

GABON

December 2015

PUBLIC PROCUREMENT

NEW STATE APPROVAL REQUIREMENTS

Decree No. 0408/PR, of 20 August 2015, requires the Ministers of Economy and Finance to affix an approval stamp on all public procurement contracts and agreements, including petroleum and mining contracts as well as public-private partnerships. The stamp will serve as proof of compliance of the contracts with all public procurement rules and procedures. In addition, Decree No. 0407/PR, of 20 August 2015, requires the President's Office to affix its stamp on such contracts once the Ministers of Economy and Finance have given their approval. This Presidential approval requirement has been introduced to ensure that public procurement and public-private partnership contracts comply with the State's strategic and public spending objectives, and follow harmonized drafting guidelines.

PUBLIC PRIVATE PARTNERSHIPS

NEW FRAMEWORK LAW ENACTED

Ordinance No. 22/PR/2015, of 11 August 2015, sets forth rules on the drafting, signature and execution of Private-Public Partnership contracts. This Ordinance establishes the institutional framework for the implementation of such partnerships, allows for the signature of two types of agreements (partnership agreements or institutional partnerships), and sets forth rules on contract award procedures. Rules on contract performance, contract assignments, and contract termination, as well as the legal, customs and securities framework applicable to these contracts have also been adopted by way of the Ordinance.

SOCIAL SECURITY

RULES ON THE NATIONAL HEALTH INSURANCE AND SOCIAL GUARANTY FUND AMENDED

Decree No. 0537/PR/MSPSSN, of 20 October 2015, on the National Health Insurance and Social Guaranty Fund, determines the applicable contribution rates for the public, private and parastatal sectors.. The contribution rate for the private sector is set at 4.1% for employers and 2% for employees, while the monthly salary amount subject to contributions is capped at XAF five million (5,000,000). Payments are to be made to the National Health Insurance and Social Guaranty Fund. The new Decree repeals all conflicting provisions, notably those of Decree No. 0138/PR/MSPS, of 2 March 2015, in this regard.

ENVIRONMENT

LIST OF REGULATED CHEMICALS AND HAZARDOUS PESTICIDES AMENDED

Order No. 2112/PM, of 17 September 2015, amends and supplements the provisions of Order No. 00515/PM, of 27 July 2010, on the importation of chemicals and hazardous pesticides. This Order, which has been adopted in compliance with Annex III of the Rotterdam Convention of 10 September 1998, as was Order No. 00515, amends the list of chemicals and hazardous pesticides which can only be imported following the prior approval of the National Anti-Pollution Center.

For further information about the contents of this Legal News, please contact:

Joao.Traca@mirandalawfirm.com

Miranda & Associados
Av. Eng. Duarte Pacheco, 7
1070-100 LISBON – PORTUGAL
T: +351 217 814 800 | F: +351 217 814 802
www.mirandalawfirm.com

mirandaalliance
www.mirandaalliance.com

MEMBERS PORTUGAL | ANGOLA | BRAZIL | CAMEROON | CAPE VERDE
DEMOCRATIC REPUBLIC OF THE CONGO | EQUATORIAL GUINEA
FRANCE | GABON | GUINEA-BISSAU | MACAU (CHINA) | MOZAMBIQUE
REPUBLIC OF THE CONGO | SÃO TOMÉ AND PRÍNCIPE | TIMOR-LESTE
LIAISON OFFICES UK (LONDON) | USA (HOUSTON)

© Miranda & Associados, 2015. Reproduction is authorised, provided the source is acknowledged.

WARNING: The texts contained in this Legal Alert are provided for general information purposes only, and are not intended to be a source of advertising, solicitation, or legal advice; thus, the reader should not rely solely on information provided herein and should always seek the advice of competent counsel.

This Legal News is distributed free of charge to our clients, colleagues and friends. If you do not wish to continue receiving it, please reply to this e-mail.