

# The Year in Review

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Volume 54 *International Legal Developments*  
*Year in Review: 2019*

Article 16

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February 2024

## International Energy and Natural Resources Law

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### Recommended Citation

Mathias Dantin et al., *International Energy and Natural Resources Law*, 54 ABA/SIL YIR 239 (2024)

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## **International Energy and Natural Resources Law**

MATHIAS DANTIN, RICARDO ALVES SILVA, AND SARA FRAZÃO\*

This article highlights important international and national developments in the field of international energy and natural resources law in 2019.

### **I. Angola**

Angola enacted four statutes aimed at further implementing reforms to the petroleum sector during 2019: (1) Presidential Decree No. 15/19 (the new Organizational Statute of Sociedade Nacional de Combustíveis de Angola (Sonangol EP)),<sup>1</sup> (2) Presidential Decree 49/19 (creating the National Agency for Petroleum, Gas and Biofuels (*Agência Nacional de Petróleo, Gás e Biocombustíveis* (ANPG)), the new National Concessionaire for the Petroleum Sector),<sup>2</sup> (3) Presidential Decree 52/19 (General Strategy for the Awarding of Petroleum Concessions, for the 2019–2025 period),<sup>3</sup> and (4) Law No. 5/19 (amendment to the Petroleum Activities Law).<sup>4</sup> Additionally, a new licensing round for petroleum concessions is currently underway, in which “ten blocks were put on offer: Block 10 in the Benguela Basin, and Blocks 11– 13, 27– 29, and 41–43 in the Namibe Basin.”<sup>5</sup>

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1. *Legal News Angola January through February 2019*, MIRANDA ALLIANCE (Mar. 29, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/angola-legal-news-january-through-february-2019>.

2. *Legal News Angola April through June 2019*, MIRANDA ALLIANCE (July 31, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/angola-legal-news-april-through-june-2019>; *Legal News Angola January through February*, *supra* note 1.

3. *General Strategy for the Awarding of Petroleum Concessions*, MIRANDA ALLIANCE (Feb. 22, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/alerts/general-strategy-for-the-awarding-of-petroleum-concessions>; *Legal News Angola January through February*, *supra* note 1.

4. *Petroleum Activities Law Amended*, MIRANDA ALLIANCE, <https://www.mirandalawfirm.com/en/insights-knowledge/publications/alerts/petroleum-activities-law-amended> (last visited Mar. 27, 2020).

5. *New Licensing Round for Petroleum Concessions Launched*, MIRANDA ALLIANCE (Oct. 3, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/alerts/new-licensing-round-for-petroleum-concessions-launched>.

On the downstream front, “the Minister of Mineral Resources and Petroleum approved the Internal Regulations of the Regulatory Institute of Petroleum By-Products (*Instituto Regulador dos Derivados do Petróleo* (IRDP)) by means of Executive Decree 51/19.”<sup>6</sup>

In respect to the mining sector, three statutes are worth noting, which will entail future changes in the sector: (1) Presidential Decree No. 35/19, which approved the Technical Regulations on the Marketing of Rough Diamonds and regulate, *inter alia*, uniform criteria for the classification of rough diamonds based on the national standard sample and for determining base sale prices, and regulate the types of sale (sights, spots, and auctions), together with the rules applicable to all sales and the specific rules applicable to each type of sale;<sup>7</sup> (2) Presidential Order No. 22/19, which set up an Interministerial Working Group “aimed at analyzing and updating the Model for Readjusting the Organization of the Mining Sector provided for in the 2018–2022 National Development Plan;”<sup>8</sup> and (3) Presidential Decree 85/19, which approved new Regulations on the Semi-Industrial Mining of Diamonds, set forth “the principles, rules and procedures aimed at optimizing these type of mining operations, implementing the measures established by the Rough Diamonds Marketing Policy in the semi-industrial mining, and preventing and repressing the illegal exploitation of diamonds.”<sup>9</sup>

## II. Benin

### A. HYDROCARBONS

In a context marked by major offshore oil discoveries in 2013,<sup>10</sup> Benin adopted Law No. 2019-06 establishing the new Oil Code on January 21, 2019 (promulgated November 15, 2019).<sup>11</sup> This law repeals the previous national legislation governing oil operations, in particular, Law No. 2006-18 of 17 October 2006. This new code covers the provisions relating to the prospecting, research, exploitation, transport, and storage of hydrocarbons (including the occupation of required lands for these activities); oil contracts; the tax, customs, and foreign exchange regime of oil operations; the distribution of oil revenues; and administrative, technical, and financial monitoring, as well as the regime of sanctions and dispute settlement.

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6. *Legal News Angola January through February*, *supra* note 1.

7. *Id.*

8. *Id.*

9. *Legal News Angola March 2019*, MIRANDA ALLIANCE (May 6, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/angola-legal-news-march-2019>.

10. Oliver Chambord & Allison Soilihi, *Benin Adopts New Petroleum Code in Emerging West Africa Oil and Gas Frontier*, MORGAN LEWIS (Mar. 8, 2019), <https://www.jdsupra.com/legalnews/benin-adopts-new-petroleum-code-in-20603/>.

11. *See* Loi 2019-16 du 15 novembre 2019 portant code pétrolier en République du Bénin [Law 2019-06 of November 15, 2019 on the Petroleum Code of the Republic of Benin], Nov. 15, 2019.

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**B. ELECTRICITY**

Published in December 2018, Decree No. 2018-415 regulates off-grid electrification in the Republic of Benin.<sup>12</sup> It also enables the commencement of the first stage of the “Off-Grid Electricity Access” Project, part of the MCA-Benin II Programme, to be carried out by laying down rules conducive to the creation of an environment that would support off-grid electrification in rural and peri-urban areas.<sup>13</sup>

In March 2019, promulgation of Law No. 2019-16 ratifies the loan provided by the International Development Association for the implementation of the North Core/Dorsale Nord Regional Power Interconnector Project 330 kv (Nigeria - Niger - Burkina Faso - Benin/Togo).<sup>14</sup>

**III. Burkina Faso**

**A. ELECTRICITY**

On September 18, 2019, two decrees were adopted.<sup>15</sup> The first decree relates to the terms of access for self-producers of renewable energy to the electricity grid and conditions for the repurchase of their excess energy

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12. *See* Décret 2018-415 du 12 septembre 2018 portant réglementation de l'électrification hors-réseau en République du Bénin [Decree 2018-415 of September 12, 2018 on Regulating Off-Grid Electrification in the Republic of Benin], Sept. 12, 2018.

13. *Improving Off-Grid Electrification in Benin through Better Regulation*, OCEF, <https://ocef.bj/en/pages/media?article=am%C3%A9liorer-1%C3%A9lectrification-hors-r%C3%A9seau-aub%C3%A9nin-gr%C3%A2ce-%C3%A0-une-meilleure-r%C3%A9glementation> (last visited Mar. 27, 2020).

14. *See* Loi 2019-16 du 22 mars 2019 portant autorisation de ratification de l'accord de prêt signé à Cotonou, le 27 novembre 2018, entre la République du Bénin et L'Association Internationale de Développement (AID), dans le cadre du financement du Projet d'interconnexion électrique régionale, dorsale Nord, 330 KV [Law 2019-16 of March 22, 2019 on Authorizing the Ratification of the Loan Agreement Signed in Cotonou, on November 27, 2018, between the Republic of Benin and the International Development Association (AID), in the Context of the Financing of the Regional Electrical Interconnection Project, North Backbone, 330 KV], Mar. 22, 2019; *see also* *Benin/Burkina Faso/Niger/Nigeria: Procurement notice for interconnection project*, AFR. ENERGY (Apr. 17, 2019), <https://www.africa-energy.com/live-data/article/beninburkina-fasonigernigeria-procurement-notice-interconnection-project>.

15. *See* Décret 2019-0902 du 18 septembre 2019 portant modalités d'accès des autoproducteurs d'énergies renouvelables au réseau électrique et conditions de rachat de leur excédent d'énergie [Decree 2019-0902 of September 18, 2019 Relating to Terms of Access for Renewable Energy Autoproducers to The Electricity Grid and Conditions for the Purchase of Their Excess Energy], Sept. 18, 2019, (Burk. Faso); *See* Décret 2019-0901 du 18 septembre 2019 portant fixation du niveau de consommation annuelle en énergie électrique du client éligible et les conditions de son retour aux tarifs régulés [Decree 2019-0901 of September 18, 2019 Relating to Fixing the Level of Annual Consumption in Electrical Energy of the Eligible Customer and the Conditions for his Return to the Regulated Tariffs], Sept. 18, 2019, (Burk. Faso).

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production.<sup>16</sup> The second decree relates to the determination of an eligible customer's annual consumption of electricity and the conditions for its return to the regulated tariff.<sup>17</sup>

#### **IV. Burundi**

##### **A. MINING**

In August 2019, the Ministry of Mines, along with the Ministry of Justice, held a joint session to discuss the revision of the legal and regulatory mining framework to overcome, according to the government, shortcomings in the current mining code which has been in force since 2013.

Decree No. 100/095, dated August 8, 2018, redefines the ambit of the Ministry for energy and mining affairs, which now includes hydraulic affairs.<sup>18</sup> The Decree also provides for the organization and the functioning of administrative entities that are under the authority of the Ministry for energy, mines, and hydraulic affairs.<sup>19</sup>

At the end of 2018, a further decree was passed to revise and fully reshuffle decree No. 100/112 of May 30, 2016, which created and organized the Office of Mines and Quarries (Office Burundais des Mines et Carrières).<sup>20</sup> This office is entrusted with all matters surrounding the management and monitoring of mining, as well as oil and gas activities to improve the tax recovery rate from mining and petroleum revenues.<sup>21</sup>

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16. *See* Decret 2019-0902 du 18 septembre 2019 portant modalités d'accès des autoproducteurs d'énergies renouvelables au réseau électrique et conditions de rachat de leur excédent d'énergie [Decree 2019-0902 of September 18, 2019 Relating to Terms of Access for Renewable Energy Autoproducers to The Electricity Grid and Conditions for the Purchase of Their Excess Energy], Sept. 18, 2019, (Burk. Faso).

17. *See* Decret 2019-0901 du 18 septembre 2019 portant fixation du niveau de consommation annuelle en énergie électrique du client éligible et les conditions de son retour aux tarifs régulés [Decree 2019-0901 of September 18, 2019 Relating to Fixing the Level of Annual Consumption in Electrical Energy of the Eligible Customer and the Conditions for his Return to the Regulated Tariffs], Sept. 18, 2019, (Burk. Faso).

18. *See* Decret 100/095 du 8 août 2018 portant missions et organisation du ministère de l'hydraulique, de l'énergie et des mines [Decree 100/095 of August 8, 2018 Relating to Missions and Organization of the Ministry of Hydraulics, Energy and Mines], Aug. 8, 2018, (Burundi).

19. *See id.*

20. *See* Decret 100/184 du 7 décembre 2018 portant révision du décret no. 100/112 du 20 mai 2016 portant création, missions, organisation et fonctionnement de l'office burundais des mines et carrières [Decree No. 100/0184 of December 7, 2018 revising Decree No. 100/112 of May 30, 2016 establishing missions, organization, and operation of the Burundian Office of Mines and Quarries], Dec. 12, 2018 (Burundi).

21. *See id.*

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**B. POWER**

A new regulatory body for the domestic water and energy sectors was created by a Decree dated November 5, 2018.<sup>22</sup> The Regulation Authority (*Autorité de régulation des secteurs de l'eau potable et de l'énergie*, called AREEN) is mandated, *inter alia*, with the controlling and monitoring of the domestic water and energy sectors, including the monitoring of the concession agreements and Public Private Partnership agreements awarded by the State in these sectors.<sup>23</sup>

**V. Cameroon**

“The long-awaited Cameroonian Petroleum Code (Law No. 2019/008) was enacted on April 25, 2019.”<sup>24</sup> The new Code triggers a comprehensive revamping of the previous statutory regime and addresses

matters such as the simplification of the tax, customs, and foreign exchange regimes; the special incentives for certain zones; the introduction of risk service contracts; signature and production bonuses; the possible reduction (and at least in theory the elimination) of State participating interests; transfers and changes of control; local content requirements; control and disclosure of data; the joint operation of blocks covered by separate contracts; the permission for special stabilization regimes; and possible offences and penalties are all addressed in and governed by the Petroleum Code.<sup>25</sup>

**VI. Cape Verde**

By means of Resolution No. 39/2019, the Council of Ministers approved the 2018-2040 Master Plan for the Electricity Sector, setting forth, *inter alia*, goals “to achieve [thirty percent] of electricity production from renewable energy sources by 2025,” and “to exceed [fifty percent] of electricity production from renewable energy sources by 2030.”<sup>26</sup> Additionally, “Decree-Law No. 25/2019 . . . approved the National System of Electrical Equipment Labeling and Requirements, establishing obligations to inform

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22. See Decret 100/159 du 5 novembre 2018 portant statuts de l'autorite de regulation des secteurs de l'eau potable et de l'énergie <<AREEN>> [Decree 100/159 of November 5, 2018 Relating to Statutes of the Regulatory Authority for the Portable Water and Energy Sectors <<AREEN>>], Nov. 5, 2018, (Burundi) (implementing the statutes of the regulatory authority for the water and energy sectors).

23. *See id.*

24. *New Petroleum Code*, MIRANDA ALLIANCE (Apr. 29, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/alerts/new-petroleum-code>.

25. *Id.*

26. *Legal News Cape Verde January through June 2009*, MIRANDA ALLIANCE (Aug. 14, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/cape-verde-legal-news-january-through-june-2019>.

the end users of these products through labeling and indications of energy consumption.”<sup>27</sup>

## VII. Democratic Republic of Congo

### A. POWER

A set of governmental decrees and orders were adopted at the end of 2018 that refined the Congolese energy scheme. In respect to power activities, a decree dated December 24, 2018 provides for the regime of allocation, modification, and revocation of concessions, licenses, and authorizations to operators in the energy sector.<sup>28</sup> This decree also sets out the obligations of operators regarding the public provision of electricity.<sup>29</sup> In addition, the Orders of December 27, 2018 laid down the standard conditions (*cahier des charges général*) of the activities in the electricity sector,<sup>30</sup> the standard model of concession agreements, and the templates of licences and authorisations in the electricity sector.<sup>31</sup> Also noteworthy is the issuance of an order that prescribes the terms and conditions for the sale of the surplus energy production from self-production facilities.<sup>32</sup> Alongside the issuance of the decrees, a law has been passed that modifies Article 52 of Law 14-011, dated June 17, 2014.<sup>33</sup> Under this law, the duration of any energy concession shall be determined in respect to the facility’s asset-life based on anticipated levels of depreciation.<sup>34</sup> Following the government statement, the overall changes

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27. *Id.*

28. *See* Decret 18/052 du 24 decembre 2018 fixant les modalités de selection des operaterus, d’attribution, de modification et d’annulation des concessions, des licens et de autorisations dans le secteur de l’électricite [Decree 18/052 of December 24, 2018 Setting the Modalities of Operator Selection, Allocation, Modification and Cancellation of Concessions, Licensors and Authorizations in the Electricity Sector], Dec. 24, 2018, (Dem. Rep. Congo).

29. *See id.*

30. *See* Arrete 081/CAB/MIN/ENRH/18 du 27 decembre 2018 portant cahier des charges general des activites du secteur de l’électricite [Order 081 / CAB / MIN / ENRH / 18 of December 27, 2018 Laying Down General Specifications for Activities in the Electricity Sector], Dec. 27, 2018, (Dem. Rep. Congo) (implementing the general conditions of the activities in the electricity sector).

31. *See* Arrete 085/CAB/MIN/ENRH/18 du 27 decembre 2018 portant contrats – types de concession et de delegation, modèles de licences et d’autorisations du secteur de l’électricite [Order 085/CAB/MIN/ENRH/18 of December 27, 2018 Relating to Contracts - Types of Concession and Delegation, Models of Licenses and Authorizations in the Electricity Sector], Dec. 27, 2018, (Dem. Rep. Congo).

32. *See* Arrete 082/CAB/MIN/ENRH/18 du 27 decembre 2018 fixant les conditions et les modalités de vente de l’excédent d’énergie électrique des installations de’autoproduction de l’électricité [Order 082/CAB/MIN/ENRH/18 of December 27, 2018 Laying Down the Conditions and Terms of Sale of Excess Electrical Energy from Self-Production Electricity Installations], Dec. 27, 2018, (Dem. Rep. Congo).

33. Loi No. 31/2018 of Dec. 13, 2018, Journal Officiel [Official Journal], Jan. 1, 2019 (Dem. Rep. Congo).

34. *Id.*

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under this amendment aim to attract more private investment to the sector in order to ensure ongoing universal access to electricity in the DRC.<sup>35</sup>

**B. MINING**

On November 24, 2018, a decree was passed by the Ministry of Mines to declare cobalt, germanium and coltan as “strategic” minerals.<sup>36</sup> The designated minerals will be subject to a higher royalty rate of ten percent as provided for by the Mining Code adopted in 2018.<sup>37</sup> As set out in the preamble, this action aimed to take the “international economic environment” into account.

**VIII. Gabon**

Decree No. 000014/MPH/SG/DGH/DAEJF, sets forth “that oil companies shall bear expenses incurred by Public Administration agents, insofar as they relate to the control and monitoring of oil companies’ activities.”<sup>38</sup> The new decree sets forth, *inter alia*, that the “expenses include travel expenses from the public agents’ homes to the place where the mission is to be performed, local transportation and accommodation,” and the daily rates.<sup>39</sup>

**IX. Guinea**

**A. MINING**

Dated July 13, 2018 but made public at the end of 2018, article 165 implementation Decree A/2018/5212/MEF/MMG/MB/MATD/SGG provides for fifteen percent of the mining tax revenues to be placed into a fund to promote the development of rural communities.<sup>40</sup>

Decree 2019-123 adopted on April 19, 2019, transferred the State company’s (SOGUIPAMI) oversight from the Ministry of Mines to the presidency.<sup>41</sup> The State company is responsible for managing the

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35. *Id.*

36. Decret 18/052 of Nov. 24, 2018 (Dem. Rep. Congo); *See also DRC Classifies Cobalt, Coltan as ‘Strategic’ Minerals*, AFR. NEWS, <https://www.africanews.com/2018/12/04/drc-classifies-cobalt-coltan-as-strategic-minerals/#:~:text=vCobalt%20and%20coltan%2C%20used%20in,to%20this%20effect%20late%20November> (last updated Dec. 4, 2018).

37. *See DRC Classifies Cobalt, Coltan as ‘Strategic’ Minerals*, *supra* note 38.

38. *Legal News Gabon February 2019*, MIRANDA ALLIANCE (Mar. 4, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/gabon-legal-news-february-2019>.

39. *Id.*

40. Stéphane Brabant & Bertrand Montebault, *Business-Focused Legal Analysis and Insight in the Most Significant Jurisdictions Worldwide*, MINING L. REV. ED. 8 (2019).

41. *Id.*



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shareholdings held by the State in mining companies and issuing mining permits.<sup>42</sup>

**X. Mali**

**A. MINING**

On August 21, 2019, Mali adopted a draft ordinance of the Mining Code, which in part aims to substantially increase the share of mining products that contribute to the development of the national economy.<sup>43</sup> The new law introduces a number of innovative changes, including the abolition of the required authorisation for prospecting and dredging, an “exemption from VAT during the production phase and certain other customs and tax advantages.”<sup>44</sup> This project also envisages “the extension of environmental protection related obligations” to the exploratory phase, “the possibility of allocating mining titles through invitations to tender,” and “the creation of a fund for rehabilitating mining sites, securing artisanal mining sites and combating the use of prohibited products.”<sup>45</sup>

**XI. Morocco**

**A. MINING**

On February 11, 2019, the Minister of Energy, Mines, and Sustainable Development issued an order delimiting the scope of the exploitation and exploration for minerals that were exclusively reserved to the National Hydrocarbons and Mining Office (ONHM) for a period of ten years, within the framework of the agreement on the search for minerals concluded with the State.<sup>46</sup>

**B. GAS**

The MAD 45 billion megaproject of Gas to Power was revised in 2019, with a new roadmap to be presented later this year.<sup>47</sup> This project, presented four years ago by then Minister of Energy and Mines, Abdelkader

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42. *Id.*

43. *Li: Minutes of the Wednesday, August 21, 2019*, MALIACTU.NET (Aug. 21, 2019), <https://maliactu.net/mali-compte-rendu-du-conseil-des-ministres-du-mercredi-21-aout-2019/>.

44. *Id.*

45. *Id.*

46. *See* Loi 3815-18 du 11 février 2019 fixant un périmètre dans lequel le droit d’explorer, de rechercher et d’exploiter les produits de mines est reserve à L’Etat [Law 3815-18 of February 11, 2019 Setting a Perimeter in Which the Right to Explore, Research and Exploit Mining Products is Reserved to the Stat], Bulletin Officiel [Official Bulletin], Mar. 21, 2019, p. 529 (Morocco).

47. Soufiane Chahid, *Aziz Rabbah Backtracks on Gas Plan*, TELEQUEL (Jan. 10, 2019), [https://telquel.ma/2019/01/10/aziz-rabbah-fait-marche-arriere-sur-le-plan-gazier-2021\\_1625100/?utm\\_source=tq&utm\\_medium=normal\\_post](https://telquel.ma/2019/01/10/aziz-rabbah-fait-marche-arriere-sur-le-plan-gazier-2021_1625100/?utm_source=tq&utm_medium=normal_post).

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Aâmara, aimed to increase the share of natural gas within Morocco's energy mix in order to reduce the share of coal, while also reducing Morocco's energy dependency on Algeria.<sup>48</sup>

C. RENEWABLES

On January 9, 2019, as part of the Media-Ministry Day, the Moroccan Minister of Energy, Mines and Sustainable Development announced that at the end of 2018, the share of renewable energy sources within Morocco's national energy mix had reached thirty-five percent.<sup>49</sup> In order to continue pursuing the National Energy Efficiency Strategy project developed and presented at the Government Council in June 2017, the Minister announced that a contract-programme would be established over the next five years between the relevant ministerial departments and the various regions including the Moroccan Energy Efficiency Agency (AMEE).<sup>50</sup>

**XII. Mozambique**

Recently, on the energy front, the following statutes have been enacted: (1) Resolution No. 2/2019, which approved the Energy Regulatory Authority Organizational Statutes (ARENE);<sup>51</sup> (2) Decree No. 32/2019, which approved the Regulations of the National Rescue and Salvage System for the Mineral Resources Extractive Industry,<sup>52</sup> and (3) Decree No. 31/2019, which created the General Inspectorate for Mineral Resources and Energy.<sup>53</sup>

In the Oil and Gas sector, Resolutions No. 29/2019 and 30/2019 and Decree No. 47/2019 were approved, which set forth measures to enable Rovuma Basin LNG undertakings.<sup>54</sup>

By way of such statutes the Government approved: (1) the Development Plan regarding the Area 4 LNG Project, to enable the construction of two offshore LNG trains; (2) the Unitization and Unit Operations Agreement entered into in 2015 between the Rovuma Block Area 1 and Area 4 Concessionaires; and (3) the terms and conditions of the

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48. *Id.*

49. *Id.*

50. *Energy Policies Beyond IEA Countries: Morocco 2019*, INT'L ENERGY AGENCY (2019), at 58, [https://www.connaissancedesenergies.org/sites/default/files/pdf-actualites/Energy\\_Policies\\_beyond\\_IEA\\_Contries\\_Morocco.pdf](https://www.connaissancedesenergies.org/sites/default/files/pdf-actualites/Energy_Policies_beyond_IEA_Contries_Morocco.pdf).

51. *Legal News Mozambique February 2019 through April 2019*, MIRANDA ALLIANCE (June 3, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/mozambique-legal-news-february-through-april-2019>.

52. *Id.*

53. *Id.*

54. *Legal News Mozambique May through July 2019*, MIRANDA ALLIANCE (Aug 30, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/mozambique-legal-news-may-through-july-2019-2>.

Supplementary Agreement to the Petroleum Exploration and Production Concession Contract for Area 4.<sup>55</sup>

Moreover, “Decree No. 51/2019 approved the financing structure for the Golfinho/Atum LNG Project in Area 1 of the Rovuma Block.”<sup>56</sup>

### **XIII. Senegal**

The new “Senegalese Petroleum Code has been enacted as Law No. 2019-03.”<sup>57</sup> “This statute, which replaces its 1998 predecessor, sets out the general legal framework applicable to the carrying-out of petroleum operations in Senegal from prospecting to marketing, exploration to transport, development to storage, exploitation to the liquefaction of natural gas.”<sup>58</sup> The new statute also addresses

the mandatory State participation in the petroleum operations (via PETROSEN, the Senegalese NOC), the terms for the award of blocks and the granting of the corresponding mining rights, the rules on production sharing, the tax and customs framework to which oil companies and their subcontractors [or] service providers are subject . . . the environmental protection, transparency and local content standards, and foreign exchange guarantees.<sup>59</sup>

Additionally, a new statute on Local Content in the Hydrocarbons Industry was also enacted (Law No. 2019-04), aimed at promoting “the use of Senegalese goods and services, and enhancing the participation of the national workforce, technology and capital in the entire value chain of the oil and gas industry.”<sup>60</sup>

### **XIV. Tunisia**

#### **A. RENEWABLES**

Tunisia is commencing operations on its first photovoltaic solar power plant, “Tozeur 1”, as well as commencing construction works for the second park “Tozeur 2.”<sup>61</sup> Carried out by the Tunisian Electricity and Gas Company (STEG), this project is developed as part of Tunisia’s energy plan,

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<sup>55.</sup> *Id.*

<sup>56.</sup> *Id.*

<sup>57.</sup> *New Petroleum Code Enacted*, MIRANDA ALLIANCE (Mar. 13, 2019), <https://www.miranda-lawfirm.com/en/insights-knowledge/publications/alerts/new-petroleum-code-enacted>.

<sup>58.</sup> *Id.*

<sup>59.</sup> *Id.*

<sup>60.</sup> *Id.*

<sup>61.</sup> *Tunisia-Commissioning of the First Solar Park of the “Tozeur 1” Photovoltaic Power Plant*, BUS. FR. (Aug. 13, 2019), <https://www.businessfrance.fr/tunisie-mise-en-exploitation-du-premier-parc-solaire-de-la-centrale-photovoltaique-tozeur-1#>.

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which aims for the production of thirty percent of all electricity from renewable energy sources.<sup>62</sup>

In addition, production at the Nawara gas project is set to begin soon,<sup>63</sup> suggesting an increase in domestic natural gas production this year, which will almost double “from 35,000 barrels of oil equivalent per day (boe/d) to 65,000 boe/d.”<sup>64</sup>

### **XV. Timor-Leste**

By means of Law No. 1/2019, the Parliament approved “an amendment to the Petroleum Activities Law, [to clarify] that the State, state-owned companies, and other publicly held or controlled entities may acquire participating interests higher than [twenty percent] in petroleum operations when the participation of Timor-Leste results from a commercial transaction or award.”<sup>65</sup> “The amendments to the law also approved an exception to the Audit Court’s control, as well as the possibility of the Petroleum Fund being used to finance participation in the said petroleum operations.”<sup>66</sup>

Additionally, together with the publication of National Parliament Resolution No. 15/2019, which ratifies “the Treaty Between Australia and the Democratic Republic of Timor-Leste” “Establishing their Maritime Boundaries in the Timor Sea,” a legislative package was approved that transfers “petroleum projects currently active in the Joint Petroleum Development Area (JPDA) and Australia to the exclusive jurisdiction of Timor-Leste under conditions equivalent to those previously in force.”<sup>67</sup> This package consists of the following statutes: (1) “Labour and Migration Special Regime for the Bayu-Undan Project”; (2) “First Amendment of the Tax and Duties act, first amendment of the Law on the Taxation of Bayu-Undan Contractors and First Amendment of the Petroleum Development of Timor Sea (Tax Stability) Law”; (3) “Decree-Law on the Transition of Petroleum Titles and Regulation of Petroleum Activities in the Bayu-Undan Field”; (4) “Decree-Law on the Transition of Petroleum Titles and

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62. *Id.*

63. Nadia Bentamansourt, *Bientôt l'entrée en exploitation du champ Nawara [The Nawara Field Will Soon Come into Operation]*, AFR. MANAGER (Apr. 10, 2019), <https://africanmanager.com/bientot-lentree-en-exploitation-du-champ-nawara/>.

64. *La production tunisienne de gaz naturel devrait Presque double en 2019 [Tunisian Natural Gas Production Expected to Almost Double in 2019]*, AGENCE ECOFIN (Jan. 21, 2019), <https://www.agenceecofin.com/gaz-naturel/2101-63373-la-production-tunisienne-de-gaz-naturel-devrait-presque-doubler-en-2019>.

65. *Legal News Timor-Leste October 2018 through February 2019*, MIRANDA ALLIANCE (Mar. 27, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/timor-leste-legal-news-october-2018-through-february-2019>.

66. *Id.*

67. *Legal News Timor-Leste June through August 2019*, MIRANDA ALLIANCE (Oct. 1, 2019), <https://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/timor-leste-legal-news-june-to-august-2019>.

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Regulation of Petroleum Activities from the JPDA”; (5) “Decree-Law on the Transition of Petroleum Titles and Regulation of Petroleum Activities in the Buffalo Field”; and (6) “changes to the statute which created the National Petroleum and Minerals Authority (ANPM).”<sup>68</sup>

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<sup>68</sup>. *Id.*