

No. 7585

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
DENMARK, FINLAND, NORWAY and SWEDEN**

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents (with annex). Signed at Vienna, on 17 October 1963

Official text: English.

Registered by the International Atomic Energy Agency on 8 February 1965.

**AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE
et
DANEMARK, FINLANDE, NORVÈGE et SUÈDE**

Accord d'assistance mutuelle exceptionnelle entre les pays nordiques en cas d'accidents impliquant des dommages dus aux rayonnements (avec annexe). Signé à Vienne, le 17 octobre 1963

Texte officiel anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 8 février 1965.

No. 7585. NORDIC MUTUAL EMERGENCY ASSISTANCE AGREEMENT¹ IN CONNECTION WITH RADIATION ACCIDENTS BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND DENMARK, FINLAND, NORWAY AND SWEDEN. SIGNED AT VIENNA, ON 17 OCTOBER 1963

The Contracting Parties, desiring to assist each other to the extent possible in the event of an incident involving damage from ionizing radiation, and desiring to establish in advance the terms upon which a Contracting State requesting assistance (hereinafter referred to as the "Requesting State") may use the assistance provided by another Contracting State or by the International Atomic Energy Agency (hereinafter referred to as the "Assisting Party"), have agreed as follows :

Article I

GENERAL TERMS OF ASSISTANCE

1. The Requesting State shall have full responsibility for the use of the assistance in conformity with this Agreement, and any personnel provided by the Assisting Party shall be subject to the direction and supervision of the Requesting State in the performance of their functions while within the territory of the Requesting State.
2. Equipment or materials shall remain the property of the Assisting Party, unless otherwise agreed, and shall be returned to it at its request.
3. The Requesting State shall employ the assistance exclusively for the purpose for which such assistance has been made available, and shall itself provide, to the extent of its capabilities, any local facilities and services required for the proper and effective administration of the assistance, and for the protection of personnel, equipment or materials.
4. The assistance shall not be used in such a way as to further any military purpose.

¹ In accordance with article XI, the Agreement came into force on 19 June 1964 in respect of the Agency, Norway and Sweden, the Agency and Sweden having signed it without reservation as to ratification and Norway having deposited its instrument of ratification on that date, and in respect of Denmark, on 17 August 1964, the date of deposit of its instrument of ratification.

Article II

SPECIAL FUNCTIONS OF THE AGENCY

1. The International Atomic Energy Agency shall, at the request of and in consultation with the Requesting State :
 - (a) Advise upon the measures to be taken and the assistance required.
 - (b) Assist in securing from its Member States not parties to this Agreement such assistance as cannot readily be provided by the other Contracting Parties.
 - (c) Co-ordinate the provision of assistance.
2. At any time after he has been notified by a Contracting State of the existence of an emergency within its territory, the Director General of the Agency may designate, in consultation with that State, an observer, who may enter its territory for the purpose of investigating the nature and extent of the emergency and reporting to him thereon. The Director General may, in addition, authorize such person to act as his representative.

Article III

FINANCIAL PROVISIONS

1. The Requesting State shall defray all expenses payable within its territory in connection with the assistance, and shall pay to assisting personnel a reasonable subsistence allowance in local currency.
2. The Assisting Party shall defray such expenses relative to the assistance provided by it as are payable outside the Requesting State, including the following :
 - (a) Salaries of personnel.
 - (b) Purchase price, or fees due for the use, of equipment, facilities or materials.
 - (c) Cost of transport of personnel, equipment or materials outside the territory of the Requesting State, including subsistence allowances for personnel.
3. Unless otherwise agreed, the Requesting State shall reimburse the Assisting Party for any expense incurred pursuant to paragraph 2. Such reimbursement should correspond to the reasonable cost of the service, equipment, materials or facilities, or of the use thereof, to the Assisting Party at the time they were made available. Reimbursement shall be effected no later than sixty days after the Assisting Party has notified its claim to the Requesting State.

Article IV

LIABILITY

1. The Requesting State shall bear all risks and claims resulting from, occurring in the course of or otherwise connected with, the assistance rendered on its territory and covered by this Agreement. In particular, the Requesting State shall be responsible for dealing with claims which might be brought by third parties against the Assisting Party or personnel. Except in respect of liability of individuals having caused the damage by wilful misconduct or by gross negligence, the Requesting State shall hold the Assisting Party or personnel harmless in case of any claims or liabilities in connection with the assistance.
2. The Requesting State shall compensate the Assisting Party for the death of, or temporary or permanent injury to, personnel, as well as for loss of, or damage to, non-perishable equipment or materials, caused within its territory in connection with the assistance.
3. The Assisting State shall bear all risks and claims in connection with damage or injury occurring in its own territory.
4. The Requesting and the Assisting States shall be released from their obligations under paragraphs 1-3 to the extent that the damage is covered by an operator of a nuclear installation who is liable for nuclear damage under the applicable national law.
5. The provisions of this Article shall not prejudice any recourse action under the applicable national law, except that recourse actions can be brought against assisting personnel only in respect of damage or injury which they have caused by wilful misconduct or gross negligence.

Article V

DESIGNATION OF COMPETENT AUTHORITIES

1. The competent authorities authorized by the Contracting Parties to receive requests for and to accept offers of assistance, and to accept communications relating thereto, are listed in the Annex¹ to this Agreement.
2. The Contracting Parties shall inform each other of any changes in respect of such competent authorities.

¹ See p. 86 of this volume.

Article VI

FACILITIES, PRIVILEGES AND IMMUNITIES

The Requesting State shall afford, in relation to the assistance, the necessary facilities, privileges and immunities with a view to securing the expeditious performance of functions under this Agreement. In relation to assistance provided by the International Atomic Energy Agency, the Requesting State shall apply the Agreement on the Privileges and Immunities¹ of the Agency.

Article VII

USE OF INFORMATION

An Assisting Party shall not make any public statements concerning the incident, nor communicate any information obtained by it under this Agreement, except with the consent of the Requesting State.

Article VIII

SPECIAL CONDITIONS

An Assisting Party or the Requesting State may attach special conditions to their request for, or offer or acceptance of, assistance. Such special conditions shall become binding as soon as they have been accepted by the other party or parties concerned.

Article IX

SETTLEMENT OF DISPUTES

Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of any party to the dispute, be settled by arbitration, or, if the parties do not agree upon the constitution of an arbitral tribunal within three months after the request for arbitration was made, by the International Court of Justice.

Article X

TERMINATION OF ASSISTANCE

1. The Requesting State may at any time in writing request the termination of the assistance provided under this Agreement.
2. An Assisting Party may, after having given written notice, terminate its assistance if:
 - (a) In its opinion such assistance is no longer needed by the Requesting State.

¹ United Nations, *Treaty Series*, Vol. 374, p. 147.

(b) Its domestic needs so require.

(c) The Requesting State fails to observe the terms of this Agreement.

3. Upon such request for, or notice of, termination the Requesting State and the Assisting Party shall consult together with a view to concluding any operations in progress at the time of such termination and facilitating withdrawal of the assistance.

Article XI

ENTRY INTO FORCE

This Agreement shall enter into force upon :

(a) signature without reservation in respect of ratification or

(b) signature with reservation in respect of ratification, followed by ratification, on behalf of two States and the International Atomic Energy Agency. Instruments of ratification shall be deposited with the Director General of the Agency.

Article XII

WITHDRAWAL FROM AGREEMENT

Any party may withdraw from this Agreement by written notice to that effect addressed to the other parties. Such withdrawal shall take effect twelve months after receipt of such notice. Withdrawal shall not, however, terminate the application of this Agreement in respect of any assistance commenced prior to the date on which withdrawal takes effect.

DONE in Vienna, this 17th day of October 1963 in a single copy in English, which shall be deposited in the archives of the International Atomic Energy Agency, whose Director General shall send a certified copy hereof to each Contracting State.

For the International Atomic Energy Agency :
Sigvard EKLUND

For the Government of Denmark :
Sigvald KRISTENSEN
subject to ratification

For the Government of Finland :
Otso WARTIOVAARA
subject to ratification

For the Government of Norway :
Torfinn OFTEDAL
subject to ratification

For the Government of Sweden :
Sven ALLARD

ANNEX

COMPETENT AUTHORITIES

Pursuant to paragraph 1 of Article V of this Agreement, the following competent authorities have been authorized, by the Contracting Party indicated, to receive requests for and to accept offers of assistance and to accept communications relating thereto :

By the International Atomic Energy Agency :

The Director General
International Atomic Energy Agency
Vienna

By the Government of Denmark :

Atomenergikommisionen
Copenhagen

By the Government of Finland :

Council of State
Ministry of Commerce and Industry
Industrial Department
Helsinki

By the Government of Norway :

Instituttt för Atomenergi
Lilleström

By the Government of Sweden :

A /B Atomenergi
Stockholm