

### Article 3

#### Operator Liability

1. The operator of a nuclear installation shall be liable for nuclear damage upon proof that such damage has been caused by a nuclear incident:

- (a) in that nuclear installation; or
- (b) involving nuclear material coming from or originating in that nuclear installation, and occurring:
  - (i) before liability with regard to nuclear incidents involving the nuclear material has been assumed, pursuant to the express terms of a contract in writing, by the operator of another nuclear installation;
  - (ii) in the absence of such express terms, before the operator of another nuclear installation has taken charge of the nuclear material; or
  - (iii) where the nuclear material is intended to be used in a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose, before the person duly authorized to operate such reactor has taken charge of the nuclear material; but
  - (iv) where the nuclear material has been sent to a person within the territory of a non-Contracting State, before it has been unloaded from the means of transport by which it has arrived in the territory of that non-Contracting State;
- (c) involving nuclear material sent to that nuclear installation, and occurring:
  - (i) after liability with regard to nuclear incidents involving the nuclear material has been assumed by the operator pursuant to the express terms of a contract in writing, from the operator of another nuclear installation;
  - (ii) in the absence of such express terms, after the operator has taken charge of the nuclear material; or
  - (iii) after the operator has taken charge of the nuclear material from a person operating a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; but