

caused by a nuclear incident involving the nuclear fuel of, or radioactive products or waste produced in, such ship.

2. Except as otherwise provided in this Convention no person other than the operator shall be liable for such nuclear damage.

3. Nuclear damage suffered by the nuclear ship itself, its equipment, fuel or stores shall not be covered by the operator's liability as defined in this Convention.

4. The operator shall not be liable with respect to nuclear incidents occurring before the nuclear fuel has been taken in charge by him or after the nuclear fuel or radioactive products or waste have been taken in charge by another person duly authorized by law and liable for any nuclear damage that may be caused by them.

5. If the operator proves that the nuclear damage resulted wholly or partially from an act or omission done with intent to cause damage by the individual who suffered the damage, the competent courts may exonerate the operator wholly or partially from his liability to such individual.

6. Notwithstanding the provisions of paragraph 1 of this Article, the operator shall have a right of recourse:

- (a) If the nuclear incident results from a personal act or omission done with intent to cause damage, in which event recourse shall lie against the individual who has acted, or omitted to act, with such intent;
- (b) If the nuclear incident occurred as a consequence of any wreck-raising operation, against the person or persons who carried out such operation without the authority of the operator or of the State having licensed the sunken ship or of the State in whose waters the wreck is situated;
- (c) If recourse is expressly provided for by contract.

voldt ved en nuklear ulykke under medvirken af nukleart brændsel i et sådant skib eller radioaktivt produkt eller affald, der dannes i et sådant skib.

2. Medmindre andet er bestemt i denne konvention, er ingen anden end indehaveren ansvarlig for sådan nuklear skade.

3. Nuklear skade, der rammer det nukleare skib selv, dels udstyr, brændsel eller lagre, er ikke omfattet af indehaverens ansvar som defineret i denne konvention.

4. Indehaveren er ikke ansvarlig for nukleare ulykker, der finder sted, før han har overtaget det nukleare brændsel, eller efter at en anden person, der er behørig bemyndiget efter loven og ansvarlig for enhver nuklear skade, som disse stoffer måtte forvolde, har overtaget det nukleare brændsel eller det radioaktive produkt eller affald.

5. Dersom indehaveren godtgør, at den nukleare skade helt eller delvis er en følge af en handling eller undladelse foretaget af den enkeltperson, der led skade, i den hensigt at forvolde skade, kan de kompetente domstole helt eller delvis fritage indehaveren for hans ansvar over for denne person.

6. Uanset bestemmelserne i stk. 1, har indehaveren regresret:

- a) dersom den nukleare ulykke skyldes en personlig handling eller undladelse foretaget i den hensigt at forvolde skade, i hvilket tilfælde regres kan gøres gældende med den enkeltperson, som har handlet eller undladt at handle med sådan hensigt;
- b) dersom den nukleare ulykke er en følge af arbejdet med at hæve vraget, mod den eller de personer, som har udført dette arbejde uden tilladelse fra indehaveren eller den stat, som har godkendt det sunkne skib, eller fra den stat, i hvis farvand vraget er beliggende;
- c) dersom regres er udtrykkeligt aftalt.