

Act no. 28 of 12 May 1972 concerning Nuclear Energy Activities

[Revised 28. August 1995]

Chapter I. Definitions etc.

Section 1.1 (*definitions*)

For the purposes of this Act, the following definitions apply:

(a) nuclear fuel:

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

(b) radioactive product:

other radioactive material (including wastes) which is made or has become radioactive by irradiation accidental to the production or utilisation of nuclear fuel;

(c) nuclear substance:

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:

a 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 installation:

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

(f) Installation State:

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 authorised the installation;

(g) nuclear installation operator :

anyone having obtained a licence for operating the installation, or, in the absence of a licence, anyone in control of the installation or whom the Ministry has designated, or, as far as installations abroad are concerned, anyone recognised as an operator in accordance with the legislation of the Installation State .

(h) nuclear damage:

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 within a nuclear installation;

(i) nuclear accident:

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

j) The Paris Convention is:

the Convention on Third Party Liability in the Field of Nuclear Energy signed in Paris on 29 July 1960 and amended by the Protocol of 28 January 1964, or the said Convention further amended by the Amendment Protocol of 16 November 1982;

(k) The Supplementary Convention is:

the convention supplementary to the Paris Convention signed in Brussels on 31 January 1963 and amended by the Protocol of 28 January 1964 or the said Convention further amended by the Amendment Protocol of 16 November 1982;

(l) The Vienna Convention is:

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

(m) Convention State means :

a State that 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 respective States.

(n) SDR;

the Special Drawing Rights established by the International Currency Fund. SDR shall be converted to Norwegian kroner at the current rate of exchange on the day an accident occurs. As far as State liability is concerned, cf. Sections 40 and 41, and for the specific accident in question, another day can be agreed between the States that have acceded to the Supplementary Convention.

¹Amended by Act no. 103 of 20 December 1985

²The Ministry of Health & Social affairs

Section 2. (exemptions)

1. The Ministry¹ may exempt from the provisions of this Act, either in whole or in part, certain types of nuclear installations², nuclear fuel², radioactive products² or nuclear substances² 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 installation² in another Convention State², any corresponding exemption as well as the scope thereof shall be governed by the statutory provisions of the Installation State² within the limits of the relevant convention to which Norway is also a party.

¹The Ministry of Health

²See Section I.

Section 3. (several installations on the same site)

1. The Ministry¹ may determine that two or more nuclear installations² having the same operator² 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 a nuclear installation² or of several nuclear installations that constitute one and the same installation, such plant or plants shall be considered part of the said installation.

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

¹The Ministry of Health

²See Section 1.

Chapter II. Licences, permits, supervision etc.

Section 4. (*licence for nuclear installation*).¹

It shall be unlawful to construct, own or operate a nuclear installation² without a licence granted by the King. The licence shall be valid for a specified place for operation. As a rule the duration of the licence should be limited to a specific period. The transfer of a nuclear installation² or the operation there of to a new owner or operator² needs special licence.

A licence for the construction of a nuclear power plant should not be granted before the Storting (translator's note: the Norwegian Parliament) has given its approval. The matter should be submitted to the Storting when proposals for the construction site of the nuclear power plant are presented and the question of the operator/ownership is clarified.

¹Cf. Sections 55, 56 and 58.

²See Section I.

Section 5.¹ (*permit to hold a nuclear substances etc.*)²

1. It shall be unlawful to manufacture, own, store, handle, transport, sell or otherwise hold or dispose of nuclear substances⁴ without a permit from the Ministry³ concerned. However, a permit is not required to the extent that activities mentioned here are covered by licence granted in accordance with Section 4. The Ministry³ concerned may grant exceptions to the obligation to obtain a permit subject under certain conditions.

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

3. The King may decide that anyone intending to manufacture own, store, handle, transport, sell or otherwise hold or dispose of nuclear fuel⁴ or radioactive product⁴ other than nuclear substances shall be subject to notification requirements or required to obtain a permit. The same applies to other materials for nuclear energy purposes which are covered by international safety control in accordance with agreements to which Norway has acceded.

¹Amended by Act no. I 03 of 20 December 1985.

²Cf. Sections 55, 56 and 58.

³The Ministry of Health.

⁴See Section I.

Section 6. (*provisions*)¹

The King may issue detailed provisions regarding the construction and operation of nuclear installations². 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.

¹Cf. Sections 55 and 56.

²See Section I.

Section 7. (*application for licences and permits*)

1. Before a licence is granted the applicant must submit details of the building site, the purpose, nature and size of installation , and an account and evaluation of the installations safety features. Before the licence is notified definitively, a preliminary approval may be given of the building site and other aspects of the application for the licence.

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

Section 8. *(conditions for a licence or permit)*

1. The licence or permit shall be subject to such conditions as are considered necessary with regard to safety requirements and the public interest.

2. The Ministry¹ may amend the conditions laid down and impose new conditions for the licence or permit when this proves necessary for safety requirements or indemnity protection². If these new conditions involve an unreasonable alteration in economic conditions upon which the recipient of the licence or permit had based his assumptions, and they exceed that which ordinarily follows from his obligation³ 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 application of the recipient of the licence or permit the Ministry¹ concerned may make such amendments or additions as it deems fit.

¹The Ministry of Health.

²Cf. Chapter III

³Cf Sections 15 and 55

Section 9. *(Revocation of licence and permit).*

A licence or permit may be revoked when:

- a. it becomes apparent that major prerequisites 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 10.1 *(The Norwegian Radiation and Nuclear Safety Authority).*

1. The Norwegian Radiation and Nuclear Safety Authority is the highest specialist agency as far as questions of safety are concerned. It functions as the institution making recommendations and giving advice to the Ministry² concerned. The Authority shall prepare and submit recommendations on all applications concerning licences and permits, and shall on its own initiative put into effect all such means measures as it deems necessary for reasons of safety. It shall be the duty of the Authority to ensure that all rules and conditions pertaining to safety precautions are complied with and put into effect, as well as such orders that are given in pursuance of this Act.

¹Amended by Act no. 142 of 18 December 1992.

²The Ministry of Health.

Section 11. (*construction and commissioning of nuclear installation*).

1. The Norwegian Radiation and Nuclear Safety Authority² shall exercise continuous supervision over the construction of nuclear installations. In particular it shall ensure compliance with the terms and provisions of the licence, as well as ensuring the implementation of all necessary measures required safety precautions, including such safety measures as described in the provisionally authorised safety reports. Measures described in the safety reports may be altered by the Norwegian Radiation and Nuclear Safety Authority² providing this does not conflict with safety considerations.

2. Before a nuclear installation³ is put into operation, the operator³ must have obtained⁴ authorisation for this from the Norwegian Radiation and Nuclear Safety Authority². 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 areas of responsibility
- c. security has been furnished in accordance with Sections 35 and 37 of this Act.
- d. all the necessary authorisations have been obtained from the competent authorities in accordance with other legislative provisions.

3. In good time before the nuclear installation is put into operation the operator shall submit to the Norwegian Radiation and Nuclear Safety Authority² a complete safety analysis report on the installation.

4. The Norwegian Radiation and Nuclear Safety Authority² may, if it believes this will assist it in its evaluation of the installation, give separate consent to a limited trial operation, subject to such conditions as may appear necessary.

²See Section 10.

³See Section I.

⁴Cf. Section 55.

Section 12.¹ (*changes in installation and operating conditions*).

If an operator² proposes making an alternation in the construction, operation or management of the installation, which constitutes a departure from conditions on the basis of which authorisation was granted under Section 11, item 2, and which may affect safety, he is obliged³ to submit the matter to the Norwegian Radiation and Nuclear Safety Authority⁴ for authorisation before the alteration is put into effect.

¹Amended by Act no. 142 of 18 December 1992.

²See Section 1.

³Cf. Section 55.

⁴See Section 10.

Section 13.¹ (*supervision of operations*).

1. The operation of a nuclear installation² shall be subject to continuous supervision of the Norwegian Radiation and Nuclear Safety Authority³. The Authority shall ensure that the conditions for the licence are observed, that the requirements of Section 11, item 2 are satisfied at all times and that the operation of the installation (including the disposal of radioactive waste) are consistent with the operating regulations and are sound in all other respects.

2. The Norwegian Radiation and Nuclear Safety Authority³ may impose⁴ such instructions

as are necessary to ensure that the requirements of item 1 of this section are satisfied. If necessary the Authority may order that the installation shall cease operation as long 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 Norwegian Radiation and Nuclear Safety Authority³ 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 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 supervision¹.

Amended by Act no. 142 of 18 December 1992.

² See Section I.

³ See Section 10.

⁴ Cf. Section 55.

Section 14. ¹ (*inspection, implementation of orders, etc.*).

1. The Norwegian Radiation and Nuclear Safety Authority² may at any time demand access³ to a nuclear installation and the surrounding area. It shall be the duty of everyone associated with the installation, regardless of any obligation he may otherwise have⁴ with regard to the preservation of secrecy, to furnish the said Authority with all information it needs to be able to exercise its supervision.

2. If an order is not obeyed the Norwegian Radiation and Nuclear Safety Authority² may request legal enforcement by the competent juridicial authorities or assistance from police. In cases of emergency the Authority may also have the necessary safety precautions taken on its own initiative at the expense of the owner of the installation and the operator⁵. The public authorities claim for reimbursement of such expenditures may enforced for distraint⁶ upon the owner and operator of the installation concerned.

3. The provisions in items 1 and 2 apply correspondingly to the supervisory authority under section 13, item 3 in relation to activities subject to its supervision.

¹Amended by Act no. 86 of 26 June 1992 (effective from 1 January 1993 pursuant to resolution no. 765 of 23 October 1992), and Act no. 142 of 18 December 1992 .

²See Section JO.

³Cf. Section 55.

⁴Cf. Sections 53 and 55.

⁵See Section I .

⁶Cf. Section Comp. Chap. 7.

(Translator's note: References omitted from this point onwards.)

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 condition and to take all necessary measures to ensure that no damage will be caused as a result of radioactivity or other hazardous features of nuclear fuel or radioactive products 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 decommissioning the installation.

3. Such measures require the approval of the Norwegian Radiation and Nuclear 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 Norwegian Radiation and Nuclear 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, item 3 takes the place of the Norwegian Radiation and Nuclear Safety Authority.

Section 17. (*Ships reactors, etc.*).

The King may issue special 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 there in. Where special circumstances so warrant, the provisions may contain rules on supervision, licence and competent authorities

Chapter III. Compensation and insurance (nuclear liability) Section 18. (*territorial scope*).

1. Damage caused by a nuclear accident which occurs in a non Convention 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 accident occurred within this realm and the operator of nuclear installation here is otherwise liable in respect of the accident under the provisions of this Chapter. If the operator of a nuclear installation in a foreign country is liable in respect of the accident, 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-Convention 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 Convention State or on the open sea, even if the accident has occurred in a non-Convention State. Such a decision may be made conditional by mutual agreement between Norway and the Convention 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-Convention 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 decisions generally applicable or applicable in relation to specified States.

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

Section 19. (*Equating a non-Convention State with a Convention State*).

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

Section 20. (*Operator's liability for a nuclear accident in a nuclear installation*).

The operator shall be liable to pay compensation for nuclear damage caused by a nuclear accident 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 accidental to their transport, providing that another operator is liable for the damage by virtue of a written contract and such liability is compatible with the provisions of Sections 21 and 23.

Section 21. (*transport liability*).

1. If a nuclear accident occurs during the transportation (including temporary storage accidental to transportation) of nuclear substances from a nuclear installation in this realm or in another Convention State, the operator of such an installation shall be liable to pay for nuclear damage which is attributable to the presence of such substances, except as otherwise provided in the succeeding items of this Section.

2. If the accident occurs after these substances have been taken in charge by the operator of another nuclear installation in this realm or in another Convention State, such operator shall be liable instead to pay compensation, 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 transported 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 accidents which occur after the date on which the legally authorised operator of the said nuclear reactor installation in such means of transport has taken charge of the substances.

3. If the nuclear substances are consigned from a non-Convention State to a nuclear installation in this realm or in another Convention State with the written consent of the operator of such installation, the latter shall be liable for any nuclear accident which occurs during transportation. If nuclear substances are consigned from 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 Convention State, the consignee shall be liable for any nuclear accident which occurs after he has taken the substance in charge.

4. The consignor and the consignee shall both be liable in accordance with the provisions in the Paris Convention and in the Vienna Convention respectively, with regard to any nuclear accident which occurs during carriage of nuclear substances from a nuclear installation in a foreign State, which is a party to only one of the aforementioned 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 accident the nuclear substances concerned are being transferred between countries which are not Convention States or equated with such States, and if the nuclear accident occurs in Norwegian territory or on the high seas outside Norwegian territory, the general rules concerning 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 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 items 1-3).

Section 22. (*operator's liability in other cases*).

If at the same time of the accident, 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 Convention State who had the nuclear substances in his possession at the time of the accident of most recently prior to the accident. However, if the nuclear substances were in the course of carriage and if no operator in the Convention State has acquired possession between the interruption of the transportation and the accident, compensation for the damage shall be payable by the operator or other person who at the time when transportation was interrupted was liable by virtue of Section 21 in respect of nuclear accident during transportation. If the nuclear substances had last come from a non-Convention State in any other manner, and no operator in a Convention State had acquired possession prior to the accident, the provisions of Section 21, item 5 shall apply correspondingly.

Section 23. (*carriers assumption of liability*).

The King may, upon application by a carrier or similar person responsible for transportation 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 accidents occurring during transportation.

Such a 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 a decision is taken, whatever applies by virtue of this Act to the operator shall apply instead to the applicant as regards a nuclear accident during transportation. The same shall apply where a corresponding decision is taken by virtue of the law of another Convention State as regards any damage for which the operator of the nuclear installation in such a 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 accident is directly due to an act of war or similar act in the course of an armed conflict, invasion, civil war or insurrection, or if it is directly attributable to a serious 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 pursuant to the provisions in Chapter 111 of Act no. 26 of 13 June 1969 concerning compensation.

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

1. The provisions of this Chapter shall not apply to damage caused to the nuclear installation itself or to other nuclear installations on the same site, including installations under construction, or damage to items which at the time of the nuclear accident were on the installation site and were being used or were there to be used in connection with that installation, of Section 27, item 3.
2. Subject to the limitations given in item 3 of Section 30, the liability of the operator of a nuclear installation in this realm also comprises damage which is caused during transportation to the means of transport on which the nuclear substances causing the damage were located when the nuclear accident occurred. If the operator of an installation in another Convention State is liable in respect of the accident, 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 through 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, providing the operator is liable under the provisions of this Chapter or under corresponding provisions in another Convention State. The same applies even if the claim against the operator, etc. has been extinguished by reasons of statutory limitations, cf. Section 34.
2. If nuclear damage is caused by a nuclear accident during the carriage of nuclear substances by sea, the provisions in item 1 apply correspondingly, providing the operator is liable for damage under the Vienna Convention or any other legislation concerning liability for nuclear damage, providing such legislation is to all means and purposes as equally favourable towards the injured party as the provisions in the Paris Convention or Vienna Convention.
3. Claims for compensation for nuclear damage for which the operator is not liable pursuant to Section 24, item 2 or Section 25, or corresponding provisions under the legislation of another Convention State as mentioned in items 1 and 2, may only be enforced against an individual person who has himself wilfully caused the damage. In cases of damage to means of transport, as mentioned in the second sentence of item 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, if nothing else is agreed.
4. The provisions of this Section do not apply to the extent they come into conflict with any international agreement in the field of transport to which Norway has acceded.
5. The provisions of Section 39-44 shall apply as regards cover of Government Funds.

Section 28. (*recourse against the operator*).

1. Anyone liable to pay compensation in this realm or a foreign country pursuant to the provisions in Section 27, item 3, or pursuant to the legislation of a non-Convention 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 accident occurred or the damage arose in a non-Convention 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 in another Convention State or by the servant of such a person.
3. Recourse, as discussed in 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 damage under Section 33.
4. If an agreement with a foreign State so requires, the King may issue 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 according to this Section against an

operator of a nuclear installation in a State which has acceded to the Vienna Convention but not the Paris convention;

b. claims of recourse in case covered in item 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 the Paris convention, and whereby such a State shall not be regarded as a Convention State for the purpose of the provision concerned.

Section 29. (*damage which is equated with nuclear damage*).

1. If any party has simultaneously sustained both nuclear damage entitling that party to compensation pursuant to this Chapter and other damage, the overall 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 item 1 shall not in any way affect the liability of parties other than the operator, who by virtue of other legislation, may be liable in respect of damage caused by ionizing radiation, which is not covered by the scope of this Chapter.

Section 30. (*liability limitation*).

1. The total liability of the operator in respect of nuclear damage caused by one and the same nuclear accident shall as a rule be limited to 60 million SDR. In special cases the King may, depending on the size and type of installation, the scope of transport involved, as well as other circumstances, prescribe a different liability limitation figure, which may not be less than 5 million SDR.

2. If the operator's nuclear installation is located in another Convention State, then legislation of that State concerning liability limitation shall apply, even though Norwegian legislation would otherwise apply.

3. If, in the case of a nuclear accident during transportation, nuclear damage is caused to the means of transport carrying the nuclear substances at the time of the accident, then liability in respect of such damage shall have the effect of limiting liability in respect of nuclear damage to an amount which is lower than 5 million SDR.

4. The limitation under items 1-3 of this Section shall not apply to interest and litigation costs.

Section 31. (*damage caused by several 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 up to the limit of liability established with respect to him under Section 30. However, if the damage is the result of a nuclear accident during transportation of nuclear substances, and the substances are located on one and the same means of transport or under temporary storage at one and the same nuclear installation, the maximum overall amount for which such operators shall be held liable shall be the maximum limit of liability established under Section 30, provided that the nuclear installations are located in the same State or States which have acceded to the same Convention.

2. Liability shall be shared by the operators with reference to each installation's share in the

damage and to all other relevant circumstances.

Section 32. *(apportionment of claims that exceed the liability limitation).*

1. If the amount of liability pursuant to Sections 30 and 31 is insufficient to fully satisfy the claims of all injured parties, the compensation and relevant interest shall be reduced proportionally. Such reduction must be authorised by a decision of the probate court.

2. The Ministry may decide that compensation for personal injury shall be given preferential liability coverage up to a limit per person determined by the Ministry itself.

3. If, after a nuclear accident has occurred, there is reason to believe that the total damage will exceed the maximum amount prescribed under Sections 30 and 31, the operator liable and his insurer or guarantor shall ensure as soon as possible that the Ministry is notified in writing of this fact, together with full details concerning the extent of damage. In such cases the Ministry may decide that until further notice the injured parties shall be paid a proportion of the 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 any subsequent claims.

4. The King may issue provisions to supplement the provisions in this Section. Where the King has not decided otherwise, the Probate Act shall apply correspondingly, insofar as it is relevant to decisions of the probate court pursuant to this Section. The provisions of Sections, 45 and 46 with respect to territorial jurisdiction shall apply correspondingly to the probate court. The King may decide that the Norwegian probate court shall have jurisdiction if the nuclear installation concerned is located 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 pursuant to this Chapter or corresponding provisions in another Convention 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 agreement 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 as mentioned in Section 29, item 2, or
- d. is a jointly liable operator (cf. Section 31, item 2).

Section 34. *(removal 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 under the general provisions respecting statutory limitation, it shall be removed if it is not recognised or legal action has not been instituted within 10 years following the nuclear accident to which it relates.

2. If the nuclear accident is attributable to nuclear substances which have been stolen, lost or abandoned and have not been recovered at the time of the accident, a claim for compensation in respect of nuclear damage cause by such occurrence shall not lie against the operator after 20 years from the date of theft, loss or abandonment.

3. If, pursuant to Convention , two or more Convention States have jurisdiction (cf. Section 45) in respect of the claim for compensation, the claim shall be sustained even if:
 - a. action for the satisfaction of the claim is instituted in such a Convention 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 relevant authority in a Convention State for the institution of proceedings for a decision as to jurisdiction pursuant to the Paris Convention or the Vienna Convention.

Where jurisdiction is assigned to Norway by a decision pursuant to sub-paragraph (a) or sub-paragraph (b) above, the effect of the timely judicial proceedings or request shall be removed if the claim is not subsequently instituted in this realm within such a period as may be set by the International Tribunal or in any other manner prescribed by a Convention or, if no such period is fixed, within 6 months following the date of decision.

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

Section 35. (*insurance or other security*)

1. In order to cover liability in respect of nuclear damage pursuant to this Chapter or corresponding provisions in another Convention State, the operator of every nuclear installation in this realm shall take out and keep in force such insurance or shall furnish such other security as the Ministry deems fit to authorise .
2. However, the Ministry may approve insurance or other security that is limited to a set amount per installation for a certain period, and which consequently does not fully cover the maximum liability in respect of every possible nuclear accident (cf. Section 30), provided that the amount is at least 20% greater than the maximum liability for each separate accident. If the damage that has occurred is believed to have resulted in the insurance or the security having dropped below the maximum liability per accident, 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 accidents which may occur during transportation.
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 comes into force. The Ministry shall decide with binding effect on the operator how long the latter shall be required by law to keep an insurance or security in force.

Section 36. (*State exemption; 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 pursuant to Section 35 in favour of an operator

Section 37. (*declaration of security*).

1. The insurer or the party furnishing security (the guarantor) shall submit to the relevant authority a declaration of security in favour of possible injured parties, in such a form and containing such

details as the Ministry requires. Every declaration of security shall confirm inter alia the following conditions that shall apply to the security until such time as its 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 deemed 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 transport may be limited to the duration of transportation. Moreover, the Ministry shall have general powers to authorise security of limited duration in special circumstances.
 - c. The security may only be revoked or otherwise terminated after at least 2 months' prior written notice to the relevant authority. As far as a nuclear accident is concerned that occurs during transportation commenced before the notice is received, the security shall remain in force during the period of transportation concerned.
 - d. In the case of damage caused by nuclear accident, 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 pursuant to this Chapter, the provisions of item 1, sub-paragraphs (a)-(d) of this Section shall automatically apply in accordance with 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 located in a foreign country.

Section 38. *(certificate of security for transport).*

1. Whenever a nuclear substance is consigned to or from a foreign country (including transit through this realm) the operator liable pursuant to this Chapter shall furnish the carrier with a certificate issued by or on his behalf the insurer or other guarantor who has furnished security to cover the liability. The carrier may not initiate transportation in this realm before obtaining the certificate. The certificate shall contain the following information :
- a. the name and address of the operator liable and details as to the material and transportation to 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 relevant authority in a foreign country, where appropriate) to the effect that the named party is an operator pursuant to the Paris Convention or Vienna Convention .
2. The person issuing the 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 concerning the form of the certificate.

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

1. Within the limits of the amount of liability given under Section 30, item 1, sub-paragraphs 3 and 4, the State shall guarantee fulfilment of the liability in respect of nuclear accidents which operators of nuclear installations in this realm have pursuant to this Chapter or corresponding provisions in another Convention State. However, this does not apply to possible liability in respect of nuclear accidents pursuant to Section 24, item 2.
2. The State may only claim recourse for expenditure under this Section:
- a. from a party that 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 other

security in accordance with Section 35, or if the security has expired, or from the guarantor concerned, insofar as he is liable in respect of the damage.

Section 40. (*supplementary payments out of Government funds pursuant to the Supplementary Convention*).

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

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

b. legal actions in respect of the operator's liability come under Norwegian jurisdiction pursuant to Section 45, and

c. the nuclear accident did not occur exclusively in a State that has not acceded to the Supplementary Convention, and

d. the claims relate to nuclear damage that has arisen

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

(ii). on or over the high seas aboard a vessel or aircraft registered to the State that has acceded to the Supplementary Convention, or

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

2. For the purposes of this Section "a national of a Convention State" shall be deemed to correspond with the State itself, its administrative divisions or units, together with any public corporation or private company, society, foundation, partnership or any other association with its registered address in, or otherwise domiciled in, such a State. A person who is domiciled in Norway or Denmark shall also be equated with a Norwegian or Danish national respectively. "A national or another of a Convention State" shall where appropriate be deemed to include a person who is regarded as domiciled in such a State by virtue of the legislation thereof and who, by virtue of a decision by the Government of that State, is to be treated as a national in respect of entitlement to compensation pursuant to the Supplementary Convention.

3. Irrespective of whether the operator is liable, claims arising out of a nuclear accident under Section 24, item 2, or damage pursuant to Section 25, shall not qualify for payment out of Government funds pursuant to this Section. Claims for recourse pursuant to Section 28, items 1 and 3, may 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 that may be claimed in respect of nuclear damage resulting from one and the same nuclear accident, partly from the operator or operators

liable under the provisions of this Chapter and partly out of Government funds pursuant to Section 40, shall not exceed an amount equivalent to 300 million SDR. This shall not include interest and litigation costs.

1.

2. If an agreement concerning payment out of Government funds pursuant to Article 15 of the Supplementary Convention has been concluded between the Convention State pursuant to the same Article and another State, and if the agreement covers a nuclear accident to which Section 40 of this Act applies, compensation under such an agreement shall also be included in the maximum amount prescribed in item I .

3. If the maximum amount prescribed in items 1 and 2 is insufficient to ensure full satisfaction of all claims, the amounts of compensation including any 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 been removed by reason of the 10-year and 20-year time-limits stipulated in Section 34, shall be covered by the State if the claim relates to personal injury sustained in this realm as a result of a nuclear accident for which the operator of a nuclear installation in Norway is 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 Ministry's liability would have been barred by limitation under the general Norwegian provisions respecting statutory limitation and not later than 30 years after the date of the nuclear accident. If other claims arising out of the same accident have not been settled in full by reason of the limiting provisions of Sections 32 and 41 (whichever the case might be) or by virtue of corresponding provisions in another Convention State, there shall be a proportionate reduction of the compensation out of Government funds pursuant to this Section.

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

Section 43. *(State liability in the case of certain discrepancies between the Paris Convention And Vienna Convention).*

I . If the operator of a nuclear installation in this realm would, by virtue of the legislation of two or more Convention States, partly in accordance with the Paris Convention and partly in accordance with the Vienna Convention, be liable to pay amounts of compensation which on aggregate exceed his maximum liability prescribed under Section 30 and 31, the King may decide that the State shall pay the excess amount insofar as this is deemed necessary.

However, this shall not apply where the damage can be covered by a supplementary payment pursuant to Section 40 or in any other way under the provisions of the Supplementary Convention.

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

Section 44. *(the State's right of recourse).*

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

Section 45. *(Norwegian jurisdiction).*

1. Legal actions concerning the liability of an operator or his guarantor in respect of nuclear damage pursuant to this Chapter shall be brought in a Norwegian court of law :
 - a. if the nuclear accident has occurred wholly or partly in Norwegian territory or, in cases to which Section 21, item 5, and Section 22 are applicable, on the high seas outside Norwegian territory, or
 - b. if the nuclear installation concerned is located in *this* realm and the accident occurred outside the territory of any Convention State or the place of the accident cannot be determined with certainty.

2. Legal actions concerning claims against an operator or his guarantor pursuant to Section 27, item 2, second sentence, Section 31, item 2, Section 39, item 2 or Section 44, may also be brought in Norway if a Norwegian court has jurisdiction in accordance with the general rules of procedure.

3. Notwithstanding the above, actions concerning liability may not be brought or pursued in a Norwegian court pursuant to this Section if:
 - a. the International Tribunal referred to in Article 17 of the Paris Convention decides that the courts in another Convention State shall have exclusive jurisdiction with respect to legal actions concerning liability, or
 - b. in order to comply with provisions concerning jurisdiction contained in an agreement with a foreign State, the King decides that the case shall not fall under Norwegian jurisdiction.

4. The relevant Ministry may, either on its own initiative or at the request of an interested party, request the aforementioned International Tribunal to decide in which State legal 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 pursuit of claims against an operator in this realm or his guarantor pursuant to the provisions in this Chapter, the King may decide that legal actions concerning liability for a nuclear accident shall fall under Norwegian jurisdiction, even in cases where this does not follow from the provisions of items 1 and 2 above.

Section 46. *(local jurisdiction in this realm).*

1. Except as otherwise provided in this Section, legal actions which, under Section 45, fall under Norwegian jurisdiction may only be brought in the judicial district in this realm in which the nuclear accident occurred.

2. If the nuclear accident occurred outside the realm, legal actions may only be brought in the judicial district in which the relevant nuclear installation in Norway is located, 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.

3. If under these provisions legal actions concerning liability in respect of the same nuclear accident can be brought in more than one judicial district, the Ministry concerned shall decide where the case is to be tried. However, legal actions falling within the scope of Section 45, item 2, may nevertheless be brought in any judicial district having jurisdiction of the case according to 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 legal actions must be brought in accordance with these provisions. Chapter 2 of the Administration of Justice Act shall apply.

4. Proceedings against the State pursuant to Sections 39-43 shall be brought in the judicial district having jurisdiction pursuant to these provisions to try legal actions against the operator in respect of the same nuclear accident.

Section 47. (*recognition and enforcement of foreign judgements*).

J. A ruling against an operator or his guarantor in a case concerning liability in respect of nuclear damage shall be binding and enforceable in this realm, subject to the limitation of liability pursuant to Sections 30 and 31, if such a ruling has been pronounced pursuant to the Paris Convention or the Vienna Convention by a court of law in a Convention State and is enforceable in that State. This shall not apply to interim judgements. Enforcement shall be in accordance with the Compulsory Enforcement Act and there shall be no review of the merits of the case other than that allowed under the relevant Convention

2. An application for the enforcement of a foreign judgement shall be made to a competent court of execution and enforcement together with:

- a. a certified copy of the ruling;
- b. a declaration from the authorities of the country of the court involved that the judgement concerns compensation for nuclear damage pursuant to the provisions of the convention and that it is enforceable in that country, and an authorised translation into Norwegian of any documents in a foreign language other than Danish or Swedish .

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

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 that constitutes part of a sea-going vessel or other means of transport and that is used or is designed for use as a source of power.

2. The King may make the provisions of this Chapter wholly or partly applicable, with any necessary modifications , to such nuclear reactors . The King may also establish rules that 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 an amount decided upon by the King. Provisions pursuant to this Section 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 municipal authorities in the area in which a nuclear installation has been constructed, or in the danger zone surrounding such an installation, shall collaborate with the operator in safety measures for the protection of the local population. Pursuant to rules issued by the King, a plan should be drawn up for safety and assistance measures in the event of an accident including, where necessary, compulsory evacuation.

Section 50. *(registration, etc. of damage).*

In the event of a nuclear accident, the Ministry may order that all persons who were in the danger zone at the time of the accident shall notify this to the health and social services council or the police within a specified time-limit and furnish the information required for the registration of damage and potential damage and take a medical examination upon request or notification by the health authorities .

Section 51 . *(Control of the peaceful utilisation of nuclear energy).*

The King may issue any provisions necessary to ensure and ascertain by supervision that nuclear installations, nuclear fuel, radioactive products and other materials used for providing nuclear energy that fall under the scope of international safety supervision pursuant to an agreement to which Norway has acceded, are only used for peaceful and non-explosive purposes. Norwegian inspectors shall, for the purposes of supervision, have right of access to nuclear installations and to other places where the aforementioned materials and equipment are located or assumed located. The inspectors are entitled to obtain such information as is deemed necessary in order to ascertain whether such installations, materials and equipment are to be used for peaceful and non-explosive purposes. To the extent that an agreement on international safety supervision exists to which Norway has acceded, foreign inspectors shall also have the right of access to information and, accompanied by Norwegian inspectors or other authorised persons, nuclear installations , etc., in accordance with point two.

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. Where such material is required for supervisory purposes, it may be requisitioned without compensation.

Section 53. *(obligation to preserve secrecy).*

Subject to the limitations arising out of the duties in this Act, it shall be the duty of every person to preserve secrecy in respect of technical or commercial secrets that come to his knowledge by virtue of his position pursuant to this Act or concerning other circumstances that are not public knowledge. Nor may such a person use such information for industrial purposes.

Section 54. *(provisions to supplement this Act).*

The King may issue further 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 breach of the provisions of this Act, fails to take out insurance or maintain such insurance or to comply with orders concerning other security pursuant to Section 35, shall be liable to a fine or imprisonment for a period of up to 1 year or both.
2. Anyone found 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 breach of the provisions given in, or in pursuance of, Chapter II or Sections 51 and 54, may, by virtue of a judgement, be confiscated from the guilty party or from a 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 handling fee shall be payable for the consideration by the authorities of a licence application. The fee shall accompany the licence application or be paid in instalments in accordance with Ministry regulations.
2. Dues shall be paid for the supervision undertaken by the Norwegian Radiation and Nuclear Safety Authority in connection with the construction and operation of nuclear installations.
3. Fees and dues shall be determined by the King.

Section 58. (*entry into force, etc.*).

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

The Act shall also apply to Svalbard, Jan Mayen and the Norwegian dependencies, except as otherwise provided by the King. The King may prescribe such amendments as required to satisfy local conditions.

The operator of a nuclear installation which is under construction or in operation at the time of entry into force of this Act shall, within 3 months of that date, apply for a licence and authorisation pursuant to Chapter II. The Ministry may grant temporary permission until such a time as the application has been determined.

Section 59. (*amendments to other Acts*).