
**Act
of 19th April 1978 on Liability for Nuclear Damage¹⁰⁸**

Section 1

Liability for nuclear damage resulting from the peaceful uses of nuclear energy shall be governed by this Act.

Section 2

For the purposes of this Act

1) "Nuclear damage" means:

- damage caused by death, personal injury or any other damage to a person's health, any loss of, or damage to, property or a contamination of the environment, which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste in, or of nuclear material coming from, processed in or sent to a nuclear installation;

- damage caused by death, personal injury or any other damage to a person's health, any loss of, or damage to, property or a contamination of the environment which arises out of or results from other ionizing radiation emitted by any other source of radiation inside a nuclear installation;

2) "Nuclear incident" means any occurrence or series of occurrences of the same origin which causes nuclear damage;

3) "Operator of a nuclear installation" means an Organization of Associated Labour which has received a licence for the siting, commissioning and operation of a nuclear installation from the authority designated by the Regulations of the Republic or Autonomous Province concerned, or a person recognized as the operator pursuant to provisions of the Installation State;

4) "Nuclear installation" means

- any nuclear reactor other than one which is used in sea and air transport as a source of power, whether for propulsion or for any other purpose;

- any installation using nuclear fuel for the production of nuclear material, or any installation for the processing of nuclear material or for the reprocessing of irradiated nuclear fuel;

- any facility where nuclear material is stored, other than storage incidental to the carriage of such material.

Within the meaning of this Act, several nuclear installations of one operator which are located at the same site, are considered as one nuclear installation.

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

¹⁰⁸ *Official Gazette of the SFRY Nos. 22/1978, 34/1979 (unofficial translation)*

6) "Nuclear fuel" means any material capable of producing energy by a self-sustaining chain process of nuclear fission;

7) "Radioactive products or waste" means radioactive material produced in, or any material made radioactive by exposure to the radiation incidental to the production or utilization of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be usable for scientific, medical or commercial purposes;

8) "Nuclear material" means

- nuclear fuel other than natural and depleted uranium, which is capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material;

- radioactive products or waste.

Section 3

The operator of a nuclear installation shall be liable for nuclear damage regardless of fault.

Section 4

The operator of a nuclear installation shall be liable for nuclear damage if such damage has been caused by a nuclear incident in his nuclear installation.

Except as otherwise provided in international agreements on liability for nuclear damage, ratified by the Socialist Federative Republic of Yugoslavia, no person other than the operator of the nuclear installation shall be liable for nuclear damage, caused by a nuclear incident in the nuclear installation.

Section 5

The operator of a nuclear installation shall also be liable for nuclear damage if such damage has been caused by a nuclear incident:

1) in connection with nuclear material sent from his nuclear installation or in the case of storage incidental to carriage, if the nuclear incident caused by the nuclear material occurs before the operator of another nuclear installation has assumed liability with regard to nuclear incidents pursuant to the express terms of a contract in writing; or, in the absence of such express terms, before the operator of another nuclear installation has taken charge of this nuclear material;

2) in connection with nuclear material sent to his nuclear installation or in the case of storage incidental to carriage, if he had assumed liability with regard to nuclear incidents caused by the nuclear material from the operator of another nuclear installation, pursuant to the express terms of a contract in writing; or, in the absence of such express terms, from the moment he has taken charge of this nuclear material.

Section 6

The operator of a nuclear installation shall not be liable for nuclear damage if such damage is caused by:

1) a nuclear incident directly due to an aggression, war or an act of armed conflict;

2) a nuclear incident directly due to an earthquake, floods, fire or any other grave natural disaster upon proof that such damage could not have been anticipated or avoided.

The operator of a nuclear installation shall not be liable for nuclear damage suffered by a person upon proof that such person has caused the damage intentionally.

The operator of a nuclear installation shall not be liable for nuclear damage caused:

- 1) to the nuclear installation or to property on the site of that installation which is used or to be used in connection with that installation;
- 2) to the means of transport upon which the nuclear material was at the time of the nuclear incident.

Section 7

The operator of a nuclear installation shall have a right of recourse only with regard to:

- 1) an individual who has acted or omitted to act intentionally to cause nuclear damage, so that nuclear damage results from that act or omission;
- 2) a contracting party, if this is expressly provided for in writing.

Section 8

A carrier of nuclear material may, in agreement with the authority designated under regulations of a Republic or Autonomous Province and with the written consent of the operator liable for a nuclear installation, act in the latter's place.

Section 9

The operator of a nuclear installation shall provide the carrier, before transfer of nuclear material for transport purposes, with a certificate related to the insurance contract or the financial security, issued by the insurer or the person furnishing financial security pursuant to this Act.

The above-mentioned certificate shall respectively state the name, firm and address of the operator; and the amount, type and duration of the insurance or financial security; it shall also indicate the nuclear material in respect of which the insurance or financial security applies, and shall include a statement by the body designated under Republic or Provincial regulations, that the person named in the certificate is an operator of a nuclear installation.

Section 10

Nuclear material may be imported into the Socialist Federative Republic of Yugoslavia, or transit through its territory, only if the carrier who transports such material has obtained the certificate referred to in Section 9 of this Act and if the statement referred to in section 9, paragraph 2 of this Act was supplied by the competent body of the importing State, pursuant to the provisions of international agreements on liability for nuclear damage, which have been ratified by the Socialist Federative Republic of Yugoslavia.

Section 11

Whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or jointly by a nuclear incident and one or more other occurrences, such other damage shall, to the extent that it is not separable from the nuclear damage, be deemed, for the purposes of this Act, to be nuclear damage caused by that nuclear incident.

Section 12

Where nuclear damage occurs on the territory of a Republic or an Autonomous Province and the nuclear installation at the origin of the damage is not situated thereon and, in ac-

cordance with the Federal Act on protection against ionizing radiation, the special licence for the siting, commissioning and operation has been issued to the nuclear installation concerned by the competent authority of the Republic or Autonomous Province, where it is situated without the approval of the Republic or Autonomous Province where the nuclear damage has occurred, the Republic or Autonomous Province whose competent authority has issued the licence shall be liable for the portion of compensation for the damage suffered on that other territory, which exceeds the limit provided for by this Act.

Section 13

The operator of a nuclear installation shall be liable for nuclear damage up to the amount of Dinars 40,000,000,000 for each nuclear incident.

The amount mentioned in paragraph 1 of this Section shall not include any interest or costs awarded in the course of actions for compensation for nuclear damage.

Section 14

Where nuclear damage engages the liability of more than one operator of nuclear installations, the operators involved shall, insofar as the damage attributable to each operator is not separable, be jointly and severally liable.

Where a nuclear incident occurs in the course of carriage of nuclear material in the same means of transport, on which there is nuclear material belonging to two or more operators of nuclear installations, or in the case of storage incidental to the carriage, all the operators shall be jointly and severally liable for such nuclear damage, up to the limit of liability of that operator whose limit of liability is the highest.

Within the meaning of paragraph 1 and 2 of this Section, the liability of each operator whose nuclear installation is located on the territory of the Socialist Federative Republic of Yugoslavia, shall not exceed the amount applicable pursuant to Section 13 of this Act.

Section 15

The operator of a nuclear installation shall be required to take out and maintain insurance or other financial security covering his liability for nuclear damage in such amount which shall be specified by regulations made by the Republic or Autonomous Province concerned and shall not be less than Dinars 150,000,000.

A lower amount of insurance or financial security to cover liability for nuclear damage may be specified pursuant to the provisions mentioned in paragraph 1 of this Section, if nuclear damage is caused by nuclear reactors with less power which are used for scientific purposes.

Section 16

The insurer or financial guarantor shall not suspend or cancel the insurance or financial security without giving notice in writing six months prior to such suspension or cancellation to the operator of the nuclear installation and the authority designated under regulations of the Republic or the Autonomous Province concerned.

If such insurance or financial security relates to the carriage of nuclear material, the insurer or financial guarantor shall not suspend or cancel the insurance or financial security during the period of the carriage in question.

Section 17

Whenever the financial means provided for by the insurer or financial guarantor are not sufficient for compensation for nuclear damage, the financial resources and the procedure for settling the difference between such means and the compensation for nuclear damage up to the amount as provided for in Section 13 of this Act, shall be specified under regulations of the Republic or Autonomous Province concerned.

Section 18

Whenever serious contamination of environment occurs due to a nuclear incident and the nuclear damage caused by such an incident exceeds the amount laid down by Section 13, paragraph 1 of this Act, the Federal Executive Council and the Executive Councils of the Republics and Autonomous Provinces, shall propose to the Assembly of the Socialist Federative Republic of Yugoslavia the measures to provide the means required for decontamination.

Section 19

If an Organization of Associated Labour, a self-managed organization or community pays part of the compensation for the damage caused by a nuclear incident, and the operator of a nuclear installation is liable therefor, pursuant to the provisions of this Act, such a community or organization shall have a right of recourse against the operator of the nuclear installation up to the amount paid.

Section 20

Rights of compensation for nuclear damage under this Act shall be extinguished if an action for compensation of nuclear damage is not brought within ten years from the date of nuclear incident.

Where nuclear damage is caused by a nuclear incident involving nuclear material which at the time of nuclear incident was stolen, lost, jettisoned or abandoned, the period established pursuant to paragraph 1 of this Section shall be 20 years from the date of theft, loss, jettison or abandonment.

A claim for compensation may be brought within a period of three years from the date on which the person suffering nuclear damage had knowledge of the damage and of the operator liable for the damage, provided that the period established pursuant to paragraph 1 and 2 of this Section shall not be exceeded.

Any person who has brought an action for compensation for nuclear damage within the period applicable pursuant to paragraph 1 to 3 of this Section, may amend his claim to take into account any aggravation of the damage, even after the expiry of that period, provided that final judgment has not been entered.

Section 21

Any action for compensation for nuclear damage caused by a nuclear incident may be brought directly against the insurer or financial guarantor, in accordance with Section 15 of this Act.

Section 22

Jurisdiction over compensation for nuclear damage shall lie only with the local court within whose territory the nuclear facility is located.

Where nuclear damage occurred during the transport of nuclear material, products or waste, jurisdiction over such actions shall lie with the local court of the territory in which the operator has his residence.

Section 23

If it is established or justifiably assumed that the nuclear damage exceeds the amount specified in Section 13 of this Act, the procedure for establishing the nuclear damage and its compensation shall be implemented in accordance with the provisions of Sections 397 to 423 of the Act on Maritime and Inland Navigation (Official Gazette of the Socialist Federative Republic of Yugoslavia, No. 22/77).

Section 24

In the case of a change of parity of the Dinar the Federal Executive Council shall determine a new amount for the liability limit of the operator of a nuclear installation, as specified by Section 13, paragraph 1 of this Act.

Section 25

This Act shall enter into force on the eight day after its publication in the Official Gazette of the SFRJ.