

UNOFFICIAL TRANSLATION
of the Government Bill (HE 297/2010),
which was adopted by the Parliament
unchanged on 27 May 2011 (Act N:o
581/2011)

Act

on temporary amendment of the Nuclear Liability Act

Pursuant to the decision of Parliament,
section 1, subsection 1, paragraphs a and e, and subsection 2; sections 2 and 3; section 4,
subsections 1 and 3; section 15, subsections 1 and 3; section 15a; section 16, subsection 1,
sections 18 and 19, and section 23, subsections 1 and 2 of the Nuclear Liability Act
(484/1972) shall be *amended*,
as they appear in section 1, subsection 2; section 3, section 4, subsections 1 and 3; section 15,
subsection 1; section 15a and section 16, subsection 1 of Act 820/1989; section 15,
subsection 3 and section 18 of Act 588/1994; and section 23, subsection 1 of Act 89/1999, as
follows:

Section 1

For the purposes of this Act:

a) *Nuclear fuel* means fissionable material containing uranium or plutonium in the form of
metal, alloy or chemical compound;

e) *Nuclear installation* means any nuclear reactor other than a reactor on board a ship or any
means of transport for use as a source of power;

any factory for the production or processing of nuclear substances, any factory for the
separation of isotopes of nuclear fuel, any factory for the reprocessing of irradiated nuclear
fuel; and

any facility where nuclear substances are stored with the exception of any facility intended
exclusively for storage incidental to the carriage of such substances;

In determining the compensation, the Special Drawing Rights are converted into national
currency at the exchange rate that was quoted on the date of the nuclear incident, unless the
States that are Party to the Supplementary Convention have, in cases referred to in sections
30 to 32, agreed to use some other date in the conversion for an individual nuclear incident.
In converting the Special Drawing Rights into national currency, the value of the currency
shall be determined by using the calculation method that the International Monetary Fund
applied in its own operations and transactions on the date referred to above.

Section 2

It may be provided by a Government Decree that this Act shall not apply to such nuclear fuels
or radioactive products in respect of which the associated risk of nuclear damage is minor in

extent due to the small quantity, low enrichment or low radioactivity thereof, or to nuclear installations that only accommodate such nuclear substances.

Section 3

Two or more nuclear 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 a nuclear substance is being held.

Section 4

The provisions of this Act, with the exception of section 15, subsection 3, and section 15a, do not apply to nuclear damage resulting from nuclear incidents occurring in the territory of a non-Contracting State.

It may be determined by a Government Decree that compensation for nuclear damage suffered in the territory of a non-Contracting State shall be payable under this Act only to the extent that compensation for nuclear damage suffered in Finland would be payable under the law of that State, provided that a nuclear installation exists in the territory of such a State. Such Decree shall not, however, affect liability arising under any such international Convention on the carriage of nuclear substances by which Finland is bound.

Section 15

Claims for compensation of nuclear damage covered by the provisions of this Act relating to compensation for such damage or by the equivalent 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.

In the event of nuclear damage which is outside the scope of the compensation provisions of this Act or the equivalent provisions in the legislation 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 non-Contracting State that is Party to the Vienna Convention, or according to the legislation on liability for nuclear damage that is applied in some other foreign State, provided that the legislation is in all respects 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, the provisions laid down in this Act on the liability of an individual for nuclear damage caused with intent are applied, as well as the provisions laid down in this Act on the liability of an individual for nuclear damage referred to in section 12 and section 13, subsection 1 and for damage caused to the means of transport. These provisions are applied even when the operator of the installation is not liable for the damage under an applicable special provision in the Vienna Convention or an equivalent law given by a foreign State within the meaning of this subsection.

Section 15a

The provisions of section 15 shall not be applied insofar as they conflict with the obligations of any international agreements binding on Finland concerning the carriage of nuclear substances or the applicable provisions elsewhere in the law.

Section 16

Anyone who has been held liable to pay compensation for nuclear damage under any international agreement binding on Finland concerning the carriage of nuclear substances or under the law of any foreign State shall acquire by subrogation the rights of the injured party against the operator liable for the damage under this Act. Where the compensation paid relates to damage covered by a decision taken under section 4, subsection 3 of this Act, the party liable shall have a right of recourse against the operator who would have been liable for the damage if no such decision had been taken.

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Section 18

The liability under this Act of an operator of a nuclear installation situated in Finland in respect of nuclear damage caused by any single nuclear incident and suffered in Finland shall be unlimited. Under this Act, the liability of an operator of a nuclear installation situated in Finland in respect of nuclear damage caused by any single nuclear incident and suffered outside Finland shall not exceed 600 million Special Drawing Rights. The Government may, in response to an application filed by the operator and taking account of the size or character of the nuclear installation, or the extent of the carriage, determine that the maximum amount of liability be lower than 600 million Special Drawing Rights, but in no event less than five million Special Drawing Rights. In case of a nuclear incident occurring in the course of carriage of nuclear substances, the liability of the operator under this Act for damage other than damage to the means of transport shall in no case be limited to an amount less than five million Special Drawing Rights.

The amounts referred to in subsection 1 shall not include any interest or any costs awarded by a court.

Section 19

Where nuclear damage gives rise to the liability of two or more operators, they shall be jointly and severally liable to pay compensation, provided that the liability of each operator shall be limited to the maximum amount of liability established with respect to the nuclear installation concerned pursuant to section 18, subsection 1. 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 these nuclear installations.

Where any nuclear installation held liable pursuant to subsection 1 is situated in Finland, the operator of this nuclear installation shall be liable for any nuclear damage occurring in Finland for its own behalf without any limitation of liability.

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 23

The operator of a nuclear installation situated in Finland is required to take out and maintain insurance to cover the operator's liability for nuclear damage under this Act or the equivalent legislation of another Contracting State, as referred to in section 18, subsection 1, up to the maximum amount referred to in said subsection. The insurance shall be approved by the Insurance Supervision Authority.

Insurance may be taken out:

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

This Act will enter into force on / / 20 and will remain in force until the date when the Act amending the Nuclear Liability Act (493/2005) enters into force as such or excluding the provisions of sections 30 to 32.

Sections 24 and 34 of the Nuclear Liability Act (484/1972) shall not apply after the entry into force of this Act.

Helsinki, 3 December 2010.

President of the Republic of Finland

TARJA HALONEN

Minister of Economic Affairs *Mauri Pekkarinen*