



**-Gabon-**

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## GENERAL FEATURES OF TRADE POLICY

In the 1990s, Gabon embarked on two transitions with far-reaching implications for the country's future. The first was the introduction of competition into the domestic market to pave the way for the post-petroleum economy. The second transition concerned the democratization of political life and should culminate in 2005 in the first change-over of presidential power since 1967.

Gabon today is firmly committed to globalization through wholesale liberalization of its markets, fast-track deregulation and dismantling of privileges. This change does not, however, mean the disappearance of the State. Of course, the State is no longer involved in managing, trading or entrepreneurship, but in regulation. A minimum critical framework combined with a determination to diversify the pattern of national trade is thus the basis of Gabon's new trade policy. To achieve this, the new policy has set itself the following objectives: fluidity, competitiveness and productivity, and diversity.

By fluid trade, the Ministry of Trade means liberalization of trading activities to the maximum from superfluous regulatory, administrative and practical requirements. The important measures taken in terms of domestic trade are supplemented by measures to liberalize foreign trade.

Gabon abolished minimum trading margins on imported goods in 1989 and most quantitative import restrictions in 1994, a process which continued in 1999 (only sugar imports remain prohibited in 2000).

By diversified trade, Gabon means diversifying: (a) trading partners, (b) exported and imports products, and (c) increasing the participation of national operators in trade, which at present is dominated by foreign operators.

To diversify its exports, Gabon is relying on a strategy of industrial development, especially wood processing, activities related to fishing, and processing of mineral and energy resources, and also hopes to exploit its tourist potential. Gabon also plans to increase agricultural production to reduce the country's considerable proportion of imported food.

To achieve the objectives of this industrial development strategy, Gabon hopes to stimulate investment. A new investment charter is intended, according to its Article 2, "to encourage growth and diversification of the economy through harmonious development of the private sector and investment". The regime applies without distinction to all investors, whether of foreign or Gabonese origin, and offers the principal rights and guarantees available on the international investment market. Nevertheless, the new regime does not apply to sectors of activity related to natural resources, which are owned by the State, exploitation and processing of which are subject to specific codes. These currently attract the vast bulk of private investment in Gabon. The codes set out conditions of access and incentives different from those that apply to companies in Gabon.

TRADE POLICY

## Multilateral policy

Gabon became a founding Member of the WTO, continuing its relationship with the GATT 1947 which started in 1963. Gabon accords at least most-favoured-nation (MFN) treatment to imports from WTO Member countries. Gabon has notified that the Customs Valuation Agreement would be applied as of 2000, with some reservations.

Gabon's policy on trade in goods consists essentially of implementing the Acts of the Central African Customs and Economic Union (CACEU), established by the Treaty of Brazzaville in 1964, but currently under the auspices of the Central African Economic and Monetary Community (CAEMC), established in 1998 by the members of CACEU (see below). CAEMC incorporates the heritage of CACEU.

These Acts are immediately applicable as the law of the State of Gabon and binding in law. They consist primarily of the CACEU Customs Code, adopted in 1965, and the subsequent amendments, notably the common external tariff (CET), the generalized preferential tariff, the Act on Turnover Tax and Excise Duties, and the Acts amending the provisions of the Code on Customs Valuation to align it with the corresponding WTO Agreement.

Imported products are thus subject, at the Gabon frontier, to customs duties (either MFN or preferential), excise duties and value added tax. Under Gabon's commitments within CACEU, the levels of these taxes and duties are established under the General Code on Direct and Indirect Taxes, as amended by the Finance Law, which also governs company and personal taxation, and thus exemptions or reductions applicable to imported products.

### The ACP-EU Partnership Agreement

Gabon is a member of the African, Caribbean and Pacific (ACP) countries, with which the EU has concluded a Partnership Agreement. The Agreement entered into force on 1 March 2000 and was signed on 23 June 2000 at Cotonou, Benin.

*The following table is an overview of the tradeflow between the European Union and Gabon*

Section	Year	Import(Euro)	Export(Euro)
<b>Animals &amp; animal products</b>	1996	3,456,890	25,450,400
	1997	7,287,170	31,801,920
	1998	11,276,980	30,987,850
	1999	12,095,370	25,719,170
	2000	17,623,160	32,170,680
	2001	16,675,690	31,392,190
	2002	15,077,060	28,893,110
	2003	16,178,590	29,358,520
<b>Vegetable products</b>	1996	49,530	14,427,420
	1997	70,340	14,178,150
	1998	139,620	14,601,780
	1999	253,530	12,123,810
	2000	102,350	14,063,610
	2001	14,260	16,964,160
	2002	100,140	20,020,020
	2003	55,200	20,407,090
<b>Animal or vegetable fats</b>	1996	1,694,960	2,867,250
	1997	757,080	3,202,740
	1998	880,240	2,107,330
	1999	781,730	5,766,020
	2000	0	4,879,750
	2001	12,030	1,945,970
	2002	878,990	1,635,430
	2003	0	3,992,910
	1996	2,029,030	32,311,800
	1997	815,060	38,992,230

<b>Prepared foodstuffs</b>	1998	787,060	45,650,120
	1999	512,940	43,067,380
	2000	498,150	40,723,960
	2001	1,490,850	46,261,910
	2002	531,720	47,910,130
	2003	85,550	44,792,080
<b>Mineral products</b>	1996	168,197,130	7,669,290
	1997	179,670,310	13,767,160
	1998	243,948,540	18,106,410
	1999	135,033,360	6,963,850
	2000	199,508,320	9,482,490
	2001	330,647,250	9,917,220
	2002	122,445,440	14,132,390
2003	118,302,850	7,946,790	
<b>Chemical products</b>	1996	3,436,540	50,972,430
	1997	19,470	58,409,190
	1998	46,500	61,211,380
	1999	130,270	50,406,200
	2000	18,460	57,412,340
	2001	76,270	65,655,650
	2002	7,750	64,523,760
	2003	11,570	63,733,070
<b>Plastics &amp; rubber</b>	1996	5,333,250	16,888,250
	1997	6,404,320	20,545,850
	1998	6,557,550	20,133,100
	1999	3,575,430	16,031,430
	2000	1,679,970	18,079,380
	2001	4,007,690	25,596,610
	2002	1,206,800	22,398,620
	2003	2,188,780	23,661,930
<b>Hides &amp; skins</b>	1996	0	709,770
	1997	0	1,092,800
	1998	830	1,641,820
	1999	0	1,023,600
	2000	130	1,221,090
	2001	0	1,507,130
	2002	0	1,849,590
	2003	0	1,608,540
<b>Wood &amp; wood products</b>	1996	137,722,790	762,870
	1997	160,104,260	688,280
	1998	189,719,130	1,018,720
	1999	192,805,120	549,980
	2000	233,332,450	522,930
	2001	265,263,110	918,680
	2002	241,043,650	488,120
	2003	233,414,400	554,770
<b>Wood pulp products</b>	1996	8,490	16,480,820
	1997	53,210	18,371,220
	1998	12,070	22,054,190
	1999	63,050	16,994,200
	2000	19,300	21,629,760
	2001	24,280	24,835,500
	2002	398,130	22,551,720
	2003	68,950	20,697,680
<b>Textiles &amp; textile articles</b>	1996	77,950	15,613,440
	1997	22,340	17,524,200
	1998	13,830	17,909,030
	1999	67,690	13,961,590
	2000	8,880	15,155,640
	2001	21,750	17,900,910
	2002	11,670	15,173,750

	2003	73,690	12,839,510
<b>Footwear, headgear</b>	1996	7,400	3,967,430
	1997	1,180	4,592,710
	1998	0	4,763,300
	1999	0	3,444,010
	2000	0	3,843,770
	2001	96,730	3,598,990
	2002	0	2,922,860
	2003	10,160	2,969,750
<b>Articles of stone, plaster, cement, asbestos</b>	1996	50,820	7,299,060
	1997	25,470	9,751,960
	1998	32,530	9,664,070
	1999	18,520	6,491,270
	2000	66,480	6,731,730
	2001	31,430	7,977,000
	2002	4,130	7,625,190
	2003	14,540	7,157,870
<b>Pearls, (semi-)precious stones, metals</b>	1996	513,090	711,720
	1997	283,360	1,524,980
	1998	566,350	2,128,930
	1999	81,570	3,026,650
	2000	93,400	921,270
	2001	82,170	628,160
	2002	398,800	1,029,070
	2003	905,160	1,680,940
<b>Base metals &amp; articles thereof</b>	1996	708,340	37,581,750
	1997	532,210	49,781,980
	1998	418,620	46,379,400
	1999	1,090,940	42,864,330
	2000	1,324,710	52,537,650
	2001	1,264,630	47,030,200
	2002	1,217,960	61,500,160
	2003	1,075,370	44,007,610
<b>Machinery &amp; mechanical appliances</b>	1996	3,191,700	128,814,350
	1997	1,236,780	142,091,790
	1998	4,080,440	145,122,270
	1999	3,712,410	106,947,970
	2000	8,718,270	174,233,920
	2001	5,965,080	182,105,300
	2002	3,386,720	203,588,880
	2003	2,765,310	176,576,940
<b>Transportation equipment</b>	1996	497,450,060	536,072,000
	1997	558,432,030	611,829,320
	1998	592,410	51,503,370
	1999	819,680	46,759,700
	2000	594,810	45,796,720
	2001	683,890	54,719,590
	2002	1,069,180	62,435,830
	2003	266,600	56,881,970
<b>Instruments - measuring, musical</b>	1996	712,160	16,039,320
	1997	1,650,320	19,566,690
	1998	3,065,250	23,334,730
	1999	1,985,240	11,765,170
	2000	4,153,590	26,158,440
	2001	2,777,080	21,289,410
	2002	4,476,400	30,146,030
	2003	4,370,910	17,419,770
<b>Arms &amp; ammunition</b>	1996	0	522,810
	1997	0	252,990
	1998	0	222,670
	1999	0	179,570

	2000	0	363,860
	2001	0	91,220
	2002	0	225,780
	2003	0	375,820
Miscellaneous	1996	58,170	10,204,420
	1997	67,710	19,935,140
	1998	31,110	13,520,160
	1999	38,240	10,472,030
	2000	111,340	13,361,020
	2001	384,480	12,301,370
	2002	244,420	12,883,350
	2003	159,410	11,177,630
Works of art	1996	1,860	128,740
	1997	10,280	22,970
	1998	11,280	41,680
	1999	26,680	2,740
	2000	7,320	19,780
	2001	9,380	68,380
	2002	4,150	43,310
	2003	660	27,030
Other	1996	2,914,410	469,000
	1997	21,710	553,460
	1998	582,800	1,191,910
	1999	419,880	689,770
	2000	45,450	984,220
	2001	181,170	601,330
	2002	423,180	987,270
	2003	1,849,800	678,640

Agriculture and Fisheries  
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[AGRICULTURE](#)

[Overview](#)

Gabon covers an area of 26.8 million hectares. About 20 million of them are classified as forest or savannah (75 per cent of the country) and almost all the rest is classified as agricultural land, which is used for crop farming and pasture. Virtually all of this area is the property of the State (Law 14/63).

Thirty-eight per cent of the area under cultivation by peasant farmers is used to grow plantains, for production of 250,000 tonnes a year. Manioc accounts for 37 per cent of the area planted, for production of 220,000 tonnes a year. Other root crops - taro, yams, sweet potatoes - and maize take up 21 per cent of the area under cultivation and production is 60,000 tonnes a year. Almost all plantain, manioc, other root crops and maize production is used for domestic consumption.

The other main line of agricultural production is based on the activities of State-owned enterprises. Since 1980, the government's agricultural policy has revolved around the creation of eight agri-businesses intended to boost Gabon's capacity to meet its own food requirements and to reduce spending on imports. The main companies are AGROGABON (palm oil and soap), AGRIPOG (truck farming), HEVEGAB (rubber), SIAEB (poultry), SMAG (eggs), SMOG (flour), SOGAGAB (coffee and cocoa), SOGADEL (livestock), SOSUHO (sugar cane and sugar refining), EAULECO (mineral water), SOBRAGA (beer and other carbonated beverages), and SOCIGA (cigarettes).

Gabon's cash crops are mainly rubber, cocoa and coffee.

[Agricultural policy](#)

The current status of border measures applicable to finished products is as follows:

- The only import ban is on sugar (until 2004) to enable Sucaf-Gabon (which has taken over the operations of the privatized company SOSUHO) to retain its monopoly over production and sale on the domestic market;
  - some imported agricultural products in direct competition with locally produced or manufactured products - edible oil, soap, cigarettes, natural mineral water - are subject to a 30 per cent tariff, which is the maximum under the CET, to which a temporary 20 per cent surcharge is added;
  - import licences are required for different kinds of meat and are subject to a 10 per cent charge on the CIF value;
- a minimum price of CFAF 1,000 per kilogram is applied to poultry and poultry cuts (SIAB's production cost is about CFAF 980 per kg), for which Gabon has obtained authorization from the Customs Valuation Committee until 1 January 2003.
- excise taxes on products such as beer (22 per cent), wine (22 per cent), other alcoholic beverages (32 per cent), mineral water (32 per cent), cigarettes and cigars and other ready-to-use smoker's articles (28 per cent), are calculated on the basis of customs value, increased by the customs duty in the case of imports, and on the basis of the factory door price after an abatement established by the Ministry of Finance for local products; and
  - domestic poultry, sugar, mineral water and beer benefit from a reduced VAT rate of 10 per cent, while an 18 per cent VAT is levied on imports of the same products.

The State-owned edible oil, household soap, sugar, coffee and cocoa companies retain a monopoly over the sale of imported and domestic products. The palm oil, rubber, coffee and cocoa industries also have monopolies over exports.

## FISHERIES

### Overview

Gabon lies on the Atlantic coast of central Africa and its coastline is 800 kilometres long. Fishing potential is significant in its exclusive economic zone, which covers 213,000 km<sup>2</sup> in accordance with the United Nations Convention on the Law of the Sea, with the continental shelf extending for 35,000 km<sup>2</sup>.

Gabon has maritime fish stocks of an estimated 372,000 tonnes, which are mainly composed of small pelagic fish (230,000 tonnes); groundfish (140,000 tonnes); and shrimp (2,000 tonnes). Some species have good potential, particularly Spanish sardines, crustaceans and molluscs (crabs and deep-water shrimp), since the traditional groundfish species (sea bass, sea bream, threadfins, etc.) are being fully fished. Also, Gabon has access to an estimated 550,000 tonnes of tuna in the Gulf of Guinea, composed of albacore (100,000 tonnes), skipjack (400,000 tonnes), and bigeye (50,000 tonnes).

Although not well studied, Gabon's inland fisheries resources are particularly interesting, in view of the many rivers and lakes in the interior fed by the warm, humid equatorial climate. The main river is the Ogooue.

The country harvests these resources through an industrial fishery, a traditional fishery and a deep-sea fishery. Industrial fishing is carried out by a 59-vessel fleet, 27 of which fly the Gabonese flag and 32 fly foreign flags. The fleet is composed of trawlers, shrimp boats and line-fishing vessels. The catch by the industrial fishery was 13,984 tonnes in 1998.

The traditional fishery takes place in zones reserved for that purpose (Law 1/82), including rivers and estuaries and a coastal strip three nautical miles wide. The fleet is composed of 1,725 dugout canoes used by about 5,000 fishermen. In 1998, the traditional

fishery produced 40,087 tonnes or about 73 per cent of Gabon's fish landings. Aquaculture is still in its infancy in Gabon, producing just 558 tonnes in 1998, although there is good potential for this activity.

Deep-sea fishing is only carried out by vessels flying foreign flags, under bilateral agreements. The catch is sold on foreign markets.

#### Fisheries policy

The texts governing the use of fish resources in Gabon are:

- Law 1/82 known as framework law for water and forests;
- Decree 62 which regulates fisheries in Gabon;
- Order 1/97 which defines the base and rates for fishing licences; and
- Decision 675 which establishes a period for biological recovery of the shrimp fishery in the country.

Access to the deep-sea fishery for foreign vessels is based on bilateral agreements, in accordance with the United Nations Convention of the Law of the Sea. Gabon has reached fishing agreements on tuna stocks that are not currently being fished by Gabonese:

- With the European Union, signed in 1999, which authorizes 42 tuna seiners and 31 longliners to fish in Gabonese waters; and
- with the Federation of Japan Tuna Fisheries Cooperatives, signed in 2000, which authorizes 30 Japanese longliners to fish in Gabonese waters.

As for Gabon's fish exports, the countries of destination have standards in place for product quality and production hygiene. The EU system is based on the HACCP principle. The Directorate-General of Fisheries has established a quality assurance policy based on HACCP that is applied to products exported to the EU, in accordance with the rules that apply on those markets. Gabon is on List II of countries authorized to export to the EU, but hopes to move up to List I.

The border protection measures established under CACEU's CET and Gabon's General Code of Direct and Indirect Taxation are customs duties, plus excise taxes, where applicable, and VAT. The simple mean of customs duties on fish (HS 03) is 23 per cent, and 30 per cent on prepared fish products (HS 1604); the bound duties are 60 per cent.

**Chemicals  
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#### Oil

Gabon is the third-largest producer and exporter of oil in sub-Saharan Africa, after Nigeria and Angola. Oil contributes close to 80 per cent of export earnings, 60 per cent of the national budget, and almost 40 per cent of GDP. Consequently, developments in domestic production and oil prices have a determining influence on Gabon's economy. Although the sector has been the prime source of the country's wealth since the 1960s, its future is uncertain because production has been dropping since 1997. The Gabonese authorities hope to spur investment in the sector, while thinking seriously about the post-oil profile of the economy.

Gabon's oil fields cover a total of 250,947 km<sup>2</sup>, divided between onshore and offshore blocks. The two main producers, Shell Gabon and Elf Gabon, control 83 per cent of domestic production. About 90 per cent of the oil is exported as crude and the two main markets are the United States and the EU.

There are three ways of gaining access to the country's oil reserves:

- By bidding;
- by obtaining a permit after negotiations by mutual agreement with the State; and
- by taking over an existing permit partially or entirely.

There are two types of contracts between oil companies and the government. Concessions are governed by the provisions established in founding agreements between each company and the government, which last for a minimum of 75 years. Oil companies are also subject to payment of a proportionate royalty calculated on the basis of production (Law 14/74). After concessions were abolished in 1983, almost all contracts have taken the form of 'exploration and production-sharing agreements' negotiated between the government and a company, which establish the terms and conditions of the undertakings of each party, including environmental responsibilities. Such contracts grant two types of exclusive permits, one for exploration and the other for production, each for a total of 20 years, including renewals. They are initially issued in the form of a decree and renewals are issued under an order by the minister responsible for oil.

The trade policy measures applied to imported oil and petroleum products are a 10 per cent tariff and an 18 per cent VAT, with the VAT also applying to national production sold on the domestic market. Gabon also levies a temporary surcharge of 20 per cent on industrial and automobile lubricants.

**Mining  
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Gabon is the world's third-largest producer of manganese, after South Africa and China. COMILOG (a State-owned company with private sector participation) works the Moanda deposit in the south-eastern part of the country and the manganese is transported to the coast for shipping by the Transgabonais railway.

Manganese contributes 7 per cent of Gabon's export earnings. Available reserves are an estimated 45,000 tonnes.

Gabon has a large iron deposit (which is not mined), phosphates and other minerals (gold, diamonds, lead, zinc, titanium and others). It produces small quantities of gold, which are not sufficient to meet domestic demand by industry and jewellery manufacturers.

Access to useful minerals is generally gained in three stages.

First, the company applies for a prospecting licence to the Ministry of Mines, which may grant one for a maximum of two years, non-renewable, for one or more substances, in a given zone. It is compulsory to inform the ministry of the prospecting results.

The second stage for substances subject to concession consists of applying to the ministry for an exploration licence, which may grant one for a period of three years, twice renewable. The licence is a mining title which must be accompanied by an agreement with the government covering the rights and obligations of both parties. The main rights and obligations include:

- Exemption from corporate tax, personal income tax and the minimum flat-rate tax for the duration of the agreement (initial period and renewals);
- reimbursement of the VAT invoiced by local suppliers of goods and services;
- payments by the company for work performed or information compiled in advance by the authorities; and
- the list of imported supplies, materials, products, machinery, equipment and tools to be used exclusively for exploration, which benefit from temporary admission.

The third stage is mining the deposit. The company applies to the Minister of Mines for a mining licence or a concession. Mining licences are granted under a ministerial decree for a period of 10 years, renewable for a further five years. Concessions are granted under a presidential decree, on the proposal of the Minister of Mines, for 25 years, renewable for a further 10 years. Mining licences and concessions are only granted after a study has been conducted on the impact of the operation on the environment and the local population and



the mining agreement has been modified to reflect the results. Mineral titles for exploration and production give the holder the right to freely dispose of the minerals mined. However, possession, transportation, processing and marketing of precious stones, radioactive substances and strategic substances require authorization from the Minister of Mines.

All mining companies and their associated companies are required to pay the following taxes, duties and fees: corporation tax, individual income tax, minimum flat-rate tax, investment income tax, licence duty, tax on developed and undeveloped land and VAT. However, the holders of mining licences may deduct part of their investments in operating the mine and their investments in environmental rehabilitation and protection. Under Article 241 of the CACEU Customs Code, goods and equipment may be imported by companies engaging in mineral and oil exploration duty free.

The trade policy measures applied to imports of mineral products (Chapter 26 of HS) are a 10 per cent tariff and an 18 per cent VAT, with the exception of manganese which is duty free.

**Services -  
Communications  
& Audiovisual  
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Gabon has about 47,000 regular telephone lines operated by Gabon Télécom, the only operator of stationary telephone services. Service for the 98,000 cellular phones is provided by three mobile telephone operators: Libertis (51 per cent), Telecel (18 per cent) and Celtel (30 per cent). The telephone density rate is therefore 11.5 per cent, which is low, given the average income (about US\$4,000). Other African countries with comparable averages income have much higher rates of 25 per cent to 35 per cent.

The low telephone density is primarily the consequence of the poor condition of the country's telephone system. It is currently operated by Gabon Télécom, a company created in 2000 out of the l'Office des postes and télécommunications (OPT) [Postal and Telecommunications Service] which was split in two and is slated for privatization in 2001. Mobile telephone use is rare and highly dependent on users' disposable monthly income. For the average Gabonese, access to telephone communications is through the fixed network, which is unable to meet demand owing to low investments over the years that translate into an obsolete infrastructure (network, telephone exchange, transmitters).

The charges for national, international and mobile communications are fixed by order of the Ministry of Communications and were last modified on 1 August 2000 (Order 433/MCPTI of 28 July 2000).

The Internet is in its infancy in Gabon.

Apart from the low telephone density, the explanation lies in the scant use of personal computers. One factor is their high cost (customs duty of 10 per cent and VAT of 18 per cent for a cumulative total of 29.8 per cent). In May 1998, OPT launched its first network, which is linked to Europe by France Télécom and to the United States by Cable & Wireless. An historical difficulty in telecommunications networks in African countries is the lack of cabling with other continents, which means that the only possible access is via satellite. Gabon is a member of the INTELSAT consortium. International communications and Internet services are supplied only by satellite. The African continent's integration with international networks should improve in the near future when an under-sea cable is laid that will link Europe to Asia, passing through western and southern Africa. Landfalls are planned for 13 countries, including Gabon's neighbours. A link for Gabon would be equally possible under an agreement with the operator. The cable can carry voice telephone signals, data and television. It should lead to a reduction in international communications costs and better Internet penetration, which will facilitate trade among African countries and with countries elsewhere.

Sectoral policy

A radical change took place in sectoral policy in 2000 under Ordinances 7/2000/PR, 8/2000/PR and 9/2000/PR. The first split the OPT in two, creating *Gabon Télécom* and *Gabon Poste*, whose regulations were established respectively in Ordinances 8/2000/PR and 9/2000/PR. In addition, a regulatory agency was created for postal and telecommunications services, directed by a consultant, and reporting to the Minister of Postal and Telecommunications Services.

*Gabon Télécom* is being privatized. The goal is to sell some of the shares to private operators, provided they are Gabonese nationals or enterprises established under Gabonese law, on the condition that the State, alone or in partnership with such enterprises, retains more than one-third of the capital.

Article 6 of Ordinance 8/2000/PR announces the government's objectives for the sector as:

- "Establishing a policy to liberalize the entire telecommunications sector in order to respond to the diversified demand for new services, while guaranteeing the delivery of a good quality public service at a reasonable price, particularly by increasing the density of lines in the existing system, expanding geographic coverage and developing services in rural areas;
- laying the groundwork for fair and effective competition that can develop the telecommunications sector by introducing new operators of networks and services, while respecting the licences provided for in this Ordinance and the legislative and regulatory provisions applicable to Gabon regarding competition law; and
- promoting a supervisory and regulatory function that is independent from the operation of the networks and the provision of the services."

Licences to establish and operate radioelectric networks to provide mobile telephone service and primary service or local voice service are governed by a licensing system. Licences are granted by the minister responsible after a call for bids, with the approval of the sector regulatory agency. Licences are granted on the condition that royalties be paid to the government and are valid for a maximum of 10 years. Refusals to issue a licence must be justified and are open to legal challenge.

An exclusive licence will be granted to *Gabon Télécom* for the stationary telephone system for five years, until 2005, when the system will be opened to competition. *Gabon Télécom* is required to take charge of the universal service during the licence. After it expires, suppliers of basic telecommunications services may also be required to provide universal service. Until that time, they must make a contribution to the special universal service fund. The fund is managed by the sector regulatory agency and is used to subsidize development of a network of telephone booths in the interior.

Gabon opened the mobile telephone market in 2000 by granting three licences (see above regarding the operators and their market share).

Article 20 of Ordinance 8/2000/PR states that "the provision of telecommunications services for data transmission and processing, including value added services, is free of restriction, provided that the essential requirements and the provisions regarding national defence and public security are respected."

Operators who hold licences apply for interconnection to the concessionaire of the public network (*Gabon Télécom* for the time being), which is required to respond within 45 days. The financial conditions of the ensuing agreement must ensure that "the charges cover actual use of the transmission network and service and reflect the corresponding costs" (Article 55). Agreements are subject to approval by the sector regulatory agency.

The agency has the right to require changes in them "in the event it deems that competition or the inter-operability of the services are not guaranteed" (Article 56). Gabon Télécom's asking price for interconnection must be made public and approved by the agency.

The ordinance states that the use of radioelectric frequencies is subject to authorization by the Telecommunications Regulatory Agency and the establishment of an infrastructure of radioelectric stations. Materials imported for that purpose must be approved by the regulatory agency. Assignment of frequency bands is the agency's responsibility. It has not yet defined the procedures for assigning Hertz frequencies, since it is awaiting the advent of third-generation services.

**Services -  
Financial  
last updated on  
2003-12-17**

Gabon has a well-developed private financial sector and a diversified supply of financial services for consumers, enterprises and farmers. The Banque internationale pour le commerce and l'industrie du Gabon (BICIG) [International Bank for Business and Industry of Gabon] finances SMEs and large companies; the Banque gabonaise de développement (BGD) [Gabonese Development Bank] focuses on financing real estate investments and consumer goods; the Union gabonaise de banque (UGB) [Gabonese Union of Banks] offers classic banking operations and finances foreign trade; the Banque gabonaise and française internationale (BGF) [Gabonese and French International Bank] and BGF Participations take part in operations involving participation in equity and long-term debt and financial engineering operations; and CITIBANK finances the short- and long-term operations of large companies working on government projects (short- and medium-term international financing in Eurocurrency).

Financial leasing operations are carried out by the Société gabonaise de crédit-bail (SOGABAIL) [Gabonese Financial Leasing Company] which finances operations for automotive supplies, the forestry industry, public works and the procurement of professional equipment. BICIBAIL (Banque internationale pour le commerce and l'industrie Bail) [International Bank for Commercial and Industrial Leasing] finances leases of professional equipment and BGFIBAIL (Banque gabonaise and française Bail) [Gabonese and French Leasing Bank] finances leases of professional equipment as well.

A State-owned company is also involved in the financial sector - Société nationale d'investissements du Gabon (SONADIG) [National Investment Corporation of Gabon] - which finances business development in priority sectors that require government participation. The government also supports the development of small and medium-sized enterprises through the Fonds d'expansion et de développement de la petite et moyenne entreprise gabonaise (FODEX) [Small and Medium-Sized Gabonese Business Development Fund] and the Fonds d'aide et de garantie aux PME [SME Assistance and Guarantee Fund].

All forms of insurance are offered by the five main companies that are active in the Gabonese market: AXA Gabon (formerly UAP), OGAR (groupe Athénas), Assurances nouvelles gabonaises (ANG), Assurances industrielles et commerciales (ASSINCO) and Gabon Vie. There are also a number of brokerage firms: ACG (Groupe ASCOMA), GRASSAVOY Gabon, PB Conseil, GGAR, SACAR.

#### Sectoral policy

Monetary cooperation in CAEMC includes three elements:

- The Bank of Central African States (BEAC) issues the Union's currency and guarantees its stability.
- The Central African Banking Commission (COBAC) controls the conditions under which lending institutions operate, oversees the soundness of their financial situation and

ensures that the code of ethics governing the profession is respected; and  
- The Convention on the Harmonization of Banking Regulations in the Central African States.

COBAC is chaired by the Governor of BEAC. BEAC licences credit institutions on the advice of COBAC and appoints the statutory auditors for those companies. That responsibility is shared with the national authority (the Minister of Finance of Gabon), which creates a two-tiered licensing system that can cause delays. COBAC is supposed to give its opinion within a six-month deadline.

At the end of 2000, COBAC was supervising about 65 credit institutions in the member countries. It defines the chart of accounts and accounting procedures applicable to lending institutions and prudential regulations (solvency and liquidity ratios, risk diversification, transformation, asset coverage ratio, etc.). On behalf of COBAC, BEAC oversees operations in the member States, in collaboration with the national authorities. COBAC is also a jurisdictional body and can intervene in a disciplinary capacity (warnings, reprimands, bans on certain operations or other types of restrictions on the exercise of banking activities, suspension or dismissal of the statutory auditors or removal of managers, withdrawal of licences), without detriment to the sanctions that may be imposed in their own right by national judicial authorities.

Gabon is also a member of the Inter-African Conference on Insurance Markets (CIMA) established in 1992 in the Franc Area.

CIMA's insurance code came into effect in 1995 and established framework regulations for all on-land insurance (maritime, inland waterway and air insurance are excluded). The Commission régionale de contrôle des assurances (CRCA) [Regional Insurance Control Authority] is the body that licences insurance companies. The final decision is taken by Gabonese authorities (the Minister of Economic Affairs and Finance), which creates a two-tiered system and can cause delays. CRCA can also impose disciplinary measures.

The financial services sector is included among Gabon's specific commitments under GATS made at the conclusion of the Uruguay Round (Schedule GATS/SC/34). In the area of insurance (including life insurance) and banking and other financial services, the principles of market access and national treatment are applied without restriction, except for the movements of individuals. The commitments only apply to certain categories of personnel (managers, senior executives and specialists).

**Services -  
Tourism and  
Travel  
last updated on  
2003-12-17**

Business travellers form the bulk of visitors to Gabon, with the average stay being 2.5 days. Such visits are mostly to Libreville, which has the necessary hotel and restaurant capacity. Gabon also has leisure tourism capacity, including recreation centres (Jardins de la Peyrie, beaches, Pointe Denis and Ekwata Loisir), and more than 140 tourism sites and reserves (Iguela, La Lope, Moukalabam, Sette-Cama, Wonga-Wongue). The latter have potential for ecotourism in view of the diversity of plants and animals they contain.

#### Tourism policy

Despite the country's potential, the authorities note that the country's earnings from tourism are low. Gabon officially launched a new tourism development policy in 1997, which was completed and strengthened in 2000 by Ordinance 2/2000/PR on the regime applicable to investments in tourism. The order provides for incentives for companies that start up in the sector.

The authorities are aware of obstacles to sector development, particularly the lack of financial capital for tourism, the weak commitment of banks to an activity they view as a risk, the absence of a tradition of tourism and difficulties with transportation in the interior. Other obstacles are also apparent, such as the high cost of air travel, food - which is mostly imported - and telecommunications. Liberalization of air transport and

telecommunications, which forms part of the government's plans, could offer advantages for developing Gabon's tourism potential.

The tourism sector is included in Gabon's specific commitments under GATS made at the conclusion of the Uruguay Round. Hotels and restaurants and travel agencies and tour operators' services appear in Schedule GATS/SC/34. Investment projects, certain categories of personnel (managers, senior executives and specialists) and all business development in Gabon require approval from the minister in charge.

Services -  
Transport  
last updated on  
2003-12-17

There are four modes of transport in the sector:

- Overland transport;
- railway transport;
- maritime and river transport; and
- air transport.

Gabon's road network is about 7,800 kilometres long, with just 12 per cent paved. The first of its two arterial highways runs east-west from the Congolese border to Libreville (887 km), and the second runs north-south, joining the Cameroon and Congolese borders. The many unpaved roads make overland transport difficult, particularly in the rainy season.

Rail transport is provided by Transgabonais, which runs between Libreville and Franceville in the south-east. The railroad was built in 1986 to facilitate the transport of wood and manganese produced by COMILOG.

The road and railway systems have developed in Gabon in the light of national needs and possibilities and are therefore not integrated into a common infrastructure together with the CAEMC partners. This absence is a significant drawback in the common market project, since it is difficult for an economic operator installed in one country to supply another. The Council of Ministers of CAEMC is therefore planning to build an integrated network.

The country has 3,300 kilometres of navigable rivers. The main artery is the Ogooue, which however, is not navigable along its entire course. Apart from transporting people, the river carries logs, oil and farm products from the interior of the country to the ports and the large urban markets on the coast.

Maritime transport is another essential element in the economic life of Gabon. Most of the country's wood, oil and manganese production is exported, requiring specialized port facilities that are built by the extractive industries. Wood and manganese are mainly shipped from Owendo and Port-Gentil and oil from Port-Gentil and Gamba. Port-Gentil and Owendo receive imported goods, mostly shipped in containers. Import volumes account for just 16 per cent of flows in view of the large volumes of raw materials that are exported. There is no international transport of people or merchandise in transit to neighbouring countries.

Transport policy

Road transport

The authorities have established a road improvement program which, in the first stage, will pave the 2,000 kilometres of arterial highways. The program absorbs about one quarter of the government's total investment budget each year and is supported by lending agencies and foreign donors. The authorities must also solve the problem of highway management by developing codes applicable to operators and the means of enforcing them.

## Rail transport

Gabon's government withdrew from railway operations in 1999 when it granted a 20-year concession to a private operator, the *Compagnie d'exploitation du chemin de fer transgabonais*.

## River and maritime transport

The regulatory system governing river transport was developed in the 1970s but the key provisions are not applied. The State-owned *Compagnie de navigation intérieure (CNI)*, which holds a monopoly over passenger and freight transport by river, has suspended its activities; only private operators now provide service. The authorities point out that "de facto liberalization of river and lake transport is already a reality". They attach priority to updating the regulatory framework.

Maritime transport is divided into several categories. The transport of wood, particularly to Asia, is shared by 12 shipping companies, nine of which are foreign. The transport of containers to Europe is shared by five companies, with one of them, SDV, having a majority presence. (The Gabonese national shipping company, SONATRAM, holds exclusive rights over 40 per cent of liner traffic by regulation, but the provision is not applied in practice because SONATRAM has ceased operations).

The ports are managed by the *Office des Ports and Rades du Gabon (OPRAG)* [Ports and Harbours Authority of Gabon], a State-owned company that is being privatized. The Gabonese authorities note that the general condition of the ports is unsatisfactory. The operation of commercial ports is shared by seven maintenance, stevedore and pilotage firms, one of which, the *Société nationale d'acconage and de transit (SNAT)*, is a State-owned company undergoing privatization. SNAT has a monopoly over maintenance, consignment and transit, but does not exercise it in practice.

## Air transport

Air transport is provided by Air Gabon (70 per cent of arrivals and departures from Libreville), a State-owned company currently being privatized, and several foreign operators share international routes with it under traffic rights contracted in bilateral agreements. Air transport is equally important for carrying merchandise.

Air transport is also used to travel to the interior and Gabon's air infrastructure is among the densest in Africa. It includes about 60 airports around the country.

**Wood, Paper and Pulp**  
last updated on  
2003-12-17

The virgin forest is one of Gabon's most valuable assets and covers 20 millions hectares or two-thirds of the country.<sup>11</sup> The forest forms part of the Congo Basin ecosystem which is the second-largest in the world, after the Amazon. The forest straddles six countries: Cameroon, the Central African Republic, the Democratic Republic of Congo, Congo, Equatorial Guinea and Gabon. It constitutes a large carbon sink.

Logging companies are active throughout the country. Logging first began along the coast where transport was easier, but has gradually moved eastward where felling and transportation conditions are more difficult.

Okoume is the main wood logged in Gabon. It is a native species, best for peeling and appreciated on foreign markets, with ozigo and other species coming a poor second. The latter, however, have considerable development potential, which is beginning to be tapped.

Ninety per cent of the wood produced is exported, with processed wood accounting for about 9 per cent. The main export markets for Gabonese wood in 2000 were China (39 per cent), followed by France (32 per cent). In broader terms, Asia absorbs 53 per cent of exports and Europe 32 per cent.

La Société nationale des bois du Gabon (SNBG) holds a monopoly over the sale of okoume and ozigo. It also regulates the harvest of those species by logging companies. The latter are required to sell their production at a fixed price that is regularly negotiated according to export sales conditions. SNBG alone is authorized to enter into sales contracts on the international market except for direct sales (10,000 thousand m<sup>3</sup> per month) that the Ministry of Water and Forests allows logging companies, particularly for their factories in France.

Logging companies come under the corporate tax system applicable to non-oil companies and the largest of them are also required to joint the Gabonese Investment Fund. Since most of the wood is exported, VAT exemptions apply. However, an export duty is charged on roundwood (15 per cent of the f.o.b. value), while the duty on processed wood has been lifted in order to encourage local wood processing (Law 13/99).

One important aspect of Gabon's forest policy is the relatively high level of border protection. Imports under all tariff headings for processed and unprocessed tropical wood<sup>20</sup> are subject to a duty of 30 per cent, which is the maximum CET in CACEU, and a VAT of 18 per cent, for a cumulative rate of 53.4 per cent.

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## TARIFFS AND DUTIES

During the Uruguay Round, Gabon bound its customs duties on all tariff lines, with ceilings of 15 per cent for most non-agricultural products and 60 per cent for agricultural produce. The arithmetic average of bound tariffs is 22.2 per cent, whilst the average MFN tariff applied by Gabon is 18.3 per cent for 2001. It is noteworthy, however, that the applied tariffs are above the bound levels for some 40 per cent of tariff lines.

Under the fiscal and customs reform, the CACEU member countries had accorded themselves the right to levy a temporary surcharge (of at least 30 per cent) on a list of goods imported from all origins until 30 June 2000. As of April 2001, however, Gabon had not yet definitively eliminated this temporary surcharge. It currently stands at 20 per cent and affects 25 tariff lines, including vegetable oils, soap and cigarettes. Owing to the application of the CET and the surcharge, the arithmetic average of Gabon's customs duties is 18.3 per cent for 2001.

It should be pointed out that by operation of the CET and the surcharge, Gabon's effective levels of customs duties are above the ceilings contained in Schedule XLVII, for some 40 per cent of tariff lines. In addition to the CET and the surcharge, imports into Gabon are subject to VAT (18 per cent) and some (alcoholic beverages, tobacco products) are also subject to excise duties. These direct taxes are levied on local products, with some exceptions (cement, sugar, mineral water, poultry) or the goods produced by some state-run enterprises (mineral water, soap, oils), or local products from farmers, livestock breeders, fishermen and hunters, these being accorded waivers or reductions.

Gabon allows enterprises in the favoured sectors - oil and other minerals, forestry, tourism - to import their equipment and materials under a regime free of duties and charges or under temporary admission. Duties and charges are also waived on some essential goods.

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## TRADE DEFENCE INSTRUMENTS

No trade protection measures are applied to imports. Gabon recently passed a law in this regard, but the

implementing regulations have yet to be issued.

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## NON TARIFF BARRIERS

### Registration

Natural and legal persons engaging in business as traders, industrialists or artisans in Gabon are subject to the provisions of Ordinance No. 10/89. A person wishing to engage in such activities must obtain the approval of the Minister for Trade, be registered in the register of trade, make a declaration of direct and indirect taxes and hold a licence. The approval of the Minister for Trade gives entitlement to a trading card, valid for two years, which is issued on payment of a stamp duty, the amount of which is set by decree. When the Minister's approval has been obtained, the trader is required to register with the trade registry.

### Customs procedures

#### Overview

Gabon applies the Customs Code of the Central African Economic and Customs Union (CACEU/UDEAC), included as part of the arrangements of the Central African Economic Union (UEAC), one of the two arms of the Central African Economic and Monetary Community (CAEMC).

The Gabonese authorities are faced with a number of challenges in the customs area.

Firstly, they have encountered considerable delays in customs clearance procedures. The time between the arrival of goods and registering of the manifest varies from zero to six days, and the time between registering of the manifest and the declaration ranges from zero to 33 days. The authorities are seeking to reduce these times.

Also worth mentioning is the delay by the Gabonese authorities in abolishing the temporary surcharge, which is due to the opposition of local producers of like or directly competing products.

#### Customs clearance procedures

The carrier of imported and exported goods is required to go to the nearest customs office on arrival and exit. Any goods to or from a foreign destination are subject to customs controls designed to ensure strict compliance with the procedures and legal requirements for imports and exports. To this end, inspection of documents is mandatory for all despatches, and physical checks of all or part of the goods declared may also be made. Although no payment is necessary for a customs inspection, there are other charges linked to imports not related to the Customs Administration such as lighterage, storage and delivery costs.

For goods imported by sea, the captain submits the ship's log for stamping by the customs officials and deposits the cargo manifest at the customs office for registration. The latter document must mention, among other things, the nature of the goods and place of loading. In the case of arrival by land, the carrier must travel by a legal route to one of the customs offices established by decree to deposit the manifest for registration purposes.

According to Title V of the Customs Code, a "detailed declaration", accompanied by the mandatory documents, must be submitted for all imported goods, either by the owner of the goods or a person accredited as a customs agent (commissionnaire en douanes). In Gabon, the Finance Law 2001 requires the owner of the goods to conduct all customs transactions through a customs agent. Accreditation as a customs agent is obtained from the Gabon customs office.

The detailed declaration must contain the usual information used to establish the customs value, such as identification of the goods in the customs tariff, origin of the goods (see below), conditions of competition governing the transaction, and the customs regime requested. The regime is either definitive (import or export), or provisional (placement in customs warehouse, production under customs control, drawback or temporary export). Goods carried under customs seal or placed in a customs warehouse must be covered by a bond.



The CACEU Board has established model declarations that can be used.

The most commonly employed are customs clearance declarations for consumption on direct import or release from the warehouse, and simple exports.

The customs declaration must be accompanied by the following documents:

-Invoices;

-licences and all other certificates and documents required under the regulations concerning prohibitions and foreign trade and exchange controls;

-all the documents required by the customs administration in application of customs legislation and regulations (certificate of origin, certificate of movement or release, temporary entry permit, exit visa, etc.);

-all the documents required by the customs services for the application of special laws and regimes (hygiene, public health, preservation of animals and plants against diseases, quality control or packaging);

-all the documents required for the application, on import or export, of regulations and decisions related to the ACP-EU Partnership Agreement; and

-all the documents authorizing the application of a preferential tariff regime (administrative decisions, tenders for supplies or works, etc.).

Detailed declarations must be deposited at the customs office for registration. Customs only register declarations which are admissible. Declarations which are irregular in form or not accompanied by the mandatory supporting documents are rejected.

The detailed declaration and verification of the goods establish the customs valuation, which is the basis for the amount of duties and taxes chargeable on the import of the goods. The Customs collect customs duties at the time of importation (including the surcharge, where applicable), excise duties, where applicable, the tax on controls of measurement instruments, where applicable, and VAT. The turnover tax on imports was abolished (replaced in 1995 by VAT), as was the special contribution to the Gabonese Loaders Council (in 1992) and the contribution to the Foreign Trade Centre (in 1992).

#### Government procurement

The whole set of laws, regulations, procedures and practices for government procurement is of great economic significance in Gabon because of the major role of the State in economic life (government consumption represents 15 per cent of GDP), and the priority given by the Executive to controlling government expenditure in the context of the current structural reforms.

However, the Government of Gabon intends to withdraw from economic activity in many sectors through the privatization or liquidation of State enterprises, and thus appreciably reduce the scope of the regulations on government procurement.

The policy on government procurement on behalf of the Gabonese State, local authorities, offices and public institutions in Gabon is the subject of Decree No. 416/PR of 18 March 1985 (known as the "Government Procurement Code"). Gabon is not a member of the WTO Plurilateral Agreement on Government Procurement, neither is it an observer, although it intends to become one. A new Code is currently under consideration by the Gabonese authorities.

The Government Procurement Code applies to all government procurement where the value exceeds certain thresholds laid down in the Code: CFAF 20 million for the State budget and CFAF 5 million for local authority budgets. Under Article 4 of the Code, it concerns "the purchase, performance or supply of goods, works, services and intellectual services by natural or legal persons whose activity is governed by Gabonese law or any other legislation". However, the Gabonese authorities admit that the threshold is not strictly observed, but intend to ensure that it is in the context of the current structural reforms.

Form of procurement, tendering procedure and award of contract

Form of procurement

Article 6 of the Code defines procurement as "written administrative contracts". They are subject to

notification established and signed by the contracting authority. The constituent documents must contain information in support of the cost and, in particular, the purpose of the procurement, the amount, the timetable for performance and conditions for receipt or delivery of the goods or services.

#### Procurement procedure

Section I of the second chapter of the Code sets out the general arrangements for the procurement procedure, which are:

- Requirement of open competition and observance of the Law for the promotion of small and medium-sized enterprises;
- publication of invitations to tender, public invitation for applications or collective consultation;
- compulsory information to be provided by bidders;
- criteria for admission or exclusion of bidders;
- preferential right of award to companies registered under Gabonese law;
- information of the fiscal administrations; and
- establishment of submission by signature of the bidder.

The Government Procurement Code gives preference to the award of contracts to Gabonese small and medium-sized enterprises (SME) designated as such under Law 1/81. This law reserves government procurement contracts under CFAF 50 million exclusively to SME, and provides for the splitting of government procurement by the administration, parastatal establishments and local authorities so as to make them accessible to Gabonese SME. Law 1/81 also provides for assistance in supporting the activity to which the government procurement relates, such as reduction in the guarantee, tools and equipment advances, and start-up advances (30 per cent). Gabonese SME may subcontract contracts awarded to other enterprises, including those owned by foreigners, but subject to certain conditions.

In general, Article 18 of the Government Procurement Code sets out the policy of the Gabonese authorities concerning preference to Gabonese enterprises:

"When the procurement relates, wholly or in part, to services or supplies which can be performed or supplied by or through companies registered under Gabonese law, the contracting administrations must, prior to the invitation to competitive tendering, define the works, supplies or services which, for equal prices or bids, are awarded in preference to all other bidders to companies registered under Gabonese law which engage in activities in the territory of Gabon.

Subject, where applicable, to provisions under international treaties or agreements, a right of preference is attributed, for an equal price or equivalent bid, to the bid or offer submitted by a company registered under Gabonese law and exercising an economic activity in the territory of Gabon and, more particularly, by a Gabonese enterprise approved as a small or medium-sized enterprise or by an enterprise subcontracting to Gabonese small and medium-sized enterprises or encouraging the maximum of employment of Gabonese labour."

Import ban on live bovines, bovine products and derivatives because of BSE

- General statement on BSE to all Third Countries on 17/03/2004 in reaction on the statement of the USA. During the XXXI SPS Committee in October 2004 the Commission has given a general statement on BSE (Bovine Spongiform Encephalopathy). Some WTO members started to lift the ban due to BSE for some EU live ruminants and ruminant derived products (e.g.: China, New Zealand, Brazil, Philippines). The EC requested other WTO members to follow the same line and to respect guidelines as set up by international organizations (OIE).

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## RESTRICTIVE EXPORT MEASURES

Some export duties exist, in particular on wood (see sectorial information further below).

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## INVESTMENT RELATED BARRIERS

### INVESTMENT POLICY

Gabon hopes to encourage foreign investment in order to attain its industrial development strategy targets. The privatisation of state-owned enterprises is one way of doing this. The following state-run enterprises have already been privatized: water and electricity (in 1997), sugar (1997), extraction of timber (1998), importation and distribution of food and sundry products (1998), the railways (1999), and cement (2000). The privatization process has lost momentum since 1999, however. Privatizations for 2001 pertain chiefly to the enterprises in fixed-line telephony, air transport and agribusiness.

Since 1998, investments have been regulated by a new Charter, not including tourism and sectors linked to natural resources, which belong to the State and are governed by specific codes that have also been updated. Foreign investors are entitled to the privileges and protection currently accorded on the international market. The new investment regime applies without distinction to all investors, both foreign and Gabonese, with the exception of support measures provided by the State to small and medium-sized enterprises, provided that their capital is 51 per cent Gabonese and they are managed by Gabonese nationals.

To help new enterprises to set up in Gabon, the Charter envisages a promotion agency, which was created in 2000.

Foreign companies may also employ non-Gabonese workers under certain conditions. The hiring of Gabonese workers is still subject to the Labour Code: Parliament is now discussing the easing of the Code's provisions.

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## IPR

Protection of intellectual property

Gabon is a member of the African Intellectual Property Organization (AIPO) created by the Bangui Agreement (1977), which has its headquarters in Yaoundé, Cameroon.<sup>20</sup> Other members of AIPO are Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal and Togo.

The Bangui Agreement established a uniform regime of protection of industrial property. The Accord applies as a law of the State of Gabon and is enforceable. The Bangui Agreement also created a joint office, since for each of its members, the organization takes the place of a national industrial property service. Under uniform legislation and a joint office, it also provides a common system of administrative

procedures for registering such rights.

The Bangui Agreement was revised on 25 February 1999 to align it with the WTO TRIPS. Gabon ratified the revised Bangui Agreement in August 2000. Its entry into force, however, is dependent on ratification by two-thirds of the member States, which should happen in 2001, since only three more ratifications were needed in April 2001.

In the field of copyright and neighbouring rights, Gabon has introduced a national protection regime by successively taking the following legal measures:

- Creation of the National Agency for Artistic and Cultural Protection (ANPAC) responsible for collective administration in the Gabonese Republic under Law 19/82PR of 24 January 1983 of Law 4/83 of 8 July 1983 which supplemented and amended it;
- Decree No. 396/PR/MCAEP of 9 March 1983, containing the Constitution of ANPAC;
- Law 1/87 of 29 July 1987 instituting copyright and neighbouring rights.