



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

FOR : The Directors
Ecosystems Research and Development Bureau
Environmental Management Bureau
Climate Change Service

FROM : The OIC Director
Policy and Planning Service

SUBJECT : **REQUEST FOR COMMENTS ON THE MEMORANDUM OF UNDERSTANDING ON PROMOTING INVESTMENT COOPERATION IN GREEN DEVELOPMENT BETWEEN THE MINISTRY OF COMMERCE OF THE PEOPLE'S REPUBLIC OF CHINA AND THE DEPARTMENT OF TRADE AND INDUSTRY OF THE REPUBLIC OF THE PHILIPPINES**

DATE : **05 JAN 2023**

This refers to the request for comments of the Bureau of International Trade Relations (BITR) on the Draft Memorandum of Understanding (MOU) on Promoting Investment Cooperation in Green Development between the Ministry of Commerce of the People's Republic of China and the Department of Trade and Industry of the Republic of the Philippines.

In this regard, we would like to request your comments/inputs to the attached MOU on investment cooperation in green development, particularly on matters regarding clean energy, battery disposal and recycling, environmental obligations, green procurement, green technology, and high-level joint research. We would appreciate receiving an advance copy of your feedback on or before **07 January 2023**, send to: psddivision@gmail.com and/or policy@denr.gov.ph

For your information and appropriate action, please.


MELINDA C. CAPISTRANO



TRABAHO
NEG. SYO
KONSUMER

DENR

POLICY STUDIES DIVISION

RECEIVED BY: *John / Yan*
DATE/TIME: *12/28/22*

23 December 2022

Melinda C. Capistrano
OIC-Director
Policy and Planning Service
Department of Environment and Natural Resources
Visayas Avenue
Diliman
Quezon City

Dear OIC-Director Capistrano:

The Bureau endorses enclosed draft *Memorandum of Understanding on Investment Cooperation in Green Development Between the Ministry of Commerce of the People's Republic of China and the Department of Trade and Industry of the Republic of the Philippines*. While the agreement is on investment cooperation, we note that the MOU covers cross-cutting issues on green development which includes areas for cooperation within the purview of the DENR.

Given that the MOU is among the selected deliverables for the Presidential Visit to China, the Bureau would appreciate receiving your comments on the enclosed, for consolidation of PH comments, by COB today, 23 December 2022.

Thank you for your usual cooperation.

Very truly yours,


Angelo Salvador M. Benedictos
Director

BUREAU OF INTERNATIONAL TRADE RELATIONS

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375 Gil J. Puyat Avenue, Makati City 1200, Philippines

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www.dti.gov.ph bitr@dti.gov.ph

BITR NO: 1N00244091

204-2

[VERY URGENT] Request for Comments on the Draft PH-CN MOU on Green Development

From: Maria Kaila D. Balite (mariakailabalite@dti.gov.ph)
 To: odpps@yahoo.com
 Cc: angelosalvadorbenedictos@dti.gov.ph; sherylynaquia@dti.gov.ph; mareginaserafico@dti.gov.ph; marionnejayshimada@dti.gov.ph
 Date: Friday, 23 December 2022 at 09:48 am SGT

12/23 PSD - Gung
 Fw a. action
 JY
 DE-00

Sent on behalf of Director Angelo Salvador M. Benedictos, DTI-BITR

Dear OIC-Director Capistrano:

The Bureau endorses enclosed draft *Memorandum of Understanding on Investment Cooperation in Green Development Between the Ministry of Commerce of the People's Republic of China and the Department of Trade and Industry of the Republic of the Philippines*. While the agreement is on investment cooperation, we note that the MOU covers cross-cutting issues on green development which includes areas for cooperation within the purview of the DENR.

Given that the MOU is among the selected deliverables for the Presidential Visit to China, the Bureau would appreciate receiving your comments on the enclosed, for consolidation of PH comments, by **COB today, 23 December 2022**.

The signed letter of request will be transmitted in due course.


Thank you for your usual cooperation.


Best Regards,
Maria Kaila D. Balite
 Bilateral Relations Division
 Bureau of International Trade Relations
 Department of Trade and Industry

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 [BOI and NEDA_track changes] Draft of MOU on Green Development_rev1.docx
 27.8kB

 [BOI and NEDA_clean] Draft of MOU on Green Development_rev1.docx
 24.7kB

**MEMORANDUM OF UNDERSTANDING ON
PROMOTING INVESTMENT COOPERATION IN GREEN
DEVELOPMENT
BETWEEN
THE MINISTRY OF COMMERCE OF
THE PEOPLE’S REPUBLIC OF CHINA
AND
THE DEPARTMENT OF TRADE AND INDUSTRY OF
THE REPUBLIC OF THE PHILIPPINES**

(Draft)

The Ministry of Commerce of the People’s Republic of China and the Department of Trade and Industry of the Republic of the Philippines (hereinafter referred to as the Participants),

-- Actively implementing China’s commitment to be carbon neutral by 2060 and the Philippines’ Energy Plan 2020-2040;

-- Carrying out China’s 14th Five-Year Plan (2021-2025) for National Economic and Social Development and the Long-Range Objectives Through the Year 2035 and the Philippines’ Medium-Term Development Plan (2023-2028),

-- Based on the goodwill and needs of businesses of both countries and the practical foundation for strengthening cooperation in the field of green development,

Hereby decide as follows:

Paragraph 1

The Participants will adhere to the green consensus and promote green development. They will take the global energy transition as an opportunity to stimulate new growth drivers in green development, deepen exchanges and cooperation in green

economy and clean energy, and promote high-quality development of bilateral investment cooperation.

Paragraph 2

The Participants will enhance synergy between green development strategies and policies, encourage local governments, industrial organizations, financial institutions and businesses to enhance coordination, tap the potential of green development cooperation, and jointly create the momentum of cooperation for the future.

Paragraph 3

The Participants will encourage businesses to conduct investment cooperation in green development, including clean energy such as photovoltaic, wind power, nuclear, hydrogen and biomass energy, new energy vehicle industry such as power battery, smart charging pile production service and battery disposal and recycling, as well as green finance and green infrastructure construction.

Paragraph 4

In compliance with their respective commitments to relevant multilateral environmental agreements, the Participants will encourage businesses to fulfill environmental obligations, promote green design, green procurement, green construction, green production and green operation, and facilitate the coordinated development of the local economy, society and the ecological environment.

Paragraph 5

The Participants will encourage businesses to accelerate green transformation, increase investments in green technology, jointly promote green technological innovation, and carry out high-level joint research through the establishment of scientific and technological innovation platforms such as R&D centers, innovation

centers, laboratories and incubators.

Paragraph 6

The Participants agree to assign the Philippines-China Joint Commission on Economic and Trade Cooperation, with the Department of Outward Investment and Economic Cooperation of the Ministry of Commerce of the People's Republic of China and the Department of Trade and Industry of the Republic of the Philippines, the lead role in executing this Memorandum, by stepping up policy exchanges, implementing the work set out in this Memorandum, and building a pragmatic and efficient platform for green development cooperation.

Paragraph 7

Any dispute about the interpretation or implementation of this Memorandum will be solved through consultations between the Participants, who will work in good faith to resolve differences by mutual agreement.

Paragraph 8

This Memorandum will come into effect on the date of signature and remain in effect for three (3) years.

Either Participant may terminate this Memorandum by providing written notification to the other Participant three (3) months in advance. The termination of this Memorandum will not affect the completion of any cooperation activity which has been formalized while it was in effect.

This Memorandum may be amended by the mutual agreement of the Participants, formalized by an exchange of written communications, specifying the date of effectivity of such amendment.

This Memorandum is a statement of the intent of the Participants and is not intended to create rights and obligations under international law. Each Participant's implementation of this Memorandum shall be consistent with its domestic law.

Signed in _____ on _____, 2022, in duplicate in the Chinese and English, each text being equally valid.

**On behalf of
The Ministry of Commerce of
The People's Republic of China**

**On behalf of
The Department of Trade and Industry
of
The Republic of the Philippines**

**MEMORANDUM OF UNDERSTANDING ON
PROMOTING INVESTMENT COOPERATION IN GREEN
DEVELOPMENT**

BETWEEN

THE MINISTRY OF COMMERCE OF

THE PEOPLE'S REPUBLIC OF CHINA

AND

**~~THE NATIONAL ECONOMIC DEVELOPMENT
AUTHORITY~~DEPARTMENT OF TRADE AND INDUSTRY**

OF

THE REPUBLIC OF THE PHILIPPINES

(Draft)

The Ministry of Commerce of the People's Republic of China and the ~~National Economic Development Authority~~Department of Trade and Industry of the Republic of the Philippines (hereinafter referred to as the ~~Parties~~Participants),

-- Actively implementing China's commitment to be carbon neutral by 2060 and the Philippines' National Renewable Energy Program (NREP) Philippine Energy Plan 2020-2040;

-- Carrying out China's 14th Five-Year Plan (2021-2025) for National Economic and Social Development and the Long-Range Objectives Through the Year 2035 and the ~~Philippines' 8-Point Economic Agenda~~Medium-Term Development Plan (2023-2028),

-- Based on the goodwill and needs of businesses of both countries and the practical foundation for strengthening cooperation in the field of green development,

Hereby ~~agree~~decide as follows:

Article Paragraph 1

The ~~Parties~~ Participants will adhere to the green consensus and promote green development. ~~The Parties~~ They will take the global energy transition as an opportunity to stimulate new growth drivers in green development, deepen exchanges and cooperation in green economy and clean energy, and promote high-quality development of bilateral investment cooperation.

Article Paragraph 2

The ~~Parties~~ Participants will enhance synergy between green development strategies and policies, encourage local governments, industrial organizations, financial institutions and businesses to enhance coordination, tap the potential of green development cooperation, and jointly create the momentum of cooperation for the future.

Article Paragraph 3

The ~~Parties~~ Participants will encourage businesses to conduct investment cooperation in green development, including clean energy such as photovoltaic, wind power, nuclear, hydrogen and biomass energy, new energy vehicle industry such as power battery, smart charging pile production service and battery disposal and recycling, as well as green finance and green infrastructure construction.

Article Paragraph 4

~~The Parties will encourage businesses to, in compliance with their respective commitments to relevant multilateral environmental agreements, the Parties~~ Participants will encourage businesses to the requirements of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the carbon neutral commitment targets, fulfill environmental obligations, promote green design, green procurement, green construction, green

production and green operation, and facilitate the coordinated development of the local economy, society and the ecological environment.

Article Paragraph 5

The ~~Parties~~Participants will encourage businesses to accelerate green transformation, increase investments in green technology, jointly promote green technological innovation, and carry out high-level joint research through the establishment of scientific and technological innovation platforms such as R&D centers, innovation centers, laboratories and incubators.

Article Paragraph 6

The ~~Parties~~Participants agree to ~~give assign full play to the leading role of the China-Philippines-China~~ Joint Commission on Economic and Trade Cooperation, with the Department of Outward Investment and Economic Cooperation of the Ministry of Commerce of the People's Republic of China and ~~the Division of XXX of the National Economic Development Authority~~Department of Trade and Industry of the Republic of the Philippines, ~~the lead role in executing as the Executing Agencies of this Memorandum, by stepping to step up~~ policy exchanges, implementing the work set out in this Memorandum, and building a pragmatic and efficient platform for green development cooperation.

Article Paragraph 7

Any dispute about the interpretation or implementation of this Memorandum will be solved through consultations between the ~~Parties~~Participants, who will work in good faith to resolve differences by mutual agreement.

Article Paragraph 8

This Memorandum will come into effect on the date of signature and remain in effect for three (3) years.

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notification to the other ~~Party-Participant~~ three (3) months in advance. The termination of this Memorandum will not affect the completion of any cooperation activity which has been formalized while it was in ~~force~~effect.

This Memorandum may be amended by the mutual agreement of the ~~Parties~~Participants, formalized by an exchange of written communications, specifying the date of its ~~entry into force~~effectivity of such amendment.

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Signed in _____ on _____, 2022, in duplicate in the Chinese and English, each text being equally valid.

**On behalf of
The Ministry of Commerce of
The People's Republic of China**

**On behalf of
The ~~National Economic Development~~
~~Authority~~Department of Trade and
Industry of
The Republic of the Philippines**