BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF ENERGY OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF ENERGY AND MINERAL RESOURCES OF THE REPUBLIC OF INDONESIA ON ...

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The Department of Energy of the Republic of the Philippines an d the Ministry of Energy and Mineral Resources of the Republic of Indonesia (hereinafter collectively referred to as the "Participants" and individually referred to as a "Participant") hereby agree to and sign this Memorandum of Understanding (hereinafter referred to as the "MOU") for comprehensive cooperation in the field of energy;

RECOGNIZING the significance of regional cooperation and alliances, especially in the energy and related sectors, which can be realized through initiatives, either on a multilateral or bilateral basis in order to promote sustainable growth and development in the region;

RECALLING the Declaration of ASEAN Concord, signed in Bali, Indonesia on 24 February 1976, provides that ASEAN Member Countries will take cooperative action in their national and regional development programs, utilizing as far as possible the resources available in the ASEAN region to broaden . the complementarity of their respective economies;

RECOGNIZING the importance of encouraging and facilitating business sectors to have a discussion on energy commodities supply such as coal and liquefied natural gas (LNG), in critical supply circumstances;

ACKNOWLEDGING the Agreement on ASEAN Energy Cooperation, signed in Manila, Philippines on 24 June 1986 stipulates that ASEAN member countries may cooperate in the efficient development, production and utilization of all forms of energy, whether commercial, non-commercial, renewable or non-renewable, in modalities that may be appropriately designed by them for the above purpose;

REFERRING TO the Plan of Action (POA) between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia (2022 - 2027) signed in Jakarta on 5 September 2022, which stipulates the commitment to work together on the renewal of the Memorandum of Understanding between the Department of Energy of the Republic of the Philippines an d the Ministry of Energy and Mineral Resources of the Republic of Indonesia to include wider areas of cooperation;

REPLACING the Memorandum of Understandings between the Department of Energy of the Republic of the Philippines and the Ministry of Energy and Mineral Resources of the Republic of Indonesia on Cooperation on Long-Term Coal, Oil and Gas Supply and Geothermal Energy Development signed Jakarta on 12 November 2001; on Long-Term Coal Supply Agreement signed in Manila on 22 June 1995; and on the Establishment of the Philippine-Indonesia Coal Cooperation Committee signed in Manila on 9 August 1989;

IN ACCORDANCE WITH the prevailing laws and regulations of their respective countries;

HAVE REACHED the following understanding :

PARAGRAPH 1

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OBJECTIVES

The objectives of this MOU are:

a.

to confirm the commitment of the Participants to foster and enhance the cooperative activities in the field of energy for the mutual benefit of the Participants within the framework of the ASEAN Energy Cooperation and the spirit of ASEAN cooperation friendship;

b.

to promote long-term energy commodities supply arrangements such as coal and LNG between Indonesian suppliers and Philippine users; and

c.

to encourage discussion between business sectors on critical circumstances such as energy commodities supply facilitated by both governments.

PARAGRAPH 2
SCOPE OF COOPERATION

Collaboration under this MOU may include, but is not limited to, the following:

a.

Minerals and coal , including clean coal technology;

b.

Oil and gas, including upstream and downstream development , such as LNG;

c.

Energy transition;

d.

New and renewable energy;

e.

Energy efficiency, including demand-side management;

f.

Electric vehicles;

g.

Power sector;

h.

Alternative fuel, such as hydrogen, ammonia, and biofuels; and

i.

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Geological-related risk mitigation.

PARAGRAPH 3
FORMS OF COOPERATION

Pursuant to the scope of cooperation identified in the Paragraph 2, the forms of cooperation may include the following:

a.

Promoting and facilitating energy-related investment;

b.

Conducting capacity-building program and knowledge sharing on energy;

c.

Exchanging information, experience, and best practices on technology use, including on International Standards and Health-Safety-Security-Environment (HSSE) for project siting, design, construction, expansion, rehabilitation, modification, operation, and maintenance of energy projects/facilities;

d.

Continuing cooperation within the frameworks of regional and multilateral forums; and

e.

Other forms of cooperation as mutually decided by the Participants.

PARAGRAPH 4
POINTS OF CONTACT

The points of contact for this MOU are:

1.

For the Department of Energy of the Republic of the Philippines: Undersecretary for Policy and Planning.

2.

For the Ministry of Energy and Mineral Resources of the Republic of Indonesia: Secretariat General.

PARAGRAPH 5
WORKING GROUP

1.

The Participants will establish a Working Group (WG) which will be composed of representatives from both countries to oversee the implementation of this MOU.

2.

The Participants may hold WG meetings periodically or when necessary and in-person where possible - alternating between the two countries. Virtual discussions should take place if an in-person meeting is not possible to arrange . All decisions of the WG will be approved by their respective executing agencies.

3.

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The WG will be responsible for but not limited to the following:

a.

Identification and preparation of work plan and/or scope of activities;

b.

Exchange of information on energy policies and agreed issues and concerns relating to energy development; and

c. Organization of site visits, seminars, workshops and other meetings on specific topics.

4.

All cooperative activities under this MOU will be carried out subject to the availability of funds of the Participants.

PARAGRAPH 6
CONFIDENTIALITY

1.

The Participants shall ensure that the data and information provided to each other, including the result of activities implemented under this MOU, are not transferred or supplied to a third party without the prior written consent of the Participants.

2.

The Participants shall not use information or documents exchanged under this MOU for any purposes other than the intended purposes of this MOU and in line with what has been mutually decided upon the signing of this MOU, and will not transfer such information or documents to a third party without the prior written consent of the other Participant.

PARAGRAPH 7
INTELLECTUAL PROPERTY RIGHTS

1.

Any intellectual property brought by one Participant for the implementation of this MOU shall remain the property of that Participant.

2.

Any intellectual property rights resulting from activities for the implementation of this MOU shall be handled in line with a separate arrangement to be formulated between the Participants and/or their involved entities.

PARAGRAPH 8
LEGAL STATUS

1.

This MOU does not create legal rights or obligations under international or national law.

2.

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Any cooperative activities undertaken by a Participant for the purposes of implementing this MOU will be carried out in accordance with the relevant laws and regulations applicable to such Participant.

3.

Cooperation under this MOU will not affect the right and obligations of the Participants arising from international agreements to which either state is a party, as well as from the membership of either state to international organizations, particularly regional economic integration organizations.

PARAGRAPH 9
SETTLEMENT OF DIFFERENCES

Any differences that arise of interpretations and/or violations of this MOU shall be settled amicably by consultations or negotiation between the Participants, through diplomatic channels.

PARAGRAPH 10
AMENDMENTS

The MOU can be amended, revised, or modified through mutual written agreement of the Participants through diplomatic channels. Such amendment, revision, or modification shall come into effect in accordance with the provisions on effectivity.

PARAGRAPH 11
EFFECTIVITY, DURATION AND TERMINATION

1.

This MOU shall take effect on the date of later written notification by Participants, through diplomatic channels indicating that domestic requirements for its effectivity have been complied with.

2.

This MOU shall remain in effect for a period of five (5) years and may be extended for another period of five (5) years by mutual written consent of the Participants through diplomatic channels.

3.

Either Participant may terminate this MOU at any time by giving written notification to the other Participant at least three (3) months prior to the intended date of termination.

4.

The termination of this MOU shall not affect the validity and duration of any ongoing programs and projects under this MOU.

5.

In case of termination of this MOU, the Participants shall take all reasonable efforts for completing all launched projects mutually agreed upon under this MOU.

IN WITNESS WHEREOF the undersigned , have signed this MOU.

SIGNED in Manila on 9th day of January in the year 2024, in two (2) originals, each English and Indonesian languages, all text being equally authentic. In case of any divergence in interpretation, the English text shall

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prevail.

FOR THE DEPARTMENT OF

FOR THE MINISTRY OF ENERGY

ENERGY OF THE REPUBLIC OF

AND MINERAL RESOURCES OF THE

THE PHILIPPINES

REPUBLIC OF INDONESIA

(SGD.)

(SGD.)

ENRIQUE A. MANALO

RETNO L.P. MARSUDI

Secretary for Foreign Affairs

Minister for Foreign Affairs

Entry into Force: July 24, 2024

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