

NEWS BRIEFS

FRANCE — AFRICA — CARIBBEAN

JULY 2026

FRANCE: GREENING PUBLIC PROCUREMENT — OBLIGATIONS APPLICABLE TO PROCUREMENT PROCEDURES COMMENCED ON OR AFTER 22 AUGUST 2026.

[Article 35 of Law No. 2021-1104](#) of 22 August 2021, known as the “Climate and Resilience Law”, provides for several measures applicable to public procurement contracts to enter into force as from 22 August 2026.

Contracting authorities and concession-granting authorities will henceforth be required to incorporate:

- An award criterion taking into account the environmental characteristics of the tender (Articles L. 2152-7 and L. 3124-5 of the French Public Procurement Code);
- An environmental performance condition clause (Articles L. 2112-2 and L. 3114-2 of the French Public Procurement Code);
- For lots whose value exceeds the European thresholds, a performance condition clause relating to social matters or employment (Articles L. 2112-2-1 and L. 3114-2-1 of the of the French Public Procurement Code).

Price may no longer constitute the sole award criterion: only cost, assessed according to an overall approach incorporating environmental considerations, may serve that purpose.

The obligation to include social clauses is subject to several derogations: the absence of a sufficient connection with the subject matter of the contract and a restriction of competition (for public and concession contracts); and the immediate availability of an appropriate solution or, in the case of works contracts, a contract with a duration of less than six months.

At the end of July 2026, the Legal Affairs Directorate of the French Ministry for the Economy, Finance and Industrial and Digital Sovereignty (“DAJ”), published [practical guidance sheets](#) intended to assist contracting authorities and concession-granting authorities.

NYA&Co.
LAW FIRM

+237 659 39 49 15 / +33 6 25 44 98 38
contact@nyaandco.com

Paris - 7bis rue Monceau 75008 Paris
Douala – Immeuble Axa, rue Franqueville, Akwa - BP 5618
www.nyaandco.com

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MALI: EXPANSION OF THE SCOPE OF PUBLIC CONTRACTS EXCLUDED FROM THE PUBLIC PROCUREMENT CODE FOR NATIONAL DEFENCE AND SECURITY NEEDS.

On 24 July 2026, the Malian Council of Ministers adopted a draft decree amending Annex 1 to Decree No. 2023-0275/PT-RM of 3 May 2023 establishing the regime applicable to contracts excluded from the scope of the Public Procurement Code and public service delegations, according to a statement relayed by the [Prime Minister's Office](#).

Article 8 of Decree No. 2015-0604/P-RM of 25 September 2015 establishing the Public Procurement Code excludes contracts relating to national defence and security needs that require secrecy, or whose publication would be incompatible with the protection of the State's essential interests.

The decree of 3 May 2023 had specified this derogatory regime, including:

- The applicable procurement rules;
- The scope of "defence secrecy";
- The list of works, supplies and services eligible for the procedure.

Its implementation revealed shortcomings namely the failure to take certain categories of equipment into account and the changing security situation in the country. The instrument has not yet been published in the Official Gazette and is therefore not enforceable in its current state.

Once issued, the decree would update the annexed list in order to incorporate the new requirements of the Armed and Security Forces.

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COTE D'IVOIRE: GRANTING OF FOUR GOLD MINING EXPLORATION PERMITS.

By four decrees adopted by the Council of Ministers on 22 July 2026, the Republic of Côte d'Ivoire granted gold mining exploration permits for a period of four (4) years, according to a [statement](#) published the Presidency of the Republic.

The beneficiaries and their perimeters are as follows:

- RORO'S MINING SARL in the departments of Dianra and Mankono;
- XMI SARL in the departments of Dabakala and Kong;
- PIONEER MINERALS SARL in the department of Korhogo;
- MAJOR STAR PLUS SARL in the department of Boundiali.

These four (4) grants were made exclusively to their respective holders, thereby entitling them to carry out exploration activities with a view to discovering an economically exploitable deposit.

The permits were likewise issued in accordance with the required technical and environmental conditions, as stated in the statement.

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AUTHOR OF THE BRIEFS

JOHN ERIC DICKA, PHD.

Of Counsel at NYA & Co.

Attorney at the Paris Bar

Accredited arbitrator with the Comoros Court of Arbitration (CACOM)

Graduate of the Institut de Droit Public des Affaires (IDPA)

jdicka@nyaandco.com

NYA & Co.
LAW FIRM

+237 659 39 49 15 / +33 6 25 44 98 38
contact@nyaandco.com

Paris - 7bis rue Monceau 75008 Paris
Douala – Immeuble Axa, rue Franqueville, Akwa - BP 5618
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