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باسمه تعالی

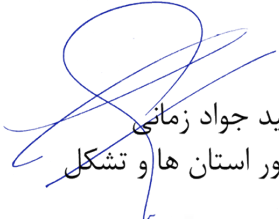
جهش تولید با مشارکت مردم

رؤسای محترم تشکل های اقتصادی وابسته به اتاق ایران

با سلام

احتراماً طبق اطلاع واصله از معاونت بین الملل اتاق ایران، تصویر فراخوان مناقصه دو بلوک نفتی به همراه قوانین مربوط به وزارت هیدرو کربور جمهوری دموکراتیک کنگو جهت استحضار به پیوست ایفاد می گردد. علاقه مندان جهت کسب اطلاعات تکمیلی با خانم معصوم زاده کارشناس این معاونت با شماره تلفن ۸۵۷۳۳۲۵۳۳ تماس حاصل فرمایند.

خواهشمنداست دستور فرمائید موضوع را به نحو مقتضی به اعضای محترم تشکل اطلاع رسانی نمایند.


سید جواد زمانی
معاون امور استان ها و تشکل

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LAW N°15/012 OF 1 AUGUST 2015

ON THE GENERAL REGIME FOR HYDROCARBONS

Kinshasa - 7 August 2015

PRESIDENCY OF THE REPUBLIC

Law n° 15/012 of 1 August 2015 on the general regime for hydrocarbons

Explanatory Memorandum

The Democratic Republic of Congo has hydrocarbon resource potential in three main basins: the Coastal Basin, the Central Basin and the Quest Branch of the East African Rift.

Since the country's independence in 1960, the mining and hydrocarbon sectors have been governed by a single legislative text. It is the Ordinance-Law n°67-231 of 11 May 1967 on general legislation on mines and hydrocarbons.

This text was abrogated by the Ordinance law n°81-013 of April 2, 1981, bearing legislation generating on mines and hydrocarbons.

Law n° 00712002 of 15 July 2002 on the Mining Code creates a separation of these two fields, leaving the hydrocarbons field under the old law which had become inadequate in view of the evolution of the sector.

Indeed, the Democratic Republic of Congo is called upon to meet two major energy challenges, namely: the development of its hydrocarbon resources and the satisfaction of the need energy growth for the well-being of the population and the development of economic activities.

Therefore, the present Law comes at the right time. In accordance with the provisions of Articles 9 and 202, point 36, litera f, of the Constitution of 18 February 2006, as amended by Law No. 11/002 of 20 January 2011, it establishes mechanisms for strengthening the activities of prospecting, exploration and exploitation of hydrocarbons for their evaluation

and a balanced sharing of the oil rent. It also lays down the principles which should henceforth govern the activities of refining, transport-storage and distribution of petroleum products.

In this context, it brings several innovations, including :

1. coverage through its scope of the whole of the segments of the hydrocarbon sector, namely: upstream oil and gas, including prospecting, exploration and production of hydrocarbons and the downstream petroleum sector, which includes refining, transport, storage and distribution of petroleum products;
2. The affirmation of state ownership of hydrocarbon resources from the subsoil to the point of export;
3. The obligation of the State to invest in geological, geophysical and geochemical research in order to evaluate its hydrocarbon resources;
4. The affirmation of the State's ownership of scientific and technical data from hydrocarbon activities;
5. taking into account all hydrocarbon resources, conventional and non-conventional;
6. the establishment of a hydrocarbon regime based primarily on the production sharing contract and secondarily on the service contract;
7. the introduction of a specific tendering procedure for the award of hydrocarbon rights different from the procedure for public procurement;
8. The affirmation of the principle that the Council of Ministers shall control and regulate the tendering procedure due to the strategic nature of hydrocarbon resources;
9. The establishment of the rule that hydrocarbon rights, in this case the right to

explore, are to be and to operate are granted only by contract, to the exclusion of the licence;

10. the principle of the creation of the national hydrocarbon company;

11. the creation of a fund for future generations;

12. strengthening local content in hydrocarbon activities in order to build national skills and involve local companies in these activities;

13. the social responsibility of oil companies in order to involve them in the challenges of sustainable development in favour of populations directly affected by the oil works, through contributions and a provision for social interventions in both the exploration and exploitation phases;

14. strengthening the protection of the environment and cultural heritage;

15. the creation of four tax zones, in order to build an upstream oil tax that takes into account the geological and environmental reality of our country;

16. The principle is affirmed that hydrocarbon rights which were first acquired before the entry into force of this Act shall remain valid until they expire. Upon renewal, they shall be governed by the provisions of this Law;

17. the consecration and regrouping of the main general principles of the downstream oil industry currently scattered in regulatory texts ;

18. definition of the modalities of stockpiling of petroleum products, including strategic and security stocks;

19. the return of the device resumed.

The present law is subdivided into eight titles as follows:

Title I : General provisions ;

Title II : Upstream hydrocarbon activities;

Title III: Downstream hydrocarbon activities;

Title IV: Fiscal, customs and exchange regime of upstream hydrocarbon activities;

Title V: Fiscal, customs and exchange regime for downstream hydrocarbon activities;

Title VI: Protection of the environment, cultural heritage, safety and security and hygiene;

Title VII: Settlement of disputes, breaches of obligations, sanctions and penalties;

Title VIII: Transitional, repealing and final provisions.

This is the general economy of the present faith.

Law

The National Assembly and the Senate have deliberated;

The National Assembly has given its final decision;

The President of the Republic promulgates the following law:

TITLE 1: GENERAL PROVISIONS

Chapter 1: PURPOSE AND DEFINITIONS

Article 1

The present law establishes the general regime applicable to hydrocarbons.

It defines the legal and fiscal regime, on the one hand, of the activities of prospecting, exploration, exploitation, transport, marketing, refining, processing of hydrocarbons, and on the other hand, of the activities of supply, transport, storage, distribution and marketing of the products oil companies as well as the related environmental protection rules.

Article 2

For the purposes of this Act, the following definitions shall apply

1. **hydrocarbon activities:** all works and services related to the upstream oil sector, namely prospecting, exploration and exploitation of solid, liquid or gaseous hydrocarbons, as well as downstream activities such as refining, transport and storage, supply, import and marketing and petrochemicals;
2. **barrel:** a unit of volume equal to 158.98722 litres, measured at a temperature of 15 degrees Celsius;
3. **sediment basin:** a depressed geographical area in which sediments of a certain volume are accumulated and preserved and of various ages;
4. **block:** a subdivision by the competent authority of a sedimentary basin in which geological structures likely to contain hydrocarbons have been identified and in which a hydrocarbon right may exist;
5. **bonus:** a non-refundable premium, payable to the State by the contractor, whose due date is linked to the occurrence of certain events;
6. **pipeline:** a set of infrastructures including pipeline, gas pipeline and oil pipeline: used to transport hydrocarbons and their products;
7. **assignment of interest:** any legal transaction or operation whereby all or part of the rights and obligations under the oil contract are transferred between the parties or any entity other than the parties;
8. **contractor:** an association formed between the national company and one or more legal persons under Congolese law, as well as any other entity to which the association may assign an interest in the rights and obligations of the contract;
9. **production sharing agreement:** is the one that provides for the sharing of hydrocarbon production between the State and the company or group of companies in which the national company has shares;
10. **contract for services:** is the one by which a third party performs, on behalf of the State or the company, the following services at its own risk and expense, or on a State funding in the case of a technical assistance contract for the implementation of all or part of the petroleum works for the development of a block in return for adequate cash compensation;
11. **cost oil:** share of the production retained by the contractor as reimbursement for the costs incurred in carrying out the oil works;
12. **cost stop:** a defined percentage of hydrocarbon production, limiting the level of recovery of costs incurred by the contractor;
13. **abandonment cost:** oil costs for restoration of a mining site which is to be abandoned by the operating committee;
14. **hydrocarbon rights:** prerogatives conferred under the provisions of this law on the contractor for the purpose of exploration and exploitation of hydrocarbons;
15. **excess oil:** excess of cost stop over recoverable costs in the period to which the production sharing relates ;
16. **exploitation:** activity intended to extract hydrocarbons for commercial purposes, in particular development, production, well and field abandonment operations;
17. **exploration:** the activity of identifying hydrocarbon deposits from data and using appropriate techniques, including drilling;
18. **supply of petroleum products:** the activity of bringing petroleum products to the consignment on the national territory with a view to making them available to importers approved by the Minister responsible for Hydrocarbons;
19. **natural gas associated :** a gaseous hydrocarbon that co-exists in any way with oil in a reservoir and is produced in the course of oil production;
20. **non-associated natural gas:** a gaseous hydrocarbon forming a specific deposit isolated from that of oil;
21. **deposit:** any accumulation of hydrocarbons in a reservoir rock in exploitable or non-exploitable volume;
22. **hydrocarbon:** an organic compound consisting of carbon and hydrogen atoms, solid, liquid or gaseous, found in the soil and/or subsoil and usable as a fuel or as a raw material for the petrochemical industry;
23. **standard:** a technical specification that relates to the manufacture of a product or the performance of an operation and that is established for quality, safety or standardisation purposes;

24. **resources of hydrocarbons:** quantile of hydrocarbons not yet certified;
25. **petrochemicals:** industrial activity leading on the basis of natural hydrocarbons to the production of synthetic compounds which may or may not exist in nature. In the latter case, the compounds are said to be artificial;
26. **attenuation and rehabilitation plan, PAR** in acronym: a plan required under a hydrocarbon right consisting of a formal undertaking of the contractor to carry out mitigation measures the impact of its activities on the environment as well as the measures for the rehabilitation of the location of its activities, including the commitment to provide or establish a financial security to ensure or guarantee the payment of such measures;
27. **net production:** total production of liquid hydrocarbons less any water and sediment produced, any quantities of hydrocarbons returned to the reservoir, used or lost in the course of oilfield operations;
28. **petroleum products:** all products derived from hydrocarbons, in whatever nature or form, extracted under a hydrocarbon right and/or manufactured from such products, for the purpose of commercial;
29. **profit oil:** the balance of production after deduction of royalties and oil costs, intended to be share;
30. **prospecting:** activity whereby a person authorised by the State engages, by means of the study of the project is based on the use of available information, investigations, sampling and analysis of soil samples, of the subsoil, the ocean, lakes and rivers, for the purpose of detecting hydrocarbon occurrences, using geophysical techniques in particular, geochemical and remote sensing, with the exception of drilling;
31. **refining:** operation consisting in treating hydrocarbons by physical-chemical processes in order to obtain marketable products or finished or semi-finished marketable products;
32. **Returned:** part of the exploration block that the contractor returns to the State when applying for the renewal of the hydrocarbon right;
33. **social responsibility:** the contribution of oil companies to the challenges of hydrocarbons;
34. **royalties:** royalty paid by the contractor to the state;
35. **affiliated company:** any company which directly or indirectly holds more than 50% of the voting rights of the contractor or in which voting rights are held directly or indirectly by the contractor. This term also refers to all companies which have the common characteristic of having more than 50% of their voting rights held directly or indirectly by a company which holds this percentage from the contractor;
36. **national oil company:** public establishment or commercial company whose capital is held entirely by the State;
37. **subcontractor:** any natural or legal person supplying materials or carrying out work and/or services required on behalf of the contractor, within the framework of its activities; this work includes in particular the construction of industrial, administrative, socio-cultural and other infrastructures required for the project;
38. **security stock:** volume of petroleum products of all categories constituted and distributed over this is the only way to ensure the maintenance of the country's economic activities in all circumstances;
39. **operating stock:** volume of petroleum products of all categories offered for consumption the role of the import and marketing companies is to ensure uninterrupted supply to consumers;
40. **strategic stock:** volume of petroleum products of all categories constituted by the State, in order to ensure the security of the territory and to safeguard the immediate needs in exceptional circumstances;
41. **super profit oil:** surplus income qt.Ji generated after the recovery of all coats and taking into account the profitability set by the contractor after a sharp rise in the price of hydrocarbons;
42. **remote sensing:** a set of techniques for remote observation and detection, which operate with the help of sensors recording the electromagnetic waves ;

43. **flaring**: the process of burning a atmosphere natural gas associated with crude oil during exploitation;
44. **treatment**: a chemical or mechanical process that results in a hydrocarbon product gross and merchant ;
45. **transformation**: any chemical or mechanical process which changes the nature of a hydrocarbon or hydrocarbon product and results in a change in the nature of the hydrocarbon or hydrocarbon product to obtain one or more finished or semi-finished marketable products;
46. **abandonment works**: those carried out by the contractor consisting in restoring the site to its original state, at the end of exploration and/or exploitation.

Chapter 2: GENERAL PRINCIPLES

Article 3

Hydrocarbons from the soil or subsoil, whether discovered or not, located within the limits of the national territory, including the river, lake and maritime areas, as well as the Congolese territorial sea, the exclusive economic zone and the continental shelf, are the property of the State.

The hydrocarbons produced belong to the state to the point of export.

Technical data and information on the sedimentary basins of the Democratic Republic of Congo are also part of the national heritage.

Article 4

No person may carry out operations related to the exercise of hydrocarbon activities, either upstream or downstream, unless he is the beneficiary of a right relating thereto.

Article 5

Upstream and downstream hydrocarbon activities are carried out in accordance with the following objectives and principles:

1. development of national competencies and technology transfer to nationals ;
2. the professional development of nationals and local expertise ;

3. local business development.

Article 6

The State shall take the necessary measures to encourage the participation of nationals in hydrocarbon activities.

The employment of nationals is privileged in terms of skills

The same applies to strangers.

Article 7

Priority is given to local companies in the framework of subcontracting with technical and financial qualities equal commercial conditions.

Article 8

The manner in which Articles 5, 6 and 7 of this Chapter shall be applied shall be laid down in the oil regulations.

Article 9

Every applicant for oil and gas rights shall elect domicile in the Democratic Republic of Congo.

Article 10

Production, payments and certified revenues of oil and gas companies are declared and published on the website of the Ministry in charge of hydrocarbons and in the Official Gazette of the Democratic Republic of Congo.

The manner of application of paragraph 1 of this article shall be determined by the oil regulations.

Chapter 3: THE INSTITUTIONAL FRAMEWORK

Section 1: Of the State

Article 11

The Government formulates and implements the national hydrocarbon policy.

To this end, it sets the general guidelines for the management and development of hydrocarbon resources and the regular and sufficient supply of petroleum products to cover needs throughout the national territory. These guidelines are integrated into the national development policy.

It also promotes transparency, good governance and the protection of human rights the

environment in both upstream and downstream hydrocarbon activities.

Article 12

The Government defines and implements the employment and training policy for nationals in the hydrocarbons sector.

Article 13

The Minister for Hydrocarbons implements the national hydrocarbon policy and manages the sector.

It regulates, controls and monitors hydrocarbon activities and ensures the constitution of the strategic, operational and security stocks reserves of hydrocarbons and petroleum products, in accordance with this law.

Section 2: National Hydrocarbons Company

Article 14

The state participates in hydrocarbon activities through a national company.

The national company is established in accordance with the law.

Article 15

The national company participates in upstream and downstream hydrocarbon activities either directly or indirectly in association with a legal person under Congolese or foreign law.

The national company may develop its own commercial activity.

Article 16

In case of association for upstream hydrocarbon activities, the national company signs an association contract without creating a separate legal entity.

The contract of association is submitted for approval from Minister having the Hydrocarbons in Hydrocarbons in his attributions.

Article 17

The National Company's participation in upstream hydrocarbon activities is at least 20%. It cannot be sold.

Article 18

The costs and risks in exploration activities are borne by the legal entity associated with the national society.

The national company does not reimburse exploration costs.

In the event of a commercial discovery of hydrocarbons, the development costs are reimbursed on the share of of the oil profit accruing to the national company without this reimbursement does not exceed 50% of this amount on an annual basis part.

In the event of no discovery or non-commercial discovery, the legal person associated with the societ  nationale is not entitled to a refund of the costs incurred.

Section 3; The Fund for Future Generations

Article 19

A fund for future generations is established.

The fund's resources come from a share of the state's profit oil.

The management of the Fund for Future Generations is entrusted to a public institution created for this purpose by decree deliberated in the Council of Ministers.

TITLE II: UPSTREAM HYDROCARBON ACTIVITIES

Chapter 1: GENERAL PRINCIPLES

Article 20

The upstream hydrocarbon activities are :

1. canvassing ;
2. exploration ;
3. exploitation.

Article 21

For the purpose of carrying out the activities referred to in Article 20 above, the State petroleum domain shall consist of sedimentary basins subdivided into blocks by decree of the Minister having Hydrocarbons in his attributions,

who shall collect the geographical coordinates and the precise surface areas.

The blocks have regular polygonal contours of simple shape subject to the limits imposed by the boundaries of the national territory and those relating to protected areas and prohibited zones.

They are categorised on the basis of geological and environmental characteristics in accordance with the requirements of the Hydrocarbon Regulations.

Article 22

The State shall carry out the prospecting of sedimentary basins through the intermediary of the national company or a legal person under Congolese or foreign law.

It undertakes exploration and exploitation activities through the intermediary of the national company or an association of the national company and legal persons under Congolese or foreign law.

The legal person under foreign law is required to form a company under Congolese law for the purpose of carrying out exploration and exploitation activities.

It shall provide prior justification to the Minister responsible for Hydrocarbons and during the period of the execution of the work programme, technical and financial capacities.

The modalities for the verification of technical and financial capacity are set out in the oil regulations.

Article 23

Prospecting, exploration and exploitation activities are subject to the control and inspection of the Minister having Hydrocarbons in his attributions.

Article 24

Upstream hydrocarbon rights are separate and distinct from land, forestry and mining rights.

The right to explore may relate to land already covered by a land, forestry and/or mining right.

The principles of priority or expropriation according to national interests prevail in order to

avoid the overlapping of rights and titles over the same area.

In such cases, the Ministers concerned, acting individually or jointly, shall submit the relevant files to the Council of Ministers for arbitration, after having received the opinion of an ad hoc committee of experts.

Chapter 2: PROSPECTING

Article 25

Prospecting authorisation is granted to any legal person under Congolese or foreign law who has subscribed to the dOment specifications drawn up by the Minister having Hydrocarbons in his or her attributions and who has submitted an environmental impact study.

Article 26

The prospecting permit is granted by an order of the Minister having Hydrocarbons in his or her attributions.

Article 27

An exploration licence grants the beneficiary, within a specified sedimentary basin, the non-exclusive right to carry out works as defined in Article 2, item 29 of this Law.

It is valid for a period of twelve months, renewable once for a period of six months.

It is neither assignable nor transferable.

Article 28

The prospecting licence ceases to have full effect in the following cases:

1. expiry of the time limit ;
2. waiver ;
3. the exclusive allocation of exploration and exploitation rights over one or more blocks of the relevant sedimentary basin.

It continues to be partially effective when these rights cover only a portion of the said basin.

In the latter case, the beneficiary of the right to canvass shall be served with a notice of receipt.

Article 29

The granting of exploration and exploitation rights over the entire concerned sedimentary basin renders the prospecting licence null and void.

In this case, no compensation is paid to the holder.

Article 30

At the end of the exploration work, the beneficiary of the exploration permit shall file a final report with the Minister having Hydrocarbons in his attributions.

The data acquired in the course of the work carried out in execution of the exploration licence shall be the exclusive property of the State and shall be handed over in full to the Minister having Hydrocarbons in his attributions.

Article 31

The beneficiary of an exploration licence who applies for its renewal shall state the reasons for its application in the report referred to in Article 30 above.

Article 32

The beneficiary of the prospecting authorisation who has complied with the specifications referred to in Article 25 of the present law shall be pre-qualified for the bidding procedure for obtaining the exploration and exploitation rights.

Chapter 3: EXPLORATION AND EXPLOITATION**Section 1: Allocation of exploration and mining rights operating****Article 33**

Hydrocarbon exploration and exploitation rights are granted under a production sharing contract or a block service contract following a tendering

procedure, in accordance with to the provisions of this law and the Hydrocarbons Regulation.

Without prejudice to the provisions of Article 15 of this law, such rights shall be granted to the company

The contracting party is bound by the national law with one or more legal persons of Congolese or foreign law in association which, together, bind the contracting party to the State.

Article 34

Exploration and exploitation rights shall be exercised in accordance with the provisions of this Law, the Hydrocarbons Regulation and the Hydrocarbons Contract.

Section 2: The tendering procedure**Article 35**

The Minister having Hydrocarbons in his or her attributions shall put in competition the legal persons of Congolese or foreign law for the attribution of exploration and exploitation rights on a block, in accordance with the provisions of the present law and with the modalities fixed by the Hydrocarbons Regulation.

Article 36

The Minister having Hydrocarbons in his attributions launches a notice for expression of interest published in the local and international press.

It selects one or more legal entities on the basis of technical and financial criteria which it defines and has approved by the Council of Ministers.

A pre-selection of bids is organised where appropriate.

The list of legal entities under Congolese or foreign law that submit bids and the list of those selected are published in the local and international press, in the official gazette of the Democratic Republic of Congo and on the website of the Ministry of Hydrocarbons.

Article 37

In the event that the hydrocarbon potential of a block is not sufficiently demonstrated or because

of its geology, a restricted tender procedure shall be used upon authorisation of the Council of Ministers.

Article 38

If a first procedure fails, new tenders shall be invited until the contract is concluded.

Article 39

The legal person under Congolese or foreign law shall be associated with the national company, in accordance with Article 33 of the present law.

Section 3: Hydrocarbon contracts Subsection 1: General principles

Article 40

Following the tender procedure, the Minister having Hydrocarbons in his attributions concludes, with the legal person(s) of Congolese or foreign law selected in association with the national company, a hydrocarbon contract granting exploration and exploitation rights in the form of a production sharing contract or a service contract.

Article 41

Hydrocarbon contracts and their amendments are signed by the Ministers having Hydrocarbons and Finance in their attributions, after deliberation in the Council of Ministers.

They shall only take effect after their approval by order of the President of the Republic.

They shall be amended by means of a rider.

Hydrocarbon contracts are published in the Official Gazette of the Democratic Republic of Congo and on the website of the Ministry of Hydrocarbons within 60 days of their approval.

Article 42

The hydrocarbon rights granted are recorded in an ad hoc register kept by the Minister having Hydrocarbons in his or her attributions.

How to access this register and the technical and geological information provided by the contractor are set out in the oil regulations.

Article 43

Under penalty of nullity, hydrocarbon contracts may not, in any event, contain any stipulations derogating from the present law.

Subsection 2: Production sharing contract

Article 44

The production sharing contract is a two-phase contract:

1. the exploration phase, which includes, inter alia, activities to evaluate hydrocarbon discoveries with a view to determining their commerciality;
2. the exploitation phase, which includes, in particular, development operations for the production of hydrocarbons.

Article 45

In the event of the discovery of commercially exploitable hydrocarbons, the following principles shall apply in particular:

1. the costs incurred by the contractor referred to in article 133 of this law are recoverable;
2. the quantity of hydrocarbons produced during the exploitation phase is shared between the State and the contractor.

The terms and conditions for the repayment of the costs and the sharing of the production shall be determined by this Law and the Hydrocarbons Regulation.

Article 46

The production sharing contract shall mention in particular:

1. geographical coordinates and area of the block;
2. the minimum programme of exploration work and the related expenditure obligation for the first period of validity and any renewal periods ;
3. the minimum programme of secondary activities and expenditure obligation for the first period of validity and any renewal periods ;

4. measures relating to compliance with environmental requirements;
5. obligations in respect of a commercial discovery and the development of a commercially exploitable deposit;
6. production sharing arrangements ;
7. the terms of the state's participation ;
8. terms and conditions for the reimbursement of oil coats ;
9. tax and customs regimes, as well as taxes of any kind ;
10. possible renegotiation clauses concluded by means of an amendment ;
11. community infrastructure, sustainable development and social intervention projects contained in the specifications;
12. training methods for Congolese staff and managers;
13. dispute settlement procedures and
14. arbitration ;
15. any other special conditions which the parties may agree within the limits of the law.

Article 47

The production sharing contract is terminated if of:

1. nullity ;
2. agreement between parties ;
3. termination for reasons prescribed by this law or stipulated in the contract ;
4. contractor's waiver ;
5. expiry of the exploration period in the absence of commercial discoveries ;
6. term expiry.

The waiver of a member component the the contract is not terminated by the contractor. However, its interest shares revert to the State.

Subsection 3: Service contracts

Article 48

The State or the national company may conclude a service contract with one or more legal persons under Congolese or foreign law called service provider, in the form of a risk service contract or a technical assistance contract.

Article 49

The contract stipulates the terms and conditions of collaboration between the State or the national company and the service provider.

Section 4: Exploration

Article 50

The right to explore is exclusive.

This right is granted to the contractor for an initial period of three years from the date of entry into force of the agreement of the contract. It is renewable twice for a period of three years.

However, the initial duration is four years for sedimentary basins with difficult geological or access conditions.

Article 51

Before granting the renewal, the Minister responsible for Hydrocarbons shall ensure that the contractor's execution of the minimum work programme and the submission of a new work programme for the new exploration period.

At each renewal, the contractor shall return to the State at least half of the area previously covered by a Rendering which covers the right of exploration.

The renewal is granted by an order of the Minister having Hydrocarbons in his or her attributions, after hearing the Council of Ministers.

Article 52

Without prejudice to the provisions of Article 50 of this Law, the duration of the exploration period may be extended for a maximum period of six months in order to allow the contractor to finalise the drilling work or to evaluate the commerciality of a discovery.

The extension period is deductible from the subsequent exploration period.

The extension of the exploration period is authorised by an order of the Minister having Hydrocarbons in his attributions.

Article 53

The contractor undertakes to carry out during the initial period and during the renewal period, the minimum exploration work programme and related budgets as stipulated in the contract and supplemented annually by the decisions of the Operations Committee.

If he does not fulfil his obligations at the end of each period of validity, the State shall refuse, where appropriate, to renew the period of exploration or shall initiate the procedure for the termination of the contract and shall claim from it the payment of a compensatory allowance.

Article 54

The contractor shall notify the Minister having Hydrocarbons in his attributions, within seven days, of any discovery of hydrocarbons.

In the event of a presumption of the existence of a commercial deposit, he shall diligently carry out the work required for its delimitation and evaluation.

On completion of the work, the contractor shall submit a report on the commerciality of the discovery to the Minister responsible for Hydrocarbons within 30 days.

Article 55

The contractor, who provides proof of the existence of a commercial hydrocarbon deposit on the block covered by the hydrocarbon contract, shall have the right to exploit the deposit, in accordance with the provisions of Article 60 of this Law and the terms and conditions set out in the hydrocarbon regulations.

It shall submit, within a period of one month, to

Approval by the Minister of Hydrocarbons of a development and production plan for the deposit.

Article 56

Without prejudice to the other provisions of this law, the development and production plan shall contain the following elements

1. technical data and geographical coordinates of the deposit;
2. evaluation of hydrocarbon reserves and resources and their quality;
3. evaluation of the number of wells required for the exploitation of the deposit;
4. description of the development and production facilities;
5. the development and production cost;
6. the production profile;
7. the start date of the initial production;
8. the preliminary environmental and social impact assessment, together with its duly approved management plan ;
9. the plan for the development, production and use of natural gas!
10. the plan for contributing to the development of the local entities and communities concerned contained in the specifications.

Article 57

In the event of the discovery of substances other than hydrocarbons, the contractor shall, within seven days, notify the Minister having Hydrocarbons in his attributions who shall report to the Council of Ministers.

Samples of these substances are State property and are handed over to the Minister having Hydrocarbons in his attributions for conservation.

Article 58

Within thirty days before the expiry of the exploration period and upon each request for renewal, with reasons, the contractor shall submit a report to the Minister having Hydrocarbons in his attributions.

The technical data acquired and annexed to the report remain the exclusive property of the State.

The report shall indicate, where appropriate, the nature of the hydrocarbons found.

Section 5: Operations

Article 59

The right of exploitation is exclusive.

This right is granted for a period which may not exceed twenty years. It is renewable once only for a maximum term of ten years.

The conditions for the renewal of the exploitation right are laid down in the hydrocarbon regulations.

Article 60

The contractor who has declared the commerciality of a hydrocarbon deposit shall be authorised to exercise the right to exploit the deposit after the approval of the development and production plan referred to in Articles 55 and 56 of this Law by the Minister having Hydrocarbons in his attributions, who shall decide by means of an order, after hearing the Council of Ministers.

Article 61

The Minister having Hydrocarbons in his attributions creates and defines by an order approving the development and production plan, the area covered by the exploitation right, in accordance with the provisions of the present law and the hydrocarbon regulations.

This area is referred to as a holding block.

Article 62

Any surrendered exploration block not converted into an exploitation block at the end of the maximum exploration period or any exploitation block surrendered at the end of the work is automatically taken back into the State petroleum domain.

The State may, under these conditions, award it by tender to any legal person fulfilling the conditions laid down in article 36 of this law.

Article 63

The mining block is a regular polygon of simple shape representing the vertical projection of the deposit.

However, in the event that the deposit extends beyond the exploitation block onto an area free of exploration rights, the contractor may obtain

an extension of the block initially covered by its exploration right.

In case of extension of the deposit on a block already covered by an exploration right assigned to another contractor, the different contractors are obliged to conclude an agreement for its exploitation.

Article 64

The State concludes international agreements for deposits that extend beyond the territorial limits of the Democratic Republic of Congo.

Article 65

The Contractor shall commence development operations no later than twelve months from the date of approval of the development and production plan.

It carries out the production operations of the developed deposit in compliance with environmental requirements and production optimisation.

Failure to comply with the time limit provided for in paragraph 1 of this article shall result in the forfeiture of the right of exploitation without the contractor being entitled to any compensation.

Article 66

The development and production operations are subject to the control and inspection of the Minister having Hydrocarbons in his attributions who approves in advance the work programmes and the related budgets, in accordance with the modalities fixed by the Hydrocarbons Regulation.

Article 67

The Contractor shall report periodically on the development and production operations to the Minister having Hydrocarbons in his attributions, in accordance with the provisions of this Law and the Hydrocarbons Regulation.

As production operations proceed, the Contractor shall submit to the Minister responsible for Hydrocarbons a report on the measurement of the state of the oil and gas production, estimates of future production, the state of the deposit and reserves.

The Contractor shall notify the Minister of the occurrence of any incident during the operation of the company.

Section 6: Common provisions an exploration and exploitation

Article 68

Without prejudice to the State's right of ownership of the soil and subsoil and subject to the possible rights of third parties, the contractor shall have the right to:

1. within a bounded block :
 - a. occupy the land necessary for its activity and related industries, including the construction of industrial, residential and recreational facilities;
 - b. use water and forest resources for the purposes of the operation, in accordance with the standards set out in the environmental and social impact assessment and the project's environmental management programme previously produced by the contractor;
 - c. digging canals and building pipelines.
2. outside a defined block, to establish means of communication and transport of any kind.

Article 69

The Contractor is required to build minimum infrastructure to facilitate oil works.

Article 70

The Contractor is obliged to take out an insurance policy to cover the risks associated with hydrocarbons activities, in accordance with the legislation in force in the Democratic Republic of Congo and the standards of the international oil industry.

Article 71

Any liability arising from the occupation of the land is the responsibility of the contractor.

Any damage caused to the property of third parties shall be repaired

to its actual replacement value, increased by this purpose, the Minister having Hydrocarbons in his attributions requires the contractor to deposit a security.

Article 72

The routes of communication created by the contractor, within or outside the delimited block, may, where this does not result in any obstacle in the case of exploration or exploitation, they may be used for work on neighbouring blocks, in return for fair compensation.

These communication routes can be put to use in the following ways free public use.

The contractor may not obstruct the execution of public utility works within his block.

Article 73

The contractors of neighbouring blocks may not oppose the execution of works of common interest to their activities recognised as necessary by the Minister having Hydrocarbons in his attributions.

11s are obliged to participate in it each in proportion to their interests.

Article 74

It can be established within a block of legal public interest easements.

The contractor may not obstruct the execution of public utility works within a block.

He can apply for an easement on a neighbouring block.

Article 75

A person who has carried out work on a block which causes damage to a neighbouring block must pay compensation. If, however, the work is an addition to the charges of a neighbouring block, compensation is payable.

Protective measures may be prescribed by the Minister responsible for hydrocarbons the parties involved, without giving rise to compensation.

Article 76

The contractor is obliged to make an effective annual contribution to the training of nationals in the hydrocarbon sector.

The detailed rules for the application of this article are set out in the oil regulations and in the half, except in the case of restoration.

Article 77

The contractor shall take into account the social impacts on the populations directly affected by the oil works.

It finances social and sustainable development projects each year, in the exploration phase through a contribution for social interventions and in the exploitation phase through the constitution of a provision for social interventions.

The terms and conditions for the application of this article shall be laid down in the oil regulations and in the contract.

Section 7: Assignment of exploration and exploitation rights

Article 78

The right of exploration and exploitation is partially or fully transferable and assignable, in accordance with the provisions of this law and the hydrocarbon regulations.

Under penalty of nullity and termination of the contract of hydrocarbons, any direct or indirect transfer of exploration and exploitation rights is subject to a prior approval of the Minister having Hydrocarbons in his attributions.

The Minister having Hydrocarbons in his attributions approves by decree, the Council of Ministers informs.

The conditions and modalities of approval are laid down in the oil regulations.

Article 79

Approval is refused in the event of non-compliance with the minimum programme of works and related budgets in progress at the time of the transfer.

Article 80

The transferee is required to provide evidence of technical and financial capacity to the Minister responsible for the Hydrocarbons in its remit.

Article 81

The National company benefits of a right of first refusal in the event of a total or partial transfer.

Article 82

In the event of a partial or total assignment or transfer to an affiliated company, the contractor guarantees that the assignee will fulfil its obligations.

Article 83

If the assignment is not approved, the assignor may either continue to perform its obligations or waive their rights.

Article 84

The capital gain realised as a result of a transfer of exploration or exploitation rights is taxable.

The terms and conditions of application are set out in the oil regulations and the contract.

Chapter 4: PROVISIONS RELATING TO GAS**Section 1: Natural gas****Article 85**

The Contractor shall be obliged to carry out resource and reserve evaluation and production simulations of the discovered or discovered gas produced during exploration or exploitation activities in the same way as the resources, reserves and production simulations of the liquid hydrocarbons with which they are associated.

To this end, the contractor shall attach to the liquid hydrocarbons development and production plan a plan for the development, production and use of associated natural gases which shall be specifically monitored by the Minister having Hydrocarbons in his attributions.

Article 86

Without prejudice to the provisions of the Environmental Protection Act, the associated natural gases produced from the exploitation blocks may, in accordance with the requirements of the approved liquid hydrocarbon deposits exploitation, per block the Minister having Hydrocarbons in his or her attributions, to be used for self-consumption related to oil operations, reinjection to improve the recovery of liquid hydrocarbons and domestic consumption or export.

Associated natural gases not used for the purposes referred to in paragraph 1 of this Article belong to the State. The State may, without compensation to the oil companies, use them for its own purposes.

In this case, the associated natural gases are made available to the State by exploitation block and organised within the framework of an amendment to the hydrocarbon contract between the State and the contractors.

Article 87

The State may enter into a special agreement with Congolese or foreign legal entities in the hydrocarbon sector or other sectors with sufficient technical and financial capacity to develop projects for the use of available associated natural gas.

The manner of application of paragraph 1 of this article shall be determined by the oil regulations.

Article 88

The production of liquid hydrocarbons from associated natural gas, i.e. condensate and liquefied petroleum gas, is subject to a rider the hydrocarbon contract between the State and the contractor.

Section 2: Non-associated natural gases

Article 89

The co-contractor shall notify the Minister responsible for hydrocarbons within seven days of any gas discovery associate.

In the event of a presumption of the existence of a commercial deposit, he shall diligently carry out the work required for its delimitation and evaluation.

On completion of the work, the contractor shall submit a report on the commerciality of the discovery to the Minister responsible for Hydrocarbons within 30 days.

Article 90

In the event of the discovery of a commercially exploitable unassociated natural gas deposit, the contractor shall submit a development and

production plan to the Minister having Hydrocarbons in his attributions.

A rider to the hydrocarbon contract is concluded between the State and the contractor setting out the terms and conditions for the exploitation of this gas.

Article 91

The right to exploit the unassociated gas field is granted for a period which may not exceed twenty-five years. It shall be renewable once only for a maximum term of ten years.

The conditions for the renewal of the exploitation right are laid down in the hydrocarbon regulations and the contract.

Article 92

Unassociated natural gas produced from specific gas fields can be used for liquid hydrocarbon exploitation operations according to the conditions of valuation previously negotiated between the State and the contractor, as stipulated in avenant referred to in article 90 of the present law, in the same as well as its use in industry and power generation.

Article 93

The production of liquid hydrocarbons from specific natural gas deposits, i.e. condensates, gives rise to the conclusion of an amendment to the hydrocarbon contract between the State and the contractor.

Article 94

Without prejudice to the provisions of this section, the principles relating to exploration and liquid hydrocarbon exploitation applies to unassociated natural gas.

Chapter 5: PROVISIONS FOR NON-CONVENTIONAL HYDROCARBONS

Article 95

Non-conventional hydrocarbons within the meaning of this law include

1. bitumen ;
2. oil shale ;

3. asphalt sands ;
4. coal gas and coal seam gas;
5. shale gas.

Article 96

The present law shall apply also to non-conventional hydrocarbons, except for the duration of the exploration period which may not exceed ten years and the exploitation period which may not exceed thirty-five years, including the renewal period.

Article 97

The hydrocarbon contract sets out the technical terms and conditions for the exploration and exploitation of unconventional hydrocarbons.

Article 98

In the event of the discovery of conventional hydrocarbons during the exploration and exploitation of non-conventional hydrocarbons, the contractor is obliged, within seven days, to notify the Minister having Hydrocarbons in his attributions.

The contractor is obliged to send a technical report within ninety days to the Minister having Hydrocarbons in his attributions, who will report it to the Council of Ministers.

The oil regulations set out the procedures for the preparation of the technical report.

Article 99

Conventional hydrocarbons discovered during

Exploration for unconventional hydrocarbons is, unless waived by the contractor, the subject of a separate hydrocarbon contract.

TITLE III: DOWNSTREAM HYDROCARBON ACTIVITIES

Chapter 1: GENERAL PRINCIPLES

Article 100

The downstream hydrocarbon activities are :

1. Refining ;

2. transport - storage of petroleum products;
3. the supply of petroleum products ;
4. importing and marketing of petroleum products;
5. the petrochemical industry.

Article 101

The activities referred to in Article 100 above shall be carried out in accordance with the legislation and regulations of the Member States regulations relating to :

1. to the safety of persons and property in establishments intended for these activities;
2. the establishment, quality and control of facilities and equipment ;
3. control and specifications of petroleum products and derived products;
4. to environmental protection ;
5. to stock control.

Article 102

The exercise of downstream activities is covered by a specific authorisation for each activity.

The procedures for issuing the authorisations in question to paragraph 1 of this Article shall be determined by the oil regulation.

Article 103

Companies engaged in downstream oil activities governed by this law shall be required to, inter alia to ensure the compliance of their installations with the conditions determined by the hydrocarbon regulations ;

1. to develop the necessary operating capacity to meet demand and to develop the capacity to meet the growing demand for national demand ;
2. to carry out, on equal financial and technical terms, commercial and financial transactions with priority to the financial and banking institutions established in the Democratic Republic of Congo ;
3. take out insurance policies for their facilities and equipment, in accordance with the legislation in force ;
4. contributing to the training of nationals ;
5. restore the site at the end of operations.

Article 104

The country's supply of oil products is based on the following principles:

1. safeguarding public safety ;
2. regularity and stability ;
3. compliance of oil activities with the provisions on the protection of the environment the environment ;
4. equal access for consumers to quality products and services ;
5. the establishment of a free and competitive market by elimination of all forms of discrimination and preferential treatment;
6. creating favourable conditions for new operators and investors to develop and diversify the distribution and supply infrastructure.

Article 105

It is forbidden to use any practice in the supply chain that is contrary to the principles of free competition, such as hindrance of the operation of the market, monopoly, fictitious shortage, or infringement of the principle of free competition between market participants.

Chapter 2: SUPPLY, IMPORT AND MARKETING OF PETROLEUM PRODUCTS**Article 106**

Petroleum products entering the national territory are placed on consignment with a view to putting them on sale.

The Minister having Hydrocarbons in his or her attributions shall make available to the agreed importers.

Article 107

Agreed importers are required to acquire the bonded petroleum products for ex-depot delivery to consumers a to purposes of sale or of self-consumption.

Article 108

The modalities for carrying out the activities referred to in Articles 106 and 107 of this Law shall be determined by the Hydrocarbons Regulation.

Chapter 3: TRANSPORT AND STORAGE OF PETROLEUM PRODUCTS**Article 109**

The loading, removal, transfer and unloading of petroleum products from one place to another, as well as their storage, are subject to autorisation the Minister having Hydrocarbons in his attributions.

The modalities for the exercise of the activities referred to in the provisions of paragraph 1 of this Article shall be laid down in the Petroleum Regulations.

Article 110

The transport by pipeline and the storage of petroleum products are carried out on the basis of the principle of free access for third parties in return for a passage fee.

The terms and conditions are set out in the oil regulations.

Article 111

The rules for the construction and operation of oil product depots, distribution facilities, specifications and operating instructions for trucks and tanker wagons as well as oil barges are laid down in the Oil and Gas Regulations.

Chapter 4: DISTRIBUTION, STORAGE AND TRANSPORT OF BUTANE GAS AND LIQUEFIED PETROLEUM GAS**Article 112**

The activities of distribution of butane gas or liquefied petroleum gas are subject to an autorisation of the Minister having Hydrocarbons in his attributions.

The criteria and procedures for awarding this title are determined by the oil regulations.

Chapter 5: SPECIFICATIONS AND STANDARDS**Article 113**

Any holder of a specific authorisation is required to comply with product quality, hygiene and

safety standards for installations, goods and people.

The rules for the design and operation of the facilities as well as the specifications and instructions for the equipment are determined by the oil regulations.

Article 114

Laboratories for the analysis of the quality of petroleum products shall be approved by the Minister having Hydrocarbons in his or her attributions.

Article 115

International standards and specifications apply in the absence of national standards and specifications.

Chapter 6: CONSTITUTION OF STOCKS OF PETROLEUM PRODUCTS

Article 116

The state, through the national company, establish and maintain a minimum level of stocks of all categories of petroleum products equivalent to sixty days of consumption.

Article 117

Companies engaged in importing and marketing activities are required to establish and maintain a register of their own to keep stocks of the products at all times oil companies of all categories representing at least twenty per cent of the volumes declared by them for consumption during the previous year.

The Minister having Hydrocarbons in his may, by reasoned order, increase the volume referred to in the preceding paragraph, without exceeding fifty per cent.

The stocks of petroleum products referred to in paragraph 1 of this article are distinct from operating stocks. They are the property of the companies which have constituted them and subject to state control.

Article 118

The legal status, location, management and financing of security, strategic and operational stocks are set out in the Petroleum Regulations.

The oil regulation also determines the conditions for the certification of product volumes as well as the control of stocks of products intended for domestic consumption.

Chapter 7: REFINING AND PROCESSING OF HYDROCARBONS

Article 119

Hydrocarbon refining and processing activities are subject to prior authorisation by the Minister for Hydrocarbons.

The conditions and modalities for the exercise of the activities referred to in paragraph 1 of this Article shall be fixed by the oil regulation.

Article 120

The beneficiaries of refining and processing licences are obliged, at equal price and quality, to comparable, to source hydrocarbons primarily from the national territory.

Article 121

Only holders of an import or distribution licence for petroleum products are allowed to buy from refineries for supply the national market.

TITLE IV: FISCAL, CUSTOMS AND EXCHANGE REGIME FOR UPSTREAM HYDROCARBON ACTIVITIES

Chapter 1: GENERAL PROVISIONS

Article 122

Any contractor or service provider shall be subject to the tax and customs regime provided for in this Chapter.

Article 123

Certificates of non-taxation covering all taxes, including income tax, corporate tax, customs duty, withholding tax, are provided to contractors or service providers including their subsidiaries, consultants, subcontractors by the Directorate General of Taxes and the Directorate General of Customs and Excise.

Chapter 2: THE TAX SYSTEM

Section 1: General provisions

Article 124

For the purposes of this Act, the blocks are categorised into four tax zones on the basis of including of characteristics geological and environmental characteristics.

The tax zones are :

1. tax zone A;
2. tax zone B;
3. tax zone C;
4. tax zone D.

The modalities for the categorisation of blocks and the criteria for their application are laid down in the oil regulations.

Article 125

Without prejudice to the exemptions granted by law, the contractor is subject to the following taxes, duties, fees and charges:

1. royalties ;
2. the state's share of the profit;
3. the state's share of excess oil;
4. the signature bonus;
5. the exploration right bonus;
6. the exploration right renewal bonus;
7. the renewal bonus for exploitation rights;
8. the bonus to the rider;
9. the bonus of the first production;
10. the surface fee;
11. the statistical tax;
12. payment of an administrative document;
13. the exceptional tax on the remuneration of expatriate staff;
14. professional tax on the remuneration of nationals;
15. value-added tax in the interior on the local consumption in the operational phase ;

16. tax on any form of transfer of rights or interests in the exploration and exploitation phases.

Section 2: The tax regime for production sharing contracts

Paragraph 1: Bonuses

Article 126

A non-refundable premium is paid to the State upon the occurrence of the following events:

1. the signing of the contract by the parties;
2. registration of the right to explore ;
3. renewal of the right to explore ;
4. renewal of the exploitation right ;
5. the signing of the rider ;
6. the production of the first barrel.

The amount of this premium shall be fixed according to the tax zones provided for in Article 124 of the present law.

The manner of application of paragraph 2 of this Article shall be determined by the oil regulations and the contract.

Paragraph 2: Royalties from the fee and taxes.

Article 127

Royalties are charged on the amount of oil produced at the wellhead, less of water and sediment produced, quantities used in oil operations, and transportation costs and production facilities to the point of export.

The deduction is subject to the favourable opinion of the Minister having Hydrocarbons in his attributions, after the report of the contractor royalties are paid either in kind or in cash.

The terms of collection are set out in the oil regulations and the contract.

Article 128

Royalty rates vary by tax zone.

The production sharing contract may not set a rate lower than the following minimums:

1. for tax zone A: 12.5
2. for tax zone B: 11%.
3. for tax zone C: 9.5
4. for tax zone D: 8%.

Article 129

The surface royalty is paid annually. It is calculated on the basis of the area of the block in the exploration phase or the block in the exploitation phase.

The rate of surface royalty is fixed, in the exploration phase, in Congolese francs per kilometre equivalent to one hundred US dollars, at the rate of day of the transaction and in the operation phase, in Congolese francs per cam equivalent to five hundred US dollars, at the rate of the day of the transaction.

Paragraph 3: Cost oil and excess oil**Article 130**

A fraction of the production is allocated to & recovery of costs incurred by the contractor during the exploration and production phases.

The terms and conditions of recovery are set out in this Act, the Oil Regulations and the Contract.

Article 131

The recoverable coats are :

1. exploration coats ;
2. development coots ;
3. operating coats ;
4. operating costs ;
5. operating costs.

The order of recovery of coats is defined according to the criteria set out in the oil regulations and the contract.

Article 132

Not recoverable:

1. bonuses ;
2. the costs incurred before the granting of hydrocarbon rights ;
3. royalties.

Article 133

The coots are recovered from the production after deduction of royalties within an annual percentage limit called cost stop.

The percentage of production that limits the level of recovery of costs incurred by the contractor depends, inter alia, on the level of the market price per barrel and the cumulative volume of production from proven reserves.

The level of the share allocated to the recovery of costs may not exceed the following rates:

1. for tax zone A: 55% ;
2. for tax zone B: 55%;
3. for tax zone C: 60%;
4. for tax zone D: 65%.

The excess of the cost stop over the recoverable costs during the period to which the production sharing relates, called excess oil, is shared between the State and the contractor.

The excess oil is shared equally between the State and the contractor.

The terms and conditions for calculating excess oil are set out in the oil regulations and the contract.

Paragraph 4: Profit oil and super profit oil**Article 134**

The residual share of the production after the deduction of royalties and the cost stop is shared between the State and the contractor according to a progressive scale.

The methods of calculating the oil profit according to the progressivity mechanism are laid down in the oil regulations and the contract.

Article 135

The minimum share of the oil profit accruing to the State may not be less than :

1. for tax zone A: 45%;
2. for tax zone B: 40% ;
3. for tax zone C: 40% ;
4. for tax zone D: 35%.

Article 136

When the price of a barrel of crude oil used to calculate the value of the production subject to sharing is above the high contract price threshold, an exceptional profit called super profit oil is generated. In this case, the sharing is in favour of the State.

The methods of calculating the profit oil and super profit oil are laid down in the oil regulations and the contract.

Paragraph 5: Contributions and provision for social interventions**Article 137**

The contractor is required to contribute annually, inter alia

1. to the training of state employees in the sector hydrocarbons ;
2. an effort to explore sedimentary basins;
3. to social interventions;
4. the operation of the oil and gas data bank ;
5. the participation of the Democratic Republic of Congo in international organisations in the sector of hydrocarbons.

These contributions are recoverable as exploration or exploitation costs.

The terms of application of this provision are defined in the oil regulations and in the contract.

Article 138

The provision for social interventions aims to Article 77 of this Law shall be constituted each year in the operational phase. It corresponds to 0.5% of the share of the oil profit of the contractor. It is recoverable as operating costs.

The terms of application of this provision are defined in the oil regulations and in the contract.

Section 3: The service contract**Article 139**

The service provider is remunerated for its exploration expenses and exploitation operations without interest and for the development investment with interest.

The tax regime of the service contract is fixed in the contract.

Chapter 2: CUSTOMS REGIME**Section 1: The customs regime for upstream oil and gas activities****Paragraph 1: General provisions****Article 140**

The contractor is subject to the common law customs regime, with the exception of

1. import and export operations of goods specifically intended for oil and gas operations
2. crude oil export operations.

Article 141

The list of goods whose import and export are subject to the derogatory provisions of paragraphs 2 and 3 of this Chapter shall be approved by the Minister of Finance, after technical advice from the Minister of Hydrocarbons.

Notwithstanding the derogations provided for in paragraphs 2 and 3, the contractor shall submit all imports and exports to the controls and inspections provided for by the legislation in force.

Article 142

Fines, penalties and payments of any kind owed by the Contractor, its suppliers, subcontractors and service providers as a result of non-compliance with the provisions of this Chapter 2 shall not constitute petroleum costs.

Paragraph 2: Import regime goods specifically intended for oil operations.

Article 143

Goods specifically intended for petroleum operations are imported by the contractor in the context of the upstream oil and gas activities free of charge total import duties and taxes.

At the time of importation of such goods, the contractor shall make a declaration to the customs administration promising that the goods are used exclusively for the performance of the oil operations for which they were imported.

Article 144

Goods specifically intended for oil operations and provisionally imported by the contractor are subject to the normal temporary admission regime with a security waiver.

Article 145

The contractor may, as a result of new technologies, request from the administration of customs, the application of the customs procedures provided for in this law to new goods, provided that their use is identical or similar to that of the goods referred to in Articles 143 and 144 above.

The list of these new properties is approved by the Minister of Finance, after technical advice from the Minister of Hydrocarbons.

Article 146

Goods imported under the derogatory regimes provided for in this Section 2 and which are assigned to activities other than those for which they were imported, exchanged OR transferred between the contractors or sold to users in other sectors of activities, are subject to a declaration

to the customs services with a view to regularisation, a change of customs procedure and, where appropriate, the collection of customs duties and taxes.

Article 147

The use of goods imported under one of the derogation regimes provided for in this section 2 for purposes other than those declared to the customs administration is prohibited.

The application of the Customs Code constitutes a fraud punishable in accordance with the provisions of the Customs Code.

Paragraph 3: Regime applicable to exports and re-exports of goods specifically intended for oil operations Article 148 the contractor benefits from the regime of total exemption from export duties and taxes or the re-export of the following goods:

1. cores and geological samples ;
2. crude oil samples ;
3. oil and chemical samples ;
4. goods imported under the duty-free regime.

Article 149

The exemption from export duties and taxes is also granted to the contractor for the following operations temporary export temporary of goods specifically intended for foreign oil operations in the context of warranty exchanges or repairs.

Article 150

The contractor benefits from the regime of total exemption from duties and taxes on the export of hydrocarbons produced in the Democratic Republic of Congo.

Chapter 3: THE EXCHANGE RULE

Article 151

The particular exchange rate regime applicable to the contractor is determined by the Central Bank of Congo.

TITLE V: FISCAL, CUSTOMS AND EXCHANGE REGIME FOR DOWNSTREAM HYDROCARBON ACTIVITIES

Chapter 1: TAX AND CUSTOMS REGIME

Article 152

With the exception of the supply activity, the other downstream hydrocarbon activities are subject to the common tax and customs regime as well as to the duties, taxes and fees provided for by the law in force.

Article 153

Without prejudice to the provisions of Article 152 of the present law, the following shall be instituted for the exercise of the activities of downstream, a surface charge for pipelines.

The rate of this fee is set by the Hydrocarbon Regulation and the Contra!

Chapter 2: THE EXCHANGE RULE

Article 154

The special exchange rate regime applicable to companies engaged in downstream hydrocarbon activities is determined by the Central Bank of Congo.

TITLE VI: PROTECTION OF THE ENVIRONMENT, CULTURAL HERITAGE, SAFETY AND HYGIENE

Chapter 1: PROTECTION OF THE ENVIRONMENT AND THE CULTURAL HERITAGE

Section 1: General principles Article 155

Upstream oil and gas activities are prohibited in protected areas and prohibited zones.

For reasons of public utility, a decree passed by the Council of Ministers may, after an environmental audit, a public enquiry and the opinion of the public institution in charge of evaluating and approving the environmental impact study and monitoring its implementation, authorise exploration activities in protected areas and prohibited zones. In the event of the discovery of hydrocarbons, exploitation may be carried out after the decommissioning of all or part of the site part of the protected areas and prohibited zones.

This declassification for hydrocarbon activities is done in accordance with the law.

Article 156

The contractor or his subcontractor shall comply with the legal and regulatory provisions on the protection of the environment and the heritage culture it is objectively responsible for any damage caused in the course of hydrocarbon activities.

Article 157

The preliminary environmental and social impact assessment, together with its management plan, provided for in this law, shall include

1. an analysis of the initial state of the site;
2. a description of the activities envisaged and the legal framework in which they are carried out;
3. an analysis of alternatives to the proposed activities, including a comparative assessment of their positive or negative impact on the environment and on the population;
4. the measures envisaged to prevent, reduce, compensate for, repair or, as far as possible, eliminate harmful effects on the environment ;
5. compensatory measures for populations affected by a resettlement, the cost and the modalities of implementation.

It is subject to the approval procedure provided for in the Law on Fundamental Principles of the protection of the environment.

Article 158

Exploration and exploitation works are prohibited in the vicinity of cities, villages and settlements, wells and water pipes, public buildings and public utility works, places considered as the area of their influence.

However, the work referred to in paragraph 1 of this Article shall be in the event of a prior agreement with the owner of the land in question, the owners of the buildings or their successors, the latter may be compensated in advance.

The Central Government validates the terms of the prior agreement referred to in the previous paragraph, after having received the opinion of the technical aspects of the provincial government and decentralised territorial entities.

Article 159

Exploration and exploitation works may be subject to certain conditions or prohibited in a

The protection area of any size without the contractor being entitled to compensation. The area referred to in paragraph 1 of this Article is established by the Minister having Hydrocarbons in his attributions, on the proposal of the Governor of the province, for the protection of buildings and settlements, springs, communication routes, works of art and works of public utility as well as in all other points where it is necessary for the general interest.

The rights attached to the exercise of hydrocarbon activities prior to the declaration of an area

This prohibition shall cease to have effect in the event of force majeure. In this case, the State may, under the conditions agree with the contractor, authorize the latter a transfer its right to another block.

Article 160

Any occupation of the land depriving the rightful owners of the enjoyment of the land or any modification making the

The contractor is responsible for the cultivation of suitable land, obligation to pay them a fixed compensation of agreement.

Article 161

Every operator of an oil or petroleum handling facility shall take such measures as may be necessary for the prevention and control of any oil or petroleum product pollution incident it draws up and implements a contingency plan to combat pollution by hydrocarbons and petroleum products.

The oil regulations set out the terms and conditions for their application.

Article 162

The Ministers having respectively Environment and Hydrocarbons in their attributions proceed to an audit of any hydrocarbon facility that poses a potential risk to the environment and the population.

Article 163

The contractor is obliged to inform, without delay and in writing, the authority of the decentralised territorial entity of any discovery of archaeological evidence as well as of its geographical and geological location.

The authority concerned shall ensure, where appropriate, the protection of the site or the relocation of evidence in order to (b) the Minister responsible for Hydrocarbons in a secure manner, within a period of three months sixty days from notice of discovery. After this period, the contractor shall provide for it.

Section 2: ABANDONMENT WORK

Article 164

At the end of the exploration and/or exploitation works, and whenever a part of the block is the contractor is obliged to hand over, at its in the event of an accident, the owner shall be responsible for the restoration of the site to its original state and for carrying out abandonment operations in accordance with this Act and the Hydrocarbons Regulations.

Article 165

The obligation to restore the site includes, in particular:

1. identifying the most appropriate environment;
2. consultation with the local population;
3. comparison of the initial site environment with the estimated environment at the end of the works exploration and/or exploitation;
4. the abandonment plan for the site including an estimate of the cost of the abandonment works.

Article 166

The abandonment plan is approved by the Minister having Hydrocarbons in his attributions.

Article 167

The contractor's fulfilment of his obligation to restore the site is sanctioned by the issue of a certificate of execution by the Minister having Hydrocarbons in his attributions.

An evaluation of the abandonment works is carried out regularly by the Minister having Hydrocarbons in his attributions.

Article 168

The contractor remains liable for the occurrence of any damage after final abandonment of the site in case the damage is the consequence of the hydrocarbon activities.

Article 169

From the exploitation phase onwards, the contractor is obliged to set up, from the production of the first barrel, an abandonment provision by means of regular payments throughout the oil operations into an escrow account opened with the Central Bank of Congo and allocated to the abandonment works.

The escrow account is opened jointly by the signing of an escrow agreement between the State, represented by the Minister having Hydrocarbons in his or her attributions, and the contractor, represented by the operator.

The sequestration agreement shall stipulate, inter alia, the terms and conditions for the release and remuneration of the provision.

Article 170

The escrow account may not be seized or pledged.

Article 171

The abandonment provision can only be released for the exclusive performance of the works by the contractor the abandonment plan duly approved in the context of the related abandonment plan.

Article 172

Abandonment costs are recoverable as oil costs.

Article 173

The modalities of application of articles 166, 167, 169 and 171 of the present law shall be determined by the Hydrocarbons Regulation.

Section 3: Gas flaring

Article 174

The natural gas resulting from hydrocarbon operations shall be conserved as far as possible for sale, reinjection or other commercial or industrial use.

The modalities of application of this provision are defined by the oil regulation.

Article 175

Gas flaring is prohibited.

It is exceptionally authorised in the context of this is a test, one-off or assisted recovery operation in accordance with the oil regulations.

In such cases, the Minister having Hydrocarbons in his or her attributions, in consultation with the Minister having Environment in his or her attributions, may grant a flaring permit under the conditions provided for in the Hydrocarbons Regulation.

Chapter 2: SAFETY AND HYGIENE

Article 176

For security reasons and at the request of the contractor and after investigation, the Provincial Governor shall define in the area covered by the exploitation rights a no-go zone.

Article 177

A decree approved by the Council of Ministers declares an area closed to hydrocarbon activities in the name of the general interest, in particular for reasons of national defence, public safety, the economy and the incompatibility of the exercise of such activities with the protection of the environment.

Article 178

The oil and gas regulations set out the standards, safety and hygiene regulations and their application.

The Minister responsible for Hydrocarbons shall ensure that the contractor publishes these standards and instructions for the attention of his staff and the public who may access his place of business.

Article 179

The Contractor shall comply with the safety and hygiene standards set out in the Hydrocarbon Regulations.

He is obliged to respect the measures prescribed by the Minister having Hydrocarbons in his attributions in order to prevent or eliminate the causes of danger inherent to the activities affecting public safety and health, the conservation of deposits, water sources, public roads and the environment.

In the event of refusal to comply with these measures, they shall be carried out ex officio and at his expense.

The competent Minister shall immediately take the necessary measures required by the situation and address them to the local authority and the operator.

Article 180

Any serious or fatal accident occurring during hydrocarbon activities shall be reported without delay to the Minister responsible for Hydrocarbons and the administrative and judicial authorities of the jurisdiction shall be informed.

Article 181

The contractor, who uses the explosives, is obliged to comply with the specific regulations in the matter.

TITLE VII: SETTLEMENT OF DISPUTES, BREACHES OF OBLIGATIONS, SANCTIONS AND PENAL PROVISIONS

Chapter 1: SETTLEMENT OF DISPUTES**Article 182**

Disputes relating to upstream hydrocarbon activities shall be settled amicably. In the event of failure to reach an amicable settlement, recourse shall be had to international arbitration.

The State and the Contractor shall seek technical expertise in the event of technical or other disputes operational.

The applicable law in case of disputes is the Congolese law.

Chapter 2: BREACHES OF OBLIGATIONS AND PENALTIES

Section 1: Breaches of obligations for upstream oil and gas activities and penalties

Article 183

Without prejudice to the provisions of Articles 47 and 53 of this Law, any failure by the Contractor to fulfil its obligations shall result in the termination of the Contract.

Article 184

Any breach of the commitments entered into or the obligations arising from this Law by the contractor during the exploration or exploitation phase shall give rise to the payment of a fine set by the hydrocarbon regulations and the contract.

Section 2: Breaches of obligations by downstream oil and gas companies and sanctions

Article 185

In case the holder of an authorisation has not fulfilled his obligations, the Minister having Hydrocarbons in his attributions shall proceed to

the withdrawal of the authorisation or refuse its renewal.

Without prejudice to the provisions of paragraph 1 of this Article, any other breach of duty by the holder of an authorisation obtained under this Law shall be punished in accordance with ordinary law.

Chapter 3: CRIMINAL DIPOSITIONS

Article 186

Any person who, by coercion, threat or any other pressure, obliges an official of the Ministry having hydrocarbons in his attributions or any other public agent to act in violation of the present law, shall be punished by criminal servitude of three to five years and a fine of one hundred million to two hundred million Congolese francs or by one of these penalties only.

Article 187

Any public official of the State who deliberately enters into a hydrocarbon contract in violation of the present law or who obliges another person under his command to do so, shall be liable to the penalties provided for in Article 186, increased by half.

Article 188

Anyone who is guilty of the malicious destruction of installations or pipes is liable to a penalty of two to five years' imprisonment and a fine of between fifty million and one hundred million Congolese francs of misappropriation, theft or concealment of oil or petroleum products.

TITLE VIII: TRANSITIONAL, REPEALING AND FINAL PROVISIONS

Chapter 1: TRANSITIONAL PROVISIONS

Article 189

Subject to compliance with the provisions on environmental protection, safety and security in the case of hygiene rights which are of immediate application, the hydrocarbon rights duly acquired before the entry into force of the present law shall retain their validity until their expiry upon their renewal, they shall be governed by the provisions of this law.

Article 190

Within thirty days of the promulgation of this Law, the Minister having Hydrocarbons in his attributions shall make public the list of all valid hydrocarbon contracts.

Chapter 2: REPEAL AND REPEAL PROVISIONS

FINALS

Article 191

Ordinance-Law No. 81-013 of 2 April 1981 on general legislation on mines and hydrocarbons, as amended and completed to date, is repealed.

Article 192

Within a period not exceeding six months from the promulgation of this law, the Prime Minister shall publish, by decree decided in the Council of Ministers, the oil regulation.

Article 193

This Law shall enter into force on the date of its promulgation.

Done in Lubumbashi, 1 August 2015

Joseph KABILA KABANGE



وزارت هیدروکربن ها

فراخوان مناقصه

مناقصه برای اعطای حقوق هیدروکربن در جمهوری دموکراتیک کنگو

نه بلوک نفتی در حوضه مرکزی

شماره اعلان: AMI/CC/COM-ADHOC/DBN/MIN-HYDRO/2022/002

تاریخ انتشار: ۲۸ ژوئیه ۲۰۲۲

مهلت ارسال پیشنهادات: ۳۱ ژانویه ۲۰۲۳

۱. زمینه کلی

- این فراخوان ابراز علاقه ناشی از تمایل دولت کنگو برای ارزش گذاری منابع هیدروکربنی در ۹ بلوک انتخاب شده و باز برای اکتشاف و تولید در حوضه مرکزی جمهوری دموکراتیک کنگو است.
- مطابق با قانون شماره ۰۱۲/۱۵ مورخ ۱ اوت ۲۰۱۵ در مورد رژیم عمومی هیدروکربن ها و فرمان شماره ۰۱۰/۱۶ مورخ ۱۹ آوریل ۲۰۱۶ در مورد مقررات هیدروکربن ها، دولت کنگو از طریق وزارت هیدروکربن ها قصد دارد نامزدهای مختلف را برای اعطای حقوق هیدروکربنی اکتشاف و تولید در این ۹ بلوک به رقابت بگذارد.
- این فراخوان ابراز علاقه به دنبال تصویب پرونده مناقصه ارائه شده توسط وزیر هیدروکربن ها در چهل و هشتمین جلسه عادی شورای وزیران در ۸ آوریل ۲۰۲۲ است.
- این مناقصه باز است و در دو مرحله اجرا می شود:
- مرحله پیش انتخاب
- مرحله انتخاب

۲. شناسایی بلوک ها

۹ بلوک آماده برای اکتشاف و تولید واقع در حوضه مرکزی مشمول این مناقصه هستند. این بلوک ها عبارتند از:

[به دلیل نداشتن مهلت لازم برای سایر بلوکه های، از قید جداول اطلاعاتی آن صرف نظر شد. بلوک شماره ۸ با آخرین مهلت تکمیل پرونده ۳۰ سپتامبر و بلوک شماره ۹ با آخرین مهلت ۹ اکتبر می باشد.]

۸. بلوک اوپمبا [UPEMBA]

این بلوک بین استان های لومامی علیا، کاتانگا علیا، لوالابا و تانگانیکا واقع شده است.

جدول ۸: مساحت و مختصات جغرافیایی بلوک اوپمبا

عرض جنوبی	طول شرقی	نقاط	مساحت (کیلومتر مربع)
7°40'00"	27°35'00"	A	۴۶۰۱۹
8°13'30"	27°35'00"	B	
8°13'30"	27°14'00"	C	
8°39'00"	27°14'00"	D	
8°39'00"	26°56'30"	E	
8°59'30"	26°56'30"	F	
8°59'30"	26°38'00"	G	
9°31'30"	26°38'00"	H	
9°31'30"	26°13'00"	I	
10°01'30"	26°13'00"	J	
10°01'30"	25°31'30"	K	
9°47'30"	25°31'30"	L	
9°47'30"	25°01'30"	M	
9°03'00"	25°01'30"	N	
9°03'00"	25°18'30"	O	
8°46'30"	25°18'30"	P	
8°46'30"	25°31'30"	Q	
8°18'00"	25°31'30"	R	
8°18'00"	25°53'30"	S	
7°52'30"	25°53'30"	T	
7°52'30"	26°13'30"	U	
7°21'30"	26°13'30"	V	
7°21'30"	26°37'00"	W	
7°17'00"	26°37'00"	X	

7°17'00"	27°20'30"	Y	
7°40'00"	27°20'30"	Z	

۹. بلوک موئرو [MOERO]

این بلوک در سرزمین‌های کاسینگا و پوتو (استان کاتانگا علیا)، موبا و مانونو (استان تانگانیکا) گسترده شده است.

جدول ۹: مساحت و مختصات جغرافیایی بلوک موئرو

عرض جنوبی	طول شرقی	نقاط	مساحت (کیلومتر مربع)
07°41'00"	28°48'30"	A	۲۸۱۶۰
07°56'00"	28°48'30"	B	
07°56'00"	29°19'30"	C	
08°24'00"	29°19'30"	D	
10°50'00"	28°33'30"	E	
10°50'00"	28°03'00"	F	
07°41'00"	28°03'00"	G	

توجه: D: درجه، M: دقیقه، S: ثانیه

۳. معرفی شرکت

شرکت / کنسرسیوم نامزدی خود را در پاکت در بسته با الزامات ذیل ارائه می دهد:

الف) الزامات اداری

پرونده شرکت / کنسرسیوم باید شامل موارد ذیل یا معادل آنها برای شرکت های خارجی باشد:

۱. مدرک وجود قانونی (اساسنامه ثبت شده)

۲. ثبت تجاری و اعتبار منقول

۳. گواهی وضعیت مالیاتی و گمرکی معتبر

۴. سند وابستگی به تامین اجتماعی

۵. شماره شناسایی ملی

ب) الزامات مالی

۱. ارائه صورت های مالی سه سال گذشته (۲۰۱۹، ۲۰۲۰ و ۲۰۲۱) تایید شده توسط یک شرکت مجاز

۲. ارائه مدارک دسترسی و تسهیلات اخذ اعتبار از یک بانک یا هر موسسه مالی معتبر دیگر با ذکر حداکثر مبلغ واجد شرایط

ج) تجربه در زمینه هیدروکربن ها

ارائه مدارک یک پروژه مشابه (کارهای اکتشاف-تولید) اجرا شده در ده سال گذشته یا با همکاری شرکت های نفتی یا شبه نفتی دیگر.

۴. روش پیش انتخاب

پس از ارزیابی پیشنهادات (نامزدی ها)، فهرست محدودی از نامزدهای پیش انتخاب شده برای هر بلوک که بهترین توانایی های لازم برای انجام کارهای اکتشاف و تولید نفت را دارند، توسط وزیر هیدروکربن ها تهیه خواهد شد.

امتیازدهی در مرحله پیش انتخاب نامزدها از ۱۰۰ امتیاز به شرح ذیل است:

- صلاحیت اداری: ۲۰ امتیاز

- صلاحیت فنی: ۵۰ امتیاز

- صلاحیت مالی: ۳۰ امتیاز

تنها نامزدهایی که حداقل ۷۰ امتیاز از ۱۰۰ امتیاز را کسب کرده اند انتخاب می شوند و مورد بررسی توانایی های فنی و مالی قرار می گیرند.

سپس از نامزدهای پیش انتخاب شده برای هر بلوک دعوت خواهد شد تا با پرداخت هزینه، دفترچه شرایط را دریافت کنند.

انتخاب نهایی یک نامزد برای یک بلوک در هنگام ارزیابی پیشنهادات فنی و مالی در مرحله انتخاب انجام خواهد شد.

۵. مهلت ارسال پیشنهادات

از شرکت / کنسرسیوم علاقه مند خواسته می شود نامزدی خود را در پاکت دربسته، در یک نسخه اصلی و سه کپی، همه در یک پاکت واحد، در مدت ۶ ماه از تاریخ انتشار این فراخوان ابراز علاقه یعنی حداکثر تا ۳۱ ژانویه ۲۰۲۳ ساعت ۱۳:۰۰ به وقت محلی (TU+1) ارائه دهد.

۶. شرایط ارسال پیشنهادات

هر شرکت/کنسرسیوم علاقه مند یک نامه ارسال پرونده خود را به وزیر هیدروکربن ها در کینشاسا/لینگوالا ارسال می کند، که باید در دبیرخانه فنی کمیسیون ویژه مسئول سازماندهی مناقصات واقع در طبقه دوم ساختمان SONAHYDROC، شماره ۱، خیابان کمیته شهری، کمون گومبه در کینشاسا/جمهوری دموکراتیک کنگو تحویل داده شود.

برای هرگونه درخواست شفاف سازی و اطلاعات بیشتر، در صورت نیاز، لطفا با تماس های زیر تماس بگیرید:

ایمیل:

۱. اطلاعات فنی: info@drbidround2022.com

وب سایت: www.drbidround2022.com

۲. اطلاعات اداری: commissionappeloffres2022@hydrocarbures.gouv.cd

وب سایت: www.hydrocarbures.gouv.cd

تلفن: +۲۴۳ ۸۲۲ ۲۱۲ ۵۳۷

هر شرکت/کنسرسیوم موظف است فقط یک پیشنهاد برای هر بلوک به زبان فرانسوی ارائه دهد و پاکت را مهر و موم کند (در چهار نسخه، یک اصل و سه کپی) با ذکر عبارت زیر: "حوضه مرکزی / بلوک مورد نظر: AMI/CC/COM- /۰۰۲-ADHOC/DBN/MIN-HYDRO/2022، نام و آدرس نامزد".

هر شرکت/کنسرسیوم علاقه مند می تواند اطلاعات مربوط به فراخوان ابراز علاقه و دسترسی به داده ها را از دبیرخانه فنی کمیسیون ویژه مسئول سازماندهی مناقصه از دوشنبه تا جمعه از ساعت ۹:۰۰ تا ۱۵:۰۰ به وقت محلی (TU+1) در آدرس زیر دریافت کند و مطالعه نماید:

طبقه دوم ساختمان SONAHYDROC، شماره ۱، خیابان کمیته شهری، کمون گومبه در کینشاسا/جمهوری دموکراتیک کنگو.

توجه:

- پیشنهادات دیر هنگام پذیرفته نمی شوند.

- ارسال الکترونیکی مجاز نیست.

- بازگشایی پاکت ها ۴۸ ساعت پس از مهلت ارسال انجام می شود.

- بررسی پیشنهادات در جلسه عمومی و در حضور نامزدها یا نمایندگان آنها در تاریخ و آدرس زیر انجام خواهد شد:

۳ - فوریه ۲۰۲۳ ساعت ۱۰:۰۰ به وقت محلی (TU+1). (* به روز رسانی آخرین مهلت ارائه پرونده ۳۰ سپتامبر و ۹ اکتبر ۲۰۲۴ است.)

- طبقه دوم ساختمان SONAHYDROC، شماره ۱، خیابان کمیته شهری، کمون گومبه در کینشازا/جمهوری دموکراتیک کنگو.

تاریخ ۲۸ ژوئیه ۲۰۲۲ در کینشازا.

[مهر و امضا دیدیه بودیمبو، وزیر سابق هیدروکربن ها]