



Client Alert: Expedited Approval of Energy Project Permits



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Philippine Department of Energy Issues Rules on 30-day Period Permit Approval

The Department of Energy (“DOE”) has issued Department Circular No. DC 2018-04-0013 or the implementing rules and regulations (“IRR”) of Executive Order No. 30, Series of 2017, streamlining the regulatory procedures affecting energy projects.

The IRR simplifies the permitting process applicable to new or existing energy projects for power generation, transmission, and/or ancillary services identified by the DOE as energy projects of national significance (“EPNS”). To be considered as an EPNS, an energy project be in line with the Philippine Energy Plan and must possess certain attributes such as (non-exhaustive):

- A significant capital investment of PhP 3.5 Billion; or
- Using significant complex technical processes and/or engineering designs, including pioneering energy systems and/or technologies; or
- A significant infrastructure requirement in terms of associated infrastructure for the delivery of energy services, and transmission and distribution of power.

The DOE will issue a certificate to any EPNS (“CEPNS”) which meets the criteria above. The CEPNS entitles the project to rights under the IRR including the issuance of permits within the mandatory 30-day period reckoned from submission of complete documentary requirements. Inaction by the concerned government agency will result in the issuance of the permit within five working days after the lapse of the 30-day period.

Other rights include the presumption of prior approvals and extension of such rights to associated infrastructure.

The IRR will take effect on 19 May 2018.

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