



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 164

ADOPTING A NATIONAL POSITION FOR A NUCLEAR ENERGY PROGRAM, AND FOR OTHER PURPOSES

WHEREAS, Section 1, Article XII of the Constitution adopts the general economic policy of a more equitable distribution of opportunities, income and wealth, including the promotion of industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets;

WHEREAS, the updated Philippine Development Plan 2017 to 2022 recognizes a balance among energy tariffs, service reliability and environmental soundness of different technologies in ensuring energy supply flexibility and security, and improving electric grid performance and asset utilization;

WHEREAS, to provide for a strategic direction of the State's energy requirements, the Philippine Energy Plan 2018 to 2040 supports a technology-neutral approach for the optimal energy mix to ensure energy security and improve the reliability, adequacy and efficiency of energy needed to supply the demands of an upper middle income economy;

WHEREAS, the competitive position of nuclear energy is recognized and the experience of highly developed countries shows that nuclear power can be a reliable, cost-competitive and environment-friendly energy source;

WHEREAS, the International Atomic Energy Agency (IAEA) has prescribed *Guidelines on Building a National Position for a Nuclear Power Program* under IAEA Nuclear Energy Series NG-T-3.14 (2016), which identifies significant components thereof, such as but not limited to national policy development, energy analysis and planning, pre-feasibility study, and the engagement of the public and relevant stakeholders;

WHEREAS, the State has committed to a multi-stakeholder involvement in developing the country's National Position for a Nuclear Energy Program and shall at all times abide by the international standards on safety, security and safeguards on peaceful development of nuclear energy;

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, a Public Perception Survey on Nuclear Energy in 2019 indicated that almost 79% of Filipinos expressed approval or acceptability of the possible use or rehabilitation of an existing nuclear power plant, about 65% approved the building of new nuclear power plants, and more than 78% were willing to learn more about nuclear energy;

WHEREAS, Executive Order (EO) No. 116 (s. 2020) directed the conduct of relevant studies for the adoption of a National Position for a Nuclear Energy Program, and constituted the Nuclear Energy Program Inter-Agency Committee (NEP-IAC) to oversee its preparation;

WHEREAS, pursuant to EO No. 116, the NEP-IAC convened and made the necessary studies, and after the conduct of public consultations and prefeasibility study, recommended the adoption of a National Position for a Nuclear Energy Program; and

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all executive departments, bureaus and offices, as well as the mandate to ensure the faithful execution of laws;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. The National Position for a Nuclear Energy Program. The National Government hereby adopts the National Position for a Nuclear Energy Program, taking into account the following objectives:

- a. *Economic.* For the country to achieve its sustained growth targets, it must ensure that it has a reliable, secure, sustainable, quality and affordable electricity supply, including sufficient reserve to guarantee that there will be no disruptions in the power supply. Towards this end, and taking into consideration the experience of developed and growing economies, nuclear power shall be tapped as a viable alternative baseload power source along with alternative energy resources, to address the projected decline of coal-fired power plants which come under increasing environmental opposition;
- b. *Political.* The State envisions nuclear power as a viable component to bridge the gap between rising energy demands and supply, taking into account learnings from the past, national, social and economic development pathways, as well as international legal and regulatory frameworks, and best practices.

The State is committed to pursue the highest standards of nuclear safety, security and safeguards, including provision for civil liability, to fulfill its obligations under international treaties, and other international conventions and agreements;

- c. *Social.* Embarking on a Nuclear Energy Program shows potential driving effects on economic growth via increased productivity and dynamic spillover effects on

related industries. This direction entails long-term human capital investment and job opportunities which can contribute to the attainment of the “*AmBisyon Natin 2040*,” and the realization of the full potential of our people; and

- d. *Environmental*. Nuclear technology could help minimize the possible trade-offs between emissions and the environment. Life cycle emissions from nuclear power chains are comparable with the best renewable energy chains and several orders of magnitude lower than fossil fuel chains. Nuclear power can contribute effectively to the mitigation of greenhouse gas (GHG) emissions, and has strong potential to decarbonize the power sector.

Section 2. Guiding Principles in the Implementation of the National Position for a Nuclear Program. In the implementation of the National Position for a Nuclear Energy Program, the National Government shall continue to be guided by the following:

- a. *National Policy Development*. The National Government commits to the introduction of nuclear power energy into the State’s energy mix for power generation. The State shall ensure the peaceful use of nuclear technology anchored on critical tenets of public safety, national security, energy self-sufficiency, and environmental sustainability;
- b. *Energy Analysis and Planning*. The National Government shall assess, review and develop nuclear energy plans using integrated approaches that consider both the provision of energy supplies, and the role of energy efficiency in meeting increasing demand for energy. The projected demand for a clean energy pathway in the country is expected to grow at 4.4 percent a year, requiring almost 68 gigawatts (GW) of additional capacity by 2040. Considering this demand and the depletion of natural gas resources, nuclear power will play an important role to contribute to the required capacity to achieve energy security, especially to meet the needs of an emerging upper middle income country;
- c. *Prefeasibility Study*. The National Government, through the DOE, has completed a prefeasibility study on the viability of introducing nuclear power in the State’s energy mix. The National Government, through the NEP-IAC, shall update the same or pursue more detailed studies, as may be necessary; and
- d. *Engagement of the Public and Relevant Stakeholders*. The National Government shall endeavor to continually engage a broad range of stakeholders in completing the work required to implement the national commitment to introduce nuclear power. It shall also invest in programs on stakeholder involvement to enhance public acceptance and increase awareness on the advantages of nuclear power.

Section 3. The Nuclear Energy Program. The Nuclear Energy Program is a process that starts with the inclusion of nuclear power in the energy mix based on a prefeasibility study on the need for and viability of nuclear power. It includes the development of nuclear power infrastructure and encompasses the planning and construction, operational, commercial and post-operational stages of nuclear power plants.

Section 4. Additional Functions of the NEP-IAC. The NEP-IAC established under EO No. 116 is hereby directed to perform the following additional functions:

- a. Ensure that a comprehensive legal and regulatory framework is in place to support the Nuclear Energy Program. In this light, bills relating to the Nuclear Energy Program, such as the establishment of an independent regulatory body, proposed amendments to existing laws, rules and regulations, and the ratification of pending treaties and conventions shall be urgently pursued;
- b. Evaluate, update and expedite the implementation of the National Strategy, Roadmap and Timeline of the Nuclear Energy Program;
- c. Assess, review and develop a national nuclear power infrastructure using the IAEA's Milestones Approach, which includes nineteen (19) nuclear infrastructure issues grouped under four (4) cornerstone approach comprising of (i) National Policy, (ii) Alignment to International Standards, (iii) Legislative Framework, and (iv) Stakeholder Engagement;
- d. Implement and amend, if necessary, the existing Strategic Communication (StratCom) Plan submitted by the Presidential Communications Operations Office to the NEP-IAC, with the objective of securing public awareness and acceptability in all aspects of the Nuclear Energy Program;
- e. In coordination with the DOE, Department of Science and Technology and Department of Foreign Affairs, liaise with the IAEA in updating the Integrated Work Plan and the Country Nuclear Infrastructure Profile; and
- f. Perform the functions of a Nuclear Energy Program Implementing Organization, as recommended by the IAEA.

Section 5. The Bataan Nuclear Power Plant (BNPP) and the establishment of Other Nuclear Power Installations. Guided by the tenets of sound energy planning, the NEP-IAC shall collate all audits and recommendations, and conduct further studies and assessments, if necessary, and make recommendations on the use and viability of the BNPP and the establishment of other facilities for the utilization of nuclear energy.

Section 6. Implementation. The DOE is hereby mandated to develop and implement the Nuclear Energy Program as part of the Philippine Energy Plan, and coordinate with and assist the NEP-IAC in the performance of its functions.

Section 7. Funding. The funding requirements for the implementation of this Order shall be charged against available appropriations of the DOE and member agencies of the NEP-IAC, and if necessary, such other appropriate funding sources as the Department of Budget and Management may identify, subject to relevant laws, rules and regulations. Funding for succeeding years shall be incorporated in the annual budget proposals of the member-agencies of the NEP-IAC, subject to the usual budget process.

Section 8. Repeal. All orders, rules and regulations, and issuances or parts thereof inconsistent with this Order are hereby repealed, amended or modified accordingly.

Section 9. Separability. In the event that any provision of this Order or any part thereof is declared invalid, illegal or unconstitutional, the provisions not thereby affected shall remain in force and effect.

Section 10. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

DONE in the City of Manila, this 28th day of February, in the year of our Lord, Two Thousand and Twenty Two.



By the President:



SALVADOR C. MEDIALDEA,
Executive Secretary

