

EU statement brings clarity to cross-border claims

Nothing like a fair trial from claimants who see deep pockets across borders.

Nuclear Engineering International
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A European Court of Justice (ECJ) advocate general has said European Union (EU) victims whose property is damaged by a foreign EU nuclear power operator should launch legal actions in their domestic courts.

Miguel Poiares Maduro has advised the ECJ to rule that the 1968 Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters effectively allows aggrieved property owners to choose between their home courts and those of a nuclear plant: "Both courts should... claim exclusive jurisdiction," including awarding damages, said Poiares Maduro, adding that the first court asked to rule should decide such cases.

This formal opinion could disappoint the UK government, which has supported Czech nuclear operator CEZ in seeking to limit the Upper Austrian regional government's right to claim against the (Czech) Temelin power plant over accusations of polluting Austrian farmland. Britain has faced claims from the Irish government over radiological pollution of the Irish Sea from activities at Sellafield.