

**1960 CONVENTION ON THIRD PARTY LIABILITY
IN THE FIELD OF NUCLEAR ENERGY, AS AMENDED BY
THE ADDITIONAL PROTOCOL OF 28TH JANUARY 1964 AND BY
THE PROTOCOL OF 16TH NOVEMBER 1982**

Adopted in Paris, France on 29 July 1960

ARTICLE 1	3
ARTICLE 2	3
ARTICLE 3	4
ARTICLE 4	4
ARTICLE 5	5
ARTICLE 6	6
ARTICLE 7	7
ARTICLE 8	8
ARTICLE 9	9
ARTICLE 10	9
ARTICLE 11	9
ARTICLE 12	10
ARTICLE 13	10
ARTICLE 14	10
ARTICLE 15	11
ARTICLE 16	11
ARTICLE 17	11
ARTICLE 18	11
ARTICLE 19	11
ARTICLE 20	12
ARTICLE 21	12
ARTICLE 22	12
ARTICLE 23	12
ARTICLE 24	13
ANNEX I	14
ANNEX II	16

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The GOVERNMENTS of the Federal Republic of Germany, the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Kingdom of Spain, the Republic of Finland, the French Republic, the Hellenic Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of Norway, the Kingdom of the Netherlands, the Portuguese Republic, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Sweden, the Swiss Confederation and the Turkish Republic¹ ;

CONSIDERING that the OECD Nuclear Energy Agency, established within the framework of the Organisation for Economic Co-operation and Development (hereinafter referred to as the "Organisation")², is charged with encouraging the elaboration and harmonization of legislation relating to nuclear energy in participating countries, in particular with regard to third party liability and insurance against atomic risks;

DESIROUS of ensuring adequate and equitable compensation for persons who suffer damage caused by nuclear incidents whilst taking the necessary steps to ensure that the development of the production and uses of nuclear energy for peaceful purposes is not thereby hindered;

CONVINCED of the need for unifying the basic rules applying in the various countries to the liability incurred for such damage, whilst leaving these countries free to take, on a national basis, any additional measures which they deem appropriate;

HAVE AGREED as follows:

¹ The designation of the Signatories is the same as that in the Protocol of 16th November 1982. It should be noted that Finland acceded to the Paris Convention and the Additional Protocol of 1964 on 16th June 1972 and has signed the Protocol of 1982.

² The Organisation for European Economic Co-operation (OEEC) was reconstituted as the Organisation for Economic Co-operation and Development (OECD) on 30th September 1961, in accordance with the provisions of the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960.

In addition, following the Decision of the OECD Council dated 17th May 1972 [C(72)106 (Final)], the European Nuclear Energy Agency (ENEA) is now called the OECD Nuclear Energy Agency (NEA).

ARTICLE 1

- a. For the purposes of this Convention:
- i. "A nuclear incident" means any occurrence or succession of occurrences having the same origin which causes damage, provided that such occurrence or succession of occurrences, or any of the damage caused, arises out of or results either from the radioactive properties, or a combination of radioactive properties with toxic, explosive, or other hazardous properties of nuclear fuel or radioactive products or waste or with any of them, or from ionizing radiations emitted by any source of radiation inside a nuclear installation.
 - ii. "Nuclear installation" means reactors other than those comprised in any means of transport; factories for the manufacture or processing of nuclear substances; factories for the separation of isotopes of nuclear fuel; factories for the reprocessing of irradiated nuclear fuel; facilities for the storage of nuclear substances other than storage incidental to the carriage of such substances; and such other installations in which there are nuclear fuel or radioactive products or waste as the Steering Committee for Nuclear Energy of the Organisation (hereinafter referred to as the "Steering Committee") shall from time to time determine; any Contracting Party may determine that two or more nuclear installations of one operator which are located on the same site shall, together with any other premises on that site where radioactive material is held, be treated as a single nuclear installation.
 - iii. "Nuclear fuel" means fissionable material in the form of uranium metal, alloy, or chemical compound (including natural uranium), plutonium metal, alloy, or chemical compound, and such other fissionable material as the Steering Committee shall from time to time determine.
 - iv. "Radioactive products or waste" means any radioactive material produced in or made radioactive by exposure to the radiation incidental to the process of producing or utilizing nuclear fuel, but does not include (1) nuclear fuel, or (2) radioisotopes outside a nuclear installation which have reached the final stage of fabrication so as to be usable for any industrial, commercial, agricultural, medical, scientific or educational purpose.
 - v. "Nuclear substances" means nuclear fuel (other than natural uranium and other than depleted uranium) and radioactive products or waste.
 - vi. "Operator" in relation to a nuclear installation means the person designated or recognised by the competent public authority as the operator of that installation.
- b. The Steering Committee may, if in its view the small extent of the risks involved so warrants, exclude any nuclear installation, nuclear fuel, or nuclear substances from the application of this Convention.

ARTICLE 2

This Convention does not apply to nuclear incidents occurring in the territory of non-Contracting States or to damage suffered in such territory, unless otherwise provided by the legislation of the Contracting Party in whose territory the nuclear installation of the operator liable is situated, and except in regard to rights referred to in Article 6(e).

ARTICLE 3

- a. The operator of a nuclear installation shall be liable, in accordance with this Convention, for:
- i. damage to or loss of life of any person; and
 - ii. damage to or loss of any property other than
 1. the nuclear installation itself and any other nuclear installation, including a nuclear installation under construction, on the site where that installation is located; and
 2. any property on that same site which is used or to be used in connection with any such installation,
- upon proof that such damage or loss (hereinafter referred to as "damage") was caused by a nuclear incident in such installation or involving nuclear substances coming from such installation, except as otherwise provided for in Article 4.
- b. Where the damage or loss is caused jointly by a nuclear incident and by an incident other than a nuclear incident, that part of the damage or loss which is caused by such other incident, shall, to the extent that it is not reasonably separable from the damage or loss caused by the nuclear incident, be considered to be damage caused by the nuclear incident. Where the damage or loss is caused jointly by a nuclear incident and by an emission of ionizing radiation not covered by this Convention, nothing in this Convention shall limit or otherwise affect the liability of any person in connection with that emission of ionizing radiation.

ARTICLE 4

In the case of carriage of nuclear substances, including storage incidental thereto, without prejudice to Article 2:

- a. The operator of a nuclear installation shall be liable, in accordance with this Convention, for damage upon proof that it was caused by a nuclear incident outside that installation and involving nuclear substances in the course of carriage therefrom, only if the incident occurs:
- i. before liability with regard to nuclear incidents involving the nuclear substances has been assumed, pursuant to the express terms of a contract in writing, by the operator of another nuclear installation;
 - ii. in the absence of such express terms, before the operator of another nuclear installation has taken charge of the nuclear substances; or
 - iii. where the nuclear substances are intended to be used in a reactor comprised in a means of transport, before the person duly authorized to operate that reactor has taken charge of the nuclear substances; but

- iv. where the nuclear substances have been sent to a person within the territory of a non-Contracting State, before they have been unloaded from the means of transport by which they have arrived in the territory of that non-Contracting State.
- b. The operator of a nuclear installation shall be liable, in accordance with this Convention, for damage upon proof that it was caused by a nuclear incident outside that installation and involving nuclear substances in the course of carriage thereto, only if the incident occurs:
- i. after liability with regard to nuclear incidents involving the nuclear substances has been assumed by him, pursuant to the express terms of a contract in writing, from the operator of another nuclear installation;
 - ii. in the absence of such express terms, after he has taken charge of the nuclear substances; or
 - iii. after he has taken charge of the nuclear substances from a person operating a reactor comprised in a means of transport; but
 - iv. where the nuclear substances have, with the written consent of the operator, been sent from a person within the territory of a non-Contracting State, after they have been loaded on the means of transport by which they are to be carried from the territory of that State.
- c. The operator liable in accordance with this Convention shall provide the carrier with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the security required pursuant to Article 10. However, a Contracting Party may exclude this obligation in relation to carriage which takes place wholly within its own territory. The certificate shall state the name and address of that operator and the amount, type and duration of the security, and these statements may not be disputed by the person by whom or on whose behalf the certificate was issued. The certificate shall also indicate the nuclear substances and the carriage in respect of which the security applies and shall include a statement by the competent public authority that the person named is an operator within the meaning of this Convention.
- d. A Contracting Party may provide by legislation that, under such terms as may be contained therein and upon fulfilment of the requirements of Article 10(a), a carrier may, at his request and with the consent of an operator of a nuclear installation situated in its territory, by decision of the competent public authority, be liable in accordance with this Convention in place of that operator. In such case for all the purposes of this Convention the carrier shall be considered, in respect of nuclear incidents occurring in the course of carriage of nuclear substances, as an operator of a nuclear installation on the territory of the Contracting Party whose legislation so provides.

ARTICLE 5

- a. If the nuclear fuel or radioactive products or waste involved in a nuclear incident have been in more than one nuclear installation and are in a nuclear installation at the time damage is caused, no operator of any nuclear installation in which they have previously been shall be liable for the damage.
- b. Where, however, damage is caused by a nuclear incident occurring in a nuclear installation and involving only nuclear substances stored therein incidentally to their carriage, the operator of the nuclear installation shall not be liable where another operator or person is liable pursuant to Article 4.

- c. If the nuclear fuel or radioactive products or waste involved in a nuclear incident have been in more than one nuclear installation and are not in a nuclear installation at the time damage is caused, no operator other than the operator of the last nuclear installation in which they were before the damage was caused or an operator who has subsequently taken them in charge, or has assumed liability therefor pursuant to the express terms of a contract in writing shall be liable for the damage.
- d. If damage gives rise to liability of more than one operator in accordance with this Convention, the liability of these operators shall be joint and several: provided that where such liability arises as a result of damage caused by a nuclear incident involving nuclear substances in the course of carriage in one and the same means of transport, or, in the case of storage incidental to the carriage, in one and the same nuclear installation, the maximum total amount for which such operators shall be liable shall be the highest amount established with respect to any of them pursuant to Article 7 and provided that in no case shall any one operator be required, in respect of a nuclear incident, to pay more than the amount established with respect to him pursuant to Article 7.

ARTICLE 6

- a. The right to compensation for damage caused by a nuclear incident may be exercised only against an operator liable for the damage in accordance with this Convention, or, if a direct right of action against the insurer or other financial guarantor furnishing the security required pursuant to Article 10 is given by national law, against the insurer or other financial guarantor.
- b. Except as otherwise provided in this Article, no other person shall be liable for damage caused by a nuclear incident, but this provision shall not affect the application of any international agreement in the field of transport in force or open for signature, ratification or accession at the date of this Convention.
- c.
 - i. Nothing in this Convention shall affect the liability:
 - 1. of any individual for damage caused by a nuclear incident for which the operator, by virtue of Article 3(a)(ii)(1) and (2) or Article 9, is not liable under this Convention and which results from an act or omission of that individual done with intent to cause damage;
 - 2. of a person duly authorized to operate a reactor comprised in a means of transport for damage caused by a nuclear incident when an operator is not liable for such damage pursuant to Article 4(a)(iii) or (b)(iii).
 - ii. The operator shall incur no liability outside this Convention for damage caused by a nuclear incident.
- d. Any person who has paid compensation in respect of damage caused by a nuclear incident under any international agreement referred to in paragraph (b) of this Article or under any legislation of a non-Contracting State shall, up to the amount which he has paid, acquire by subrogation the rights under this Convention of the person suffering damage whom he has so compensated.

- e. Any person who has his principal place of business in the territory of a Contracting Party or who is the servant of such a person and who has paid compensation in respect of damage caused by a nuclear incident occurring in the territory of a non-Contracting State or in respect of damage suffered in such territory shall, up to the amount which he has paid, acquire the rights which the person so compensated would have had against the operator but for the provisions of Article 2.
- f. The operator shall have a right of recourse only:
 - i. if the damage caused by a nuclear incident results from an act or omission done with intent to cause damage, against the individual acting or omitting to act with such intent;
 - ii. if and to the extent that it is so provided expressly by contract.
- g. If the operator has a right of recourse to any extent pursuant to paragraph (f) of this Article against any person, that person shall not, to that extent, have a right against the operator under paragraphs (d) or (e) of this Article.
- h. Where provisions of national or public health insurance, social security, workmen's compensation or occupational disease compensation systems include compensation for damage caused by a nuclear incident, rights of beneficiaries of such systems and rights of recourse by virtue of such systems shall be determined by the law of the Contracting Party or by the regulations of the inter-Governmental organisation which has established such systems.

ARTICLE 7

- a. The aggregate of compensation required to be paid in respect of damage caused by a nuclear incident shall not exceed the maximum liability established in accordance with this Article.
- b. The maximum liability of the operator in respect of damage caused by a nuclear incident shall be 15 000 000 Special Drawing Rights as defined by the International Monetary Fund and used by it for its own operations and transactions (hereinafter referred to as "Special Drawing Rights"). However,
 - i. any Contracting Party, taking into account the possibilities for the operator of obtaining the insurance or other financial security required pursuant to Article 10, may establish by legislation a greater or lesser amount;
 - ii. any Contracting Party, having regard to the nature of the nuclear installation or the nuclear substances involved and to the likely consequences of an incident originating therefrom, may establish a lower amount,provided that in no event shall any amounts so established be less than 5 000 000 Special Drawing Rights. The sums mentioned above may be converted into national currency in round figures.
- c. Compensation for damage caused to the means of transport on which the nuclear substances involved were at the time of the nuclear incident shall not have the effect of reducing the liability of the operator in respect of other damage to an amount less than either 5 000 000 Special Drawing Rights, or any higher amount established by the legislation of a Contracting Party.

- d. The amount of liability of operators of nuclear installations in the territory of a Contracting Party established in accordance with paragraph (b) of this Article as well as the provisions of any legislation of a Contracting Party pursuant to paragraph (c) of this Article shall apply to the liability of such operators wherever the nuclear incident occurs.
- e. A Contracting Party may subject the transit of nuclear substances through its territory to the condition that the maximum amount of liability of the foreign operator concerned be increased, if it considers that such amount does not adequately cover the risks of a nuclear incident in the course of the transit: provided that the maximum amount thus increased shall not exceed the maximum amount of liability of operators of nuclear installations situated in its territory.
- f. The provisions of paragraph (e) of this Article shall not apply:
 - i. to carriage by sea where, under international law, there is a right of entry in cases of urgent distress into the ports of such Contracting Party or a right of innocent passage through its territory; or
 - ii. to carriage by air where, by agreement or under international law there is a right to fly over or land on the territory of such Contracting Party.
- g. Any interest and costs awarded by a court in actions for compensation under this Convention shall not be considered to be compensation for the purposes of this Convention and shall be payable by the operator in addition to any sum for which he is liable in accordance with this Article.

ARTICLE 8

- a. The right of compensation under this Convention shall be extinguished if an action is not brought within ten years from the date of the nuclear incident. National legislation may, however, establish a period longer than ten years if measures have been taken by the Contracting Party in whose territory the nuclear installation of the operator liable is situated to cover the liability of that operator in respect of any actions for compensation begun after the expiry of the period of ten years and during such longer period: provided that such extension of the extinction period shall in no case affect the right of compensation under this Convention of any person who has brought an action in respect of loss of life or personal injury against the operator before the expiry of the period of ten years.
- b. In the case of damage caused by a nuclear incident involving nuclear fuel or radioactive products or waste which, at the time of the incident have been stolen, lost, jettisoned or abandoned and have not yet been recovered, the period established pursuant to paragraph (a) of this Article shall be computed from the date of that nuclear incident, but the period shall in no case exceed twenty years from the date of the theft, loss, jettison or abandonment.
- c. National legislation may establish a period of not less than two years for the extinction of the right or as a period of limitation either from the date at which the person suffering damage has knowledge or from the date at which he ought reasonably to have known of both the damage and the operator liable: provided that the period established pursuant to paragraphs (a) and (b) of this Article shall not be exceeded.

- d. Where the provisions of Article 13(c)(ii) are applicable, the right of compensation shall not, however, be extinguished if, within the time provided for in paragraphs (a), (b) and (c) of this Article,
- i. prior to the determination by the Tribunal referred to in Article 17, an action has been brought before any of the courts from which the Tribunal can choose; if the Tribunal determines that the competent court is a court other than that before which such action has already been brought, it may fix a date by which such action has to be brought before the competent court so determined; or
 - ii. a request has been made to a Contracting Party concerned to initiate a determination by the Tribunal of the competent court pursuant to Article 13(c)(ii) and an action is brought subsequent to such determination within such time as may be fixed by the Tribunal.
- e. Unless national law provides to the contrary, any person suffering damage caused by a nuclear incident who has brought an action for compensation within the period provided for in this Article may amend his claim in respect of any aggravation of the damage after the expiry of such period provided that final judgment has not been entered by the competent court.

ARTICLE 9

The operator shall not be liable for damage caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war, insurrection or, except in so far as the legislation of the Contracting Party in whose territory his nuclear installation is situated may provide to the contrary, a grave natural disaster of an exceptional character.

ARTICLE 10

- a. To cover the liability under this Convention, the operator shall be required to have and maintain insurance or other financial security of the amount established pursuant to Article 7 and of such type and terms as the competent public authority shall specify.
- b. No insurer or other financial guarantor shall suspend or cancel the insurance or other financial security provided for in paragraph (a) of this Article without giving notice in writing of at least two months to the competent public authority or in so far as such insurance or other financial security relates to the carriage of nuclear substances, during the period of the carriage in question.
- c. The sums provided as insurance, reinsurance, or other financial security may be drawn upon only for compensation for damage caused by a nuclear incident.

ARTICLE 11

The nature, form and extent of the compensation, within the limits of this Convention, as well as the equitable distribution thereof, shall be governed by national law.

ARTICLE 12

Compensation payable under this Convention, insurance and reinsurance premiums, sums provided as insurance, reinsurance, or other financial security required pursuant to Article 10, and interest and costs referred to in Article 7(g), shall be freely transferable between the monetary areas of the Contracting Parties.

ARTICLE 13

- a. Except as otherwise provided in this Article, jurisdiction over actions under Articles 3, 4, 6(a) and 6(e) shall lie only with the courts of the Contracting Party in whose territory the nuclear incident occurred.
- b. Where a nuclear incident occurs outside the territory of the Contracting Parties, or where the place of the nuclear incident cannot be determined with certainty, jurisdiction over such actions shall lie with the courts of the Contracting Party in whose territory the nuclear installation of the operator liable is situated.
- c. Where jurisdiction would lie with the courts of more than one Contracting Party by virtue of paragraphs (a) or (b) of this Article, jurisdiction shall lie,
 - i. if the nuclear incident occurred partly outside the territory of any Contracting Party and partly in the territory of a single Contracting Party, with the courts of that Contracting Party; and
 - ii. in any other case, with the courts of the Contracting Party determined, at the request of a Contracting Party concerned, by the Tribunal referred to in Article 17 as being the most closely related to the case in question.
- d. Judgments entered by the competent court under this Article after trial, or by default, shall, when they have become enforceable under the law applied by that court, become enforceable in the territory of any of the other Contracting Parties as soon as the formalities required by the Contracting Party concerned have been complied with. The merits of the case shall not be the subject of further proceedings. The foregoing provisions shall not apply to interim judgments.
- e. If an action is brought against a Contracting Party under this Convention, such Contracting Party may not, except in respect of measures of execution, invoke any jurisdictional immunities before the court competent in accordance with this Article.

ARTICLE 14

- a. This Convention shall be applied without any discrimination based upon nationality, domicile, or residence.
- b. "National law" and "national legislation" mean the national law or the national legislation of the court having jurisdiction under this Convention over claims arising out of a nuclear incident, and that law or legislation shall apply to all matters both substantive and procedural not specifically governed by this Convention.

- c. That law and legislation shall be applied without any discrimination based upon nationality, domicile, or residence.

ARTICLE 15

- a. Any Contracting Party may take such measures as it deems necessary to provide for an increase in the amount of compensation specified in this Convention.
- b. In so far as compensation for damage involves public funds and is in excess of the 5 000 000 Special Drawing Rights referred to in Article 7, any such measure in whatever form may be applied under conditions which may derogate from the provisions of this Convention.

ARTICLE 16

Decisions taken by the Steering Committee under Article 1(a)(ii), 1(a)(iii) and 1(b) shall be adopted by mutual agreement of the members representing the Contracting Parties.

ARTICLE 17

Any dispute arising between two or more Contracting Parties concerning the interpretation or application of this Convention shall be examined by the Steering Committee and in the absence of friendly settlement shall, upon the request of a Contracting Party concerned, be submitted to the Tribunal established by the Convention of 20th December 1957 on the Establishment of a Security Control in the Field of Nuclear Energy.

ARTICLE 18

- a. Reservations to one or more of the provisions of this Convention may be made at any time prior to ratification of or accession to this Convention or prior to the time of notification under Article 23 in respect of any territory or territories mentioned in the notification, and shall be admissible only if the terms of these reservations have been expressly accepted by the Signatories.
- b. Such acceptance shall not be required from a Signatory which has not itself ratified this Convention within a period of twelve months after the date of notification to it of such reservation by the Secretary-General of the Organisation in accordance with Article 24.
- c. Any reservation admitted in accordance with this Article may be withdrawn at any time by notification addressed to the Secretary-General of the Organisation.

ARTICLE 19

- a. This Convention shall be ratified. Instruments of ratification shall be deposited with the Secretary-General of the Organisation.
- b. This Convention shall come into force upon the deposit of instruments of ratification by not less than five of the Signatories. For each Signatory ratifying thereafter, this Convention shall come into force upon the deposit of its instrument of ratification

ARTICLE 20

Amendments to this Convention shall be adopted by mutual agreement of all the Contracting Parties. They shall come into force when ratified or confirmed by two-thirds of the Contracting Parties. For each Contracting Party ratifying or confirming thereafter, they shall come into force at the date of such ratification or confirmation.

ARTICLE 21

- a. The Government of any Member or Associate country of the Organisation which is not a Signatory to this Convention may accede thereto by notification addressed to the Secretary-General of the Organisation.
- b. The Government of any other country which is not a Signatory to this Convention may accede thereto by notification addressed to the Secretary-General of the Organisation and with the unanimous assent of the Contracting Parties. Such accession shall take effect from the date of such assent.

ARTICLE 22

- a. This Convention shall remain in effect for a period of ten years as from the date of its coming into force. Any Contracting Party may, by giving twelve months' notice to the Secretary-General of the Organisation, terminate the application of this Convention to itself at the end of the period of ten years.
- b. This Convention shall, after the period of ten years, remain in force for a period of five years for such Contracting Parties as have not terminated its application in accordance with paragraph (a) of this Article, and thereafter for successive periods of five years for such Contracting Parties as have not terminated its application at the end of one of such periods of five years by giving twelve months' notice to that effect to the Secretary-General of the Organisation.
- c. A conference shall be convened by the Secretary-General of the Organisation in order to consider revisions to this Convention after a period of five years as from the date of its coming into force or, at any other time, at the request of a Contracting Party, within six months from the date of such request.

ARTICLE 23

- a. This Convention shall apply to the metropolitan territories of the Contracting Parties.
- b. Any Signatory or Contracting Party may, at the time of signature or ratification of or accession to this Convention or at any later time, notify the Secretary-General of the Organisation that this Convention shall apply to those of its territories, including the territories for whose international relations it is responsible, to which this Convention is not applicable in accordance with paragraph (a) of this Article and which are mentioned in the notification. Any such notification may in respect of any territory or territories mentioned therein be withdrawn by giving twelve months' notice to that effect to the Secretary-General of the Organisation.

- c. Any territories of a Contracting Party, including the territories for whose international relations it is responsible, to which this Convention does not apply shall be regarded for the purposes of this Convention as being a territory of a non-Contracting State.

ARTICLE 24

The Secretary-General of the Organisation shall give notice to all Signatories and acceding Governments of the receipt of any instrument of ratification, accession, withdrawal, notification under Article 23, and decisions of the Steering Committee under Article 1(a)(ii), 1(a)(iii) and 1(b). He shall also notify them of the date on which this Convention comes into force, the text of any amendment thereto and of the date on which such amendment comes into force, and any reservation made in accordance with Article 18.

ANNEX I

The following reservations were accepted either at the time of signature of the Convention or at the time of signature of the Additional Protocol:

1. Article 1.6(a) and (c)(i):

Reservation by the Government of the Federal Republic of Germany, the Government of the Republic of Austria and the Government of the Hellenic Republic.

Reservation of the right to provide, by national law, that persons other than the operator may continue to be liable for damage caused by a nuclear incident on condition that these persons are fully covered in respect of their liability, including defence against unjustified actions, by insurance or other financial security obtained by the operator or out of State funds.

2. Article 6(b) and (d):

Reservation by the Government of the Republic of Austria, the Government of the Hellenic Republic, the Government of the Kingdom of Norway and the Government of the Kingdom of Sweden³.

Reservation of the right to consider their national legislation which includes provisions equivalent to those included in the international agreements referred to in Article 6(b) as being international agreements within the meaning of Article 6(b) and (d).

3. Article 8(a):

Reservation by the Government of the Federal Republic of Germany and the Government of the Republic of Austria.

Reservation of the right to establish, in respect of nuclear incidents occurring in the Federal Republic of Germany and in the Republic of Austria respectively, a period longer than ten years if measures have been taken to cover the liability of the operator in respect of any actions for compensation begun after the expiry of the period of ten years and during such longer period.

4. Article 9:

Reservation by the Government of the Federal Republic of Germany and the Government of the Republic of Austria.

Reservation of the right to provide, in respect of nuclear incidents occurring in the Federal Republic of Germany and in the Republic of Austria respectively, that the operator shall be liable for damage caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character.

³ At the time of the deposit of its instruments of accession, the Government of Finland subordinated its accession to the present reservation.

5. Article 19:

Reservation by the Government of the Federal Republic of Germany, the Government of the Republic of Austria, and the Government of the Hellenic Republic.

Reservation of the right to consider ratification of this Convention as constituting an obligation under international law to enact national legislation on third party liability in the field of nuclear energy in accordance with the provisions of this Convention.

ANNEX II

This Convention shall not be interpreted as depriving a Contracting Party, on whose territory damage was caused by a nuclear incident occurring on the territory of another Contracting Party, of any recourse which might be available to it under international law.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly empowered, have signed this Convention.

DONE in Paris, this twenty-ninth day of July Nineteen Hundred and Sixty, in the English, French, German, Spanish, Italian and Dutch languages in a single copy which shall remain deposited with the Secretary-General of the Organisation for European Economic Co-operation² by whom certified copies will be communicated to all Signatories.