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Contents

Nuclear Energy Agency

Organisation for Economic Co-operation and Development

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LEGISLATIVE AND REGULATORY ACTIVITIES

• *Austria*

REGIME OF RADIOACTIVE MATERIALS

Security Control Act of 25th October 1972

This Act was adopted by the Austrian Parliament to implement an Agreement between Austria and the IAEA on the application of safeguards (see Nuclear Law Bulletin No. 10). It submits the possession and export of fissionable materials, enriched uranium, ores and equipment or material which produce, use or reprocess fissionable materials, to a system of security control to be set up by the Federal Chancellor, who is designated as control authority. Under the security control system holders of radioactive materials have the obligation, among others, to draw up an inventory of the radioactive materials in their possession, to report periodically about the amount of radioactive materials they possess, and changes in that amount, to report about modifications in the storage of radioactive materials and must permit inspections. The export of radioactive materials is subject to authorisation by the Federal Chancellor, who has to verify that the country to which they are sent also applies a security control under the Non-Proliferation Treaty. When exercising security control disruptions of the normal working order should be avoided and the secrecy of technical data should be ensured; the economic profit of the nuclear activity should not be taken into account. Finally the Act imposes fines or imprisonment on persons who do not supply the required information on radioactive materials or who do not comply with the security control provisions.

• *Brazil*

ORGANISATION AND STRUCTURE

Decree of 21st July 1972 (Official Gazette of 24th July 1972)

By Decree No. 70 855 made by the President of the Republic, the competent bodies in the field of theoretical and applied research have been reorganised. The Dosimetry Laboratory and the Institute of Nuclear Engineering, attached to the National Nuclear Energy Commission, as well as the Radioactive Research Institute of the Federal University of the State of Minas Gerais have now become part of the Nuclear Technology Development Centre of the Brazilian Nuclear Technology Company.

This Decree came into force on the day of its publication.

Resolution of 28th April 1971 (Official Gazette of 19th May 1971)

By Resolution adopted by its special deliberative Committee, the National Nuclear Energy Commission decided, in accordance with the powers conferred upon it by Act No. 4118 of 27th August 1962, in order to promote the development of nuclear technology at the national level and to strengthen Brazil's independence in that field, to liberalise the rules for rewarding inventors of processes leading to technological improvements. The Commission will grant bonuses for meritorious work to its employees who have contributed to the filing of applications for patents for new inventions for the benefit of the Commission, these bonuses can be granted in the form of royalties or sums of money if the patent is not worked. Before they are granted, the bonuses must be approved by a special Commission set up for this purpose.

REGIME OF NUCLEAR INSTALLATIONS

Resolution of 25th June 1969 (Official Gazette of 31st July 1969)

The National Nuclear Energy Commission adopted on 25th June 1969, under the same conditions as previously, a Resolution by which it approved the "Standards applicable to the selection of sites for setting up power stations".

These standards contain criteria enabling the Commission to select appropriate locations for setting up different types of nuclear power stations as well as rules for organising their environment. These standards which have purposely been kept flexible, must be submitted for revision periodically, so as to take account of the nuclear industry's

technological progress. Among the criteria on which the Commission bases its choice of a possible site, are in the first place, the overall specifications of the reactor project proper, whether of a known or of a novel type, and in particular, the data concerning its safety. Then they study the information on the site proposed and notably its seismological, meteorological, geological, hydrological and finally, its demographic aspects.

In order to meet the standards, the site must have a "restricted" area, that is to say an area belonging to the operator which surrounds the reactor and where all the activities, including the movements of personnel must be controlled, and where the internal and external radiation doses likely to be received by personnel must not exceed certain limits. Also, the contiguous area, called "low population"area must be supervised and regulated so that, in the event of a serious incident, the number of persons therein remains compatible with the application of safety measures; there are also maximum permissible radiation doses for the population in that area, computed on the assumption of the maximum credible incident. In addition, the minimum distance between the site and the nearest built-up area must be at least equal to 1 1/3 of the distance between the reactor and the outskirts of the "low population" area; a greater distance may be required in the case of a large town.

Provision has been made for special regulations when a site is intended to group together several nuclear reactors.

• *Canada*

RADIATION PROTECTION

Radiation Emitting Devices Act

Under this Act (Revised Statutes of Canada 1970, 1st Supplement, Chapter 34) the sale, lease or importation of certain prescribed classes of devices emitting radiations is only authorised on condition that the devices and their components comply with the standards applicable. For the purposes of the Act the Minister of National Health and Welfare may nominate inspectors, who may enter into any place where they have reason to believe there is a device emitting radiations for which standards are prescribed. The inspectors are authorised to examine any radiation-emitting device, to open packages if they believe they contain such a device and to examine any documents, which contain information relevant to the application of the Act. In case of contravention the inspectors may seize the device.

The Act does not apply to radiation-emitting devices mainly intended for the production of nuclear energy and which are covered by the Atomic Energy Control Act of 1946 as amended.

Radiation Emitting Devices Regulations of 10th February 1972

Radiation Emitting Devices Regulations have been made under the Radiation Emitting Devices Act, which determine the different classes of radiation-emitting devices and which prescribe standards for the design, construction and functioning of radiation-emitting devices. The Regulations also lay down in detail the measures to be taken with regard to radiation-emitting devices seized under the Act.

• *Denmark*

RADIATION PROTECTION

Two Decrees of 29th February 1972 concerning the protection of workers

The general protection of workers against radiation in Denmark is covered by two Decrees of 29th February 1972, which came into force on 1st July 1972. Both Decrees are based on Convention No. 115 concerning the protection of workers against ionizing radiation as adopted by the General Conference of the International Labour Organisation and on the Acts concerning general protection of workers, as amended.

The first Decree prohibits the employment of persons under the age of 18 in work involving ionizing radiation. The other Decree covers medical control of work with ionizing radiation and, by virtue of the Regulations of 5th July 1972 of the Directorate of Labour Inspection Service, sets up a system of control not only of workers, but also of persons who work with radiation independently, such as doctors outside hospitals for example. Thus the Decree goes somewhat further than the Convention, but on the other hand remains in accordance with Danish legislation and the official radiation protection policy.

The main object of the Decree is that work involving ionizing radiation must not be carried out by persons whose health may be endangered by such work. To avoid this, any person who is to be employed in work involving ionizing radiation or who is to carry out such work independently must pass a general medical examination if the work in question may, under normal circumstances, expose him to doses exceeding 1.5 rem per year. In order to determine the level of exposure to radiation of persons the regulations contain a list of installations and apparatus showing their respective limits. Furthermore, in connection with the licensing of the use of X-ray apparatus and radioactive isotopes, etc., the National Health Service has undertaken to determine whether personnel involved in such work will be covered by the regulations.

The purpose of the medical examination, which may vary according to the type of work to be carried out, is to decide whether the health of the worker does not permit such work. The result of the examination has to be submitted to the local workers protection authorities which decide if the worker may be employed as planned - thus meeting the requirement of the ILO Convention that no worker shall be employed in radiation work contrary to qualified medical advice.

Further, any person who is employed in or working independently with radiation has to pass a medical examination every 3 years to ascertain that his health permits him to continue with such work. Moreover if a person has been or is supposed to have been subjected to radiation exceeding the permissible doses according to the ICRP, due to irregularities, accidents, improper handling etc. the employer is obliged to take the necessary safety measures at once and to inform the authorities accordingly, including the doctor who must be attached to any establishment employing workers who may be exposed to radiation as mentioned above. This doctor, who must be a person not actually occupied with the radiation work in question and who must keep himself informed of the work and the health problems involved, carries out the medical examinations following accidents etc. and the regular examinations at 3 year-intervals. He may also perform the pre-employment examinations but in this respect the employee may choose his own doctor.

The results of examinations following an accident and of regular examinations, in the latter case, only where the conditions of health of the workers are not normal, have to be submitted to the chief medical officer of the Directorate of the Labour Inspection Service who decides the measures to be taken, if necessary after consultation with the National Health Service.

In view of the uncertainty as to the effect of small doses of ionizing radiation and the general lack of evidence concerning the harmful effect of such doses on existing illness it seems appropriate to quote, from the regulations and the guidelines for doctors concerned with the medical examinations mentioned above, the purpose of such examinations:

- to estimate from a medical point of view the degree to which a person is able to do his job without danger to himself or to others;
- to establish the worker's state of health at the beginning of his work in order to be able to estimate against this background possible changes and illness;
- to check that the worker's state of health remains satisfactory.

• *Finland*

NUCLEAR LEGISLATION

Amendment to the Atomic Energy Act

By an Act of 12th January 1973, certain amendments were made to the Atomic Energy Act of 25th October 1957. The purpose of these amendments is to develop and improve the system for control and supervision in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, signed by Finland on 1st July 1968 which entered into force on 5th March 1970, and with bilateral collaboration Agreements in the nuclear field. The amendments concern the definition of the conditions required for licensing, the designation of the materials and devices governed by the Act, the licensing regime for installations for the processing of materials, the delivery of transportation licences to foreign nationals, the right of control of the appropriate authorities, sanctions, penal provisions, as well as the control of nuclear materials used for scientific purposes. The text as amended of the Atomic Energy Act is reproduced in the chapter "Texts" of the present issue of the Nuclear Law Bulletin.

• *France*

NUCLEAR LEGISLATION

Order of 12th January 1973 (Official Gazette of the French Republic of 18th February 1973)

This Order was made in accordance with the policy for enriching the French language and concerns the enrichment of the nuclear vocabulary. The Annex includes list 1 which comprises expressions and terms selected following the advice of the Academie Française and whose use is mandatory within a varying time schedule. List 2 contains expressions and terms which are simply recommended for use.

ORGANISATION AND STRUCTURE

Decree No. 72-1158 of 14th December 1972 (Official Gazette of the French Republic of 27th December 1972)

Decree No. 72-1158 of 14th December 1972 was made in implementation of the Decree of 29th September 1970 relating to the Atomic Energy Commission (CEA). It replaces and repeals the Administrative Order of 18th October 1945 and therefore introduces changes as compared to that particular text, but does not modify the legal status of the CEA set out in the Decree of 29th September 1970 (see Nuclear Law Bulletin No. 6).

The main changes concern the functioning and competence of the Atomic Energy Committee as well as the powers of the Administrator General and the High Commissioner. The Atomic Energy Committee's operating rules are simplified, and in addition, an amendment has been made concerning its general competence. The new text establishes a distinction between the CEA programmes and questions regarding nuclear energy in general. The Commission's research, fabrication and working programmes are decided by the Committee which has full powers in this respect and acts in the capacity of the Board of Directors of a private undertaking. In fact, the following are added to the Committee's previous powers:

- provisional approval of the financial accounts and balance-sheets,

- authorisation of CEA participation in undertakings or companies.

The term "authorisation" replaces "approval" in the other cases to intimate clearly that the Committee must intervene prior to the operations envisaged.

Also, any general question relating to atomic energy which does not directly concern the CEA may be referred to the Committee at the request of the Minister for Industrial and Scientific Development or the Minister responsible for National Defence.

The twofold duty of the Committee is therefore well defined Board of Directors of the Governmental undertaking CEA, and advisory body to the Government for nuclear energy in general.

Within the frame of the CEA's new tasks, the Administrator General Delegate's powers are drafted more broadly ("the Administrator General is vested with wider powers, subject to the powers of the Committee") to replace the previous definition which was by no means restrictive. The High Commissioner becomes the adviser of the Administrator General Delegate for the CEA's general scientific and technical orientation.

Finally, the procedure for consideration of texts relating to nuclear energy has been modified. The texts transmitted by other Ministries and organisations will henceforth be sent to the Minister for Industrial and Scientific Development who will send notification to the Administrator General and the Atomic Energy Committee of the texts concerning them. There are no changes either in the Section on patents which will continue to be taken out on behalf of the CEA or in the provisions dealing with the financial control of the Establishment.

Decree No. 73-278 of 13th March 1973 (Official Gazette of the French Republic of 15th March 1973)

The purpose of this Decree is to set up two important bodies competent for organising the safety of French nuclear installations.

In the first place, the Decree establishes a High Council for Nuclear Safety, attached to the Minister for Scientific and Industrial Development. The duties entrusted to this new body are advisory and cover all matters under the responsibility of the above-mentioned Minister which concern the safety of nuclear installations at the construction and operational stages.

In this field, the Council makes recommendations for the purpose of improving nuclear safety; it may request to be consulted on legislative or regulatory projects, and advises the Minister on all matters within its competence. This advice may be made public subject to the Minister's agreement.

Apart from its Chairman, the Council includes several persons designated for their qualifications, others for their technical, economic or social competence and nominated, as well as the Chairman, by an Order of the Minister for Industrial and Scientific Development, for a maximum period of five years.

A Central Service for the Safety of Nuclear Installations has also been set up within the Ministry for Industrial and Scientific Development. As of now this Service is responsible for the study, definition and implementation of the nuclear safety policy. Included among its specific tasks are the elaboration of the technical regulations applicable to the safety of nuclear installations, the organisation and management of the inspection of such installations, consideration in an advisory capacity of the working and research programmes of the CEA and other establishments from the viewpoint of nuclear safety, the collection of all useful information in this respect in France and abroad, the organisation of public information on these problems.

The Central Service must also, at all times, be in a position to synthesise the problems concerning the safety of nuclear installations and is empowered to undertake all studies and make all contacts necessary in the fulfilment of its duties. It also keeps the High Council for Nuclear Safety informed on its work and ensures its secretariat. The Council may, if it so wishes, set up a small section from among its members especially responsible for supervising the work of the Central Service.

The Head of this Service and the Deputy Head are appointed by Order of the Minister for Industrial and Scientific Development.

TRANSPORT OF RADIOACTIVE MATERIALS

Order of 8th December 1972 (Official Gazette of the French Republic of 28th December 1972)

This Order supplements the provisions of the Order of 18th August 1972 which amended the Regulations of 15th April 1945 on the transport of dangerous materials. This text concerns the conditions for the despatch of empty packages having contained radioactive materials.

THIRD PARTY LIABILITY

Decree of 15th March 1973 (Official Gazette of the French Republic of 22nd March 1973)

Decree No. 73-322 concerns the insurance and reinsurance of exceptional and nuclear risks by the Central Reinsurance Fund (Caisse Centrale de réassurance).

The Central Reinsurance Fund is authorised to cover, with the State guarantee, either by insurance or by reinsurance the risks for which operators of nuclear ships and installations are liable and for which additional State compensation has been provided under the law on nuclear liability.

The Central Reinsurance Fund will only provide cover for property registered in France or for French property or for French underwriters or insured persons. Such property must also be insured against risks other than exceptional and nuclear, with an insurance company which is French, or is established in France.

An advisory commission on coverage of exceptional and nuclear risks, attached to the Central Reinsurance Fund, has been set up to advise on questions concerning, in particular, the preparation of insurance policies and tariffs as well as on any other matter it is consulted about by the Minister for Economy and Finance.

The entry into force of this Decree has annulled the previous Decree No. 67-992 of 9th November 1967, concerning the reinsurance and insurance of exceptional risks.

FOOD IRRADIATION

Implementing Order of 8th November 1972 (Official Gazette of the French Republic of 12th December 1972)

This Order was made in implementation of the Decree of 8th May 1970 (see Nuclear Law Bulletin No. 6) relating to trade in irradiated foods which may be used as human or animal foods. It prescribes that the maximum permissible absorbed dose referred to in the Decree is set at 25 rad. The special provisions of the Decree concerning the conditions under which irradiation may be carried out do not apply below this limit.

Order of 8th November 1972 on trade in irradiated potatoes (Official Gazette of the French Republic of 12th December 1972)

This second Order determines the conditions for authorising, for a five-year period, the possession with a view to selling, putting up for sale, and selling potatoes, the sprouting of which has been inhibited by exposure to cobalt 60 or caesium 137 rays for the purposes of preservation. These conditions concern the absorbed dose, potato specifications, the supervision of the irradiation operations by the appropriate administrative services, the packaging and despatch of the potatoes. The reference methods for absorbed dose measurements as well as the practical method for controlling the absorbed dose are set out in the Annex. A corrigendum to this Order was issued in the Official Gazette of 19th January 1973.

• *Germany*

NUCLEAR LEGISLATION

Future developments in German nuclear legislation

As part of its nuclear programme for 1973-1976 the Federal Government has published plans for a further development of German nuclear legislation. In this connection special attention will be given to: the revision of the legal bases for considering safety and radioecological aspects in relation to the siting of nuclear installations, the revision and acceleration of the licensing procedure for nuclear installations, the ratification of the Paris Convention and the Brussels Supplementary Convention, the modernisation of radiation protection legislation, the elaboration of safety criteria and improvement of the conditions of application of the Nuclear Energy Act.

ORGANISATION AND STRUCTURE

Reorganisation of Federal competences in the field of nuclear energy

By Decree of 15th December 1972 the Federal Chancellor has revised the powers of the Ministries involved in nuclear matters. The responsibility for nuclear research has been transferred from the Federal Ministry for Education and Science to the newly created Federal Ministry for Research and Technology. The Federal Ministry of the Interior is now in charge of reactor safety and radiation protection with the exception of reactor safety research and reactor safety techniques.

RADIATION PROTECTION

X-ray Ordinance of 1st March 1973

On 1st March 1973 the Federal Government issued an X-ray Ordinance containing provisions for a part of the radiation protection, which was until then not covered by law. The Ordinance, which is also of great importance for the general medical law, covers the use of X-rays for medical purposes (both diagnosis and therapy) and non-medical purposes. It applies to X-ray apparatus and apparatus incidentally emitting X-rays with a capacity of between 5 KeV and 3 MeV.

The Ordinance lays down that, with certain exceptions, a licence is needed for the operation of the above radiation-emitting apparatus. Such a licence is granted after it is ensured that the apparatus will be operated by a sufficient number of persons and that such persons have the necessary knowledge about radiation hazards and safety measures. In addition to the operating licence, official approval is also required for the construction of the radiation-emitting apparatus. This approval is granted if the apparatus complies with the standards laid down in the Ordinance.

The Ordinance then prescribes the radiation protection measures to be taken in connection with the operation of the apparatus. These include regular measurements of the radiation doses and the tracing out of areas where persons may receive radiation doses of at least 1.5 rem per year. These areas must be indicated by panels bearing the words "no entry - X-rays". The apparatus may only be operated in enclosed rooms, which have to be constructed in such a way that the persons operating them cannot receive a radiation dose of more than 0.1 rem per week. Human radiation is only permitted for medical purposes and special precautions have to be taken in the case of pregnant women and young children. The Ordinance fixes the maximum permissible doses for persons professionally exposed and for others. The maximum doses differ according to which parts of the body are exposed. Before engaging in the operation of apparatus, all persons must pass a medical examination to ascertain that their health will not be endangered by this kind of work and the examination must be repeated each year. Finally, there are penal sanctions for persons contravening provisions of the Ordinance.

The use of X-rays for educational purposes is excluded from the application of the Ordinance, but this activity is covered by the Second Radiation Protection Ordinance of 18th July 1964.

The text of the Ordinance will be reproduced in the next issue of the Bulletin.

TRANSPORT OF RADIOACTIVE MATERIALS

Post Office Travel Regulation of 6th December 1972

These Regulations replace the Post Office Travel Regulations of 6th July 1964 and prohibit the despatch of radioactive materials by post.

• *Greece*

RADIATION PROTECTION

Regulation No. 1 concerning protection against the hazards of radioactivity

This draft, which was prepared by the appropriate services of the Greek Atomic Energy Commission in accordance with the powers it was granted in this field by Act No. 451 of 1968 (see the Supplement to Nuclear Law Bulletin No. 2), sets the licensing regime for medical radiology laboratories, for importation, exportation, trade in and transport of radioactive materials, for the purpose of protecting the health of workers and the population as a whole against the hazards of ionizing radiation.

The Regulation, after defining the main technical terms applicable, sets forth the general principles applicable in the field of radiation protection: it is forbidden to import, supply, export, hold, transport, produce and utilise radioactive materials without the required licence from the appropriate public authority. The use of apparatus emitting X-rays and of particle accelerators for medical purposes is also forbidden without a licence from the appropriate public authority. The holder of a licence referred to in this Regulation is under obligation to observe all the provisions of the Regulation. Licences are not transferable and must be recorded in a register kept by the appropriate authority.

The Regulation makes provision for two categories of licences; the first category includes licences for medical radiology laboratories, the importation and supply of radioactive materials, exportation of such materials, their possession and finally, their transport; the second category comprises only the special permits granted to medical radiology laboratories according to their special type of activity and to the radioactive materials and equipment emitting ionizing radiation used (for diagnosis, therapy, teletherapy, isotope production, etc.). The Commission is the appropriate authority for granting licences in the first category, whereas the various permits required for the operation of medical radiology laboratories are issued by the Minister for Social Affairs who takes his decision following the advice of a specialised commission.

In accordance with the general requirements for granting licences, the names of all persons whose work involves radioactive materials or radiological equipment must be entered in a register by decision of the appropriate public authority and at the request of the persons concerned. When a person requesting a licence complies with all the requirements, such licence must be granted within one month. In certain special cases, the appropriate public authority may grant exemptions from the

provisions of this Regulation, on condition these exemptions do not lead to unintentional irradiation. In addition to these general requirements, the Regulation makes provision for special conditions for the issue of licences which are specific to each category of licence. The same applies to the procedure for issuing licences, which varies according to the particular nature of the activity concerned.

All the licences referred to in the Regulations are issued for a given period; the date of expiry of its validity must be set out in each licence. The holder of a licence may request its cancellation. Licences for operating radiological laboratories come to expiry at the end of each year. To renew a licence, its holder must send in a written request to the appropriate public authority one month at least before its expiry. Requests for renewal must mention any change having occurred in personnel, in the definition of the installation and its equipment, and in the radioactive materials used. When the appropriate authority has not replied within one month to the request for renewal made by the holder of the licence, the validity of the latter is automatically extended until a reply has been received from the public authority. When no request has been made for the renewal of a licence, this is automatically withdrawn one month before the expiry of its formal validity. The appropriate authority for issuing a licence may amend it, withdraw it, wholly or in part, either at the reasoned request of the licence holder, or because it has noted that the conditions under which the licence had been issued were no longer met, or had changed.

In order to supervise the correct application of radiation protection measures, as provided by the Regulation, regular inspections are carried out by appropriate officials. The authority in charge of such inspections is the Commission, which has a staff of inspectors for this purpose; the Ministry for Social Affairs, however, is responsible for the inspection of medical radiology laboratories. Inspectors are compulsory and the holder of a licence cannot oppose them nor can he obstruct the duty of the inspectors.

Regulation No. 2 on laboratories using unsealed radioactive materials for medical purposes

This text, which was also drafted by the Greek Atomic Energy Commission's appropriate services aims to organise the protection of persons working in laboratories using unsealed radioactive materials for medical purposes, as well as the protection of the population in general against the hazards of ionizing radiation. This text therefore supplements the general provisions of Regulation No. 1 concerning protection against the hazards of radioactivity.

Laboratories using unsealed radioactive materials are classified into different categories according to the nature, radiotoxicity, quantity and method of use of radioactive materials. The Regulation therefore provides a table classifying the radioisotopes according to their relative radiotoxicity and a table giving the various categories of laboratories using radioisotopes according to the quantity of radioactivity emitted. The different categories of laboratories respectively concern installations where radiosiotopes are used for in vitro studies or on animals with a view to human diagnosis, for radioisotopic diagnosis and therapy (only in hospitals), and finally for the elaboration of new techniques for applying diagnosis and therapy to man.

The Regulation also provides for a certain number of requirements concerning the fitting up of radiological laboratories and the organisation of radiation protection. Thus, the construction, fitting up, equipment and operation of a radiological laboratory must be studied to ensure minimum exposure of staff to radiation, protection of all those who, in one way or another, are in contact with patients under treatment, control of the dispersal of radioactive products on the working premises and in the general environment. Each laboratory must include on its staff a specialist in radiation protection who will ensure that the regulations applicable are observed. All the permanent staff working with unsealed sources, as well as the staff in charge of cleaning the laboratory are considered as exposed to radiation and must be informed of the hazards entailed. Those staff members must wear dosimeters for monthly measurements of their exposure to radiation. No person below the age of eighteen is authorised to work with radioactive products.

Radiological laboratories must, insofar as possible, be located and set up in a way which ensures their isolation. They must be operated according to rules made for the purpose of avoiding internal or external pollution accidents. These rules concern the conditions for carrying out the work, and especially the precautions to be taken by the staff when carrying it out. Each laboratory must have appropriate premises for storing radioactive materials and wastes. The Regulation also lays down the conditions for the disposal of liquid or solid radioactive wastes.

Patients undergoing radiotherapy must be isolated in private rooms and be told about the precautions they must take. Their exposure to ionizing radiation during examinations, diagnosis or radiotherapy must be restricted to the minimum necessary.

Each laboratory must have an emergency plan giving the measures to be taken in case of accidental radioactive contamination of the premises, or of internal radioactive contamination of a patient. These instructions must be displayed in every room in the laboratory.

• *Japan*

NUCLEAR LEGISLATION

Applicable laws for licensing of nuclear activities

The Law for Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Regulation Law - Law No. 166 - 10th June 1957) and the Law concerning Prevention from Radiation Hazards due to Radioisotopes, etc. (Law No. 167 - 10th June 1957) are the main laws relating to the licensing of nuclear activities in Japan.

Regulation Law No. 166 of 10th June 1957

This Law, in the spirit of the Atomic Energy Basic Law (Law No. 186 - 19th December 1958), provides regulations and conditions for licensing of various activities in the nuclear fuel cycle, namely on refining, fabricating, establishment and operation of reactors, and also the uses of nuclear fuel material including internationally controlled material, in order to ensure that the peaceful uses of nuclear fuels and reactors, their planned uses, public safety and international obligations are effectively observed.

The following are related Orders which implement the Law and give further details:

- Enforcement Ordinance relating to the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Cabinet Order No. 324 - 21st November 1957);
- Regulations on Refining Business of Nuclear Source Material and Nuclear Fuel Material (Order of Prime Minister's Office and MITI, No. 1 - 9th December 1958),
- Regulations on Fabricating Business of Nuclear Fuel Material (Order of Prime Minister's Office No. 37 - 19th July 1966),
- Regulations on Establishment and Operation of Reactors (Order of Prime Minister's Office, No. 83 - 9th December 1962),
- Regulations on the Uses of International Controlled Material (Order of Prime Minister's Office, No. 50 - 29th September 1961),
- Regulations on the Reprocessing Business of Spent Fuel (Order of Prime Minister's Office No. 10 -27th June 1971),
- Regulations on the Uses of Nuclear Fuel Material (Order of Prime Minister's Office No. 84 - 9th December 1957).

In addition to these Orders, the following are certain relevant Laws and Orders which apply to reactors for electrical power generation:

- Electric Enterprise Law (Law No. 170 - 11th July 1964),
- Enforcement Regulations on Electric Enterprise Law (Order of Prime Minister's Office, No. 51 - 15th June 1965),
- Regulations on the operating plan of reactors for electrical power generation (Order of Prime Minister's Office and MITI, No. 1 - 16th January 1963);
- Technical Standards on the Nuclear Equipment for electrical power generation (Order of Prime Minister's Office No. 62 - 15th June 1965);
- Technical Standards on the Nuclear Fuel Material for electrical power generation (Order of Prime Minister's Office, No. 63 - 15th June 1965).

Although the regulations mentioned above vary in their scope of application, it would be sufficient to equate the provisions and conditions concerning reactors laid down in the Regulation Law to give a general idea on licensing, since the provisions and conditions on the other activities are, to a large extent, similar to those concerning reactors.

In Japan the Prime Minister (together with the Minister of International Trade and Industry in the case of refining business and reactors for electrical power generation) has the authority to grant a licence and any nuclear activity may only be conducted in accordance with such a licence.

No reactor licence will be issued unless the following four basic criteria are satisfied:

- the licence must not hinder the planned development and utilisation of nuclear energy;
- the reactor must not be used for non-peaceful purposes;
- the applicant must have the technical ability and a sufficiently sound financial position to set up a reactor, and the technical ability to operate the reactor competently;
- the location, structure and equipment of the reactor facilities must be such as to prevent radiation hazards.

When granting a licence, the Prime Minister must obtain and comply with the prior opinion of the Atomic Energy Commission on the said points.

In addition, in the case of reactors for electrical power generation, he must also obtain the consent of the Minister of International Trade and Industry because under the provisions of the Electric Enterprise Law reactors for electrical power generation also require the permission of that Minister.

The licence may be granted on such conditions found necessary for reasons of safety or other reasons of public policy and it may be cancelled or suspended for a designated period if the operator fails to comply with the technical standards required by Orders or violates the provisions of the Law or other regulations based on the law, or for other reasons of safety or public policy etc.

The reactor facilities are subject to inspection on behalf of the Prime Minister concerning their design, method of construction and performance before the start of and during operation.

In addition to the laws and regulations mentioned above, the Law on Compensation for Nuclear Damage (Compensation Law - Law No. 147 - 17th June 1971) plays an important role relating to the licensing of nuclear activities, since an operator is prohibited from operating a nuclear installation unless the financial security for compensation of nuclear damage has been provided in accordance with this Law.

Prevention Law No. 167 of 10th June 1957

The purpose of the Law, also in the spirit of the Atomic Energy Basic Law, is to prevent possible radiation hazards and to ensure public safety by regulating the use, sale, disposal and other methods of handling radioisotopes and by regulating the use of radiation-generating apparatus, disposal and other methods of handling materials contaminated by radioisotopes.

The granting of the licence under this Law is subject to the requirement that the site, structure and equipment of the facilities conform to the technical standards laid down by Cabinet Order and that there is no danger of radiation hazard occurring.

Other conditions may be imposed for the granting of a licence, but they are to be confined to the minimum necessary to prevent radiation hazards and should not impose excessive obligations upon the applicant.

In this way, this law also provides for detailed regulations on licensing, technical standards, operation, etc, similarly to the Regulation Law; however the greatest difference with the Regulation Law lies in the fact that the licensing authority is the Director General of the Science and Technology Agency instead of the Prime Minister.

Although there are various related laws and regulations under the Prevention Law, the more important ones are the following

- Enforcement Ordinance relating to the Prevention Law (Cabinet Order No. 259 - 30th September 1960);
- Enforcement Regulations relating to the Prevention Law (Order of the Prime Minister's Office, No. 56 - 30th September 1960);
- Law on the Technical Standards for Irradiation Protection (Law No. 162 - 21st May 1958),
- Regulations concerning prevention from Ionizing Radiation Hazards (Order of the Ministry of Labour, No. 21 - 28th December 1963)

REGIME OF NUCLEAR INSTALLATIONS

In order to facilitate the future choice of appropriate sites for electrical power plants, the Ministry of International Trade and Industry (MITI) is now negotiating with the Ministry of Local Government, and other Ministries concerned with the drafting of "The Bill on the Arrangement of the Area surrounding the Nuclear and Thermal Power Plants" (tentative name) with the intention of introducing this Bill to the next Diet.

The purpose of the Bill, which has been studied by the MITI and the Science and Technology Agency is to develop the local areas, and at the same time to solve the siting problems by organising the environment, namely roads, harbours, water services and industrial bases with special attention to the radiation or air pollution monitoring facilities of the areas which will accept the plants.

The installations governed by this Bill would be thermal and nuclear power plants and other nuclear facilities. If this Bill comes into force the Governor of the designated Prefecture may, at the request of the population of the district, draw up a plan of arrangement, and after obtaining the permission of the Minister concerned, implement the public works such as the organisation of roads, harbours, etc.

While the expenses for the project will be mainly financed by local government, the Japanese Government will also substantially assist the project and will oblige the electrical companies to share part of the expenses incurred.

THIRD PARTY LIABILITY

Act on indemnity agreement for compensation of nuclear damage

In accordance with the amendment of Act No. 147 on Compensation for Nuclear Damage, the related Act No. 148 on Indemnity Agreement for Compensation of Nuclear Damage was also amended by Act No. 53 of 1st May 1971 (cf. Nuclear Law Bulletin No. 9).

The main amendments are the following:

- The definition of "nuclear ship" has been inserted.

- The nuclear damage which may occur when a Japanese nuclear ship enters the territorial waters of a foreign country and which cannot be covered by the contract of liability insurance or other financial security, has been added to the items which are covered by the Indemnity Agreement.

Therefore, in the case of a Japanese nuclear ship entering the territorial waters of a foreign country the amount up to which the Government indemnifies under the Indemnity Agreement shall be the amount agreed between the Government of Japan and the Government of the relevant foreign country, and in this sense, the liability of the operator of the nuclear ship will be substantially limited to this amount.

It is to be noted that this provision differs in the fact that the compensation which the Government grants under indemnity agreements is in principle limited to the loss incurred by a nuclear operator following compensation of nuclear damage not covered by the liability insurance contract within a given financial security amount (Yen 6 billion), whereas the liability of the operator for the nuclear damage which exceeds this amount is unlimited.

- The period of the indemnity agreement concerning the nuclear damage caused by a nuclear ship entering the territorial waters of a foreign country has been clearly defined as the period between the time when the nuclear ship leaves the territorial waters of Japan and the time when it returns into Japanese territorial waters.

The text of the Law on the Indemnity Agreement for Compensation of Nuclear Damage, as amended, is reproduced in the Supplement to this Bulletin.

• *Mexico*

ORGANISATION AND STRUCTURE

Act of 30th December 1971 (Official Gazette of 12th January 1972)

The purpose of this Act is to set up a National Institute of Nuclear Energy in the form of a Federal Agency, with a legal status and competence in the field of utilisation of nuclear energy for peaceful purposes. The publication of this Act has led to the annulment of the Act of 19th December 1955 which had set up a National Nuclear Energy Commission, which is now replaced by the new Institute.

The National Institute of Nuclear Energy is vested with the same general responsibilities for the promotion of the various peaceful uses of nuclear energy as most of the bodies which, in the different countries, co-ordinate and centralise nuclear activities, namely, prospecting for mining resources, fabrication of radioactive materials and fuels, co-operation with other competent national bodies as well as with foreign or international organisations, preparation of regulations applicable to nuclear activities, etc. In particular, the Institute, subject to the authorisation of the President of the Republic, has the monopoly of the importation of radioactive ores and nuclear fuels; it also has exclusive rights for their exportation and must give its prior agreement to the importation, exportation and trade in nuclear equipment. It is the authority for issuing licences for the production and utilisation of radioactive materials as well as for licences for the construction and operation of nuclear reactors. The Government decides the price of radioactive materials and nuclear fuels.

The Act provides in this respect that radioactive ore deposits are considered as national resources and their exploitation is reserved to the State. The Secretariat of the National Patrimony grants the Institute the land it may require for purposes of prospecting and exploitation. Where radioactive ores are associated with other ores in one and the same deposit, no concession may be granted in respect of the exploitation of the latter ores without the express agreement of the Institute, which may in addition, prescribe instructions for the treatment of the radioactive ores involved; the latter, in any event, remain the property of the State. Any person discovering a radioactive deposit must inform the Secretariat of the National Patrimony accordingly.

At the institutional level, the Institute is administered by a Board of Directors and by a General Director designated by the President of the Republic. The Board of Directors is made up of the holders of governmental, administrative and economic high-level posts. The Chairman of the Board of Directors is the Secretary of the National Patrimony; the Chairman convenes the Board in regular or

extraordinary session every four months. Decisions are taken by majority vote, the Chairman having the casting vote in case of equal voting. The Board determines the Institute's policy and approves the activity programme and the draft annual budget which are submitted by the General Director, it administers the Institute's holdings and in particular, authorises the conclusion of contracts; it may delegate certain of its powers to the General Director. The latter is the legal representative of the Institute and implements the decisions of the Board of Directors to whom he submits an annual activity report which gives an account of how he has run the Institute. He is assisted by a Deputy General Director and by several other Deputy Directors.

The holdings of the Institute consist of its own property, the income derived from exploitation and the grants it may be given; it also receives an annual subsidy from the Government. The Institute enjoys certain tax exemptions and postal franchise.

Since its creation, the Institute has taken over all the responsibilities formerly conferred upon the National Nuclear Energy Commission and has succeeded to all its rights and obligations. The personnel of the Commission was also automatically transferred to the Institute, with the same rights.

The Act of 30th December 1971 came into force the day following its publication in the Official Gazette, namely on 13th January 1972.

• *United Kingdom*

THIRD PARTY LIABILITY

The Nuclear Installations (Virgin Islands) Order 1973

This Order in Council of 16th February 1973 /SI 1973/2357 extended certain provisions of the Nuclear Installations Act 1965 to the Virgin Islands and came into operation on 10th March 1973.

The Order is on the same lines as that of 1970 concerning Gibraltar (see Nuclear Law Bulletin No. 6) and eight other Orders of 1972 concerning the Dependent Territories, the effect of which was reported on in Nuclear Law Bulletin No. 9.

In connection with the above Order the United Kingdom has notified, in accordance with Article 23(b) of the Paris Convention, the Secretary General of OECD that the relevant Sections of the Nuclear Installations Act have been extended to enable the Paris Convention to be applied to the Virgin Islands.

• *United States*

REGIME OF NUCLEAR INSTALLATIONS

On 14th February 1973 the US Atomic Energy Commission published amendments to its Regulations (in 10 CFR Part 50) concerning the minimum containment leakage test requirements for water-cooled power reactors. The amendments are intended to provide uniform requirements for containment leakage testing and specify certain minimum requirements for periodic verification by tests of the leak-tight integrity of the primary reactor containment and associated system of water-cooled power reactors and the acceptance criteria for such tests.

TRANSPORT OF RADIOACTIVE MATERIALS

On 1st February 1973 the US Atomic Energy Commission published amendments to the Regulations (in 10 CFR Part 73) "Physical Protection of Special Nuclear Material", to strengthen existing requirements for the physical protection of special nuclear material during transport.

The quantities of special nuclear material which may be carried on passenger aircraft are limited to 20 grammes or 20 curies, whichever is less, of plutonium, or U 233, or 350 grammes of U 235 (contained in uranium enriched to 20 per cent or more in the U 235 isotope). These limitations are consistent with international air transport regulations. Shipments of quantities in excess of these values (but less than 5000 grammes) are not subject to the provisions of the requirements of Part 73, other than the prohibitions on carriage on passenger aircraft.

CASE LAW AND ADMINISTRATIVE DECISIONS

ADMINISTRATIVE DECISIONS

• *Finland*

ORGANISATION AND STRUCTURE

Commission for international questions relating to nuclear energy

A Commission for international questions relating to nuclear energy was set up on 26th January 1973. The general aim of this Commission, which is a Government advisory body attached to the Ministry of Foreign Affairs, is to act as a general co-ordinator at administrative level for the preparation of international questions concerning nuclear energy.

• *Republic of Korea*

ORGANISATION AND STRUCTURE

According to the reorganisation plan of the Government, the Office of Atomic Energy has been incorporated within the Ministry of Science and Technology as the "Atomic Energy Bureau" since February 1973. In addition the Atomic Energy Research Institute, which was a sub-structure of the Office of Atomic Energy is scheduled to be an independent body named "Korea Atomic Energy Institute".

In this connection, the necessary amendments of the laws or regulations concerned are currently being made.

INTERNATIONAL ORGANISATIONS AND AGREEMENTS

INTERNATIONAL ORGANISATIONS

• *International Atomic Energy Agency*

ARTICLE VI OF THE STATUTE

The amendment to Article VI of the Statute which was approved by the General Conference at its XIVth Regular Session has been ratified by 61 Member States as of 1st March 1973. The amendment will come into force when it has been accepted by two-thirds of all Members, that is, at present, 69 out of the total of 103.

SAFEGUARDS

By 1st March 1973, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) had been ratified or acceded to by 78 States. Agreements for the application of safeguards in connection with the Treaty have been signed with the following States, in addition to those already listed in Nuclear Law Bulletin No. 10: Lebanon, Mauritius, Morocco and the Philippines. An agreement with Fiji has been approved by the Board of Governors and is awaiting signature.

A list of the present position with respect to the signature, accession and ratification of NPT is given on the following page.

AFRICA AND MIDDLE EAST

1. Botswana*
2. Burundi*(acc)
3. Cameroon
4. Central African Rep. *(acc)
5. Chad*
6. Dahomey*
7. Egypt, Arab Rep. of
8. Ethiopia
9. Ghana
10. Iran
11. Iraq
12. Ivory Coast
13. Jordan
14. Kenya
15. Kuwait
16. Lebanon
17. Lesotho*
18. Liberia
19. Libyan Arab Rep.
20. Madagascar
21. Mali Rep.of
22. Mauritius*
23. Morocco
24. Nigeria
25. Senegal
26. Somalia*
27. Southern Yemen*
28. Sudan
29. Syrian Arab Rep.
30. Swaziland*
31. Togo*
32. Tunisia
33. Upper Volta*
34. Yemen Arab Rep.*
35. Zaire
36. Zambia*

THE AMERICAS

1. Barbados*
2. Bolivia
3. Canada
4. Colombia
5. Costa Rica
6. Dominican Rep.
7. Ecuador
8. El Salvador
9. Guatemala
10. Haiti
11. Honduras*
12. Jamaica
13. Mexico
14. Nicaragua
15. Panama
16. Paraguay
17. Peru
18. Trinidad & Tobago*
19. USA**
20. Uruguay
21. Venezuela

ASIA & PACIFIC

1. Afghanistan
2. Australia
3. Ceylon (Sri Lanka)
4. China, Rep. of
5. Fiji Islands*(acc)
6. Indonesia
7. Japan
8. Kmer Rep. (acc)
9. Korea, Rep. of
10. Laos*
11. Malaysia
12. Maldives*
13. Mongolia*
14. Nepal*
15. New Zealand
16. Philippines
17. Singapore
18. Thailand (acc)
19. Tonga*(acc)
20. Vietnam, Rep. of

EUROPE

1. Austria
2. Belgium
3. Bulgaria
4. Cyprus
5. CSSR
6. Denmark
7. Finland
8. Germany, Dem.Rep.of*
9. Germany, Fed.Rep.of
10. Greece
11. Holy See (acc)
12. Hungary
13. Iceland
14. Ireland
15. Italy
16. Luxembourg
17. Malta*
18. Netherlands
19. Norway
20. Poland
21. Romania
22. San Marino*
23. Sweden
24. Switzerland
25. Turkey
26. USSR**
27. UK**
28. Yugoslavia

Underlined States · ratified, acceded
* Non-members of IAEA
** Depository Governments

THE IAEA RESPONSIBILITIES UNDER THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION OF 1972

In response to a recommendation of the United Nations Conference on the Human Environment, an Intergovernmental Conference was convened in London from 30th October to 13th November 1972 by the Government of the United Kingdom in co-operation with the UN Secretariat. The Conference was attended by delegates from 80 States, observers from 12 other States and representatives of 6 international organisations including the IAEA. It adopted the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which was opened for signature by any State in London, Mexico City, Moscow and Washington on 29th December 1972. The Convention will remain open for signature until 31st December 1973, and thereafter will be open to accession by any State.

The adoption of the Convention was welcomed at the close of the Conference as a major step towards the control of global pollution. The Final Act was signed by the representatives of 60 States, including all the maritime powers which control the majority of toxic wastes. As at 28th January 1973, 29 States had signed the Convention which will enter into force 30 days after the deposit of the fifteenth instrument of ratification.

The United Kingdom Government will, in the interim, perform Secretariat duties in relation to the Convention pending the designation of an organisation for such duties. At a meeting to be convened by the UK Government 3 months after the entry into force of the Convention, the Contracting Parties will decide on organisational matters.

Under the Convention, certain responsibilities are entrusted to the IAEA in regard to radioactive materials. In Annex I to the Convention, high-level radioactive wastes or other high-level radioactive materials are included among other items prohibited from dumping and the IAEA is specifically referred to therein as the competent international body to define such high-level radioactive substances for the purposes of the Convention. In addition, in Annex II to the Convention which deals with radioactive wastes or other radioactive materials not included in Annex I, provides that the Contracting Parties should take full account of the IAEA recommendations in relation to the issue of prior special permits for disposal at sea of such substances.

At its meeting on 20th February 1973, the IAEA Board of Governors took note of such responsibilities arising from the Convention and, under the expanded programme for 1973 relating to the environment which the Board endorsed on that occasion, the Director General will convene a small group of consultants in April 1973 to be followed by a panel meeting in June 1973, with a view to advising him in the elaboration of definitions, criteria and procedures for the purposes of the Convention.

• *Nuclear Energy Agency*

NEW TERM OF OFFICE FOR THE EUROPEAN NUCLEAR ENERGY TRIBUNAL

Pursuant to an OECD Council Decision of 13th February 1973, the European Nuclear Energy Tribunal started its second term of office as from 1st March 1973. The Tribunal was set up by the Convention on the Establishment of a Security Control in the Field of Nuclear Energy of 27th December 1957 and its further organisation is laid down in the Protocol annexed to the Convention.

Under the Convention, the Tribunal is competent to decide on appeals against decisions of NEA in security control matters or on any other question relating to the joint action of NEA Member countries in the field of nuclear energy. In this connection the Tribunal has been granted competence by some other Conventions.

Under Article 16 of the Convention on the Constitution of the European Company for the Chemical Processing of Irradiated Fuels (Eurochemic) of 20th December 1957 disputes concerning the interpretation or application of that Convention may be submitted to the Tribunal.

Article 17 of the Paris Convention stipulates that disputes concerning its interpretation or application must be examined by the NEA Steering Committee, but that in the absence of a friendly settlement the Parties involved may bring the case before the Tribunal and finally also the Brussels Supplementary Convention lays down that the Tribunal may decide on disputes concerning its interpretation or application. So far, however, no cases have been submitted to the Tribunal.

According to Article 12 of the Security Control Convention the Tribunal consists of seven judges, who are appointed by the OECD Council for five years. If the Council is unable to reach agreement about the appointments the judges will be selected by the drawing of lots from a list with one judge proposed by each Government. In the case of a judge of the nationality of the party in dispute not being represented on the Tribunal, the Government in question may choose a person to sit as an additional judge in that dispute.

The first seven judges were appointed by Council Decision of 19th February 1960 for a period of five years beginning 1st January 1960. By virtue of Article 12(d) of the Security Control Convention they drew up Rules of Procedure which were approved by the Council on 11th December 1962. The Rules of Procedure deal, among other matters, with the organisation of the Tribunal, i.e. the election of the president and the registrar, the working of the Tribunal and the rights and obligations of agents, representatives, counsel and advocates. They also cover the procedure for oral and written proceedings, decisions, costs and service.

The time elapsed between the first term of office ending on 31st March 1964 and the start of the second term is, among other reasons, due to some difficulties resulting from the fact that the number of countries wishing to put forward a candidate exceeded the number of positions available.

The newly appointed judges are:

Mr. Arnould Bayart, Advocate of the Court of Cessation (Belgium)

Sir John Foster, Member of Parliament and Barrister at Law [Queen's Counsel] (United Kingdom)

Mr. Günther Janicke, Professor of Law at the University of Frankfurt and Co-Director of the Institute of International Law at Frankfurt (Germany)

Mr. Dino Marchetti, Head of the Legislative Office of the Ministry of Industry, Commerce and Craftmanship and Counsellor of the Court of Cessation (Italy)

Mr. Paul Reuter, Professor of Law at the University of Paris and Legal Advisor of the Ministry of Foreign Affairs (France)

Mr. Poul Spleth, Judge of the Supreme Court (Denmark)

Mr. Karl Zemanek, Professor of Law at the University of Vienna (Austria).

• *Euratom*

APPROVAL OF AN AGREEMENT BETWEEN EURATOM AND THE IAEA PURSUANT TO ARTICLE III OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS(NPT)*

As the sequel to negotiations begun in November 1971, the text of an agreement between the IAEA (International Atomic Energy Agency), the European Atomic Energy Community (EURATOM) and the five Member States of the Community which are parties to the NPT, was approved by the Council of the European Communities and the Board of Governors of the IAEA on 20th and 22nd September 1972.**

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* This note was communicated by the Legal Services of the Commission of the European Communities.

** Note by the Secretariat: the Agreement was signed on 5th April 1973

A. Previous history

It is useful to review the background history in order to set in context the problems which had to be solved during these negotiations.

1. The first stage consisted in extremely active participation by the Commission in the consultations which preceded the adoption of the definitive text of the NPT, for the purpose of obtaining amendments to the provisions of several draft texts which EURATOM Member States would have been unable to sign because of their incompatibility with the EURATOM Treaty.

The definitive text was then referred to the Commission by the five Member States who wished to sign it, in accordance with the procedure set forth in Article 103 of the EURATOM Treaty.* The Commission was able to confirm that the broad objectives of the NPT were compatible with those of the Community. On the other hand, it noted that the draft did not in itself provide any protection for the rights and obligations of the Member States under the EURATOM Treaty. Indeed, Article III of the NPT provided for the establishment of a control procedure whose terms would be decided in agreements negotiated and concluded with the IAEA. As long as these terms were not made known, it was impossible to guarantee that the legal regimes set up under the EURATOM Treaty would not be affected. The Commission was particularly concerned with those regimes dealing with supplies, free circulation of materials, joint undertakings, the Joint Research Centre and security control itself. Under the terms of Article III(2) of the NPT, the signatory States expressly undertake not to furnish nuclear materials to any state which does not have nuclear weapons, unless those materials are covered by the safeguards specified in the same Article: if any Member State which does not have nuclear weapons were to fail to sign the NPT or to accept the above-mentioned safeguards, the legal regimes of the Community could be seriously jeopardised. The risk could be avoided only through insertion of appropriate conditions in the proposed agreement with the IAEA. For these reasons, the Commission had come to the conclusion that the Member States should postpone the bringing into force of the NPT so long as the necessary assurances had not been obtained in the form of an agreement to which the Community was a party.

In line with these observations, the five Member States which did not have nuclear weapons had attached to their signatures (affixed between August 1968 and November 1969) a reservation to the effect that the NPT was not to come into force before the conclusion of a satisfactory agreement between the Community and the IAEA.

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* This Article requires Member States to communicate to the Commission any draft international agreement which concerns matters within the purview of the Treaty, in order to ensure that such an agreement is compatible with the Treaty. Subject to review by the Court of Justice, the findings of the Commission are binding on Member States.

2. In the second stage, while the institutions of the Community were preparing the directives for the negotiations, to be given by the Council to the Commission in accordance with Article 101 of the EURATOM Treaty, the IAEA drew up, within its "Safeguards Committee", a paper to serve as a basis for the negotiations between the IAEA and all states without nuclear weapons which were parties to the NPT (Document INFCIRC 153).

B. Essential provisions of the Agreement

I. The institutional problem

The Document INFCIRC 153 approved by the Council of Governors and accepted as a base for negotiations by the Council of the Communities, was worded, if not actually planned, with a view to agreements to be concluded with States. It was very quickly realised that the substitution of the word "Community" for the word "State" would not in itself produce a coherent agreement. The institutional characteristics of the Community on the one hand and its supervisory powers on the other would lead to a different type of legal relationship from that established with individual states.

In standard dealings between the IAEA and a state, the party signing the NPT and the party signing the safeguards agreement are the same: the state assumes the obligation not to divert materials under the NPT, and it is thus normal that the supervision of this obligation, which is the subject of the safeguards agreement, be assigned to an outside authority; any other system would have led to a self-policing role for the state. The supervisory role of the state is then practically limited to the creation of a national accounting system, and transmittal to the Agency of information on the status and the movement of materials. The relationship between the state which has the obligation not to divert, and the IAEA, which supervises compliance with that obligation, is that of supervised and supervisor.

In the case of the Community, the legal position is quite different, since it is acting solely as the supervisory authority under the powers granted to it by the Member States under the EURATOM Treaty. Indeed, the Community is not a party to the NPT and has no direct obligations under it. The institutions of the Communities, in the exercise of their normative, executive, and judicial functions, have power to bind both Member States and enterprises. The Community is thus seen to be an independent supervisory authority, and, as such, a guarantor of impartial and objective treatment for the body of its Member States. Its control system is not limited to the gathering and transmittal of data, but includes a set of active supervisory tasks, namely keeping a single centralised accounting system, carrying out field inspections and imposing sanctions, with the right to bring proceedings in the Court of Justice of the European Communities. Thus, while the Community could have assumed an accounting obligation vis-à-vis the Agency on behalf of the Member States, its very nature required that it stand on an equal footing alongside the Agency as a fellow supervisor for all active control measures. The two organisations had, in fact, the obligation or the function of carrying out the same mission - that of satisfying themselves that no diversion of materials took place -, on the same territory - that of the five Member States - through practically identical measures - record checking, inspections, and sanctions.

The major problem before the negotiators, therefore, was to safeguard the EURATOM Treaty and the prerogatives of the Community, while at the same time enabling the Agency to discharge its responsibilities towards the signatories of the NPT, and more generally, towards the international community as represented by the General Assembly and the Security Council of the United Nations, agencies with which the IAEA is linked by its Statute. Reconciling these two imperatives clearly also meant avoiding a mere juxtaposition of the two supervisory systems and pointless duplication of the measures they involved.

The way in which the two organisations' functions are to be meshed together is defined in Article 3 of the Agreement. Under its terms, the Community undertakes, in applying its supervisory measures or safeguards in respect of nuclear materials, to co-operate with the Agency in seeing to it that these materials are not diverted towards weapons or other explosive nuclear devices. On its part, the Agency will apply its safeguards in such manner that it can, in satisfying itself that there has been no diversion, verify the results achieved by the Community's safeguards system, inter alia by means of independent action and observations.

II. Practical means

In the light of these principles, the agreement establishes extremely close arrangements for co-operation, which, reduced to essentials, can be described as follows:

1) Initial inventory and descriptive data

In addition to an initial report which lists all the nuclear materials to be found in the territory of the five Member States, the Community will transmit to the Agency a detailed description of all nuclear installations. as in the application of the EURATOM Treaty (Article 78), this information should make it possible to identify the installation with precision and to understand its general layout and technical characteristics.

This data is used to establish, for each installation, the practical details of control (notably the methods and programmes of inspection). These matters are decided by common agreement between the Agency and the Community and set down in bilateral legal instruments called "subsidiary arrangements".

2) Accounting

Using the same procedure it follows for the EURATOM Treaty, the Community will collect together the reports sent to it by the operators, analyse and check their contents, and following such verification it will send to the Agency reports on fluctuations in stocks, balance-sheets of materials, and statements of physical inventories.

3) Inspections

The two organisations will undertake inspections, but in different proportions and in close co-ordination.

The number, the intensity, the length, the timing and the methods of the inspections required under the Agreement are to be determined jointly in the subsidiary agreements, using agreed rules and procedures. Models will be attached to the Agreement so as to enable the relative contributions of the Community and the Agency in regard to inspections to be determined.

The basic inspection effort will be provided by the Community. Agency inspectors will be present at certain, but not all, of the Community inspections, and as a general rule they will discharge their responsibilities by observing the activities of the Community inspectors. The Agency inspectors themselves will resort to measures other than such observation only in cases provided for under the subsidiary arrangements or when such measures appear essential and urgent. In addition, the rule will be that Agency inspections will be carried out at the same time as those of the Community, thus avoiding the need for the operators to undergo successive inspections.

Clearly these arrangements ease but also limit the work of the Agency. It was only normal, however, that such limitation should be conditional on effective operation of EURATOM control and that the Agency should have the right to reinforce its activity in case EURATOM should fail to assume its obligations.

Compliance with such obligations, moreover, is easily checked, since the two Organisations determine by joint agreement the programming and planning of the inspections and the general technical procedures which will be used.

Taken together, these arrangements ensure that the prerogatives of the Community in regard to control are protected. Those relating to the initial inventory, descriptive data and accounting permit the Agency to have precise knowledge of the position regarding materials without placing any new obligations on enterprises which remain in touch with the Community alone. The more complex inspection arrangements limit any duplication to the strict minimum necessary for the Agency to be satisfied that the reports sent to it are accurate, at the same time avoiding successive inspections by both organisations.

The close co-ordination of the activities of the two organisations necessitates adaptation of the control Regulations applicable within the Community, so as to bring them into line with the requirements of the Agreement.

III. Intangibility of legal regimes

The intangibility of the legal regimes (as to supplies, movement of materials, etc...) instituted by the EURATOM Treaty has been preserved, on the one hand through the fact that the five Member States which do not have nuclear weapons have signed the NPT, and on the other, by a clause which provides that the withdrawal of one such State involves cancellation of the Agreement for the others. Between the five, materials can therefore circulate freely. The same holds true for transfers to and from France, which, as a state in possession of nuclear weapons, is exempt from the restrictions specified in Article III(2) of the NPT.

IV. Form of the Agreement

In addition to the Community and the Agency, the five Member States are parties to the Agreement. It is therefore what is known as a "composite" agreement (to which Article 101 and 102 of the EURATOM Treaty apply), because it includes obligations exclusively depending on national sovereignty and outside the competence of the Community.

The Agency's quite understandable determination to modify Document INFCIRC 153 as little as possible led the parties to supplement certain provisions of the Agreement by a Protocol which details the types of co-operation required in order to take account of the institutional and functional characteristics of the Community. The Protocol is an integral part of the Agreement.

To these two legal instruments, one must further add the "subsidiary arrangements". They do not have the same legal status as the Agreement and the Protocol. the Member States are not parties; the subsidiary arrangements will not be published. Their purpose is essentially technical. They contain rules and methods for calculating the financial burden of inspection, models to which the rules and methods have been applied, the measures needed for co-ordinating inspection of each type of installation, the form of reports to be transmitted to the Agency, communication procedures and time-limits, a list of installations, a questionnaire designed for descriptive data. In addition, the parties will establish a separate Annex, called a "facility attachment", for each installation.

V. Remaining stages of procedure

Having been approved by the competent bodies of the two organisations and by the Member States which are to be signatories, the Agreement will be signed as soon as the principal Annexes to the subsidiary arrangements have been drawn up.

The Agreement will then be submitted for parliamentary approval in certain, or indeed all, Member States. It will become operative as soon as the States have notified the Agency that the constitutional procedures have been completed and the Community, on its part, has notified the Agency that it is ready to apply its safeguards in accordance with the Agreement.

Since the approval of the Agreement, Denmark, Ireland and the United Kingdom have become members of the Community. The two new Member States which do not have nuclear weapons, Denmark and Ireland, will sign the Agreement at the same time as the original Member States. As soon as the Agreement comes into effect, the bilateral agreements which these two States had concluded with the IAEA pursuant to the NPT will become inoperative.

AGREEMENTS

• *France-CERN*

Act No. 72-1133 of 21st December 1972 published in the Official Gazette of 22nd December 1972 authorised approval of the Agreement signed on 16th June 1972 between France and the European Organization for Nuclear Research (CERN) and concerns that Organization's legal status in France. It is recalled that this Agreement revises the previous Agreement signed on 13th September 1965.

In addition, Decree No. 72-959 of 16th October 1972, and published in the Official Gazette of 24th October 1972, promulgates the Convention on protection against ionizing radiation signed by France and CERN on 28th July 1972.

• *Germany-India*

CO-OPERATION AGREEMENT

Germany and India signed on 5th October 1971 a Co-operation Agreement on the peaceful uses of nuclear energy, which came into force on 19th May 1972. The Agreement provides, among other matters, for exchange of information on the peaceful use of nuclear energy, exchange of scientists and the carrying out of common research and development projects.

AGREEMENT FOR THE FURTHER EXTENSION OF THE REVISED AGREEMENT CONCERNING THE HIGH TEMPERATURE GAS-COOLED REACTOR PROJECT (DRAGON)

A further extension of the Agreement concerning the operation of the OECD Dragon Reactor Project for three years up to 31st March 1976 was signed in Paris on 8th December 1972. The participating Governments or atomic energy authorities are the United Kingdom Atomic Energy Authority, Austria, the European Atomic Energy Community (Euratom), AB Atomenergi of Sweden and Switzerland. Denmark, a Signatory to the earlier Agreements, will be participating in future through Euratom.

The Agreement came into force on 1st April 1973 and most of the provisions of the earlier Agreements remain unchanged. The Signatories will consult together regarding a further extension beyond 31st March 1976 and this will be for determination not later than 30th June 1975.

For the new three-year period expenditure relating to the carrying out of the Project's programme will amount to a sum fixed at £9.4 million, thus increasing the overall budget of the Project, contributed by the Signatories, to £47.335 million since 1st April 1959 (when the Project was first set up).

(For details of the earlier Agreements see Nuclear Law Bulletins No. 2 and No. 4)

AGREEMENT ON THE OECD HALDEN REACTOR PROJECT COVERING THE PERIOD 1ST JANUARY 1973 TO 31ST DECEMBER 1975

During 1972 agreement has been reached between the national atomic energy authorities or research institutes of Denmark, Finland, Germany (representing a German group of companies), Italy, Japan, the Netherlands, Norway and Sweden, concerning a further three-year period for the operation of the Halden Project from 1st January 1973 to 31st December 1975. The joint programme for the next three years covers the continued use of the reactor for long-term fuel testing. At the same time research will continue with the objective of exploring the potential of an integrated computer-based control and supervision system for commercial reactors.

The total budget for this three-year period will amount to some 48 million Norwegian kroner.

The Agreement was signed by most of the participants in Paris on 6th June 1972 with some other signatures being added subsequently, and the Agreement came into force on 1st January 1973.

(For details of the earlier Agreements see Nuclear Law Bulletin No. 4)

IMCO

BRUSSELS CONVENTION of 17TH DECEMBER 1971

Since 31st December 1971, the Brussels Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material of 17th December 1971 is no longer open for signature. At that date, it had been signed by twelve countries (see Nuclear Law Bulletin No.10).

The Convention was ratified on 2nd February 1973 by France, which therefore became the first country having deposited an instrument of ratification.

MISCELLANEOUS

NEA ANALYTICAL STUDY ON NUCLEAR LEGISLATION

• *Japan*

UPDATING OF THE STUDY ON NUCLEAR THIRD PARTY LIABILITY*

The two related Acts, Act No. 147 on Compensation for Nuclear Damage, and Act No. 148 on Indemnity Agreements for Compensation of Nuclear Damage, which were promulgated on 17th June 1961 and came into force on 15th March 1962, constitute the nuclear third party liability system in Japan.

These Acts were amended by Act No. 53 on 1st May 1971. In addition, there is Cabinet Order No. 44 of 6th March 1961 concerning Compensation for Nuclear Damage which implements Act No. 147 and contains more detailed provisions.

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* This study has been updated on the basis of information made available to the Secretariat and in no way involves the responsibility of the national authorities.

NATURE OF THIRD PARTY LIABILITY

I - TERRITORIAL SCOPE OF APPLICATION

There are no provisions concerning the territorial scope of application of liability in Japanese Law, with the result that common law is applicable.

II - DAMAGE COVERED BY THIRD PARTY LIABILITY

a) Damage covered

Act No. 147
Section 2(2)

The present Act covers any damage to persons or property caused by the effects of the fission process of nuclear fuel, by the effects of radiation of nuclear fuel, or material contaminated by nuclear fuel, or by the effects of the toxic nature of such materials.

b) Exceptions

Section 2(2)

However, the damage sustained by the operator himself or his employees in the course of performing their professional duties is not covered by this Act.

III - PERSONS LIABLE

a) Installations

Section 3(1)

An operator who is engaged in the operation of a nuclear installation is absolutely liable for the nuclear damage resulting from its operation.

Section 4(1)

Japanese legislation "channels" third party liability onto the operator who is engaged in the operation of a nuclear installation, to the exclusion of any other person.

b) Carriage

Section 3(2)

The consignor operator is liable for any nuclear damage which occurs during the carriage of nuclear fuel, etc. between two operators, unless there is a special agreement between them which provides otherwise.

c) Rights of recourse

Section 5(1)

Where an operator has paid compensation in consequence of nuclear damage caused by a wilful act of a third party, he has a right of recourse against

Section 5(2)

such a party. However, the operator may make any special agreement with any person regarding the rights of recourse.

(d) Exoneration from liability

Section 3(1) The operator is not liable for damage caused by a grave natural disaster of exceptional character or by a serious social disturbance.

IMPLEMENTATION OF THIRD PARTY LIABILTY

I - COVERAGE OF LIABILITY

(a) Limits of liability

The liability of an operator is not limited by the Japanese Law.

(b) Insurance or financial security

Section 6 The operator is forbidden to operate a nuclear installation unless the financial security for compensation of nuclear damage has been provided.

Section 7(1) The financial security may be provided in one of the following ways·

Section 8 and Section 10
(i) Contract of private insurance together with an Indemnity Agreement concluded with the Government (See "State intervention");

(ii) Deposit of sums of cash or securities; or

(iii) any equivalent arrangement approved by the Director-General of the Science and Technology Agency.

Section 8 The Contract of Liability Insurance for nuclear damage is the contract under which an insurer undertakes to indemnify an operator for his loss arising from compensation for nuclear damage due to certain causes involving his liability.

Section 7(1) The amount of such financial security must be Yen 6 billion (about 20 million EMA units of account) per installation. However, for certain categories of nuclear installations which present a lesser risk, a lesser amount may be fixed by Cabinet Order. Among the above installations covered by Cabinet Order No. 144 are:

Cabinet Order No. 144 Section 3

- Yen 5 billion : a reactor whose thermal output exceeds 10,000 kW;
- Yen 500 million : a reactor whose thermal output is between 100 kW and 10,000 kW;
- Yen 100 million : a reactor whose thermal output is between 1 kW and 100 kW;

- Yen 10 million : a reactor whose thermal output is less than 1 kW,

- Yen 10 million : fabrication of nuclear fuel,

- Yen 10 million : utilisation of nuclear fuel,

- Yen 100 million : the transportation of nuclear fuel material which is incidental to the operation of reactor whose thermal output exceeds 1 kW,

- Yen 10 million : the transportation of nuclear fuel material which is incidental to the operation of a reactor whose thermal output is less than 1 kW, or to the fabrication or utilisation of nuclear fuel material.

Act No. 147 Section 7(2)

When as a result of the payment of compensation, the amount available for compensation of nuclear damage falls below that required, the Director-General of the Science and Technology Agency may require the operator to make up the full amount of security within a given period.

Section 7(3)

The operator may nevertheless continue to operate his installation during such a period.

(c) State intervention

State intervention may take two forms, namely, the conclusion of an Indemnity Agreement with the nuclear operators, and a more general and less strict undertaking to assist nuclear operators or victims.

(1) Indemnity Agreement

Act No. 147 Section 10(1) and Act No. 148 Section 2

If the operator chooses to cover his liability by insurance, he must, in addition, conclude an Indemnity Agreement with the Government, by which the latter undertakes to indemnify an operator for his loss arising from compensating for nuclear damage not covered by the liability insurance contract or other financial security, in particular.

(i) Nuclear damage caused by an earthquake or an eruption;

(ii) Nuclear damage caused by normal operation,

(iii) Nuclear damage which can, insofar as the cause of the damage is concerned, be covered by the liability insurance contract and for which persons having suffered from the said damage have not claimed for compensation within a period of ten years from the date of the occurrence having caused the damage;

(iv) Other nuclear damage as provided by Cabinet Order.

Act No. 148
Section 4
Section 5

The amount of the Indemnity Agreement shall be equivalent to the financial security amount. The period of Indemnity Agreement shall run from the time of its conclusion to the time when the operation of the nuclear installation covered by the Agreement has ceased.

Section 8

The total amount of Indemnity Agreements may not exceed the amount approved by the National Diet for each financial year.

Section 9

The operator, when concluding the Indemnity Agreement, shall notify the Government about important facts related to the operation of the nuclear installation.

Section 12

Where the Government has paid an indemnity, and the operator has a right of recourse against a third party, the Government shall take over this right up to an amount not exceeding the amount of the indemnity.

Section 12

If the operator has received payment by exercising his right of recourse, the Government shall be exonerated from its obligation to indemnify up to an amount not exceeding the amount paid.

Section 13
(1) and (2)

The Government may also claim repayment of any compensation it has paid for nuclear damage resulting from an occurrence which the operator has failed to notify in accordance with Section 9 or which took place during the period from the date when the operator was given notice by the Government of the termination of the Agreement until the day before the date when such cancellation comes into effect.

Section 14(1)

The Indemnity Agreement may be cancelled at the request of the contracting operator, where he has arranged for a financial security other than that included in the Indemnity Agreement

Section 15
(1) and (2)

Where the contracting operator fails to observe or violates his obligations under the Agreement the Government may cancel the latter. Cancellation takes effect ninety days after notice thereof.

(2) General State Intervention

Act No. 147
Section 16(1)

In the event of nuclear damage involving the payment of compensation in excess of the amount of the financial security provided, the Government may, if it deems it necessary in order to fulfil the purpose of the law, assist the operator concerned.

Section 16(2)

However, the Government grants its assistance insofar as it is so authorised by Decision of the National Diet.

Section 17

In the case of nuclear damage caused by a grave natural disaster of exceptional character or by serious social disturbance, the Government shall take necessary measures to relieve victims and to prevent an increase of the damage.

II - COMPENSATION

The present legislation includes no special provisions as to the amount or special form of compensation paid to victims of nuclear damage.

Section 9

Any person who has suffered from nuclear damage shall, with regard to his claim for such damage, have priority over other creditors to receive the compensation from the amount provided by the liability insurance contract.

III - LIMITATION IN TIME

After ten years from the date of the fact from which the nuclear damage originated, claims for compensation must be made to the Government, not to the operator.

Act No. 148
Section 3(3)

The right of an operator to indemnification in accordance with the Agreement is barred after a period of two years.

Section 11

IV - COMPETENT COURT

There are no provisions concerning the competent court before which the claims under nuclear third party liability should be brought.

However, the Government may establish a Dispute Reconciliation Committee for Nuclear Damage Compensation which would be attached to the Science and Technology Agency in accordance with the provisions of a Cabinet Order; this Committee shall be in charge of mediation for the reconciliation of any dispute arising from compensation of nuclear damage.

Act No. 147
Section 18

The Reconciliation Committee shall act as a mediator for the reconciliation of disputes arising from the compensation of nuclear damage and conduct an investigation and assessment of the nuclear damage to enable the dispute to be dealt with.

PUBLICATIONS

• *International Atomic Energy Agency*

PROCEEDINGS OF THE NEA-IAEA SYMPOSIUM ON THE MARITIME CARRIAGE OF NUCLEAR MATERIALS

The International Atomic Energy Agency has published the Proceedings of the Symposium on maritime carriage of nuclear materials, which was jointly organised by NEA and IAEA in collaboration with Foratom and which took place in Stockholm from 18th to 22nd June 1972. Nuclear Law Bulletin No. 10 already gave an account of the Symposium, which had as its objective to review the technical and regulatory developments and to analyse the new legal position resulting from the Brussels Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material of 17th December 1971.

The Proceedings contain the full text of all papers presented, the reports of the rapporteurs, the panel discussions and the general discussions. They also include, in annexes, the text of the 1971 Brussels Convention, the current status of various nuclear and maritime conventions and a list of participants.

TEXTS

• *Finland*

ATOMIC ENERGY ACT NO. 356/57* OF 25TH OCTOBER 1957 AS AMENDED ON 12TH JANUARY 1973**

In accordance with the decision by Parliament it is prescribed:

Article 1

For the purposes of this Act, materials suitable for the generation of atomic energy mean uranium and thorium, the nuclear fuels U 235, U 233 and Pu 239, and such chemical compounds suitable for use as nuclear fuels as shall be specified by Decree.

Except as stated below, this Act does not relate to uranium ores or thorium ores nor concentrates thereof. The prospecting for mineral deposits containing these ores as well as the filing of the respective claims and the exploitation of the deposits are governed by the provisions of the Mining Act.

Article 2

For the production, holding, transport and use of materials suitable for the generation of atomic energy as well as for trade in them and other transfer a special permit is required, which shall be issued by the Ministry of Trade and Industry on a written application. Another authority or institution may by Decree be empowered to issue such permits.

The permit referred to in the first paragraph above is also required for the import and export of materials suitable for the generation of atomic energy as well as ores and concentrates containing such materials.

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* Unofficial translation prepared by the Finnish Authorities.

** The amendments (No. 7/73) made to this Act are also embodied in this translation. The amended sections are shown by the date of the amendment (Jan. 12th, 1973) placed in brackets after the article heading if the whole article has been amended, otherwise after each paragraph concerned.

Moreover, the permit referred to in the first paragraph of this Article is required for trade in, and other transfer of, as well as the holding, use, export and import of any material referred to in the preceding paragraphs or of any equipment and devices, if there are any obligations relating to these materials, equipment or devices by virtue of such international agreements made in the field of atomic energy, to which Finland is a Contracting Party. (Jan. 12th, 1973).

Article 3 (Jan. 12th, 1973)

The permit referred to in Article 2, first paragraph, is likewise required for the construction, holding and operation of any facilities intended for the production or processing of materials suitable for the generation of atomic energy, as well as of atomic reactors.

Article 4

The permit referred to in Articles 2 and 3 shall be issued to any applicant who is a Finnish citizen or to a domestic association or institution, provided that the purpose of the application is considered compatible with the public interest and that necessary expertise is available to the applicant.

A permit to carry out transport operations may, for specific reasons, be issued to a foreigner. (Jan. 12th, 1973).

Each permit shall incorporate any conditions and instructions as are considered necessary for safety, for the fulfilling of any such obligations referred to in Article 2, third paragraph, which are binding on Finland by virtue of international agreements, or for any other reasons in the public interest. If necessary, regulations concerning the treatment and disposal of waste produced in the course of the operation of a facility or a reactor referred to in Article 3 shall be attached to the permit. (Jan. 12th, 1973).

Article 5

The treatment and disposal of waste referred to in Article 4, third paragraph, shall be carried out by and at the expense of the owner or holder thereof. (Jan. 12th, 1973).

Protection against radiation is governed by specific regulations.

Article 6

The task of ensuring that the provisions of this Act and any regulations issued pursuant to it are followed shall be that of the Ministry of Trade and Industry.

The supervision referred to in the first paragraph of this Article as well as the carrying out of investigations and inspections referred to in this Act or in any regulations issued pursuant to it, may be entrusted to another supervisory authority, as designated by Decree.

Article 7

A Commission shall be appointed for the preparatory deliberation of matters relating to atomic energy.

The Commission shall keep track of developments within the atomic energy field, propose plans for education in this field, keep contact with corresponding foreign bodies and make any necessary recommendations and initiatives.

Detailed regulations on the appointment of the Commission, its duties and its organisation shall be issued by Decree.

Article 8 (Jan. 12th, 1973)

For the purposes of safeguards and control referred to in this Act, in any regulations issued pursuant to it, or in international agreements binding on Finland in the field of atomic energy, the supervisory authority shall have:

1. Access to any point where materials or chemical compounds referred to in Article 1, first paragraph, or waste therefrom, or materials, equipment or devices referred to in Article 2, third paragraph, are stored, produced or used, and the right to obtain samples therefrom and to carry out inspections at any such point;

2. Access to any point where facilities or reactors referred to in Article 3 are constructed or operated, and the right to carry out inspections at any such point and to obtain samples;

3. The right to inspect and control the transport, import, and export of any materials, chemical compounds, waste, equipment, devices, facilities and reactors referred to in the preceding sub-paragraphs 1 and 2, and, whenever necessary, to obtain samples;

4. The right to inspect and control the import and export of such ores and their concentrates which contain materials suitable for the generation of atomic energy, and to obtain samples therefrom;

5. The right to require the holder of any permit issued under this Act to keep, in prescribed forms, accounting and operating records, and the right to inspect such records;

6. The right to require the holder of any permit issued under this Act to make reports, in prescribed forms, and to provide other data and notifications needed; and

7. The right to take, or require the holder of any permit issued under this Act to take, any other measures necessary for the exercise of supervision under this Article.

The supervisory authority shall immediately notify to the person concerned the results of any measures and inspections carried out as prescribed above.

Article 9

Regulations concerning the charges payable for functions performed, documents issued, forms supplied, investigations conducted and opinions given by the supervisory authority shall be issued by Decree. Such charges may also be payable to the supervisory authority as fees or stamp fees. The amount of the fees and stamp fees shall be fixed pursuant to the general principles laid down in the Act of October 17th, 1942, on the Rates of Fees and Charges Payable for Official Documents Issued and Services Rendered by Certain Authorities (806/42).

Where the supervisory authority finds it necessary to conduct investigations as to the type and properties of a material, any reasonable expenses incurred on account of such investigations shall be borne by the owner or holder of the material.

Article 10

The supervisory authority or anyone carrying out an investigation shall not divulge to anybody or use for his individual benefit any such secret, whether of business or professional, as he may come to know about in his supervisory capacity.

Article 11

The Police shall, whenever necessary, lend assistance in matters concerning the supervision of the observance of this Act and any regulations issued pursuant to it.

The Chief of the District Police is empowered to arrange, at the request of the supervisory authority, for persons and premises to be searched for the detection of any such materials, equipment, devices, facilities or reactors referred to in this Act as may have been illicitly constructed, produced, transported, held, used or imported, or as have been the subject of an attempt at illicit exportation, and to order them to be confiscated. Such confiscation shall remain in force until the case concerning the forfeiture of the material, equipment, device, facility or reactor under Article 12 of this Act be brought to a legal conclusion or until the lawcourt or, upon proposal by the particular supervisory authority by whom assistance was requested, the Chief of the District Police otherwise decides. (Jan. 12th, 1973).

Any confiscated materials, equipment, devices, facilities, and reactors shall be stored, under official seal and at the owner's or holder's expense, in a safe place. (Jan. 12th, 1973).

Article 12 (Jan. 12th, 1973)

Anyone contravening this Act, any regulations issued pursuant to it or any conditions referred to in Article 4 shall be punished by fines or by imprisonment not exceeding two years, unless a more severe penality be imposed elsewhere in law.

Besides infliction of the penalty proper, the permit issued under Article 2 or 3 may be withdrawn and the whole or part of either the material, equipment, device, facility or reactor itself, which was constructed, produced, transferred, held,transported, used, imported or exported in contravention of this Act or any regulations issued pursuant to it, or the value of such material etc., plus the economic profit obtained by this breach may be condemned as forfeited to the State.

Article 13

A public prosecutor shall not bring legal action on account of a breach referred to in this Act until the opinion of the supervisory authority on the case is obtained.

Article 14

Should anyone refuse to meet an obligation imposed on him by this Act or any regulations issued pursuant to it, the County Board is authorised to make him do so under penalty of fines or under the deterrence that the omitted act shall be performed at his expense.

Article 15 (Jan. 12th, 1973)

Detailed regulations as to the implementation and application of this Act shall be issued by Decree. Any exemptions to the provisions of Articles 2 and 3, deemed to be justified by the use or by the amount of any materials referred to in Article 2, shall likewise be granted by Decree.

Article 16

This Act shall enter into force on 1st January, 1958.* Anyone who at that date holds any material suitable for the generation of atomic energy shall notify this fact to the supervisory authority.

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* For the amendments (No. 7/73), the corresponding date is 16th January, 1973.

• *United Kingdom*

EXTRACTS FROM THE ATOMIC ENERGY AUTHORITY ACT 1971

An Act to provide for the transfer to British Nuclear Fuels Limited and The Radiochemical Centre Limited of parts of the undertaking of the United Kingdom Atomic Energy Authority and of property, rights, liabilities and obligations appertaining to those parts of the Authority's undertaking; to make provision with respect to persons employed by the Authority and engaged in those parts of the Authority's undertaking, with respect to the control and finances of the said companies, and with respect to the application of pension schemes maintained by the Authority; to amend the provisions of the Nuclear Installations Act 1965 relating to permits under section 2 of that Act; to make provision relating to factories, offices, building operations and other works on sites in respect of which such permits are in force; to provide for the application of security provisions where such permits are in force and also where companies are designated by the Secretary of State in connection with an agreement relating to the gas centrifuge process for producing enriched uranium, and for purposes connected with those matters. [16th March, 1971]

Transfer of parts of Authority's undertaking

Section 1

(1) On the appointed day there shall, by virtue of this Act and without further assurance, be transferred to British Nuclear Fuels Limited (in this Act referred to as "the Nuclear Fuels Company")

(a) so much of the undertaking of the United Kingdom Atomic Energy Authority (in this Act referred to as "the Authority") as, immediately before that day, is financed out of the Authority's trading fund and is not excepted from this paragraph by subsection (2) of this section;

(b) all such property, rights, liabilities and obligations as, immediately before the appointed day, are property, rights, liabilities and obligations of the Authority appertaining to that part of the Authority's undertaking which falls within paragraph (a) of this subsection and are not excepted from this paragraph by or under subsection (2) of this section or section 3, section 5 or section 6 of this Act; and

(c) all such lands and premises as immediately before the appointed day are the property of the Authority at Springfields in the country of Lancaster or at Windscale in the country of Cumberland and do not fall within paragraph (b) of this subsection.

(2) There are excepted:

(a) from paragraph (a) of the preceding subsection, so much of the undertaking of the Authority as immediately before the appointed day is carried on at the Authority's Radiochemical Centre at Amersham in the county of Buckingham (in this Act referred to as "the Radiochemical Centre"), or is carried on at the Authority's establishment at Harwell in the county of Berkshire, and

(b) from paragraph (b) of that subsection, all such lands and premises as immediately before that day are occupied for the purposes of the Authority's establishment at Risley in the country of Lancaster (whether any such lands or premises are situated in that county or in the county of Chester).

(3) For the purposes of this and the next following section any part of the Authority's undertaking shall be taken to be financed out of the Authority's trading fund at any time if the expenses of the Authority in carrying on that part of the undertaking are at that time treated in the accounts of the Authority as payable out of that fund.

Section 2

(1) On the appointed day there shall, by virtue of this Act and without further assurance, be transferred to The Radiochemical Centre Limited (in this Act referred to as "the Radiochemical Company").

(a) so much of the undertaking of the Authority as immediately before that day is financed out of the Authority's trading fund and is carried on at the Radiochemical Centre or at the Authority's establishment at Harwell; and

(b) all such property, rights, liabilities and obligations as, immediately before that day, are property, rights, liabilities and obligations of the Authority appertaining to that part of the Authority's undertaking which falls within paragraph (a) of this subsection and are not excepted from this paragraph by or under subsection (2) of this section or section 3, section 5 or section 6 of this Act.

(2) There are excepted from paragraph (b) of the preceding subsection all lands and premises forming part of the Authority's establishment at Harwell.

Section 3

(1) There is excepted from paragraph (b) of section 1(1) and from paragraph (b) of section 2(1) of this Act any interest of the Authority in:

(a) any patent, registered design or registered trade mark, or

(b) any application for the grant of a patent, or for the registration of a design or of a trade mark, which is pending immediately before the day which is the appointed day for the purposes of section 1 or section 2 of this Act, as the case may be; or

(c) any invention in respect of which an application for a patent is pending as mentioned in paragraph (b) of this subsection or which, in pursuance of arrangements made in that behalf by the Authority, is recorded as having been made before the day mentioned in that paragraph.

(2) There are also excepted from paragraph (b) of section 1(1) and from paragraph (b) of section 2(1) of this Act:

(a) any rights, liabilities or obligations of the Authority in respect of any licence to use a patented invention, registered design or registered trade mark, or to use an invention, design or registered trade mark in respect of which an application for a patent, or for registration of the design or trade mark, is pending, whether any such licence was granted by or to the Authority, including any rights to grant sub-licences under any such licence;

(b) any rights, liabilities or obligations of the Authority arising under any assignment (whether by or to the Authority) of a patent, registered design or registered trade mark, or of the right to apply for or to obtain any patent or to apply for or to obtain registration of a design or trade mark; and

(c) any rights, liabilities or obligations of the Authority under any agreement in so far as it provides (whether conditionally or otherwise) for any such licence or sub-licence as is mentioned in paragraph (a) or any such assignment as is mentioned in paragraph (b) of this subsection to be granted or made in the future or for the furnishing of information or technical assistance relating to any invention, design or trade mark, whether actual or prospective.

(3) Where by virtue of subsection (1) or subsection (2) of this section any interest, rights, liabilities or obligations are excepted as therein mentioned, the exception shall include the copyright in:

(a) any literary work consisting of a document by which the interest, rights, liabilities or obligations were conferred or imposed or in which the subject-matter to which they relate is embodied; or

(b) any artistic work on which that subject-matter was based or from which it was wholly or partly derived.

(4) The Authority shall make available to each of the companies such facilities for, and information relating to, the use of any invention, design or trade mark in respect of which an exception is made by the preceding provisions of this section as may be agreed between the Authority and the company to be requisite for the purposes of the part of the Authority's undertaking transferred to that company by virtue of this Act, or as, in default of such agreement, the Secretary of State may direct as being requisite for those purposes, and any such facilities or information shall be so made available in such manner, and on such terms as to payment or otherwise, as may be agreed between the Authority and the company or as, in default of such agreement, the Secretary of State may direct.

(5) In this section any reference to a patent, or to a registered design or registered trade mark, or to copyright, shall be construed as referring to a patent granted or a design or trade mark registered, or to copyright subsisting, under the laws of any country or territory outside the United Kingdom as well as to a patent granted, design or trade mark registered, or copyright subsisting, under the laws of the United Kingdom.

Section 4

(1) The Nuclear Fuels Company:

(a) shall secure to the Authority the exclusive occupation and use of the lands and premises transferred by subsection (1) of section 1 of this Act as being lands or premises falling within paragraph (c) of that subsection; and

(b) shall make available to the Authority the use of such means of access and other facilities and services as may be agreed between them to be requisite in connection with the occupation and use of those lands and premises or as, in default of such agreement, the Secretary of State may direct as being in his opinion requisite in connection therewith.

(2) The Authority shall secure to the Radiochemical Company the exclusive occupation and use of the lands and premises at Harwell which, immediately before the day which is the appointed day for the purposes of section 2 of this Act, are occupied and used exclusively for the purposes of that part of the Authority's undertaking, which is transferred by that section, and shall make available to that company the use of:

(a) such means of access and other facilities and services as may be agreed between them to be requisite in connection with the occupation and use of those lands and premises or as, in default of such agreement, the Secretary of State may direct as being in his opinion requisite in connection therewith; and

(b) all such additional apparatus, facilities and services as may be agreed between them to be additional apparatus, facilities and services which, immediately before that day, were used or enjoyed in connection with that part of the Authority's undertaking carried on at Harwell which is transferred by section 2 of this Act or as, in default of such agreement, the Secretary of State may direct as being in his opinion additional apparatus, facilities and services which were so used or enjoyed.

(3) The terms on which anything is secured or made available to the Authority in accordance with subsection (1) of this section shall not include any rent or payment in the nature of rent (as distinct from any payment in respect of rates, maintenance or other outgoings).

(4) Subject to subsection (3) of this section, anything which, in accordance with subsection (1) or subsection (2) of this section, is required to be secured or made available shall be so secured or made available on such terms, as to payment or otherwise, as may be agreed between the Authority and the Nuclear Fuels Company, or between the Authority and the Radiochemical Company, as the case may be, or as, in default of such agreement, the Secretary of State may direct.

(5) In this section any reference to additional apparatus, facilities and services is a reference to apparatus, facilities and services which:

(a) do not form part of the property and rights transferred by section 2 of this Act, and

(b) do not fall within subsection (2)(a) of this section.

Section 5

(1) The Secretary of State may give such directions extending or restricting the operation of any of the provisions of sections 1 and 2 of this Act as he may consider expedient for the purpose of making minor adjustments of the property, rights, liabilities and obligations transferred by virtue of either of those sections, in order to facilitate the carrying on of any part of the Authority's undertaking thereby transferred or to facilitate the carrying on of so much of that undertaking as is not so transferred.

(2) Any directions under subsection (1) of this section may in particular provide for dividing and apportioning any property, rights, liabilities or obligations between the Authority and the companies or any two of them.

(3) For the purposes of section 1 or section 2 of this Act the Secretary of State may give a direction with respect to any sum which, immediately before the day which is the appointed day for the purposes of that section, is treated in the accounts of the Authority as loan capital advanced from the Consolidated Fund, that is to say, the Secretary of State may direct:

(a) that the sum in question shall for those purposes be taken to be a debt incurred by the Authority to the Secretary of State and repayable with interest on the terms provided by such arrangements relating to it as are for the time being in force as between the Authority and the Secretary of State; and

(b) that the liability of the Authority for the repayment of the principal of, and payment of interest on, so much of that debt as is apportioned by the direction to the Nuclear Fuels Company or to the Radiochemical Company shall for those purposes be taken to be a liability appertaining to the part of the Authority's undertaking transferred to that company by section 1 or section 2 of this Act, as the case may be.

(4) The Secretary of State may give directions:

(a) excepting from the operation of section 1 or section 2 of this Act any books or other documents which in his opinion are not required for use in connection with the part of the Authority's undertaking thereby transferred; or

(b) extending the operation of either of those sections to any books or other documents which in his opinion are required for such use.

(5) Subject to the next following subsection, a certificate issued by the Secretary of State to the effect that any part of the Authority's undertaking or any property of the Authority which is specified in the certificate was, or was not, transferred to the Nuclear Fuels Company or to the Radiochemical Company by virtue of this Act, or that any rights, liabilities or obligations of the Authority specified in the certificate were, or were not, so transferred, shall be conclusive evidence of the matters stated in the certificate.

(6) The issue of a certificate under subsection (5) of this section shall prevent a subsequent direction being given under any of the preceding provisions of this section in relation to any property, rights, liabilities or obligations to which the certificate relates.

(7) Before giving any direction or issuing any certificate under this section in relation to any matter the Secretary of State shall consult the Authority and the companies, if all three of them are affected by that matter, or, if only two of them are affected by it, shall consult those two; and on giving any direction or issuing any certificate under this section the Secretary of State shall send a copy of it to each of those bodies which is affected by it.

(8) No directions shall be given under subsection (1), subsection (5) or subsection (4) of this section after the end of the period of two years beginning with the day which is the appointed day for the purposes of sections 1 and 2 of this Act (or, if different days are appointed for the purposes of those sections respectively, the period of two years beginning with the later of those days).

Section 6

(1) In addition to any matter which by or under any of the preceding provisions of this Act is excepted from paragraph (b) of section 1(1) or from paragraph (b) of section 2(1) of this Act, there are excepted from those paragraphs any rights, liabilities or obligations of the Authority under:

(a) any contract of employment;

(b) any agreement for the rendering by a person of services to the Authority in his capacity as a member* of the Authority; or

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* Note by the Secretariat: "member" means one of the persons at the head of the Authority, but not an employee.

(c) any pension scheme or agreement relating to a pension scheme.

(2) Where immediately before the day which is the appointed day for the purposes of section 1 or section 2 of this Act there is in force an agreement which:

(a) confers or imposes on the Authority any rights, liabilities or obligations which are transferred to one of the companies by virtue of that section; and

(b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Authority,

the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of such appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the Authority in question.

(3) Where any right, liability or obligation is transferred to one of the companies by virtue of this Act, that company and all other persons shall, on and after the day on which it is so transferred, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the company, and any legal proceedings by or against the Authority which relate to any property, right, liability or obligation transferred to one of the companies by virtue of this Act, and are pending on the day when the transfer takes effect, may be continued on and after that day by or against the company.

(4) In subsection (3) of this section any reference to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

Section 7

Each of the companies shall, in consideration of the property, rights, liabilities and obligations transferred to it by virtue of this Act, issue to the Authority, credited as fully paid up, such shares in the company as may be agreed between the company and the Authority with the approval of the Secretary of State and of the Treasury.

Provisions as to employees

Section 8

(1) Subject to the following provisions of this section:

(a) every person who, immediately before the day which is the appointed day for the purposes of section 1 of this Act, is an employee of the Authority engaged in that part of the Authority's undertaking which is transferred by virtue of that section shall on that day by virtue of this subsection cease to be employed by the Authority and become an employee of the Nuclear Fuels Company; and

(b) every person who, immediately before the day which is the appointed day for the purposes of section 2 of this Act, is an employee of the Authority engaged in that part of the Authority's undertaking which is transferred by virtue of that section shall on that day by virtue of this subsection cease to be employed by the Authority and become an employee of the Radiochemical Company;

and in the following provisions of this section and in sections 9, 10 and 20 of this Act "the date of transfer", in relation to any such person, means the day on which, by virtue of paragraph (a) or paragraph (b) of this subsection, he becomes an employee of the Nuclear Fuels Company or of the Radiochemical Company, as the case may be.

Control and finances of the companies

Section 11

(1) The Secretary of State may at any time by order made by statutory instrument transfer to himself all or any of the shares in either of the companies which are for the time being held by the Authority; and any shares transferred by such an order shall vest in the Secretary of State by virtue of the order and without further assurance or other formality.

(2) Any statutory instrument containing an order under subsection(1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) In the case of the companies the Authority, at any time when any shares in the company are held by them, and the Secretary of State, at any time when any shares in the company are held by him shall so exercise:

(a) all such rights and powers as may be exercisable by the Authority or the Secretary of State, as the case may be, as a member of the company; and

(b) any power to dispose of any shares in the company,

as to secure that the Authority or the Secretary of State will continue to hold shares in the company which in the aggregate (taking any shares held by the Authority together with any shares held by the Secretary of State) will carry more than half of the voting rights exercisable at general meetings of the company.

(4) Subject to section 13 of this Act, where any shares are issued by either of the companies, otherwise than in pursuance of section 7 of this Act, the Secretary of State, with the consent of the Treasury, may subscribe for any such shares and pay for them out of moneys provided by Parliament.

(5) Any dividends or other sums received by the Secretary of State in right of any shares held by him in either of the companies shall be paid into the Consolidated Fund.

Section 12

(1) Subject to the next following section, the Secretary of State may with the approval of the Treasury make loans to either of the companies on such terms as may with the approval of the Treasury be agreed between the Secretary of State and the company to which the loan is made.

(2) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans under this section.

(3) Any sums received by the Secretary of State by way of repayment of, or interest on, a loan made by him under this section shall be paid into the National Loans Fund.

(4) The Secretary of State shall, in respect of each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under subsection (2) of this section and of any sums to be paid into the National Loans Fund under subsection (3) of this section, and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November in the following financial year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Section 13

(1) The aggregate of:

(a) the total amount paid by the Secretary of State or by the Authority, or by both collectively, for shares issued by either of the companies, otherwise than in pursuance of section 7 of this Act; and

(b) the total amount outstanding in respect of the principal of the loans made by the Secretary of State to either of the companies under section 12 of this Act,

shall not, in the case of either of the companies, at any time exceed the limit for the time being applicable to that company in accordance with the following provisions of this section.

(2) For the purposes of this section:

(a) the limit applicable to the Nuclear Fuels Company is £50 million or such greater sum (not exceeding £75 million) as may be specified by an order made for the purposes of this paragraph which is for the time being in force;

(b) the limit applicable to the Radiochemical Company is £5 million or such greater sum (not exceeding £7 million) as may be specified by an order made for the purposes of this paragraph which is for the time being in force.

(3) The power to make orders for the purposes of paragraph (a) or paragraph (b) of subsection (2) of this section shall be exercisable by the Secretary of State with the approval of the Treasury and shall be so exercisable by statutory instrument, but no such order shall be made unless a draft of the order has been laid before the Commons House of Parliament and approved by a resolution of that House.

Section 14

As soon as practicable after the holding of any general meeting of either of the companies, the Secretary of State shall lay before each House of Parliament a copy of any accounts which, in accordance with any requirement of the Companies Acts 1948 to 1967, are laid before the company at that meeting, and of any documents which are annexed or attached to any such accounts.

Section 15

(1) The Authority shall have power, at the request of either of the companies, to provide for that company any service or facility which the Authority would have power to provide for the purposes of the Authority's own undertaking.

(2) Without prejudice to the generality of subsection (1) of this section, the Authority, with the consent of the Secretary of State and of the Treasury, may enter into an agreement with either of the companies whereby the Authority undertake that, if the company incurs any liability of a description specified in the agreement, the Authority will indemnify the company in respect of that liability.

(3) The terms of any agreement made with either of the companies under subsection (2) of this section shall be such as may, with the consent of the Secretary of State and of the Treasury, be agreed between the Authority and that company.

Section 16

(1) Where an asset, or the right to receive an asset, is transferred to one of the companies by virtue of this Act, then for the purposes of Part 1 of the Industrial Development Act 1966:

(a) so much of any expenditure incurred by the Authority in providing that asset as is approved capital expenditure in respect of which no payment of investment grant has been made to the Authority shall be treated as having been incurred by the company and not by the Authority,

(b) the asset, if provided for the purposes of the business of the Authority, shall be treated as having been provided for the purposes of the business of the company, and

(c) where the asset itself is transferred to the company by virtue of this Act, it shall be treated as a new asset if it would have fallen to be so treated if it had remained vested in the Authority.

(2) In this section "investment grant" means a grant under Part I of the Industrial Development Act 1966 and "approved capital expenditure" has the same meaning as in that Part of that Act.

Miscellaneous and supplementary provisions

Section 17

(1) In section 2 of the Nuclear Installations Act 1965(*)(prohibition of certain operations except under permit), in subsection (1), the words "for use of the site for purposes of research or development" shall be omitted and after the words "government department" there shall be inserted the words "and for the time being in force"; and after that subsection there shall be inserted the following subsections:

"(1A) A permit granted under this section, unless it is granted by the Minister, shall not authorise the use of a site as mentioned in paragraph (a) or paragraph (b) of the foregoing subsection otherwise than for purposes of research and development.

(1B) Where a permit granted under this section by the Minister to a body corporate authorises such a use of a site for purposes other than, or not limited to, research and development, the Minister may by order direct that the provisions set out in Schedule 1 to this Act shall have effect in relation to that body corporate.

(1C) Any power conferred by this section to make an order shall include power to vary or revoke the order by a subsequent order; and any such power shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(1D) Any permit granted under this section by the Authority or by the Minister or any other government department may at any time be revoked by the Authority or by the Minister or that department, as the case may be, or may be surrendered by the person to whom it was granted."

(2) In subsection (2) of that section, for the words "the foregoing subsection", there shall be substituted the words "subsection (1) of this section".

(3) In section 22(5) of that Act, for the words "the Schedule" there shall be substituted the words "Schedule 2".

(4) In section 27(1) of that Act (Northern Ireland):

(a) for the words "the Schedule", where those words first occur, there shall be substituted the words "Schedules 1 and 2";

(b) the following paragraph shall be inserted after paragraph (d):

"(dd) in section 2(1) and in section 2(1D) any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland; and in section 2(1C), for the words from 'and any such power' onwards there shall be substituted the words 'and any order under this section shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954';";

(*) The text of this Law was reproduced in the Supplement to Nuclear Law Bulletin No. 1

(c) in paragraph (h) for the words "the Schedule" there shall be substituted the words "Schedule 2".

(5) In section 27(7) of that Act after the words "the designated provisions" there shall be inserted the words "other than Schedule 1 to this Act".

(6) There shall be inserted, as Schedule 1 to that Act, the provisions set out in the Schedule to this Act; and the Schedule to that Act, as originally enacted, shall become Schedule 2.

(7) For the purposes of section 6 of the Government of Ireland Act 1920, this section (but not the Schedule to this Act) shall be deemed to have been passed before the appointed day within the meaning of that section.

Section 18

(1) Where an order is made under section 2 of the Nuclear Installations Act 1965 in relation to a body corporate to which a permit has been granted under that section, then:

(a) in relation to premises on a site in respect of which the permit is for the time being in force and in relation to any building operations or works of engineering construction undertaken by or on behalf of that body corporate on such a site, the Factories Act 1961 shall apply as it applies, by virtue of Schedule 3 to the Atomic Energy Authority Act 1954, in the case of the Authority, that is to say, as if the premises belonged to or were in the occupation of the Crown or, as the case may be, as if the operations or works were undertaken by or on behalf of the Crown; and

(b) in relation to premises on such a site, the Offices, Shops and Railway Premises Act 1963 shall apply as it applies, by virtue of section 52(3)(h) of that Act, in relation to premises occupied by the Authority.

(2) In the application of subsection (1) above to Northern Ireland for the reference in paragraph (a) to the Factories Act 1961 there shall be substituted a reference to the Factories Act (Northern Ireland) 1965 and for paragraph (b) there shall be substituted the following paragraph:

(b) in relation to premises on such a site, the Office and Shop Premises Act (Northern Ireland) 1966 shall apply as it applies, by virtue of section 51(3)(a) of that Act, in relation to premises occupied by a local authority.

(3) For the purposes of section 6 of the Government of Ireland Act 1920, this section shall be deemed to have been passed before the appointed day within the meaning of that section.

Section 19

(1) Paragraphs 2 and 4 to 6 of Schedule 1 to the Nuclear Installations Act 1965, as set out in the Schedule to this Act, shall apply in relation to a company designated by the Secretary of State under sub-section (2) of this section as they apply in relation to the specified body corporate, as defined in that schedule.

(2) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any company registered (whether before or after the passing of this Act) in some part of the United Kingdom and appearing to have been formed pursuant to an agreement dated 4th March 1970 providing for collaboration in the development and exploitation of the gas centrifuge process for producing enriched uranium and made between Her Majesty's Government in the United Kingdom and the Governments of the Federal Republic of Germany and the Kingdom of the Netherlands.

Section 23

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided:

(a) under section 4(1) of the Atomic Energy Authority Act 1954; and

(b) under, or in respect of expenses incurred under, section 24 of the Nuclear Installations Act 1965.

Section 24

(1) In this Act "the companies" means the Nuclear Fuels Company and the Radiochemical Company, "share" includes stock, and "pension" has the meaning assigned to it by section 8(2) of the Atomic Energy Authority Act 1954.

(2) In this Act "the appointed day" means such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be so appointed for the purposes of section 1 and section 2 of this Act respectively.

(3) For the purposes of this Act:

(a) property, rights, liabilities and obligations of the Authority shall be taken at any time to be property, rights, liabilities, and obligations appertaining to a part of the Authority's undertaking transferred by virtue of section 1 or section 2 of this Act; and

(b) persons shall be taken at any time to be employees of the Authority engaged in such a part of the Authority's undertaking,

if at that time they are property held, rights acquired, liabilities or obligations incurred or persons employed by the Authority (as the case may be) wholly or mainly for the purposes of, or in the course of carrying on, that part of the Authority's undertaking (as distinct from the Authority's undertaking in general or any other part of that undertaking in particular).

(4) For the avoidance of doubt it is hereby declared that

(a) any reference in this Act to property of the Authority is a reference to property of the Authority whether situated in the United Kingdom or elsewhere; and

(b) any reference in this Act to rights, liabilities or obligations of the Authority is a reference to rights to which the Authority is entitled, or (as the case may be) liabilities or obligations to which the Authority is subject, whether under the laws of the United Kingdom or of a part of the United Kingdom or under the laws of any country or territory outside the United Kingdom;

and it shall be the duty of the Authority and of each of the companies to whom any property situated in a country or territory outside the United Kingdom is transferred by virtue of this Act, or to whom any rights, liabilities or obligations of the Authority under the laws of any such country or territory are so transferred, to take all such steps as may be requisite for perfecting the transfer.

(5) Any power conferred by any provision of this Act, except subsection (2) of this section, to make an order shall include power to revoke or vary the order by a subsequent order made under that provision.

(6) Nothing in this Act shall be construed as transferring to either of the companies any right, liability or obligation expressly conferred or imposed on the Authority by name by any enactment (other than section 2(1) of, and Schedule 2 to, the Atomic Energy Authority Act 1954) or by statutory instrument.

Section 25

(1) This Act may be cited as the Atomic Energy Authority Act 1971

(2) Sections 1 to 7, 17 to 20, 21(2) and 24 of this Act and the Schedule to this Act extend to Northern Ireland; but, with the exception of those provisions, this Act does not extend to Northern Ireland.

STUDIES AND ARTICLES

ARTICLES

SOME LEGAL PROBLEMS IN CONNECTION WITH THE USE OF PLUTONIUM-POWERED CARDIAC PACEMAKERS

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The development of a cardiac pacemaker, using as a power source, not a conventional chemical battery, but a capsule containing plutonium 238 has been for many years at the laboratory stage. Although it was well know that this work was in progress, a situation has now developed that has caught off guard the relatively small group of lawyers and administrators engaged in the field of nuclear law. This situation arose from the sudden spread in several countries, of the actual implantation of these new cardiac pacemakers in man. Reliable prognoses in medical circles are that in a few years' time, the patients bearing the nuclear pacemakers will number in thousands. The industries specialising in medical appliances evidently share this view, as several of them, in different countries, are now producing their specific type of nuclear pacemaker.

The advantages of a nuclear pacemaker over the conventional ones are obvious: it does away with the necessity of a series of operations, simply for renewing the battery. The relatively high price of a nuclear pacemaker does not seem to be an impediment, as this high price is more than offset by the costs of a series of operations with the attendant costs for hospitalisation. Provided that a nuclear pacemaker is so constructed that if offers no undue risks to the bearer or his environment, the risk-benefit analysis, which ought to be the basis of such an application seems to be positive.

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* The ideas expressed in this article are under the sole responsibility of the author.

From the legal and administrative point of view the statement made in the preceding paragraph offers the first challenge. It is clearly the duty of the competent authorities to ensure that the construction of nuclear pacemakers meets certain standards, considered to guarantee the safety of the device. As a device is implanted in the body of its user, it is impossible to inspect it. This means that quality control is only possible at the manufacturing stage. Now the nuclear pacemakers in actual use in Holland are assembled in that country, but the electronic components are manufactured by a company situated in the USA. The capsule with its plutonium 238 content, on the other hand, is manufactured in France. In the near future other types may be imported in a finished state from other countries or the finished pacemakers in Holland may be exported to other countries. These circumstances make it highly desirable that international agreement be reached on technical standards to be complied with by each manufacturer of nuclear pacemakers. Fortunately this work has already been undertaken within NEA.

Once it is assured that all nuclear pacemakers comply with the internationally accepted technical standards, it can be assumed that the pacemaker offers no risks for its bearer or his environment as long as the bearer remains alive. In the underlined part of the last sentence, however, lies the source of a much more difficult legal-administrative problem than the first one.

It is generally known that plutonium is a most dangerous substance that remains so for an exceedingly long time, due to its very long half-life. Nor is the amount of plutonium in each pacemaker negligible as each pacemaker contains 2-2½ curies of plutonium 238.

If the plutonium content of one or more of these capsules should ever be discharged in the environment, the effect would result in great danger to life and property.

To decontaminate a building contaminated by plutonium is a major operation. It is therefore essential to create safeguards to ensure that the nuclear pacemaker is recovered and stored safely after the death of its bearer. This means that a fast and secure mechanism should be set up at the legal level for the purpose of

(a) identifying the deceased as the bearer of a nuclear pacemaker,

(b) ensuring that the pacemaker is taken out of the body before burial or cremation;

(c) ensuring the safe storage of the removed pacemaker.

Evidently (a) and (b) pose the most difficult problems.

The problem of identification requires that provision should be made for many different situations.

The first question to be analysed is: who should proceed with the actual identification? The first persons who come to mind are the surviving relatives of the patient, who probably know that he did have a nuclear pacemaker. However, there are several obvious objections, e.g. in many cases there are no close relatives at all. But the most importation objection is perhaps that the state of mind of the relatives after the death of a father, mother, or husband

should be taken into account. It would be quite unreasonable to expect them to notify the authorities that the deceased was the bearer of a pacemaker. The second group of people who would be in a position to know of the pacemaker, are the medical doctors, in whose care the patient was.

If the medical care of the patient during his last illness was in the hands of his family doctor, this doctor could be expected to know about the presence of a nuclear pacemaker. But here again a situation may occur: that the medical doctor in whose care the patient is, cannot necessarily be expected to know about the pacemaker's existence. The mobility of the population in the present world is partly responsible for this. Another factor is that more and more serious cases are not treated at home but in hospitals, often at quite a distance from the patient's home. Moreover, modern hospitals are often large organisations, both in respect of the medical staff and their administration.

A way out might be to oblige the bearer of the nuclear pacemaker to have on his person a means of identifying him as a "bearer". A marking - as has been suggested - might be tattooed on his skin. Apart from the emotional resistance such a measure would engender, this would not be absolutely safe as a tattoo mark could easily be destroyed if the patient died in an accident as a result of wounds or burns.

The latter also applies to other means of identification, such as bracelets, cards, etc. The obligation of wearing a bracelet and/or a card as a means of identification are not as emotionally loaded as tattoos and can be made a legal obligation.

It is clear, however, that bracelets, cards, etc. can only be a secondary means of identification. In most countries a medical certificate on the cause of death is mandatory, prior to burial or cremation. This is an established procedure. As the form of the certificate is fixed by law, it would seem feasible to include a reference or question on the presence of a pacemaker in the body.

Assuming however that the medical doctor who has to issue the certificate indeed discovers that there is a pacemaker (this is easily detected as the pacemaker is implanted right under the skin), he only knows that a pacemaker is implanted, but not yet whether it is a nuclear or a conventional one. Of what type the pacemaker is can only be ascertained by way of a bracelet or card, or lacking that, by checking with the authorities. As it is the duty of the authorities, and in most countries the Public Health Authorities, to ensure that a nuclear pacemaker is kept safely, these authorities should be notified anyway. This means that the authorities should keep, a record preferably centralised, of bearers of nuclear pacemakers.

If the idea of a central registration were to be accepted in each country, a mechanism could be created to exchange information quickly between competent authorities in different countries in case the national of one country dies in another.

After a system has been set up to identify a nuclear pacemaker, additional legal procedures may have to be instituted to make it possible to remove the nuclear pacemaker from the body. In most countries, opening up the body of a deceased person is subject to legislation. In some laws additional rules may be needed for an operation solely to remove the pacemaker, irrespective of the wishes of the relatives. It is a well known fact that in many cases relatives object to an autopsy out of religious feelings. These feelings must be respected, of course, unless an overriding reason exists. In the case of the removal of a nuclear pacemaker this valid reason certainly does exist. Legislation in this situation seems necessary, a signed declaration given by the patient, prior to implantation, and authorising the removal of the pacemaker after his death, does not seem to be sufficient, as a document of this kind will, in most laws, fall in the same class as testaments, and so is revocable at any time. After removal of the pacemaker, rules for handling radioactive materials are applicable.

Some other publications of NEA

ACTIVITY REPORTS

Reports on the Activities of the European Nuclear Energy Agency (ENEA) /On the adhesion of Japan to the Agency on 20th April 1972, its name was changed to the OECD Nuclear Energy Agency (NEA)/	Eleventh Report (December 1969) 97 pages (crown 4to) Twelfth Report (November 1970) 119 pages (crown 4to) Thirteenth Report (December 1971) 90 pages (crown 4to)

Free on request

Annual Reports of the OECD High Temperature Reactor Project (DRAGON)	Eleventh Report (1969-1970) 193 pages (crown 4to) Twelfth Report (1970-1971) 140 pages (crown 4to) Thirteenth Report (1971-1972) 152 pages (crown 4to)

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Annual Reports of the OECD Halden Reactor Project	Tenth Report (1969) 162 pages (crown 4to) Eleventh Report (1970) 147 pages (crown 4to) Twelfth Report (1971) 192 pages (crown 4to)

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Activity Reports of the European Company for the Chemical Processing of Irradiated Fuel (EUROCHEMIC)	1968 Activity Report 63 pages (crown 4to) 1969 Activity Report 80 pages (crown 4to)

Free on request

SCIENTIFIC AND TECHNICAL CONFERENCE PROCEEDINGS

Physics Measurements in Operating Power Reactors	Rome Seminar, May 1966 848 pages (crown 4to) £ 6.14s., $ 22, F 92, FS 84 DM 76.50
Radiation Dose Measurements (Their purpose, interpretation and required accuracy in radiological protection)	Stockholm Symposium, June 1967 597 pages (crown 4to) 64s., $ 11, F 44, FS 44, DM 36.50
Technology of Integrated Primary Circuits for Power Reactors	Paris Symposium, May 1968 F 25 (available on application to NEA)
Application of On-Line Computers to Nuclear Reactors	Sandefjord Seminar, September 1968 900 pages (crown 4to) £ 7.5s., $ 20, F 85, FS 78, DM 70
Third Party Liability and Insurance in the Field of Maritime Carriage of Nuclear Substances	Monaco Symposium, October 1968 529 pages (crown 8vo) £ 2.12s., $ 7.50, F 34, FS 28.50, DM 22.50
The Physics Problems of Reactor Shielding	Specialist Meeting, Paris, December 1970 175 pages £ 1.75, $ 5, F 23, FS 20, DM 15.60
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April 1973

J A P A N

THE LAW ON INDEMNITY AGREEMENT FOR COMPENSATION OF NUCLEAR DAMAGE*

(Law No. 148 of 17th June 1961
as amended by
Law No. 55 of 20th May 1968
and by
Law No. 53 of 1st May 1971)

(Definitions)

Article 1

As used in this Law:

- "operation of a reactor, etc." means the operation of a reactor, etc. as provided in Article 2, paragraph 1 of the Law on Compensation for Nuclear Damage (Law No. 147 of 1961, hereinafter referred to as "Compensation Law");**
- "nuclear damage" means the nuclear damage as provided in Article 2, paragraph 2 of the Compensation Law;
- "nuclear operator" means the nuclear operator (except the person provided in Article 2, paragraph 3, sub-paragraphs 1 - 2 of the Compensation Law)***, as provided in Article 2, paragraph 3 of the Compensation Law;

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* Unofficial translation.

** This Law which was also amended by Law No. 53 of 1971, was reproduced in the Supplement to Nuclear Law Bulletin No. 9.

*** The phrases underlined in the text of this Law indicate the changes made as compared to the original text.

- "nuclear ship" means the nuclear ship as provided in Article 2, paragraph 4 of the Compensation Law;

- "financial security" means the financial security as provided in Article 6 of the Compensation Law;

- "financial security amount" means the financial security amount as provided in Article 7, paragraph 1 of the Compensation Law; and

- "liability insurance contract" means the liability insurance contract as provided in Article 8 of the Compensation Law.

(Indemnity agreement for compensation of nuclear damage)

Article 2

The Government may conclude with a nuclear operator an agreement under which the Government undertakes to indemnify a nuclear operator for his loss arising from paying compensation for the nuclear damage not covered by the liability insurance contract or any other financial security for compensation of nuclear damage, in case the nuclear operator becomes liable, and by which the nuclear operator undertakes to pay the indemnity fee to the Government.

(Indemnity loss)

Article 3

The loss which the Government indemnifies under the agreement provided in Article 2 (hereinafter referred to as "indemnity agreement") shall be the loss suffered by a nuclear operator as a result of compensation of the nuclear damage specified in the following paragraphs (hereinafter referred as as "indemnity loss"):

(1) Nuclear damage caused by earthquake or eruption;

(2) Nuclear damage caused by normal operation (which means the operation of a reactor, etc. under the conditions as provided by Cabinet Order);

(3) Nuclear damage which can so far as the fact that causes the damage is concerned, be covered by the liability insurance contract and for which persons who suffered the nuclear damage have not claimed for compensation within the period of ten years from the day of occurrence of the fact (with regard to the nuclear damage suffered in this period, this shall be applied only to the case where there is justifiable reason for their failure to claim for the compensation within this period);

(4) Nuclear damage which occurred when bringing a nuclear ship into the territorial waters of a foreign country, and which cannot be covered by the financial security provided in Article 7, paragraph 1 of the Compensation Law or any other financial security (this is limited to the financial security which is approved as a part of the financial security provided in Article 7bis, paragraph 1 of the Compensation Law).

(5) Nuclear damage as provided by Cabinet Order other than that specified in each of the preceding paragraphs.

(Contracted amount under indemnity agreement)

Article 4

1. The contracted amount under an indemnity agreement (hereinafter referred to as "indemnity agreement amount") relating to the nuclear damage provided in the preceding Article, paragraphs 1, 2, 3 and 5, shall be the amount equivalent to the financial security amount for the financial security arrangement which includes the conclusion of the indemnity agreement concerned (in case the financial security arrangement includes arrangements other than the conclusion of the liability insurance contract and the indemnity agreement, this amount shall be reduced by the amount available for compensation of the nuclear damage by means of other arrangements; in case indemnity agreements other than the indemnity agreement concerned have been concluded, this amount shall be reduced by the amount available for compensation of the nuclear damage by means of the conclusion of other indemnity agreements).

2. The contracted amount under an indemnity agreement relating to the nuclear damage provided in the preceding Article, paragraph 4 shall be of an amount equivalent to the financial security provided in Article 7-2, paragraph 1 of the Compensation Law (in case the financial security provided in Article 7, paragraph 1 of the Compensation Law, or any other arrangement for compensation of nuclear damage, is approved as part of the financial security provided in Article 7-2, paragraph 1 of the Compensation Law, this amount shall be reduced by the amount of the financial security available for compensation of nuclear damage).

(Period of indemnity agreement)

Article 5

1. The period of the indemnity agreement relating to the nuclear damage provided in Article 3, paragraphs 1, 2 3 and 5 shall be from the time of its conclusion to the time when the operation of a reactor, etc. covered by the indemnity agreement has ceased.

2. The period of the indemnity agreement relating to the nuclear damage provided in Article 3, paragraph 4, shall be the period from the time when the nuclear ship leaves the territorial waters of Japan to the time when the nuclear ship returns to the territorial waters of Japan.

(Indemnity fee)

Article 6

The annual amount of the indemnity fee shall be the amount calculated by multiplying the indemnity agreement amount by the rate fixed by Cabinet Order taking into account the probability of the occurrence of the indemnity loss, the expenditures of the Government for dealing with the indemnity agreement and other conditions concerned.

(Payment under indemnity agreement)

Article 7

1. The Government shall, according to an indemnity agreement, indemnify up to the indemnity agreement amount for the indemnity loss resulting from the nuclear damage caused by the operation of a reactor, etc. during the period of the indemnity agreement concerned.

2. In case the Government shall indemnify loss relating to the nuclear damage provided in Article 3, paragraphs 1, 2, 3 and 5, if there is any amount to be covered by the liability insurance contract in respect of the nuclear damage attributed to the same cause as that of the nuclear damage involving the said indemnification, the total sum provided by the indemnity agreement in respect of the indemnity loss concerned shall not exceed the amount calculated by deducting the amount to be paid under the said liability insurance contract from the financial security amount for the financial security arrangement which includes the conclusion of the indemnity agreement concerned (in case the financial security concerned includes arrangements other than the conclusion of the liability insurance contract and the indemnity agreement, the amount shall be reduced by the amount available for compensation of the nuclear damage by means of other arrangements).

(Limit of conclusion of indemnity agreement)

Article 8

The Government shall conclude an indemnity agreement to the extent that the total sum of the indemnity agreement amounts needed for the indemnity agreements concluded in one fiscal year does not exceed the amount approved by the National Diet in each fiscal year.

(Duty of notification)

Article 9

In concluding the indemnity agreement, the nuclear operator shall, in accordance with the provisions specified by Cabinet Order, notify the Government about important facts related to the operation of a reactor, etc. The same shall apply in case there is a change in the notified facts.

(Entrusting to the Cabinet Order)

Article 10

The conclusion of the indemnity agreement and the date of the payment of the indemnity fee, the date of the payment under the indemnity agreement, and other necessary matters concerning the payment of the indemnity fee and the payment under the indemnity agreement shall be provided by Cabinet Order.

(Prescription)

Article 11

The right to receive payment under the indemnity agreement shall be extinguished by prescription when two years have elapsed.

(Subrogation, etc.)

Article 12

In case the Government has indemnified under the indemnity agreement, if the nuclear operator who is party to the indemnity agreement has a right of recourse against a third party, the Government shall take over the right in the amount not exceeding the amount indemnified. If the nuclear operator has received payment by exercising his right of recourse, the Government shall be exonerated from its obligation to indemnify for an amount not exceeding the amount paid.

(Repayment of the sum received under the indemnity agreement)

Article 13

In case the Government has paid for the indemnity loss involving nuclear damage specified in the following paragraphs the Government shall have the nuclear operator repay in accordance with the provisions specified by Cabinet Order:

(1) Nuclear damage arising from the facts of which the nuclear operator who is party to the indemnity agreement has failed to give notification in accordance with Article 9, or of which he has given a false notification in accordance with Article 9;

(2) Nuclear damage caused by the operation of a reactor, etc. during the period from the day when the nuclear operator receives from the Government a notice of cancellation of the indemnity agreement in accordance with Article 15, to the day before the day when the cancellation comes into effect.

(Cancellation of indemnity agreement)

Article 14

1. In case the nuclear operator who is party to the indemnity agreement provides a financial security other than that included in the conclusion of the indemnity agreement concerned, the Government may accept an offer for the cancellation of the indemnity agreement or may cancel it.

2. The cancellation of the indemnity agreement as provided in paragraph 1 shall be effective for the future.

Article 15

1. The Government may cancel the indemnity agreement in case the nuclear operator who is party to the indemnity agreement:

(1) violates the provision of Article 6 of the Compensation Law;

(2) fails to pay the indemnity fee;

(3) fails to give a notification in accordance with Article 9 or gives a false notification;

(4) fails to take the necessary safety measures in accordance with Article 35, or Article 48 (including its mutatis mutandis application in Article 51), of the Law for Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Law No. 166 of 1957); or

(5) violates a provision of the indemnity agreement which comes under any one of those provided by Cabinet Order.

2. The cancellation of the indemnity agreement as provided in paragraph 1 shall take effect for the future upon a lapse of ninety days from the day when the nuclear operator, who is party to the indemnity agreement, receives notice of the cancellation.

(Negligence fine)

Article 16

In case the nuclear operator, who is party to the indemnity agreement violates a provision of the indemnity agreement which comes under any one of those provided by Cabinet Order, the Government may impose a negligence fine in accordance with the Cabinet Order.

(Management of Affairs)

Article 17

1. The affairs of the Government provided in this Law shall be taken charge of by the Director-General of the Science and Technology Agency.

2. The Director-General of the Science and Technology Agency shall on the occasion of the cancellation of an indemnity agreement, as provided in Article 15, ask in advance the opinion of the Minister of International Trade and Industry in cases related to reactors for electric power generation (which means reactors as provided in Article 3, paragraph 4 of the Atomic Energy Basic Law - Law No. 186 of 1955); or ask the opinion of the Minister of Transportation in cases related to reactors installed in vessels.

N O R W A Y

ACT NO. 28 OF 12TH MAY 1972 CONCERNING NUCLEAR ENERGY ACTIVITIES*

CHAPTER I: DEFINITIONS, ETC.

Section 1 (Definitions)

For the purposes of this Act:

(a) Nuclear fuel means:

fissionable material in the form of uranium or plutonium metal, alloy or chemical compound, and such other fissionable material as the Ministry may determine;

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* Unofficial translation prepared by the Norwegian Authorities.

Translator's note:

- "Ministry" refers to the Ministry of Industry.
- Storting is the name of the Norwegian Parliament.
- Odelsting is the name of the first chamber of the Storting.
- Lagting is the name of the second chamber of the Storting.
- Decisions to be made by the King under this Act are either taken by the "King in Council" (i.e. the King in formal session with the Government and under the responsibility of the latter) or by a Ministry or other Authority when empowered by the King in Council.

(b) radioactive products means:

other radioactive material (including wastes) which is made, or has become radioactive by radiation incidental to the production or utilization of nuclear fuel;

(c) nuclear substance means:

nuclear fuel, other than natural uranium and depleted uranium, as well as radioactive products, except radioisotopes used for industrial, commercial, agricultural, medical or scientific purposes or which are intended for, and are directly usable for such a purpose;

(d) nuclear reactor means:

structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without the addition of neutrons from another source;

(e) nuclear installations means:

nuclear reactor installation;
factory for the production or processing of nuclear substances,
factory for the separation of isotopes of nuclear fuel,
factory for the reprocessing of irradiated nuclear fuel,
facilities for the storage of nuclear substances other than facilities intended exclusively for use as temporary storage incidental to the carriage of such substances, and such other facilities, in which there are nuclear fuel or radioactive products, as the Ministry may determine;

(f) Installation State means:

the State within which a specific nuclear installation is situated or, if the installation is not situated within the territory of any State, that State which operates or has authorized the installation;

(g) operator of nuclear installation means:

anyone having obtained a concession for operating the installation or - in the absence of a concession - anyone in control of the installation or whom the Ministry has so designated, or, as far as installations abroad are concerned, anyone recognized as operator in accordance with the legislation of the Installation State;

(h) nuclear damage means:

damage resulting from radioactive properties or, a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products, as well as damage resulting from ionizing radiation emitted by any other source than a nuclear installation;

(i) nuclear incident means:

an occurrence which causes nuclear damage or a series of occurrences having the same origin and causing nuclear damage;

(j) 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 Protocol of 28th January 1964;

(k) Supplementary Convention means:

the Convention Supplementary to the Paris Convention signed in Brussels on 31st January 1963 and amended by the Protocol of 28th January 1964;

(l) Vienna Convention means:

the Convention on Civil Liability for Nuclear Damage signed in Vienna on 21st May 1963;

(m) Contracting State means:

State which has acceded to both the Paris Convention and the Vienna Convention or to one of these Conventions to which Norway also has acceded, and which have entered into force both for Norway and for the State concerned.

Section 2 (Exemptions)

1. The Ministry may exempt from the provisions of this Act, either in whole or in part, certain types of nuclear installations, nuclear fuel, radioactive products or nuclear substances which, in the Ministry's own opinion, constitute no significant hazard.

2. If a question arises as to the liability of the operator of a nuclear installation in another Contracting State, any corresponding exemption as well as the scope thereof shall be governed by the statutory provisions of the Installation State, within the limits of the relevant convention to which Norway is also a party.

Section 3 (Two or more installations on the same site)

1. The Ministry may determine that two or more nuclear installations having the same operator and which are situated on the same site shall be considered in whole or in part as a single installation for the purposes of this Act.

2. If one or more plants, in which radioactive material is located, are situated within the site of one nuclear installation or of two or more nuclear installations which constitute one and the same installation, such plant or plants shall be considered part of the said nuclear installation.

3. The Ministry may prescribe the boundaries of an installation site.

CHAPTER II: CONCESSIONS, PERMITS, SUPERVISION, ETC.

Section 4 (Concession for nuclear installation)

It shall be unlawful to construct, own or operate a nuclear installation without a concession granted by the King. Such concession shall be valid for a specified place of operation. As a rule the duration of the concession should be limited to a specified

period. A separate concession is required for the transfer of a nuclear installation or the operation thereof to a new owner or operator.

A concession for the construction of a nuclear power plant should not be granted before the Storting has given its approval. The matter should be submitted to the Storting when proposals for the construction site of the nuclear power plant are to hand and the question of operator/ownership is clarified.

Section 5 (Permit to hold nuclear substances, etc.)

1. It shall be unlawful to manufacture, own, store, handle, transport, sell or otherwise hold or dispose of nuclear substances without a permit from the Ministry concerned. However, a permit is not required to the extent that activities mentioned here are covered by concession granted in accordance with Section 4. The Ministry concerned may prescribe exceptions to the obligation to obtain a permit subject to such conditions as it may be necessary to impose.

2. A permit may be granted generally for a definite or an indefinite period, or on an individual basis, and it may be restricted to cover a special authorisation for one of the activities enumerated in the first sentence of this Section or two or more authorisations collectively. A permit shall not include the right to export material from the realm unless this is specially indicated.

3. The King may decide that anyone intending to manufacture, own, store, handle, transport, sell or otherwise hold or dispose of nuclear fuel or radioactive products other than nuclear substances shall be subject to notification requirements or required to obtain a permit.

Section 6 (Administrative provisions)

The King may issue administrative provisions regarding the construction and operation of nuclear installations. The King may also issue rules regarding the manufacture, handling, packaging and marking, carriage, storage, sale and other ways of holding nuclear substances or other kinds of nuclear fuel or radioactive products.

Section 7 (Application for concessions and permits)

1. Before a concessions is granted the applicant must submit particulars of the building site, the purpose, nature and size of the installation and an account and evaluation of the installation's safety features. Before the concession is notified definitely, a preliminary approval may be given of the building site and other aspects of the application for the concession.

2. The King may issue administrative provisions with respect to the particulars to be included in applications for a concession or a permit, as well as the procedure for dealing with such applications.

Section 8 (Conditions for the grant of a concession or permit)

1. The grant of a concession or permit shall be subject to such conditions as are considered necessary having regard to safety

requirements and the public interest.

2. The Ministry may amend the conditions laid down and impose fresh conditions for the concession or the permit when this proves necessary for the safety requirements or for ensuring indemnity protection. If such fresh conditions entail an unreasonable alteration in the economic conditions upon which the recipient of the concession or permit had based his assumptions, and they exceed that which ordinarily follows from his obligation to maintain the installation and equipment in good and proper order and to secure it against causing damage, the Court may grant him compensation from Government funds to the extent that this is found reasonable.

3. Upon the application of the recipient of the concession or permit the Ministry concerned may make such amendments or additions as it deems fit.

Section 9 (Revocation of concessions and permits)

A concession or permit may be revoked when:

a. it becomes apparent that major prerequisites therefor did not exist;

b. conditions or orders, which have been imposed or given in pursuance of statutory provisions, are being substantially or repeatedly disregarded;

c. the installation or operation is not completed or carried out in reasonable time; or

d. considerations of safety so require.

Section 10 (The Nuclear Energy Safety Authority)

1. The Nuclear Energy Safety Authority shall be directed by an executive board the members of which, together with their personal deputies, shall be appointed by the King for a term of four years. The King shall decide on the composition of the executive board.

2. The Nuclear Energy Safety Authority shall, as the highest specialist agency as far as questions of safety are concerned, function as the institution making recommendations and giving advice to the Ministry concerned. The said Authority shall prepare and submit recommendations on all applications concerning concessions and permits. The Authority shall on its own initiative put into effect all such measures as it deems necessary for reasons of safety. It shall be the duty of the Authority to supervise that all rules and conditions pertaining to safety precautions are complied with and are put into effect, as well as such orders as are given in pursuance of this Act.

3. The King shall issue further rules concerning the organisation and functions of the Nuclear Energy Safety Authority. The King may also issue further rules concerning the relationship between the said Authority and other supervisory authorities.

Section 11 (Construction and commencement of operations of nuclear installations)

1. The Nuclear Energy Safety Authority shall exercise continuous supervision over the construction of nuclear installations. In particular it shall ensure compliance with the terms and provisions of the concession, as well as ensuring the implementation of all necessary measures which safety precautions require, including such safety measures as are described in the provisionally authorised safety reports. Measures described in the safety reports may be altered by the Nuclear Energy Safety Authority provided this does not conflict with considerations of safety.

2. Before a nuclear installation is put into operation, the operator must have obtained authorisation for this from the Nuclear Energy Safety Authority. Before granting such authorisation the Authority must be satisfied that:

a. The technical standards of the installation, the operating regulations, safety measures and accident emergency plans are sound;

b. the management and personnel of the installation have the necessary qualifications and clearly defined spheres of responsibility;

c. security has been furnished in accordance with Section 35, cf. Section 37 of this Act;

d. all the necessary authorisations have been obtained with other legislative provisions.

3. In good time before the nuclear installation is put into operation the operator shall submit to the Nuclear Energy Safety Authority a complete safety report on the installation concerned.

4. The Nuclear Energy Safety Authority may, if it believes this will assist it in its appraisal of the installation, give separate consent to a limited trial operation, subject to such conditions as may appear necessary.

Section 12 (Changes in installation and operating conditions)

If an operator proposes to make an alteration in the construction, operation or management of the installation which constitutes a departure from the conditions on the basis of which authorisation was granted under Section 11, subsection 2 and which may affect safety, he must submit the matter to the Nuclear Energy Safety Authority for authorisation before the alteration is put into effect

Section 13 (Supervision of operations)

1. The operations of a nuclear installation shall be subject to the continuous supervision of the Nuclear Energy Safety Authority. The said Authority shall ensure that the conditions for the grant of a concession are observed, that the requirements of Section 11, subsection 2 are satisfied at all times and that the operations of the installation (including the disposal of radioactive waste) are consistent with the operating regulations and are sound in all other respects.

2. The Nuclear Energy Safety Authority may give such instructions as are necessary to ensure that the requirements of subsection 1 of this Section are satisfied. If necessary the said Authority may order that the installation shall cease operations for such period as it deems fit.

3. Activities, which are subject to permit or notification requirements as laid down in, or given in pursuance of, Section 5, are subject to continuous supervision by the Nuclear Energy Safety Authority unless the King decides otherwise. The same applies to activities for which provisions have been enacted under Section 6. The authority concerned shall ensure that administrative provisions and conditions of permit are complied with, and that the said activities are conducted on a sound basis. To ensure this the authority concerned shall issue such instructions as it deems fit. The King may issue further rules with regard to the supervision.

Section 14 (Inspection, implementation of orders, etc.)

1. The Nuclear Energy Safety Authority may at any time demand access to a nuclear installation and the surrounding area. It shall be the duty of everyone associated with the installation, notwithstanding any obligation he may otherwise have with regard to the preservation of secrecy, to furnish the said Authority with all the particulars it needs in order to exercise its supervision.

2. If an order is not obeyed the Nuclear Energy Safety Authority may request compulsory execution by the authorities competent to exercise execution, proceedings (namsmyndighetene) or assistance from the police. In cases of emergency the said Authority may also have the necessary safety precautions taken on its own initiative at the expense of the owner of the installation and the operator. The public authorities' claim for reimbursement of such expenditures may be enforced by distraint upon the owner and operator of the installation concerned.

3. The provisions in subsection 1 and 2 apply correspondingly to the supervisory authority under Section 14, subsection 3 in relation to activities subject to its supervision.

Section 15 (Obligation to take safety precautions)

1. It shall be the duty of the operator of a nuclear installation to maintain the installation and equipment in sound and proper order and to take all necessary measures to ensure that no damage will be caused as a result of radioactivity or other hazardous features of such nuclear fuel or radioactive products which are to be found on the installation site, or which are removed or discharged therefrom, or which are undergoing transportation on the operator's behalf.

2. Similarly it shall be the duty of the operator to take the necessary measures to ensure that the installation does not become a danger to public safety after operations have been discontinued.

3. Such measures require the approval of the Nuclear Energy Safety Authority.

4. It shall be the duty of the operator and all other persons concerned with nuclear fuel or radioactive products to take all necessary measures to ensure that no damage is caused as a result of radioactivity or other hazardous properties of the material.

Section 16 (Notification of operational interruptions and accidents)

It shall be the duty of the operator of a nuclear installation to notify the Nuclear Energy Safety Authority without delay of any accidents and any operational interruptions whatsoever which may have an important bearing on safety. The same applies to anyone engaged in activities which are subject to permit or notification requirements as laid down in, or given in pursuance of, Section 5, although in such a case the supervisory authority mentioned in Section 13, subsection 3 takes the place of the Nuclear Energy Safety Authority.

Section 17 (Ship's reactors, etc.)

The King may issue special administrative provisions for nuclear installations which are used or intended to be used in vessels or on other means of transport, and for the admission of such means of transport to Norwegian territory and their operation therein. Where special circumstances so warrant, the administrative provisions may contain rules which differ from the provisions of this Act, including rules on supervision, concessions and competent authorities.

CHAPTER III: COMPENSATION AND INSURANCE NUCLEAR LIABILITY

Section 18 (Territorial scope)

1. Damage caused by a nuclear incident which occurs in a non-contracting State shall not entitle the injured party to claim compensation under this Chapter. The same applies to nuclear damage which occurs in such a State, unless the incident occurred within this realm and the operator of a nuclear installation here is otherwise liable in respect of the incident under the provisions of this Chapter. If the operator of a nuclear installation in a foreign country is liable in respect of the incident, the provisions of the Installation State respecting the territorial scope of the liability shall determine whether the operator is liable under this Chapter in respect of nuclear damage that has occurred in a non-contracting State.

2. The King may decide that the provisions in this Chapter shall apply, in whole or in part, to nuclear damage which has taken place in this realm or in another contracting State or on the open sea, even if the incident has occurred in a non-contracting State. Such a decision may be made conditional upon reciprocity between Norway and the Contracting State concerned where the nuclear damage has taken place or where the injured party is domiciled.

3. The King may further decide that no compensation shall be payable under this Chapter or under other provisions concerning compensation in respect of nuclear damage which has taken place in a non-contracting State, except insofar as there is reciprocity by virtue of the legislation of such State or by virtue of an agreement. The King may make such decision generally applicable or applicable in relation to specified States.

4. Notwithstanding the provisions of this Section, recourse may be had against the operator concerned in accordance with the provisions of Section 28.

Section 19 (Equating a non-contracting State with a Contracting State)

The King may decide that a non-contracting State may be equated in whole or in part with a Contracting State for the purposes of the provisions of this Chapter.

Section 20 (Operator's liability for a nuclear incident in a nuclear installation)

The operator shall be liable to pay compensation for nuclear damage caused by a nuclear incident which occurs in his nuclear installation. However, this does not apply to nuclear damage which is attributable exclusively to the presence of nuclear substances which are merely stored temporarily in the installation incidental to their carriage, provided that another operator is liable for the damage by virtue of a written contract and such liability is compatible with the provisions of Section 21, cf. Section 23.

Section 21 (Liability in the course of carriage)

1. If a nuclear incident occurs during the carriage (including temporary storage incidental to carriage) of nuclear substances from a nuclear installation in this realm or in another Contracting State, the operator of such installation shall be liable to pay compensation for nuclear damage which is attributable to the presence of such substances, save as otherwise provided in the succeeding subsections of this Section.

2. If the incident occurs after the substances have been taken in charge by the operator of another nuclear installation in this realm or in another Contracting State, such operator shall be liable instead to pay compensation, save insofar as another date for the transfer of liability has been expressly stipulated by written contract between the consignor and the consignee. If the nuclear substances are being carried to, and are intended for use in, a nuclear reactor which acts as a source of power in a means of transport, the consignor is free of liability for any nuclear incidents which occur after the date on which the legally authorised operator of the said nuclear reactor installation in such means of transport has taken the substances in charge.

3. If the nuclear substances are consigned from a non-contracting State to a nuclear installation in this realm or in another Contracting State with the written consent of the operator of such installation, the latter shall be liable for any nuclear incident which occurs in the course of carriage. If nuclear substances are consigned from a nuclear reactor installation which acts as a source of power in a means of transport, to a nuclear installation in this realm or in another Contracting State, the consignee shall be liable for any nuclear incident which occurs after he has taken the substances in charge.

4. The consignor and the consignee shall ~~not~~ both be liable in accordance with the provisions in the Paris Convention and in the Vienna Convention respectively, with regard to any nuclear incident which occurs during the carriage of nuclear substances from a nuclear installation in a foreign State, which is a party to only one of the said Conventions, to a nuclear installation in a foreign State which is a party to the other Convention only.

5. If at the time of the incident the nuclear substances concerned are being carried between countries which are not Contracting States or equated with such States, and if the nuclear incident occurs in Norwegian territory or on the high seas outside Norwegian territory, the general rules on compensation shall apply. The operator concerned or any other person on whose behalf the consignment is effected shall be liable irrespective of fault for the damage.

6. The King may issue administrative provisions respecting the cases in which, and the conditions subject to which, operators of nuclear installations in this realm shall or may enter into a contract respecting the transfer of liability under this Section (cf. subsections 1-3).

Section 22 (Operator's liability in other cases)

If at the time of the incident nuclear substances which have caused damage are neither located in a nuclear installation nor being transported, the party liable for the nuclear damage shall be the operator of the nuclear installation in a Contracting State who had the nuclear substances in his possession at the time of the incident or most recently prior to the incident. However, if the nuclear substances were in the course of carriage and if no operator in a Contracting State had acquired possession thereof between the interruption of the carriage and the incident, compensation for the damage shall be payable by the operator or other person who at the time when the carriage was interrupted was liable by virtue of Section 21 in respect of nuclear incident in the course of carriage. If the nuclear substances had last come from a non-contracting State in any other manner, and no operator in a Contracting State had acquired possession thereof prior to the incident, the provisions of Section 21, subsection 5 shall apply correspondingly.

Section 23 (Carrier's assumption of liability)

The King may, upon the application of a carrier or similar person who undertakes carriage coming within the scope of Section 21, decide that the applicant shall be liable instead of the operator of a nuclear installation in this realm for nuclear incidents occurring in the course of carriage. Such decision may not be taken without the consent of the operator or in the absence of a declaration of security in accordance with Section 37. If such decision is taken, whatever applies by virtue of this Act to the operator shall apply instead to the applicant as regards a nuclear incident in the course of carriage. The same shall apply where a corresponding decision is taken by virtue of the law of another Contracting State as regards any damage for which the operator of a nuclear installation in such State would otherwise be liable.

Section 24 (Absolute liability, etc.)

1. The operator is liable even though he is not at fault for the damage.

2. The operator of a nuclear installation in this realm shall not be liable under the provisions of this Chapter if the nuclear incident is directly due to an act of war or similar act in the course of an armed conflict, invasions, civil war or insurrection, or if it is directly attributable to a grave natural disaster of an exceptional nature. In such cases the liability of an operator of a nuclear installation in a foreign country shall be governed by the law of the Installation State.

3. Compensation for non-financial damage shall be payable only if the operator of the installation is liable for the damage by virtue of the provisions in Sections 19 or 21 of the Act concerning the Entry into Force of the General Civil Penal Code.

Section 25 (Special provisions concerning damage to the installation itself and to means of transport)

1. Subject to subsection 2 of Section 27, the provisions of this Chapter shall not apply to damage caused to the nuclear installation itself or to any property which at the time of the incident was on the installation site and was being used or was there to be used in connection with that installation.

2. Subject to the limitations given in subsection 3 of Section 30, the liability of an operator of a nuclear installation in this realm also comprises damage which is caused in the course of carriage to the means of transport on which the nuclear substances causing the damage were located when the nuclear incident occurred. If the operator of an installation in another Contracting State is liable in respect of the incident, the question of his liability for damage to the means of transport shall be decided in accordance with the law of the Installation State.

Section 26 (Contributory responsibility of injured party)

If an injured party has contributed to the damage either wilfully or though gross negligence the compensation may be modified.

Section 27 (Claims against persons other than the operator)

1. Claims for compensation for nuclear damage may not be brought against any person other than the operator concerned or his insurer or guarantor, provided that the operator is liable under the provisions of this Chapter or under corresponding provisions in another Contracting State. The same applies even if the claim against the operator etc. has been extinguished by reasons of statutory limitations, cf. Section 34.

2. Claims for compensation for nuclear damage for which the operator is not liable under Section 24, subsection 2 or Section 25 or corresponding provisions under the legislation of another Contracting State, may only be enforced against an individual person who has himself wilfully caused the damage. In cases of damage to a means of transport, as mentioned in the second sentence of subsection 2 in Section 25, the operator shall furthermore -

irrespective of provisions concerning liability exemptions under the legislation of the Installation State - be liable in accordance with the general rules of the law of torts.

3. The provisions of this Section shall not preclude claims for compensation under any international agreement in the field of transport or under legislation based on the principles of such agreement, provided that the said agreement was in force or was open for signature, ratification or accession on 29th July 1960.

4. The provisions of Sections 39-44 shall apply as regards cover out of Government Funds.

Section 28 (Recourse against the operator)

1. Anyone liable to pay compensation in this realm or in a foreign country pursuant to the provisions in Section 27, subsection 3 or pursuant to the legislation of a non-contracting State may claim recourse against the operator or guarantor concerned within the limits applicable to compensation under this Chapter and subject to the exceptions provided for in this Section.

2. If the nuclear incident occurred or the damage arose in a non-contracting State, recourse against the operator, who but for Section 18 would have been held liable for the damage, may only be claimed by a person having his principal place of business in this realm or in another Contracting State or by the servant of such a person. However, in the case of carriage within the meaning of Section 21, subsection 1, to a consignee in a non-contracting State, the liability of the consigning operator shall not in any circumstances extend to a nuclear incident which occurs after the nuclear substances are unloaded in the territory of the country of destination from the means of transport which conveyed it to that country. In the case of carriage coming within the scope of Section 21, subsection 2, from a consignor in a non-contracting State the liability of the consignee shall not extend to a nuclear incident which occurs before the nuclear substances are loaded on to the means of transport which is to convey it from the territory of the consigning State.

3. Recourse within the meaning of this Section cannot be claimed if the claimant has, by means of a contract with the operator, expressly undertaken to cover damage or is otherwise obliged to provide cover for the damage under Section 33.

4. If an agreement with a foreign State so requires, the King may issue administrative provisions whereby -

a) only nationals of or institutions or enterprises domiciled in a State which has acceded to the Vienna Convention shall be entitled to enforce claims for recourse under this Section against an operator of a nuclear installation in a State which has acceded to the Vienna Convention but not to the Paris Convention;

b) claims for recourse in cases coming within the scope of subsection 2 of this Section shall not be enforceable against the operator of a nuclear installation in a State which has acceded to the Vienna Convention but not to the Paris Convention and whereby such State shall not be regarded as a Contracting State for the purposes of the said provision.

Section 29 (Damage which is equated with nuclear damage, etc.)

1. If any person has sustained simultaneously both nuclear damage entitling him to compensation under this Chapter and other damage, the entire damage shall be equated with nuclear damage for the purposes of this Chapter to the extent that it is not reasonably possible to separate one type of damage from the other.

2. The provisions of subsection 1 shall not in any way affect the liability of persons other than the operator liable, who by virtue of other legislation may be liable in respect of damage caused by ionizing radiation which does not come within the scope of this Chapter.

Section 30 (Limitation of liability)

1. The total liability of the operator in respect of nuclear damage caused by one and the same nuclear incident shall, as a rule, be limited to 70 million kroner. In special cases the King may, having regard to the size and nature of the installation, the extent of the carriage involved as well as other circumstances, prescribe a different limitation of liability, which may not be less than 35 million kroner.

2. If the nuclear installation of the operator liable is situated in another Contracting State, the law of such State as concerns limitation of liability shall apply, even if Norwegian law is otherwise applicable.

3. If, in the case of a nuclear incident in the course of carriage, nuclear damage is caused to the means of transport on which the nuclear substances causing the damage were located when the incident occurred, liability in respect of such damage shall not have the effect of limiting liability in respect of other nuclear damage to an amount lower than the equivalent of 5 million units of account within the meaning of the European Monetary Agreement of 5th August 1955, as laid down on 29th July 1960.

4. The limitation prescribed in subsections 1-3 of this Section shall not apply to interest and litigation costs.

Section 31 (Damage caused by two more more installations)

1. If two or more operators are liable for compensation in respect of the same damage they shall be jointly and severally liable towards the injured parties, but each operator shall be liable only up to the limit of liability established with respect to him under Section 30. However, if the damage is the result of a nuclear incident during the carriage of nuclear substances, and the substances are located on one and the same means of transport, or under temporary storage in one and the same nuclear installation, the maximum total amount for which such operators shall be liable shall be the maximum limit of liability established with respect to any of them under Section 30, provided that their nuclear installations are situated in the same State or in States which have acceded to the same convention.

2. Liability shall be shared by the operators with due regard to each installation's share in the damage and to all other relevant circumstances.

Section 32 (Apportionment of claims exceeding the limitation of liability)

1. If the amount of liability under Section 30, cf. Section 31, is not sufficient to satisfy in full the claims of all injured parties, the compensation and the relevant interest shall be reduced proportionally. Such reduction must be authorised by a decision of the probate court (skifterett).

2. The Ministry may decide that compensation for personal injuries shall be given preferential liability coverage up to such an amount per person as the Ministry shall determine.

3. If, after a nuclear incident has occurred, there is reason to believe that the total damage will exceed the maximum amount of liability under Section 30, cf. Section 31, the operator liable and his insurer or guarantor shall ensure as soon as possible that the Ministry shall receive written notification of this fact together with full particulars as to the extent of the damage. In such cases the Ministry may decide that until further notice the injured parties shall be paid such proportion of their claims for compensation as, in the light of the claims filed, there is considered to be cover for, or only such proportion as there is cover for after a reserve has been set aside to cover possible subsequent claims.

4. The King may issue administrative provisions to supplement the provisions of this Section. Save as otherwise provided by the King, the Probate Act (skifteloven) shall apply correspondingly, in so far as it is relevant to decisions of the probate court (skifteretten) under this Section. The provisions of Sections 45 and 46 with respect to territorial jurisdiction shall apply to the probate court. The King may decide that a Norwegian probate court shall have jurisdiction if the nuclear installation concerned is situated in this realm irrespective of whether actions concerning liability would otherwise come within Norwegian jurisdiction.

Section 33 (Recourse by the operator)

An operator who is liable under this Chapter or corresponding provisions in another Contracting State shall not be entitled to seek recourse against another party in respect of such liability unless the party concerned:

(a) has expressly undertaken by contract to cover the damage, or

(b) is an individual who has himself wilfully caused the damage, or

(c) is liable in respect of ionizing radiation within the meaning of Section 39, subsection 2 or

(d) is a jointly liable operator (cf. Section 31, subsection 2).

Section 34 (Extinction of claim for compensation after expiry of 10 years)

1. Whether or not a claim for compensation or recourse against an operator has become barred by limitation earlier under the general provisions respecting statutory limitation, it shall be extinguished

if it is not recognised or legal action has not been instituted within ten years after the nuclear incident to which it relates.

2. If the nuclear incident is attributable to nuclear substances which have been stolen, lost or abandoned and have not been recovered at the time of the incident, a claim for compensation in respect of nuclear damage caused by such incident shall not lie against the operator after the expiry of twenty years from the date of the theft, loss or abandonment.

3. If under a convention two or more Contracting States have jurisdiction (cf. Section 45) in respect of the claim for compensation, the claim shall subsist even if:

(a) action for the satisfaction of the claim is instituted in one such foreign Contracting State within the time-limits in force in that State and before jurisdiction is assigned exclusively to another country by a decision of the international Tribunal referred to in Article 17 of the Paris Convention or in any other manner prescribed by a convention, or

(b) a request is submitted in due time to the appropriate authority in a Contracting State for the institution of proceedings for a decision as to jurisdiction in accordance with the Paris Convention or the Vienna Convention.

Where jurisdiction is assigned to Norway by a decision within the meaning of sub-paragraph (a) or sub-paragraph (b) above, the effect of the timely judicial proceedings or request shall be extinguished if the claim is not subsequently instituted in this realm within such period as may be fixed by the said international Tribunal or in any other manner prescribed by a convention or - if no such period is fixed - within six months after the date of the decision.

4. This Section shall not apply to the State's right of recourse against operators under Section 39, subsection 2, sub-paragraph b) or Section 44.

Section 35 (Insurance or other security)

1. In order to cover liability in respect of nuclear damage under this Chapter or corresponding provisions in another Contracting State, the operator of every nuclear installation in this realm shall take out and maintain in force such insurance or shall furnish such other security as the Ministry sees fit to authorise.

2. The Ministry may, however, approve insurance or other security which is limited to a fixed amount per installation for a certain term, and which consequently does not fully cover the maximum liability in respect of every possible nuclear incident (cf. Section 30), provided that the amount is at least 20 per cent greater than the maximum liability for each separate incident. If the damage that has occurred is believed to have resulted in the insurance or the security having fallen below the maximum liability per incident, the Ministry shall revoke the authorisation until such time as the insurance or security has been brought up to the original amount.

3. The Ministry may approve separate insurance or other security to cover liability in respect of nuclear incidents which may occur in the course of carriage.

4. It shall be the duty of the operator to obtain in good time the Ministry's decision as to when an insurance or security must come into force. The Ministry shall decide with binding effect on the operator how long the latter shall be required by law to maintain an insurance or security in force.

Section 36 (Exemption for the State; security in the form of a State guarantee)

1. The State shall not be required to furnish security.

2. Where the public interest so requires, the King may, by means of a State guarantee, within such limits and subject to such conditions as the Storting may prescribe, furnish security within the meaning of Section 35 in favour of an operator.

Section 37 (Declaration of security)

1. The insurer or the person furnishing security (hereinafter referred to as "the guarantor") shall submit to the competent authority a declaration of security in favour of possible injured parties, in such form and containing such particulars as the Ministry may prescribe. Every declaration of security shall confirm, inter alia, the following conditions which shall apply to the security until such time as it is replaced by a new authorised security:

(a) The injured parties shall be entitled to deal directly with the guarantor notwithstanding the relationship between the latter and the operator liable;

(b) The security shall be valid for an unlimited period and irrespective of any change in the identity of the owner or operator of the nuclear installation. However, security for carriage may be limited to the duration of the carriage. The Ministry shall moreover have general power to authorise in special circumstances security of limited duration;

(c) The security may only be revoked or otherwise terminated upon at least two months' prior notice in writing to the competent authority. As far as a nuclear incident is concerned which occurs in the course of carriage commenced before the notice reached its destination the security shall remain in force during the period of the carriage in question;

(d) In the case of damage caused by a nuclear incident which occurs while the security is in force, the injured parties may also invoke the security after it has been terminated.

2. If and as soon as a claim for compensation can be enforced in this realm under this Chapter, the provisions of subsection 1, (a) -(d) of this Section shall automatically apply correspondingly

as regards the claim, notwithstanding that the relationship between the guarantor and the operator is otherwise governed by the legislation of a foreign country and whether or not the installation of the operator liable is situated in a foreign country.

Section 38 (Certificate of financial security for carriage)

1. Whenever a nuclear substance is consigned to or from a foreign country (including cases involving transit through this realm) the operator liable pursuant to this Chapter shall furnish the carrier with a certificate issued by or on behalf of the insurer or other guarantor who has furnished security to cover the liability. The carrier may not commence carriage in this realm before obtaining the certificate. The certificate shall contain the following:

(a) the name and address of the operator liable and particulars as to the material and the carriage in respect of which the security applies and as to the amount, type and duration of the security; and

(b) a declaration from the authority appointed by the Ministry (or from the competent authority in a foreign country, where appropriate) to the effect that the person named is an operator within the meaning of the Paris Convention or of the Vienna Convention.

2. The person issuing a certificate or the person on whose behalf it is issued shall be responsible for ensuring that the certificate correctly gives the name and address of the operator liable and the amount, type and duration of the security.

3. The Ministry may issue rules respecting the form of the certificate.

Section 39 (State responsibility for fulfilment of operator's liability)

1. Within the limits of the amount of liability prescribed in Section 30, subsection 1, cf. subsections 3 and 4, the State shall guarantee fulfilment of the liability in respect of nuclear incidents which operators of nuclear installations in this realm have by virtue of this Chapter or corresponding provisions in another Contracting State. However, this does not apply to possible liability in respect of nuclear incident as provided for in Section 24, subsection 2.

2. The State may only claim recourse for expenditure under this Section:

(a) from a person who is liable for recourse to the operator concerned under Section 33;

(b) from the operator himself if he has failed to discharge his obligation to take out and maintain in force insurance or to furnish other security in accordance with Section 35, or if the security has expired, or

(c) from the guarantor concerned, in so far as he is liable in respect of the damage.

Section 40 (Supplementary payments out of Government Funds under the Supplementary Convention)

1. To the extent that a claim for compensation against an operator of a nuclear installation used for peaceful purposes situated in this realm or in another State which has acceded to the Supplementary Convention cannot be satisfied by reason of the limitation of liability under Section 30, cf. Section 31, but can in other respects be brought - and has been brought in due time - against the operator in accordance with the provisions of this Chapter, the claims shall be paid out of Government Funds up to the limits prescribed in Section 41 provided that:

(a) at the time of the incident the installation of the operator liable was included in the list referred to in Article 13 of the Supplementary Convention, and

(b) actions in respect of the operator's liability come under Norwegian jurisdiction by virtue of Section 45; and

(c) the nuclear incident did not occur exclusively in a State which has not acceded to the Supplementary Convention; and

(d) the claims relate to nuclear damage which has arisen

(i) in this realm or in another State which has acceded to the Supplementary Convention, or

(ii) on or over the high seas on board a vessel or aircraft registered in a State which has acceded to the Supplementary Convention, or

(iii) otherwise on or over the high seas, by a national of such a Contracting Party or a person equated by the Contracting Party with its own nationals, provided, however, that it shall be a further condition in the case of damage caused to a vessel or aircraft that at the time of the incident such ship or aircraft was registered in a Contracting Party.

2. For the purposes of this Section the expression "national of a Contracting Party" shall be deemed to include the State itself, its administrative divisions or units as well as any public corporation or private company, society, foundation, partnership or any other association which has its registered address in, or is otherwise domiciled in, such a State. A person who is domiciled in Norway or in Denmark shall also be equated with a Norwegian or Danish national, as the case may be. The expression "national or another of a Contracting Party" shall, in appropriate cases, be deemed to include a person who is regarded as domiciled in such State by virtue of the legislation thereof and who, by virtue of a decision of the Government of that State, is to be treated as a national as regards entitlement to compensation under the Supplementary Convention.

3. Irrespective of whether the operator is liable, claims arising out of nuclear incident coming within the scope of subsection 2 of Section 24 or damage within the meaning of Section 25 shall not qualify for payment out of Government Funds under this Section. Claims for recourse under subsection 1, cf. subsection 3 of section 28 may so qualify to the extent that this Section is applicable, provided that nothing to the contrary is stipulated in a contract entered into with the operator liable or with the State.

4. The King may decide that the operator or his guarantor, whichever is appropriate, shall, in accordance with the rules prescribed, have charge of the compensation settlement also as regards the supplementary payments.

Section 41 (Limitation of supplementary payments, etc.)

1. The aggregate amounts of compensation which may be claimed in respect of nuclear damage resulting from one and the same nuclear incident, partly from the operator or operators liable under the provisions of this Chapter and partly out of Government Funds under Section 40, shall not exceed an amount in Norwegian kroner equivalent to 120 million units of account within the meaning of the European Monetary Agreement of 5th August 1955, as laid down on 29th July 1960. This shall not include interest and litigation costs.

2. If an agreement concerning payment out of Government Funds within the meaning of Article 15 of the Supplementary Convention has been concluded between a Contracting State within the meaning of that Article and another State, and if the agreement covers a nuclear incident to which Section 40 of this Act applies, compensation under such agreement shall also be included in the maximum amount prescribed in subsection 1.

3. If the maximum amount prescribed in subsection 1, cf. subsection 2, is not sufficient to ensure full satisfaction of all claims, the amounts of compensation together with the relevant interest shall be reduced proportionally. The provisions of Section 32 shall apply correspondingly.

Section 42 (State liability for certain delayed effects of personal injury)

1. Liability for compensation which has become extinguished by reason of the 10 and 20-year time-limits stipulated in Section 34 or corresponding provisions in another Contracting State, shall be covered by the State if the claim relates to personal injury sustained in this realm as a result of a nuclear incident for which the operator of a nuclear installation in Norway was liable, provided that there is a valid reason why the claim was not brought against the operator in due time. In order to subsist, the claim must be brought by legal action against the Ministry concerned before the date on which the operator's liability would have been barred by limitation under the general Norwegian provisions respecting statutory limitation and not later than thirty years after the date of the nuclear incident. If other claims arising out of the same incident have not been satisfied in full by reason of the limiting provisions of Section 32 or Section 41 (as the case may be) or by virtue of corresponding provisions in another Contracting State, there shall be a proportionate reduction of the compensation out of Government Funds under this Section.

2. The King may decide that compensation shall be paid under this Section subject to specified conditions, even if the nuclear damage arose outside this realm.

Section 43 (State liability in the case of certain discrepances between the Paris Convention and the Vienna Convention)

1. If the operator of a nuclear installation in this realm would, by virtue of the legislation of two or more Contracting States, partly in accordance with the Paris Convention and partly with the Vienna Convention, be liable to pay amounts of compensation which in the aggregate exceed his maximum liability under Section 30, cf. Section 31, the King may decide that the State shall pay the amount in excess in so far as this is necessary. However, this shall not apply where the damage can be covered by a supplementary payment under Section 40 or in any other way under the provisions of the Supplementary Convention.

2. The provisions of Section 40, subsection 4 shall apply correspondingly in respect of the compensation settlement.

Section 44 (The State's right of recourse)

Except as otherwise provided under this Chapter or under an agreement with a foreign State, the State may only claim recourse in respect of disbursements under Sections 40 to 43 from an individual who has himself caused the damage wilfully, from a person who is liable for ionizing radiation within the meaning of Section 29, subsection 2 or, under the terms of a contract, from a person who has expressly undertaken to cover the damage. The same shall apply, as regards recourse for other payments under the Supplementary Convention arising out of a nuclear incident for which the operator of a nuclear installation in this realm or in another Contracting State is liable under the legislation in any such State.

Section 45 (Norwegian jurisdiction)

1. Actions concerning the liability of an operator or his guarantor in respect of nuclear damage under this Chapter shall be brought in a Norwegian court of law:

(a) if the nuclear incident has occurred wholly or partly in Norwegian territory or (in cases to which Section 21, subsection 5, cf. Section 22, is applicable) on the high seas outside Norwegian territory, or

(b) if the nuclear installation concerned is situated in this realm and the incident occurred outside the territory of any Contracting State or the place of the incident cannot be determined with certainty.

2. Actions concerning claims against an operator or his guarantor under Section 27, subsection 2, second sentence, Section 31, subsection 2, Section 39, subsection 2 or Section 44 may also be brought in Norway if a Norwegian court has jurisdiction under the general rules of procedure.

3. Notwithstanding the above, actions concerning liability may not be brought or continued in a Norwegian court under this Section if:

(a) the international Tribunal referred to in Article 17 of the Paris Convention decides that the courts in another Contracting State shall have exclusive jurisdiction as regards actions concerning liability, or

(b) the King decides, in order to comply with provisions concerning jurisdiction contained in an agreement with a foreign State, that the case shall not come within Norwegian jurisdiction.

4. The competent Ministry may, either on its own initiative or at the request of an interested party, request the aforesaid international Tribunal to decide in which State actions shall be brought. If it is necessary in order to comply with provisions concerning jurisdiction, etc., in an agreement with a foreign State or to secure the bringing of claims against an operator this realm or his guarantor in accordance with the provisions of this Chapter, the King may decide that actions concerning liability for a nuclear incident shall come within Norwegian jurisdiction, even in cases where this does not follow from the provisions of subsection 1 or subsection 2 above.

Section 46 (Local jurisdiction in this realm)

1. Except as otherwise provided below in this Section, actions which, under Section 45, come within Norwegian jurisdiction may only be brought in the judicial district in this realm in which the nuclear incident occurred.

2. If the nuclear incident occurred outside the realm, actions may only be brought in the judicial district in which the relevant nuclear installation in Norway is situated, or (where the case relates to the liability of an operator of a nuclear installation abroad) in accordance with Section 39 of the Administration of Justice Act (domstolloven).

3. If under the foregoing provisions actions concerning liability in respect of the same nuclear incident can be brought in more than one judicial district, the Ministry concerned shall decide where the case is to be tried. However, actions coming within the scope of Section 45, subsection 2 may nevertheless be brought in any judicial district having jurisdiction of the case by virtue of the general rules of procedure. On receipt of an application the Ministry may also decide on the question of jurisdiction if it cannot be determined with certainty in which judicial district actions must be brought in accordance with the foregoing provisions. Chapter 2 of the Administration of Justice Act (domstolloven) shall apply.

4. Proceedings against the State under Sections 39-43 shall be brought in the judicial district having jurisdiction under the foregoing provisions of this Section to try actions against the operator in respect of the same nuclear incident.

Section 47 (Recognition and enforcement of foreign judgments)

1. A judgment against an operator or his guarantor in a case concerning liability in respect of nuclear damage shall have binding effect and shall be enforceable in this realm subject to the limitation of liability under Section 30, cf. Section 31, if such judgment has been pronounced in accordance with the Paris Convention or the Vienna Convention by a court of law in a Contracting State and is enforceable in that State. This shall not apply to interim judgments. Enforcements shall be effected in accordance with the provisions of the Compulsory Enforcement Act and there shall be no review of the merits of the case other than that allowed by the relevant Convention.

2. An application for the enforcement of a foreign judgment shall be made to the competent court of execution proceedings (namsrett) together with:

(a) certified copy of the judgment;

(b) a declaration from the authorities in the country of the court that the judgment concerns compensation for nuclear damage by virtue of the provisions of the Convention and that it is enforceable in that country; and

(c) an authorised translation into Norwegian of any document in a foreign language other than Danish or Swedish.

3. The provisions of this Section shall apply correspondingly to judicial settlements having the force of a court judgment.

Section 48 (Ship's reactors, etc.)

1. In the absence of any express provision to the contrary, the provisions of this Chapter shall not apply to a nuclear reactor which is comprised in a vessel or other means of transport and which is used or intended for use as a source of power.

2. The King may make the provisions of this Chapter wholly or partly applicable, with the necessary modifications, to such nuclear reactors. The King may also lay down rules which are wholly or partly based on international agreement, even if Norway has not acceded to the agreement concerned. In all cases the operator's liability may be limited to such amounts as the King determines. Provisions made pursuant to this subsection may be made generally applicable or be applicable to a particular vessel or other means of transport only.

CHAPTER IV: MISCELLANEOUS PROVISIONS

Section 49 (Public safety precaution measures)

The King may decide that municipal and county authorities in the area in which a nuclear installation has been or is being constructed, or in the danger area surrounding such installation, shall collaborate with the operator with respect to safety measures for the protection of the population in the area. Under rules to be issued by the King a plan should be prepared for safety and relief measures in the event of an incident including, where necessary, compulsory evacuation.

Section 50 (Registration etc. of damage)

Where a nuclear incident has occurred the Ministry may order that all persons who were in the danger area at the time of the incident shall notify the health council or the police of that fact within a specified time-limit and furnish the information required for the registration of damage and potential damage and undergo a medical examination upon summons or notification by the health authorities.

Section 51 (Supervision to ensure the peaceful utilisation of nuclear energy)

The King may issue such administrative provisions as are necessary to ensure and to ascertain by supervision that nuclear installations, nuclear fuel and radioactive products are used for peaceful purposes only. The King may decide, inter alia, that Norwegian and foreign inspectors shall, for the purposes of supervision be entitled to obtain access to places in which installations or materials as aforesaid are located, or where there is reason to believe that such materials are located. To the extent that an agreement with a foreign State so provides, foreign inspectors shall be authorised to accompany Norwegian inspectors and to familiarise themselves with material under supervision (kontrollmateriale).

Section 52 (Right of pre-emption and requisition)

Whenever necessary to secure supplies for public needs the Government may, subject to compensation, requisition nuclear fuel and radioactive products. To the extent that the material is required for purposes of supervision, it may be requisitioned without compensation.

Section 53 (Obligation to preserve secrecy)

Subject to the limitations arising out of the duties specified in this Act, it shall be the duty of every person to preserve secrecy respecting technical or business secrets which come to his knowledge by reason of his position according to this Act or concerning other circumstances which are not public knowledge. Nor may such person use such information for commercial purposes.

Section 54 (Provisions to supplement this Act)

The King may issue administrative provisions to supplement this Act.

Section 55 (Penal provisions)

1. Any person who

(a) wilfully or through negligence violates any provision given in, or in pursuance of, Chapter II or Sections 50, 51, 53 or 54, or

(b) in contravention of the provisions of this Act, fails to take out insurance or to maintain it or to comply with orders respecting other security under Section 35

shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both such penalties.

2. Anyone who is guilty of complicity in such offences shall be liable to the same penalties.

Section 56 (Confiscation)

Nuclear fuel and radioactive products with which anyone has been concerned in violation of the provisions given in, or in pursuance of, Chapter II or Sections 51 or 54, may, by virtue of a judgment, be confiscated from the guilty party or from the person on whose behalf the guilty party has acted, without penal proceedings having been, or been capable of being instituted against anyone.

Section 57 (Fees and dues)

1. A fee shall be payable for the consideration by the authorities of an application for concession.

The fee shall accompany the application for concession or be paid at such installment rates as the Ministry determines.

2. For the supervision undertaken by the Nuclear Energy Safety Authority in connection with the construction and operation of nuclear installations, dues covering such supervision shall be paid.

3. The said fees and dues shall be determined by the King.

Section 58 (Entry into force, etc.)

This Act shall enter into force from such date as decided by the King. Sections 40 and 41 may be entered into force at a later date than that applicable to the remainder of the Act.

This Act shall also apply to Svalbard (Spitzbergen), Jan Mayen and the Norwegian non-metropolitan territories, except as otherwise provided by the King. The King may prescribe such amendments as the local conditions may require.

The operator of a nuclear installation which is under construction or in operation at the entry into force of this Act shall, within three months of that date, make application for a

concession and authorisation under Chapter II. The Ministry may give temporary permission until such time as the application has been determined.

Section 59 (Amendments to other Acts)

1. Upon the entry into force of this Act, the following provisions of the Act of 27th February 1930 (No. 3) concerning Bouvet Island, Peter 1 Island and Queen Maud Land etc., shall be amended to read:

Section 3

Without the consent of the King it shall be prohibited to carry out a nuclear explosion or to dispose of radioactive waste in the area referred to in Section 1. The prohibition shall also apply to complicity in such offences.

Section 8

Any person who wilfully or through negligence violates Sections 4 and 5 of this Act or provisions issued under the said Sections or under Section 7 shall be liable to a fine or to imprisonment for a period not exceeding one year or to both such penalties.

2. On the same date the following provisions of the Act of 17th June 1966 (No. 12) concerning National Insurance shall be amended to read:

Section 11-12 subsection 4

In the case of accidents qualifying for compensation under the Act on compensation for damage caused by motor vehicles (the Motor Vehicle Liability Act) or under the Act concerning Nuclear Energy Activities the provisions of subsection 2, sub-paragraph(c), cf. subsection 1, shall not entail any restriction of the injured party's right to claim full compensation of the insurance sum under the Motor Vehicle Liability Act or the limited liability amount under the Nuclear Energy Act respectively with regard to that proportion of the damage which is not covered by the payments he receives from the National Insurance Scheme under this Chapter.

Section 11-12 subsection 5, second paragraph

The compensation which the injured party or his survivors may claim from other persons under the provisions of this Section shall be determined in accordance with general legislative provisions. However, if the injury has been caused by a motor vehicle used under an insurable activity or by a nuclear incident which has occurred under an insurable activity the claim for compensation shall lapse as regards an amount corresponding to the Insurance Scheme's expenditures and liability on account of the damage.

3. On the same date, sub-paragraph (d) of the first paragraph in Section 2 of the Act of 3rd February 1961 concerning compensation for damage caused by motor vehicles (the Motor Vehicle Liability Act), shall be amended to read:

> "d) is nuclear damage within the meaning of Chapter III (compensation and insurance) of the Act concerning Nuclear Energy Activities."

4. On the same date the following new fourth paragraph shall be inserted in Section 33 of the Act of 20th June 1964 No. 5 concerning drugs and poisons:

> "This Section shall not apply to a person holding a corresponding permit under the Act concerning Nuclear Energy Activities".