



PRINCIPLE OF RECIPROCITY IN NATIONAL LEGISLATION RELATING TO COMPENSATION OF NUCLEAR DAMAGE

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ACRONYMS

BSC: 1963 Brussels Convention Supplementary to the 1960 Paris Convention, as amended by the Protocols of 1964, 1982 and 2004 (“Brussels Supplementary Convention”).

CSC: 1997 Convention on Supplementary Compensation for Nuclear Damage.

JP: 1988 Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention.

PC: 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy, as amended by the Protocols of 1964, 1982 and 2004 (“Paris Convention”).

RVC: 1997 Protocol to Amend the Vienna Convention (“Revised Vienna Convention”).

VC: 1963 Vienna Convention on Civil Liability for Nuclear Damage (“Vienna Convention”).

(): When between brackets, it means that the country has signed but not yet ratified the convention.

NOTE:

The principle of reciprocity may be expressly provided in the conventions and/or the national legislation, as it may also be implied. The VC does not contain any express provisions on reciprocity, leaving to each competent court the decision to apply or not such international principle, if relevant. The PC, the RVC and the CSC provide certain express provisions on reciprocity:

PC: [Article 2\(a\)\(iv\)](#); [Article 7\(g\)](#).

RVC: [Article I.A.2 &3](#); [Article III.2](#).




CSC: [Article XII.2](#).





A **Joint Declaration (“2004 Joint Declaration”)** was adopted by the signatories of the 2004 Protocol to amend the Paris Convention on 23 November 2004 and provides that if the following reservation is made by any Contracting Party to the Paris Convention in accordance with Article 18 of the Paris Convention, such a reservation is accepted:


“[Name of State making the reservation], without prejudice to Article 2(a)(iii), reserves the right to establish in respect of nuclear damage suffered in the territory of, or in any maritime zones established in accordance with international law of, or on board a ship or aircraft registered by, a State other than [name of State making the reservation], amounts of liability lower than the minimum amount established under Article 7(a) to the extent that such other State does not afford reciprocal benefits of an equivalent amount.”



The status of reservations made by the Contracting Parties to the Paris Convention is available at: www.oecd-nea.org/jcms/pl_63387/paris-convention-status-of-reservations-declarations-and-notifications.

A **Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds** was adopted in 2004 (Annex III of the [Final Act](#) of the Conference on the Revision of the Paris Convention and the Brussels Supplementary Convention that took place in Paris on 12 February 2004), reflecting a common understanding among the Contracting Parties to the Paris Convention that a BSC State, a JP State and any other State, which, at the time of the nuclear incident, has in force nuclear liability legislation affording equivalent reciprocal benefits, will only benefit from the funds provided beyond the third tier of the BSC, if they afford reciprocal benefits of an equivalent amount.


State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
NEA Member States		
<p>Argentina</p> 	<p>VC, RVC, CSC, (JP)</p>	<p><i>Argentina does not expressly require reciprocity under its national law</i></p>
<p>Australia</p> 	<p>(CSC)</p>	<p><i>Australia does not require reciprocity under its national law</i></p>
<p>Austria</p> 		<p><i>Austria does not expressly require reciprocity under its national law</i></p> <p>Section 23 of the <i>1999 Federal Act on Civil Liability for Damage Caused by Radioactivity</i> (AtomHG 1999, unofficial English translation is available here) provides that Austrian law is applicable, if radiation from a foreign territory causes nuclear damage in Austria. Under this precondition, the injured person has the right to require the application of Austrian law. However, if nuclear damage has occurred in a foreign territory, the situation is different. If Austrian law is applicable – a fact that is determined by the private international law of the State that has jurisdiction –, the plaintiff will only be able to benefit from the Austrian law insofar as his or her national law would provide for compensation as well.</p> <p>Further, a victim who suffered damage in a foreign country, shall only receive the compensation, which his own jurisdiction (according to his nationality) would provide, if it were applicable according to private international law.</p> <p><u>Section 23</u> of the AtomHG 1999 provides (<i>unofficial translation</i>):</p> <p><i>“(1) Where damage is caused in Austria by ionising radiation, non-contractual claims for compensation shall be governed by Austrian law at the request of the person who suffered damage.</i></p> <p><i>(2) Where damage is caused by ionising radiation abroad and is governed by Austrian law, damages shall be awarded only if and to the extent that the national law of the person who suffered damage makes provision therefore.”</i></p>






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<p>Belgium</p> 	<p>PC, BSC, (JP)</p>	<p><i>Belgium does not require reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds <p><i>No available information</i></p> <ul style="list-style-type: none"> ○ 2004 Joint Declaration <p>Belgium did not make the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>Canada</p> 	<p>CSC</p>	<p><i>Canada does not require reciprocity under its national law</i></p>
<p>Czechia</p> 	<p>VC, (RVC), JP, (CSC)</p>	<p><i>Czechia does not require reciprocity under its national law</i></p>
<p>Denmark</p> 	<p>PC, BSC), JP</p>	<p><i>No available information</i></p> <ul style="list-style-type: none"> ○ Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds <p><i>No available information</i></p> <ul style="list-style-type: none"> ○ 2004 Joint Declaration <p>Denmark made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>





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<p>Finland</p> 	<p>PC, BSC, JP</p>	<p><i>Finland requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <p>According to Section 5 of the <i>Nuclear Liability Act No. 484/1972</i> (Nuclear Liability Act, unofficial English translation is available here), a reciprocity principle applies to States with nuclear installations that are (i) not parties to the PC, or (ii) VC countries not parties to the Joint Protocol. National legislation of such States shall correspond to the principles established in the Paris Convention and provide reciprocal benefits in amount.</p> <p><u>Section 5</u> of the Nuclear Liability Act (<i>unofficial translation</i>):</p> <p><i>“In addition to the provisions laid down in section 4, the operator of a nuclear installation situated in Finland shall, in accordance with this Act, also be liable for nuclear damage occurring in territory that is sovereign to or within the jurisdiction under international law of a non-Contracting State in the territory of which there is a nuclear installation at the time of occurrence of the nuclear incident when the legislation of the said State corresponds to the principles of the Paris Convention. The same shall apply to nuclear damage occurring on a ship or aircraft registered in such a State provided that at the time of occurrence of the damage the ship or aircraft was not located in the territory of a State other than one referred to in section 4, subsection 1 or in this subsection.</i></p> <p><i>Compensation payable from the insurance of the operator of a nuclear installation situated in Finland for the nuclear damage referred to in this section shall not exceed the compensation that would be payable under the legislation of the foreign State concerned for equivalent nuclear damage occurring in Finland.”</i></p> <ul style="list-style-type: none"> ○ <u>Bilateral Agreements</u> <p>Under the 2014 Finland-Russia Agreement on Co-operation in the Peaceful Use of Nuclear Energy, Article 10, paragraphs 2 and 3, when an installation is located in Finland and damage is suffered in Russia, the liability follows the PC (i.e. the Finnish nuclear liability amount which is of EUR 700 million for damage suffered outside the Finnish territory) and, vice versa, when the installation is situated in Russia and the damage is suffered in Finland, the VC will apply (i.e. the Russian nuclear liability amount).</p> <p>A similar agreement was signed between Finland and Saudi Arabia, which has a provision on nuclear liability (Article 10 of the Agreement) stipulating that the parties agree to abide by the nuclear liability and general tort laws applicable in case of nuclear damage or to ensure that national legislation is adopted in line with the PC or the VC.</p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p><i>No available information</i></p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>Finland made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>

State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
<p data-bbox="85 280 170 304">France</p> 	<p data-bbox="300 280 430 304">PC, BSC, JP</p>	<p data-bbox="510 280 1041 304">France requires reciprocity under its national law</p> <ul style="list-style-type: none"> <li data-bbox="510 344 763 368">○ <u>National legislation</u> <p data-bbox="510 408 2199 533">According to Article L. 597-4 of the <i>French Environmental Code</i> (available only in French here), the nuclear operator's liability amount shall be reduced, as regards damage suffered in a non-PC State to which the PC applies pursuant to Article 2(a)(ii) and (iv) (i.e. non-PC State (i) which is a Contracting Party to the VC and the JP, or (ii) which nuclear liability legislation affords equivalent reciprocal benefits and is based on principles identical to those of the conventions), in case the law applicable in that State does not provide for reciprocal benefits in amount.</p> <p data-bbox="510 557 1267 580"><u>Article L. 597-4 of the French Environment Code (unofficial translation):</u></p> <p data-bbox="555 608 2199 730"><i>"The maximum amount of the operator's liability is set at 700 million euros for nuclear damage caused by each nuclear incident. However, the above amount is reduced to 70 million euros for a given nuclear incident where only low-risk installations, the characteristics of which are defined by regulation, are operated on a given site. Such amount is also reduced in cases where the Paris Convention applies to a non-Contracting State pursuant to Article 2(a), sub-paras. (ii) and (iv) thereof, insofar as that State does not afford an equivalent and corresponding amount."</i></p> <ul style="list-style-type: none"> <li data-bbox="510 770 781 794">○ <u>Reservation to the JP</u> <p data-bbox="510 834 1505 858">France made the following reservation when depositing its instrument of ratification of the JP:</p> <p data-bbox="555 882 2199 1005"><i>"France makes a reservation regarding subparagraph 2 of Article IV, specifying that, for States which limit the amount of the liability of the operator and which are Parties to the Vienna Convention and the Joint Protocol, France reserves the right to provide, in case of nuclear accident in its territory, that the operator responsible shall be liable for the nuclear damage caused in the territory of one or several of these States up to the amount provided for by the national law of these States at the time of the accident for reparation of nuclear damage caused in French territory."</i></p> <ul style="list-style-type: none"> <li data-bbox="510 1045 1675 1069">○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p data-bbox="510 1109 790 1133">No available information</p> <ul style="list-style-type: none"> <li data-bbox="510 1173 792 1197">○ <u>2004 Joint Declaration</u> <p data-bbox="510 1236 1715 1260">France made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p data-bbox="73 1307 185 1331">Germany</p> 	<p data-bbox="300 1307 430 1331">PC, BSC, JP</p>	<p data-bbox="510 1307 1068 1331">Germany requires reciprocity under its national law</p> <ul style="list-style-type: none"> <li data-bbox="510 1370 763 1394">○ <u>National legislation</u> <p data-bbox="510 1434 2130 1458">The <i>Act on the Peaceful Utilisation of Atomic Energy and the Protection Against its Hazards</i> (Atomic Energy Act, available only in German here) requires:</p>


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		<ul style="list-style-type: none"> - <i>Geographic reciprocity</i>: according to Section 25, paragraph 3 of the Atomic Energy Act, this reciprocity applies in cases where a nuclear incident occurs in Germany due to acts of an armed conflict, hostilities, civil war or insurrection, and causes nuclear damage beyond the German borders. German law does not require “territorial reciprocity” except in the cases mentioned in Article 9 of the PC (i.e. an act of armed conflict, hostilities, civil war or insurrection. Taking into account that the exonerations from the operator’s liability provided in Article 9 of the PC do not apply under German law, a nuclear operator remains liable for nuclear damage resulting from nuclear incidents which are a direct consequence of acts or events mentioned in that Article. In such a case, if the damage occurs in another country, an operator of a nuclear installation situated in Germany is liable insofar as such other country, at the time of the nuclear incident, has provided for a system of compensation in relation to Germany which is equivalent as to the nature, terms and amount. <p>Moreover, in accordance with Article 2(b) of the PC, Germany provides in its legislation for a broader scope of application of the PC. Accordingly, an operator of a nuclear installation is liable for nuclear damage in States with nuclear installations that are (i) not parties to the PC, or (ii) VC countries not parties to the Joint Protocol, even if such States, at the time of the nuclear incident, have in force nuclear liability legislation which is based on principles not identical to those of the PC (Section 25, paragraph 4 of the Atomic Energy Act).</p> <ul style="list-style-type: none"> - <i>Reciprocity in amount</i>: according to Section 31 paragraph 2 of the Atomic Energy Act, under German law, the liability of a nuclear operator is unlimited. If the damage occurs in another country, the liability of an operator is unlimited insofar as, at the time of the nuclear incident, such other country has provided for a system of compensation in relation to Germany, which is equivalent as to the nature, terms and amount. Otherwise, if the damage occurs in another country, the liability of an operator of a nuclear installation situated in Germany is limited to the amount, including any additional compensation on the basis of the applicable international conventions (e.g. the BSC), envisaged by the other country in relation to Germany at the time of the nuclear incident. In relation to countries, which have no nuclear installations in their territory, the liability of an operator of a nuclear installation is unlimited. <p><u>Section 25, paragraph 3</u> of the Atomic Energy Act (<i>unofficial translation</i>):</p> <p><i>“(3) The provisions of Article 9 of the Paris Convention relating to the exclusion of liability for nuclear damage caused by a nuclear incident which is a direct consequence of acts in an armed conflict, hostilities, civil war or insurrection shall not apply. If the nuclear damage occurs in another country, the first sentence shall only apply insofar as such other country, at the time of the nuclear incident, has provided for a system of compensation in relation to the Federal Republic of Germany which is equivalent as to nature, terms and amount.”</i></p> <p><u>Section 25, paragraph 4</u> of the Atomic Energy Act (<i>unofficial translation</i>):</p> <p><i>“(4) Article 2 of the Paris Convention shall apply, provided that in the cases referred to in paragraph (a)(iv) of Article 2, an operator of a nuclear installation shall be liable even if the non-Contracting State has in force nuclear liability legislation which is based on principles which are not identical to those of the Paris Convention.”</i></p> <p><u>Section 31, paragraph 2</u> of the Atomic Energy Act (<i>unofficial translation</i>):</p> <p><i>“If the nuclear damage occurs on the territory of another State or in its maritime zones established in accordance with international law, para. 1 shall apply only insofar as, at the time of the nuclear incident, such other State has made provisions with the Federal Republic of Germany pursuant to para. 1, which are equivalent with regard to nature, terms and amount. Otherwise, if the nuclear damage occurs on the territory of another State or in its maritime zones</i></p>






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		<p><i>established in accordance with international law, the liability of an operator of a nuclear installation for the compensation of nuclear damage caused by nuclear incidents, including any additional compensation on the basis of international conventions, shall be limited to the amount envisaged by the other State in relation to the Federal Republic of Germany at the time of the nuclear incident. Sentences 1 and 2 also apply to nuclear damage occurring on board a ship or aircraft registered by another State, insofar as the ship or aircraft is located on or over the high seas outside the territory of States or their maritime zones established in accordance with international law. Sentences 1 to 3 do not apply to States which, at the time of the nuclear incident, do not have any nuclear installation on their territory or in their maritime zones established in accordance with international law."</i></p> <ul style="list-style-type: none"> ○ Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds <p>Germany has taken into account the Recommendation in the national legislation, as it does not provide for any deviation from the provisions of the PC to the disadvantage of any injured parties. Nuclear liability of German nuclear operators for damage suffered in States that do not have nuclear installations on their territory or in their maritime zones, as defined under international law, at the time of the nuclear incident will be unlimited.</p> <ul style="list-style-type: none"> ○ 2004 Joint Declaration <p>Germany has taken into account the Joint Declaration in the national legislation and made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>Greece</p> 	<p>PC, JP</p>	<p>No available information</p> <ul style="list-style-type: none"> ○ 2004 Joint Declaration <p>Greece did not make the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>


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<p>Hungary</p> 	<p>VC, (RVC), JP</p>	<p><i>Hungary does not expressly require reciprocity under its national law</i></p> <p>Section 60 of the <i>Act CXVI of 1996 on Atomic Energy</i> (Atomic Energy Act, unofficial English translation is available here) states that:</p> <p>“(1) The liability and compensation rules of nuclear damage of the Atomic Energy Act must be used in cases when as a result of a nuclear accident related to a nuclear facility operating within the territory of Hungary, the nuclear damage arises in the territory of Hungary, or in the territory of a foreign state or other areas where the licensee is obliged to compensate for nuclear damage on the basis of an international treaty.</p> <p>(2) The Act on Atomic Energy does not rule out the application of the provisions of this Act in other cases in addition to those mentioned in Subsection (1), on the basis of reciprocity.”</p>
<p>Iceland</p> 		<p><i>No available information</i></p>
<p>Ireland</p> 		<p><i>Ireland does not require reciprocity under its national law</i></p>
<p>Italy</p> 	<p>PC, BSC, (RVC), JP, (CSC)</p>	<p><i>Italy does not require reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds <p><i>No available information</i></p> <ul style="list-style-type: none"> ○ 2004 Joint Declaration <p>Italy did not make the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>Japan</p> 	<p>CSC</p>	<p><i>Japan does not require reciprocity under its national law</i></p>


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<p>Korea</p> 		<p><i>No available information</i></p>
<p>Luxembourg</p> 		<p><i>No available information</i></p>
<p>Mexico</p> 	<p>VC</p>	<p><i>No available information</i></p>
<p>Netherlands</p> 	<p>PC, BSC, JP</p>	<p><i>The Netherlands requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <p>Section 18, paragraph 4 of the <i>1979 Nuclear Incidents (Third Party Liability) Act</i> (Nuclear Liability Act, available only in Dutch here) applies reciprocity with regard to the nuclear liability principles and the amount of liability to States mentioned in Article 2(a)(i) to (iv) of the Paris Convention. According to the Act, if the State guarantee has to be made available to compensate for damage, only damage in States parties to the BSC, which make similar amounts available above the amount of EUR 1.5 billion can be compensated by the extra amount made available by the State guarantee. Moreover, according to Section 18(4), reciprocity also applies with regard to the nuclear liability principles and the amount of liability from the PC Contracting States.</p> <p><u>Section 18</u> of the Nuclear Liability Act containing rules on liability for damage caused by nuclear incidents (<i>unofficial translation</i>):</p> <p><i>“1. If on the territory of the Netherlands as a result of a nuclear accident damage is suffered for which compensation is required to be paid under the Brussels Convention or this Act, and the funds available for this from other sources are inadequate to compensate for that damage up to an amount of EUR 3.2 billion, the State shall make available the public funds required to pay compensation for that damage up to that amount. If it concerns an accident in which the operator’s liability has been established pursuant to Article 5, third paragraph, at a lower amount than the amount applicable pursuant to Article 5, first paragraph, the State shall make available up to an amount of EUR 1.5 billion from public funds. If a lower amount has been determined for the relevant installation pursuant to Article 5, paragraph 2, the State shall make available up to an amount of EUR 1.5 billion from public funds.</i></p> <p><i>2. The State shall have the right of recourse in respect of the sums paid out and the costs incurred in that connection against those persons who are liable under this Act.</i></p> <p><i>3. Section 14 shall apply mutatis mutandis to the making available of public funds under (1).</i></p>


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		<p><i>4. The provisions of paragraph 1 shall also apply to damage as referred to therein, suffered in States in which at the time of the nuclear accident in question concerned legislation was in force that is equivalent in its nature and scope to that of this Act, up to the amount available in the State concerned on a reciprocal basis.</i></p> <p><i>5. By general order in council, the amount referred to in the first paragraph may be amended in connection with monetary depreciation and further rules may be laid down concerning the provision of public funds under (1)."</i></p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p>No available information</p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>The Netherlands made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>


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<p>Norway</p> 	<p>PC, BSC, JP</p>	<p>Norway requires reciprocity under its national law</p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <p>Section 18(4) of the <i>Act 12 May 1972 No. 28 on Nuclear Energy Activities</i> (Nuclear Energy Act, unofficial translation is available here) provides that the government may decide that no compensation shall be paid for nuclear damage occurring in States that are not parties to the Paris Convention, unless insofar as there is reciprocity by virtue of the legislation of such States or by virtue of an agreement. In addition, Section 30(5) gives the government an option to limit the compensation to be paid to States mentioned in the Article 2(a)(ii) or (iv) of the PC on a reciprocal basis.</p> <p><u>Section 18</u> of the Nuclear Energy Act provides (<i>unofficial translation</i>):</p> <ol style="list-style-type: none"> “1. The provisions of this Chapter apply to nuclear damage arising within a geographic area or aboard a vessel or aircraft where the Paris Convention applies in accordance with Article 2, subparagraph (a) of the convention. 2. If a nuclear incident occurs in Norway and the operator of a nuclear installation is thus responsible for the incident in accordance with the provisions of this Chapter, compensation may also be claimed for nuclear damage occurring in a non-Contracting State which is outside the scope of the Paris Convention in accordance with Article 2, subparagraph (a), or aboard a vessel or aircraft registered in such a country. 3. The King may decide <ol style="list-style-type: none"> a) that the provisions of this Chapter shall apply in part or in full to nuclear damage occurring in Norway, in another Contracting State or at sea even if the incident occurred in a country that is a non-Contracting State. Such a decision may be made, conditional upon reciprocity between Norway and the Contracting State where the nuclear damage occurred or where the injured party is domiciled, b) that a non-Contracting State shall be fully or partly equated with a Contracting State in accordance with the provisions of this Chapter. 4. The King may further decide that no compensation shall be payable under the provisions of this Chapter or under other provisions concerning compensation for nuclear damage that has occurred 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 a decision generally applicable or applicable in relation to specific States. 5. Notwithstanding the provisions of this Section, recourse may be brought against the operator concerned in accordance with the provisions of Section 28.” <p>Section 30(5) of the Nuclear Energy Act provides (<i>unofficial translation</i>):</p> <p>“When compensation may be claimed for damage occurring in a country stated in Article 2, subparagraph (a)(ii) or (iv) of the Paris Convention, cf. Section 18, subsection 1, the King may prescribe a lower compensation amount than stated in this paragraph to the extent that this State does not make corresponding benefits available on a reciprocal basis.”</p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p>No available information</p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u>

State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
		Norway made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.
<p data-bbox="85 379 170 402">Poland</p> 	VC, RVC, JP	<i>Poland does not require reciprocity under its national law</i>
<p data-bbox="85 550 170 572">Portugal</p> 	PC, (JP)	<p data-bbox="510 550 1256 576"><i>Portugal does not expressly require reciprocity under its national law</i></p> <p data-bbox="510 614 1991 639">However, under the Portuguese Constitution, the reciprocity principle is considered as part of the general principles of international law.</p> <ul data-bbox="510 678 797 703" style="list-style-type: none"> <li data-bbox="510 678 797 703">○ <u>2004 Joint Declaration</u> <p data-bbox="510 742 1812 767">Portugal did not make the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p data-bbox="85 842 170 865">Romania</p> 	VC, RVC, JP, CSC	<i>Romania does not require reciprocity under its national law</i>
<p data-bbox="85 1008 192 1062">Russian Federation</p> 	VC	<i>No available information</i>
<p data-bbox="40 1209 219 1232">Slovak Republic</p> 	VC, JP	<i>Slovak Republic does not require reciprocity under its national law</i>



State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
<p data-bbox="80 280 179 304">Slovenia</p> 	<p data-bbox="304 280 427 304">PC, BSC, JP</p>	<p data-bbox="510 280 1075 304"><i>Slovenia requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> <li data-bbox="510 344 763 368">○ <u>National legislation</u> <p data-bbox="510 408 2199 568">According to the <i>Act on Liability for Nuclear Damage No. 77/2010</i> (Act on Liability for Nuclear Damage, unofficial English translation is available here), the operator's liability for nuclear damage, which is caused (i) in a State non-Contracting Party to the PC but which, at the time of the nuclear incident, is a Contracting Party to the VC and the JP or (ii) in any other non-PC State, which, at the time of the nuclear incident, has in force nuclear liability legislation, which affords equivalent reciprocal benefits and is based on principles identical to those of the PC, shall be reduced to the amount guaranteed by this State, if the regulations of this State do not provide for the protection in the amounts laid down in the Act on Liability for Nuclear Damage.</p> <p data-bbox="510 608 2199 663">Where the legislation of these non-Contracting States does not guarantee the protection in accordance with this Act, the amount of liability for nuclear damage shall be reduced to the amount guaranteed by the legislation of the State concerned.</p> <p data-bbox="510 703 1435 727"><u>Article 3(1)</u> of the Act on Liability for Nuclear Damage provides (<i>unofficial translation</i>):</p> <p data-bbox="555 751 1317 775"><i>“(1) This Act shall apply to nuclear damage suffered in the territory of:</i></p> <ol style="list-style-type: none"> <li data-bbox="607 783 969 807">1. <i>the Republic of Slovenia;</i> <li data-bbox="607 815 1267 839">2. <i>any other Contracting Party to the Paris Convention;</i> <li data-bbox="607 847 2199 975">3. <i>a non-Contracting State to the Paris Convention but which, at the time of the nuclear incident, is a Contracting Party to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 and any amendment thereto, which is in force for that Party, and to the Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention of 21 September 1988 (Official Gazette of the Republic of Slovenia – International Treaties, No. 22/94);</i> <li data-bbox="607 983 2199 1038">4. <i>a non-Contracting State to the Paris Convention which, at the time of the nuclear incident, has no nuclear installation in its territory or in any maritime zones established by it in accordance with the international law;</i> <li data-bbox="607 1046 2199 1174">5. <i>any other non-Contracting State to the Paris Convention which, at the time of the nuclear incident, has in force nuclear liability legislation which afford equivalent reciprocal benefits and which is based on principles identical to those of the Paris Convention, including, inter alia, liability without fault of the operator liable, exclusive liability of the operator or a provision to the same effect, exclusive jurisdiction of the competent court, equal treatment of all victims of a nuclear incident, recognition and enforcement of judgements, free transfer of compensation, interests and costs.”</i> <p data-bbox="510 1198 1435 1222"><u>Article 4(3)</u> of the Act on Liability for Nuclear Damage provides (<i>unofficial translation</i>):</p> <p data-bbox="555 1246 2199 1334"><i>“(3) Notwithstanding paragraphs 1 and 2 of this Article, the operator's liability for nuclear damage which is caused in the States referred to in points 3 and 5 of the first paragraph of the preceding Article, shall be reduced to the amount guaranteed by this State, if the regulations of this State do not provide for the protection in the amounts laid down in this Act.”</i></p>


State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
		<ul style="list-style-type: none"> ○ Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds <p>Slovenia implements the Recommendation in the national legislation.</p> <ul style="list-style-type: none"> ○ 2004 Joint Declaration <p>Slovenia made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>Spain</p> 	<p>PC, BSC, (VC), (JP)</p>	<p><i>Spain requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ National legislation <p>Article 2 of the <i>Law 12/2011 of 27 May on Civil Liability for Nuclear Damage or Damage Caused by Radioactive Materials</i> (Law 12/2011, available only in Spanish here) lays down the reciprocity requirements in the same terms as in Article 2(a)(iv) of the PC (reciprocity in scope: equivalent reciprocal benefits and identical principles).</p> <p><u>Article 2. Spatial scope of application</u> of the Law 12/2011 provides (<i>unofficial translation</i>):</p> <ol style="list-style-type: none"> 1. <i>Title I of the present law shall apply to nuclear damage defined under Article 3.1.h) incurred in the territory, territorial waters as established by international law, or (except in the case of States which are not Parties to the Paris Convention and do not meet the requirements laid down in subparagraphs (b), (c) and (d) of this article) on board a vessel or aircraft registered by:</i> <ol style="list-style-type: none"> (a) <i>a State which is a Contracting Party to the Paris Convention.</i> (b) <i>a State which is not a Contracting Party to the Paris Convention but which, at the time of the nuclear incident, is a Contracting Party to the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage and to any amendment to that Convention applying to the said Party, as well as to the Joint Protocol of 21 September 1988 relating to the Application of the Vienna Convention and the Paris Convention, always provided that the nuclear installation of the operator liable for the incident is located in a State which is a Contracting Party to the Paris Convention and to the Joint Protocol.</i> (c) <i>a State which is not a Contracting Party to the Paris Convention and, at the time of the nuclear incident, has no nuclear installation in its territory or in territorial waters which it has designated in accordance with international law.</i> (d) <i>any other State which is not a Contracting Party where, at the time of the nuclear incident, legislation on nuclear liability is in force which grants equivalent reciprocal benefits and is based on identical principles to those of the Paris Convention, including, inter alia, objective liability of the operator, absolute liability of the operator, or a provision with equivalent effect, exclusive jurisdiction of the competent court, equal treatment of all victims of a nuclear incident, recognition and execution of sentences, free transfer of compensation, interest and costs.</i> 2. <i>Title II of the present law shall apply to nuclear damage caused during the storage, handling, processing, use in any form, or carriage of radioactive substances which are not nuclear substances throughout Spanish territory.</i>






State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
		<p>In addition, the possibility of reciprocity in amount, as foreseen in Article 7(g) of the PC, is explicitly turned into a requirement in Article 4.4.c) of the <i>Law 12/2011 of 27 May on Civil Liability for Nuclear Damage or Damage Caused by Radioactive Materials</i> (unofficial translation):</p> <p><u>Article 4. Liability of the operator</u> of the Law 12/2011 provides (unofficial translation):</p> <p><i>4(c) For damage caused in States referred to in subparagraphs 1(b) and 1(d) of Article 2 of the present law, the amount of EUR 700 million shall be reduced in so far as those States do not grant equivalent reciprocal benefits".</i></p> <p>It should be noted that VC States parties to the Joint Protocol are considered as any other non-PC States with nuclear installations since Spain has not ratified the Joint Protocol.</p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p>Spain does not follow this Recommendation.</p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>Spain made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC, as approved by the Spanish Parliament in 2005 (ref. 110/000098 CD).</p>
<p>Sweden</p> 	<p>PC, BSC, JP</p>	<p><i>Sweden requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <ul style="list-style-type: none"> - <i>Reciprocity in scope:</i> Section 9 of the <i>Act on Liability and Compensation for Radiological Damages</i> (SFS 2010:950, available only in Swedish here) establishes the principle of reciprocity in the same terms as provided in Article 2(a)(iv) of the PC (i.e. “equivalent reciprocal benefits”). - <i>Reciprocity in amount:</i> Section 29 of the <i>Act on Liability and Compensation for Radiological Damage</i> (SFS 2010:950) establishes a reciprocity in amount applicable to all States, except for in countries with no nuclear installations or subject to the provisions of the 1974 Act relative to the Environment Protection Convention between Denmark, Finland, Norway and Sweden of 19 February 1974. <p><u>Section 9</u> of the <i>Act on Liability and Compensation for Radiological Damages</i> (SFS 2010:950) provides (unofficial translation):</p> <p><i>“Subject to the provisions of this Act, the Act shall apply to damage suffered in:</i></p> <ol style="list-style-type: none"> 1. <i>Sweden or within Sweden's exclusive economic zone;</i> 2. <i>Another State Party, its exclusive economic zone or another maritime zone established by that State under international law, or</i> 3. <i>Another country, its exclusive economic zone or another maritime zone established under international law, if it:</i> <ol style="list-style-type: none"> (a) <i>is a party to the Vienna Convention and the Joint Protocol and the installation of the operator liable is located in a State Party party to the Joint Protocol;</i>

State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
		<p>(b) at the time of the nuclear accident, has no nuclear installation on its territory, in its exclusive economic zone or in another maritime zone established by that country under international law; or</p> <p>(c) at the time of the nuclear accident, has legislation offering equivalent compensation benefits and based on the same principles as the provisions of the Paris Convention and the Brussels Supplementary Convention.</p> <p>The Act shall apply even if the damage has occurred on a ship or aircraft registered in Sweden, in another Contracting State or in a country referred to in paragraph 3 of the first paragraph, but not if the vessel or aircraft was in an area belonging to a State other than those referred to in the first paragraph.”</p> <p><u>Section 29</u> of the Act on Liability and Compensation for Radiological Damages (SFS 2010:950) provides (unofficial translation):</p> <p>“For damages outside Sweden, the liability for compensation under this Act shall be limited so that the compensation does not exceed the amount that, according to the provisions of that country, applies in terms of compensation for damage in Sweden.</p> <p>The above subparagraph does not apply to damage in countries with no nuclear installations or subject to the provisions of the Act relative to the Environment Protection Convention between Denmark, Finland, Norway and Sweden (1974:268) of 19 February 1974.”</p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p>No available information</p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>Sweden made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>Switzerland</p> 	<p>PC, BSC, JP</p>	<p>Switzerland requires reciprocity under its national law</p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <p>Article 27 of the Act on Nuclear Third Party Liability (“LRCN” SR 732.44, available only in French, German and Italian here) establishes a variety of reciprocity principles depending on the amounts of liability provided by the non-PC States that are parties to the Joint Protocol and allows for application of the reciprocity principles provided in Article 2(a)(iv) and 7(g) of the PC to non-contracting States with nuclear installations. Article 27 of the LRCN also provides for reciprocity in amount with regard to other Contracting Parties to the PC and differentiates among the amounts applicable with regard to the Contracting Parties to the PC, which are also parties to the BSC, and those which are parties to the PC only.</p> <p><u>Article 27</u> of the LRCN provides (unofficial translation):</p> <p>“1. The owner of a nuclear installation located in Switzerland is liable for nuclear damage abroad:</p> <p>a. without limit of amount for contracting states which also provide for liability without limit of amount in their national legislation in relationship to Switzerland when these are either contracting states of the Paris Convention and if applicable, of the Brussels Supplementary Convention or the Vienna Convention and the Joint Protocol;</p>

State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
		<p><i>b. up to the amount mentioned in Article 3 paragraph (b) number (iii) of the Brussels Supplementary Convention or a higher amount which the national legislation of the state concerned stipulates at the time of the nuclear event in relationship to Switzerland for contracting states of the Paris Convention and the Brussels Supplementary Convention providing for a limitation of the liability amount of the owner;</i></p> <p><i>c. up to the amount stipulated by the national legislation of the state concerned at the time of the nuclear event in relationship to Switzerland for contracting states providing for a limitation of the liability amount of the owner and where the contracting states are states of the Paris Convention but not of the Brussels Supplementary Convention or are contracting states of the Vienna Convention and the Joint Protocol.</i></p> <p><i>2. If the nuclear damage occurs in states other than those mentioned in paragraph 1, compensation in relationship to states which do not have nuclear installations within their territory or in their maritime zones stipulated according to international law is limited to the minimum amount mentioned in Article 7 paragraph (a) of the Paris Convention or, if applicable, to the amount provided for in this Act in application of Article 7 paragraph (b) to (e) of this convention. Regarding states which have nuclear installations within their territory or in their maritime zones stipulated according to international law, compensation is owed only subject to the prerequisites mentioned in Article 2 paragraph (a) letter (iv) and 7 paragraph (g) of the Paris Convention and up to the amount which the national legislation of the state concerned provides for at the time of the nuclear event in relationship to Switzerland, but not exceeding the minimum amount mentioned in Article 7 paragraph (a) of the Paris Convention or, if applicable, up to the amount provided for in this Act in application of Article 7 paragraph (b) to (e) of this convention."</i></p> <ul style="list-style-type: none"> ○ <u>Reservation to the JP</u> <p>Switzerland made the following reservation when depositing its instrument of ratification of the JP:</p> <p><i>"The Swiss Confederation reserves the right to provide that, in the case of a nuclear accident occurring within its territory and involving the liability of a Swiss operator of a nuclear installation, this operator is liable for the nuclear damage caused in a foreign country up to the amount envisaged with regard to Switzerland at the time of the accident by the national legislation of the State concerned, for States which limit the liability amount of the operator and which are parties to the Vienna Convention and the Joint Protocol."</i></p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p>Switzerland has taken into account the Recommendation in the national legislation.</p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>Switzerland has taken into account the Joint Declaration in the national legislation. There was no reservation made when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>

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<p>Türkiye</p> 	<p>PC, JP</p>	<p><i>Türkiye requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <p>The Nuclear Regulation Law (unofficial English translation is available here) requires reciprocity in amount. For nuclear damage occurring in other countries, the amounts of liability provided in the Nuclear Regulation Law shall apply based on reciprocity and be limited to the amount of liability established for nuclear damage arising from the nuclear incident in such countries.</p> <p><u>Article 13</u> of the Nuclear Regulation Law provides (<i>unofficial translation</i>):</p> <p><i>“(1) The liability of the operator for each nuclear incident under this Section is limited to the amounts;</i></p> <ol style="list-style-type: none"> <i>a. 700 million Euros for nuclear reactors with a thermal power of more than ten megawatts and other nuclear facilities to be determined by the assessment to be made before the license to be given by the Authority to operate a nuclear facility,</i> <i>b. 70 million Euros for nuclear facilities not covered by subparagraph (a),</i> <i>c. 80 million Euros for the transport of nuclear materials,</i> <i>ç. 700 million Euros for the transit passage of nuclear materials within the borders of the Republic of Türkiye.</i> <p><i>(2) The liability amounts specified in the first paragraph are applied in relation to the damages occurred in other countries, within the framework of the reciprocity principle, limited to the amount of liability applied for the nuclear damages arising from the nuclear incident in that country.”</i></p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>Türkiye made the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>United Kingdom</p> 	<p>PC, BSC, (VC), (JP)</p>	<p><i>The United Kingdom requires reciprocity under its national law</i></p> <ul style="list-style-type: none"> ○ <u>National legislation</u> <p>The <i>Nuclear Installations Act 1965</i> (NIA 65, available in English here), as amended by the <i>Nuclear Installations (Liability for Damage) Order 2016</i> (the 2016 Order) allows claims for damage from persons in “a qualifying territory”.</p> <p>For the purpose covered under Sections 12 (Right to compensation) and 13 (Exclusion, extension or reduction of compensation in certain cases), a qualifying territory includes a relevant reciprocating territory - both are defined in Section 26 (1A) and (1B) of NIA 65]. To be a reciprocating territory, the law of the country must confer benefits on a basis that corresponds to those conferred by the PC and must be based on identical principles. In light of Section 16 (1ZB) and (3) to (3E) of the NIA 65, the amount of compensation payable in respect of claims from a reciprocating territory is capped at the limit on liability set by the law of the reciprocating territory.</p> <p><u>Section 26(1A)</u> of the NIA 65 reads as follows:</p>

State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
		<p><i>“A reference in this Act to a relevant reciprocating territory is a reference to—</i></p> <p><i>(a) a country that is not a party to a relevant international agreement but whose law—</i></p> <p style="padding-left: 20px;"><i>(i) with a view to reciprocating benefits conferred as regards it by parties to that relevant international agreement, confers benefits as regards the parties to that relevant international agreement on a basis corresponding to the basis required of a party to that agreement, disregarding for these purposes that agreement’s limits on the amount of liability, and</i></p> <p style="padding-left: 20px;"><i>(ii) in that respect is based on principles identical to those of that relevant international agreement, or</i></p> <p><i>(b) an overseas territory of a country falling within paragraph (a), if the law of the country or the territory provides for, or they together provide for, the benefits in question to be reciprocated on a basis that includes that territory.”</i></p> <p><u>Section 26(1B) of the NIA 65 reads as follows:</u></p> <p><i>“A reference in this Act to a qualifying territory is a reference to—</i></p> <p><i>(a) a relevant territory,</i></p> <p><i>(b) a country in the case of which there is no nuclear installation—</i></p> <p style="padding-left: 20px;"><i>(i) within its territorial limits or its exclusive economic zone or on its continental shelf, or</i></p> <p style="padding-left: 20px;"><i>(ii) within the territorial limits or the exclusive economic zone of, or on the continental shelf of, any overseas territory of the country,</i></p> <p><i>(c) an overseas territory of a country falling within paragraph (b),</i></p> <p><i>(d) an overseas territory of a country that is a party to a relevant international agreement where the territory—</i></p> <p style="padding-left: 20px;"><i>(i) is not a territory to which that agreement applies, and</i></p> <p style="padding-left: 20px;"><i>(ii) has no nuclear installation within its territorial limits or its exclusive economic zone or on its continental shelf, or</i></p> <p><i>(e) a relevant reciprocating territory.”</i></p> <ul style="list-style-type: none"> ○ <u>Recommendation on the Application of the Reciprocity Principle to Nuclear Damage Compensation Funds</u> <p>No available information</p> <ul style="list-style-type: none"> ○ <u>2004 Joint Declaration</u> <p>United Kingdom did not make the reservation when depositing its instrument of ratification of the 2004 Protocol amending the PC.</p>
<p>United States of America</p> 	<p>CSC</p>	<p><i>The United States of America does not require reciprocity under its national law.</i></p> <p>To the extent the the Price-Anderson Act (PAA) applies to a nuclear incident, courts in the United States would cover nuclear damage wherever suffered.</p>

State	International Liability Convention	Principle of reciprocity in national legislation relating to compensation of nuclear damage
Non-NEA Member States		
China, People's Republic of 		<p><i>China does not expressly require reciprocity under its national law</i></p> <p>In the Reply of the State Council on the Civil Liability for Damage Arising out of Nuclear Accident, issued by the State Council of the People's Republic of China on 30 June 2007 [2007 No. 64] (available in English here), Article 3 states that "The nuclear damage incurred by a nuclear accident across the border of the People's Republic of China shall be handled in accordance with the treaty or agreement signed by the People's Republic of China and the relevant countries. In case that neither treaty nor agreement is signed, the principle of reciprocity shall be applied."</p>
India 	CSC	<p><i>India does not require reciprocity under its national law</i></p>
Nigeria 	VC	<p><i>Nigeria does not require reciprocity under its national law</i></p>
Philippines 	VC, (JP), (CSC)	<p><i>Philippines does not require reciprocity under its national law</i></p>
Ukraine 	VC, (RVC), JP, (CSC)	<p><i>Ukraine does not require reciprocity under its national law</i></p>