

Understanding Physical Protection Obligations During International Maritime Nuclear Shipments - the Entry into Force of the CPPNM Amendment

International maritime shipments of nuclear materials are a key enabler to the civil nuclear fuel cycle and the generation of sustainable and carbon free electricity in a number of countries worldwide. In addition to the stringent safety and environmental requirements that exist, these international shipments are required to comply with a range of nuclear security regulations that are applied according to the location and/or flag state of the vessel concerned.

The entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) in May 2017 marked a milestone in the global effort to strengthen nuclear security. Quite rightly, much attention has focused on the significant broadening of scope of the original Convention with regard to the protection of nuclear facilities and nuclear material in peaceful domestic use, storage and transport. Indeed, the CPPNM Amendment provides for a new “core” undertaking by each State Party to establish, implement and maintain a physical protection regime applicable to nuclear material (and facilities) under its jurisdiction. In implementing this undertaking, the State Party shall: establish and maintain an appropriate legislative and regulatory framework for physical protection; establish or designate a competent authority responsible for its implementation; and take other appropriate administrative measures necessary for the physical protection of such material (and facilities). In this context, the State Party shall (without prejudice to any other provisions of the amended Convention) “apply insofar as is reasonable and practicable” twelve “Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities”.

In light of these and other changes, this paper considers the impact on the obligations of concerned States Parties (exporting, importing, transit and flag) for international maritime nuclear shipments. In doing so, Part 1 will assess what new or additional obligations have been placed on the concerned States Parties, particularly, flag states, following the entry into force of the CPPNM Amendment. Thereafter, Part 2 describes which state(s) has legal jurisdiction during such shipments. Finally, Part 3 explores any potential gaps or challenges in implementation, with a particular focus on how these could flow down into the sector and its supply chain.

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