

No. 27004

**FEDERAL REPUBLIC OF GERMANY
and
SWITZERLAND**

**Agreement on third party liability in the field of nuclear
energy. Signed at Berne on 22 October 1986**

Authentic text: German.

Registered by the Federal Republic of Germany on 5 January 1990.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SUISSE**

**Accord relatif à la responsabilité envers les tiers dans le do-
maine de l'énergie nucléaire. Signé à Berne le 22 octobre
1986**

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 5 janvier 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE SWISS CONFEDERATION ON THIRD PARTY LIABILITY IN THE FIELD OF NUCLEAR ENERGY

The Federal Republic of Germany and the Swiss Confederation,

Considering that the protection of the population of the two Contracting Parties from damage arising out of the peaceful use of nuclear energy is a primary goal of neighbourly co-operation, and that such protection must also include appropriate liability provisions,

Bearing in mind that the two Contracting Parties have each promulgated comparable national regulations on liability and that the arrangements are in each case based on the principle of equal treatment of victims from either Contracting Party of damage which is confined to the territory of the State in question,

Desirous of establishing as uniform as possible a treatment of damage on either side of the frontiers between the Contracting Parties, in the event of damage extending across those frontiers,

Have agreed as follows:

Article 1. SCOPE

(1) This Agreement governs the legal liability consequences of any incident arising out of the peaceful use of nuclear energy which occurs on the territory of one Contracting Party, hereinafter referred to as the State, where the incident occurred and causes damage on the territory of the other Contracting Party, hereinafter referred to as the neighbouring State.

(2) It is applicable to incidents whose harmful effects arise out of the radioactive, toxic, explosive or other hazardous properties of radioactive materials.

Article 2. BASIC PRINCIPLE OF EQUAL TREATMENT

Except as otherwise provided for by this Agreement, nationals of the neighbouring State and persons who have their place of business, domicile or normal residence in it shall be treated substantively and procedurally in a manner identical to nationals of the State where the incident occurred.

Article 3. JURISDICTION

(1) If damage has been caused by the peaceful use of nuclear energy, the courts of the State where the incident occurred shall have exclusive jurisdiction.

(2) If damage is caused during transportation of nuclear material, and it is not possible to ascertain where the incident occurred, then the courts of the Contracting Party which first approved the transportation shall have exclusive jurisdiction.

¹ Came into force on 21 September 1988, i.e., one day after the exchange of the instruments of ratification, which took place at Bonn on 20 September 1988, in accordance with article 11 (2).