

The State Council's Written Reply Relating to Nuclear Third Party Liability

Guo Han [1986] No. 44

The State Council is in receipt of your report for instruction on the handling of Nuclear Third Party Liability. The official and written reply is as follows:

1. Designated by the Government of the People's Republic of China (PRC), a unit operating a nuclear power station or a unit equipped with other nuclear installations dealing with the supply, processing and transportation of nuclear material for the nuclear power station within the territory of the PRC is the Operator of the said nuclear power station or the said nuclear installations.

The Operator shall acquire the status of legal person in accordance with law.

2. The said Operator shall be absolutely liable for nuclear damage caused by nuclear incident that occurs within the site of the nuclear power station or within the territory of the PRC either prior to the time the nuclear material of the said nuclear installations has been taken charge of by another person or after the nuclear material has been taken charge of from another person. No other person shall be liable for such nuclear damage.
3. The maximum liability of the Operator to all the victims in respect of nuclear damage caused by one nuclear incident adds up to RMB 18,000,000 (Renminbi Eighteen Million).

If the total amount due to be paid in respect of the said nuclear damage exceeds the above stated maximum liability, the Government of the PRC will provide necessary and limited amount of financial allowance. The maximum amount of which is RMB 300,000,000 (Renminbi Three Hundred Million).

4. If the nuclear incident results from an act or omission done with intent to cause damage, the Operator concerned shall have a right of recourse only against the individual who has acted or omitted with such intent.
5. No liability shall attach to any Operator for any nuclear damage caused by nuclear incident resulting directly from an armed conflict, an act of hostilities or insurrection, or extraordinarily grave natural calamities.
6. The victims of a nuclear incident shall be entitled to claim compensation from the Operator within three years after the date when the victim has knowledge or should have had knowledge of the nuclear damage arising therefrom. But such request must be made within ten years after the date of the occurrence of such nuclear incident, and the said right of claim shall be forfeited thereafter.
7. All litigations concerning Nuclear Third Party Liability resulting from any nuclear damage caused by nuclear incident occurring within the territory of the PRC shall be instituted at the People's Court which has the jurisdiction over the place where the nuclear incident occurs in accordance with the laws of the PRC.