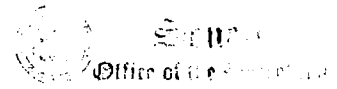


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 FEB 13 A8:13

SENATE

RECEIVED 6

S. No. 2545

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT
GOVERNING CIVIL LIABILITY AND COMPENSATION CLAIMS FOR NUCLEAR
DAMAGE, REPEALING FOR THE PURPOSE CERTAIN SECTIONS OF
REPUBLIC ACT NO. 5207, OTHERWISE KNOWN AS THE "ATOMIC ENERGY
REGULATORY AND LIABILITY ACT OF 1968", AS AMENDED

EXPLANATORY NOTE

The "Atomic Energy Regulatory and Liability Act of 1968" or Republic Act No. 5207 (RA No. 5207) was enacted more than five decades ago in support of the advancement and utilization of nuclear energy for all peaceful purposes. With the passage of time and the advancement of modern technology, its realignment with the current principles and modern standards in the field of nuclear liability is clearly required.

The Philippines has been a signatory to various international conventions, namely – the 1963 Vienna Convention on Civil Liability for Nuclear Damage (the "1963 Vienna Convention"); the 1988 Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (the "1988 Joint Protocol"); the 1994 Convention on Nuclear Safety (the "1994 CNS"); the 1997 Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage (the "1997 Vienna Convention"); the 1997 Joint Convention on the Safety of Spent Fuel Management and the safety of Radioactive Waste Management (the "1997 Joint Convention"); and the Convention on Supplementary Compensation for Nuclear Damage (the "1997

CSC”)¹. However, only the 1963 Vienna Convention has been ratified and the rest are still pending up to this day.

This bill seeks to update RA No. 5207 and align its provisions with the modern principles and standards of nuclear liability. It includes key provisions on strict liability of the nuclear power plant operators, liability caps, availability of compensation for nuclear damage, establishment of a Claims Handling Tribunal, and having exclusive jurisdiction for claim resolutions.

Moreover, the bill aims for a three- tier funding system — operator funds, CSC joint public funds, and the Philippine Government appropriated funds, to ensure adequate compensation, to the extent necessary, for nuclear damage.

Through a clear and comprehensive nuclear liability policy in place, the Philippines can strengthen its commitment in complying with relevant international conventions on nuclear safety and liability thereby leading to a responsible advancement of the country’s nuclear energy program.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

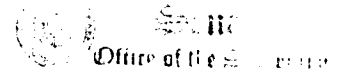


FRANCIS "TOL" N. TOLENTINO

Senator

¹<https://cil.nus.edu.sg/wp-content/uploads/2019/11/Participation-of-ASEAN-Member-States-in-International-Treaties-Relating-to-Nuclear-SSL-Env-28.6.19.pdf>

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SENATE
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DAMAGE, REPEALING FOR THE PURPOSE CERTAIN SECTIONS OF
REPUBLIC ACT NO. 5207, OTHERWISE KNOWN AS THE "ATOMIC ENERGY
REGULATORY AND LIABILITY ACT OF 1968", AS AMENDED

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

ARTICLE 1

PURPOSE AND DEFINITIONS

1
2
3 **SECTION 1. Short Title.** - This Act shall be known as the "Philippine Nuclear
4 Liability Act", referred to herein as the "Act".

5 **SEC. 2. Purpose.** - This Act shall govern the civil liability and compensation for
6 nuclear damage in case of a nuclear incident occurring in the territory of the Philippines
7 or during carriage of nuclear material for which the operator is liable in accordance
8 with this Act and the relevant international conventions to which the Philippines is a
9 contracting party.

10 **SEC. 3. Definition of Terms.** - As used in this Act:

11 (a) *Authority* means the Philippine Nuclear Regulatory Commission ("PNRC");

12 (b) *Convention on Supplementary Compensation* means the Convention on
13 Supplementary Compensation for Nuclear Damage of 12 September 1997 and any
14 amendment thereto if such amendment is in force for the Republic of the Philippines.

1 (c) *Law of the competent court* means the law of the Republic of the Philippines,
2 including any rules of such law relating to conflict of laws.

3 (d) *Measures of reinstatement* means any reasonable measures which have
4 been approved by the competent authorities of the State where the measures were
5 taken, and which aim to reinstate or restore damaged or destroyed components of the
6 environment, or to introduce, where reasonable, the equivalent of these components
7 into the environment, provided that the law of the State where the damage is suffered
8 shall determine who is entitled to take such measures.

9 (e) *Nuclear damage* means:

10 (1) loss of life or personal injury;

11 (2) loss of or damage to property; and each of the following to the extent
12 determined by the law of the competent court:

13 (3) economic loss arising from loss or damage referred to in Section 3(e)
14 (1) or 3(e)(2), insofar as not included in those subsections if incurred
15 by a person entitled to claim in respect of such loss or damage;

16 (4) the costs of measures of reinstatement of impaired environment,
17 unless such impairment is insignificant, if such measures are actually
18 taken or to be taken, and insofar as not included in Section 3(e)(2);

19 (5) loss of income deriving from an economic interest in any use or
20 enjoyment of the environment, incurred as a result of a significant
21 impairment of that environment, and insofar as not included in Section
22 3(e)(2);

23 (6) the costs of preventive measures, and further loss or damage caused
24 by such measures; and

25 (7) any other economic loss, other than any caused by the impairment
26 of the environment, if permitted by the general law on civil liability of
27 the competent court.

28 In the case of Sections 3(e)(1) to Section 3(e)(5) and Section 3(e)(7)
29 above, to the extent that the loss or damage arises out of or results from ionizing
30 radiation emitted by any source of radiation inside a nuclear installation, or
31 emitted from nuclear fuel or radioactive products or waste in, or of nuclear

1 material coming from, originating in, or sent to, a nuclear installation, whether
2 so arising from the radioactive properties of such matter, or from a combination
3 of radioactive properties with toxic, explosive, or other hazardous properties of
4 such matter.

5 (f) *Nuclear fuel* means any material which is capable of producing energy by a
6 self-sustaining chain process of nuclear fission.

7 (g) *Nuclear incident* means any occurrence or series of occurrences having the
8 same origin which causes nuclear damage or, but only with respect to preventive
9 measures, creates a grave and imminent threat of causing such damage.

10 (h) *Nuclear installation* means:

11 (1) any nuclear reactor other than one with which a means of sea or air
12 transport is equipped for use as a source of power for propulsion
13 thereof;

14 (2) any factory using nuclear fuel for the production of nuclear material,
15 or any factory for the processing of nuclear material, including any
16 factory for the reprocessing of irradiated nuclear fuel;

17 (3) any facility where nuclear material is stored, other than storage
18 incidental to the carriage of such material; and

19 (4) such other installations in which there are nuclear fuel or radioactive
20 products or waste as determined by the Authority from time to time
21 having due regard to a determination by the Board of Governors of
22 the International Atomic Energy Agency:

23 *Provided*, That several nuclear installations of one operator which are located at the
24 same site shall be considered as a single nuclear installation.

25 (i) *Nuclear material* means:

26 (1) nuclear fuel, other than natural uranium and depleted uranium,
27 capable of producing energy by a self-sustaining chain process of
28 nuclear fission outside a nuclear reactor, either alone or in
29 combination with some other material; and

30 (2) radioactive products or waste.

1 (j) *Nuclear reactor* means any structure containing nuclear fuel in such an
2 arrangement that a self-sustaining chain process of nuclear fission can occur therein
3 without an additional source of neutrons.

4 (k) *Operator*, in relation to a nuclear installation, means the person designated
5 or recognized as the operator of that installation: *Provided*, That with respect to a
6 nuclear installation in the territory of the Republic of the Philippines, such operator is
7 designated or recognized by the Authority as the authorized party.

8 (l) *Person* means a natural or juridical person.

9 (m) *Preventive measures* means any reasonable measures taken by any
10 person after a nuclear incident has occurred to prevent or minimize damage referred
11 to in Section 3(e)(1) to Section 3(e)(5) or Section 3(e)(7), subject to any approval of
12 the competent authorities required by the law of the State where the measures were
13 taken.

14 (n) *Radioactive by-products or waste* means any radioactive material produced
15 in, or any material made radioactive by exposure to the radiation incidental to the
16 production or utilization of nuclear fuel, but does not include radioisotopes which have
17 reached the final stage of fabrication so as to be usable for any scientific, medical,
18 agricultural, commercial, or industrial purpose.

19 (o) *Reasonable measures* means measures which are found under the law of
20 the competent court to be appropriate and proportionate, having regard to all the
21 circumstances, such as:

22 (1) the nature and extent of the damage incurred or, in the case of
23 preventive measures, the nature and extent of the risk of such
24 damage;

25 (2) the extent to which, at the time they are taken, such measures are
26 likely to be effective; and

27 (3) relevant scientific and technical expertise;

28 (p) *Special Drawing Right* or *SDR* means the unit of account defined by the
29 International Monetary Fund and used by it for its own operations and transactions;
30 and

1 (q) *Vienna Convention* means the Vienna Convention on Civil Liability for
2 Nuclear Damage of 21 May 1963 and any amendment thereto if such amendment is
3 in force for the Republic of the Philippines.

4 For the purposes of this Act, any term that is not defined in paragraph 1 above
5 and which has a particular meaning in the Vienna Convention or the Convention on
6 Supplementary Compensation shall have the meaning from the Vienna Convention or
7 the Convention on Supplementary Compensation when used in the relevant context.

8
9 **ARTICLE 2**
10 **EXCLUSIONS**

11 **SEC. 4. *Exclusion of Small Quantities.*** -The Authority may, if the small extent
12 of the risks involved so warrants, exclude any nuclear installation or small quantities
13 of nuclear material from the application of the provisions of this Act: *Provided, That*

14 (a) with respect to nuclear installations, criteria for such exclusion have
15 been established by the Board of Governors of the International Atomic
16 Energy Agency and the Authority issues a determination that any
17 exclusion satisfies such criteria; and

18 (b) with respect to small quantities of nuclear material, maximum limits for
19 the exclusion of such quantities have been established by the Board of
20 Governors of the International Atomic Energy Agency and the Authority
21 issues a determination that any exclusion is within such established
22 limits.

23 **ARTICLE 3**
24 **OPERATOR LIABILITY**

25 **SEC. 5. *The Liable Operator.*** - The operator of a nuclear installation shall be
26 liable for nuclear damage upon proof that such damage has been caused by a nuclear
27 incident:

28 (a) in such nuclear installation; or

29 (b) involving nuclear material coming from or originating in such nuclear
30 installation, and occurring:

- 1 (1) before liability with regard to nuclear incidents involving the nuclear
- 2 material has been assumed, pursuant to the express terms of a
- 3 contract in writing, by the operator of another nuclear installation;
- 4 (2) in the absence of such express terms, before the operator of another
- 5 nuclear installation has taken charge of the nuclear material; or
- 6 (3) where the nuclear material is intended to be used in a nuclear reactor
- 7 with which a means of transport is equipped for use as a source of
- 8 power, whether for propulsion thereof or for any other purpose,
- 9 before the person duly authorized to operate such reactor has taken
- 10 charge of the nuclear material; but
- 11 (4) where the nuclear material has been sent to a person within the
- 12 territory of a non-Contracting State, before it has been unloaded from
- 13 the means of transport by which it has arrived in the territory of that non-
- 14 Contracting State;

15 (c) involving nuclear material sent to such nuclear installation, and occurring:

- 16 (1) after liability with regard to nuclear incidents involving the nuclear
- 17 material has been assumed by the operator pursuant to the express
- 18 terms of a contract in writing, from the operator of another nuclear
- 19 installation;
- 20 (2) in the absence of such express terms, after the operator has taken
- 21 charge of the nuclear material; or
- 22 (3) after the operator has taken charge of the nuclear material from a
- 23 person operating a nuclear reactor with which a means of transport is
- 24 equipped for use as a source of power, whether for propulsion thereof or
- 25 for any other purpose; but
- 26 (4) where the nuclear material has, with the written consent of the
- 27 operator, been sent from a person within the territory of a non-
- 28 Contracting State, only after it has been loaded on the means of
- 29 transport by which it is to be carried from the territory of that State:

30 *Provided,* That if nuclear damage is caused by a nuclear incident occurring in a nuclear
31 installation and involving nuclear material stored therein incidentally to the carriage of

1 such material, the provisions of Section 5(a) shall not apply where another operator or
2 person is solely liable pursuant to the provisions of Section 5(b) or Section 5(c).

3 **SEC. 6. *Carrier as Operator.*** - Upon the request of a carrier of nuclear material
4 or a person handling radioactive waste and with the consent of the operator
5 concerned, the Authority may designate or recognize such carrier or person as
6 operator in place of such operator in respect of such nuclear material or radioactive
7 waste: *Provided*, That such designation or recognition shall be subject to such terms
8 and conditions as the Authority may by regulation or order prescribe. In this case, such
9 carrier or person shall be considered, for all purposes of this Act, as an operator of a
10 nuclear installation situated within the territory of the Republic of the Philippines.

11 **SEC. 7. *Liability of More than One Operator.*** - Where nuclear damage
12 engages the liability of more than one operator, the operators involved shall, in so far
13 as the damage attributable to each operator is not reasonably separable, be jointly
14 and severally liable. The amount of public funds made available per incident shall be
15 limited to the difference, if any, between the amounts hereby established and the
16 amount established pursuant to Section 16 hereof.

17 Where a nuclear incident occurs in the course of carriage of nuclear material,
18 either in one and the same means of transport, or, in the case of storage incidental to
19 the carriage, in one and the same nuclear installation, and causes nuclear damage
20 which engages the liability of more than one operator, the total liability shall not exceed
21 the highest amount applicable with respect to any one of them pursuant to Section 16
22 hereof.

23 In neither of the cases referred to in this Section shall the liability of any one
24 operator exceed the amount applicable with respect to such operator pursuant to
25 Section 16 hereof.

26 **SEC. 8. *Liability of One Operator for Several Nuclear Installations.*** -
27 Subject to the provisions of Section 7, where several nuclear installations of one and
28 the same operator are involved in one nuclear incident, such operator shall be liable
29 in respect of each nuclear installation involved up to the amount applicable with
30 respect to such operator pursuant to Section 16 hereof. The amount of public funds
31 made available per incident shall be limited to the difference, if any, between the
32 amounts hereby established and the amount established pursuant to Section 16.

1 **SEC. 9. *Absolute and Exclusive Liability of Operator.*** - The liability of the
2 operator for nuclear damage shall be absolute.

3 Except as otherwise provided for in this Act, no person other than the operator
4 shall be liable for nuclear damage.

5 **SEC. 10. *No Relief of Operator Liability.*** - The operator shall be liable for
6 nuclear damage caused by a nuclear incident caused directly due to a grave natural
7 disaster of an exceptional character.

8 **SEC. 11. *Exclusions from Operator Liability.*** - No liability shall attach to an
9 operator for nuclear damage caused by a nuclear incident directly due to an act of
10 armed conflict, hostilities, civil war, or insurrection.

11 **SEC. 12. *Operator Relief from Compensation Obligation.*** - The
12 competent court may relieve the operator wholly or partly from the obligation to pay
13 compensation for nuclear damage suffered by a person if the operator proves the
14 nuclear damage resulted wholly or partly from the gross negligence of that person or
15 from an act or omission of that person done with intent to cause damage.

16 **SEC. 13. *Damage Deemed Nuclear Damage.*** - Whenever both nuclear
17 damage and damage other than nuclear damage have been caused by a nuclear
18 incident or jointly by a nuclear incident and one or more other occurrences, such other
19 damage shall, to the extent that it is not reasonably separable from the nuclear
20 damage, be deemed, for the purposes of this Act, to be nuclear damage caused by
21 that nuclear incident. Where, however, damage is caused jointly by a nuclear incident
22 covered by the provisions of this Act and by an emission of ionizing radiation not
23 covered by it, nothing in this Act shall limit or otherwise affect the liability, either as
24 regards any person suffering nuclear damage or by way of recourse or contribution,
25 of any person who may be held liable in connection with that emission of ionizing
26 radiation.

27 **SEC. 14. *Operator Not Liable.*** - The operator shall not be liable under this
28 Act for nuclear damage:

29 a. to the nuclear installation itself and any other nuclear installation, including
30 a nuclear installation under construction, on the site where that installation is located;
31 and

1 b. to any property on that same site which is used or to be used in connection
2 with any such installation.

3 The operator shall incur no liability for damage caused by a nuclear incident
4 outside the provisions of this Act.

5 **SEC. 15. Exercise of Right to Compensation.** - Subject to the provisions of
6 Sections 32, 33, 35 and 36, any person may bring a claim for compensation for
7 nuclear damage.

8 The right to compensation for nuclear damage may be exercised only against
9 the operator liable or person furnishing financial security pursuant to this Act.

10 **ARTICLE 4**

11 **LIABILITY LIMITS AND FINANCIAL SECURITY**

12 **SEC. 16. Operator Liability Limit.** - The liability of the operator for any one
13 nuclear incident is limited to an amount in Philippine pesos equivalent to Three
14 hundred million (300,000,000) SDRs.

15 Notwithstanding paragraph 1 of this Section, the Authority, having regard to
16 the nature of the nuclear installation or the nuclear substances involved and to the
17 likely consequences of an incident originating therefrom, may establish a lower limit
18 of liability of the operator: *Provided, That:*

19 (a) in no event shall any amount so established be less than an amount in
20 Philippine pesos equivalent to Five million (5,000,000) SDRs; and

21 (b) in such a case Section 19 applies.

22 The amounts established by this Section shall apply wherever the nuclear
23 incident occurs.

24 The amounts established by this Section are exclusive of any interest or costs
25 which may be awarded by the competent court.

26 **SEC. 17. Minimum Financial Security.** - The operator shall be required to
27 maintain insurance or other financial security covering its liability for nuclear damage
28 in the amount established by Section 16.

29 Nothing in this Act shall be construed to require the National Government or
30 any government agency or instrumentality operating a nuclear installation to maintain
31 insurance or other financial security to cover their liability as operators.

1 **SEC. 18. *Type and Terms of Financial Security.*** - The Authority shall
2 prescribe by regulation or order the type and terms of the required financial security:
3 *Provided*, That in so prescribing, the Authority shall be guided by the objectives of
4 assuring adequate and effective compensation to victims of a nuclear incident without
5 imposing unreasonable burden on the operator.

6 **SEC. 19. *Government Satisfaction of Claims.*** - The Government shall ensure
7 the payment of claims for compensation for nuclear damage which have been
8 established against the operator:

9 (a) to the extent that the yield of financial security is inadequate to satisfy
10 such claims;

11 (b) if the Authority has established a lower limit of the operator's liability in
12 accordance with paragraph 2 of Section 16; and

13 (c) if the Government or any Government agency or instrumentality is the
14 operator, in all cases, up to the limit provided for in paragraph 1 of Section
15 16.

16 **SEC. 20. *Equitable Distribution.*** - Compensation for nuclear damage under
17 Section 16, including any Government satisfaction of claims under Section 19, shall
18 be distributed equitably without discrimination on the basis of nationality, domicile, or
19 residence: *Provided*, That the Authority may limit such funds available to compensate
20 nuclear damage occurring in a non-Contracting State that has a nuclear installation on
21 its territory at the time of the nuclear incident and does not afford equivalent reciprocal
22 benefits: *Provided further*, That such limit is an amount not lower than the Philippine
23 pesos equivalent to One hundred fifty million (150,000,000) million SDRs.

24 **SEC. 21. *Exclusive Use of Funds.*** - The funds provided by insurance, by other
25 financial security pursuant to Section 17 and 18, or by the Government pursuant to
26 Section 19, shall be exclusively available for compensation due under this Act.

27 **SEC. 22. *Carrier to be Furnished with Certificate.*** - The operator liable in
28 accordance with this Act shall provide the carrier with a certificate issued by or on
29 behalf of the insurer or other financial guarantor furnishing the financial security
30 required pursuant to Section 17 and 18.

31 The certificate shall:

1 (a) state the name and address of such operator and the amount, type, and
2 duration of security, and these statements may not be disputed by the person
3 by whom or on whose behalf the certificate was issued;

4 (b) indicate the nuclear material in respect of which the security applies; and

5 (c) include a statement by the Authority, or, with respect to nuclear material
6 coming from another Contracting Party the competent authority of such
7 Contracting Party, that the person named is an operator within the meaning of
8 the Vienna Convention or the Convention on Supplementary Compensation, as
9 applicable.

10 The Authority may exclude the obligation in paragraph 1 of this Section in
11 relation to carriage which takes place wholly within the territory of the Republic of the
12 Philippines.

13 **SEC. 23. Notice of Suspension or Cancellation by Insurer.** - No insurer or
14 other financial guarantor shall suspend or cancel the insurance or other financial
15 security provided pursuant to Section 17 and 18:

16 (a) without giving notice in writing of at least two (2) months to the Authority; or

17 (b) in so far as such insurance or other financial security relates to the carriage
18 of nuclear material, during the period of the carriage in question.

19 ARTICLE 5

20 CONVENTION ON SUPPLEMENTARY COMPENSATION

21 PUBLIC FUNDS

22 **SEC. 24. Public Funds from Contracting Parties to Convention on**
23 **Supplementary Compensation.** - Any public funds contributed by Contracting
24 Parties to the Convention on Supplementary Compensation above the operator's
25 liability limit in paragraph 1 of Section 16 shall:

26 (a) apply to nuclear damage which is suffered in the territory of a Contracting
27 Party to the Convention on Supplementary Compensation and other locations
28 determined by Article V of the Convention on Supplementary Compensation;
29 and

1 (b) subject to the provisions of the Convention on Supplementary
2 Compensation, be distributed equitably without discrimination on the basis of
3 nationality, domicile, or residence.

4 **SEC. 25. Reimbursement of Public Funds.** - If a call for public funds is made
5 by a Contracting Party to the Convention on Supplementary Compensation in
6 accordance with Article III(1)(b) and for which the Republic of the Philippines is
7 required to contribute funds in accordance with Article IV of the Convention on
8 Supplementary Compensation, operators of nuclear installations in the territory of the
9 Republic of the Philippines shall reimburse the Government with respect to such funds,
10 *Provided, That:*

11 (a) reimbursement shall be called on by the Government only after the later of:

12 (1) the installation of 7,500 MWth of nuclear capacity in the territory of
13 the Republic of the Philippines; and

14 (2) the year 2035; and

15 (b) an operator's pro rata contribution shall be determined based on the
16 percentage of its installed nuclear capacity out of the total installed nuclear
17 capacity in the Republic of the Philippines at the time of the relevant nuclear
18 incident.

19 The Authority shall by regulation or order determine any additional provisions
20 with respect to such reimbursement.

21 **ARTICLE 6**

22 **ADDITIONAL PUBLIC FUNDS**

23
24 **SEC. 26. Report to Congress Regarding Additional Public Funds.** - In
25 any case where it appears that the nuclear damage caused by a nuclear incident
26 exceeds or will probably exceed both the limit of liability established in paragraph 1
27 of Section 16 and the contributions to be provided by Contracting Parties to the
28 Convention on Supplementary Compensation in accordance with Article III(1)(b), the
29 Authority shall furnish a report to Congress with its recommendations, including any
30 recommendations for the appropriation of additional funds from Congress to provide
31 compensation for nuclear damage.

1 (b) if the nuclear incident results from an act or omission done with intent
2 to cause damage, against the individual (natural person) who has acted
3 or omitted to act with such intent.

4 Where the operator has a right of recourse according to paragraph 1(a) of this
5 Section, such right of recourse shall also be extended to the benefit of the Government
6 and Contracting Parties to the Convention on Supplementary Compensation with
7 respect to any public funds made available by the Government in accordance with
8 Section 19, and any contributions paid by Contracting Parties to the Convention on
9 Supplementary Compensation in accordance with Article III(1)(b) of the Convention
10 on Supplementary Compensation, respectively. The Government may exercise the
11 rights of recourse on behalf of the Contracting Parties to the Convention on
12 Supplementary Compensation.

13 **ARTICLE 9**
14 **FINAL PROVISIONS**

15 **SEC. 30. *Additional Provisions.*** - The provisions of the Vienna Convention
16 and the Convention on Supplementary Compensation shall apply to cases not
17 provided for in this Act or in regulations or orders issued by the Authority.

18 **SEC. 31. *Applicable Law.*** - The nature, form, extent, and equitable distribution
19 of compensation for nuclear damage caused by a nuclear incident in the territory of
20 the Republic of the Philippines or where the liable operator is located in the Philippines
21 shall be governed by this Act, the provisions of the Vienna Convention and the
22 Convention on Supplementary Compensation (to the extent such Convention is in
23 force for the Republic of the Philippines) and the applicable law of the Republic of the
24 Philippines.

25 **SEC. 32. *Dose Determination by the Authority.*** - For the purposes of this
26 Act, the Authority shall determine if a release of radiation is in excess of the authorized
27 radiation dose limits in the Republic of the Philippines.

28 **SEC. 33. *Claims Handling Panel.*** - Within fifteen (15) days of a determination
29 by the Authority under Section 32 that a release of radiation is in excess of the
30 authorized radiation dose limits in the Republic of the Philippines, a claims handling
31 panel, referred to as the Nuclear Claims Panel, shall be established by the Department

1 of Justice and shall have exclusive jurisdiction over claims for compensation for
2 nuclear damage under this Act.

3 The Nuclear Claims Panel shall be comprised of three (3) retired Regional Trial
4 Court judges or experts in civil law, in good standing.

5 **SEC. 34. *Investigation for Nuclear Claims.*** - With respect to claims brought
6 to the Nuclear Claims Panel, the Authority shall:

7 (a) investigate the purported nuclear incident;

8 (b) form an opinion on the radiation dose associated with the claims and the
9 potential for such dose limit to cause nuclear damage; and

10 (c) supply evidence-based information on radiation doses that may definitively
11 cause human harm, and such findings and opinion shall be provided to and considered
12 by the Nuclear Claims Panel in its determinations.

13 **SEC. 35. *Compensable Claims.*** - For the purposes of the Nuclear Claims
14 Panel understanding relative risk and harm, such Panel shall obtain expert opinions
15 on the relative harm caused by the relevant radiation dose, compared to other
16 common hazards such as smoking, airborne particulate pollution, common low-level
17 chemical exposure, and exposure to elevated natural background radiation occurring
18 in notable locations in the world, including in Ramsar in Iran, Kerala State in India, and
19 Guarapari Beach in Brazil.

20 The Nuclear Claims Panel may refuse to hear any claim that it considers to be
21 frivolous or vexatious.

22 The Nuclear Claims Panel shall be entitled to establish priorities for
23 compensating classes of nuclear damage.

24 The Nuclear Claims Panel shall determine that a claim is eligible for
25 compensation under this Act only if the radiation dose associated with the claim is in
26 excess of the authorized radiation dose limits in the Republic of the Philippines
27 established in accordance with the Appendix to this Act.

28 **SEC. 36. *Prohibition to Double Compensation.*** - A claimant shall not be
29 entitled to compensation under this Act if such claimant has already received or will
30 receive adequate compensation pursuant to public health insurance, social insurance,

1 social security, workers' compensation or occupational disease compensation
2 systems.

3 The Nuclear Claims Panel shall seek the assistance of the Authority on any
4 other technical matters where appropriate.

5 **SEC. 37. *Review of Judgement.*** - Appeals from the Nuclear Claims Panel
6 shall be heard by the Court of Appeals.

7 **SEC. 38. *Recognition of Foreign Judgments.*** - A judgment which is
8 recognized under the Vienna Convention or the Convention on Supplementary
9 Compensation shall be enforceable.

10 **SEC. 39. *Authority.*** - The Authority, as defined in Section 3(a) of this Act, shall
11 be responsible for the issuance of regulations necessary to implement the Act and
12 other matters as provided for in the Act.

13 **SEC. 40. *Implementing Regulations.*** - The Authority shall issue the
14 regulations necessary to implement this Act within one hundred and eighty (180) days
15 from the effective date of this Act.

16 **SEC. 41. *Separability.*** - If a provision of this Act is declared unconstitutional or
17 invalid, the other provisions shall not be affected and shall remain in full force and
18 effect.

19 **SEC. 42. *Repeal.*** - All Acts, executive orders, administrative orders,
20 proclamations, rules and regulations inconsistent with any provisions of this Act,
21 including Sections 37 to 63 of Part VII, Liability for Nuclear Damage, under Republic
22 Act No. 5207, are repealed or modified accordingly.

23 **SEC. 43. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in a newspaper of general circulation.

25 **APPENDIX**

26 (a) The regulations issued by the Authority will provide the following dose limits
27 for occupational exposure of workers over the age of 18 years:

28 (1) An effective dose of 20 mSv per year averaged over five consecutive years
29 (100 mSv in 5 years) and of 50 mSv in any single year;

1 (2) An equivalent dose to the lens of the eye of 20 mSv per year averaged over
2 five consecutive years (100 mSv in 5 years) and of 50 mSv in any single year;
3 and
4 (3) An equivalent dose to the extremities (hands and feet) or to the skin of 500
5 mSv in a year.

6 (b) The regulations issued by the Authority will provide the following dose limits for
7 public exposure:

8 (1) An effective dose of 1 mSv in a year, provided that in circumstances that the
9 Authority will make publicly available in regulations, a higher value of effective
10 dose in a single year could apply, provided that the average effective dose over
11 five consecutive years does not exceed 1 mSv per year;
12 (2) An equivalent dose to the lens of the eye of 15 mSv in a year; and
13 (3) An equivalent dose to the skin of 50 mSv in a year.

14 (c) The regulations issued by the Authority will provide minimum evacuation dose
15 thresholds for offsite exposure of:
16 (1) a cumulative 200mSv dose.

Approved,