

MEMORANDUM OF COOPERATION ON MINING SECTOR BETWEEN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF ECONOMY, TRADE AND ...

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INTRODUCTION

The DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF THE REPUBLIC OF THE PHILIPPINES and the MINISTRY OF ECONOMY, TRADE AND INDUSTRY OF JAPAN, (hereinafter referred to individually as a "Participant" and collectively as the "Participants") have a mutual interest to promote cooperation in the mining and mineral resources sectors between the Republic of the Philippines and Japan. The Participants:

(a)

COMMIT to enhancing cooperative relationship in the mining and mineral resources sector between the Participants based upon mutual benefit, respecting the other Participant's interests;

(b)

ARE MINDFUL that long-term stable investment environment and reasonable price-setting is essential to exploration, development and operation of mines and smelters;

(c)

ARE AWARE OF the respective domestic laws, regulations and environmental policies as well as their budget availability with regard to sustainable development in the mining and mineral resources sectors; and

(d)

SEEK to cooperate in research and development, knowledge transfer related to minerals and metals technology.

Have reached the following common recognition:

PARAGRAPH I – OBJECTIVE

The objective of this Memorandum of Cooperation (hereinafter referred to as the "MoC"), is to continue promoting cooperation in the mining and mineral resources sectors between the Participants on the basis of mutual benefit and to resume mutual support in promoting sustainable development of their respective mining and mineral resources sectors.

PARAGRAPH II – ROLES OF THE PARTICIPANTS

The Participants will identify programs and implementing agencies, and conduct review of progress, re-evaluate results and consider any other aspects relevant to the promotion of bilateral cooperation.

PARAGRAPH III – AREAS OF COOPERATION

Without prejudice to other areas of cooperation, that may be considered in the future within the Participants' mandates, the Participants will promote discussions and cooperation in the areas of:

(a)

Improvement of mining policy on exploration, development and operation;

(b)

Sharing information on:

i.

Supply-demand of metals and mineral resources;

ii.

Best practices of sustainable development and operation in mining particularly "climate-smart mining";

iii.

Contributions of mining to the local communities;

iv.

The measures implemented to protect the environment and rehabilitate areas affected by mining operations;

v.

Infrastructure development surrounding and supporting mines and smelters; and

vi.

Research and development regarding critical minerals and green metals.

(c)

Security in exploration, development and operation of mines and smelters;

(d)

Appropriate environmental impact assessment;

(e)

Fair and appropriate business activities based on contract and commercial custom, and pricing based on mutual benefit and confidential relationship; and

(f)

Improvements on the environment for investment with the objective of attracting investors to the mining sectors of both countries.

PARAGRAPH IV – JOINT MEETING

The Participants will continue to hold joint meetings, either virtually or in-person, to periodically review the progress, consider the relevant emerging issues and make modifications to the MoC as necessary. Private companies concerned may take part in the joint meetings upon written invitation by both or either of the Participants.

Joint meetings may be organized by the relevant departments of the Participants.

PARAGRAPH V – SETTLEMENT OF DIFFERENCES

Any difference between the Participants in the implementation of the MoC will be settled amicably by consultations or negotiations through diplomatic channels, with a view to finding a mutually satisfactory solution. It will not be referred to any court, international tribunal or third party for settlement.

PARAGRAPH VI – CONFIDENTIALITY

In order to protect the interests of the Participants, the Participants should adhere to the following:

(a)

Neither Participant should transmit nor disclose to any third party or body any information received in the course of the implementation of this MoC without the prior written consent of the Participant providing such information.

(b)

Each Participant should protect confidential and/or classified information received from the other Participant. Any sharing of confidential information between the Participants should be in line with the Participants' relevant rules and policies and their respective national laws, rules and procedures relating to the disclosure of confidential information, where applicable.

(c)

The matter of this Paragraph should continue to apply notwithstanding the discontinuation of this MoC.

PARAGRAPH VII – MODIFICATION OR REVISION

The text of the MoC may be modified by mutual consent of the Participants, through diplomatic channels. Such modification or revision will be made in writing and signed by the representatives of the Participants and will commence on the date of signing.

PARAGRAPH VIII – COMMENCEMENT, DURATION AND DISCONTINUANCE

(a)

The cooperation under the MoC will commence on the date of signing and will continue for three (3) years.

(b)

The Participants, through diplomatic channels, may renew the MoC for another three (3) years upon their mutual written consent.

(c)

Either Participant may discontinue the cooperation under the MoC at anytime by a written notice of intention to discontinue through diplomatic channels. Upon receipt of the intention to discontinue, the Participants should discuss the amicable discontinuance of the cooperation.

PARAGRAPH IX – FOCAL POINTS

To facilitate the implementation of cooperation under the MoC between the Participants, the Participants will designate respectively the following focal points related to communications and coordination for all purposes associated with the MoC.

(a)

For DENR, Director, Mines and Geosciences Bureau

(b)

For METI, Director, Mineral and Natural Resources Division, Agency for Natural Resources and Energy

Signed in Manila, Philippines on the 3[rd] day of November in 2023, in duplicate in the English language.

Department of Environment and
Natural Resources of the
Republic of the Philippines

Ministry of Economy, Trade and
Industry of Japan

(Sgd.)

(Sgd.)

MARIA ANTONIA YULO LOYZAGA
Secretary

YASUTOSHI NISHIMURA
Minister

Entry into Force: November 3, 2023

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