

Current development of third party liability in Taiwan

Jessie J. Chiu - Atomic Energy Council, Taiwan

The Nuclear Damage Compensation Law was first promulgated in 1971 in Taiwan, followed by two amendments in 1977 and 1997. This Law applies to the compensation for nuclear damage resulting from operation (including fuel management and transportation) of nuclear installations (reactors and associated facilities). There are four chapters in this law: general provisions, liabilities for damage compensation, maximum amount and guarantee for liabilities, and supplemental provisions, with a

total of 37 articles. An English-translated version can be viewed and downloaded from http://www.aec.gov.tw/www/english/laws/files/damage_compensation.pdf.

The Atomic Energy Council (AEC) is currently drafting a revision to the law to make it more in line with the international trend (such as 1997 revision to the Vienna Convention and 2004 revision to the Paris convention), with focuses on the following areas:

1) to redefine "nuclear damage" to include not just loss of life, personal

injury or loss of property but also environmental damage, costs of prevention measures, and related business and economic losses (Article 8);

- 2) to include major natural disasters in the liability coverage (Article 18);
- 3) to raise the liability from 4.2 to 15 billion NT dollars (Article 24);
- 4) the Government to take more responsibility for covering insufficient liability (Article 27); and
- 5) for damages on life, body or health, to extend the period for claims from 3/10 years to 10/30 years (Article 28).

The proposed revision will go through several reviews in the AEC and the Executive Yuan before being sent to the Legislative Yuan for debates later this year. ■