

5. (a) If a person who is a national of a Contracting State, other than the operator, has paid compensation for nuclear damage under an International Convention or under the law of a non-Contracting State, such person shall, up to the amount which he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention. However, no rights shall be so acquired by any person if and to the extent that the operator has a right of recourse or contribution against such person under this Convention;

(b) If a limitation fund has been set up and

- (i) the operator has paid, prior to its being set up, compensation for nuclear damage; or
- (ii) the operator has paid, after it has been set up, compensation for nuclear damage under an International Convention or the law of a non-Contracting State, he shall be entitled to recover from the fund, up to the amount which he has paid, the amount which the person so compensated would have obtained in the distribution of the fund;

(c) If no limitation fund is set up, nothing in this Convention shall preclude an operator, who has paid compensation for nuclear damage out of funds other than those provided pursuant to paragraph 2 of Article III, from recovering from the person providing financial security under paragraph 2 of Article III or from the licensing State, up to the amount he has paid, the sum which the person so compensated would have obtained under this Convention;

(d) In this paragraph the expression "a national of a Contracting State" shall include a Contracting State or any of its constituent subdivisions or a partnership or any public or private body whether corporate or not established in a Contracting State.

6. Where no fund has been constituted under the provisions of this Article, the licensing State shall adopt such measures as are necessary to ensure that adequate sums provided by it or by insurance or other financial security in accordance with paragraph 2 of

5. (a) Dersom en statsborger i en kontraherende stat, bortset fra indehaveren, har betalt erstatning for nuklear skade i henhold til en international konvention eller en ikke-kontraherende stats ret, erhverver han for det beløb, han har betalt, ved subrogation de rettigheder, som den person, han således har ydet erstatning havde i henhold til konventionen. Sådanne rettigheder erhverves dog ikke af nogen, såfremt og i det omfang indehaveren har ret til regres eller anden ydelse over for en sådan person i henhold til konventionen.

(b) Dersom der er oprettet et ansvarsbegrænsningsfond, og

- (i) indehaveren før dets oprettelse har betalt erstatning for nuklear skade; eller
- (ii) indehaveren efter dets oprettelse har betalt erstatning for nuklear skade i henhold til en international konvention eller en ikke-kontraherende stats ret, har han ret til – indtil det beløb, han har betalt – at få fra fondet det beløb, som den således fyldestgjorte person ville have opnået ved fondets fordeling.

c) Dersom der ikke er oprettet noget ansvarsbegrænsningsfond, kan intet i denne konvention afskære en indehaver, som har betalt erstatning for nuklear skade af andre midler end dem, der er tilvejebragt i henhold til artikel III, stk. 2, fra – indtil det beløb, han har betalt – at få tilbage fra den, der tilvejebringer den økonomiske sikkerhed i henhold til artikel III, stk. 2, eller den godkendende stat det beløb, som den således fyldestgjorte person ville have opnået efter konventionen.

d) I dette stykke omfatter udtrykket »en statsborger i en kontraherende stat« en kontraherende stat eller nogen af dens forvaltningsmæssige underafdelinger eller et offentligt eller privat selskab, stiftelse eller forening, der er hjemmehørende i en kontraherende stat.

6. Hvor der ikke er tilvejebragt noget fond efter bestemmelserne i denne artikel, skal den godkendende stat træffe de nødvendige foranstaltninger for at sikre, at de midler, som er tilvejebragt af staten eller ved forsikring eller anden økonomisk sikkerhed i