

LegalNews

PRIVATE INVESTMENT

NEW INVESTMENT CODE PROVIDES FOR FURTHER INCENTIVES

Decree-Law No. 13/2011, of 6 July 2011, approved the new Investment Code (IC), with the main objective of bringing the investment legal framework in force in Guinea-Bissau in line with the norms of the draft UEMOA Community Code latest version. The most noteworthy change brought about by the IC is the creation of a new tax incentive system. For investment projects of an amount equal to or over 80 million U.S. dollars, the IC also provides that the Council of Ministers may grant other incentives through investment contracts. The IC is not applicable to investments made in the areas of mining, oil and forestry, for they remain subject to special regimes.

FISHING

CHANGES TO THE GENERAL FISHING ACT

The General Fishing Act (LGP) was recently amended through Decree-Law No. 10/2001, of 7 June 2011, with a view to create a legal framework better suited to ensure the sustainable use of national fisheries resources. This Decree-Law classifies different types of fishing, vessels, and fishery agreements, in addition to setting out the rules for granting fishing licenses. The National Service for Monitoring and Controlling Fishery Activities ("FISCAP") has been given the authority to monitor fishing vessels' operations. Under the revised framework, fishery offences may be sanctioned with fines and other ancillary penalties, such as the suspension or the revoking of licenses.

NEW FISHERIES INSPECTION REGULATIONS

Regulations on the Inspection of Fisheries (RIP) were enacted through Decree-Law No. 9/2011, of 7 June 2011, thereby implementing mandatory hygiene inspections and the monitoring of fishery products. Businesses that market, transport, import, or export fishery products must now obtain hygiene certification's for those products.

STATE AND ENVIRONMENT

NEW FORESTRY LAW ENACTED

A new Forestry Law was enacted through Decree-Law No. 5/2011, of 22 February 2011, which provides for the creation of different legal regimes for forestry activities. The Law sets out the conditions under which an activity will fall into a particular regime, and lays down the terms on how such activities should be managed. It also imposes measures relating to the monitoring of forestry activities within Guinean territory. Further, this Law requires regulatory measures to be adopted in respect of the sustainable management of forest resources and the creation of tax incentives for land restoration.

ENVIRONMENTAL IMPACT OF LARGE-SCALE MPROJECTS

An Environmental Impact Evaluation Group (CAIA) has been created under Prime-Minister's Order dated 21 March 2011 with the mission to oversee large-scale projects from an environmental standpoint. Pursuant to this Order, the CAIA is empowered, inter alia, to evaluate the projects and issue opinions on environmental impact assessments, as well as to provide support for businesses or institutions throughout the entire process.

TELECOMMUNICATIONS

REGULATORY FEE FOR IT AND COMMUNICATIONS TECHNOLOGIES

Pursuant to the IT and Communications Technologies Framework Law (TIC), Decree No. 18/2011, of 25 February 2011, has set an Annual Regulatory Fee for IT and Communications Technologies. This fee must be paid by operators and telecommunications service providers offering public telecommunications services in Guinea-Bissau, and is calculated on the basis of the net volume of business carried out by each company.

UNIVERSAL ACCESS FUND CREATED

Decree-Law No. 17/2011, of 25 February 2011, has set out the Universal Access Fund (FAU), a public service for the information technology and communications sector. The main purpose of the FAU is to promote and finance the implementation of infrastructure and telecommunications equipment. The FAU has its own specific regulations, which lay down its organizational structure and define its powers, the system for obtaining contributions from operators and entities providing telecommunications services, and the management of FAU's resources.

MARITIME

NATIONAL COUNCIL OF CARRIERS INCORPORATED

Decree-Law No. 12/2011, of 9 August 2011, has incorporated the National Council of Carriers of Guinea-Bissau (CNC-GB), a public body responsible for setting and promoting the interests of exporters and importers who ship goods by sea. Membership in the CNC-GB is mandatory for all exporters and importers carrying out activities in Guinea-Bissau.