

Guinea

Relevant Laws

1. [République de Guinée – Code Minier 2011 Amendé— Mining Code 2011 \(as amended in 2013\)](#)

Conditions for Competitive Bidding

The Guinean Mining Code 2011 (as amended in 2013) states that exploration permits should be granted through a competitive bidding process for areas that have already been prospected and for which there is sufficient geological information on the mineral deposit/reserves to generate the interest of several companies.¹ (Article 22, Mining Code 2011 (as amended in 2013)). Mining concessions are granted in accordance with a “competitive and transparent tender procedure” for a “discovered deposit” in the absence of an exploration permit. (Article 37, Mining Code 2011 (as amended in 2013)).

The law specifies the level of investment required for a project to qualify as a mining concession: US\$ 1 billion (bauxite, iron ore and radioactive substances) reduced to US\$ 500 million for projects covering other minerals. (Article 37, Mining Code 2011 (as amended in 2013)). Once an area meets the requisite level of investment to qualify as a mining concession, it becomes subject to being granted by competitive tender. (Article 22, Mining Code 2011 (as amended in 2013)).

For areas without geological information or for which available information does not identify a deposit, applicants are granted the exploration permit on a first-come, first-served basis and there is no competitive bidding. (Article 22, Mining Code 2011 (as amended in 2013)).

Two-Tier Bidding – Pre-Qualification Criteria

Information not available.

Bidding Process

On the recommendation of the Minister in charge of Mines, a decree of the President will launch the formal call for tenders. (Article 37, Mining Code 2011 (as amended in 2013)). The tender process is carried out by the Technical Committee of Titles in partnership with the National Mining Commission. (Article 37, Mining Code 2011 (as amended in 2013)). The granting procedure “will be by competitive and transparent tender offers and transparent call for tenders in accordance with the rules to be set out in regulations, and approved by the National Mining Commission.”² (Article 22, Mining Code 2011 (as amended in 2013)). Invitation to tender will be published in at least 2 widely circulated newspapers at least 45 days before the deadline for the submission of bids. (Article 37, Mining Code 2011 (as amended in 2013)). The call for tender offers must be completed within a maximum period of 1 year from the effective date of the order of the minister reserving the deposit that is the subject of the call for tenders. (Article 22, Mining Code 2011 (as amended in 2013)).

The legislation includes a provision for a finder’s fee: If the concession is granted to someone other than the finder of the deposit, the concession holder must pay the latter fair compensation. Compensation is intended to cover the costs incurred for exploration work carried out pursuant to an exploration permit. The legislation details that the amount of fair compensation is determined by “a private commercial transaction.” (Article 38, Mining Code 2011 (as amended in 2013)). This may imply that the amount is set privately by the parties involved.

Biddable Factors/ Evaluation Criteria

Detailed information regarding tendering procedures, including biddable factors/evaluation criteria is not available.

¹ “Bidding for areas that have already been prospected, containing a known deposit, or deposit that has attracted interest of several companies.” (Article 22, Mining Code 2011 (as amended in 2013))

² We do not have access to these rules and regulations at the time of writing.

Bidding Fee – Revenue/Buy-In

Information not available.

Eligibility

An exploration permit for semi-industrial operations shall be granted exclusively to individuals of Guinean nationality, companies wholly owned by Guinean nationals, and to foreign nationals of countries which grant reciprocity (Article 22, Mining Code 2011 (as amended in 2013)). Reciprocity refers to allowing foreigners to participate if their country reciprocates by not denying Guinean citizens similar investment opportunities.³ Further information is not available.