

REFLECTIONS ON THE INTERNATIONAL NUCLEAR LAW ASSOCIATION CONGRESS IN ABU DHABI (PART 3 OF 7): 5 NOVEMBER 2018

Prospect has been invited to attend the bi-annual meeting of the International Nuclear Lawyers Association (INLA) in Abu Dhabi from 4-8 November 2018 – [click here to see further information about the event](#)

On 5th November 2018, The International Nuclear Law Association congress in Abu Dhabi held important sessions on Nuclear Liability and Insurance.

The first of these covered **Post-Accident Consequences on Nuclear Liability Legislation: The Case of Japan.**

Professor Masato Dogauchi, University of Tokyo, from Japan, spoke on *'The Role of Nuclear Damage Compensation Facilitation Corporation in the Fukushima-Dai-ichi Accident'*.

Professor Dogauchi said that TEPCO had in effect been “kept alive by an unlimited blood transfusion”. He stated that by 17 August 2018, the total amount TEPCO had paid to victims was about US\$83 billion. For up to date figures, reference was made to the TEPCO Compensation webpage. A Dispute Reconciliation Committee and Nuclear Damages ADR Centre had been established. Such claims however do not foreclose claims for additional damage, and TEPCO remains at risk of further claims over time. Some 284 cases had been concluded, but 173 cases were still pending.

The Nuclear Damage Compensation Facilitation Corporation was established to fund TEPCO to use funds for compensating victims, and to require other nuclear operators to pay contributions to enable this Corporation to operate, based on annual operating revenue. Contributions are also required from the eight electric power companies. The government of Japan justified this by making it clear that the nuclear industry had not adequately accumulated enough funds: consumers had enjoyed cheaper electricity as a result. It was too late to accumulate funds from consumers after the event, but it was fair to impose this levy on electricity companies.

The system exposes TEPCO to truly unlimited liability. However, Professor Dogauchi concluded that the system was not necessarily apt to provide for another nuclear incident. A Retroactively Accumulated Reserve Fund was an important part of Japanese government policy, but was not necessarily a stable basis for all that may be required.

Julius F. Weltzendorfer, Germany gave an address on *'Problems of Liability for Mental Distress in Fukushima: Evacuation Stress, Solitary Deaths, Suicides and Excess Abortions'* with news of academic research on the emerging Japanese caselaw and its implications for the revision of nuclear liability law to cover wider impacts.

Taro Hokugo, MEXT, Japan described a *'Review of the Japanese Compensation Framework based on the Lessons Learned.'* Amongst other aspects of a review of legislative developments, he reported that the Bill to Amend the Compensation Act has just been decided by the Japanese Cabinet on 2 November 2018 and it was submitted to the Diet.

About the Author

William Wilson is a specialist environmental, regulatory and nuclear lawyer with over 25 years experience in government, private practice and consultancy. He worked as a senior lawyer at the UK Department of the Environment/DETR/Defra, and helped to build up the environmental and nuclear practices at another major law firm, as well as running his own environmental policy consultancies. William has experience of all aspects of environmental law, including water, waste, air quality and industrial emissions, REACH and chemicals regulation, environmental protection, environmental permitting, litigation, legislative drafting, managing primary legislation, negotiating EU Directives and drafting secondary legislation.

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For more information or assistance with a particular query, please in the first instance contact Adam Mikula on 020 7947 5354 or by email on adm@prospectlaw.co.uk.

Prospect Law Ltd
23 Berkeley Square, London W1J 6HE
T +44 (0)20 7947 5354

Regus House, Pegasus Business Park, Castle
Donington, Derbyshire DE74 2TZ
T +44 (0)1332 818 785

 @prospectupdate
E info@prospectlaw.co.uk
www.prospectlaw.co.uk