

**Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Economic Affairs and Employment, Finland**

**Nuclear Liability Act
(484/1972)**

General provisions

Section 1

For the purposes of this Act:

1) *nuclear fuel* means fissionable material consisting of uranium or plutonium metal, alloy or chemical compound;

2) *radioactive product* means any radioactive material other referred to in paragraph 1, waste included, that has been produced in or made radioactive by exposure to the radiation incidental to the process of producing or utilising nuclear fuel;

3) *nuclear substances* means nuclear fuel other than natural uranium or depleted uranium, and radioactive products other than radioisotopes which are used or have reached the final stage of fabrication so as to be usable for any industrial, commercial, agricultural, medical, scientific or educational purpose;

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

5) *nuclear installation* means:

a) any nuclear reactor other than one with which a ship or other means of transport is equipped and used or intended to be used as a source of power;

b) any factory for the manufacture or processing of nuclear substances;

c) any factory for the separation of isotopes of nuclear fuel;

d) any factory for the reprocessing of irradiated nuclear fuel;

e) any facility for the storage of nuclear substances with the exception of any facility intended exclusively for storage incidental to the carriage of such substances;

f) a nuclear reactor, factory or facility for storage as referred to above that is subject to decommissioning;

6) *Installation State* means the Contracting State within the territory of which a nuclear installation is situated or, if it is not situated within the territory of any State, the Contracting State by which the nuclear installation is operated or which has authorised its operation;

7) *operator* means, in relation to a nuclear installation situated in Finland, the person operating or in charge of the installation, whether authorised thereto or not, and, in relation

to a nuclear installation outside Finland, the person recognised under the law of the Installation State as the operator of that installation;

8) *nuclear damage* means any damage caused by ionising radiation emitted from any source of radiation inside a nuclear installation, ionising radiation emitted from nuclear fuel, radioactive product or radioactive waste inside a nuclear installation, or ionising radiation emitted by nuclear substances originating in or in carriage to a nuclear installation or in carriage in the manner referred to in section 8, subsection 3;

9) *nuclear incident* means any occurrence or series of occurrences having the same origin which causes nuclear damage;

10) *Paris Convention* means the Convention on Third Party Liability in the Field of Nuclear Energy, adopted in Paris on 29 July 1960 and amended by the Additional Protocol adopted on 28 January 1964 and the Protocol adopted on 16 November 1982, or the said Convention as amended by the abovementioned Protocols and by the Protocol adopted in Paris on 12 February 2004;

11) *Supplementary Convention* means the Convention Supplementary to the Paris Convention, adopted in Brussels on 31 January 1963 and amended by the Additional Protocol adopted on 28 January 1964 and by the Protocol adopted in Paris on 16 November 1982 as well as by the Protocol adopted in Paris on 12 February 2004;

12) *Vienna Convention* means the Convention on Civil Liability for Nuclear Damage adopted in Vienna on 21 May 1963 or the said Convention as amended by the Protocol adopted in Vienna on 12 September 1997; and

13) *Contracting State* means any State Party to the Paris Convention and any State Party to the Vienna Convention, and also to the Joint Protocol, adopted in Vienna on 21 September 1988, concerning the Application of the Vienna and Paris Conventions.

Section 2

By Government decree:

1) it may be provided that any nuclear fuel or radioactive product, the risk of nuclear damage associated with which is low due to its small quantity, low level of enrichment or low level of radioactivity, and any nuclear installation having only nuclear substances of this kind, is excluded from application of this Act;

2) further provisions may be laid down on the conditions under which, when met, the nuclear fuels, radioactive products or nuclear installations referred to in paragraph 1 are excluded from application of this Act.

Section 3

Two or more installations operated by one and the same operator and located at the same site in Finland shall, for the purposes of this Act, be deemed to be one single installation together with the same operator's other premises which are located at the same site and in which nuclear substances are stored.

Section 4

The operator of a nuclear installation situated in Finland shall be liable for nuclear damage as provided in this Act when the nuclear damage occurs in territory that is sovereign to Finland or another Contracting State or within its jurisdiction under international law or in the equivalent territory of a non-Contracting State in the territory of which there is no nuclear installation at the time of occurrence of the nuclear incident.

The provisions of subsection 1 shall also apply to nuclear damage occurring on a ship or aircraft registered in a State referred to in the said subsection 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 subsection 1 or section 5.

The maximum amount of liability referred to in this Act of the operator of a nuclear installation situated outside Finland and the territorial extent of such liability shall be governed by the law of the Installation State.

Section 5

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.

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.

Compensation

Section 6

The operator of a nuclear installation shall be liable to pay compensation for nuclear damage caused by a nuclear incident in his installation. However, unless liability for damage has been expressly undertaken by the operator under the terms of a contract in writing, the operator shall not be liable in respect of a nuclear incident involving no nuclear fuels or radioactive products other than such nuclear substances as have been stored incidentally in the installation during the carriage referred to in sections 7 and 8 and the liability for nuclear damage thereby caused shall, pursuant to section 9, lie with the operator in charge of the carriage of the nuclear substances.

Section 7

The operator of the nuclear installation shall be liable to pay compensation for nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances from a nuclear installation situated in Finland or in the territory of another

Contracting State. Where the nuclear substances referred to above have been sent to a non-Contracting State, the operator shall be liable for nuclear damage caused by a nuclear incident occurring before the nuclear substances carried have been unloaded from the means of transport by which they are carried to the said foreign State.

In the case of carriage of nuclear substances to a nuclear installation situated in Finland or in the territory of another Contracting State, the liability for damage caused by a nuclear incident occurring in the course of the carriage shall lie with the consignee operator as from the time which has been fixed by a contract in writing between him and the consignor. In the absence of such contractual provision, liability shall transfer to the consignee operator when he has taken charge of the nuclear substances.

In the case of carriage of nuclear substances to a nuclear reactor with which a ship or any other means of transport is equipped and which is intended to be used therein as a source of power, the consignor operator shall cease to be liable when the person duly authorised to operate or be in charge of that reactor has taken charge of the nuclear substances. A contract in writing concluded by the operator of a nuclear installation situated in Finland whereby damage caused by a nuclear incident shall be compensated by the consignee operator shall not constitute a contract in writing for the purposes of this section when it is apparent that the nuclear substances carried have no immediate economic significance to the operator of this nuclear installation.

Section 8

Where nuclear substances are sent from a non-Contracting State to a nuclear installation situated in Finland or in the territory of another Contracting State with the written consent of the operator of that installation, the latter shall be liable for nuclear damage caused by any nuclear incident occurring after they have been loaded on the means of transport by which they are to be carried from the said foreign State.

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

Liability for nuclear damage caused by a nuclear incident occurring in Finland in the course of carriage of nuclear substances, other than carriage from or to a nuclear installation situated in Finland or in the territory of another Contracting State, shall lie with the person authorised to perform the carriage, and in such case the provisions of this Act relating to an operator of a nuclear installation situated in Finland shall apply to the person thus authorised.

Section 9

The provisions of sections 7 and 8 of this Act on liability for nuclear damage caused by a nuclear incident in the course of carriage of nuclear substances shall apply also in respect of nuclear incidents occurring while the substances are stored incidentally to their carriage, except where the substances have been stored in a nuclear installation and the operator of that installation is liable pursuant to a contract referred to in section 6.

Section 10

Where nuclear damage in cases other than those referred to in sections 6–9 of this Act has been caused by nuclear substances which came from a nuclear installation situated in Finland or in the territory of another Contracting State or which, prior to the nuclear incident, had been in the course of the carriage referred to in section 8, the operator which had the substances in his possession at the time of the incident shall be liable for such damage. If at the time of the incident no operator had the nuclear substances in his possession, liability shall lie with the operator who last had the substances in his possession.

The provisions of subsection 1 notwithstanding, an operator which by contract in writing has undertaken liability for nuclear damage shall be liable for such damage. However, if prior to the nuclear incident the nuclear substances had been in the course of carriage and no operator had taken charge of the substances after the carriage was interrupted, liability shall lie with the operator who at the time when the carriage ended was liable under sections 7 and 8 for nuclear damage caused by a nuclear incident occurring in the course of the carriage.

Section 11

On the application of a carrier performing the carriage of nuclear substances referred to in section 7 or 8, the Government or an authority designated by the Government may order that the carrier shall be liable, in place of the operator of a nuclear installation situated in Finland, for nuclear damage caused by a nuclear incident occurring in the course of or in connection with the carriage. Such an order may be issued only if the operator concerned has consented to it and if the carrier has demonstrated that the insurance under sections 23–27 has been taken out or that the other financial security under section 28, subsection 2 has been furnished. Subsequent to the issue of the order, the provisions of this Act relating to the operator shall apply to the carrier instead of the operator in respect of nuclear incidents occurring in the course of or in connection with the carriage.

Where an equivalent order has been issued under the legislation of another Contracting State in respect of nuclear damage for which an operator of a nuclear installation situated in that State would be liable, such order shall, under this Act, have the same effect as the order provided in subsection 1.

Section 12

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

However, the operator of a nuclear installation situated in Finland shall not be liable under this Act for nuclear damage caused by a nuclear incident directly due to an act of war, armed conflict, civil war or insurrection. In the cases referred to above, the liability of the operator of a nuclear installation situated in the territory of another Contracting State shall be governed by the law of the Installation State. (493/2005)

In cases referred to in paragraph 2 of this section, liability under rules of the law of torts other than those laid down in this Act shall arise only to the extent provided for in section 15, subsection 2 below.

Section 13

The operator of a nuclear installation shall not be liable under this Act for damage to the nuclear installation itself or to another nuclear installation, completed or under construction, on the same site or to any property which, at the time of the nuclear incident, was on the site of the installations referred to above and was used or intended to be used in connection with such installations.

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

In cases referred to in subsections 1 or 2, liability under rules of the law of torts other than those laid down in this Act shall arise only to the extent provided for in section 15, subsection 2 below.

Section 14

The following shall be compensable as nuclear damage:

- 1) loss of life or personal injury or loss of or damage to property in accordance with chapter 5 and chapter 7, section 3 of the Tort Liability Act (412/1974);
- 2) economic loss not connected to loss of life or personal injury or loss of or damage to property when the loss is caused by significant impairment of the environment; and
- 3) the costs of reasonable measures of reinstatement of the environment impaired as a result of a nuclear incident provided that such impairment is not insignificant.

In addition, the costs of reasonable preventive measures and further loss or damage caused by such measures shall also be compensable as nuclear damage provided that the measures seek to prevent the damage referred to in subsection 1 after the nuclear incident or, the provisions of section 1, paragraph 8 notwithstanding, after an incident that causes a serious and immediate risk of nuclear damage.

Where the person suffering damage has contributed thereto the compensation may be reduced reasonably where such person has acted or omitted to act with intent to cause damage or where there has been gross negligence on his part.

Section 15

Claims for compensation of nuclear damage covered by the provisions of this Act relating to compensation for such damage or by the corresponding legislation of another Contracting State may not be brought against any instance other than the operator or the company providing insurance covering the liability of the operator.

Claims for compensation of nuclear damage for which the operator, pursuant to section 12 or 13 or the corresponding provisions of the law of another Contracting State, is not liable can only be brought against a natural person who has caused the damage by an act or omission done with intent to cause damage. The operator shall, however, be liable in

accordance with the general rules of the law of torts for the damage to a means of transport referred to in section 13, subsection 2 above.

In the event of nuclear damage which is outside the scope of the compensation provisions of this Act or the corresponding provisions in the law of another Contracting State, no claim for compensation shall be brought in Finland if the nuclear damage has been caused by a nuclear incident that has occurred during the carriage of nuclear substances on a ship or otherwise by the operation of the ship, and if the operator of a nuclear installation is liable for the damage according to the legislation of a State that, while not being a Contracting Party, has acceded to the Vienna Convention, or according to the legislation on liability for nuclear damage applied in some other foreign State that in all respects is as favourable to injured parties as the Paris Convention or the Vienna Convention. If, in these cases, the operator of a nuclear installation is liable for the nuclear damage, besides the provisions laid down in this Act on the liability of a natural person for nuclear damage caused with intent, also the provisions laid down in this Act on the liability of a natural person for the nuclear damage referred to in section 12 and section 13, subsection 1 and for damage caused to the means of transport shall be applied. These provisions are applied even when the operator of the installation is not liable for the damage by virtue of an applicable special provision in the Vienna Convention or a corresponding law issued by a foreign State referred to in this subsection.

Provisions on compensation from State funds are laid down in sections 29–36.

Section 15a

The provisions of section 5, subsection 2 and section 15 shall not be applied insofar as they conflict with the obligations of international agreements binding on Finland and concerning the carriage of nuclear substances or with any provisions laid down elsewhere in law in respect of this.

Section 16

Any person who has been held liable to pay compensation for nuclear damage under the provisions of an international agreement binding on Finland and concerning the carriage of nuclear substances or another provision in force in a foreign State and substantively equivalent to the provision of such an agreement shall acquire, the provisions of sections 4 and 5 notwithstanding, by subrogation the rights of the person suffering the damage against the operator liable for the damage under this Act. Where the compensation is due to nuclear damage referred to in section 5, the person liable shall have a right of recourse against the operator without prejudice to the provisions of section 5, subsection 2.

A person who is himself liable for nuclear damage pursuant to section 21 shall have no right of subrogation or recourse under this section.

Section 17

Where a person has simultaneously suffered nuclear damage compensable under this Act and other damage, the provisions of this Act regarding liability for nuclear damage shall apply equally to such other damage if and to the extent that such damage is not reasonably separable from the nuclear damage.

The provisions of section 1 shall not, however, limit or otherwise affect the liability of a person other than the operator liable under this Act as regards damage caused by an emission of ionising radiation not covered by this Act.

Section 18

An operator of a nuclear installation situated in Finland shall have unlimited liability for nuclear damage occurring in Finland and caused by the one and the same nuclear incident.

The liability under this Act of the operator of a nuclear installation situated in Finland and used in energy production for nuclear damage occurring outside Finland and caused by the one and the same nuclear incident shall not exceed EUR 1.2 billion. The liability under this Act of the operator of a nuclear installation situated in Finland and used for a purpose other than energy production for nuclear damage occurring outside Finland and caused by the one and the same nuclear incident shall not exceed EUR 250 million.

The maximum amount of liability for nuclear damage occurring outside Finland in the course of carriage of nuclear fuel and other nuclear substances shall be EUR 80 million. Of this maximum amount, compensation for nuclear damage other than damage to the means of transport shall not exceed EUR 80 million.

The maximum liability of an operator shall be exclusive of any interest on the compensation and of any costs awarded by a court.

Section 19

Where two or more operators are liable for the same nuclear damage, they shall be jointly and severally liable to pay compensation, the liability of each operator, however, limited to the maximum amount of liability established for that nuclear installation. Where the damage has arisen in the course of carriage of more than one consignment of nuclear substances carried on one and the same means of transport or while more than one consignment have been stored in one and the same nuclear installation incidentally to their carriage the aggregate liability of the operators shall not exceed the highest amount established with respect to any of them.

Where any of the nuclear installations liable under subsection 1 is situated in Finland, the operator of this installation shall be liable on its own behalf without limitation for nuclear damage occurring in Finland.

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

Section 20

If the maximum amount of liability of an operator of a nuclear installation situated in Finland or another Contracting State or the maximum amount of the aggregate liability referred to in section 19, subsection 1 is not sufficient to satisfy in full the claims of those who have suffered nuclear damage and are entitled to compensation, their compensation and any interest accruing thereto payable from the insurance of the operator shall be reduced proportionally.

If, following a nuclear incident, it is likely that a reduction pursuant to subsection 1 will prove necessary the Financial Supervisory Authority shall have the right to decide that until further notice, the compensation payable shall be reduced to a fixed percentage.

Section 21

In respect of any sum that the operator of a nuclear installation has been held liable to pay as compensation under this Act or under the corresponding legislation of another Contracting State, the operator shall have a right of recourse against any individual who has caused the damage by an act or omission done with intent to cause damage or against any person who has assumed liability for the damage under the express terms of a contract in writing with the operator. Except as otherwise provided in section 17, subsection 2 and in section 19, subsection 3, the operator of a nuclear installation shall in no other case have a right of recourse against any person in respect of any sum he may have paid as compensation under this Act or under the corresponding legislation of another Contracting State.

Section 22

A person who wishes to claim compensation for nuclear damage under sections 6–10 or 16 against the operator of a nuclear installation or against the person providing insurance to cover such liability shall make the claim against the operator within three years from the date at which the person suffering damage had knowledge or by observing due diligence ought reasonably to have had knowledge of the damage and of the operator liable for the damage or, in cases referred to in section 16, subsection 1, from the date at which the claim for compensation was made against him.

The provisions of subsection 1 notwithstanding, the right to claim compensation shall also be extinguished if an action for compensation is not brought against the operator or the insurer:

- 1) in respect of loss of life or personal injury, within 30 years of the date on which the nuclear incident occurred; and
- 2) in respect of other nuclear damage, within 10 years of the date on which the nuclear incident occurred.

In cases where it is necessary in order to comply with the provisions of the Paris Convention, the Government may determine that a person suffering damage shall, on conditions to be prescribed by the Government, retain his right to compensation, notwithstanding that he has not brought an action before a Finnish court within the period specified in this section, and also determine what the injured person shall thereby observe in order to preserve his right.

Provisions regarding compensation out of public funds in certain cases where the operator has ceased to be liable are laid down in section 33.

Insurance

Section 23

The operator of a nuclear installation situated in Finland is required to take out and maintain insurance approved by the Financial Supervisory Authority to cover the liability referred to in section 18, subsections 1–3 up to the maximum amount of liability referred to in section 18, subsection 2 or 3.

Insurance may be taken out either:

- 1) to cover the maximum liability for each nuclear incident that may occur; or
- 2) to cover at any time the maximum amount per installation.

Liability for nuclear damage arising in the course of carriage referred to in sections 6–8 above may be covered by a separate insurance.

Section 24

Section 24 was repealed by Act 493/2005.

Section 25

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

Section 26

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

The provisions of subsection 1 shall not apply with respect to nuclear incidents occurring after the day on which a new insurance contract has come into force.

Except as provided in subsections 1 and 2, the insurer may in no case invoke as a defence against a claim for compensation any circumstances outside the control of the person suffering the damage.

Section 27

The provisions of sections 25 and 26 shall apply where an action for compensation of nuclear damage under this Act may be brought in Finland and notwithstanding that the law of a foreign State may be applicable to the relationship between the insurer and the operator liable or that the nuclear installation involved is situated outside Finland.

Section 27a

Upon application of an operator or a carrier referred to in section 11, the Government may, on the terms determined by it and without requiring counter-security, issue a State guarantee for nuclear liability insurance issued by an insurer to compensate for loss of life or personal injury that manifests later than 10 years but no more than 30 years after a nuclear incident (insurance guarantee). The insurance guarantee may only be issued when reinsurance is available only on unreasonable terms or when it is not available to an adequate extent.

The operator or the carrier referred to in section 11 shall submit to the Government an application for the insurance guarantee accompanied by any necessary and adequate information and reports to investigate the matter.

The amount of the liability of the State on the basis of one or more insurance guarantees granted may not exceed EUR 6 billion in total. An insurance guarantee may be issued for a period of no more than one year at a time.

The nuclear liability insurance referred to in subsection 1 above may cover either the nuclear installation or the carriage of nuclear substances.

The State shall have the right of recourse against the operator for any sums paid to the insurer on the basis of the insurance guarantee. The insurance guarantee shall be governed by the provisions on guarantee fees and the supervision of guarantees and security laid down in the Act on Central Government Lending and Central Government Guarantees (449/1988).

Section 27b

The State Treasury shall be responsible for the administration and supervision of insurance guarantees. At any time it determines, the State Treasury shall have the right to obtain from the insurer and the operator the information and reports necessary for the supervision of compliance with the terms of the guarantee.

The application for an insurance guarantee shall be submitted to the Ministry of Economic Affairs and Employment. Applications for compensation payable on the basis of the insurance guarantee shall be submitted to the State Treasury.

Further provisions may be issued by decree of the Ministry of Economic and Affairs and Employment on:

- 1) the submission of the application for an insurance guarantee and the contents of such application;
- 2) applying for compensation payable on the basis of the insurance guarantee, the time of payment of such compensation and the terms on which compensation may be granted.

Section 28

The State shall be exempted from the obligation under this Act to take out insurance.

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

The provisions of this Act relating to insurance shall apply, *mutatis mutandis*, to the other financial security referred to in subsection 2 or in the corresponding provisions of the legislation of another Contracting State.

The obligation under this Act to take out insurance also does not apply:

- 1) in the case of compensation for loss of life or personal injury that materialises later than 10 years but no more than 30 years after the nuclear incident;
- 2) where reinsurance to compensate for the damage referred to in paragraph 1 is only available on unreasonable terms or it is not available to an adequate extent; and
- 3) where the operator has submitted the application referred to in section 27a, subsection 2 and also in other respects complied with the said subsection.

Compensation from State funds

Section 29

If a person who is entitled under this Act or the corresponding legislation of another Contracting State to obtain compensation for nuclear damage from the operator of a nuclear installation situated in Finland shows that he has been unable to recover the compensation due from the operator's insurer within the limits of the maximum amount of liability referred to in section 18, subsections 2 and 3, the shortfall in the compensation shall be paid by the State.

The obligation under subsection 1 of the State to compensate shall expire when compensation totalling EUR 1.2 billion has been paid from the insurance and from State funds.

Section 30

Where liability for nuclear damage under the Paris Convention lies with the operator of a nuclear installation, used for peaceful purposes and situated in Finland or in the territory of another State Party to the Supplementary Convention and under Article 13 of the Paris Convention as amended by the Protocol adopted on 12 February 2004 a Finnish court has jurisdiction to consider the claim for compensation against the operator, compensation for nuclear damage to the extent that it exceeds the amount of EUR 1.2 billion shall be paid from State funds when the nuclear damage has occurred:

- 1) in Finland or in another State Party to the Supplementary Convention;
- 2) in maritime areas beyond or above the territorial seas of Finland or another State Party to the Supplemental Convention and the nuclear damage is suffered by a national of Finland or another State Party to the Supplemental Convention;

3) in maritime areas beyond or above the territorial seas of Finland or another State Party to the Supplemental Convention in a ship or aircraft registered in the said State, or on or by an artificial island, installation or structure within the jurisdiction of the said State; or

4) in or above the exclusive economic zone or the continental shelf of Finland or another State Party to the Supplemental Convention in connection with the exploration or exploitation of the natural resources of that exclusive economic zone or continental shelf.

When applying the provisions of subsection 1, paragraphs 2 and 3, no compensation shall be paid, however, when the nuclear damage occurs in or above the territorial seas of a State other than Finland or a State Party to the Supplemental Convention.

When applying subsection 1, the term "national of a State Party to the Supplementary Convention" shall include this State itself or a part of it, any company, whether under public or private law, association or other society, foundation or other similar body, whether corporate or not, having its domicile or permanent establishment in the territory of such State. Any person who under the law of a State Party to the Supplementary Convention is considered to have his habitual residence in that State and in respect of his right to compensation under the Supplementary Convention is under that law assimilated to the nationals of that State shall under this Act be considered to be a national of a State Party to the Supplementary Convention.

Section 31

Compensation payable from State funds under section 30 shall be fixed in accordance with the principles laid down in section 12, subsection 1, sections 13 and 14, and section 18, subsection 4.

The provisions of section 16 above on rights of recourse against an operator shall apply, *mutatis mutandis*, to rights of recourse against the State in respect of any sum paid as compensation for nuclear damage and for which compensation is payable from State funds under section 30.

Section 32

The total amounts of compensation for nuclear damage caused by the one and the same nuclear incident payable by an operator and the State in part pursuant to sections 6–15, 15a, 16–22, 30 and 31 and in part on the basis of an agreement referred to Article 15 of the Supplemental Convention between a State Party to that Convention and another State shall not exceed EUR 1,500 million or the amount resulting from the application of Article 12a of the Supplemental Convention when higher. The amount shall be exclusive of any interest or legal costs awarded.

When the amount available under subsection 1 for compensation from State funds as provided in sections 30 and 31 is not sufficient to satisfy in full the claims for compensation for nuclear damage, the amounts of compensation payable from State funds and any interest accruing thereto shall be reduced proportionally. When applying this subsection, the provisions of section 20, subsection 2 shall apply, *mutatis mutandis*, however so that the order referred to therein shall be issued by the State Treasury.

Section 33

Where a nuclear incident in respect of which liability lies with the operator of a nuclear installation situated in Finland has caused nuclear damage by way of loss of life or personal injury in Finland or to a Finnish national while that person was staying elsewhere and that nuclear damage has not come to light until after the rights of compensation against the operator have been extinguished pursuant to section 22 or the corresponding provisions of the legislation of another Contracting State, compensation for such damage shall be paid by the State even if the person entitled to the compensation did not bring an action within the time provided or otherwise take steps to suspend the statute of limitations when the person had an acceptable reason for not doing so.

Where, in respect of other persons suffering damage, compensation has been reduced pursuant to section 20, subsection 1 or compensation payable from State funds has been reduced pursuant to section 32, subsection 2 or the corresponding provisions of the legislation of another Contracting State, the compensation payable from State funds under subsection 1 shall be reduced accordingly. In other respects, the liability to pay compensation shall be determined as if the operator had been liable for the damage. A claim for compensation shall be made to the State Treasury within the time specified in section 22, subsection 1.

Section 34

Section 34 was repealed by Act 493/2005.

Section 35

Compensation under section 29 or 30 shall not be payable for nuclear damage caused by such nuclear incidents as referred to in section 12, subsection 2.

Section 36

In respect of sums paid under section 29, the State shall have a right of recourse only against the operator, his insurer and any person against whom the operator has a right of recourse under section 21.

With regard to sums by the State pursuant to sections 30–32 or otherwise paid on the basis of the provisions of the Supplemental Convention in respect of a nuclear incident giving rise, under the laws of another Contracting State, to the liability of the operator of a nuclear installation situated in Finland, the State shall have a right of recourse only against a person against whom the operator has a right of recourse under section 21. The provisions of this subsection shall apply also to compensation paid by State pursuant to section 33.

Jurisdiction and enforcement

Section 37

The provisions governing the competence of the courts of a State to consider an action brought pursuant to this Act are laid down in Article 13 of the Paris Convention as amended by the Protocol referred to in section 10, paragraph 10 adopted in Paris on 12 February 2004.

Section 38

Where a Finnish court is competent to hear an action brought pursuant to this Act, the competent court shall be Helsinki District Court.

Section 39

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

The application for enforcement shall be filed with Helsinki Court of Appeal and it shall be accompanied by:

- a) the original judgment or a copy thereof certified by the relevant authority;
- b) a declaration issued by the competent public authority of the State where the judgment was issued that the judgment relates to compensation referred to in the Paris Convention or the Vienna Convention and that the judgment is final and non-appealable and enforceable in the said State; and
- c) where the abovementioned documents are in a language other than Finnish or Swedish, an officially certified translation of them into Finnish or Swedish.

The documents mentioned above in subsection 2, paragraphs a and b shall contain a certificate attesting that they have been issued by a competent authority. Such certificate shall be issued by a Finnish Embassy or Consul in the foreign State concerned or by the Minister of Justice of the State where the judgment was issued.

The application may not be approved without affording the opposing party an opportunity to submit a response in consequence of the application.

When the application is approved, the judgment shall be enforced in the same way as a final and non-appealable judgment issued by a Finnish court unless other disposition is made by the Supreme Court on the basis of an application for judicial review.

Miscellaneous provisions

Section 40

Where nuclear substances are sent from a nuclear installation situated in Finland to a consignee outside Finland or to such installation from a consignor outside Finland and under such circumstances that the operator of the said installation is liable pursuant to sections 7 or 8 for nuclear damage arising in the course of the carriage, the operator shall provide the carrier with a certificate issued by the insurer or the person who has issued the financial security referred to in section 28, section 2 and stating the name and address of the operator, the nuclear substances and the carriage in respect of which the insurance applies as well as the amount, type and duration of the insurance or financial security. The

certificate shall include a statement by the Ministry of Trade and Industry, or by the authority designated by this Ministry, that the operator named in the certificate is an operator of a nuclear installation within the meaning of the Paris Convention. The person by whom the certificate is issued shall be responsible for the correctness of the certificate as regards the name and address of the operator and the amount, type and duration of the insurance or financial security.

The form of the certificate referred to in subsection 1 shall be established by the Ministry of Trade and Industry.

Section 41

The penal provisions for failure to fulfil the obligations under this Act to take out and maintain insurance or to furnish the financial security referred to in section 28, subsection 2 are laid out in chapter 44, section 10, subsection 2 of the Criminal Code of Finland (39/1889).

Section 42

Further provisions on the implementation of this Act shall be laid down by decree.

Section 43

This Act shall become applicable as determined by Decree upon the existence of the conditions precedent for the bringing into force of the Paris Convention, and with regard to sections 30–32 of this Act, also for the bringing into force of the Supplementary Convention.

Entry into force and application of the amending Acts:

1060/2021:

Provisions regarding the entry into force of this Act shall be issued by government decree. The provisions of section 28, subsection 4 of this Act shall apply also to an operator of a nuclear installation to which nuclear liability applies upon entry into force of this Act when the operator submits the application referred to in section 27a, subsection 2 and also in other respects complies with the said subsection within six months of the entry into force of this Act.

1061/2021:

Provisions regarding the entry into force of this Act shall be issued by government decree. Any decision issued before the entry into force of this Act on reducing amount of liability shall continue to remain in effect. Any application to reduce amount of liability submitted prior to the entry into force of this Act shall be subject to section 18 as it appears in Act 581/2011.