reimbursement for rights of any person who was incurred by nuclear damages shall be elapsed unless the claim was filed within three years from the date of recognition of the aggrieved person, or from the date that he was supposed to recognize such damage and the operator who is liable therefor, provided not to exceed the duration determined in Paragraph 1/a of Article 6 from Vienna Convention of 1997 or Paragraph 2 from such Article.

Article (11)

The operator shall have the right in claiming in the following two events:

1. If a clear stipulation had been stated thereof in a written contract.
2. If the nuclear accident resulted from the conduct of an action or negligence of the same for the purpose of causing damages, the claim shall be filed in such event on the party who conducted or participated in causing such an action or refrained from the conduct thereof for such purpose.

The right of resource stipulated by virtue of such Article, shall be extended for the benefit of the State in a manner that saves public funds pursuant to Vienna Convention of 1997.

Article (12)

Jurisdiction

1. The Federal Courts in the Emirate of Abu Dhabi shall be specialized solely in hearing the

arising claims by virtue of the Law hereof.

2. The provisions of Decree by Law hereof shall be applied on the claims that are related to civil liability on nuclear damages; moreover, the provisions of Vienna Convention of 1997 shall be applied regarding what had not been stipulated by a text or verdict in the Decree by Law hereof.
3. Upon the submission of the claim of request of reimbursement on a nuclear damage, the Court stipulated in the first Paragraph of the Article hereof shall be specialized therein; such Court may appoint one or more experts or specialists for the assistance thereof according to the enforced Laws and Legislations.

Article (13)

The Competent Authority

The Authority shall be the competent authority in executing the provisions of the Decree by Law hereof including the following:

1. Resolving excluding the small quantities of nuclear materials or facilities from the application of the provisions of Vienna Convention of 1997 and Article 3 from the Decree by Law hereof.
2. Determining the least liability in the event of nuclear facilities formed of reactors for the purposes of researches and reduced energy reactors and facilities that process or store nuclear materials by virtue of Paragraph 2 of Article 5 from the Decree by Law hereof.
3. Determining whether the insurance on the civil liability or any other financial guarantee for the applicant of the request or operator meet the provisions of the required financial security according to Paragraph 1/a of Article 7 from Vienna Convention of 1997, and Paragraphs 1 and 2 of Article 8 from the Decree by Law hereof.
4. Issuing the rules and regulations pertaining to the application of the provisions of the Decree by Law hereof.

Article (14)

General Provisions

1. No provision from the Decree by Law hereof arising by virtue of any regulation or

program of a health insurance or labor compensation or occupational diseases, may become effective in a manner that restricts any right or obligation of any person.

2. The beneficiary of any rule or program of health insurance or reimbursement referred to in Paragraph 1 of such Article may benefit from the compensation stipulated in the Decree by Law hereof upon the provisions of the conditions thereof.

Article (15)

The Decree by Law hereof shall be published in the Official Gazette and shall come into force from the date of publication thereof.

Khalifah Bin Zayed Al Nahyn

UAE President

Issued by us in the Presidential Palace in Abu Dhabi

On: 25 Ramadan 1433 Hijri,

Corresponding to: 13 August 2012