

Decree
of the President of the Republic of Belarus

14 January 2019

№15

city of Minsk

On Liability For Nuclear Damage

Aiming at creating a mechanism of financial security of liability for eventual nuclear damage in the course of use of nuclear energy:

1. To establish that:

1.1. The limit of liability of the RUP* Belorussian NPP for nuclear damage occurring in the course of use of nuclear energy, - as regards persons suffered from nuclear damage, - shall constitute 150 million of Special Drawing Rights per one nuclear incident (further on – “liability limit”).

Should the amount stated in the first part of this article be not sufficient to redeem the nuclear damage as per awarded claims against the RUP Belorussian NPP, the Republic of Belarus shall pay the claims above the stated amount but not to exceed 150 million of Special Drawing Rights per one nuclear incident;

1.2. the form of financial security of the RUP Belorussian NPP for nuclear damage within the liability limit is insurance of civil liability for nuclear damage caused in the course of use of nuclear energy (further on – “nuclear liability insurance);

1.3. the system of insurance of property interest of the RUP Belorussian NPP includes nuclear liability insurance and reinsurance of risks accepted by insuring nuclear liability as well as insurance and reinsurance of other risks arising in the course of operation of the RUP Belorussian NPP.

The Belorussian NPP, for aims of nuclear liability insurance is considered to be one nuclear installation consisting of two reactors and of the complex systems, devices, equipment and structures necessary for their functioning and stated in the respective construction project documentation.

Organization and functioning of the system of insuring property interests of the RUP Belorussian NPP is provided by Belgosstrakh, Beleximgarant and the state enterprise “Belorussian National Reinsurance Organization” as being members of the Belorussian Nuclear Insurance Pool.

Participants of the Belorussian Nuclear Insurance Pool are entitled to accept into their reinsurance insured risks from nuclear insurance pools of foreign states.

Conclusion and performing of insurance contracts including nuclear liability insurance contracts on behalf of the Belorussian Nuclear Insurance Pool is carried out by Belgosstrakh.

Placement into reinsurance (including to and from abroad) of insured risks on behalf of the Belorussian Nuclear Insurance Pool is carried out by the state enterprise “Belorussian National Reinsurance Organization”.

1.4. The Belorussian Nuclear Insurance Pool is formed based on the treaty on the Belorussian Nuclear Insurance Pool signed by its participants (further on – “Treaty on Pool”)**.

The Treaty on Pool shall stipulate:

the arrangement of cooperation of participants of the Belorussian Nuclear Insurance Pool, their rights and obligations;

arrangement and terms of settlements of accounts between participants of the Belorussian Nuclear Insurance Pool in the course of conclusion of insurance contracts, reinsurance (amending and(or) supplementing), payment of claims and related costs;

arrangement for amending and (or) supplementing the Treaty on Pool, arbitration procedures;

other terms and conditions as determined by consent of the parties of the Treaty On Pool.

Belgosstrakh shall advise the Ministry of Finance on signing, (amending and (or) supplementing) of the Treaty On Pool providing a copy of it within three working days of the date of the deed;

1.5. liability accepted by the Belorussian Nuclear Insurance Pool as per insurance contracts (further on – “insurance liability”) is distributed between its participants in equal shares. Participants of the Belorussian Nuclear Insurance Pool have solidarity liability iro of meeting the insurance liability.

Insurance reserves including the stabilization reserve are formed by participants of the Belorussian Nuclear Insurance Pool in accordance with their insurance liability corresponding to their shares in the accepted insured risks;

1.6. The nuclear liability insurance contract shall be concluded by the RUP Belorussian NPP and the Belorussian Nuclear Insurance Pool represented by Belgosstrakh before the delivery of nuclear fuel to the territory of the Republic of Belarus. The insurance contract comes into force as of the date nuclear fuel crosses the State border of the Republic of Belarus. The nuclear liability insurance contract is concluded for one year. The sum insured (liability limit) for the contract is set up for one year in the amount of liability limit of the RUP Belorussian NPP.

The parties of the nuclear liability insurance contract shall ensure continuity of nuclear liability insurance by concluding a renewal no later than ten days before expiration of the existing contract, a renewed nuclear liability insurance contract becoming effective as of the next day after a previous one has expired.

Insurance premiums for nuclear liability insurance are payable by the RUP Belorussian NPP:

before commissioning of the Belorussian NPP – at the expense of the funds of the state budget envisaged for financing of the RUP Belorussian NPP;

after commissioning of the Belorussian NPP – at the expense of the revenues from the operation of the RUP Belorussian NPP;

1.7. expenses related to the international pre-insurance engineering survey are shared by participants of the Belorussian Nuclear Insurance Pool in accordance with terms&conditions of the Treaty On Pool;

1.8. other terms&conditions of nuclear liability insurance including insurance rates are determined in the unified rules of insuring nuclear liability to be approved by Belgosstrakh and agreed by the Ministry of Finance.

The terms&conditions of insuring liability for nuclear damage stipulated in the unified rules of insuring nuclear liability including those not included into the insurance contract are

compulsory for parties to the said contract as well as for persons suffered from nuclear damage;

- 1.9. Aiming at ensuring payment by the Republic of Belarus of redemptions for nuclear damage as per awarded against RUP Belorussian NPP claims commencing from the Belorussian NPP commissioning date and during all its operation period of use of nuclear energy, the said Republican Unitary Enterprise shall pay a fee to the republican budget for provision of redemptions for nuclear damage by the Republic of Belarus;
- 1.10. The Council of Ministers of the Republic of Belarus shall agree with the President of Belarus and determine the amount, procedure of calculation and payment by the RUP Belorussian NPP of the fee for the provision of redemptions for nuclear damage by the Republic of Belarus as per awarded claims against the RUP Belorussian NPP as well as procedure of such redemptions from the republican budget;
- 1.11. RUP Belorussian NPP shall include premiums for nuclear liability insurance and the fee for provision of redemptions for nuclear damage by the Republic of Belarus obtained at the expense of revenues from operation into its expenses for production and sale of goods (works, services), property rights recognizable for taxation purposes;
2. To allow the “Belorussian National Reinsurance Organization” to insure property interests of the RUP Belorussian NPP.
3. The terms “persons suffering from nuclear damage”, “nuclear incident” and “nuclear damage” are used in this Decree in the meaning as defined by Vienna Convention on Civil Liability for Nuclear Damage of 21 May, 1963 and the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage of 12 September, 1997.
4. The Council of Ministers of the Republic of Belarus shall:
agree with the President of the Republic of Belarus and determine amount, calculation procedures and payment of the fee by the RUP Belorussian NPP for provision of redemptions for nuclear damage by the Republic of Belarus as per awarded against the RUP Belorussian NPP claims as well as procedure of redemption as per awarded claims against the RUP Belorussian NPP from the republican budget;
take other measures to implement this Decree.
5. The supervision of the execution of this Decree is vested with the State Control Committee and the Council of Ministers of the Republic of Belarus.
6. This Decree comes into force after its official publication.

President
of the Republic of Belarus

A. Lukashenko

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Translator’s Notes: * RUP – Belorussian acronym for “Republican Unitary Enterprise”

****“Treaty on Pool” – a literal translation, Belorussian colleagues translated it like: “Pool Contract”.**

But this is rather “Articles of Incorporation” or “Memorandum of Association”, in my opinion.