

2. If in accordance with paragraph 1, the national law of a Contracting Party is deemed to be in conformity with the provision of Articles 3, 4, 5 and 7, then that Party:

- (a) may apply a definition of nuclear damage that covers loss or damage set forth in Article I(f) of this Convention and any other loss or damage to the extent that the loss or damage 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, originating in, or sent to, a nuclear installation; or other ionizing radiation emitted by any source of radiation inside a nuclear installation, provided that such application does not affect the undertaking by that Contracting Party pursuant to Article III of this Convention; and
- (b) may apply the definition of nuclear installation in paragraph 3 of this Article to the exclusion of the definition in Article 1.1(b) of this Annex.

3. For the purpose of paragraph 2 (b) of this Article, "nuclear installation" means:

- (a) any civil nuclear reactor other than one with which a means of sea or air transport is equipped for use as a source of power, whether for propulsion thereof or any other purpose; and
- (b) any civil facility for processing, reprocessing or storing:
 - (i) irradiated nuclear fuel; or
 - (ii) radioactive products or waste that:
 - (1) result from the reprocessing of irradiated nuclear fuel and contain significant amounts of fission products; or
 - (2) contain elements that have an atomic number greater than 92 in concentrations greater than 10 nano-curies per gram.
- (c) any other facility for processing, reprocessing or storing nuclear material unless the Contracting Party determines the small extent of the risks involved with such an installation warrants the exclusion of such a facility from this definition.

4. Where that national law of a Contracting Party which is in compliance with paragraph 1 of this Article does not apply to a nuclear incident which occurs outside the territory of that Contracting Party, but over which the courts of that Contracting Party have jurisdiction pursuant to Article XIII of this Convention, Articles 3 to 11 of the Annex shall apply and prevail over any inconsistent provisions of the applicable national law.