

Cote d ivoire energy storage policy

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Houda Law Firm Abidjan is a multi-sectoral and multidisciplinary law firm based in Senegal and the Ivory Coast. The firm was founded in 1977 and has 61 members of staff, including 18 in Cote d'Ivoire, composed of a team of lawyers, jurists and paralegals. The team works in French and English to ensure the satisfaction of local and international clients. Houda Law Firm Abidjan provides legal advice and assistance to a variety of clients in many different practice areas, including business law, insurance law, banking and finance, public and private international law, contract law, mining, oil and gas, renewable energy law and tax. The firm has proven expertise in the energy and extractive sector, PPPs, banking and finance, and corporate and commercial law.

The state exclusively owns all the deposits and natural accumulations of hydrocarbons in the soil and subsoil of Cote d'Ivoire as well as its territorial sea, its exclusive economic zone and its continental shelf, whether discovered or not discovered (Article 2 of the Petroleum Code). No person, including the owner of the surface, may undertake any operation unless such person has been previously authorised in accordance with the provisions of the Petroleum Code (Article 4 of the Petroleum Code).

The Ministry of Mines, Petroleum and Energy is responsible for the implementation and monitoring of the government's policy on mines, petroleum and electricity. In the field of hydrocarbons, the Ministry elaborates and monitors the legislation and regulations in the field of hydrocarbons. Its mission is also the development of the activities of exploration and exploitation of hydrocarbons as well as co-ordination of the supply and distribution of oil products. It also controls the conformity of the marketed oil and gas products to fight against fraud.

The General Directorate of Hydrocarbons (Direction G n rale des Hydrocarbures or DGH) is one of the two Directorates of the Ministry of Mines, Petroleum and Energy. It is the government authority primarily responsible for the development and regulation of the oil and gas industry in Cote d'Ivoire. It is also mainly responsible for the research of hydrocarbon exploitation.

The Interdepartmental Petroleum Commission (Commission Interminist rielle P troli re or CIP) oversees the technical review of applications for petroleum authorisations and petroleum contracts. In addition to its most important function, it must approve the lists of materials, chemical products and equipment that can benefit the exemptions prescribed by Article 79 of Law No 96-669 of 29 September 1996, on the Petroleum Code (exemption from all import duties and taxes, including value added tax (VAT)). CIP is also governed by Title XI of Decree No 96-733 of 19 September 1996, on the general application of the Petroleum Code.

Cote d'Ivoire has a national company, Petroci Holding (owned by the state (95%) and the employees (5%))

and its three subsidiaries: Petroci Exploration-Production, responsible for upstream hydrocarbon activities; Petroci-Gaz, responsible for development of the gas sector; and Petroci Industries-Services, responsible for all other related services.

The Soci?t? Ivoirienne de Raffinage (SIR), the only Ivoirian oil refinery, and its associated storage company, GESTOCI, sell refined oil. The market for petroleum products is not liberalised, so companies seeking to market petroleum in C?te d'Ivoire must do so through SIR and the Ministry of Petroleum, Energy and Renewable Energy.

Hydrocarbon is governed by Law No 96-669 of 29 August 1996, on the Petroleum Code (the "Petroleum Code"), as modified by Ordinance No 2012-369 of 18 April 2012 for all upstream, midstream and downstream operations. This law governs hydrocarbon prospecting authorisation, petroleum contract for hydrocarbon research and exploitation, hydrocarbon research and exploitation authorisation, as well as authorisation to transport hydrocarbons by pipeline, and customs tax and exchange regulations.

The following main legislation governs the Petroleum Code's application as well as the types of authorisations and permits available.

The Petroleum Code is currently under revision but in its early stages without specification as to what will be changed.

Article 56 of the Petroleum Code provides that if a hydrocarbon deposit extends over several contractual perimeters allocated to separate holders, the latter may be required, where appropriate, to enter a so-called "unitisation agreement" in order to exploit the deposit under the best technical and economic conditions. This agreement and the joint exploitation plan must be submitted to the government.

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