



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT CIRCULAR NO. DC2018-04-0013 #

IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 30, SERIES OF 2017, CREATING THE ENERGY INVESTMENT COORDINATING COUNCIL IN ORDER TO STREAMLINE THE REGULATORY PROCEDURES AFFECTING ENERGY PROJECTS

Pursuant to Section 5 of Executive Order No. (EO) 30 dated 28 June 2017 and consistent with Republic Act No. (RA) 7638, otherwise known as the "*Department of Energy (DOE) Act of 1992*," and RA 9136, otherwise known as the "*Electric Power Industry Reform Act of 2001*," the following rules and regulations are hereby promulgated and adopted:

**PART I
GENERAL PROVISIONS**

RULE 1 – TITLE

These rules and regulations shall be referred to as the Implementing Rules and Regulations (IRR) of EO 30 otherwise known as "Creating the Energy Investment Coordinating Council to Streamline the Regulatory Procedures Affecting Energy Projects."

RULE 2 – COVERAGE AND SCOPE

- 2.1 This IRR shall govern the permitting process for the approval and implementation of logical, systematic, organized and speedy issuance of permits and clearances for Energy Projects of National Significance (EPNS).
- 2.2 This IRR shall provide general rules, regulations, and guidelines for the:
 - (a) Establishment of a framework for the speedy and systematic issuance of permits and clearances to expedite the development of significantly needed Energy Projects and infrastructures;
 - (b) Adoption of a streamlined and simplified permitting process that shall serve as a guideline to all concerned agencies and investors, and direction for investments in Energy Projects; and
 - (c) Resolution and clarification of disputes and issues affecting processes and issuances of permits and clearances necessary for the timely implementation of Energy Projects.

RULE 3 – OBJECTIVES

This IRR shall rationalize and streamline the process of permitting and licensing of Energy Projects to ensure its timely implementation. In particular, this IRR shall:

- (a) Enable a transparent and a more responsive permitting process to meet growing energy demands and needs of the country in support to its socio-economic growth and development;
- (b) Simplify the permitting process of concerned agencies for the expeditious development of EPNS, which includes but are not limited to the removal of redundant requirements and procedures, setting of a standardized requirements and forms, etc.; and
- (c) Identify the scope of coverage of the process in consideration of the role of other concerned agencies involved in the permitting process.

RULE 4 – DEFINITION OF TERMS

For the purposes of this IRR, the following terms shall be defined as follows:

- (a) **Certificate of EPNS (CEPNS)** shall refer to the certificate issued by the DOE to facilitate and fast track the issuance of permits and clearances as requirements from the different concerned government agencies and instrumentalities for energy projects.
- (b) **Energy Investment Coordinating Council (EICC)** refers to the Council created under EO 30 that will spearhead and coordinate national government efforts to harmonize integrate and streamline regulatory processes, requirements, and forms relevant to the development of EPNS.
- (c) **Energy Projects** as defined under RA 7638 refer to both new and existing activities or projects relative to the exploration, extraction, production, importation-exportation, processing, transportation, marketing, distribution, utilization, conservation, stockpiling, or storage of all forms of energy products and resources for both new and existing.
- (d) **Philippine Energy Plan (PEP)** refers to the plan issued by the DOE that embodies the country's major energy policies, plans, programs and projects in consideration of international energy frameworks, commitments and current energy trends and developments, as well as the action agenda to respond to emerging energy challenges and issues.

PART II ENERGY PROJECTS OF NATIONAL SIGNIFICANCE

RULE 5 – SCOPE OF EPNS

EPNS are major **Energy Projects** for power generation, transmission, and/or ancillary services including those required to maintain grid stability and security for on and off-grid areas, identified and endorsed by the DOE as "projects of national significance" that are in consonance with the policy thrusts and specific goals of the PEP, and which possess any of the following attributes:

- (a) It must have a significant capital investment of PhP3.5 billion;
- (b) It must have a significant contribution to the country's economic development: *Provided, That*, this pertains to the potential of the project to promote greater access to energy and energy supply security of the country;
- (c) It must have a significant consequential economic impact: *Provided, That*, this pertains to the potential of the project to generate jobs, employment and increase revenues for the government, among others;
- (d) It must have a significant potential contribution to the country's balance of payment: *Provided, That*, this pertains to the potential of the project to contribute to the inflow of foreign investment capital;
- (e) It must have a significant impact on the environment: *Provided, That*, this pertains to the potential of the project to contribute to sustainability with minimal adverse effects to the environment;
- (f) It must have a significant complex technical processes and/or engineering designs: *Provided, That*, these refer to projects involving newly developed or pioneering energy systems and/or technologies; and,
- (g) It must have a significant infrastructure requirement: *Provided, That*, the project has associated infrastructure necessary for the delivery of energy services and/or supply such as transmission and distribution networks.

PART III GENERAL FRAMEWORK FOR THE PROCESSING OF EPNS

RULE 6 – RIGHTS UNDER CEPNS

- 6.1 The CEPNS entitles the project to a processing time of 30-working day period upon submission of complete documentary requirements to the relevant agencies in the permitting process of Energy Projects. Towards this end, all national government agencies, instrumentalities, Local Government Units (LGUs) and government-owned and controlled corporations (GOCCs) involved in the processing and approval of permits and licenses are hereby directed, with respect to the permits and processes within their jurisdiction, to act upon applications for permits with CEPNS within 30-working days from submission of complete documentary requirements. Said period should be sufficient for each agency to determine whether such project is compliant with all the requirements set by existing laws, rules and regulations, including the general principle of protecting public interest and national security.
- 6.2 The CEPNS entitles the project to be processed by accordingly, without awaiting the action of other government agencies involved in the processing if such action is a precondition or a requirement for processing. Forthwith, the processing government agency shall act on the presumption that as holder of the CEPNS, the relevant permits from other government agencies had already been issued. Such presumption extends only insofar as the permitting process is concerned. Government agencies retain the right to enforce compliance with existing laws, rules and regulations within their jurisdiction.

- 6.3 On the assumption that the submitted requirements are complete in substance and form, the action to be taken for CEPNS must not exceed 30-working days. Failure to make a decision within the specified time will result in the issuance of the relevant permit within five (5) working days after the lapse of the 30-working day period. Action or decision of government agency covers approval or denial. If the action is denial, the government agency must issue a written explanation explicitly providing the reasons or grounds thereof to the CEPNS holder.
- 6.4 Upon the determination of any defect or lapses in substance and form of the submitted documents, the project proponent shall be notified and will be given appropriate time to take the necessary actions. During this reckoning period, the provision in Rule 6.3 shall not take into effect.
- 6.5 The rights under this Rule extends to associated infrastructure of the project with CEPNS.

RULE 7 – BASELINES IN THE PROCESSING OF EPNS

- 7.1 To ensure compliance under Rule 6, the EICC and/or other government agencies including local government units (LGUs), government owned and controlled corporations(GOCCs) and instrumentalities shall ensure that their respective timelines are adjusted accordingly. For this purpose, said government agencies are directed to submit a streamlined procedure relative to the processing of Energy Projects to the EICC within a year from the effectivity of EO 30. Such submission shall serve as the baseline for processing of CEPNS. Attached is the list of documentary requirements and permits issued by all relevant government agencies as Annex A.
- 7.2 No deviation from the baselines shall be allowed except when absolutely necessary either to enable an agency to comply with a specific statutory directive or to avoid prejudicing the public interest. All regulations and procedures taken up in EICC, which deviate from such baselines with justification thereof, shall be included in the report of the EICC to the Office of the President.
- 7.3 The EICC shall ensure that the revised guidelines and process flows including relevant information thereon submitted under this Rule are published and made available to the public through the EICC website and such other means to ensure greater public availability.
- 7.4 The EICC shall continue to monitor compliance of all government agencies to the baselines for subsequent laws, rules and regulations for the processing and approval of permits and licenses. As a result, the EICC shall regularly update guidelines and process flows including relevant information thereon to ensure publication and public availability.

PART IV FINAL PROVISIONS

RULE 8 – REPORTORIAL REQUIREMENTS

All applicants and/or energy project proponents issued with CEPNS shall regularly submit status report of their application for permits with the different government agencies and instrumentalities to the EICC for purposes of monitoring, either weekly, biweekly or monthly as may be deemed necessary by the applicants/proponents. Such report shall also serve as the

basis for the EICC to follow up or call the attention of the concerned agencies not yet issuing permits or rendering any decision on the application.

RULE 9 – SEPARABILITY CLAUSE

If for any reason, any part or provision of this IRR shall be held unconstitutional or declared contrary to law, other parts or provisions not affected thereby shall continue to be in full force and in effect.

RULE 10 – REPEALING CLAUSE

All other rules, regulation and issuances or parts thereof, which are inconsistent with this IRR, are hereby repealed or modified accordingly.

RULE 11 – EFFECTIVITY CLAUSE

This IRR shall take effect after 15 days from the date of publication in a newspaper of general circulation or Official Gazette and after the Office of the National Administrative Registrar (ONAR), U.P. Law Center, University of the Philippines, Diliman, Quezon City has been provided copies hereof.

Signed at DOE, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City on _____
2018.

SIGNED AND APPROVED:


ALFONSO G. CUSI
DOE Secretary and EICC Chairperson



APR 25 2018

ANNEX A: REQUIREMENTS FROM THE DIFFERENT GOVERNMENT AGENCIES AND INSTRUMENTALITIES

Government Agency/Office	Requirement/Document
Registration Requirements	
<i>Securities and Exchange Commission</i>	<ul style="list-style-type: none"> • Registration of Corporations and Partnerships • Registration of Foreign Corporations
<i>Department of Trade and Industry</i>	<ul style="list-style-type: none"> • Registration of Business Name for Single Proprietorship
<i>Cooperative Development Authority</i>	<ul style="list-style-type: none"> • Registration for Cooperatives
<i>Local Government Unit</i>	<ul style="list-style-type: none"> • Barangay Clearance for Business Permit Purposes • Municipal / Sanitary Permit • Municipal / City Business Permit • Building Permits / Civil / Structural Permits • Locational clearance/business permit in the localities where the business will be established
<i>Bureau of Internal Revenue</i>	<ul style="list-style-type: none"> • Tax Identification Number • Certificate of Registration • Application for Authority to Use Computerized Accounting System or Components Thereof/ Loose-Leaf Books of Accounts • Application for Registration Information Update <i>This is also where books of accounts and authority to print are registered.</i>
<i>Social Security System</i>	<ul style="list-style-type: none"> • Employer Registration • Specimen Signature Card
<i>Philippine Health Insurance Corp.</i>	<ul style="list-style-type: none"> • Employer Data Record • Member's Data Form <i>Note : Membership for local employees only</i>
<i>Bureau of Fire Protection</i>	<ul style="list-style-type: none"> • Evaluation Clearance – Fire Safety Permit
<i>Home Mutual Development Fund</i>	<ul style="list-style-type: none"> • Member's Data Form • Remittance Form <i>Note : Membership Registration for local employees only</i>
<i>Department of Labor and Employment</i>	<ul style="list-style-type: none"> • Alien Employment Permit
<i>Philippine Economic Zone Authority</i>	<ul style="list-style-type: none"> • Permit to locate (if applicable) • Registration with other Investment Promotion Agencies for availing of incentives (for Ecozone business locators only)
<i>Bangko Sentral ng Pilipinas</i>	<ul style="list-style-type: none"> • Registration of Foreign Investments for Purposes of Capital Repatriation and Profit Remittances
<i>Metro Manila Development Authority</i>	<ul style="list-style-type: none"> • Locational clearance • Business Permit for firms locating in Metro Manila
<i>Authorized Agent Banks</i>	<ul style="list-style-type: none"> • Opening of Letter of Credit (L/C) • Information sheet for first-time exporters

Government Agency/Office	Requirement/Document
Regulatory Requirements	
<i>Department of Environmental and Natural Resources</i>	<ul style="list-style-type: none"> • Environmental Compliance Certificate • Certificate of Non-Coverage • Wastewater Discharge Permit • Permit to Operate – Air Pollution Source and Control Installation • Hazardous Waste Generator ID • Pollution Control Officer Accreditation / Appointment • Permit to construct/operate pollution control devices
<i>Department of Environmental and Natural Resources – Forest Management Bureau</i>	<ul style="list-style-type: none"> • Special Land Use Permit (SLUP) • Forest Land Use Agreement (FLAG)
<i>Department of Agrarian Reform</i>	<ul style="list-style-type: none"> • Land Use Conversion Permit
<i>National Water Resources Board</i>	<ul style="list-style-type: none"> • Certificate of Water Availability • Water Permit Application
<i>Bureau of Immigration</i>	<ul style="list-style-type: none"> • Philippine VISA • Philippine Special Work Permit • Special Investor's Resident Visa • Alien Certification of Registration
<i>Energy Regulatory Commission</i>	<ul style="list-style-type: none"> • Certificate of Compliance for generating companies • Registration of Wholesale Aggregators • Certificate of Authority for WESM Metering Service Providers • Retail Electricity Suppliers' License
<i>Department of Energy</i>	<ul style="list-style-type: none"> • Certificate of Endorsement to SEC for Company Registration with Energy Related Activities • Certificate of Endorsement to BOI for Project Registration to avail Incentives under EO 226 • Certificate of Accreditation for Natural Gas Vehicles
<i>Department of Energy – Renewable Energy Management Bureau</i>	<ul style="list-style-type: none"> • Registration of Renewable Energy Projects <ul style="list-style-type: none"> - RE Service/Operating for Developers - Certificate of Accreditation for Suppliers/Manufacturers - Accreditation to Manufacture Biofuels
<i>Department of Energy – Oil Industry Management Bureau</i>	<ul style="list-style-type: none"> • Certificate of Compliance for Downstream Oil Activities
<i>Department of Energy – Energy Resource Development Bureau</i>	<ul style="list-style-type: none"> • Coal Operating Contract • Petroleum Service Contract • Clearance for Coal, Oil and Gas exploration activities • Certificate of Compliance for Coal Importation

Government Agency/Office	Requirement/Document
Regulatory Requirements	
<i>Department of Environmental and Natural Resources</i>	<ul style="list-style-type: none"> • Environmental Compliance Certificate • Certificate of Non-Coverage • Wastewater Discharge Permit • Permit to Operate – Air Pollution Source and Control Installation • Hazardous Waste Generator ID • Pollution Control Officer Accreditation / Appointment • Permit to construct/operate pollution control devices
<i>Department of Environmental and Natural Resources – Forest Management Bureau</i>	<ul style="list-style-type: none"> • Special Land Use Permit (SLUP) • Forest Land Use Agreement (FLAg)
<i>Department of Agrarian Reform</i>	<ul style="list-style-type: none"> • Land Use Conversion Permit
<i>National Water Resources Board</i>	<ul style="list-style-type: none"> • Certificate of Water Availability • Water Permit Application
<i>Bureau of Immigration</i>	<ul style="list-style-type: none"> • Philippine VISA • Philippine Special Work Permit • Special Investor's Resident Visa • Alien Certification of Registration
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<i>Department of Energy</i>	<ul style="list-style-type: none"> • Certificate of Endorsement to SEC for Company Registration with Energy Related Activities • Certificate of Endorsement to BOI for Project Registration to avail Incentives under EO 226 • Certificate of Accreditation for Natural Gas Vehicles
<i>Department of Energy – Renewable Energy Management Bureau</i>	<ul style="list-style-type: none"> • Registration of Renewable Energy Projects <ul style="list-style-type: none"> - RE Service/Operating for Developers - Certificate of Accreditation for Suppliers/Manufacturers - Accreditation to Manufacture Biofuels
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Government Agency/Office	Requirement/Document
<i>Department of Energy – Electric Power Industry Management Bureau</i>	<ul style="list-style-type: none"> • Certificate of Endorsement for Power Generation Projects (requirement for ERC's COC) • Memorandum of Agreement (Establishment of Trust Account for Financial Benefits Accruing from the Electricity Sales of the Power Plant) • Letter of Endorsement to NGCP for the Conduct of the Grid Impact Study
<i>Department of Energy – Energy Utilization Management Bureau</i>	<ul style="list-style-type: none"> • Certificate of Accreditation for Energy Service Companies
<i>National Commission on Indigenous Peoples</i>	<ul style="list-style-type: none"> • Certification Precondition (Free, Prior and Informed Consent)
Operational Requirements	
<i>Board of Investments</i>	<ul style="list-style-type: none"> • Registration for availing of incentives under EO 226 or the Omnibus Investment Code
<i>Philippine Ports Authority</i>	<ul style="list-style-type: none"> • Clearance to Develop Private Port Facility • Permit to Construct Private Port Facility • Payment of wharfage fees/exemption from payment
<i>Civil Aeronautics Board</i>	<ul style="list-style-type: none"> • Charter Operations Permit – Permit to Operate Domestic and International Charter Flights (also called Foreign Air Carrier's Permit)
<i>Philippine National Police – Firearms and Explosives Office</i>	<ul style="list-style-type: none"> • License to Possess Explosives • Permit to Unload Explosives from Vessel and Transfer to Destination • Permit to Transport and Move Explosives • Permit to Import Explosives / Explosives Ingredients • Permit to Export Explosives / Explosive Ingredients
<i>Bureau of Customs</i>	<ul style="list-style-type: none"> • Certificate of Accreditation as Importer • Client Profile Registration System /Electronic to Mobile Registration for operation of Customs Bonded Manufacturing Warehouse • Registration of Customs Bonded Warehouse (on Expansion/Diversification) • Export Declaration (Authority to Load/Certificate of Origin)
<i>Securities and Exchange Commission</i>	<ul style="list-style-type: none"> • General Information Sheet • Audited Financial Statement • Amendment of Articles of Incorporation / Partnership / By-Laws

<i>Civil Aviation Authority of the Philippines</i>	<ul style="list-style-type: none"> • Height Clearance Permit (if applicable) • Aerodrome Rating Certificate / Provisional Permit to Operate a Helideck • Foreign Air Carrier Operations Specifications • Flight entry-Exit Blanket Clearance
<i>Philippine Coast Guard – Maritime Safety Services</i>	<ul style="list-style-type: none"> • Notice to Mariners • Special Permit to Dump/Discharge Waste and/or Other Matters (Vessels/Oil Rigs).
<i>Maritime Industry Authority</i>	<ul style="list-style-type: none"> • Exemption Permit
Government Agency/Office	Requirement/Document
<i>Philippine Coast Guard – Marine Environmental Protection Command</i>	<ul style="list-style-type: none"> • Garbage Management Plan and Garbage Record Book • Shipboard Oil Pollution Emergency Plan • Oil Record Book • International Oil Pollution Prevention Certificate • Oil Pollution Prevention Certificate • Oily Water Separator • Oily Waste Collector • Tank Cleaning Contractor • Oil Spill Dispersant • Oil Spill Boom/Oil Spill Materials • Oil Sorbent Materials • Marpol Surveyor • Sewage Treatment Plant • Oil Spill Contingency Plan
<i>Social Security System</i>	<ul style="list-style-type: none"> • Employment Report. • Contribution Collection List. • Contribution Payment Return.
<i>Home Mutual Development Fund</i>	<ul style="list-style-type: none"> • Membership Registration / Remittance Form
<i>Bureau of Internal Revenue</i>	<ul style="list-style-type: none"> • Annual Registration Fee • Expanded Withholding Tax Return • Withholding Tax Return on Compensation • Final Withholding Tax Return • Fringe Benefits Tax Return • Annual Information Return on Creditable Income Taxes Withheld (Expanded) / Income Payments • Annual Corporate Income Tax Return • Annual Information Return for WTC and FWT • Quarterly Corporate Income Tax Return
<i>Lighterage Association of the Philippines</i>	<ul style="list-style-type: none"> • Certificate of No Objection. This is a prerequisite to the application for MARINA Exemption Permit of foreign-registered rig/vessels. Processing time is approximately 2 to 4 weeks.
<i>Philippine Economic Zone Authority</i>	<ul style="list-style-type: none"> • Audited Financial Statement, ITR, etc.; • Registration of business/expansion for incentives

REQUIREMENTS FOR UPSTREAM ENERGY PROJECTS
Pre-Development Phase

PROJECT	REQUIREMENTS			
	DOE	DENR	NCIP	NWRB
UPSTREAM PROJECT				
Oil, Gas, Coal	-Oil Service Contract, Coal Operating Contract, Notice to Proceed	-Environmental Compliance Certificate (ECC), Special Land Use Permit (SLUP), Forest Land Use Agreement (FLAg), etc.	-Certificate of Non-Overlap (CNO)/Certificate of Precondition (CP)	-
RENEWABLE ENERGY PROJECT				
Solar, Hydro, Geothermal, Ocean, Wind	-RE Service Contract	-ECC, SLUP, FLAg, etc.	-CNO/CP	-Certificate of Water Availability/CWP Water Permit
Biomass	-Biomass Operating Contract	-ECC, SLUP, FLAg, etc.	-CNO/CP	-
AGENCY:	DAR/DA	LGU	NGCP	BOI
UPSTREAM PROJECT				
Oil, Gas, Coal	-	-Endorsement	-	-Project Registration
	-	-Sanggunian Bayan Resolution	-	-
RENEWABLE ENERGY PROJECT				
Solar, Hydro, Geothermal, Ocean, Wind	-Land Use Conversion	-Endorsement	-System Impact Study (SIS), -Distribution Utility for Distribution Impact Study (DIS)	-Project Registration
	-	-Sanggunian Bayan Resolution	-	-
Biomass	-Land Use Conversion	-Endorsement	- SIS, DU (DIS)	-Project Registration
	-	-Sanggunian Bayan Resolution	-	-

REQUIREMENTS FOR DOWNSTREAM ENERGY PROJECTS
Commercial Phase

PROJECT	REQUIREMENTS			
AGENCY	DEVELOPER	DOE	LGU	BOC
DOWNSTREAM PROJECT				
Power Plant Project	-Declaration of Commerciality	-Certificate of Confirmation of Commerciality (CoCoC)	-Permits	-Importation
	-Application for Conversion	-*RE Dev't. Service Contract - *Biomass Operating Contract (For Biomass Project) *(If RE Project)	-	-
AGENCY	NGCP	ERC	TRANSCO	
DOWNSTREAM PROJECT				
Power Plant Project	-Transmission Service Application	-Certificate of Compliance (COC)	-Renewable Energy Payment Agreement (REPA)	
	-	-Feed-In Tariff (FIT) Eligibility	-	-