

OIL & GAS

GOVERNMENT APPROVES PETROLEUM CONTRACTS AWARDING RULES

Decree 0211/PR/MPH, of 6 April 2016, regulates procedures for the award of petroleum contracts thereby complementing the Hydrocarbons Code. According to the Decree, petroleum contract awards are carried out either through a public or restricted tender process or through direct negotiations. The Decree establishes the steps to be followed for both public and restricted tenders, including details on the composition of the evaluation commission. Rankings resulting from the evaluation process have to be made public. Under the Decree, direct negotiations with the Hydrocarbons Administration may take place at the request of an interested company which submits an offer for a contract award deemed acceptable by the Ministry of Petroleum.

ROLE OF GABON NATIONAL OIL COMPANY CLARIFIED

Order 000102/MPH/SG/DGH/DAEJF, of 23 February 2016, has detailed the powers of the Gabon Oil Company ("GOC"). Under the Order, the GOC shall: (i) represent the State at all meetings of Contractor entities; (ii) participate in the drafting and approval of petroleum projects and related budgets with Operators, prior to their presentation to the Hydrocarbons Administration for approval; (iii) value the State's Profit Oil and Cost Oil entitlements; (iv) pay cash calls pro rata to the State's interests; (v) conduct audits on Operators' accounts to check petroleum operation expenses; (vi) negotiate and execute joint operation agreements and other association contracts with other entities constituting Contractor. The preceding list is not exhaustive and GOC may represent the State in other instances as requested from time to time by the Hydrocarbons Administration.

PETROLEUM OPERATIONS AUDITS REGULATED

Decree 0212/PR/MPH, of 6 April 2016, establishes the procedures relating to audit and monitoring activities of oil operations by the Hydrocarbons Administration. The Order sets out the general principles guiding such audit and monitoring activities, as well as the administrative and financial sanctions applicable to wrongdoers.

GOVERNMENT ISSUES RULES FOR BUILDING AND OPERATING OIL AND GAS STORAGE FACILITIES

Rules for the construction and operation of facilities to store crude oil and gas and their byproducts have been approved by Decree 0210/PR/MPH, of 6 April 2016. Under the Decree the building, operation, modification or rehabilitation of storage facilities must be (i) subject to the previous approval of the Hydrocarbons Administration; (ii) preceded by both an environmental and social impact study and a hazard study; and (iii) monitored by Hydrocarbons Administration officials. All holders of a storage license are required to contribute to a reserve fund for purposes of site rehabilitation. Holders of licenses issued prior to the entry into force of the Decree are granted grace periods to conform to its requirements, under penalty of having their respective licenses suspended or revoked.

AVIATION

SECURITY CHARGES FOR AIRLINE PASSENGERS AND FREIGHT COME INTO EFFECT

Order 004/MT, of 26 May 2016 sets forth the fees and regulates the recovery and allocation methods for security charges applicable to airline passengers and freight in Gabonese airports. The Order defines the scope of application of aviation security charges, and sets forth the exceptions to the system. The Order also stipulates who collects the security charges and when, as well as their ultimate beneficiaries and how the charges are allocated between them. The National Civil Aviation Agency and the body in charge of putting in place the aviation security charges system in Gabon have the power to order injunctions against airline companies and aircraft operators who owe security charges and to ask the relevant air traffic authorities to put in place restrictive measures in this respect.

MOTORIZED ULTRA-LIGHT AIRCRAFTS NOW REGULATED

The air traffic of motorized ultra-light aircrafts ("MUL") is now regulated by Order 0012/MT, of 24 July 2015. Pursuant to the Order, MUL must be duly certified and recognized, and are subject to certain general and safety requirements. The Order also stipulates: (i) the authorized activities for which MULs may be used; (ii) the documents that must be obtained, kept, and made available to authorities; (iii) details on the MUL authorized flight areas and itineraries; and (iv) the terms and conditions for obtaining a MUL pilot license.

TOBACCO

MANDATORY LABELLING FOR TOBACCO PACKAGES

Decree 0284/PR/MSPSSN, of 17 May 2016, has approved the mandatory wording and labels to be marked in the outer covering of all tobacco packages, and indicates the fonts and places to be used for such mandatory labelling as well as the required accompanying images. The main goal of this initiative is to alert consumers to the serious health risks to which they expose themselves and those around them. Manufacturers and importers of tobacco products have three months from the date of publication of the Decree to conform to its provisions.

PROHIBITIONS ON ADVERTISING AND PROMOTION OF TOBACCO PRODUCTS

The advertising, promotion and sponsoring of tobacco products and their derivatives has been prohibited on various media, including but not limited to the press, television, and radio, by Decree 0285/PR/MSPSSN, of 17 May 2016. The prohibited activities apply to tobacco products manufacturers, importers, providers, distributors, sellers and consumers.

GOVERNMENT SEEKS TO PREVENT INTERFERENCE OF TOBACCO INDUSTRY IN HEALTH POLICIES

Decree 0286/PR/MSPSSN, of 17 May 2016, aims to prevent the interference of the tobacco industry in health policies in Gabon. The Decree stipulates that tobacco industry players may not be connected to the preparation, implementation or evaluation of public policies relating to the fight against tobacco and establishes that the relationship between the State and the tobacco industry is governed by principles of transparency. It further establishes conflict of interest rules applying to public officials involved in the tobacco fight, prohibiting them from holding interests in, or accepting gifts or financial contributions from, the tobacco industry, as well as rules on the reports that industry players are required to submit to the relevant local authorities twice a year.

SMOKING IN PUBLIC PLACES IS NOW PROHIBITED

Tobacco smoking in public places has been prohibited by Decree 0287/PR/MSPSSN, of 17 May 2016, which includes a non-exhaustive list of public places and stipulates that these must be marked with an anti-tobacco sign as a reminder of this prohibition. Minor children are prohibited from entering any smoking areas. Those operating or otherwise responsible for public places at the time of publication of the Decree have a grace period of 90 days to conform to the Decree.

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