BILATERAL

MEMORANDUM OF UNDERSTANDING ON COOPERATION BETWEEN THE DEPARTMENT OF ENERGY OF THE REPUBLIC OF THE PHILIPPINES AND THE STATE ATOMIC ENERGY CORPORATION “ROSATOM” (RUSSIAN FEDERAT...

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The Department of Energy of the Republic of the Philippines and the State Atomic Energy Corporation "Rosatom" (Russian Federation) and, hereinafter referred to as "the Parties",

On the basis of friendly relations existing between the Republic of the Philippines and the Russian Federation,

Mindful that the Republic of the Philippines and the Russian Federation are members of the International Atomic Energy Agency and are parties to the Treaty on the Non-proliferation of Nuclear Weapons of July 1, 1968,

Acknowledging that the use of nuclear energy for peaceful purposes and assurance of nuclear and radiation safety and security are the important factors in ensuring social and economic development of both states,

Considering the intention of the Government of the Republic of the Philippines to continue developing a variety of applications of nuclear energy in accordance with its laws, rules and regulations,

Acknowledging the significant experience by the Russian Federation in developing nuclear energy within its territory as well as assisting other countries in developing their nuclear power and industrial complexes,

In furtherance of the Memorandum of Understanding between the Department of Science and Technology of the Republic of the Philippines and the State Atomic Energy Corporation "Rosatom" on cooperation in the use of nuclear energy for peaceful purposes signed on 25th May 2017,

Have reached the following mutual understanding:

PARAGRAPH I
Objective of Cooperation
The general purpose of this Memorandum is to outline and explore the following areas of cooperation between the Parties, in accordance with their domestic laws,

rules and regulations, and international treaties to which the Republic of the Philippines and the Russian Federation are the state parties.

PARAGRAPH II
Areas of Cooperation

The Parties will cooperate in the following areas under this Memorandum:

1. Cooperation in nuclear infrastructure studies and enhancement of programs vis-a-vis a national energy policy development program and nuclear energy program implementation in the Philippines;

2. Audit and assessment of the Bataan Nuclear Power Plant's (BNPP) technical condition including the possibility

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of its rehabilitation; and

3. Elaboration of feasibility studies on construction in Philippines of small modular reactor technology nuclear power plants, onshore or offshore, but not limited to technical, commercial, financial and legal project aspects analysis. The Parties may carry out possible similar studies on nuclear power plants in general as may be deemed necessary consistent with national energy development plans of the Philippines.

PARAGRAPH III
Forms and Terms of Cooperation
The cooperation in the areas envisaged in Paragraph II of this Memorandum could be implemented in the forms as follows:

1. Establishment of joint working groups (JWG) for performance of specific projects and tasks;

2. Exchange of experts;

3. Arrangement of workshops;

4. Assistance in training and education of personnel; and

5. Exchange of technical information.

Each Party will designate its authorized organization for implementing this Memorandum. Each Party and their authorized organizations will be responsible for their own costs and expenses in connection with the consultations and execution of this Memorandum except as may be agreed upon by them.

PARAGRAPH IV
Arrangements
In case of reaching the agreement on the areas of cooperation envisaged in Paragraph II of this Memorandum, the Parties will make efforts to develop and sign relevant arrangements at intergovernmental or interagency level. The exact scope of cooperation, as well as division of works, commercial, technical and financial parameters of cooperation envisaged in Paragraph II of this Memorandum will be defined by the authorized organizations of the Parties in separate contracts.

PARAGRAPH V
Working Groups Establishment

Parties wilJ establish JWGs to carry out coordination and consultations on the areas envisaged in Paragraph II of this Memorandum. Any entity related to and designated by the Parties may participate in consultations between the Parties as expert team members. These entities may also hold consultations at their level under the supervision of the Parties. The Parties will appoint and exchange the list of working groups participants within I (one) month after the signing of this Memorandum.

The Parties intend to ensure that:

(1) their consultation teams will be formed on time to ensure effectiveness of consultations, and that these will be comprised of professionals and experts of suitable qualification and authority, or authorized officers to carry out consultations on the subject matter of every cooperation area;

(2) the persons negotiating the potential projects will be duly authorized to formulate and convey the position of the Parties, and the other Party will be informed of the authority of each of the Party's participants of the consultations;

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(3) the information provided by the Parties in the course of consultations will be at all times responsibly and reasonably checked for accuracy to avoid possible misunderstanding; and (4) the use of English as the language of consultations, correspondences, communications, notifications, instructions, minutes of meetings and technical documents.

PARAGRAPH VI
Nuclear Infrastructure Enhancement Cooperation
The Parties recognize the importance of national nuclear infrastructure development at the early stages of preparation and implementation of the national nuclear program of the Philippines, with an aim to minimize the economic, socio-political, nuclear, technical, administrative, financial and other risks. The Parties agree to elaborate road map for nuclear infrastructure development in Philippines to better understand time frames and stages of implementation of projects without prejudice to the results of the audit and assessment and feasibility studies referred to in Paragraph II of this Memorandum and consistency with national energy policy development program and nuclear energy program implementation in Philippines.

The Parties recognize the State Atomic Energy Corporation "Rosatom" best practices in long-standing safe operation of the Russian-designed NPPs, research reactors and other nuclear facilities.

PARAGRAPH VII
Contracting and/or Awarding
Due to strategic importance for the economy and energy sector of the Republic of the Philippines, the Parties will endeavor that the contracts to be concluded on a government-to-government basis will be contracted and/or awarded on direct contracting and/or awarding basis consistent with laws, rules and regulations of the Philippines on procurement and tendering and/or awarding of contracts on the territory of the Republic of the Philippines, as may be applicable.

PARAGRAPH VIII
Legal Obligations
This Memorandum is not an international treaty and does not set any legal rights and obligations regulated by international law or any national law.

PARAGRAPH IX
Amendments
Any amendments or revision of this Memorandum will be done in writing by mutual consent of the Parties through diplomatic channels. Such amendments will be applied in accordance with the provisions of Paragraph X of this Memorandum.

PARAGRAPH X
Final Provisions
This Memorandum will be applied from the date of last written notification by the Parties, through diplomatic channels, indicating that their domestic requirements for its applicability have been completed. This Memorandum will be applied for the period of 5 years and will be renewed for a similar periods, unless one Party notifies the other in writing through diplomatic channels of its intention to suspend or terminate this Memorandum, at least ninety (90) days prior to the intended date of termination.

In witness whereof, the undersigned, being duly authorized by their respective Parties, have signed this Memorandum.

Signed in Manila on 13th of November 2017, in two (2) original copies, both in Russian and English languages.

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In case of differences in the interpretation of this Memorandum, the English language will be used.

(Sgd.)
For and in behalf of the Department
of Energy of the Philippines

(Sgd.)
For and in behalf of the State Atomic
Energy Corporation “Rosatom”
(Russian Federation)

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