

# NUCLEAR LAW

## Bulletin

*toute médiation corrigée en 1969  
(4<sup>e</sup> Bulletin)*

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November 1968



G R E E C E

"MANDATORY ACT" ON THE REORGANISATION OF  
THE GREEK ATOMIC ENERGY COMMISSION (GAEC)\*

(Act No.451 of 18th June 1968)\*\*

CONSTANTINE

KING OF THE HELLENES

On the proposal of the Council of Ministers we have decided and it is hereby enacted as follows:

Section 1

The Greek Atomic Energy Commission, operating in accordance with Decree No. 3891/1958 "on the reorganisation of the Greek Atomic Energy Commission", which was amended and completed by Decree No. 4115/1960, is a special public service placed under the direct control of the Prime Minister.

Section 2

1. The Greek Atomic Energy Commission shall promote, support or conduct scientific and technical research aimed at furthering the utilisation of nuclear energy in the various branches of science, industry, agriculture and national defence.

2. The said Commission shall, in particular:

(a) keep informed of international developments relating to new techniques for the production of nuclear energy and propose to the competent agencies appropriate measures to benefit therefrom;

(b) propose measures for the protection of individuals and property in Greece against radiation and see that they are applied;

\* This text is an unofficial translation prepared by the European Nuclear Energy Agency Secretariat.

\*\* Official Gazette of 20th June 1968.

(c) concern itself with the training of specialists and technicians from among its staff, in other countries and in Greece, with a view to providing the scientific and technical potential needed to meet the requirements arising from the applications of nuclear energy in various spheres;

(d) collaborate with other national agencies, and particularly with higher education establishments, in the preparation of common programmes for scientific research related to its activities in the scientific field;

(e) collaborate with other agencies and enterprises in general, with a view to prospecting and processing radioactive ores;

(f) suggest to competent agencies the names of persons qualified to represent Greece in relation to the respective agencies of other Governments and at congresses and in international nuclear energy organisations;

(g) inform the public by all possible means about questions relating to nuclear energy;

(h) provide scientific and technical advice and assistance to public administrations, public and private agencies and private enterprises on the applications of nuclear energy.

### Section 3

The Greek Atomic Energy Commission:

(a) shall be consulted regarding the authorisations required for the importation, installation and operation in Greece of all types of nuclear reactors for whatever purpose;

(b) shall have power to grant the said authorisations concerning the production, storage and utilisation of radioactive materials (radio-isotopes and radioactive waste) and all types of radioactive sources including fissionable materials;

(c) shall be consulted in regard to control, sale and utilisation of radioactive ores mined in Greece.

### Section 4

1. The various bodies of the Greek Atomic Energy Commission shall be the following:

- (a) The Scientific Planning Council (SPC)
- (b) The Steering Committee
- (c) The Chairman
- (d) The Scientific Director

2. The Legal Adviser to the Prime Minister's Office shall act as Legal Adviser to the GAEC.

## Section 5

The Scientific Planning Council shall be empowered to make proposals on the general orientation and scientific activities of the GAEC.

## Section 6

1. The Scientific Planning Council shall have twenty-five members, namely:

(a) ten practising teachers, of university status, of whom:

- (i) three specialising in natural science;
- (ii) two in technology, preference being given to nuclear physics;
- (iii) two in chemistry or pharmacology;
- (iv) one in medicine;
- (v) one in biological science;
- (vi) one in agriculture;

(b) five members, one for each of the following agencies: Industrial Research Foundation, Royal National Foundation, Royal Research Foundation, Union of Greek Industrialists and Public Electricity Enterprise;

(c) at least nine civil servants (of not less than Grade 3) one for each of the following Ministries: Prime Minister's Office, Co-ordination, Education and Religion, Economics, Industry, Commerce, Public Works, Social Insurance, Health and Agriculture;

(d) a suitably qualified officer from the Armed Forces.

2. The above members, who shall be chosen by the Prime Minister, shall be appointed by Royal Decree upon his proposal; those members who are not civil servants shall take the Civil Service oath in the presence of the Prime Minister before taking up their duties, in accordance with Section 35 of Act No. 1811/1951.

3. Members of the Council shall be appointed for three years. They may be however dismissed by the Prime Minister at any time by Royal Decree issued upon his proposal.

Membership of the Scientific Planning Council shall be honorary and shall not entitle the holder to any salary; acceptance of membership shall be compulsory for civil servants.

4. Once the Council has been set up as a body, it shall elect from its members the Chairman, Vice-Chairman and Secretary-General. The presence of at least fourteen of its members is required to form a quorum. Its decisions shall be taken by majority vote; in the event of a split vote the Chairman shall have the casting vote.

5. In order to perform the functions specified in the preceding Section, the Council shall meet in ordinary session half-yearly at a date to be fixed by the Steering Committee and in extraordinary session whenever the Prime Minister or Steering Committee shall deem it necessary.

#### Section 7

1. The Steering Committee, being the highest body of the Greek Atomic Energy Commission, shall be empowered to adjudicate upon all matters concerning it.

2. The Steering Committee may delegate certain powers to its Chairman in specific cases.

#### Section 8

1. The Steering Committee shall be made up of seven members, namely:

(a) its Chairman,

(b) five members, preferably chosen from members of the Scientific Planning Council, who shall be appointed by Order of the Prime Minister for three-year terms and may be dismissed before their term of office expires, and

(c) the Scientific Director of the GAEC.

2. The Steering Committee shall elect two of its members other than the Scientific Director, as first Vice-Chairman and second Vice-Chairman; these shall, in that order, perform the Chairman's duties, should the Chairman's post fall vacant or in the event of any other impediment. The duties of Secretary of the Steering Committee shall be performed by a member of the staff of the GAEC appointed by the Chairman.

3. Four members of the Steering Committee shall constitute a quorum. It shall take decisions by a majority vote of members present; in the event of a split vote, the Chairman shall have the casting vote.

4. Should the post of Scientific Director fall vacant, or in the event of his absence or any other impediment, the Steering Committee may lawfully continue to operate.

5. The Board shall meet in ordinary session once a month, at a time to be fixed by the Chairman, and in extraordinary session whenever the latter or four of the members shall deem it necessary.

#### Section 9

The Chairman of the Steering Committee:

(a) shall execute the decisions of the Steering Committee;

(b) shall supervise and run the services of the Greek Atomic Energy Commission;

(c) shall decide on, or approve, any necessary expenditure up to an amount to be fixed by decision of the Steering Committee;

(d) shall sign decisions and recruitment contracts and decisions for the dismissal of the GAEC's non-scientific staff;

(e) shall report on the matters discussed by the Steering Committee and attend, without the right to vote, the meetings of the Scientific Planning Council.

(f) shall sign letters emanating from the GAEC and may authorise those of his subordinates he deems qualified to sign some of these.

#### Section 10

1. The Chairman of the Steering Committee of the Greek Atomic Energy Commission shall be appointed by Royal Decree upon the proposal of the Prime Minister. He shall be an applied science graduate from a Greek higher education establishment or an equivalent seat of learning abroad and shall be reputed for his personal qualities and ability to organise and manage. He shall be appointed for a five-year term but may be dismissed by the same procedure by which he has been appointed before his term of office expires, on grounds of public interest to be decided upon by the Prime Minister.

2. The office of Chairman of the Steering Committee of the GAEC shall be incompatible with the exercise of any other public office or other profession or occupation.

3. Where the person appointed Chairman of the Steering Committee is a civil servant or employed by a public body his period of service with the GAEC shall be treated as actual service in his original post.

#### Section 11

The salaries of the Chairman of the Steering Committee, the Scientific Director and Members of the Steering Committee shall be determined by a joint decision of the Prime Minister, or the Minister delegated in accordance with Section 26 of this Act, and of the Minister of the Economy.

#### Section 12

1. The Scientific Director shall make proposals regarding the preparation of research and training programmes and, after they have been approved by the competent bodies, shall be responsible for their execution and application.

2. He shall direct the staff of the research laboratories and be responsible for the smooth and harmonious running of the said laboratories.

#### Section 13

The Scientific Director shall be appointed by Royal Decree, upon the proposal of the Prime Minister and for a three-year term; he shall be a nuclear science expert of high repute with sufficient experience in the conduct and management of research.

#### Section 14

Within the framework of the GAEC the following bodies shall operate:

(a) The DEMOCRITOS Nuclear Research Centre.

(b) Centres for the sampling and measuring of radioactivity in the environment.

(c) Training centres or institutes other than those provided for under Section 20 of this Act.

#### Section 15

Royal Decrees, upon the proposal of the Prime Minister or the Minister delegated in accordance with Section 26 of this Act and of the Minister of the Economy, shall govern all matters concerning the receipt and administration of GAEC income that is derived:

(a) from gifts, inheritance or legacies, or all other types of contribution from natural persons or legal entities whether Greek or non-Greek, granted with the object of pursuing or promoting atomic research;

(b) from the sale, or in general, the exploitation by the Commission of radioactive materials, specialised reviews and publications and the supply of services.

#### Section 16

1. In order to attain the objectives laid down in the Act, the Greek Atomic Energy Commission shall incur the necessary expenditure having no regard for provisions governing public accounts and the execution of public works, or any other general or specific measure of a similar kind.

2. The amount of appropriations against which drawings can be authorised in the form of ordinary orders for payment or orders for advance payment signed on behalf of officials of the GAEC, independently of the restriction of one-twelfth of the provisional budget, shall be fixed by a decision of the Minister of the Economy.

3. A Department of Committed Expenditure shall be set up within the GAEC and the Department's staff shall be appointed by decision of the Minister of the Economy and made up of officials from the General Accounting Office of the Government without any corresponding increase in the number of organic posts in that Office.

4. The payment and administration abroad of a fixed advance of up to \$20,000 shall be authorised.

The provisions for the application of the present subparagraph shall be determined by a joint decision of the Prime Minister or Minister delegated in accordance with Section 26 of this Act, and of the Minister of the Economy, and upon the proposal of the Steering Committee of the GAEC.

5. The daily allowance to be paid to the staff or members of the GAEC or other persons sent on mission abroad at the expense of the GAEC shall be fixed in each case by the Minister of the Economy upon the proposal of the GAEC Steering Committee within the limits set by "Mandatory Act" No. 271/68.

### Section 17

The Bank of Greece shall authorise the import and export of currency of an amount not exceeding \$100,000 a year without compliance with the required formalities, in order to enable the GAEC to import and export radioisotopes, fissionable materials, laboratory animals and special equipment.

### Section 18

Authorisation may be granted by decision of the Prime Minister or the Minister delegated in accordance with Section 26 of this Act, and on the proposal of the Steering Committee of the GAEC, for the following activities to be undertaken in pursuit of the Commission's objectives and at its expense:

- (a) advanced studies abroad for specialist scientists or other technicians;
- (b) invitations to specialist scientists from abroad;
- (c) the sending of advisers, scientists or other specially qualified persons abroad to represent the country or the Commission at international congresses and in international organisations;
- (d) recruitment of scientists of Greek nationality.

### Section 19

Inventions by a member of the staff of the Greek Atomic Energy Commission, in the context of its work, shall be the property of the Commission, without prejudice to the operation of Section 668 of the Civil Code.

### Section 20

Authorisation may be granted by Royal Decree, on the proposal of the Prime Minister, for the creation within the "DEMOCRITOS" Nuclear Research Centre, of Centres or institutes for specialised and advanced studies in nuclear sciences, organised and operated according to the rules outlined above. A specialist diploma shall be awarded to persons on completion of studies in the above establishments.

### Section 21

1. The contractual relationships between the staff of the Commission, other than the Chairman of the Steering Committee and the Scientific Director, and the State shall be one of public law.
2. Recruitment and dismissal of scientific staff shall take place by decision of the Prime Minister or the Minister delegated by him in accordance with Section 26 of this Act, on the proposal of the Steering Committee.
3. The maximum number of GAEC staff of all categories shall be fixed each year by joint decision of the Prime Minister, or the Minister delegated by him in accordance with Section 26 of this Act, and of the Minister for the Economy, on the proposal of the Steering Committee.

## Section 22

Civil servants and military personnel, and officials of public bodies or Government agencies, who are required to work full time for the Greek Atomic Energy Commission, may be seconded by order of the Prime Minister, on the proposal of the Steering Committee of the Commission. Their period of service with the GAEC shall be regarded as equivalent in all respects to a period of service in the department from which they are detached.

## Section 23

Regulations proposed by the Steering Committee and approved by the Prime Minister, or the Minister delegated by him in accordance with Section 26 of this present Act, and by the Minister for the Economy, and which must be published in the Official Gazette, shall determine:

(a) the organisation, composition and operation of the Greek Atomic Energy Commission;

(b) the conditions of recruitment to posts with the GAEC, the method of classifying staff at the different salary levels, conditions of remuneration and the general regulations concerning all categories of GAEC staff.

## Section 24

The Chairman of the Steering Committee may decide, after consultation with the Board and subject to the approval of the Prime Minister, to employ up to ten persons of foreign nationality over and above the number stipulated in Section 21(3), to meet exceptional requirements. Such persons shall be recruited either by contract for hire of services or by contract of employment, and shall be employed by the GAEC, by reason of their scientific qualifications and specialised knowledge, in specific fields.

## Section 25

The past service of the scientific staff of the Greek Atomic Energy Commission, in whatever category they were classified, shall be regarded as a superior qualification in the event of a new appointment to any other Government department or public body; the period of service with the GAEC shall be taken into account for the classification of the official, in accordance with the provisions of the Civil Service Code, the age limit for the appointment referred to above being fixed at 50 years.

## Section 26

The Prime Minister may delegate all or some of his powers under the present Act to a Minister or a Secretary of State.

## Section 27

All existing fixed term employment contracts of GAEC staff shall expire within six months of the entry into force of the present Act, whatever the date originally fixed for their termination.

Section 28

The appointment of the Chairman, the members of the Steering Committee and the Scientific Director of the GAEC shall come to an end with the appointment, in accordance with Sections 8, 10 and 13 of the present Act, of the Chairman, the members of the Steering Committee and the Scientific Director of the GAEC.

Section 29

From the entry into force of the present Act all general or special provisions in respect of matters covered by the Act shall cease to have effect. The present Act shall enter into force on the date of its publication in the Official Gazette.

Done at Athens, 18th June 1968



S W E D E N

NUCLEAR LIABILITY ACT\*

8th March 1968 (No. 45)

INTRODUCTORY PROVISIONS

Section 1

(a) For the purposes of this Act:

(i) "Nuclear fuel" means fissionable material consisting of uranium or plutonium metal, alloy or chemical compound and such other fissionable material as the Government shall determine;

(ii) "Radioactive products" means any radioactive material other than nuclear fuel, and radioactive waste, if the material or waste has been produced in the process of producing or utilizing nuclear fuel or has become radioactive by exposure to radiation incidental to such production or utilization;

(iii) "Nuclear substances" means nuclear fuel other than natural uranium or depleted uranium, and radioactive products other than radioisotopes which are used or prepared to be used for any industrial, commercial, agricultural, medical or scientific purpose;

(iv) "Nuclear reactor" means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process can occur therein without an additional source of neutrons;

(v) "Nuclear installation" means any nuclear reactor other than one with which a ship or any other means of transport is equipped for use as a source of power; any factory for the production or processing of nuclear substances; any factory for the separation of isotopes of nuclear fuel; any factory for the reprocessing of irradiated nuclear fuel; any facility where nuclear substances are stored with the exception of any facility intended exclusively for storage incidental to the carriage of such substances; any such other installation containing nuclear fuel or radioactive products as the Government shall determine;

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\* English translation, prepared within the Swedish Ministry of Justice with the assistance of the Secretariat of the European Nuclear Energy Agency.

(vi) "Installation State", in relation to a nuclear installation, means the Contracting State within the territory of which that installation is situated or, if it is not situated within the territory of any State, the Contracting State by which the nuclear installation is operated or which has authorized its operation;

(vii) "Operator" means, in relation to a nuclear installation situated in Sweden, the person operating or in charge of the installation, whether authorized thereto under the Atomic Energy Act of 1st June 1956 (No. 306) or not, and, in relation to a nuclear installation outside Sweden, the person recognized under the law of the Installation State as the operator of that installation;

(viii) "Nuclear damage" means

(1) any damage caused by the radioactive properties of nuclear fuel or radioactive products or a combination of radioactive properties with toxic, explosive or other hazardous properties of such fuel or products;

(2) any damage caused by ionizing radiation emitted from any source of radiation inside a nuclear installation other than nuclear fuel or radioactive products;

(ix) "Nuclear incident" means any occurrence or series of occurrences having the same origin which causes nuclear damage;

(x) "Paris Convention" means the Convention on Third Party Liability in the Field of Nuclear Energy, signed in Paris on 29th July 1960 and amended by the Additional Protocol signed in Paris on 28th January 1964;

(xi) "Supplementary Convention" means the Convention supplementary to the Paris Convention, signed in Brussels on 31st January 1963 and amended by the Additional Protocol signed in Paris on 28th January 1964;

(xii) "Contracting State" means any State Party to the Paris Convention.

(b) The Government may prescribe that any nuclear installation, nuclear fuel or radioactive products shall be excluded from the application of this Act, if the small extent of the risks involved so warrants.

## Section 2

The Government or an authority appointed by the Government may in respect of nuclear installations situated in Sweden determine that two or more installations operated by one and the same operator and located at the same site shall, for the purposes of this Act, be deemed to be one single installation.

## Section 3

(a) This Act does not apply to nuclear damage resulting from nuclear incidents occurring in the territory of a non-Contracting State.

(b) Where liability lies with an operator of a nuclear installation situated in Sweden, this Act applies to nuclear damage suffered in the

territory of a non Contracting State only if the nuclear incident occurred in Sweden. Where liability lies with an operator of a nuclear installation situated outside Sweden, the territorial extent of the liability is governed by the law of the Installation State.

(c) In relation to a non-Contracting State the Government may determine that compensation for nuclear damage suffered in the territory of that State shall be payable in Sweden only if and to the extent that compensation for nuclear damage suffered in Sweden would be payable in that State. Such decision shall not, however, affect liability arising under any such international agreement as referred to in Section 14 (c) by which Sweden is bound.

(d) Provisions regarding the right in certain cases of a person who has paid compensation for nuclear damage to bring, notwithstanding the provisions of this Section, an action of recourse against an operator of a nuclear installation are laid down in Section 15.

#### Section 4

The Government may, having due regard to Sweden's obligations under the Paris Convention, determine that a non-Contracting State shall for the purposes of this Act be deemed to be a Contracting State.

### COMPENSATION

#### Section 5

The operator of a nuclear installation shall be liable to pay compensation for nuclear damage caused by a nuclear incident in his installation. However, except if otherwise stipulated by express terms of a contract in writing, the operator shall not be liable in respect of a nuclear incident involving only nuclear substances which have been stored in the installation incidentally to their carriage to or from another nuclear installation situated in the territory of a Contracting State.

#### Section 6

(a) The operator of a nuclear installation shall be liable to pay compensation for nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances from a nuclear installation situated in Sweden or in the territory of another Contracting State, except if otherwise provided in paragraphs (b) or (c) of this Section. *Consignor*

(b) In the case of <sup>such</sup> carriage of nuclear substances to a nuclear installation situated in Sweden or in the territory of another Contracting State the liability for damage caused by a nuclear incident occurring in the course of the carriage shall lie with the consignee operator as from the time which has been fixed by a written contract between him and the consignor. In the absence of such contract the liability shall be transferred to the consignee when the nuclear substances are taken in charge by him. *Consignor*

(c) In the case of carriage of nuclear substances to a nuclear reactor with which a ship or any other means of transport is equipped and which is intended to be used therein as a source of power, the consignor operator shall cease to be liable when the nuclear substances have been

taken in charge by the person duly authorized to operate or be in charge of that reactor.

### Section 7

(a) Where nuclear substances are sent from a non-Contracting State to a nuclear installation situated in Sweden or in the territory of another Contracting State with the written consent of the operator of that installation, the latter shall be liable for nuclear damage caused by any nuclear incident occurring in the course of the carriage, except if otherwise provided in paragraph (b) of this Section.

(b) In the case of carriage of nuclear substances from a nuclear reactor with which a ship or any other means of transport is equipped and which is intended to be used therein as a source of power, to a nuclear installation situated in Sweden or in the territory of another Contracting State, the operator of that installation shall be liable from the time when he takes charge of the nuclear substances.

(c) Liability for nuclear damage caused by a nuclear incident occurring in Sweden in the course of carriage of nuclear substances, other than carriage from or to a nuclear installation situated in Sweden or in the territory of another Contracting State, shall lie with the person authorized under the Atomic Energy Act to perform the carriage. The provisions of this Act relating to an operator of a nuclear installation situated in Sweden shall in such case apply to the person thus authorized.

### Section 8

The provisions of Sections 6 and 7 of this Act on liability for nuclear damage caused by a nuclear incident in the course of carriage of nuclear substances shall apply also in respect of nuclear incidents occurring while the substances are stored incidentally to their carriage, except where the substances have been stored in a nuclear installation and the operator of that installation is liable pursuant to such contract as referred to in Section 5.

### Section 9

Where nuclear damage in cases other than those governed by Sections 5 - 8 of this Act has been caused by nuclear substances which came from a nuclear installation situated in Sweden or in the territory of another Contracting State or, prior to the nuclear incident, had been in the course of such carriage as referred to in Section 7 of this Act, the operator who had the substances in his possession at the time of the incident shall be liable for such damage; provided that, if at the time of the incident no operator had the nuclear substances in his possession, liability shall lie with the operator who last had the substances in his possession. However, if prior to the nuclear incident the nuclear substances had been in the course of carriage and no operator had taken charge of the substances after the carriage was interrupted, liability shall lie with the operator who at the time when the carriage ended was liable pursuant to Section 6 or 7 of this Act for nuclear damage caused by a nuclear incident occurring in the course of the carriage.

## Section 10

(a) On request of a carrier performing such carriage as referred to in Section 6 or 7 the Government, or an authority appointed by the Government, may determine that the carrier shall be liable, in place of the operator of a nuclear installation situated in Sweden, for nuclear damage caused by a nuclear incident occurring in the course of or in connection with the carriage. Such decision may be taken only if the operator concerned has consented thereto and the carrier has demonstrated that insurance has been taken out pursuant to Sections 22 - 26 or that other financial security has been furnished pursuant to Section 27. Where such decision has been taken, any provision of this Act relating to the operator concerned shall apply to the carrier instead of the operator in respect of nuclear incidents occurring in the course of or in connection with the carriage.

(b) Where a similar decision has been taken according to the law of another Contracting State in respect of nuclear damage for which an operator of a nuclear installation situated in that State would be liable, such decision shall under this Act have the same effect as a decision pursuant to paragraph (a) of this Section.

## Section 11

(a) The operator of a nuclear installation shall be liable to pay compensation due under this Act even if there has been no fault or negligence on his part.

(b) However, the operator of a nuclear installation situated in Sweden shall not be liable under this Act for nuclear damage caused by a nuclear incident directly due to an act of war, armed conflict, civil war or insurrection or caused by a grave natural disaster of an exceptional character. The operator of a nuclear installation situated in the territory of another Contracting State shall in such case be liable only if the law of the Installation State so provides.

(c) In cases referred to in paragraph (b) of this Section, liability under rules of the law of torts other than those laid down in this Act shall arise only to the extent provided for in Section 14 (b).

## Section 12

(a) The operator of a nuclear installation shall not be liable under this Act for damage to the nuclear installation itself or to any property which, at the time of the nuclear incident, was on the site of the installation and was used or intended to be used in connection with that installation.

(b) Where the operator of a nuclear installation situated in the territory of another Contracting State is liable for damage caused by a nuclear incident occurring in the course of carriage of nuclear substances, the question whether compensation shall be awarded for damage to the means of transport shall be governed by the law of the Installation State.

(c) In cases referred to in the preceding paragraphs of this Section liability under rules of the law of torts other than those laid down in this Act shall arise only to the extent provided for in Section 14 (b).

### Section 13

- (a) Except as otherwise provided in this Act, compensation payable under the Act shall be fixed in accordance with the general rules of the law of torts.
- (b) Where the person suffering damage has contributed thereto the operator may be exonerated, wholly or partially, from his liability only where such person has acted or omitted to act with intent to cause damage or where there has been gross negligence on his part.

### Section 14

- (a) Claims for compensation for nuclear damage covered by the provisions of this Act relating to compensation for such damage or by the corresponding legislation of another Contracting State may not be brought against any person other than the operator or the person providing insurance covering the liability of the operator, except as otherwise provided in the second sentence of Section 16.
- (b) Claims for compensation for nuclear damage for which the operator, pursuant to Section 11 or 12 of this Act or the corresponding provisions of the law of another Contracting State, is not liable can be brought only against an individual who has caused the damage by an act or omission done with intent to cause damage. The operator shall, however, be liable in accordance with the general rules of the law of torts for such damage to a means of transport as referred to in Section 12 (b).
- (c) As regards liability for nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances or nuclear damage otherwise arising in connection with the operation of a ship or any other means of transport the provisions of the preceding paragraphs of this Section shall not affect the application of any international agreement in force or open for signature, ratification or accession on 29th July 1960 or of any provisions of national legislation based on such agreement. The Government may determine that this shall apply also to other provisions of the law of a Contracting State which are equivalent to the provisions of such agreement.
- (d) Provisions on compensation out of public funds are laid down in Sections 28 - 35.

### Section 15

- (a) Any person who has been held liable to pay compensation for nuclear damage under ~~such~~ international agreement or provisions of national legislation as referred to in Section 14 (c) of this Act or under the law of any foreign State shall acquire by subrogation the rights of the person suffering the damage against the operator liable for the damage under this Act. Where the compensation paid relates to damage covered by a decision taken under Section 3 (c) of this Act, the person liable shall have a right of recourse against the operator, who would have been liable for the damage if no such decision had been taken.
- (b) Any person who has his principal place of business in Sweden or in the territory of another Contracting State or who is the servant of such person and who has been held liable to pay compensation for nuclear damage for which the person suffering damage, by virtue of the provisions of Section 3, has no right to compensation under this Act shall, subject to the application, mutatis mutandis, of the provisions of the first

*the receiving installation*

sentence of paragraph (a) of this Section, have a right of recourse against the operator who, but for the provisions of Section 3, would have been liable for the damage; provided, however, that in the case of nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances to a non-Contracting State, the operator of the nuclear installation from which the nuclear substances were sent shall incur no liability after the substances have been unloaded from the means of transport by which they have arrived in the non-Contracting State, and in case of nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances from a non-Contracting State the operator of [that installation] shall incur no liability until the nuclear substances have been loaded on the means of transport by which they are to be carried from the territory of the non-Contracting State.

(c) A person who is himself liable for nuclear damage pursuant to Section 20 of this Act shall have no right of subrogation or recourse under the preceding paragraphs of this Section.

#### Section 16

Where a person has simultaneously suffered nuclear damage for which he is entitled to compensation under this Act and other damage, the provisions of this Act regarding liability for nuclear damage shall apply equally to such other damage if and to the extent that such damage is not reasonably separable from the nuclear damage. These provisions shall not, however, limit or otherwise affect the liability of a person other than the operator liable under this Act as regards damage caused by an emission of ionizing radiation not covered by this Act.

#### Section 17

(a) The liability under this Act of an operator of a nuclear installation situated in Sweden shall not exceed fifty million kronor in respect of nuclear damage caused by any one nuclear incident. The Government or an authority appointed by the Government may, taking account of the size or character of a nuclear installation, of the extent of a carriage or of any other circumstances, fix a lower amount, which shall, however, in no event be less than twenty-five million kronor. The amount of liability of an operator of a nuclear installation situated outside Sweden shall be determined pursuant to the law of the Installation State. In case of a nuclear incident occurring in the course of carriage of nuclear substances the liability of the operator under this Act for damage other than damage to the means of transport shall in no case be limited to an amount less than twenty-five million kronor.

(b) Compensation payable in respect of loss of life or personal injury shall be limited to one million kronor for each person killed or injured.

(c) The amounts referred to in the preceding paragraphs of this Section shall not include any interest or costs awarded by a court.

#### Section 18

(a) Where nuclear damage gives rise to the liability of two or more operators, they shall be jointly and severally liable to pay compensation; provided that the liability of each operator shall be limited to

the amount established with respect to him pursuant to Section 17 (a). However, where the damage has arisen in the course of carriage of more than one consignment of nuclear substances carried on one and the same means of transport or while more than one consignment have been stored in one and the same nuclear installation incidentally to their carriage to aggregate liability of the operators shall not exceed the highest amount established with respect to any of them.

(b) The apportionment of the aggregate liability as between the operators liable shall be determined with due regard to the extent to which the damage caused is attributable to each of the nuclear installations involved as well as to any other relevant circumstances.

#### Section 19

(a) If the maximum amount of liability applicable pursuant to Section 17 (a) or Section 18 (a) is not sufficient to satisfy in full the claims of those who are entitled to compensation, their compensation and any interest accruing thereto shall be reduced proportionally.

(b) If, following a nuclear incident, there are reasons to believe that a reduction pursuant to the preceding paragraph of this Section will prove necessary the Government or an authority appointed by the Government may decide that until further notice the compensation payable shall be reduced by such percentage of the full amount of compensation as shall be determined by the Government or competent authority.

#### Section 20

In respect of any sum that the operator of a nuclear installation has been held liable to pay as compensation under this Act or under the corresponding legislation of another Contracting State, the operator shall have a right of recourse against any individual who has caused the damage by an act or omission done with intent to cause damage or against any person who has assumed liability for the damage under the express terms of a contract in writing with the operator. Except as otherwise provided in the second sentence of Section 16 or in Section 18 (b) the operator of a nuclear installation shall in no other case have a right of recourse against any person in respect of any sum he may have paid as compensation under this Act or under the corresponding legislation of another Contracting State.

#### Section 21

(a) The right to bring an action for compensation for nuclear damage under Section 5, 6, 7, 8, 9 or 15 of this Act against the operator of a nuclear installation or against the person providing insurance to cover such liability shall be extinguished if a claim for compensation has not been made against the operator within three years from the date at which the person suffering damage had knowledge or by observing due diligence ought reasonably to have known both of the fact that he has suffered damage entitling him to compensation under this Act and of the operator liable or, in cases referred to in Section 15 (a) or (b), from the date at which the claim for compensation was made against him.

(b) The right to compensation for nuclear damage shall be extinguished if an action is not brought against the operator or his insurer

within ten years from the date of the nuclear incident. In the case of nuclear damage caused by a nuclear incident involving nuclear substances which had been stolen, lost or abandoned and had not yet been recovered, no action for compensation may, however, be brought later than twenty years after the date of the theft, loss or abandonment. In cases where it is necessary in order to comply with the provisions of the Paris Convention, the Government shall determine that a person suffering damage shall, on conditions to be prescribed by the Government, retain his right to compensation, notwithstanding that he has not brought an action before a Swedish court within the period specified in this paragraph.

(c) Provisions regarding compensation out of public funds in certain cases where the operator has ceased to be liable are laid down in Section 32.

## INSURANCE

### Section 22

(a) The operator of a nuclear installation situated in Sweden is required to take out and maintain insurance to cover his liability for nuclear damage under this Act or the corresponding legislation of another Contracting State up to the amount specified in Section 17 (a). The insurance shall be approved by the Government or an authority appointed by the Government.

(b) Insurance may be taken out either

- (i) to cover the liability for each nuclear incident that may occur; or
- (ii) to cover at any time the nuclear installation by an agreed amount after deduction of any sum of compensation paid out or to be paid out by the insurer under the insurance policy.

(c) Liability for damage arising in the course of carriage of nuclear substances may be covered by a separate insurance.

### Section 23

(a) In cases referred to in Section 22 (b) (i) the insurance amount shall be not less than the amount of liability established with respect to the operator pursuant to Section 17 (a). In cases referred to in Section 22 (b) (ii), the insurance amount shall be not less than one hundred and twenty per cent of the aforementioned maximum amount of liability. The amount covered by the insurance policy shall not include any interest or costs awarded by a court.

(b) Where insurance has been taken out in accordance with Section 22 (b) (ii) and an insurance contingency occurs which itself or together with one or more earlier contingencies is deemed likely to entail a reduction of the insurance amount below the amount of liability established with respect to the operator, the operator shall without delay take out such supplementary insurance as will bring the insurance amount up to an amount of not less than one hundred and twenty per cent of the said amount of liability.

#### Section 24

Any person entitled to compensation for nuclear damage shall have a right to bring an action for such compensation directly against the insurer. Except if otherwise provided in the insurance policy, the operator shall thereby be insured against any liability for nuclear damage under this Act or the corresponding legislation of another Contracting State.

#### Section 25

(a) If the insurance policy is cancelled or otherwise ceases to be valid, the insurer shall nevertheless, in relation to any person suffering damage, continue to be liable to pay compensation in respect of nuclear damage caused by a nuclear incident occurring within two months from the date at which the authority appointed for this purpose by the Government has been notified in writing of the time of expiry of the policy. Where the insurance policy covers liability for nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances and such carriage has started before the expiry of the said period, the insurer shall, however, in no case cease to be liable for such damage until the carriage has come to an end.

(b) The provisions of the preceding paragraph of this Section shall not apply with respect to nuclear incidents occurring after the day on which a new insurance contract has come into force.

(c) Except as provided in the preceding paragraphs of this Section, the insurer may in no case invoke as a defence against a claim for compensation any circumstances due to a person other than the person suffering the damage.

#### Section 26

The provisions of Sections 24 and 25 shall apply where an action for compensation for nuclear damage under this Act may be brought in Sweden and notwithstanding that the law of a foreign State may be applicable to the relationship between the insurer and the operator liable or that the nuclear installation involved is situated outside Sweden.

#### Section 27

(a) The State shall be exempted from the obligation under Section 22 to take out and maintain insurance.

(b) The Government or an authority appointed by the Government may relieve an operator from the obligation to take out insurance, provided that the operator furnishes adequate financial security to cover his obligations under this Act and under the corresponding legislation of any other Contracting State and shows that he has taken satisfactory measures to ensure the settlement of any claims for compensation.

(c) The provisions of this Act relating to insurance shall apply, mutatis mutandis, to such other financial security as referred to in the preceding paragraph of this Section or the corresponding provisions of the legislation of another Contracting State.

## COMPENSATION OUT OF PUBLIC FUNDS

### Section 28

- (a) If a person who is entitled under this Act or the corresponding legislation of another Contracting State to obtain compensation for nuclear damage from the operator of a nuclear installation situated in Sweden shows that he has been unable to recover the compensation due from the operator's insurer, compensation shall be paid by the State.
- (b) The total compensation payable under the preceding paragraph of this Section shall not exceed the maximum amount of liability established with respect to the operator pursuant to Section 17 (a).

### Section 29

(a) Where liability for nuclear damage lies with the operator of a nuclear installation, used for peaceful purposes and situated in Sweden or in the territory of another State Party to the Supplementary Convention and appearing at the time of the nuclear incident on the list referred to in Article 13 of the Supplementary Convention, and jurisdiction over actions for compensation lies with Swedish courts in accordance with the provisions of Section 36 of this Act, and the amount of liability established pursuant to Section 17 (a) or Section 18 (a) is insufficient to satisfy the claims for compensation due, or the compensation payable has, by virtue of a decision taken under Section 19 (b), been reduced to a fixed percentage of the full amount due, compensation out of public funds shall be afforded for nuclear damage suffered

- (i) in Sweden or in the territory of another State Party to the Supplementary Convention; or
- (ii) on or over the high seas on board a ship or aircraft registered in Sweden or in the territory of another State Party to the Supplementary Convention; or
- (iii) in any other case on or over the high seas by a State Party to the Supplementary Convention or by a national of such State; provided, however, that compensation shall be payable for damage to a ship or an aircraft only if such ship or aircraft was at the time of the nuclear incident registered in the territory of a State Party to the Supplementary Convention.

(b) By application of the provisions of the preceding paragraph of this Section the term "national of a State Party to the Supplementary Convention" shall include any company, association or other society, foundation or other similar body, whether corporate or not, established in the territory of such State. Any person who under the law of a State Party to the Supplementary Convention other than Sweden is considered to have his habitual residence in that State and in respect of his right to compensation under the Supplementary Convention is under that law assimilated to the nationals of that State shall under this Act be considered to be a national of a State Party to the Supplementary Convention.

### Section 30

(a) Compensation out of public funds pursuant to Section 29 shall be fixed in accordance with the principles laid down in Section 11 (a), Sections 12 and 13 and Section 17 (b) and (c).

(b) The provisions of the first sentence of Section 15 (a) and of Section 15 (c) regarding rights of recourse against an operator shall apply, mutatis mutandis, to rights of recourse against the State in respect of any sum paid as compensation for nuclear damage and for which compensation is payable out of public funds under Section 29.

### Section 31

(a) The total amount of compensation for nuclear damage caused by a nuclear incident payable pursuant to Sections 5 - 21, 29 and 30 by one or more operators and the State, and payable pursuant to any such agreement as referred to in Article 15 of the Supplementary Convention, shall not exceed an amount equivalent to one hundred and twenty million units of account referred to in the European Monetary Agreement of 5th August 1955 and as defined in Article 24 of that Agreement, on 29th July 1960. The amount shall not include any interest or costs awarded by a court.

(b) If the amount available for compensation out of public funds pursuant to Sections 29 and 30 is not sufficient to satisfy in full the claims for compensation due, the amounts of compensation and any interest accruing thereto shall be reduced proportionally. The provisions of Section 19 (b) shall apply, mutatis mutandis.

### Section 32

(a) If a nuclear incident in respect of which liability lies with the operator of a nuclear installation situated in Sweden has caused nuclear damage in Sweden, which has not come to light until after the rights of compensation against the operator have been extinguished pursuant to Section 21 (b) or the corresponding provisions of the legislation of another Contracting State but within thirty years after the date of the incident, compensation for such damage shall be paid by the State. The State shall also be liable to pay compensation for nuclear damage which has come to light before the rights of compensation have been so extinguished if the person suffering the damage has failed to bring an action against the operator or to take other appropriate measures to preserve his rights within the periods applicable but has had reasonable excuses for not bringing such action or taking such measures.

(b) If compensation has been reduced pursuant to Section 19 (a) and, whenever applicable, Section 31 (b) or the corresponding provisions of the legislation of another Contracting State, the compensation payable out of public funds under the present Section shall be reduced accordingly. In other respects, the liability to pay compensation shall be determined as if the operator had been liable for the damage. The right to bring an action for compensation shall be extinguished if a claim for compensation has not been made against the State, with the authority appointed for this purpose by the Government, within the period specified in Section 21 (a).

(c) The Government may decide that compensation under the present Section shall be payable also in respect of nuclear damage suffered outside Sweden.

### Section 33

If and to the extent that the amount of liability established with respect to the operator pursuant to Section 17 (a) or Section 18 (a) or the corresponding provisions of the legislation of another Contracting State is not sufficient to satisfy in full the claims for compensation due for nuclear damage sustained in Sweden, and if compensation for such damage is not payable out of public funds pursuant to Section 29 or otherwise under the Supplementary Convention, compensation out of public funds shall be payable under terms and conditions to be determined by the Government and Parliament. In such cases compensation shall also be granted to supplement compensation payable pursuant to Section 32 for nuclear damage sustained in Sweden, to the extent that such compensation has been reduced pursuant to the first sentence of Section 32 (b). Compensation under this Section shall also be granted for nuclear damage sustained in Sweden in cases where, pursuant to a decision under Section 19 (b), the compensation to be paid by the operator has been reduced to a fixed percentage of the full amount due and compensation out of public funds is not payable under the Supplementary Convention.

### Section 34

Compensation pursuant to Section 28, 29 or 33 shall not be payable for nuclear damage caused by such nuclear incidents as referred to in Section 11 (b).

### Section 35

(a) In respect of any sums paid out of public funds pursuant to Section 28 the State shall have a right of recourse only against the operator, his insurer and any person against whom the operator has a right of recourse under Section 20.

(b) In respect of any sums paid out of public funds pursuant to Section 29 or 33 on the grounds of the existence of a decision under Section 19 (b), the State shall acquire by subrogation the right to obtain compensation from the operator that the person suffering the damage may have. With regard to any other sums paid out by the State pursuant to Sections 29 - 31 or otherwise paid out in accordance with the provisions of the Supplementary Convention in respect of a nuclear incident giving rise under the law of another Contracting State to the liability of the operator of a nuclear installation situated in Sweden or paid out by the State pursuant to Section 33, the State shall have a right of recourse only against an individual who has caused the damage by an act or omission done with intent to cause damage. The provisions of the present paragraph shall apply, mutatis mutandis, in respect of compensation paid out by the State pursuant to Section 32.

COMPETENT COURTS, ETC.

### Section 36

(a) Actions for compensation due under Sections 5, 6, 7, 8, 9 or 15 against the operator of a nuclear installation or against his insurer shall be brought before Swedish courts, if

- (i) the nuclear incident has occurred wholly or partly in Sweden; or
- (ii) the nuclear installation involved is situated in Sweden and either the nuclear incident has occurred wholly outside the territory of any Contracting State or the place of the nuclear incident cannot be determined with certainty.

(b) Whenever required in order to comply with the provisions of Article 13 (c) (ii) of the Paris Convention the Government shall restrict the jurisdictional competence conferred upon Swedish courts under the preceding paragraph of this Section.

#### Section 37

(a) Jurisdiction over actions for compensation in respect of nuclear damage brought before Swedish courts pursuant to Section 36 and over actions for compensation against the State pursuant to Sections 28, 29, 32 or 33 of this Act shall lie exclusively with the court within the jurisdictional area of which the nuclear incident occurred. Where competence would thus lie with two or more courts, the action may be brought before either of them.

(b) Should there be no competent court under the preceding paragraph of this Section, the action shall be brought before the City Court of Stockholm.

#### Section 38

(a) Where in accordance with the provisions of the Paris Convention jurisdiction over actions for compensation for nuclear damage lies with the courts of another Contracting State, any judgement entered by such court in such action shall, as soon as the judgement has become enforceable under the law of that State, on request be enforceable also in Sweden, without the merits of the claim being subject to any further proceedings. This provision shall, however, not entail any obligation to enforce a judgement to the extent that the applicable maximum amount of liability of the operator would thereby be exceeded.

(b) An application for enforcement shall be made before the Svea Court of Appeal. The application shall have attached to it

- (i) the original judgement or a copy thereof certified by the competent public authority; and
- (ii) a declaration issued by the competent public authority of the State where the judgement was entered that the judgement relates to compensation due under the Paris Convention and that it is enforceable in that State.

(c) The abovementioned documents shall contain a certificate concerning the due competence of the person having signed the documents. Such certificate shall be issued by a Swedish Embassy or Consul or by the Minister of Justice of the State concerned. If any of the relevant documents is in a foreign language other than Danish or Norwegian, a translation into Swedish shall be attached to the document. The correctness of

the translation shall be certified by a diplomatic or consular officer or by a Swedish notary public.

(d) No application for enforcement shall be granted unless the defendant has had an opportunity to submit his comments on the application.

(e) Where the application is granted, the judgement shall be enforceable in the same manner as a judgement entered by a Swedish court, unless the Supreme Court has decided otherwise upon an appeal against the decision of the Court of Appeal.

## FINAL PROVISIONS

### Section 39

(a) Where nuclear substances are sent from a nuclear installation situated in Sweden to a consignee outside Sweden or to such installation from a consignor outside Sweden and under such circumstances that the operator of the said installation is liable pursuant to Section 6 or 7 for nuclear damage arising in the course of the carriage, the operator shall provide the carrier with a certificate issued by the insurer and stating the name and address of the operator, the nuclear substances and the carriage in respect of which the insurance applies as well as the amount, type and duration of the insurance. The certificate shall include a statement by the authority appointed for this purpose by the Government that the operator named therein is an operator of a nuclear installation within the meaning of the Paris Convention. The person by whom the certificate is issued shall be responsible for the correctness of the certificate as regards the name and address of the operator and the amount, type and duration of the insurance.

(b) The form of certificate to be issued under the preceding paragraph of this Section shall be established by the Government or an authority appointed by the Government.

### Section 40

Any person who fails to fulfil his obligations under this Act to take out and maintain insurance or to observe such conditions for furnishing financial security as may be laid down pursuant to Section 27 (b) shall be liable to fines or to imprisonment for a term not exceeding six months.

### Section 41

The Government may enact provisions for the application of this Act.

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This Act shall come into force, Sections 29 - 31 on a day to be determined by the Government, and the remainder of the Act on 1st April 1968.