REPUBLIC OF CAMEROON
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MINISTRY OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT

RÉPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

MINISTÈRE DE L'ENVIRONNEMENT, DE LA PROTECTION DE LA NATURE ET DU DÉVELOPPEMENT DURABLE






COMPENDIUM OF LEGAL INSTRUMENTS ON ENVIRONMENT

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PREFACE

Cameroon has a large number of laws and regulations on the environment and sustainable development. However, these texts have not always been easily accessible, both for the community of users and actors of their implementation including the jurisdictional actors.

This state of affairs compromises the achievement of the objectives assigned by the Ministry of the Environment, Protection of Nature and Sustainable Development (MINEPDED) declined through the following priority axes:

- Integrating the principles of sustainable development into national policy making;
- Sustainable management of natural resources;
- The fight against pollution and nuisances;

Improved governance and strategic management of the Environment, Nature Protection and Sustainable Development sub-sector.

This collection brings together in a single document most of the legislative and regulatory texts relating to environmental issues with a view to promoting the effective integration of environmental considerations into all human activities in Cameroon.

This document is an important tool in the decision-making process at the strategic level. Its objective is to contribute to the improvement of environmental performance, policy makers, researchers, students, lawyers, economic operators, development partners, civil society actors, populations and of all the other actors. In addition, it will accelerate the effective application of legislation and regulations in this sector of activity.

Thus conceived, this collection of texts is part of the response to government requirements for improving governance in the public sector.

We would like to express our gratitude to the Support Program for the implementation of the GIZ Forest-Environment Rural Sector Development Strategy, whose technical and financial support was decisive for the production of this compendium.

CONTENT

LIST OF ENVIRONMENT RELATED CONVENTIONS RATIFIED BY CAMEROON

No.	Title, date and place of adoption	Date of signature	Date of ratification / adhesion	National legal reference
1	United Nations Framework Convention on Climate Change of 9 May 1992 in New York	14 June 1992	19 October 1994	Law No. 93/010 of 22 December
2	Kyoto Protocol to the United Nations Framework Convention on Climate Change of 11 December 1997		28 August 2002	19 October 1994
3	Paris Climate Agreement of 15 December 2015	22 April 2016	29 July 2016	Law No. 2016/008 of 12 July 2016
4	**Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade** (Netherlands)	11 September 1998	24 February 2004	
5	African Convention on the Conservation of Nature and Natural Resources of 15 September 1968 in Algiers		29 November 1978	
6	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Elimination of 22 March 1989		11 February	
7	Bamako Convention on the Prohibition to import hazardous waste in Africa and the control of their Transboundary Movements of 30 January 1991			
8	Convention on the Conservation of Migratory Wildlife Species of 23 June 1979 in Bonn		7 September 1981	
9	International Convention on Intervention in the High Sea in case of Accident causing or likely to cause Hydrocarbon Pollution of 29 November 1969 in Brussels		14 May 1984	
10	United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982 in Montego Bay			
11	Cooperation and Consultation Agreement between Central African States on Wildlife Conservation and for the Creation of a Special Fund for Wildlife Conservation of 16 April 1983 in Libreville	16 April 1983		
12	**United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/ or Desertification, Particularly in Africa (UNCCD)** 14 October 1994 in Paris		29 May 1997	
13	Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitats of 2 February 1971			
14	Convention on Biological Diversity	14 June 1992	219 October 1994	Law No. 93/010 of 22 December 1993
15	Cartagena Protocol on Biosafety to the Convention on Biological Diversity of 29 January 2000	9 February 2001	20 February 2003	

No.	Title, date and place of adoption	Date of signature	Date of ratification / adhesion	National legal reference
16	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits s Arising from their Utilisation of 29 October 2010		30 November 2016	Law No. 2014/009 Of 18 July 2014
17	Vienna Convention for the Protection of the Ozone Layer of 22 March 1985		30 August 1989	
18	Montreal Protocol on Substances that Deplete the Ozone Layer of 16 September 1987		30 August 1989	
19	Convention on International Trade in Species of Wild Fauna and Flora threatened with Extinction (CITES) of 3 March 1973 in Washington		5 June 1981	
20	Convention on Persistent Organic Pollutants of 22 May 2001 in Stockholm	5 October 2001	19 May 2009	Law No. 2005/003 of 28 August 2005
21	UNESCO Convention on the Protection of Cultural and Natural World Heritage of 16 November 1972 in Paris		7 December 1982	Law No. 91/0081 of 30 July 1991
22	Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region of 23 March 1981 in Abidjan		5 August 1984	
23	The Convention on the Law of Non-Navigational Uses of International Watercourses of 21 May 1997 in New York		9 October 2007	
24	Convention for the Prevention of Pollution from Ships (MARPOL) of 2 November 1973		18 September 2009	Law No. 98/17 of 24 December 1998
25	International Convention for the Protection of Plants of 6 December 1951 Entry into force 3 April 1952			5 April 2006
26	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques	10 December 1976		Law No. 2009/014 of 15 December 2009
27	International Tropical Timber Agreement of 27 January 2006 in Geneva	13 February 2007	27 August 2009	Law 2008/002 of 14 April 2008
28	International Convention on oil pollution preparedness, response and cooperation (OPRC) 1990 in London			Law 98/17 of 24 December 1998
29	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons on their destruction on 3 September 1992 in Geneva			Law No. 96/02 of 4 January 1996
30	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 10 April 1972			Law No. 2009/013 of 15 December 2009
31	Agreement on the Conservation of African-Eurasian Migratory Waterbirds (in relation to the Bonn Convention of 1979) of 15 August 1996 in The Hague			

No.	Title, date and place of adoption	Date of signature	Date of ratification / adhesion	National legal reference
32	Convention concerning Safety in the Use of Asbestos of 24 June 1984 in Geneva			Law 88/9 of 15 July 1988
33	**International Convention on Civil Liability for Oil Pollution Damage** International Convention on Liability in the event of damages caused by Hydrocarbons Pollution by Vessels (CLC)	1992		
34	International Convention relating to intervention on the high seas in cases of oil pollution casualties, of 1969 in Brussels		14 May 1984	
35	Convention on the African Migratory Locust of 25 May 1962 in Kano		27 July 1964	
36	Convention concerning Safety in the Use of Asbestos of 24 June 1984 in Geneva		20 February 1989	
37	Convention on Nuclear Safety, 20 September 1994 Vienna, entered into force on 24 October 1996			
38	Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency	25 September 1987	17 January 2006	
39	Treaty Banning Nuclear Weapons tests in the Atmosphere, in Outer Space and Under Water		29 October 1978	
40	Vienna Convention on Civil Liability for Nuclear Damage		22 September 1988	
41	International Convention for the Protection of New varieties of Flora			

Sources: www.un.org compendium of treaties, Chapter XXVII: environment; Documentation centre of the National Assembly of Cameroon.

I

LAWS

I.1

LAW NO. 77/15 OF 6 DECEMBER 1977 TO REGULATE EXPLOSIVE SUBSTANCES AND DETONATORS IN CAMEROON

LAW NO. 77/15 OF 6 DECEMBER 1977 TO REGULATE EXPLOSIVE SUBSTANCES AND DETONATORS IN CAMEROON

The National Assembly deliberated and adopted,

The President of the Republic hereby enacts the law set out below:

Article 1:

The manufacture, conservation, export, import, transportation, destruction, transfer and purchase of explosive substances or detonators, shall be subject to the provisions of this Law.

Article 2:

An explosive substance shall be any chemical substance that, under the influence of heat or shock, produces either a blast or a detonation with release of gas and production of heat.

Article 3:

The nomenclature of explosives and detonators referred to in Section 2 above shall be laid down by decree.

Article 4:

The manufacture of explosive substances or detonators. Their exploitation in depots, their importation, their sale, their purchase, their conservation. Transportation, their transfer and destruction shall be subject to prior authorization under conditions laid down by decree.

Article 5:

No one may obtain delivery of explosive substances or detonators if he/she has no prior authorization to operate a depot. The necessary justifications shall be required for this purpose by the sellers or manufacturers and under their responsibility. Small quantities of explosives for immediate use may be delivered to persons not operating a depot under conditions laid down by decree.

Article 6:

For reasons of public safety, the manufacture of explosive substances or detonators may be prohibited by decree in a region or an expanse of the national territory. This measure shall not give room to any right to compensation to manufacturers.

Article 7:

Destruction at the expense of the operator of explosive substances or detonators that pose real danger to public safety shall not give room to any right to compensation.

The conditions for removal of a depot and transfer of explosives shall be laid down by decree.

Article 8:

Any violation of the provisions of this Law shall be punishable by imprisonment of 3 (three) months to one year and a fine of 100,000 (one hundred thousand) Francs to 1,000,000 (one million) Francs or only one of these penalties.

The court may also order the confiscation of the explosives in question.

Article 9:

In the case of imprisonment, the authorization to manufacture, conserve, import or purchase explosive substances or detonators shall be withdrawn under conditions laid down by decree.

Article 10:

Explosive substances and detonators for use by military and similar establishments shall be regulated by special texts. Hunting and war ammunition shall be and remain subject to special regulations in force.

Article 11:

A decree shall when necessary lay down terms and conditions for the implementation of this Law.

Article 12:

All previous provisions, in particular those of Law No. 50-598 of 30 May 1950 to regulate explosive substances in the territories of Togo and Cameroon, are repealed.

Article 13:

This law shall be registered and published in the Official Gazette in English and in French.

Yaounde, 6 December 1977

Ahmadou Ahidjo
President of the Republic

I.2

LAW NO.89/27 OF 29 DECEMBER 1989 ON TOXIC AND HAZARDOUS WASTE

LAW NO.89/27 OF 29 DECEMBER 1989 ON TOXIC AND HAZARDOUS WASTE

The National Assembly deliberated and adopted,

The President of the Republic hereby enacts the law set out below:

Article 1:
The introduction, production, storage, possession, transport, transit and discharge on the national territory of toxic and/or hazardous wastes in all their forms shall be prohibited.

Article 2:
Toxic and/or hazardous wastes shall mean constituents containing flammable, explosive, radioactive, toxic substances that may be dangerous to the life of humans, animals, plants and the environment.

Article 3:
(1) Notwithstanding the provisions of Section 1 above, local industries which, by reason of their activities, generate toxic and / or hazardous waste shall:
- declare the volume and nature of their production and
- ensure that their handling shall be without danger to man and his environment.

(2) Procedures for the application of this Section shall be laid down by decree.

Article 4:
(1) Any unauthorized person who shall introduce, produce, store, possess, transport, transit with or dump toxic and/or hazardous waste in all its forms in Cameroonian territory shall be punishable by the death penalty; imprisonment of 5 (five) to 10 (ten) years and a fine of 5 000 000 (five million) CFAF to 500 000 000 (five hundred million) CFAF. This shall also apply to any unauthorized person who shall not immediately dispose of toxic and/or hazardous waste generated by his business under the conditions defined in this Law and subsequent regulations.
(2) The provisions of Sections 54 and 90 of the Penal Code relating to suspended sentences and mitigating circumstances shall not be applicable
(3) Where the offense is committed by a legal entity, the criminal responsibility shall lie with the natural person, whether or not the latter manages, supervises or controls the activity of that legal entity. The legal entity in question shall be jointly and severally liable with the person or persons sentenced to pay fines, civil compensation, as well as costs and expenses.

Article 5:
The court referred to shall order any person found guilty to have introduced, produced, stored, kept, transported, transited with or dump toxic and / or hazardous waste, to clear them off immediately and to restore the premises to their former state. The same court may, in addition, order the closure of the establishment.

Article 6:
The terms and conditions for applying this Law shall be laid down by decree.

Article 7:
This Law shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

I.3

LAW NO.94/01 OF 20 JANUARY 1994 TO LAY DOWN FORESTRY, WILDLIFE AND FISHERIES REGULATIONS

LAW NO. 94/01 OF 20 JANUARY 1994 TO LAY DOWN FORESTRY, WILDLIFE AND FISHERIES REGULATIONS

The National Assembly has deliberated and adopted:

The President of the Republic hereby enacts the law set out below:

PART I

GENERAL PROVISIONS

Article 1:

This law and the implementing instruments thereof lay down forestry, wildlife and fisheries regulations with a view to attaining the general objectives of the forestry; wildlife and fisheries policy, within the framework of an integrated management ensuring sustainable conservation and use of the said resources and of the various ecosystems.

Article 2:

Under this-law, forest means any land covered by vegetation with a predominance of trees, shrubs and other species capable of providing products other than agricultural.

Article 3:

Wildlife, within the context of this law, means ail the species belonging to any natural ecosystem as well as ail animal species captured from their natural habitat for domestication purposes.

Article 4:

Fishery or fishing, within the context of this law, means the act of capturing or of harvesting any fishery resources or any activity that may lead to the harvesting or capturing of fishery resources, including the proper management and use of the aquatic environment, with a view to protecting the animal species therein by the total or partial control of their life cycle.

Article 5:

Fishery resources, within the context of this law, means fish, seafood, molluscs and algae from the marine, estuarine and fresh water, environments, including sedentary animals in such environments.

Article 6:

The ownership of forests and aqua cultural establishments shall be determined by the regulations governing land tenure and State lands and by the provisions of this law.

Article 7:

The State, local councils, village communities and private individuals may exercise on their forests and aqua cultural establishments all the rights that result from ownership, subject to restrictions laid down in the regulations governing land tenure and State lands and by this law.

Article 8:

(1) Within the context of this law, logging or customary right means the right which is recognized as being that of the local population to harvest ail forest, wildlife and fisheries products freely for their personal use, except the protected species.

(2) The Ministers in charge of forestry, wildlife and fisheries may, because of public interest, and in consultation with the populations concerned, temporarily or permanently suspend the exercise of logging rights, when necessary.

Such suspension shall be done in consonance with the general regulations on expropriation by reason of public interest.

(3) The conditions for the exercise of logging rights shall be laid down by decree.

Article 9:

(1) Within the context of this law, forest products shall comprise mainly wood and non- wood products as well as wildlife and fishery resources derived from the forest.

(2) Certain forest products such as ebony, ivory, wild animal homes, as well as certain animal, plant and medicinal species or those, which are of particular-interest, shall be classified as special. The list of special forest products shall be fixed, as and when necessary, by the competent ministry.

(3) The conditions for the extraction of special products shall be laid down by decree.

Article 10:

(1) The services in charge of forestry, wildlife and fisheries shall, as the case may be, issue recovery notices for duties and taxes in forestry, wildlife and fishery resources.

(2) The said notices shall be enforceable and the fees and taxes shall be paid into the public treasury.

(3) Copies of recovery notices for duties and taxes on export products shall be submitted to the customs services.

(4) Forestry, wildlife and fisheries officials shall receive allowances in respect of the operations referred to in subsection 1 of this section under conditions laid down by decree.

PART II

PROTECTION OF NATURE AND BIODIVERSITY

Article 11:

The protection of forest, faunal and halieutic heritages is ensured by the State.

Article 12:

(1) The genetic resources of the national heritage shall belong to the State of Cameroon. No person may use them -for scientific, commercial or cultural purposes without prior authorization.

2) The economic and financial spin- off resulting from their use shall be subject to the payment to the

State of royalties the rate and conditions of which shall be laid down, to the prorata of their value, by an order of the minister in charge of finance upon the proposal of the competent minister.

Article 13:

The conditions for the importation and exportation of any forest genetic material, wildlife or live fish resources shall be laid down by statutory instruments.

Article 14:

(1) It shall be' forbidden to light, without prior authorization, a fire that may cause damage to the vegetation of the national forest estate.

(2) The organization of forest and bush lire prevention and control shall be laid down by decree.

Article 15:

In this law, 'clearing' means the act of removing the trees or natural vegetation cover of a forest land in order to use such land for purposes other than forestry, irrespective of the means used in the removal.

Article 16:

(1) The clearing of all or part of a State or council forest shall be subject to the total or partial declassification of such forest.

(2) The initiation of any development project that is likely to perturb a forest or aquatic environment shall be subject to a prior study of the environmental hazard.

(3) Forest resources shall be assigned in accordance with the master plan for regional development.

(4) The procedure for obtaining a classified forest-clearing permit shall be laid down by regulations.

Article 17:

(1)If the creation or maintenance of a permanent forest cover is considered necessary for soil preservation, protection of the banks of a stream or of a river, regulating water flow or preserving biodiversity, the surrounding land may either be declared out of bounds or as an ecologically fragile area, or classified as protected State forest, full nature reserve, or wildlife sanctuary as the case may be, under conditions laid down by decree.

(2) Clearing or exploitation shall be forbidden in forests or parts of forests that have been declared out of bounds or classified as State forests as provided for in the preceding subsection.

(3) The use of natural resources shall be regulated in areas declared ecologically fragile.

(4) The services in charge of forestry, wildlife and fisheries may, in order to preserve the diversity of the biological resources, initial or participate in setting up ex si tu unit such as genetic resources banks, botanical and zoological gardens, arboreal, seed orchards or nurseries.

(5) To this end, the services concerned shall fix the conditions for taxing, treating, preserving and multiplying genes and specimens taken from the natural environment.

Article 18:

(1) It shall be forbidden for anyone to dump, in national forests as well as in public waterways, in lakes and in the sea, any toxic product or industrial waste likely to destroy or modify animal and plant life.

(2) Industrial, handicraft and other units producing toxic products or waste shall be bound to treat their effluent before dumping it in the natural environment.

(3) The dumping in the natural environment of treated waste shall be subject to the prior obtention of a government permit issued under conditions laid down by special instruments.

Article 19:

Incentive measures may be taken, as and where necessary, in order to encourage reforestation, the breeding of game, algae and fish farming by private persons.

PART III

FORESTS

Article 20:

(1) The national forest estate shall comprise permanent and non-permanent forests.

(2) Permanent forests shall comprise lands that are used solely for forestry and/or as a wildlife habitat.

(3) Non-permanent forests shall comprise forestlands that may be used for other purposes than forestry.

Chapter I

PERMANENT FORESTS

Article 21:

(1) Permanent or classified forests shall be forests situated in the permanent forest estate.

(2) Permanent forests shall comprise:

(a) state forests

(b) council forests.

Article 22:

(1) Permanent forests shall cover at least 30% of the total area of the national territory and reflect the country's ecological diversity.

(2) The competent service shall draw up a management plan for each permanent forest.

Article 23:

In this law, management of a permanent forest means the carrying out of certain activities and investments, based on previously established objectives and on a plan, for the sustained production of forest products and services, without affecting the primitive value or compromising the future productivity of the forest nor causing any damage to the physical and social environment.

Section I

STATE FORESTS

Article 24:

(1) Within the meaning of this law, the following shall be considered State forests:

a) Areas protected for wildlife, such as :

- national parks;
- game reserves;
- hunting areas;
- game ranches belonging to the State;
- wildlife sanctuaries;
- buffer zones.

b) Forest reserves proper :

- integral ecological reserves;
- production forests;
- protection forests;
- recreation forests;
- teaching and research forests;
- plant life sanctuaries;
- botanical gardens; and
- forest plantation.

(2) A decree shall lay down the definition, rules and conditions of use of the various types of State forests.

Article 25:

(1) State forests shall form part of the private property of the State.

(2) They shall be classified by a statutory instrument, which shall determine their geographical boundaries, and, in particular, their categories. They may be production, recreation, protection or multi- purpose forests encompassing production, environmental protection and the preservation of the diversity of the national biological heritage.

The instrumental foresaid shall serve for the establishment of a land certificate for the Stale.

(3) The classification of State forests shall take into account the land use plan of the ecological area in question.

(4) Forests subject to classification or forests that had been classified according to former regulations shall remain in the private le property of the State, except where the duly approved land use plan of the area in question states otherwise.

(5) The procedure for classification of State forests shall be laid down by decree.

Article 26:

(1) The instrument classifying a State forest shall take into account the social environment of the local population, who shall maintain their logging rights.

(2) However, such rights may be limited if they are contrary to the purpose of the forest. In such case, the local population shall be entitled to compensation according to conditions laid down by decree.

(3) Public access to State forests may be regulated or forbidden.

Article 27:

A forest may be classified only after compensating persons who had carried out investments therein before the start of the administrative classification procedure.

Article 28:

(1) A State forest may be declassified under conditions laid down by decree.

(2) No forest may be completely or partially declassified unless a forest of the same category and equivalent area in the same ecological zone has been classified.

Article 29:

(1) A management plan shall be drawn up for State forests defining, in accordance with the conditions laid down by decree, the management objectives and rules for each forest, the means needed to achieve the said objectives as well as the conditions under which the local population may exercise their logging rights, in accordance with the provisions of the classification instrument.

(2) The management plan, the duration of which shall depend on the goals pursued, shall be reviewed periodically or as the need arises.

(3) Any activity in a State forest shall, in all cases, be carried out in accordance with the management plan.

(4) Theservices in charge of forestry may divide State forests into forest management units.

(5) In such case, a management plan shall be drawn up for each unit.

(6) The conditions for drawing up the management plan shall be laid down by decree..

Section II

COUNCIL FORESTS

Article 30:

(1) In this law, 'council forest' means any forest that had been classified on behalf of a local council or has been planted by the local council.

(2) The classification instrument shall determine the boundaries and the management objectives of such forest, which may be same as for a State forest, as well as the exercise of logging rights by the local population. It shall serve for the establishment of a land certificate for the local council concerned.

(3) Council forests shall form part of the private property of -the local council concerned.

(4) The procedure for the classification of council forests shall be laid down by decree.

Article 31:

(1) Council forests shall have management plans approved by the services in charge of forests.

(2) Such management plans shall be drawn up at the behest of council officials, in accordance with the provisions of Section 30 above.

(3) Any activity in a council forest shall, in all cases, comply with its management plan.

Article 32:

(1) The execution of the management plan of a council forest shall be the responsibility of the council concerned, under the supervision of the services in charge of forests, which may, without prejudice to the law organizing councils, prohibit the carrying out of activities contrary to the content of the management plan.

(2) In case of a shortcoming or negligence on the part of the council, the services in charge of forests may step in to carry out, at the expense of the said council, certain operations provided for in the management plan.

(3) Forest products of all kinds resulting from the exploitation of council forests shall be the sole property of the council concerned.

Article 33:

(1) Urban councils shall respect, in towns, a ratio of a least 800m2 of wooded areas per 100 in habitants. Such wooded areas may be broken or unbroken.

Chapter II

NON-PERMANENT FORESTS

Article 34:

Non-permanent or unclassified forests shall be forests on non-permanent forestland. Non-permanent forests shall be:

- communal forests;
- community forests;
- Forests belonging to private individuals.

Section I

COMMUNAL FORESTS

Article 35:

(1) Communal forests shall be forests that do not f ail under any of this law. The categories mentioned in Section 24(1), 30(1) and 39

(2) They shall not include orchards, agricultural fallow land, wooded land adjoining an agricultural farm, pastoral and agroforestry facilities.

(3) However, after the reconstitution of the forest cover, former fallow land and agricultural or pastoral land without any title deed may once more be considered as communal forests and managed as such.

(4) Forest products of all kinds found in communal forests shall be managed in a conservatory manner by the services in charge of forests and wildlife, as the case may be.

(5) The said products shall belong to the State, except where a management agreement has been signed in accordance with Section 37 below.

Article 36:

Citizens living around communal forests shall be allowed logging rights under conditions laid down by decree.

(2) However, for purposes of conservation or protection, the minister in charge of forests may restrict such rights, particularly in relation to grazing, pasturing, felling, lopping and mutilation of protected species as well as establish the list of the said species.

Section II

COMMUNITY FORESTS

Article 37:

(1) The services in charge of forests shall, in order to promote the management of forest resources by village communities, which so desire, give them assistance.

An agreement shall be signed between the two parties. The technical assistance thus given to the village communities shall be free of charge.

(2) Community forests shall have single management plans approved by the services in charge of forests.

(3) Such plans shall be drawn up at the behest of the communities concerned in accordance with conditions lay down by decree.

(4) Ail activities in a community forest shall comply with its management plan.

(5) Forest products of all kinds resulting from the management of community forests shall belong solely to the village communities concerned.

(6) Such communities shall, however, be bound to comply with the provisions of section 16 above.

(7) Village communities shall have the right of pre-emption in the event of the alienation of products found in their forests.

Article 38:

(1) The management agreements provided for in Section 37 above shall specify the beneficiaries, the boundaries of the forest allocated to them, and the special instructions on the management of areas of woodland and/or wildlife, formulated at the behest of the said communities,

(2) The implementation of community forest management agreements shall be incumbent on the communities concerned, under the technical supervision of the services in charge of forests and, where applicable, wildlife.

In case of violation of this law, or of the special clauses of the agreements, the aforementioned services may, as of right, and at the expense of the community concerned, carry out the required works or annul the agreement, and this shall not affect the logging rights of the population.

Section II

PRIVATE FORESTS

Article 39:

(1) Private forests shall be forests planted by natural persons or corporate bodies on land they acquired in accordance with the laws and regulations in force. Owners of such forests shall draw up simple management plans with the assistance of the services in charge of forests, in order to ensure sustained and durable yield.

(2) Plans to put the land concerned to any other use shall be subject to the provisions of Section 16 (3) above.

(3) The execution of the simple management plan shall be incumbent on the owner of the forest, under the technical supervision of the services in charge of forests.

(4) Forest products as defined under Section 9(2) found in natural forests on land belonging to a private individual shall be the property of the State, except where the said products have been acquired by the person concerned in accordance with the laws and regulations in force.

(5) Private individuals shall have a right of pre-emption in the event of the sale of any natural product found in their forests.

Chapter III

INVENTORY OF THE EXPLOITATION AND MANAGEMENT OF FORESTS

Section I

FOREST INVENTORY

Article 40: (new)

(1) A survey of forest resources shall be the prerogative of the State.

(2) The results of such survey shall be used in estimating revenue and in management planning.

(3) In that respect, the exploitation of any forest shall require that a prior survey be conducted on such a forest in accordance with the norms laid down by the ministers in charge of forests and wildlife.

Section II

FOREST EXPLOITATION

Article 41:

(1) Any natural person or corporate body wishing to carry out forest exploitation activities shall be granted approval under conditions fixed by decree.

(2) Forest exploitation rights may be granted only to natural persons resident in Cameroon, or to companies whose registered offices are in Cameroon and whose shareholders are known to the forestry services.

Article 42:

(1) Holders of Personal exploitation rights may subcontract some of their activities provided that they obtain prior approval from the forestry services. Under all circumstances, they shall be answerable to the said services for the proper fulfilment of their obligations.

(2) The rights provided for in the preceding sub-section 1 above shall be personal and non-transferable.

(3) The issue of new shares, or the sale of shares in a company holding forest exploitation rights shall be subject to prior approval by the minister in charge of forests.

Article 43:

Forestry services may mark as reserved any tree within an area being exploited under license, which is considered useful for conservation and regeneration purposes.

Article 44:

(1) The exploitation of a State forest shall be done either through the sale of standing volume or through an exploitation contract.

However, the forest may be exploited by the administration when there is need to recuperate the forest products concerned or in case of an experimental project and in accordance with conditions laid down by decree. It may be done under a sub-contracting agreement, in accordance with the management plan of the said forest.

(2) At the beginning of each year, forestry services shall determine the volume that can be logged from all State production forests.

(3) The exploitation of forest products from any State forest shall be in accordance with its management plan.

(4) In State forests, other than production forests, the extraction of certain forest products may be allowed, if it is necessary for the improvement of the biotope. Such extraction shall be carried out by the administration in accordance with the management plan of the said forests.

Article 45:

(1) A sale of standing volume in a State production forest shall be an authorization to exploit, for a fixed period, a precise volume of standing timber which may not exceed the annual logging potential.

(2) Standing volume in State production forest may be sold to persons of Cameroonian nationality only, except as provided for in Section 77(2) below.

(3) Standing volume shall be attributed by the minister in charge of forests upon the recommendation of a competent commission for a non-renewable maximum period of one year.

Article 46:

(1) An exploitation contract shall be an agreement in which the license-holder is granted the right to collect a specific volume of wood from a forest concession, for the long-term supply of his wood-processing industry or industries. The contract shall include specifications, and shall define the rights and obligations of the State and the license-holder.

The volume granted may, in no case, exceed the annual felling potential for each of the forest management units concerned.

(2) Forest exploitation contracts shall be concluded for a maximum renewable duration of fifteen (15) years. They shall be assessed every three years.

Article 47:

(1) A forest concession shall be the area on which an exploitation contract is executed. It may comprise one or more forest exploitation units.

(2) A forest concession shall be granted upon recommendation by a competent commission under conditions laid down by decree.

(3) The forest concession provided for under subsection (1) above may be transferred under conditions laid down by decree.

Article 48:

Some concessions shall be set aside for nationals acting individually or grouped into companies, in accordance with the conditions laid down by regulations.

Article 49:

(1) The total forest area that may be granted to any one license-holder shall depend on the potential of the forest concession, calculated on the basis of sustained and lasting yield as well as the capacity of existing wood- processing industries or those to be installed. It may not, in any case, exceed 200,000 hectares.

(2) The acquisition of majority shares or the creation of a forest exploitation company by a forest exploiter with the intention of exploiting a total area of more than 200,000 hectares shall be forbidden.

Article 50:

(1) (1) License-holders for a forest concession shall conclude with the forest department a provisions 1 exploitation contract prior to the signing of the final contract.

(2) A provisional contract shall have a maximum duration of three

(3) years during which the license- holder undertakes locally out some works, in particular, the setting up if an industrial unit(s) for the Processing of wood.

The wood-processing unit and the head office of the enterprise shall be located in the area of exploitation.

During this period the area of the forest concerned shall be reserved for the license-holder.

The conditions for drawing up provisional contracts as well as the specifications related thereto shall be fixed by decree.

Article 51:

(1) A subcontract shall be an agreement which defines the forest exploitation and management activities which a promoter is required to carry out in the development or exploitation of forest. It does not confer on the subcontractor any right of ownership over the forest produce exploited.

(2) Exploitation under State management of a forest management unit within the confines of a subcontract may only be carried out with the exclusive participation of a promoter of Cameroonian nationality.

Article 52:

Council forests shall be exploited on behalf of the council concerned, under State management, by the sale of standing volume, by permit or by individual feeling authorization in accordance with their management prescriptions approved by the forestry department.

Article 53:

(1) Communal forests shall be exploited by the sale of standing volume, by permit or individual felling authorization.

(2) Forestry services shall determine annually, for each ecological zone, areas of communal forests open to exploitation, taking into account any prescriptions of the duly approved land allotment plan of the said zone, and according to the conditions determined by decree.

Article 54:

Community forests shall be exploited, on behalf of the community concerned, under State management, by the sale of standing volume, by individual authorization to cut poles or by permit, in accordance with the management plan approved by forestry services.

Article 55:

(1) Sales of standing volume in a communal forest shall, within the context of this law, mean an authorization to exploit in an area not exceeding two thousand five hundred (2,500) hectares a specific volume of standing limber for sale.

(2) In communal forests, sales of standing volume shall be granted upon the recommendation of the competent commission for a non- renewable period of three (3) years.

Article 56:

(1) (new) An exploitation permit, within the context of this law, shall mean an authorization to exploit or harvest specific quantities of forest products in a given zone. The products concerned may be special products as defined in Section 9(2) above, timber whose volume does not exceed 500 gross cubic

meters, firewood or poles for commercial ends.

(2) Exploitation permits for timber and some special forest produce listed by forestry services shall be granted upon the recommendation of a competent commission for a maximum non-renewable period of 1 (one) year.

(13) For other special forest produce, firewood and poles, exploitation permits shall be granted by mutual agreement by the minister in charge of forests.

Article 57:

(1) An individual felling authorization, in this law, shall mean an authorization issued to a natural person to cut wood not exceeding 30 gross cubic meters for personal, non-commercial use.

This provision shall not apply to the local population who shall maintain their logging rights.

(2) Individual felling authorizations shall be granted by mutual agreement for a non-renewable period of 3 (three) months.

Article 58:

Exploitation permits and individual felling authorizations may be granted only to persons of Cameroonian nationality to whom various facilities may be given by various professional groups in order to make forest exploitation more accessible to them.

Article 59:

In communal forests, some sales of standing volume may be reserved for persons of Cameroonian nationality taken individually or grouped into a company, following a quota fixed annually by forestry services and in accordance with the procedure laid down by decree.

Article 60:

Transfer of sales of standing volume, exploitation permits and individual felling authorizations shall be forbidden.

Article 61:

(1) Exploitation for profit of forest produce shall be regulated by contract specifications comprising general and specific clauses.

(2) The general clauses shall deal with technical prescriptions governing the exploitation of the forest produce concerned and, in the case of State forests, with management prescriptions, which the holder shall apply.

(3) The specific clauses shall deal with the financial charges as well as the charges in respect of industrial installations and social amenities such as roads, bridges, health centres, schools for the benefit of the local population.

(4) The conditions for putting in place the industrial installations and social amenities, as well as those for re-negotiating the said charges shall be laid down by decree.

Article 62:

Ail exploitation contracts, sales of standing volume, permits or individual felling authorizations shall confer on their holders, over the surface area conceded, the exclusive right to collect the produce described in the exploitation document for a specific period, but shall confer no right of ownership over the corresponding land. Furthermore, the holder may not prevent the exploitation of produce not mentioned in his exploitation document.

Section III

FOREST MANAGEMENT

Article 63:

The management referred to in Section 23 comprises especially the following:

- inventory
- re-afforestation
- natural or artificial regeneration
- sustained forestry exploitation
- infrastructure.

Article 64:

(1) Forest management shall be the concern of the ministry in charge of forests working through a public body. It may ' sub-contract certain management activities to private or community bodies.

(2) The financing of forest management activities shall be through a Special Forestry Development Fund managed by a committee.

The composition as well as the modalities of functioning of the Committee and the Special Forestry Development Fund shall be laid down by decree.

(3) The forest management plan shall be a compulsory clause of the specifications made during the execution of the provisional contract stipulated in Section 50 above.

(4) The specification shall specify the financial costs of the management operations

(5) The corresponding sums shall be paid directly to the Special Forestry Development Fund.

These sums may not be used for any other purpose.

Article 65:

Any breach of the of this law or regulations passed in implementation thereof, in particular the violation of the prescriptions of a management plan for a permanent or community forest or the breach of obligations relating to industrial installations or the implementation of clauses of the specifications shall entail suspensions or, in case of a repeat offence, withdrawal of the exploitation document or approval as the case may be, following the conditions laid down by decree.

Chapter IV

FINANCIAL AND FISCAL PROVISIONS

Article 66:

(1) For sales of stranding volume and exploitation contracts, the financial charges referred to in Section 61(3) above shall, besides the business license provided for by the General Tax Code, comprise :

- the annual forestry fees assessed on the basis of surface area; the rate shall be fixed by the Finance Law;
- the felling tax, that is, the value by species, by volume, weight or length, estimated following the procedure laid down by decree;
- the graduated surtax on exports of unprocessed forest produce;

- the contribution to the execution of social amenities;
- the carrying out of a forest inventory
- participation in management projects.

(2) Exploitation by permit or individual felling authorization shall give rise solely to the collection of the selling price of the forest produce.

(3) Services produced by State forests referred to in Section 44 (4) above shall give rise to the collection of the corresponding fees.

(4) The financial charges provided for in subsection (1) above shall be fixed annually by the Finance Law except costs relating to inventories and in management projects.

Article 67:

(1) Beneficiaries of soles of standing volume and con¬cessions, regardless of the tax schedule, may not be exempted from the payment of the felling tax for forest products or the payment of any forestry fee related to their exploitation activities.

(2) Councils shall, for the exploitation of their forests, receive, in particular, the selling price of forest products and the annual royalty for the forest area.

Village communities and individuals shall be paid the selling price of the products extracted from forests belonging to them.

(3) No exporter of unprocessed forest products may be exempted from the payment of the graduated surtax on exports.

(4) Three years following the enactment of this law, forestry services shall evaluate each concession to ascertain whether, in keeping with an investment plan duly approved by the same services, the necessary measures have been taken by the license holder to ensure the processing of total logs derived from his concession.

In the event of serious default, the concession shall either be suspended or permanently withdrawn.

Article 68:

(1) The sums resulting from the collection of taxes, royalties as well as the proceeds of sales referred to in Section 66, 67(3) and 70 of this law, excluding contributions towards the provision of social services and taxes from the exploitation of council and community forests as well as forests belonging to individuals shall be paid partly into the Treasury and partly into a Special Forestry Development Fund under conditions laid down by decree.

(2) For the development of neighbouring village communities of certain communal forests under exploitation, part of the proceeds from the sale of forest products shall reserve for the said communities under conditions laid down by decree.

(3) Contributions towards the provision of social services shall be reserved entirely to the councils concerned. They shall not be used for any other purpose.

Article 69:

The grant of a license to sell standing volume or of a forest concession shall be subject to the provision of a guarantee the amount of which shall be fixed by the Finance Law.

The guarantee shall be furnished by making payment into the Treasury.

Article 70:

The transfer of a forestry concession shall entail the payment of a transfer fee whose amount shall be fixed by the Finance Law.

Chapter V

PROMOTION AND MARKETING OF TIMBER AND FOREST PRODUCTS

Article 71 :

(1) Seventy percent of the total production of each species of logs shall be processed by the local industry during a transitional period of five (5) years with effect from the date of enactment of this law.

Thereafter, the exportation of log timber shall be prohibited and the totality of the national timber production shall be processed by the local industry.

(2) The exportation of unprocessed special forest products shall in accordance with conditions laid down by decree, be subject to a prior annual authorization issued by forestry services and to the payment of the graduated surtax determined according to the volume exported.

(3) A National Timber Board, the organization and functioning of which shall be determined by decree, shall be responsible for the exportation and marketing of timber abroad.

Article 72 :

Except by special waiver of the minister in charge of forestry, processed or unprocessed forest products destined for marketing shall be required to meet the standards defined by a joint order of the ministers in charge of forestry and commerce.

Article 73:

(1) In the case of the execution of a development project likely to partially destroy a communal forest, or in the event of a natural disaster with similar consequences, the administration shall carry out salvage logging either through forestry services or through the sale of standing volume of the wood concerned under conditions laid down by decree.

(2) Drift timber without apparent local marks, found awash on the Atlantic coast, or logs abandoned along the roadside may be recovered by any natural person or corporate body in accordance with conditions laid down by decree, subject to the payment of a selling price, the amount of which shall be determined by the Finance Law.

Article 74:

Specific measures may be taken especially within the investment code or the law on industrial free zones, by a joint order of the ministers in charge of forestry and industry, to promote the use of less or not marketed species of timber and other forest products.

Chapter VI

TRANSITIONAL PROVISIONS

Article 75:

(1) Forest exploitation instruments issued before the date of enactment of this law, which are still valid, are being used and are in order as concerns the financial charges linked thereto shall be considered valid until they expire.

(2) In all cases contrary to the provisions of Subsection (1) above, these instruments shall be automatically cancelled and the forest exploitation related thereto suspended.

Conditions for the regularization of instruments granted prior to this law shall be laid down by decree.

Article 76:

Holders of valid exploitation rights shall be required, in carrying out their activities, to comply with the provisions of this law within twelve months.

Consequently, the exploitation of a forest located in the permanent forest estate and covered by an exploitation instrument may be subject to certain management rules in keeping with the objectives of the permanent forest concerned pursuant to conditions laid down by decree.

Article 77: (new)

(1) On the expiry of an exploitation instrument referred to in Section 75(1) above, forestry services may proceed to define the limits of new exploitation instruments provided for this law, in the zone concerned, so that they may be granted by a competent commission. This provision shall not cancel any previous exploitation instrument which is still valid. -

(2) On the expiry of previous exploitation instruments located in permanent forest estates, their holders may exceptionally be granted sales of standing volume in the zone concerned for a maximum period of three years, on condition that they own a wood processing unit and in accordance with the provisions of this law and the instruments of its application.

(3) This provision shall only be valid for a period of five years from the date of enactment of this law.

PART IV

WILDLIFE

Chapter I

PROTECTION WILDLIFE AND BIODIVERSITY

Article 78:

(1) Animal species living in the national territory shall, for the purpose of their protection, be classified into three classes : A, B and C; according to conditions laid down by order of the minister in charge of wildlife.

(2) The species of class A shall be totally protected and may on no occasion be killed except as provided for in Sections 82 and 83 of this law.

However, their capture or their being kept in captivity shall be subject to the grant of an authorization by the service in charge of wildlife.

(3) The species of class B shall be protected and may be hunted, captured or killed subject to the grant of a hunting permit.

(4) The species of class C shall be partially protected. Their capture or killing shall be regulated by conditions laid down by order of the minister in charge of wildlife.

Article 79:

The hunting of certain animals may be temporarily closed in ail or part of the national territory by the service in charge of wildlife.

Article 80:

Except where specially authorized by the service in charge of wildlife, the following shall be forbidden:

- the pursuit, approach to or shooting of game from a motor vehicle;
- hunting at night, especially with search lamps, head lamps, or in general with any lighting equipment whether designed for synergetic purposes or not;
- hunting with drugs, poisoned bait, tranquillizer guns or explosives;
- hunting with unconventional de vices;
- hunting with fire;
- the importation, sale and circulation of hunting lamps;
- hunting with fixed guns and dane guns; .
- hunting with a modem net.

Article 81:

Any hunting method, whether traditional, which endangers the conservation of certain animals may be forbidden or regulated by the service in charge of wildlife.

Chapter II

PROTECTION OF PERSONS AND PROPERTY AGAINST ANIMALS

Article 82:

In cases where animals constitute a danger or cause damage to persons and/or property, the service in charge of wildlife may undertake to hunt them down under conditions laid down by order of the minister in charge of wildlife.

Article 83:

(1)No persons may be charged with breach of hunting regulations as concerns protected animals if his act was dictated by the urgent need to defend himself, his livestock or crops.

(2) Proof of lawful defence shall be given within 72 hours to the official in charge of the nearest wildlife service.

Article 84:

The trophies resulting from the activities referred to in Section 82 above shall be deposited with the service in charge of wildlife which shall sell same by public auction or by mutual agreement in the absence of a bidder and pay the proceeds from such sale into the Treasury.

Chapter III

EXERCISE OF HUNTING RIGHTS

Article 85:

Any action aimed at:

- pursuing, killing or capturing a wild animal or guiding expeditions for that purpose;
- photographing and filming wild animals for commercial purposes shall be considered as an act of hunting.

Article 86:

(1) Subject to the provisions of Section 81 above, traditional hunting is authorized, throughout the national territory except in State forests protected for wildlife conservation or in the property of third parties.

(2) The conditions for the exercise of traditional hunting shall be laid down by decree.

Article 87:

(1) Any hunting, except in the case provided for in Section 86 above shall be subject to the grant of a hunting permit or license.

(2) Hunting permit and licenses shall be personal and non-transferable.

Article 88:

The grant of a hunting permit or license shall entail the payment of a fee, the rate of which shall be fixed by the Finance Law.

Article 89:

The rights and obligations resulting from the grant of hunting permit and 1icences as wel1 as the conditions for their grant shall be determined by decree.

Article 90:

Hunting permits and licenses may be issued to persons who have complied with the regulations in force concerning the possession of firearms.

Article 91:

The killing, capture or keeping in captivity of certain animals shall be subject to the payment of fees, the amount of which shall be fixed by the Finance Law, and to the issuance of a certificate of origin.

The list of such animals shall be fixed by the administration in charge of wildlife.

Article 92:

(1) Communal forest zones may be declared as zones of synergetic interest and exploited as such.

(2) The exploitation of synergetic zones may be carried out either by the Administration or leased by any other natural person or corporate body.

In the latter case, the exploitation of such a zone shall be subject to specifications.

(3) The conditions for classifying certain forests as synergetic zones as well as the conditions for exploiting such zones shall be determined by decree.

Article 93:

(1) All professional hunters recognized by the administration in charge of wildlife who organize and lead hunting expeditions shall be considered as professional hunter guides by the present law.

(2) The practice of the hunter guide profession shall be subject to the obtention of a permit issued by the administration in charge of wildlife in accordance with conditions determined by decree.

(3) It shall be subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

Article 94:

Hunting within an unleased zone of synergetic interest as well as the conduct of hunting expeditions by a hunter guide, in any communal forest, shall be subject to the payment of a daily fee , the amount of which shall be fixed by the Finance Law.

Article 95:

The exploitation of wildlife within State, council, community and private forests and within synergetic zones shall be subject to a management plan drawn up jointly by the forestry services.

Article 96:

Persons who hold a hunting permits and who have paid the prescribed fees and/or taxes may freely dispose of the meat and trophies of animals lawfully killed by them.

However, they shall take all necessary measures to ensure that 'no meat is abandoned in the bush.

Article 97:

Trophies shall mean

- tusks, carcasses, skulls and teeth of animals;
- tails of elephants or giraffes;
- skins, hoofs or paws
- horns and feathers;
- as well as any other part of animal which may interest the permit holder.

Article 98:

(1) The keeping of and traffic in 1ive protected animals, their hides and skins or trophies, within the national territory, shall be subject to the obtention of a certificate of origin issued by the administration in charge of wildlife,

(2) The certificate of origin shall specify the characteristics of the animals and the registration number of the trophies to enable the identification animal produce in circulation.

(3) The exportation of wild animals, their hides and skins or trophies shall be subject to the presentation of a certificate of origin and an export permit issued by the administration in charge of wildlife.

Article 99:

(1) The capture of wild animals shall be subject to the obtention of a permit issued by the administration in charge of wildlife in accordance with the condition fixed by order of the minister in charge of wildlife.

(2) It shall be subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

Article 100:

(1) The transforming of ivory into local crafts and the keeping of processed ivory for commercial purposes shall be subject to the obtention of a license issued by the administration in charge of wildlife, in accordance with the conditions fixed by order of the minister in charge of wildlife.

(2) It shall be subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

Article 101:

(1) Any person found, at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in Section 76 of the present law, shall be considered to have captured or killed the animal.

(2) However, the collection of hides and skins of certain wild animals of classes A and B for commercial purposes may, under conditions fixed by order of the minister in charge of wildlife, be subject to the granting of permit by the ad¬ministration in charge of wildlife, subject to the payment of fees, the amount of which shall be fixed by the Finance Law.

(3) Each hide or skin collected shall be subject to payment of fees, the rates of which shall be fixed by the Finance Law.

Article 102 :

The management of State game ranches shall be carried out by the State, or leased by specialized bodies.

Article 103 :

(1) The breeding of wild animals in ranches or farms shall be subject to an authorization issued by the administration in charge of wildlife.

(2) The conditions for creating ranches and farms as well as those relating to the exploitation of produce shall be determined by a joint order of the ministers concerned.

Article 104:

Buffer zones shall be created around ail protected areas in accordance with the conditions determined by decree.

Hunting shall be forbidden in such zones as in the protected areas.

Article 105:

Seventy percent of the sums resulting from the collection of fees for hunting permits and licences as well as the proceeds of killing, capture and collection fees and taxes shall be paid into the public treasury and thirty percent into a special fund for the development and equipment of areas for the conservation and protection of wildlife, in accordance with conditions determined by decree.

Chapter IV

HUNTING ARMS

Article 106:

Hunting carried out using the following weapons shall be forbidden:

- war arms or ammunition which were or are part of the standard arms of the armed or police forces;
- firearms capable of firing more than one cartridge with one press on the trigger;
- projectiles containing explosives;
- trenches and dane guns;
- chemical products.

Article 107:

(1) (1) The administration in charge of wildlife may regulate the calibre or type of arms for hunting certain animals.

(2) It may also prohibit the use of certain types of arms or ammunitions if the need to protect wildlife so requires.

Article 108:

(1) Duly licensed synergetic tourist enterprises, created within the context of the laws and regulations governing tourist activities, may,under the conditions determined by decree, issue their clients hunting arms of the type authorized by their hunting permits.

(2) In this case, the enterprises shall be civilly liable for any damage caused or offences committed by its clients, without prejudice to legal proceedings which may be taken against the client himself.

PART VI

PROSECUTION OF OFFENCES

Chapter I

PROSECUTION PROCEDURE

Article 141:

(1) Without prejudice to the prerogatives of the Legal Department and judicial police officers having general jurisdiction, sworn officials of the services in charge of forestry, wildlife and fisheries shall, on behalf of the State, local councils, communities or private individuals, investigate, establish, and prosecute offences relating to forestry, wildlife and fisheries.

(2) The officials referred to in subsection 1 above shall, at the request of the services concerned and under the conditions laid down by decree, take an oath before the competent court.

Article 142:

(1) The sworn officials of forestry, wildlife, fishery and Merchant Shipping services shall be judicial police officers having special jurisdiction as concerns forestry, wildlife and fisheries .

Without prejudice to the recognized duties of judicial police officers having general jurisdiction, such officials shall establish facts and seize products collected without authorization and the objects used to commit the offences, and write a report thereon.

Such report shall be exempt from stamp duty and registration formalities .

(2) The report drawn up and signed by the sworn official shall be held as a true record of the facts stated therein until proved false.

(3) The sworn officials shall, forthwith, question and identify any offender who is caught in *"flagrante delicto.*

They may, in the exercise of their duties :

- requisition the Police and Gendarmerie of purposes of search and seizure of produce fraudulently exploited or circulated or of securing the identity of the offender*

- search trains, vessels, vehicles, aircraft or any other means that may be used to transport the said products,upon presentation of a special search warrant;
- enter houses and enclosures after consultation with local traditional authorities by day in case of *flagrante delicto*;
- bring proceedings against offenders.

(4) In the discharge of their duties, sworn officials shall , be expected to possess their professional cards.

Article 143:

(1) The sworn officials of forestry, wildlife, fishery and Merchant Shipping services and judicial police officers having general jurisdiction shall, forthwith, and as the case may be, forward their reports to their superiors.

(2) The official who drew up the report or, if need be, the person to whom the report is sent may require the offender to pay a deposit against a receipt. Such deposit shall be fixed by 0 the services in charge of forestry, wildlife and fisheries.

(3) The deposit received shall be paid into the treasury within 48 hours. The amount received as deposited shall, as of right, be used to cover any fines and court charges, but in case of acquittal, the court shall order its refund.

Article 144:

(1) Perishable products seized, with the exception of those that are dangerous or damaged shall, in the absence of a purchaser, be sold forthwith, by public auction or mutual agreement, by the competent service, under the conditions laid down by decree.

(2) Proceeds of the sale shall be paid into the 'Treasury within 48 hours.

Article 145:

(1) The custody of non perishable produce and equipment seized shall be entrusted to the competent technical service or, failing this, the nearest pound.

(2) No proceedings may be brought against the sworn official or service who undertook the seizure where the equipment or domestic animals seized deteriorate.

(3) The loss*of produce seized shall be governed by the provisions of the Penal Code relating thereto.

Article 146:

(1) Without prejudice to the Legal Department's right of prosecution, offences against forestry, wildlife and fishery laws and regulations may be compounded.

(2) The compounding as requested by the offender shall put an end to public prosecution, subject to its effective execution within the prescribed time limit.

(3) The offender shall bear the cost of registering such compounding.

(4) Where the offence is compounded :

(a) an adjustment shall be made immediately between the amount of the deposit and that of the compounding fee, where the offender has paid a deposit;

(b) Non perishable produce seized shall be sold by auction.

(c) The equipment seized may be restored to the offender after the final settlement of the compounding process, where they were used for the first time to commit the offence and where the person concerned is a first offender.

(d) The equipment seized may not be restored to the offender but sold by public auction or by mutual agreement in the absence of a purchaser, with the exception of arms and ammunitions which shall be handed over to the competent services of the Ministry of Territorial Administration,

where such equipment was used for the first time to commit the offence and where the person concerned is not a previous offender.

(5) In the area of industrial fishing, the minister in charge of fisheries may set up a Research and Compounding Committee in each Province.

Article 147 :

Where there is no compounding or in case such compounding is not executed, and following prior notification of the offender, court action shall, at the request of the services in charge of forestry, wildlife and fisheries, as the case may be and as the party to the proceedings, be initiated within 72 (seventy- two) hours.

To this end, they shall be empowered to :

- bring any offender before the competent court at Government's expense;
- submit any written statement and submissions and make any observations which they deem necessary to protect their interests. In such case, their representatives, in uniform and without caps, shall act in association with the State Counsel. They shall not be refused' the right to speak and lodge appeals as provided for by law in accordance with ordinary law procedure. Such appeals shall have the same effect as those lodged by the Legal Department.

Article 148:

The competent court may order the confiscation of forest products equipment or animals seized.

In such case:

- the arms shall be handed to the head of the administrative unit concerned; and
- forest products, vehicles, boats, equipment or animals shall be sold by public auction or mutual agreement in the absence of a purchaser. The proceeds of the sale shall be paid into the Treasury within 48 hours.

Article 149:

For any sale of seized produce by public auction or mutual agreement, a surcharge of 12% on the sale price shall be paid and the corresponding amount shall be shared among the employees of the services under conditions laid down by decree.

Chapter II

LIABILITY

Article 150:

(1) Any natural person or corporate body found guilty condition, the provisions of this law and its implementation instruments shall be liable and punishable in accordance with the penalties provided therefore.

(2) The same penalties as in the case of the offender shall be inflicted on accomplices or any other persons who, in one way or the other, contributed to the offence.

Article 151:

Where the forest products seized are sold in an irregular manner, the service concerned may, without prejudice to the various penalties to which the accused is subjected, nullify the compounding.

Article 152:

The liability of those granted exploitation rights or any authorized agent acting for the administration shall, as the case may be, absolute where the offenders are its employees, representatives, and sub-contractors.

Article 153:

The services in charge of forestry, wildlife and fishery shall be civilly liable for the activities of their employees in the exercise of or while-exercising their duties. In that case, such services may, as and where necessary, appeal on behalf of their employees.

Chapter III

OFFENCES AND PENALTIES

Article 154:

A fine of from 5,000 to 50,000 CFA francs or imprisonment for up to 10 days or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

- carrying out of activities not in conformity with the restrictions provided for in Section 6 on the right of ownership over forests or aqua-cultural establishments;
- contravention of the laws and regulations on exploitation rights provided for in Sections 8, 26 and 36 above;
- unauthorized importation or exportation of genetic material for personal use;
- setting fire on a State forest, as provided for in Section 14 above;
- trespassing within a State forest, as provided for in . Section 26 above;
- logging under personal authorization in a communal forest for gainful purposes, or logging beyond the period or quantity granted, in contravention of Section 55(1) above, without prejudice to the damages for timber exploited as provided for in the Section below;
- transfer or sale of a personal logging authorization, in contravention of Sections 42(2) and 60 above;
- possession of a hunting implement within an area where hunting is forbidden;
- provoking animals while on a visit to a game reserve or zoo;
- contravention of the provisions on fishing as stipulated in Sections 121, 122, 131, 132 and 139 of this law;
- fishing without permission in an aqua-cultural establishment belonging to the State or to a council.

Article 155:

A fine of from 50.000 to 200.000 CFA francs or imprisonment for twenty days/ or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

- committing a breach of the official work norms regarding the exploitation of special forest products provided for in Section 9(2) above;
- unauthorized importation or exportation of genetic material for gainful purposes, as provided for in Section 13 above;
- exploitation under license, in a communal forest, of unauthorized forest products beyond the quantity and/or period granted , in contravention of Section 56 above, without prejudice to the damages for timber exploited' as provided for under Section 159 below;
- transfer or sale of an exploitation licence , in contravention of Sections 42(2) and 60 above;

- contravention of Section 42 above by a holder of an exploitation title who prevents the exploitation of products not mentioned in his exploitation title;
- felling, without authorization, of protected trees, in contravention of Section 43 above, without prejudice to the damages for timber exploited, as provided for in Section 159 below;
- absence of proof of self-defence within the deadline stipulated in Section 83(2) above; .
- contravention of the provisions on hunting as stipulated in Sections 87, 90, 91, 93, 98, 99, 100, 101 and 103 above;
- hunting without a license or permit or exceeding killing limit;
- contravention of the provisions on fishing stipulated in Sections 116, 117 , 125, 12 7 (f), (g), (h), (i), (1 \, 129, 130, 134 and 137 of this law.

Article 156:

A fine of from 200,000 to 1,000,000 CFA francs or imprisonment for from 1 to 6 months or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

- clearing or setting fire on a State forest, an afforested or a fragile ecological zone, in contravention of Sections 14, 16(1) and (3), and 17(2) above;
- use of a forest belonging to an individual for anything other than forestry purposes, in contravention of Section 59(2) above;
- implementation of a development or exploitation inventory not in conformity with the norms established by forestry services, in contravention of Section 40(1) above;
- unauthorized forest exploitation in a communal or community forest, in contravention of Sections 52, 53 and 54, without prejudice to damages for timber exploited, as provided for in Section 159 below;
- exploitation by sale of standing volume in a communal forest beyond the authorized felling plan and/or the period granted, in contravention of Section 45 above, without prejudice to damages for timber exploited, as provided for in Section 159 below;
- acquisition of shares in a company with an exploitation title, without the prior approval of forestry services, in contravention of Section 42(3) above;
- contravention of the established norms on the processing or marketing of forest products as provided for in Section 72 above;
- non-demarcation of the boundaries of forest exploitation license and the current felling plan;
- fraudulent use, forgery or destruction of marks, marking hammers, boundary marks or posts utilized by the services in charge of forestry, wildlife and fisheries, as the case may be;
- contravention of the provisions on hunting arms stipulated in Sections 106, 107 and 108;
- contravention of the provisions on fisheries stipulated in Sections 118 and 127(b), (c), (d) and (k) of this law.

Article 157:

A fine of 1,000,000 CFA francs or imprisonment for from six months to 1 year or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

- exploitation by sale of standing volume in a State forest beyond the felling, plan fixed and/or the volume and period granted, in contravention of Section 45(1) above, 'without prejudice to damages for the timber exploited as provided for in Section 158 below;
- fraudulent forest exploitation by a sub-contractor operating in a State forest under a sub-contracting agreement, in contravention of Section 51(2), without prejudice to damages for timber exploited as provided for in Section 158 below;
- contravention of the provisions on fisheries stipulated in Section 127(a), (j) and (m) of this law.

Article 158:

A fine of from 3,000,000 to 10,000,000 CFA francs or imprisonment for from one to three years or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

- unauthorized forest exploitation in a State or Council forest, in contravention of Sections 45(1) and 46(2) above, without prejudice to damages for timber exploited, as stipulated in Section 159 below;
- exploitation beyond the boundary of forestry concession and/or the volume and period granted, in contravention of Section 47(4) and 45 above, without prejudice to damages for timber exploited as provided for in Section 159 below;
- production of false supporting documents relating particularly to the technical know-how and financial status, place of residence, nationality and payment of a security deposit, in contravention of Sections 41(2), 50 and 59 above;
- acquisition of shares or setting up of a forest exploitation company with the intention of increasing the total area of exploitation to more than 200,000 hectares, in contravention of Section 49(2) above;
- transfer of sale of standing volume, or of a forest con¬cession without authorization, as well as the sale of such rights, in contravention of Sections 42(2), 47(5) and 60 above;
- sub-contracting of personal forest exploitation titles, acquisition of shares in a company holding an exploitation title, without the prior approval of forestry services in contravention of Section 42 above;
- falsification or forgery of any document issued by the service 5 in charge of forestry, wildlife and fisheries, as the case may be;
- killing or capture of protected animals either during period; when hunting is closed or in areas where hurting is forbidden or closed.

Article 159:

Damages for exploited timber shall be calculated on the bas is of the total current market value of the species concerned.

Article 160 :

(1) For holders of categories A, B and C fishing permits and certain fishery establishments designated by fisheries services, the penalties provided for in Sections 152, 153, 154, 155 and 156 above shall be reduced by half.

(2) However, the full penalties shall be applicable ' in the case of contraventions of Section 127(i) and (j) of this law.

Article 161:

(1) Any fishing offence committed by a foreign vessel shall be punished with a fine of from 50,000,000 to 100,000,000 CFA francs.

(2) Any person guilty of dumping toxic waste into an aquatic environment shall be punished in accordance with the regulations in force.

Article 162:

(1) The penalties provided for in Sections 15 to 160 above shall be applicable without prejudice to any confiscations, restrictions, damages awarded and restoration of property.

(2) They shall be doubled:

- Where there has been a previous offence or where the offence was committed by sworn officials

of the competent services or by judicial police officers with general jurisdiction or with their complicity, without prejudice to administrative and disciplinary sanctions;

- for any hunting involving the use of chemicals or toxic products;
- for any violation of forest control gates;
- in case of escape or refusal to obey orders from officials in charge of control.

(3) For the offences provided for in Sections 157 and 158 above, the judge may, without prejudice to the sanctions stipulated in this law, give a ruling on the period during which the offender shall be banned from election of the Chamber of Commerce and Chamber of Agriculture and to courts dealing with labour matters until such ban is lifted.

Article 163 :

Any delay in the payment of the forestry, wildlife and fishery taxes or fees shall, without prejudice to the sanctions provided by this law, entail the following penalties:

- for a delay of more than 3 months an increase of 101 ;
- for a delay of more than 6 months, an increase of 20% ;
- for a delay of more than 9 months, an increase of 50% ;
- for a delay of more than 12 months, an increase of 100%.

Article 165 :

Disputes arising from the carrying out of any of the activities governed by this law shall be settled by the competent courts of Cameroon.

PART VII

MISCELLANEOUS AND FINAL PROVISIONS

Article 166 :

The proceeds from the taxes referred to in Sections 116(2), 121(1), 123(2), 131(2), 134(1) and 137(2) above shall be distributed in accordance with the provisions of Ordinance No.91/5 of 12 April 1991 to supplement the provisions of Finance Law No.89/1 of 1 July 1989.

Article 167 :

(1) The proceeds of fines, compounding fees, damages and sale by public auction or private contract of produce and various objects seized shall be allotted as follows :

- 25% to officials of the services, in charge of forestry, wildlife and fisheries who took part in the prosecution and collection exercise;
- 40 6 to the development funds referred to in Sections 68, 105 and 166 above;
- 35 % to the Treasury.

(2) The conditions of distribution of) the proceeds referred to in paragraph (1) as well as to the above officials shall be determined by order of the Ministers concerned.

Article 168 :

In order to facilitate the access of persons of Cameroonian nationality to the forestry profession, an inter-professional solidarity fund, the conditions of organization and functioning of which shall be determined by decree, is hereby set up.

Article 169 :

The decrees of implementation of this law shall define, as and when necessary, the conditions thereof.

Article 170 :

A previous provisions repugnant hereto, in particular Law No.81/13 of 27 November 1981 to lay down forestry, wildlife and fisheries regulations, are hereby repealed.

Article 171 :

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 20 January 1994

Paul Biya
President of the Republic

I.4

LAW NO. 95/08 OF 30 JANUARY 1995 ON RADIATION PROTECTION

LAW NO. 95/08 OF 30 JANUARY 1995 ON RADIATION PROTECTION

The National Assembly deliberated and adopted,
the President of the Republic hereby enacts the law set out below:

Article 1:

(1) The purpose of this law shall be to ensure the protection of man and his environment against the hazards that may result from the use of one or several sources of ionizing radiation, the use of a radioactive substance or the exercise of an activity that involves exposure to radioactivity.

(2) It shall govern the use of radioactive substances and energy for peaceful purposes, in the general interest.

Article 2:

The protection mentioned in Section 1 above shall concern the following:

- preservation of the air, water, soil, vegetation and wildlife;
- prevention or limitation of activities likely to pollute the environment and affect people and goods;
- repair of or compensation for any degradation suffered by the environment;
- maintenance or restoration of the resources nature has placed at man's disposal.

Article 3:

(1) The activities targeted by this law shall be all those relative to the cycle of nuclear fuel and, particularly, the exploration and extraction of uranium ore and thorium, the acquisition, handling, production, transfer, processing, use, stocking, conveyance, importation of radioactive substances and radioactive sources as well as the installation of nuclear devices and equipment.

(2) These activities shall be subject to a prior authorization issued in accordance with terms and conditions laid down by statutory instruments, when a net positive benefit in the public interest can be derived from them, pursuant to the provisions of Section 2 above.

Article 4:

(1) Any activity authorized in accordance with this law and the regulations relating to its implementation shall be subject to the following general principles:

- It shall not involve uncontrollable risks to the health and security of persons;
- It shall include the application of measures and precautions to ensure optimum protection for persons, property and the environment, in accordance with the terms and conditions laid down by statutory instruments;
- It shall be carried out by qualified persons who must ensure its supervision and assume professional responsibility, using appropriate premises and installations.

(2) The exposure to ionizing radiation resulting from such activity must be maintained at the lowest level attainable, while having due regard to predominant national factors.

Article 5:

The procedure for limiting personal risk shall be laid down by regulations in compliance with international standards applicable in the area of protection against radioactivity.

Article 6:

The State shall coordinate and supervise the activities governed by this law according to the procedure laid down by regulation.

Article 7:

Whoever causes the exposure to ionizing radiation or a nuclear accident through imprudence or negligence, shall be punished with imprisonment for from five (5) to twenty (20) years and with a fine of from two hundred thousand (200,000) to twenty & million (20,000,000) francs CFA.

Article 8:

Any person carrying out one of the activities referred to in Section 3 without prior authorization, shall be punished with imprisonment for from five (5) to ten (10) years and with a fine of from two hundred thousand (200,000) to twenty million (20,000,000) francs CFA.

Article 9:

Whoever wilfully destroys all or part of a radioactive source or nuclear installation shall be liable to a death sentence.

Article 10:

The provisions of Sections 54 and 90 of the Penal Code relating to the suspension of sentence or mitigating circumstances shall not be applicable to criminal sanctions provided for by this law.

Article 11:

(1) Without prejudice to the criminal sanctions provided for in Sections 7,8 and 9, the operator of a radioactive source or nuclear installation shall be civilly liable for any nuclear exposure or damage, where it is proved that such damage was caused by a nuclear accident under conditions defined by the Vienna Convention of 21 May 1963 relating to civil liability in the area of nuclear damages and subsequent amendments thereto, and the common protocol relating to the application of the aforementioned convention and the Paris Convention of 29 July 1960 on civil liability in the area of nuclear energy and subsequent amendments thereto.

(2) The operator of a radioactive source or nuclear installation shall be civilly liable for pecuniary sentences against any person under his authority.

Article 12:

(1) The operator of a radioactive source or nuclear installation shall be bound to cover the risks related to the operation of the said source or installation with an insurance policy including persons, property and the environment.

(2) The insurance policy must be presented whenever so requested by the competent authority.

Article 13:

The processing, dumping and disposal of radioactive waste shall be governed by regulation relating to toxic, radioactive and dangerous wastes.

Article 14:

(1) In the event of the violation of any of the provisions of this law, the court seized of such violation may also order the closure and/or sealing of the establishment as well as the confiscation of the equipment.

(2) The competent services may, prior to the pronouncement of the sanctions provided under Section 14 (1) and as an interim measure of protection, order a temporary cessation of the activity in question according to the procedure laid down by regulations.

Article 15:

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, January 30, 1995

Paul Biya
President of the Republic

I.5

LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO ENVIRONMENTAL MANAGEMENT

LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO ENVIRONMENTAL MANAGEMENT

The National Assembly has deliberated and adopted,

The President of the Republic enacts the Law set out below:

PART I

GENERAL PROVISIONS

Article 1:

This law lays down the general legal framework for environmental management in Cameroon.

Article 2:

(1) The environment constitutes a national common heritage in the Republic of Cameroon. It is an integral part of the universal heritage.

(2) Its protection and the rational management of the resources it provides to human life are of general interest. These resources concern mostly the geosphere, the hydrosphere, the atmosphere, their material and immaterial content, as well as the social and cultural aspects they comprise.

Article 3:

The President of the Republic shall define the national environmental policy. Its implementation shall devolve upon the Government, which shall apply it, in collaboration with the decentralized territorial authorities, grassroots communities and environmental protection associations.

To this end, the Government shall formulate national strategies, plans or programmes for the conservation and sustainable use of environmental resources.

Chapter I

DEFINITIONS

Article 4 :

For the purpose of this law, and its enabling instruments, the following definitions shall apply:

«air »:

shall be the elements comprising the atmospheric fluid and whose physical, chemical or any other modification may threaten living things in ecosystems and the environment in general;

«Environmental auditing»:
shall be the systematic, documented and objective appraisal of the situation ,of the management of the environment and its resources;

«Waste» :
shall be any residue from a production, processing or utilization process, any substance or material produced or, more generally, any movable and immovable goods abandoned or intended to be abandoned;

«Sustainable development»:
shall be a mode of development which aims at meeting the development needs of present generations without jeopardizing the capacities of future generations to meet theirs;

«Continental waters» :
shall be the hydrography whole of surface and underground waters ;

«Maritime waters» :
shall be the brackish waters and all sea waters under Cameroonian national jurisdiction;

«Ecology» :
shall be the study of relationships existing between the various living things and their surroundings;

«The ecosystem» :
shall be the dynamic complex comprising the community of plants, animals, micro-organisms and their living environment which, through their interaction, make up a functional unit;

«Effluent» :
shall be any processed or unprocessed liquid and gaseous evacuation of domestic, agricultural or industrial origin, discharged directly or indirectly into the environment;

«Waste disposal»:
shall be ail the operations comprising the collection, transportation, storage, and processing necessary for the recuperation of useful materials or energy, and for their recycling, or any deposit or discharge of any other product in appropriate areas under conditions geared towards avoiding harmful substances and environmental degradation;

«The environment» :
shall be ail the natural or artificial elements and bio geochemical balances they participate in, as well as the economic, social and cultural factors which are conducive to the existence, transformation and development of the environment, living organisms and human activities;

«Ecological balance» :
shall be the relatively stable relationship created progressively in time between man, the fauna and flora, as well as their interaction with the conditions of the natural environment in which they live;

«Classified establishments»:
shall be establishments which are sources of danger or disaster threatening for the security, sanitation or the convenience of the neighbourhood or for public health, agriculture and for fishing;

«Human settlements»:
shall be ail the urban and rural centres irrespective of their type and size, and ail facilities they must contain to ensure a sound and decent existence for their inhabitants;

«Environmental impact assessment»:
shall be any practical measures ensuring that waste is managed in such a way as to protect human health and the environment, against the harmful effects this waste may have;

«Waste management» :
shall be the collection, transportation, recycling and elimination of waste, including the monitoring of disposal sites.

Chapter II

GENERAL OBLIGATIONS

Article 5:
The laws and regulations shall guarantee the right of everyone to a sound environment and ensure a harmonious balance within ecosystems and between the urban and rural zones.

Article 6:
(1) Public and private institutions shall, within the context of their competence, sensitize all the populations on environmental problems.
(2) The institutions shall consequently include programmes in their activities to provide better knowledge of the environment.

Article 7:
(1) All persons shall have the right to be informed on the negative effects of harmful activities on man, health, and the environment, as well as on the measures taken to prevent or compensate for these effects.
(2) A decree shall define the context and conditions for exercising this right.

Article 8:
(1) Associations regularly declared or recognized as publicly useful and exercising their statutory activities in the field of environmental protection may only contribute to the actions of public and semi-public environmental institutions following an authorization issued in keeping with the terms and conditions laid down by special instruments.
(2) Authorized grassroots communities and associations contributing to all actions of public and semi-public institutions working for environmental protection may exercise the rights of the plaintiff with regard to facts constituting a breach to the provisions of this law and causing direct and indirect harm to the common good they are intended to defend.

Chapter III

FUNDAMENTAL PRINCIPLES

Article 9:
Within the framework of the laws and regulations in force, rational environmental and natural resource management are based on the following principles:

a) the principle of precaution, according to which lack of certainty, given the current scientific and technical knowledge, should not retard the adoption of effective and commensurate measures aimed at preventing a risk entailing serious and irreversible damages for the environment at an economically acceptable cost;

b) the principle of preventive action and correction (through priority at the: source) of threats to the environment by using the best available techniques at an economically acceptable cost;

c) the pollute and pay principle according to which charges resulting from measures aimed at preventing, reducing and fighting against pollution and the rehabilitation of polluted areas shall be borne by the polluter;

d) the principle of liability according to which any person who, through his actions, creates conditions likely to endanger human health and the environment shall eliminate or cause the said conditions to be eliminated in such a way as to avoid the said effects;

e) the principle of participation according to which:

- each citizen shall have access to information on the environment, including information on dangerous substances and activities;
- each citizen shall have the obligation to safeguard the environment and contribute to its protection;
- corporate bodies and private citizens shall, in ail their activities i conform to the same requirements;
- decisions on the environment shall be taken after consultation with the sectors of activity or groups concerned, or after a public debate when they are of a general nature;

f) the principle of substitution according to which in the absence of a written general or specific rule of law on environmental protection, the identified customary norm of a given land, accepted as more efficient for environmental protection, shall apply.

PART II

PREPARATION, COORDINATION AND FINANCING OF ENVIRONMENTAL POLICIES

Article 10:

(1) The Government shall prepare environmental policies and coordinate their implementation. To this end, it shall :

- Establish quality norms for air, water, soil and any other norms necessary to safeguard human health and the environment;
- Establish links between pollution, the state of biodiversity conservation and the state of the environment in general;
- Initiate research on the quality of the environment and related areas;
- Prepare an amendment of the National Environmental Management Plan in keeping with the interval provided for in article 14 of this law, with a view to adapting it to the new demands in this field;
- Initiate and coordinate actions warranted by a critical situation, an environmental state of emergency or any other situations that may constitute a serious threat to the environment;
- Publish and disseminate information on environmental protection and management;
- Take any other measures necessary for the application of this law.

(2) The Government shall be assisted in its mission of formulating, coordinating, implementing and monitoring environmental policies by an Inter-ministerial Committee on the Environment and a National Consultative Commission on the Environment and Sustainable Development whose duties, organization and functioning shall be laid down by the enabling decrees of this law.

Article 11:

(1) A special Fund, called the "National Environmental and Sustainable Development Fund" hereinafter referred to as the "Fund" is hereby set up with the following objectives:

- Contribute to the financing of environmental auditing;
- Provide backstopping for sustainable development projects;
- Provide backstopping for environmental research and education;
- Support programmes promotion clean technologies ;
- Encourage local initiatives on environmental protection and sustainable development;
- Support legalized associations involved in environmental protection which carry out significant activities in this domain;
- Backup the actions of ministries involved in environmental management.

(2) The organization and functioning of the Fund shall be laid down by a decree of the President of the Republic.

Article 12:

(1) The resources of the Fund shall come from:

- Contributions from the State; contributions from international donors;
- Voluntary contributions;
- Proceeds from fines on compromises as provided for by this law;
- Donations and legacies;
- Sums recovered from the rehabilitation of polluted areas;
- Any other revenue appropriated or authorized by law.

(2) These resources shall only be earmarked for purposes matching the objectives of this Fund.

PART III

ENVIRONMENTAL MANAGEMENT

Chapter I

THE NATIONAL ENVIRONMENTAL MANAGEMENT PLAN

Article 13:

The Government shall draw up a National Environmental Management Plan. The Plan shall be amended every 5 (five) years.

Article 14:

(1) (1) The Administration in charge of the environment shall ensure the inclusion of environmental concerns in all economic, energy, land and other plans and programmes.

(2) Furthermore, the said Administration shall ensure that the international commitments of Cameroon relating to' the environment are introduced in national environmental laws, regulations and policies.

Article 15:

The Administration in charge of the environment shall plannify and ensure the rational management of the environment, set up an environmental information system comprising a database on the various aspects of the environment, at national and international levels.

To this end, it shall register all scientific and technological data relating to the environment and keep an updated compendium of environmental national laws and regulations and international legal instruments of which Cameroon is a party to.

Article 16:

(1) (1) The Administration in charge of the environment shall draw up a bi-annual report on the state of the environment in Cameroon and table it before the Inter-ministerial Committee on the Environment for approval.

(2) This report is published and widely distributed.

Chapter II

ENVIRONMENTAL IMPACT ASSESSMENT

Article 17:

(1) The promoter or owner of any development, labour, equipment or project which may endanger the environment owing to its dimension, nature or the impact of its activities on the natural environment shall carry out an impact assessment, pursuant to the prescription of the specifications. This to assessment shall determine the direct or indirect incidence of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of populations and the impact on the environment in general.

However, where the said project is undertaken on behalf of the national defence services, the Minister in charge of defence shall disseminate the impact assessment under conditions compatible with national defence secrets.

(2) L(2) The impact assessment shall be included in the file submitted for public investigation where such a procedure is provided for

(3) The impact assessment shall be carried out at the expense of the promoter.

(4) The terms and conditions for applying the provisions of this article shall be laid down by an enabling decree of this law.

Article 18:

Any impact assessment that does not comply with the prescriptions of the specifications shall be null and void.

Article 19:

(1) The list of the various categories of operations whose implementation is subject to an impact assessment as well as the conditions under which the impact assessment is published shall be laid down by an enabling decree of this law.

(2) The impact assessment shall necessarily comprise the following indications:

- analysis of the initial state of the site and its environment;
- reasons for choosing the site;
- appraisal of the foreseeable consequences of the implementation of the project on the site and its natural and human environment;
- outline of the measures envisaged by the promoter or owner to eliminate, reduce and, if possible, compensate for the harmful consequences of the project on the environment and the estimates of ensuing expenses;
- presentation of other possible solutions and reasons for which the project was selected, from the point of view of environmental protection.

Article 20:

(1) Any impact assessment shall give rise to a reasoned decision by the competent Administration, after approval by the Inter-ministerial committee provided for by this law, under pain of the absolute nullity of the said decision.

The decision by the competent Administration shall be taken within a time- limit of 4 (four) months as from the date of notification of the impact assessment.

After this deadline, and in the event of silence from the said Administration, the promoter may begin his activities.

(2) Where the impact assessment is not known or the impact assessment procedure· is totally or partially disrespected, the competent Administration, or if need be, · the Administration in charge of the environment shall demand the implementation of appropriate emergency procedures to suspend the work envisaged or already initiated. These emergency procedures shall be initiated ''without the sanctions provided for by this law.

Chapter III

PROTECTION OF THE RECEPTOR ENVIRONMENT

Section I

PROTECTION OF THE ATMOSPHERE

Article 21:

The following shall be prohibited:

- endangering the quality of air or provoking any form of modification of its characteristics thus possibly producing harmful effects on public health and property;
- discharging any pollutant into the air, especially smoke, toxic, corrosive or radioactive dust or gases beyond the limits laid down by the enabling instruments of this law, or by special instruments as the case might be;

– discharging odours which, by virtue of their concentration or nature, are particularly inconvenient for man.

Article 22:

(1) In order to avoid atmospheric pollution, buildings, agricultural, industrial, commercial and cottage industrial establishments, vehicles or other movable objects possessed, exploited or owned by any private individual or corporate body shall be constructed, exploited or used in a way as to meet the technical norms in force or established in application of this law or special instruments.

(2) Specially protected areas subject to particular measures shall be erected where necessary by a decree at the proposal of the territorially competent Senior Divisional Officer, when the level of pollution observed is below the minimum quality level laid down by regulation or in the face of some circumstances conducive to degradation.

(3) In order to limit or prevent a foreseeable increase in atmospheric pollution, especially following industrial and human development, and to specially protect the environment and preserve human health, sensitive areas may be created and demarcated by a joint order of the Ministers in charge of the environment, public health-, territorial administration and mine at the proposal of the territorially competent Senior Divisional Officer.

(4) The Senior Divisional Officer may institute emergency procedures to cope with atmospheric pollution, with the approval of the competent local technical services.

Article 23:

(1) When persons responsible for discharging pollutants into the atmosphere beyond the norms laid down by the Administration do not respect regulations, the competent administration shall issue them a notice to pay in this light.

(2) Where this notice to pay is ineffective or does not produce the estimated effects either within the prescribed deadline or automatically in an emergency, the competent Administration shall, in consultation with the Administration in charge of the environment and the others concerned, suspend the functioning of the said plant or implement the necessary measures at the expense of the owner or recover the cost of the measures from the said owner.

Article 24:

To protect the atmosphere, the competent Administrative units, in collaboration with the Administration in charge of the environment and the private sector, shall take measures geared towards:

– implementing the Montreal Protocol and the amendments relating thereto;
– developing renewable energy;
– preserving the regulatory function of forests on the atmosphere.

Section II

PROTECTION OF CONTINENTAL WATERS AND FLOOD PLAINS

Article25:

Continental waters constitute public property whose use, management and protection shall be subject to the provisions of this law and those of the laws and regulations in force.

Article 26:

The Administration in charge of water resources shall make an inventory establishing the extent of pollution of continental waters in keeping with physical, chemical, biological and bacteriological criteria. This inventory shall be amended periodically or each time an unusual pollution affects the state of these waters.

Article 27:

Flood plains shall be specially protected. This protection shall take into consideration their role and importance in biodiversity conservation.

Article 28:

The regulations on the protection of continental waters shall be the object of a special law.

Article 29:

Pending the provisions of article 30 below, direct or indirect spill incidents, discharges, dumping of any kind, and more generally, any act likely to provoke surface or underground water degradation through the of modification their physical, chemical, biological or bacteriological characteristics shall be prohibited.

Article 30:

(1) An enabling decree of this law shall draw up the list of harmful or dangerous substances produced in Cameroon whose direct or indirect discharge, spilling, dumping, immersion or introduction into Cameroonian continental waters are either prohibited or subject to poor authorization.

(2) The discharge of waste waters into the public purification network shall not hinder the conservation of works nor the management of networks.

(3) Plants discharging waste waters -into Cameroonian continental waters established before the promulgation of, this law shall conform to the regulations within a time-limit laid down by an enabling decree of this law.

Plants set later on shall conform to the norms of dumping laid down by the regulation force.

Plants set up after the date of promulgation of this law shall, as soon as they go operational, conform to the norms of dumping laid down by the regulation force.

Section III

PROTECTION OF THE COAST AND MARITIME WATERS

Article 31:

(1) Without any prejudice to the relevant provisions of the international conventions relating to marine environmental protection dully ratified by the Republic of Cameroon, the discharge and immersion into the maritime waters under Cameroonian jurisdiction, as well as the incineration of all substances likely to:

- endanger human health and maritime biological resources;
- hinder maritime activities,. including navigation, aquaculture and' fishing;
- alter the quality of maritime waters from the point of view of their use;
- downgrade the value of authorization and the touristic potential of the, sea and the coast.

(2) The list of these substances shall be specified by an enabling decree of this law.

Article 32:

(1) In the event of damages to or accidents in any ship, aircraft, device or platform transporting or .carrying hydrocarbons or harmful or dangerous substances in waters under Cameroonian jurisdiction, which may create a serious or imminent danger for the marine environment and its resources, the owner of the said ship, aircraft, device, or platform shall be charged to pay for the rehabilitation of the contaminated site by the competent marine authorities, in application of-the regulations in force.

(2) Where this charge is not heeded to or does not produce the expected results either within the given time-limit, or automatically, in an emergency, the competent authorities shall carry out the necessary measures at the expense of the ship-owner, trader or owner and shall recover the sum of the cost of the measures from the later.

Article 33:

(1) The captain or officer in charge of any ship, air craft, or device transporting or carrying hydrocarbons or harmful or dangerous substances in the sea waters under Cameroonian jurisdiction shall notify the competent authorities, by any means, of any event occurring on board and which is or could constitute a threat to the marine environment and related interests.

(2) The provisions necessary to prevent or fight against any marine pollution originating from ships and plants situated at sea and/or on land shall be stipulated by an enabling decree of this law.

Article 34:

(1) The Administration in charge of lands may upon request, grant authorization to occupy public land. Any such occupation shall not hinder free access to the marine public lands free movement on shore, nor promote erosion or degradation on the site.

(2) Only light and dis-imputable plants, excluding any construction in concrete or, for housing, shall be authorized to occupy the public marine and river domain on a private and temporary basis.

Article 35:

A non identified zone whose regulations shall be laid down by the legislation on lands, shall be demarcated along maritime coasts, river banks and lake sides.

Section IV

PROTECTION OF SOILS AND THE SUB-SOIL

Article 36:

(1) The soil and sub-soil as well as the limited renewable or non-renewable resources contained therein, shall be protected against any forms of degradation and jointly managed rationally by the competent Administrations.

(2) An enabling decree of this law, prepared in collaboration with the Administrative units concerned, shall lay down:

- the specific conditions for the protection and fight against desertification, erosion, loss of arable land and pollution of the soil and its resources by chemicals, pesticides and fertilizers;
- the list of fertilizers, pesticides and other chemical substances whose use shall be authorized or encouraged in agriculture;
- the authorized quantities and the terms and conditions for their use, so that the substances do not endanger the soil quality or other receptor environments.

Article 37:

(1) Holders of mining permits or quarrying permits shall rehabilitate the exploited sites.

2) However, holders of mining permits and quarrying permits may choose to pay the financial cost of rehabilitation carried out by the competent Administration.

The amount of and the terms and conditions for paying the relevant charges shall be laid down by an enabling decree of this law.

The corresponding sums shall be paid to the Fund provided for by this law and shall not be ear-marked for other uses.

Article 38:

(1) The allotment and management of land for agricultural, industrial, urban or other uses, as well as prospecting, research Or exploitation of sub-soil resources likely to endanger the environment, shall be subject to the prior authorization of each Administration concerned and after the obligatory opinion of the Administration in charge of the environment.

(2) An enabling decree of this law shall lay down the conditions for issuing the authorization provided for (1) the above and the activities and uses which, on account of the dangers they pose for the soil, the sub-soil or their resources, shall be prohibited or subject to special procedures.

Section V

PROTECTION OF HUMAN SETTLEMENTS

Article 39:

(1) The protection, conservation and enhancement of the cultural and architectural heritage are of national interest.

(2) They are an integral part of the national policy of environmental protection and development.

Article 40:

(1) Urban development plans and public or private housing development plans shall take into consideration environmental protection while choosing locations for economic activity and residential and leisure zones. Prior to their implementation, these plans must record the obligatory opinion of the Administration in charge of the environment.

(2) Urban centres shall comprise recreational grounds and lawns in a harmonious proportion laid down by urban development instruments and the Law on Forestry given the available space, the land occupation ratio and the population residing therein.

Article 41:

Building permits shall be issued duly taking into account the presence of classified establishments and their impact on the environment, and may not be issued or may be subject to special prescriptions jointly prepared by the Administrations in charge of the environment and housing, where the intended buildings are likely to have negative consequences on the environment.

Chapter IV

PLANTS CLASSIFIED AS DANGEROUS, IN-HYGIENIC OR INCONVENIENT AND POLLUTING ACTIVITIES

Section I

WASTE

Article 42:

Waste shall be treated in an ecologically rational manner to eliminate or curb their harmful effects on human health, natural resources, the fauna and flora, and on the quality of the environment in general.

Article 43:

(1) Any person who produces or owns waste, shall eliminate or recycle it, or have it eliminated or recycled in plants authorized by the Administration in charge of classified establishments, after the obligatory opinion of the Administration in charge of the environment.

Besides, the person shall inform the public of the effects of waste production, owning, elimination or recycling on the environment and public health, presiding the rules of confidentiality and the measures intended to prevent or compensate its negative effects.

2) The conditions under which waste is collected^ sorted out, stored, transported, recuperated, recycled or processed in any other way, and finally eliminated to avoid over-producing or wasting retrievable waste and environmental pollution in general shall be laid down by an enabling decree of this law.

Article 44 :

The introduction, discharge, storage or transit of waste on the national territory and produced outside Cameroon shall be formally prohibited given the international commitments of Cameroon.

Article 45:

A regulation laid down by the joint orders of the competent administrations shall govern the manufacturing, importation, owning with the intention of selling or placing at the disposal of consumers, making of waste-generating products or materials so as to ease the elimination of the said waste, or if need be, prohibit these activities.

Article 46:

(1) Decentralized territorial councils shall eliminate household waste, possibly with the competent State services, in keeping with the laws in force.

(2) Besides, they shall:

- ensure the elimination of all midnight dumping;
- ensure the elimination of abandoned dumps with the assistance of the competent State services or authorized enterprises, when the owner or author of the dump is not known or identified.

Article 47:

(1) The person producing or processing waste shall eliminate the said waste under the joint authorization and monitoring of the Administrations in charge of the environment and mines respectively, in accordance with prescriptions laid down by regulation.

(2) Waste shall be discharged into dumps that are periodically inspected and which respect the minimum technical norms of dump management.

(3) Special industrial waste considered dangerous on account of their properties shall not be dumped in stock plants receiving other categories of waste.

Article 48:

(1) When waste is abandoned, dumped or processed in violation of the prescriptions of this law and its enabling regulations, the authority vested with police powers shall automatically eliminate the said waste at the expense of the said producer, after charging the producer to pay.

(2) The Administration shall oblige the producer to deposit to a public accountant a sum corresponding to the cost of the work to be done. The competent public accountant shall be appointed by order of the minister in charge of finance.

Article 49:

Waste immersion, incineration or elimination by any procedure in the continental and/or maritime waters under Cameroonian jurisdiction shall be strictly prohibited, duly taking into account the international commitments of Cameroon.

Article 50:

(1) The obligation of general maintenance which the public land dealers are subject to shall include those to eliminate, cause to be eliminated, or recycle waste contained in the land.

(2) The dumping of waste on public land shall be strictly prohibited, including public maritime land such as defined by the laws in force.

Article 51 :

(1) Waste shall only be buried in the sub-soil with the prior joint authorization of the competent administrations which shall lay down the technical prescriptions and special rules to observe.

(2) The burial of waste without the authorization provided for in sub-paragraph (1) of this article shall lead to an excavation, of the waste by the person who) buried it, or, after a charge to pay from the competent Administration, in collaboration with the other Administrations concerned.

Article 52:

(1) Areas damaged by work done without authorization or without observing prescriptions, and sites contaminated by midnight dumps or unauthorized buried waste shall be rehabilitated by officials or the closest possible restoration to their original state.

(2) Where a notice of the competent administration has no follow-up for one year, the State shall rehabilitate the site in collaboration with the other administrative units concerned.

Article 53:

The discharge of a pollutant into the air, water or soil shall be subject to an authorization. The conditions for the issue of this authorization shall be laid down by an enabling decree of this law.

Section II

CLASSIFIED ESTABLISHMENTS

Article 54:

Factories, workshops, warehouses, building sites, and on the whole, industrial, cottage industrial or commercial plants exploited or owned by any private individual or corporate body, private or public institution, and which pose or may pose dangers for public health, security, hygiene; agriculture, nature and the environment in general, or disadvantages for the conveniences for the neighbourhood shall be subject to the provisions of the laws and regulations in force on classified establishments.

Article 55:

(1) In order to prevent and control accidents in classified establishments, the official in charge of the classified industrial or commercial establishment shall carry out a study on the dangers involved before opening the said establishment.

(2) The study on the dangers involved provided for in sub-paragraph 1 above shall comprise the following indications:

- inventory and description of dangers according to their internal or external origin;
- risks involved for the environment and the neighbourhood;
- justification of techniques and envisaged procedures for risk prevention;
- the plant design;
- exploitation guides;
- means of detection and intervention in the event of a disaster.

Article 56 :

(1) The exploiter of any first or second-class establishment as defined by the law on classified establishments shall establish a specific emergency plan to alert f the competent authorities and neighbouring populations in the event of a disaster or threat of a disaster, the evacuation of persons and means of preventing the disaster.

(2) The emergency plan shall be approved by the competent Administrative which shall regular ensure the good condition and worthiness of the material provided to implement the plan.

Section III

HARMFUL AND/OR DANGEROUS CHEMICAL SUBSTANCES

Article 57:

(1) Harmful and/or dangerous Chemical substances which, on account of their toxic nature or their concentration in biological chains, or likely to be a danger for human health, the natural environment, and the environment in general when they are produced, imported into the national territory or dumped into the environment, shall be controlled and monitored by the competent technical Administrative units, in cooperation with the Administration unit in charge of the environment.

(2) Radioactive substances shall be governed by a special law.

Article 58:

An enabling decree of this law taken jointly by the competent administrative units shall regulate and lay down:

- the obligations of manufacturer and importers of chemical substances intended for marketing, the composition of preparations placed on the market, the volume to be marketed;
- the list of substances whose production, importation, transit and movement on the national territory are prohibited or subject the prior authorization of the Administrative unit in charge of the control and monitoring of chemical, harmful and dangerous substances;
- the conditions, mode, itinerary and schedule of transport, as well as all prescriptions relating to the conditioning and marketing of the substances mentioned above;
- the conditions for issuing the prior authorization;
- the list of substances whose production, importation, transit and movement on the national territory are authorized.

Article 59 :

(1) The chemical, harmful and dangerous substances manufactured, imported or sold in violation of the provisions of this law shall be seized by the officials in charge of suppressing fraud, or those on oath from the competent. Administrative units.

(2) When the substances mentioned in (1) pose a real and imminent danger, they shall be destroyed or neutralized as soon as possible by the Administrative units mentioned in (1) above, at the expense of the offender.

Section IV

RESONANT AND OLFACTORY NUISANCES

Article 60:

(1)The emission of noise and odours likely to be harmful to human health, excessively inconvenience the neighbourhood and endanger the environment shall be prohibited.

(2) Persons emitting this noise and odours unnecessarily or without any precaution shall take all the necessary measures to suppress, prevent or limit their propagation.

(3) In the event of an emergency, councils shall take all the necessary security measures intended, as a matter of course, to put an end to the trouble. If need be, they may seek the assistance of government forces.

Article 61:

An implementation decree of this law taken in collaboration with the competent administrative units shall determine:

- the cases of and conditions under which noises made without absolute necessity and without taking precautions shall be prohibited or regulated;
- the conditions under which the buildings, industrial, commercial, cottage industrial or agricultural establishments, vehicles or other movables possessed, exploited or owned by any private individual or corporate body, shall be exploited, constructed or used in a way as to comply with the provisions of this law and its enabling instruments;
- the conditions under which all security measures shall be taken by the council to automatically put an end to danger, without any prejudice to the possible penal sentences;

– the deadline to be respected in compliance with the provisions of this law and the date of publication of each enabling regulation.

Chapter V

NATURAL RESOURCE MANAGEMENT AND BIODIVERSITY CONSERVATION

Article 62:

The protection of nature, the preservation of animal and plant species and their habitat, the maintenance of biological balances and ecosystems and the conservation of biodiversity and genetic diversity against all causes of degradation and threats of extinction are of national interest. It shall devolve on the Administration and each citizen to safeguard the natural heritage.

Article 63:

Natural resources shall be managed rationally to meet the needs of the present generations without comprising the capacity of future generations to meet their own needs.

Article 64:

(1) Cameroon's biodiversity is used sustainably, especially through:

- an inventory of existing species, particularly of those. that are endangered;
- management plans of species and the preservation of their habitat;
- a system on the control of access to genetic resources.

(2) Biodiversity conservation through the protection of the fauna and flora, the creation and management of natural reserves and national parks shall be governed by the laws and regulations in force.

(3) The State may erect any part of the national territory into an ecologically protected area. Such an area shall be the subject of an environmental management plan.

Article 65:

(1) Scientific exploration and biological and genetic resource exploitation in Cameroon shall be done under conditions of transparency and in close collaboration with national research institutions and local communities and should be profitable to Cameroon. The exploration and exploitation should be done under the conditions stipulated by the international conventions relating thereto, duly ratified by Cameroon, especially the Rio Convention of 1992 on biodiversity.

(2) An enabling decree of this law shall lay down the terms and conditions under Which foreign researchers and Cameroonian research institutions and local communities shall collaborate.

Article 66:

An enabling decree of this law shall determine the historic, archeological and scientific sites, as well as the sites that are of special panoramic beauty, and shall ensure their protection and lay down the conditions under which they shall be managed.

Article 67:

(1) Mining resources and quarries shall be explored and exploited in an ecologically rational manner, making allowance for environmental considerations.

(2) These activities shall be carried out in keeping with the provisions of the laws in force.

Article 68:

(1) The protection of land against erosion and the prevention and fight against desertification are publicly useful. These actions are taken particularly through the plannification of the land use and zoning, reforestation as well as the dissemination of ecologically efficient methods of land use.

(2) These activities shall be carried out in keeping with the laws in force and the enabling instruments of this law, as well as the relevant international conventions dully ratified by Cameroon.

Article 69:

(1) Resources shared with other States shall be managed sustainably, and as much as possible, in cooperation with the State concerned.

(2) This cooperation shall be by virtue of the international conventions signed between the States sharing these resources.

Chapter VI

RISKS AND NATURAL DISASTERS

Article 70:

On the initiative of each competent administration and in concert with the other administrative units, as well as under the coordination of the Administration in charge of the environment, a national map and monitoring plans of high risk and natural disaster zones, especially seismic and/or volcanic zones, flood zones, zones likely to experience landslides, marine and atmospheric pollution risk zones, drought and desertification zones as well as magmatophreatic eruption zones, shall be prepared.

Article 71:

Risk prevention shall comply with the principles of this law as well as the relevant provisions provided for by the, specific instruments in force.

PART IV

IMPLEMENTATION AND FOLLOW-UP OF PROGRAMMES

Single Chapter

PARTICIPATION OF POPULATIONS

Article 72:

Populations shall be encouraged to participate in environmental management, especially through:

- free access to environmental information, pending the imperatives of national defence and state security;
- consultative mechanisms to take stock of the opinion and contributions of the populations;

- representation of populations within environmental advisory bodies;
- production of environmental information;
- sensitization, training, research and education on the environment.

Article 73:

Environmental education should be introduced in primary and secondary school curriculums as well as in institutions of higher learning.

Article 74:

In order to strengthen environmental awareness m the society and increase the sensitization on and participation of populations in environmental issues, the Administration in charge of the environment and communication, as well as other Administrative units and public bodies concerned shall launch information and sensitization campaigns using the media and other means of information.

To this end, they shall make use, of the traditional means of communication as well as the traditional authorities and associations working in the field of the environment and development.

PART V

INCENTIVE MEASURES

Article 75:

Any operation contributing to the elimination of erosion and the effective fight against desertification, and to the promotion of the rational use of renewable resources, especially in the savannah zones and the northern part of the country shall benefit from a support from the fund provided for by this law.

Article 76:

(1) Industrial establishments importing equipment to enable them eliminate green house gases like carbon dioxide, chlorofluorocarbons, in their manufacturing process or in their products, or to reduce any form of pollution shall benefit from a reduction of the custom duty on these equipment; the proportion and duration of which shall be determined by the Finance Law as and when necessary.

(2) Private individuals and corporate bodies promoting the environment shall benefit from a deduction on taxable profits according to the terms and conditions laid down by the Finance Law.

PART VI

LIABILITY AND SANCTIONS

Chapter I

LIABILITY

Article 77:

(1) Without any prejudice to the sanctions applicable within the framework of penal liability, any person transporting or using hydrocarbons or chemical, harmful and dangerous substances, or any operator of a classified establishment who has caused body or material damage directly or indirectly linked to the exercise of the above mentioned activities shall be liable for damages without the need to prove his offence.

(2) The reparation of the damage mentioned in (1) of this article shall be jointly borne when the author of the damage proves that the body or material damage is the fault of the victim. It shall be exonerated in the event of a “force majeure”.

Article 78:

When the constituent elements of the offence originate from an industrial, commercial, cottage industrial, or agricultural establishment, the owner, operator, director or manager as the case might be, may be liable to fines or legal fees owed by the authors of the offence, and to the rehabilitation of the sites.

Chapter II

SANCTIONS

Article 79:

The following persons shall be liable to a fine of 2,000,000 (two million) to 5.000.000 (five million) CFA francs and a prison sentence of 6 (six) months to 2 (two) years or only one of these two sanctions:

- Any person having implemented a project needing impact assessment, without carrying out such assessment;
- Any person having implemented a project that does not conform to the criteria, norms and measures spelled out for the impact assessment;
- Any person having obstructed the checks and analyses provided for by this law and/or its enabling instruments.

Article 80:

Any person who dumps toxic and/or dangerous waste on Cameroonian territory shall be liable to a fine of 50,000,000 (fifty million) to 500,000,000 (five hundred million) CFA francs and life imprisonment.

Article 81:

(1) Any person having imported, produced, owned and/or used harmful or dangerous substances in violation of the regulations shall be liable to a fine of 10.000.000 (ten million) to 50,000,000 (fifty million) CFA francs and a prison sentence of 2 (two) to 5 (five) years or only one of these two punishments.

(2) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

Article 82:

(1) Any person having polluted, or degraded soils and sub-soils, altered the quality of air and waters in violation of the provisions of this law shall be, liable to a fine of 1,000,000 (one million) to 5.000.000 (five million) CFA francs and a prison sentence of 6 (six) months to 1 (one) year or only one of these two.

(2) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

Article 83:

(1) Any captain of a ship who is guilty of dumping hydrocarbons or other marine environmentally harmful liquid substances into marine waters under Cameroonian jurisdiction in violation of the provisions of this law and its enabling instruments or international conventions relating to the prevention of marine pollution to which Cameroon is a party, shall be ; liable to a fine of 10.000.000 (ten million) to 50,000,000 (fifty million) CFA francs and a prison sentence of 6(six) months to 1 (one) year or only one of these two sanctions.

(2) When the offending boat is other than a tanker, and the gross registered tonnage is lower than 400 (four hundred), the sanctions provided for in sub-paragraph I of this article shall be reduced, while the minimum fine shall not be lower than 1,000,000 (one million) CFA francs.

(3) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

(4) The sanctions provided for by this article shall apply without prejudice to the right to compensation of public or private establishments as well as of persons having suffered damages originating from pollution.

(5) The sanctions provided for by this article shall not apply to dumping by a ship to ensure its own security or that of other ships, or to save human life; neither shall they apply to discharges resulting from damages suffered by the ship without the establishment of any offence against its captain or crew.

Article 84:

(1) Any person having operated a plant or used a movable object in violation of the provisions of this law shall be liable to a fine of 500,000 (five hundred thousand) to 2,000,000 (two million) CFA frs and a prison sentence of 6 (six) months to 1 (one) year, or only one of these two sanctions.

(2) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

Article 85:

The sanctions provided for by this law shall be supplemented by those contained in the Penal Code as well as in various sectoral laws applicable to environment protection.

Article 86:

The sanction shall be doubled when the above-mentioned offences are committed by an official of the Administration in charge of environmental management, or with their complicity.

Article 87:

The provisions of articles 54 and 90 of the Penal Code relating to stay of proceedings and mitigating circumstances shall not apply to the sanctions provided for by this law.

Chapter III

ESTABLISHMENT OF INFRINGEMENTS

Article 88:

(1) Without prejudice to the prerogatives of the public prosecutor, and the judicial police vested with general competence, the officials on oath of the Administration in charge of the environment and other Administrative units concerned, especially those of the cadastral survey, town planning, public works, forests, the merchant, mines, industry, labour and tourism services shall be in charge the research and establishment of infringements in keeping with the provisions of this law and its enabling instruments.

(2) The officials mentioned in sub-paragraph (1) above shall take an oath before the competent court, upon the request of the Administration concerned, following the terms and conditions laid down by an enabling decree of this law.

(3) In the exercise of their duties, the officials on oath shall carry their professional card.

Article 89:

Any established infringement shall be the subject of a regular report. Infringements shall be sought for and established by two officials who shall cosign the report. The report shall be authentic until a plea of forgery is introduced.

Article 90:

(1) Any report establishing an infringement shall be forwarded immediately to the competent Administration which shall notify the offender of it. The offender shall have a time-limit of 20 (twenty) days as from the date of notification to contest the report. After this time-limit, any contesting shall be inadmissible.

(2) Where there is contesting within the time-limit provided in sub-paragraph I of this article, the reclamation shall be examined by the competent Administration.

Where the contesting is founded, the report shall be closed with no follow-up.

Where the contesting is unfounded, and in the absence of a final compromise or arbitration, the competent Administration shall undertake legal proceedings in keeping with the law.

Chapter IV

COMPROMISE AND ARBITRATION

Article 91:

(1) The Administrative units in charge of environmental management shall have the full right to effect a compromise. To do this, they shall be duly notified by the defaulter.

(2) The amount of the compromise shall be fixed in consultation with the Administration in charge of finance. This amount shall not be lower than the minimum of the corresponding sanction.

(3) The compromise shall be effected before any possible legal procedure, under pain of nullity.

(4) All proceeds from the compromise shall be paid to the find provided for by this law.

Article 92:

Parties to an environmental dispute may settle the dispute by a joint agreement reached through arbitration.

Article 93:

(1) Traditional authorities shall have the competence to settle disputes relating to the use of some natural resources, especially water and pastures on the strength of the local ways and customs, without infringing on the right of the parties to the conflict to refer the matter to the competent courts.

(2) A report on the settlement of the conflict shall be drawn up. A copy of this report duly signed by the traditional authority and the parties to the conflict or their representatives shall be deposited with the administrative authority under whose territorial jurisdiction the village community or the site of the conflict is situated.

PART VIII

MISCELLANEOUS AND FINAL PROVISIONS

Article 94:

Mangrove ecosystems shall be specially protected, taking into account their role and importance in marine biodiversity conservation and the maintenance of Coastal ecological balances.

Article 95:

The State shall ensure "in situ1' and "ex situ" conservation of genetic resources in accordance with the terms and conditions laid down by special laws.

Article 96:

(1) Any decision taken or authorization given within the framework of this law, without the prior opinion of the Administration in charge of the environment as provided for by the said law shall be null and void. Any person interested in taking action may invoke the nullity of the said decision or authorization.

(2) The enabling decree of this law shall lay down, as the case may be, the terms and conditions under which the Administration in charge of the environment shall gave its prior opinion.

Article 97 :

The enabling decrees of this law shall lay down the said terms and conditions as and when necessary.

Article 98 :

(1) This law shall apply without any prejudice to the compatible provisions of the special laws in force on environmental management.

(2) However, the provisions of article 4 (1) No.9/27 of 29 December 1989 on toxic and dangerous waste, are hereby repealed.

Article 99 ;

This law shall be registered, published according to the procedure of urgency, and then inserted in the Official Gazette in English and French.

Yaounde, 05 August 1996

Paul Biya

President of the Republic

I.6

LAW NO. 98/005 OF 14 APRIL 1998 TO LAY DOWN REGULATIONS GOVERNING WATER RESOURCES

LAW NO. 98/005 OF 14 APRIL 1998 TO LAY DOWN REGULATIONS GOVERNING WATER RESOURCES

The National Assembly deliberated and adopted,

The President of the Republic hereby enacts the law set out below:

PART 1

GENERAL PROVISIONS

Article 1:

This law shall determine, in line with the principles of environmental management, the general legal framework governing water resources.

Article 2:

(1) Water shall be a common national resource protected and managed by the State, which shall facilitate access to it by all citizens.

(2) However the State may transfer all or part of its prerogatives to regions and councils.

(3) Furthermore, water management may be transferred or leased according to conditions laid down by a decree to implement this law.

Article 3:

In this law and its implementation instruments:

a) surface water shall mean run-off water;

b) ground water shall mean infiltration water;

c) spring water shall mean water sold for human consumption, containing traces of minerals or not, with or without soda, irrespective of their therapeutic properties;

d) mineral water shall mean ground water containing dissolved minerals with therapeutic properties.

TITRE II

WATER PROTECTION

Article 4:

(1) It shall be forbidden to discharge, submerge, spray, infiltrate, strew or dump directly or indirectly into water any solid, liquid or gaseous matter, in particular industrial, agricultural and atomic wastes likely to:

- to alter the quality of surface or groundwater or seawater within territorial boundaries;
- alter the quality of surface, underground or sea waters within territorial limits;

– affect public health as well as aquatic or submarine fauna and flora; jeopardize the development of the economy and tourism of regions.

(2) However, the Minister in charge of Water Resources may, following studies and consultation with other public service concerned, authorize and regulate the discharge of the matters referred to in Subsection (1) above, where the relevant public services certify that such discharges are innocuous and non-polluting to the effluent and receptor environment.

(3) The authorization so granted may be altered or withdrawn either by the holder or concerned third parties, at the request of a government service, or automatically as provided for in the authorization instrument.

Article 5:

(1) A decree to implement this law shall fix the list of toxic or dangerous substances which may not be discharged, dumped, deposited, submerged or introduced directly or indirectly in water, or which shall be subject to prior authorization.

(2) Waste water discharged in the public drainage system must not jeopardize the preservation of structures or the management of water.

(3) Discharge facilities installed before the date of promulgation of this law shall comply with the regulations within a time-limit fixed by a decree to implement this law.

(4) Facilities installed after the date of promulgation of this law shall, upon being commissioned, comply with the discharge standards laid down by the regulations in force.

Article 6:

(1) Any natural person or corporate body owning facilities that may cause water pollution shall take all the necessary measures to limit or contain their effects.

(2) Any person producing or possessing waste shall be responsible for disposing of or recycling such waste, or having it disposed of or recycled at facilities approved by the services in charge of classified establishments, after the required recommendation of the services in charge of the environment.

Furthermore, the person shall, barring requirements of confidentiality, inform the public of how the production, possession, elimination or recycling of waste may affect water, the environment and public health, as well as of the measures designed to prevent such or to compensate for the damaging effects thereof.

(3) Also, it shall be forbidden to wash or service motor vehicles, internal combustion and similar engines close to water points.

Article 7:

(1) In order to protect the quality of drinking water, a protected area is hereby instituted around water-catchments, water treatment and storage points.

(2) Lands within the protected area shall be declared to be of public interest.

Article 8:

(1) The State shall collect a drainage tax from natural persons or corporate bodies owning facilities that have been connected to public or private sewerage systems for collecting and treating waste water.

(2) The rate and conditions of collection of the tax provided for above shall be fixed by the finance law.

Article 9:

The Minister in charge of water resources may, upon the proposal of the competent authority of the area, ban the harnessing of surface water for either of the following duly established reasons:

a) risk of the stream drying up ;

b) obvious pollution of the stream
c) public health hazard ;
d) public interest.

(2) The provisions of Subsection (1) above shall also apply to the collection or harnessing of ground water.

PART II

THE HARNESSING OF WATER RESOURCES

Chapter I

THE HARNESSING OF SURFACE AND GROUND WATER

Article 10:

(1) The use of surface or ground water for an industrial or a commercial purpose shall be subject to an authorization and the payment of a royalty the rate, basis of assessment and conditions of collection of which shall be determined by the finance law.

(2) However, approved companies to which the State has granted concessions for the harnessing and distribution of drinking water shall be exempt.

(3) Without prejudice to Subsections (1) and (2) above, an impact survey shall be conducted before surface or ground water can be used for industrial or commercial purposes to assess the direct or indirect repercussion of the envisaged use on the ecological balance of the area concerned or any other region, the condition and quality of life of the people as well as on the environment in general.

(4) A decree to implement this section shall specify the conditions thereof.

Article 11:

(1) Any person offering water in any form whatsoever for human or public consumption, either free of charge or for a fee, must ensure that the quality of the water complies with the standards in force.

(2) The provisions of Subsection (1) above shall also apply to any person who, in the absence of a public water supply system, offers water from wells, water tanks and harnessed spring water.

(3) The products used for the treatment of drinking water shall comply with the standards in force.

(4) The networks for the treatment of drinking water shall be approved by the service in charge of water resources.

Article 12:

The control of the quality of drinking water shall be constantly ensured by the duly sworn and commissioned personnel of the services in charge of water resources and of public health respectively.

Chapter II

HARNESSING OF SPRING AND MINERAL WATER

Article 13:

The harnessing of spring and mineral water shall be governed by a special law

PART IV

RESPONSIBILITY AND SANCTIONS

Chapter I

RESPONSIBILITY

Article 14:

(1) Any person who causes bodily or material damage as a result of the poor quality of the water he distributes for consumption shall be liable for damage, regardless of whether or not an offence is proven, without prejudice to the penalties applicable in respect of criminal responsibility and notwithstanding the inspection carried out by the services in charge of control.

Chapter II

SANCTIONS

Article 15:

(1) A prison term of from 2 (two) to 5 (five) years and a fine of from 5,000,000 (five million) to 10,000,000 (ten million) CFA francs or either of these two penalties only shall be imposed on any person who:

- collects surface water or ground water in violation of the provisions of this law and/or its implementation instruments;
- collects surface or ground water in a way that is inconsistent with the criteria, standards and measures provided in the impact survey; prevents the controls, supervision and analyses provided for by this law and/or its implementation instruments;
- runs a facility for the catchment, treatment and storage of water, in violation of the provisions of this law and/or its implementation instruments; offers drinking water to the public without complying with the quality standards in force;
- violates a protected area around water catchment, treatment and storage points.

(2) In the event of a repeated offence, the maximum penalty provided for in Subsection (1) above shall be doubled.

Article 16:

(1) Whoever pollutes and alters the quality of water shall be punished with imprisonment of from 5(five) to 15(fifteen) years and with a fine of from 10,000,000 (ten million) to 20,000,000 (twenty million) CFA francs.

(2) In case of repeated offence, the maximum penalty provided for in Subsection (1) above shall be doubled.

Article 17:

The penalties provided for in this law shall be supplemented by those contained in the Penal Code and in the law on environmental protection.

Article 18:

The provisions of Sections 54 and 90 of the Penal Code relating to suspended sentence and mitigated circumstances shall not be applicable to the penalties prescribed in this law.

Chapter III

ESTABLISHING OFFENCES

Article 19:

(1) Notwithstanding the acknowledged prerogatives, of the Legal Department and judicial police officers with general powers, the sworn officers of the service in charge of water resources and other services concerned, particularly those in charge of health and the environment, shall be responsible for investigating, establishing and prosecuting violations of this law and its implementation instruments.

(2) The officers mentioned in Subsection (1) above shall take the oath before the competent court, at the request of the service concerned, following the procedure laid down by the decree implementing this law.

(3) In discharging their duties, the sworn officers shall be bound to carry along their professional card.

Article 20:

(1) Any offence established shall be the subject of a regular report.

(2) Investigating and establishing offences shall be done by two officers who shall jointly sign the report. This report shall be deemed authentic until proved wrong.

Article 21:

(1) All reports establishing an offence must be immediately forwarded to the service in charge of water resources which shall notify the offender. The latter shall have a time-limit of twenty days with effect from such notification to challenge the report, after which no petition shall be entertained.

(2) In case the petition is made within the time-frame prescribed in Subsection (1)above, it shall be examined by the service in charge-of water resources

If the petition is founded the report shall be filed and put away.

Otherwise, and in the absence of a final negotiation or settlement, the service in charge of water resources shall initiate legal action in accordance with the laws in force.

Chapter IV

TRANSACTIONS AND ARBITRATION

Article 22:

(1) The service in charge of water resources shall have full powers to settle the matter. To that end, the matter must be duly brought before it by the offender.

(2) The amount of the negotiation shall be determined in conjunction with the service in charge of finance. This amount may not be less than the minimum corresponding penalty.

(3) The negotiation procedure must precede any legal proceedings otherwise it shall be null and void.

(4) The proceeds from the negotiation shall be paid in full into the Fund provided for by this law.

Article 23:

The parties to a dispute relating to the management of water resources may, by mutual consent, settle it through arbitration.

Article 24:

(1) Traditional authorities shall be empowered to settle disputes relating to the use of water resources on the basis of local customs and practices, without prejudice to the rights of the parties concerned to refer the matter to the competent courts.

(2) A report shall be drawn up on the settlement of the dispute. A copy of this report, duly signed by the traditional authority and the parties to the dispute or their representatives, shall be lodged with the administrative authority with jurisdiction over the village community in which the dispute arose.

PART V

MISCELLANEOUS AND FINAL PROVISIONS

Article 25:

(1) To ensure the financing of sustainable water resources and drainage development projects, the finance law shall each year allocate special resources for a special account created by presidential decree, in compliance with the provisions of Articles 39 to 41 of Ordinance No. 62/OF/4 of 7 February 1962 on the organization of State finances.

This decree shall determine in particular the organization and functioning of the above-mentioned account

(2) The special account referred to in Subsection (1) above may also receive whenever possible :

1- contributions from international donors ;

2- other volunteer donations ;

3- gifts and legacies.

(3) The special revenue provided for in Subsections (1) and (2) above may not be used for other purposes.

Article 26:

(1) Without prejudice to legal provisions governing environmental management, a National Water Board is hereby created.

(2) The duties, organization and functioning of the National Water Board shall be laid down by a decree to implement this law.

Article 27:

The technical details relating the construction, exploitation and maintenance of the public or private subscription network and facilities in respect of water and sanitation shall be laid down by a decree to implement this law.

Article 28:

The use of water as a means of transport shall be regulated by the code of merchant shipping.

Article 29:

Decrees to implement this law shall, as and where necessary, lay down the terms and conditions.

Article 30:

All the previous provisions of Law No. 84/13 of 5 December 1984 to lay down regulations governing water resources are hereby repealed.

Article 31:

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French./-

Yaounde, 14 April 1998

Paul Biya
President of the Republic

I.7

LAW NO. 98/015 OF 14 JULY 1998 RELATING TO ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

LAW NO. 98/015 OF 14 JULY 1998 RELATING TO ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

The National Assembly deliberated and adopted,
The President of the Republic hereby enacts
the law set out below:

PART 1

GENERAL PROVISIONS

Article 1:

This law governs, within the framework of the principles of environmental management and protection of public health, establishments classified as dangerous, unhealthy or obnoxious.

Article 2:

(1) The following shall be subject to the provisions of this law: factories, workshops, depots, building sites, quarries and, in general, industrial, handicraft or commercial installations operated or owned by any natural person or corporate body, private or public, and constituting or potentially constituting either a danger to health, safety, public hygiene, agriculture, nature and the environment in general, or an inconvenience to the neighbourhood.

(2) The types of establishments subject to the provisions of this law and their classification shall be laid down by regulations.

Article 3:

Dangerous, unhealthy or obnoxious establishments shall be divided into two classes according to the dangers or the gravity of the inconveniences inherent in their activities:

(a) Class I shall comprise establishments whose activities can be authorized only if measures are taken to prevent the dangers or inconveniences referred to in Section 2 above; such authorization may be subject to the location of the said establishments outside residential areas or far away from water catchments, the sea or buildings occupied by third parties;

(b) Class II shall comprise establishments which, although not constituting major dangers or inconveniences to the interests referred to in Section 2 above are nonetheless subject to the general prescriptions aimed at protecting such interests.

PART II

SPECIFIC PROVISIONS APPLICABLE TO CLASS I ESTABLISHMENTS

Article 4:

The setting up and operation of Class I establishments shall be subject to the prior issue of an authorization by the minister in charge of classified establishments, upon the recommendation of the other government services concerned.

Article 5:

(1) The manager of a class I establishment shall, prior to the opening of the said establishment, conduct studies on dangers in accordance with conditions laid down by regulations.

Article 6:

(1) Applications for authorization to set up Class I establishments shall be subject to a public investigation opened by the minister in charge of classified establishments, under conditions laid down by regulations.

(2) The authorization shall specify the conditions for locating and operating the establishment as well as the technical prescriptions for the protection of the interests mentioned in Section 2 above.

(3) The authorization shall be issued, subject to third party rights.

Article 7:

As concerns the protection of the interests referred to in Section 2 of this law, the minister in charge of classified establishments shall, under conditions laid down by regulations, demarcate a security zone around Class I establishments within which the building of homes and the carrying out of any other activity incompatible with the functioning of the said establishments shall be forbidden.

Article 8:

(1) Class I establishments which cause solid, liquid or gaseous pollution shall monitor their waste.

(2) Standards set by regulations shall determine the acceptable levels of waste emissions.

PART III

SPECIFIC PROVISIONS APPLICABLE TO CLASS II ESTABLISHMENTS

Article 9:

The opening of a Class II establishment shall be subject to a prior written declaration sent to the minister in charge of classified establishments who shall, upon the recommendation of the other government services concerned, take a decision under conditions laid down by regulations.

Article 10:

Class II establishments shall be subject to the general prescriptions laid down by the regulations for the protection of the interests referred to in Section 2 of this law.

Article 11:

(1) Supplementary prescriptions may, as and when necessary, be laid down against the inconveniences inherent in the operation of a Class II establishment, under conditions laid down by regulations.

(2) The manager of a Class II establishment may, by an application with reasons therefore sent to the minister in charge of classified establishments, obtain the cancellation or alleviation of some of the prescriptions to which he is subjected.

PART IV

COMMON PROVISIONS APPLICABLE TO CLASSIFIED ESTABLISHMENTS

Chapter I

FUNCTIONING OF CLASSIFIED ESTABLISHMENTS

Article 12:

(1) The operator of any classified establishment shall be bound to draw up an emergency plan through which the competent authorities and neighbouring inhabitants can be alerted in case of disaster or impending disaster. Such plan shall also provide for the evacuation of personnel as well as the means to contain the disaster.

(2) The emergency plan must be approved by the competent government services which shall periodically ascertain the good state and reliability of the equipment needed to execute the plan.

Article 13:

Any change of operator or of the name of a classified establishment shall be reported.

Article 14:

An additional authorization or a new declaration shall be required for the transfer of a classified establishment to another site or for modifications thereto, depending on its class.

Article 15:

Where a classified establishment has been authorized or declared but is not operational within two years with effect from notification of the authorization or issue of the declaration receipt, or where it has not been operating for two consecutive years, a new authorization or declaration shall be required before it resumes its activities.

Article 16:

The minister in charge of classified establishments may close down a classified establishment whose operation is dangerous or inconvenient to the interests mentioned in Section 2 of this law.

Chapter II

INSPECTION AND CONTROL OF CLASSIFIED ESTABLISHMENTS

Article 17:

Within the meaning of this law and its instruments of application, inspection and control of a dangerous, unhealthy or obnoxious classified establishment shall refer to all the operations carried out within the establishment for administrative and technical supervision purposes, and designed to avert the dangers and inconveniences mentioned in Section 2 above.

Article 18:

Classified establishments shall be inspected and controlled by sworn officials of the ministry in charge of such establishments or of any other competent government service.

Article 19:

(1) The task of the officials referred to in Section 18 above shall consist in:

- controlling the functioning of classified establishments;
- auditing them and drawing up reports thereon;
- ensuring compliance with the technical prescriptions and with the provisions of this law and of its instruments of application.

(2) They shall have the right to visit establishments subject to their supervision at any time, and at least once every six months.

Article 20:

The ministry in charge of classified establishments may approve specialized natural persons or corporate bodies either to control and audit classified establishments, or to run laboratories which can determine the quantity and type of effluent dumped by the said establishments. This shall be done under conditions laid down by regulations.

PART V

FINANCIAL PROVISIONS

Article 21:

Establishments classified as dangerous, unhealthy or obnoxious shall be required to pay a fee for the issue of the operating authorization or of the declaration receipt at rates fixed by regulations.

Article 22:

(1) Periodic inspection and control fees of Class II establishments shall be calculated on the basis of the area occupied by the establishments, and concurrently according to successive brackets, as follows:

Area	Fee
from 0m² to 10 m² inclusive	10,000 CFAF
from 10 m² to 50 m² inclusive	200 CFAF/m²
from 50 m² to 100 m² inclusive	120 CFAF/m²
from 100 m² to 200 m² inclusive	60 CFAF/m²
from 200 m² to 1,000 m² inclusive	40 CFAF/m²
above 1,000 m²	30 CFAF/m²

(2) The above rates shall be halved for the non-built-on areas of the establishments concerned.

(3)These rates shall be reduced by 50% for craftsmen employing not more than 4(four) workers.

Article 23:

The fees for the inspection and control of Class 1 establishments shall be calculated following the method provided for in Section 22 above. The amount of the fees shall be doubled.

Article 24:

The fees for the inspection and control of classified establishments shall be borne by the operators thereof.

Article 25:

(1) Classified establishments which pollute the environment shall be liable to an annual pollution tax.

(2) The amount of the tax paid by each establishment shall be equal to the product of a base rate times a multiplier coefficient.

(3) The rate and method of calculating the pollution tax shall be determined by the finance law.

(4) The parameters relating to the type and quantity of waste produced by such establishments shall be determined under conditions laid down by regulations.

Article 26:

(1) Classified enterprises which import equipment used in eliminating greenhouse gases, carbon dioxide and chlorofluorocarbons from their production processes or products, or to reduce any form of pollution, shall be granted a reduced customs tariffs on such equipment in the proportions and for periods determined as and when necessary by the finance law.

(2) Operators of classified establishments who take environmental protection measures shall be granted a deduction from taxable profits under conditions laid down by the finance law.

Article 27:

(1) The fee for the issue of the operating authorization or the declaration receipt, inspection and control fees, the pollution tax as well as the penalties provided for in this law shall be calculated by the sworn inspectors for classified establishments and collected by treasury officials.

(2) The fees for the control and inspection of classified establishments, the annual pollution tax and various penalties must be paid within 45 (forty-five) days following notification of the statements of amounts due prepared by the sworn inspectors who carried out a control or established the lack of waste treatment equipment or the presence of a public health hazard.

(3) The sums collected are entirely transferred to the treasury and distributed in accordance with the terms and conditions set by the finance law.

TITRE VI

ADMINISTRATIVE PENALTIES

Article 28:

(1) Without prejudice to the penalties provided for under this law, where an inspector responsible for controlling classified establishments records the non-compliance with the conditions required of the operator, the minister in charge of the said establishments shall serve the operator with a notice, requesting him to fulfil the conditions within a time-limit to be determined by him but, in any case not exceeding three months.

(2) If, upon expiry of the above time-limit, the operator fails to comply, the minister in charge of classified establishments may:

- automatically execute the prescribed measures at the operator's cost;
- oblige the operator to pay to the public accountant an amount corresponding to the cost of work to be carried out, which amount shall be reimbursed to the operator as the work progresses and, if need be, collect such funds by force;
- suspend the activities of the establishment by order until the imposed conditions are complied with.

Article 29:

(1) Where a classified establishment is operated without the declaration or authorization required by this law, the minister in charge of classified establishments shall serve notice on the operator, requesting him to regularize his situation within a determined time-limit not exceeding 2 (two) months. The minister in charge of classified establishments shall, by order issued with reasons therefore, suspend the activities of a dangerous, unhealthy and obnoxious establishment until it files its declaration or applies for the authorization to operate.

(2) Where the operator of a classified establishment ignores the notice issued him to regularize his situation or where his application for authorization is rejected, the minister in charge of classified establishments may, if necessary, close down or ban such establishment.

(3) Where the operator of a classified establishment fails to comply within the time-limit fixed, the minister in charge of classified establishments shall apply the measures laid down in Section 28 above.

Article 30:

The minister in charge of classified establishments shall use the forces of law and order to seal any such establishment which continues to operate either in violation of a closure or ban order or an order rejecting the operation of such establishment.

Article 31:

During the period of suspension imposed in accordance with the provisions of Sections 28 and 29 above, the operator of a classified establishment shall be bound to take steps to provide security in the premises of such establishment.

PART VII

LIABILITY AND PENALTIES

Chapter I

LIABILITY

Article 32:

(1) Without prejudice to the penalties inflicted on persons with criminal liability, and notwithstanding the inspection carried out by inspectors responsible for controlling classified establishments, any operator thereof shall, without need to prove an offence committed made by them, be vicariously liable where their establishment causes bodily injury or damage due to the improper functioning of such establishment.

(2) The liability referred to in paragraph (1) above shall be shared where the person who caused the bodily injury or damage can prove that it occurred as a result of the victim's fault. The person shall be exonerated in case of force majeure.

Article 33:

The proprietor, operator, director or manager, as the case may be, of a classified establishment where the offence was committed may be declared vicariously liable to repairs of the site.

Chapter II

PENALTIES

Article 34:

(1) A fine of from 500,000 (five hundred thousand) to 2,000,000 (two million) CFA francs and imprisonment for from six months to one year, or both such imprisonment and fine, shall be imposed on whoever:

- operates an establishment falling under one of the categories of classified establishments without prior authorization or declaration,
- continues to operate a classified establishment which has been ordered to be closed,
- obstructs the inspection, control, evaluation and analysis provided for under this law,

(2) In case of a repeat offence, the highest of the penalties provided for in paragraph (1) above shall be doubled and imposed on him.

Article 35:

The penalties laid down in this law shall be supplemented by those provided for by the Penal Code and the laws relating to environmental protection.

Article 36:

The provisions of Sections 54 and 90 of the Penal Code relating to suspended sentence and extenuating circumstances shall not be applicable to the penalties provided for in this law.

Chapter III

RECORDING VIOLATIONS

Article 37:

(1) Without prejudice to the prerogatives of the legal department and of judicial police officers with general jurisdiction, the sworn officials of the government services in charge of classified establishments or the other government services concerned, in particular those in charge of the environment and health, shall be responsible for making enquiries, recording cases of violation and instituting legal proceedings against offenders in accordance with the provisions of this law.

(2) The persons referred to in paragraph (1) above shall, at the request of the service concerned, take an oath before a competent court under the conditions defined in the decree to implement this law.

(3) While on duty, the sworn officials referred to above shall be bound to carry their professional cards

Article 38:

(1) Any violations shall be duly recorded in a report.

(2) Violations shall be detected and recorded by 2 (two) persons who shall sign the report which shall be considered authentic until proved otherwise.

Article 39:

(1) A report on established violations must be submitted forthwith to the government service in charge of classified establishments and notified to the offender. The latter shall be allowed 20 (twenty) days from the date of notification to file a petition against the report No petition shall be accepted after that period.

(2) In the event of a petition filed within the time-limit provided for in paragraph (1) above, the matter shall be examined by the service in charge of classified establishments.

Where the petition is founded, the report shall be considered null and void.

Conversely, and in the absence of settlement, the service in charge of classified establishments shall institute proceedings in accordance with the laws in force.

Chapter IV

SETTLEMENT

Article 40:

(1) The ministry in charge of classified establishments shall have full powers to enter into a settlement. To that end, the matter should be duly referred to it by the offender.

(2) The amount of the settlement shall be fixed in consultation with the ministry in charge of finance. This amount may not be less than the corresponding minimum penal fine.

(3) The settlement procedure shall precede any possible legal procedure, under pain of being declared null and void.

(4) The proceeds of the settlement shall be paid in full to the National Environment and Sustainable Development Fund, as provided for in Section 11 of Law No. 96/12 of 5 August 1996: outline law on environmental management.

PART VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 41:

Where the operation of an unclassified establishment poses serious inconveniences for the protection of the interests mentioned in Section 2 of this law, the minister in charge of classified establishments may:

- notify the operator to take the necessary measures to eliminate such dangers and inconveniences;
- if need be, suspend the operation of the establishment pending its classification.

Article 42:

For the purpose of applying this law to classified establishments operated by national defence or security services, the duties conferred on sworn employees of the ministry in charge of classified establishments or of other ministries concerned shall be performed by officers and civilian employees of the armed forces appointed for this purpose. Such appointment shall be notified to the ministry in charge of classified establishments.

Article 43:

Classified establishments run by government services, regional and local authorities and charity institutions shall be exempted from inspection and control fees.

Article 44:

(1) The authorizations granted and the receipts issued before the publication of this law shall remain valid.

(2) Operators of classified establishments governed by this law shall have a time-limit of 6 (six) months with effect from the date of enactment of the said law to comply with it.

Article 45:

Decrees to implement this law shall define, as and when necessary, the conditions thereof.

Article 46:

All previous provisions repugnant hereto, in particular those of Law No. 76/3 of 8 July 1976 to fix the fees for the inspection and control of dangerous, unhealthy or obnoxious establishments, are hereby repealed.

Article 47:

This law shall be registered, published in accordance with the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 14 July 1998
The President of the Republic
Paul BIYA,

I.8

LAW NO. 99/013 OF 22 DECEMBER 1999 TO INSTITUTE THE PETROLEUM CODE (EXCERPT)

LAW NO. 99/013 OF 22 DECEMBER 1999 TO INSTITUTE THE PETROLEUM CODE (EXCERPT)

Article 82:

The holder shall carry out petroleum operations in such a manner as to ensure, under all circumstances, the conservation of natural resources, especially hydrocarbon deposits and due protection of essential features of the environment. For this purpose, the holder shall take all necessary measures intended to preserve the safety of persons and property and to protect the environment, natural surroundings and ecosystems.

Article 83:

(1) Where petroleum operations are likely, by reason of their size, nature or impact on the natural surroundings, to interfere with the environment, the holder shall carry out at his own expense, an environmental impact assessment.

Such assessment shall allow evaluation of direct or indirect effects of petroleum operations on the ecological equilibrium of the contract and neighbouring areas, as well as on the conditions and quality of life of the populations and the effects on the environment in general.

(2) Impact assessment shall be part of the file submitted for public inquiry, where such a procedure is required.

(3) A decree shall lay down the modalities for applying the provisions of this article, especially the list of petroleum operations subject to an impact assessment, its content and conditions for making it public.

PART X

ENVIRONMENTAL PROTECTION AND SAFETY MEASURES

Chapter I

GENERAL PROVISIONS

Article 61:

Under the laws and regulations in force and in accordance with the norms and practices generally accepted in the international petroleum industry, the holder shall take the following necessary measures:

- arrange and renew insurance policies covering damages to persons and property resulting from petroleum operations carried out, in accordance with the provisions of Part XIX of this Decree;
- take measures to minimize damage to the environment resulting from petroleum operations in the extraction area;

- set up a rigorous pollution-, accident-prevention and control measures regarding petroleum operations, and work out emergency plans to be adopted in the event of disaster or threat of danger to the environment and safety of persons and property;
- obtain prior authorizations required by the laws and regulations in force and provide the required environmental impact assessments, in accordance with the provisions of Chapter 3 of this Part;
- treat, eliminate and control emissions of toxic substances resulting from petroleum operations, likely to cause damage to persons, property and the environment;
- install a collecting system for waste and used equipment from petroleum operations.

Chapter II

THE HYDROCARBON CONTAMINATION PROTECTION COMMITTEE

Article 62:

(1) A Hydrocarbon Contamination Protection Committee, hereinafter referred to as the "Protection Committee" is hereby set up.

(2) The Protection Committee shall be an advisory body whose duty is to assist the Government in applying laws and regulations in force concerning the protection of the environment and securing petroleum operations.

(3) The organization and functioning of the Protection Committee shall be laid down by regulation.

Article 63:

The holder shall submit to the Ministers in charge of environment and hydrocarbons, a waste management plan based on an integrated pollution control system. The said plan shall cover all stages of the waste treatment process.

Article 64:

The waste covered in the waste management plan referred to in Article 63 above shall include especially:

- drill cuttings;
- sludge of oil, water and any other fluid;
- wastewater and sediments resulting from petroleum operations;
- chemicals, sanitary and drain wastes;
- fumes and other gas emissions of any kind;
- waste classified as dangerous according to the laws and regulations in force especially, and without exhausting the list, flammable, corrosive, reactive, toxic or radioactive waste;
- household waste produced during conduction of petroleum operations; and
- used oils.

Article 65:

The provisions of Articles 63 and 64 above shall be supplemented by a specific instrument.

Article 66:

(1) When the holder fails to comply with the provisions of Article 61 above resulting in damage to persons, property and / or the environment, they shall take all necessary and adequate measures to immediately remedy the situation.

(2) If the Minister in charge of hydrocarbons considers these measures insufficient or that they endanger persons and goods or are likely to cause damage to the environment, the Minister in charge of hydrocarbons shall ask the holder to remedy the situation within the deadline. If necessary, the Minister in charge of hydrocarbons shall ask the holder to interrupt all or part of the petroleum operations until the required measures are taken.

(3) The measures required under paragraph (2) above shall be decided in consultation with the holder taking into account international standards applicable in similar circumstances, as well as the environmental impact assessment conducted under provisions of Chapter 3 of this Part. Once finalized, these measures shall be notified to the holder and revised when the circumstances so require.

Chapter III

ENVIRONMENTAL IMPACT ASSESSMENT

Article 67:

An environmental impact assessment shall be required for major hydrocarbon prospection, research, exploitation and transportation projects, such as work programmes covering several deposits, installation of facilities for exploitation or pipelining. Petroleum operations of limited scope shall require an impact assessment only when they affect particularly sensitive areas whose list shall be established by regulation. However, an environmental impact statement shall be required for such operations.

Article 68:

The environmental impact assessment shall be conducted by the holder of a Petroleum Contract or Authorization or by an expert assigned by the former and approved by the Minister in charge of hydrocarbons.

Article 69:

The environmental impact assessment must include the following minimum information:

- analysis of the initial state of the area covered by the Authorization and its surroundings;
- reasons for choosing the site;
- identification of the environmental impacts and consequential damages resulting from petroleum operations in the area concerned and on its natural and human environment;
- statement of the measures envisaged by the Petroleum Contract Holder to eliminate, compensate for the harmful consequences of petroleum operations on the environment and an estimate of corresponding expenses;
- presentation of other possible solutions and the reasons why, from the point of view of environmental protection, the option or the solution proposed by the Holder was accepted.

Article 70:

The environmental impact assessment shall contain proposals for directives to be followed to minimize damage to the environment and shall cover, especially, depending on the nature of the petroleum operations envisaged, the following aspects:

- storage and handling of hydrocarbons;
- use of explosives;
- camping and work sites;

- treatment of solid and liquid waste;
- archaeological and cultural sites;
- selection of drilling sites;
- stabilization of the site;
- protection of groundwater;
- impact on the marine environment;
- accident prevention plan;
- flaring during testing and on completion of the liquid and gaseous hydrocarbon wells;
- use of waste water;
- abandonment of wells;
- abandonment of deposits and exploitation sites;
- rehabilitation of the site after abandonment; and
- control of noise levels.

Article 71:

(1) The environmental impact assessment shall be submitted to the competent administrative authority for approval. The competent administrative authority shall provide any comments within 30 (thirty) days of the notification of the environmental impact assessment. After this period, the assessment shall be considered approved.

(2) If the competent administrative authority provides the comments referred to in paragraph (1) above, the holder of the Petroleum Contract or Authorization shall have 30 (thirty) days to submit his response.

(3) The competent administrative authority shall examine the Environmental Impact Assessment in collaboration with all relevant public, para-public and administrative bodies that may be interested in the petroleum operations project.

Article 72:

The holder of a Petroleum Contract or Authorization shall make sure:

- his employees and subcontractors have adequate knowledge of environmental protection measures to be taken in accordance with the rules of the art, as well as those provided for in the environmental impact assessment and to be used during the conduct of the petroleum operations;
- where applicable, the contracts he reaches with his subcontractors and which are linked to the petroleum operations, shall involve the measures provided for in the environmental impact assessment.

TITLE XI

DRILLING AND ABANDONMENT PRACTICES

Article 73:

The holder shall ensure that the design of wells and drilling operations, including casings, cementing, spacing and sealing of wells, are done in accordance with the standards and practices in force in the international oil industry, as at when these operations are undertaken.

Article 74:

All wells shall be given a geographical name, a number and geographical coordinates and UTM that shall appear on maps, plans and other documents that the holder shall keep. If the name of a well is changed, the Minister in charge of hydrocarbons shall be informed in writing within 15 (fifteen) days following this modification.

Article 75:

Before starting the drilling of a well on the agreed space or in case of interruption of the said works for more than 6 (six) months, the holder shall provide the information below to the Minister in charge of hydrocarbons 7 (seven) days at the latest before the date for resumption of work:

- the name and number of the well;
- a description of the exact location of the well as well as its geographical coordinates and UTM;
- a detailed technical report of the drilling programme, an estimate of the time required to complete the drilling, the target depth, the equipment used and planned safety measures;
- a summary of geological, geophysical and geochemical data and interpretations governing the holder's proposal for drilling on the proposed site.

Article 76:

(1) When the drilling of a well on the area under contract is interrupted for more than 30 (thirty) days, the holder shall inform the Minister in charge of hydrocarbons within 5 (five) days after the interruption.

(2) When the drilling of a well within the area under contract is interrupted for more than 30 (thirty) days and less than six (6) months, the holder shall inform the Minister in charge of hydrocarbons in writing of his intention to resume work at least 48 (forty-eight) hours before the planned resumption date.

Article 77:

(1) The holder may not drill a well less than 1000m within his area under contract except with the express agreement of the Minister in charge of hydrocarbons.

(2) No well may be drilled within an area under contract beyond the vertical limits of the said area.

Article 78:

Unless otherwise decided by the Minister in charge of hydrocarbons, the holder shall undertake, when rendering a part of the contract space, or when abandoning a well or when an oil deposit is made necessary, for technical or economic reasons and at the end of a Petroleum Contract, as the case may be to:

- withdraw from the conceded part or from the area under contract, the equipment, installations, structures and pipelines used for the petroleum operations, according to the provisions of a Plan of Abandonment and in accordance with the standards of the International Maritime Organization and practices in the international oil industry
- rehabilitate the site on the area under contract, in accordance with the standards and practices in the international oil industry. To do this, he shall take the necessary measures to prevent damage to human life, property and the environment.

Article 79:

(1) The holder shall notify the Minister in charge of hydrocarbons at least 24 (twenty-four) hours in advance, of his intention to abandon any well drilled within his area under contract. This notification shall be accompanied by an abandonment programme for the said well.

The Abandonment of Production Wells Programme shall consist of three main phases, namely:

- taking the reservoir off the surface and different production layers
- treating the rings between the casing trains and
- cutting and removing the upper parts of the casing trains.

(2) The holder shall undertake to conduct the abandonment operation so as to:
- control of the flow and escape of hydrocarbons;
- prevent any damage to neighbouring strata;
- isolate permeable strata from each other;
- prevent the possibilities of flows between tanks; and
- prevent contamination of aquifers.

(3) The Minister in charge of hydrocarbons or any organization or public institution mandated for this purpose, may ask the holder to interrupt well abandoning operations, so as to reintroduce a train of probe into the head of the well. Such a request shall be made to the holder by notification of the Minister in charge of hydrocarbons who shall fix the extent of a safety zone around the well. At the end of the operation, the concerned well shall become the property of the State, who shall assume responsibility for it.

Article 80:

The holder shall, at the end of the period mentioned in the preceding article, proceed with the abandonment of the well concerned, subject to the terms and conditions of the Petroleum Contract.

Article 81:

Within a period specified in the Petroleum Contract, the holder shall submit for the approval of the Minister in charge of hydrocarbons, a Plan of Abandonment which confirms the working hypotheses included in the development plan, going by the experience acquired during exploitation of the deposit.

The Abandonment Plan shall make provisions for abandonment funds for a number of years, defined in the Abandonment Plan. The said funds shall be deposited in an account opened under an escrow agreement with a bank approved by the monetary authority. This account is intended to finance abandonment operations and to receive the full provision for abandonment incorporated in compliance with the provisions of the Petroleum Code. The supply schedule, rules and methods of management of this escrow account shall be specified in the Petroleum Contract.

I.9

LAW NO. 2000/017 OF 19 DECEMBER 2000 TO REGULATE VETERINARY HEALTH INSPECTION

LAW NO. 2000/017 OF 19 DECEMBER 2000 TO REGULATE VETERINARY HEALTH INSPECTION

The National Assembly deliberated and adopted, the President of The Republic hereby enacts the law set out below:

Article 1:

This law shall determine the powers and duties and conditions of functioning of veterinary health inspection services in Cameroon.

Chapter I

VETERINARY HEALTH INSPECTION

Article 2:

Veterinary health inspection shall constitute all measures taken, as concerns animals, animal and halieutic products and their by-products, within and outside the national territory as well as at the borders ((import and export), to ensure that food products are fit for consumption.

The health inspection of products shall consist in the following measures:

(1) the hygienic control of products with a view to their consumption, sale or processing;

(2) the hygienic control of their preservation, storage, distribution, transport and processing conditions;

(3) the control of their compliance with presentation and packaging norms;

(4) the classification of products in categories according to their organoleptic qualities and their degree of wholesomeness.

Article 3:

Veterinary health inspection services shall also ensure the protection of consumers and persons handling animal and halieutic products against zoonoses, poisoning and all other infections of animal origin, in accordance with instruments governing public health.

They shall also contribute to the protection of the environment.

Article 4:

No food product of animal or halieutic origin may be sold for consumption if it has not been the subject of a veterinary health inspection.

Article 5:

Such veterinary health inspection shall be undertaken by a sworn and qualified official of the veterinary services.

Article 6:

Food products of animal or halieutic origin which after veterinary health inspection are found neither to meet the accepted standards of hygiene nor the required marketable quality shall be seized, denatured, destroyed, downgraded or turned back as the case may be.

Article 7:

Veterinary health inspectors shall conduct protective seizures pending the results of analysis of the suspected food products.

Article 8:

Statutory instruments shall lay down the conditions under which the veterinary health inspection operations stipulated in Section 2 above shall be carried out.

Article 9:

A health certificate or health pass shall be issued after a veterinary health inspection.

Article 10:

(1) The inspection operations shall entail the payment of a service tax the rate of which shall be fixed by the finance law.

(2) A decree of the Prime Minister shall lay down the conditions governing the collection of this tax.

Chapter II

PROTECTION AGAINST ZOONOSES AND ANTHROPOZOONOSES

Article 11:

The following diseases shall be deemed to be zoonoses, anthropozoonoses, infections, poisonings and serious infestations:

(1) rabies in all species;
(2) tuberculosis and pseudotuberculosis in all species;
(3) anthrax in equines, swine and ruminants;
(4) brucellosis in bovines, small ruminants and swine;
(5) pasteurellosis;
(6) erysipelothrix;
(7) listerollosis;
(8) vibriosis in ruminants ;
(9) salmonellosis ;
(10) teniasis ;
(11) trichinosis;
(12) toxoplamosis ;
(13) distomiasis ;
(14) sarcorporidiosis
(15) intestinal myiasis
(16) shigellosis ;
(17) clamydosis ;
(18) Q fever ;
(19) ornithosis in birds,

(20) psittacosis;

(21) leptospirosis;

(22) clostridiosis;

(23) echinococcosis;

(24) bovine spongiform encephalopathy (BSE).

Article 12:

The list of the diseases cited above may be supplemented by joint order of the minister in charge of veterinary services and the minister in charge of public health with new diseases likely to constitute a human health hazard.

Article 13:

The following shall be subject to mandatory declaration:

- any animal which is, or is suspected of, suffering from zoonoses or anthropozoonoses;
- any by-products or substitutes of animal or halieutic origin likely to spread disease germs and poisoning or to upset the eventual consumer.

Article 14:

The conditions for the treatment, immunization and destruction of animals which are, or are suspected to be, sick shall be laid down by order of the minister in charge of veterinary services.

Article 15:

The cost of handling, denaturing, destruction or recovery shall, except in special circumstances, be borne by the owners.

Article 16:

In the case of industrial improvement of products seized (processing industries), the conditions of covering the cost of handling spoiled products and disinfecting storage facilities and of using the proceeds of their sale shall be laid down by regulations.

Article 17 :

The conditions under which the owners of animals which are, or are suspected to be, infected may be required to comply with measures necessary for preventing or combating a disease shall be laid down by regulations

Article 18 :

Any person practising the profession of stock-breeder, butcher, pork-butcher, fishmonger, wholesale fish merchant or processor of dairy products, or required by his profession to handle food products of animal or halieutic origin intended for public consumption or sale, must undergo annual medical check-ups which shall be certified by the issue of a medical certificate draw up by an approved medical officer. The said certificate shall be presented when requested by officers in charge of veterinary health inspection.

Chapter III

PENALTIES

Article 19:

(1) Sworn officials of the veterinary health inspection services shall be empowered, in case of offences against the provisions of this law or those of its implementation instruments, to produce a report which shall serve as evidence unless there is proof to the contrary. This report shall be submitted to the State Counsel of the place at which the offence was committed.

(2) The sworn official of the veterinary health inspection service empowered to collect fines shall be appointed by the minister in charge of finance, on the proposal of the minister in charge of veterinary health inspection.

Article 20:

(1) A prison sentence of 1 (one) to 3 (three) years and a fine of v from 50 000 CFA francs to 5 000 000 CFA francs shall be imposed on whomever:

(a) fails to file in the compulsory report provided for in Section 13 above;

(b) refrains from the obligations or impedes the execution of the measures prescribed by the veterinary authorities responsible for the treatment, immunization and destruction of animals which are, or are suspected to be, infected by disease, as well as for the control of the fitness of animal or halieutic products marketed whether or not they are from such animals; the penalties shall be doubled where such acts are accompanied by violence or insult;

(c) sells, allows the sale of or recovers for their own consumption;

- fish, crustaceans and other sea products which are rotten or contaminated;
- meat or canned food items impounded during inspection drives and which are intended to be destroyed;

(d) milk products and honey known to be unfit for consumption,

(e) imports or exports animals, animal or halieutic products or the by-products thereof without the health certificates or passes provided for in Section 9 above, or the technical reports issued by competent officials of veterinary services.

(2) In the case of a repeat offence, the court may forbid the offender to continue to practise the profession, in accordance with Section 36 of the Penal Code.

(3) No reprieve whatsoever shall be granted to offenders in respect of the penalties provided for in Section 20 (1) above.

Article 21:

(1) In addition to the penalties provided for in Section 20 above, animals, fish, crustaceans and (other) sea products, milk products, honey, meat and meat substitutes found in areas where their distribution is prohibited shall be seized.

(2) The conditions for denaturing, destroying or salvaging impounded items shall be defined by regulations.

Article 22 :

Notwithstanding the disciplinary sanctions to which they may be liable, sworn officials of veterinary health inspection services shall be punished with the penalties provided for in Section 20 above:

- where they allow the sale of food items listed in Section 20 (c) above;
- where they fail to comply with the provisions of Section 21 above, or are guilty of misappropriation of funds or of allowing the development of impounded items

Chapter IV

MISCELLANEOUS AND FINAL PROVISIONS

Article 23:

All previous provisions of Law No. 75/13 of 8 December 1975 to regulate veterinary health inspection are hereby repealed.

Article 24:

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 19 December 2000

Paul Biya
President of the Republic

I.10

LAW NO. 2003/003 OF 21 APRIL 2003 RELATING TO PHYTOSANITARY PROTECTION

LAW NO. 2003/003 OF 21 APRIL 2003 RELATING TO PHYTOSANITARY PROTECTION

The National Assembly deliberated and adopted,
The President of the Republic hereby enacts the law set out below:

Chapter I

GENERAL PROVISIONS

Article 1:
This law lays down the principles and rules governing phytosanitary protection in Cameroon.

Article 2:
Phytosanitary protection shall be undertaken through:

- the setting, adoption and adaptation of norms in the domain;
- the prevention and control of plant and plant product pests;
- the use of phytosanitary products which are safe for humans, animals and the environment;
- the dissemination and popularisation of appropriate phytosanitary protection techniques;
- the control of the importation and exportation of phytosanitary products, plants, plant products and other regulated items that may lead to the release of plant pests;
- the control, throughout the national territory, of phytosanitary products, plants and plant products that may serve as vectors of the harmful organisms.

Article 3:
Within the meaning of this law and its implementation instruments, the following definitions shall apply:

"phytosanitary activity":
Any operation relating to the production, distribution and use of plants, plant products and phytosanitary products on farms, in storage and in the treatment of storage premises and means of transport;

"regulated item":
Any plant, plant product, place of storage, packaging, means of transport, container, soil, any other organism, item or material likely to carry or release harmful organisms requiring special phytosanitary measures with regard to transboundary movement;

"auxiliary":
A harmful organism which lives off another and which may contribute to limiting the population of its host, including parasitoïds, parasites, predators and pathogenic agents;

"phytosanitary certificate":
An official document in the format established by the International Convention for Plant Protection certifying the disease-free status of any parcel under phytosanitary control.

“certificate of conformity with the norm”:

Official document issued by the national standardisation body and certifying that the product or service assessed conforms with the norm.

“Homologation”:

Any process following which the competent authority approves the importation, distribution and use of a phytosanitary product, after examining the complete set of scientific facts showing that such product is efficacious for the intended uses and safe for humans, animals and the environment, under recommended conditions of use;

“Inspection”:

The official visual examination of plants, plant products and other regulated items in order to determine the presence or absence of harmful and/or to ensure compliance with phytosanitary regulations;

“quarantine organism”:

A harmful organism which is potentially important for the economy of the threatened zone and which is not yet present in that zone or may be present but not widespread and is subject to official control efforts,

“harmful organism”:

Any species, plant or animal stock or biotype, as well as any pathogenic agent, which is harmful to plants and plant products;

“Pesticide”:

Any substance or combination of substances used for warding off, killing or fighting ravagers, vectors of diseases and undesirable plant or animal species are destructive or otherwise harmful during production, processing, storage, transportation or marketing of food products, agricultural products, timber and non-timber forest products;

“phytosanitary products”:

Pesticides and other products intended for use as regulators of plant growth, defoliants, desiccants, thinning out fruits, or to stop the premature fall of fruits, as well as substances applied to plants, either before or after harvest to protect the produce from damage during storage and transportation;

“plant products”:

A set of activities designed to prevent the release and/or spread of harmful organisms, or to officially control them;

“plant quarantine”:

All activities aimed at preventing the introduction and / or spread of pests or officially combating them;

“quarantine zone”:

A demarcated zone within which a quarantine organism is present and is subject to official control efforts.

Article 4:

Phytosanitary activity shall be exercised freely throughout the national territory, by any natural person or corporate body in compliance with the laws and regulations in force.

Article 5:

The competent authority with regard to phytosanitary protection shall be the Minister in charge of agriculture. He may delegate such powers to any natural person or corporate body under the conditions fixed by law.

Article 6:

The Minister in charge of agriculture may request support from services in other ministries within the context of the implementation of phytosanitary legislation.

Chapter II

PHYTOSANITARY PROTECTION OF THE TERRITORY

Section I

APPLICABLE PHYTOSANITARY NORMS

Article 7:

The phytosanitary norms applicable in Cameroon shall be set and enforced in accordance with national laws and relevant international instruments.

Section II

PLANT QUARANTINE

Article 8:

(1) It shall be prohibited to introduce, keep or transport throughout the national territory, quarantine organisms irrespective of their level of development.

(2) The list of quarantine organisms shall be published by order of the Ministry in charge of agriculture and shall be updated regularly.

(3) However, waivers may be granted for research, experimentation or training purposes.

Article 9:

(1) The importation or exportation of plants or plant products, soils and culture mediums contaminated by harmful organisms shall be prohibited.

All imports or exports of plants or plant products, soils and culture mediums must be accompanied by a phytosanitary certificate.

(2) Furthermore, the importation of plants, regulated plant products or biological control agents shall be subject to an importation licence whose conditions of issue shall be fixed by regulation.

Article 10:

(1) The importation or exportation of plants or plant products must be effected solely at official points of entry or exit.

(2) The importation of plants or plant products subject to an importation licence and in particular the importation of plant material intended for planting or multiplication must be effected solely at the point of entry mentioned on the importation licence. These products and materials may be subjected to prior control at a quarantine station in a third country or in the country of origin prior to its arrival in Cameroon.

Article 11:

The phytosanitary certificate and the importation licence referred to in Section 9 above shall be issued, at the applicant's expense, by the services in charge of phytosanitary policing.

Article 12:

The Minister in charge of agriculture shall fix, as and when necessary, the list of plants, plant parts and plant products whose importation shall be prohibited or restricted in Cameroon according to their origin.

Article 13:

In the event of the introduction, presumption of introduction or spread of an unclassified harmful quarantine organism, the competent authority must take additional phytosanitary measures as deemed necessary.

Article 14 :

(1) In case of the presence or presumption of presence of a quarantine organism in a part of the territory, the latter may be declared a quarantine zone by regulation until such time that the organism is either under control or eradicated.

(2) During that period, all movement of plants, plant products or soil samples outside the said part shall be prohibited.

Section III

PHYTOSANITARY SURVEILLANCE

Article 15 :

Any natural person or corporate body who notices or suspects the presence of a quarantine organism or any other harmful organism, either in stocks belonging to him or managed by him, shall be bound to declare such to the competent phytosanitary authority in his area.

Article 16 :

Any natural person or corporate body, whether private or public, who operates a rural or urban stock, shall be bound to ensure the healthy state of the plants and plant products they cultivate, preserve, transport or market.

Article 17 :

(1) The Minister in charge of agriculture shall set up a surveillance network to watch out for the appearance of harmful organisms, the growth of their populations and in forestalling their attacks.

(2) He shall publish and regularly update the list of harmful organisms.

Article 18 :

Certain parts of the territory may be classified as threatened zones or safe zones by regulation.

Section IV

PHYTOSANITARY CONTROL

Article 19:

(1) Chemical treatments must be effected in compliance with good agricultural practices stipulated by the competent authority, with a view to preserving the health of humans and animals and protecting the environment from the hazards caused by the presence or the accumulation of residue of phytosanitary products.

(2) Methods for treating produce stocks must ensure the absence or presence within tolerable limits, of residue of phytosanitary products, and preserve the organoleptic properties of the treated products.

Article 20:

(1) Any natural person or corporate body wishing to effect phytosanitary treatments as a profession must be granted prior approval by the competent authority.

(2) The conditions for approval for the exercise of phytosanitary treatments shall be fixed by regulation.

Chapter III

USE, INSPECTION AND CONTROL OF PHYTOSANITARY PRODUCTS

Section I

USE OF PHYTOSANITARY PRODUCTS

Article 21:

(1) Only phytosanitary products that have been homologated or whose sale has been temporarily authorised may be imported, distributed, packaged or used in Cameroon.

(2) The conditions for the application of Section 21(1) above shall be fixed by regulation.

Article 22:

(1) Phytosanitary products shall be marketed and used in their original packaging and labelling.

(2) The norms for packaging and labelling, as well as the conditions for formulating and packaging phytosanitary products shall be fixed by regulation.

Article 23:

(1) It shall be forbidden to use phytosanitary products for purposes other than those for which they had been homologated.

(2) Special measures may be taken by regulation to protect auxiliaries and pollinating insects.

Article 24:

(1) It shall be forbidden to retail phytosanitary products or display them for sale. The same shall apply to the stocking of expired phytosanitary products.

(2) Stocks of expired phytosanitary products must be declared to the phytosanitary authority from the first day of their expiry.

Article 25:

(1) Any natural person or corporate body who wishes to exercise a professional activity concerning phytosanitary products, in particular, the manufacture, importation, exportation, formulation, packaging and distribution must be granted prior approval.

(2) The conditions for approval referred to in Section 25(1) above shall be fixed by regulation.

Article 26:

It shall be forbidden to advertise any unauthorized phytosanitary product. Advertisements for authorized phytosanitary products may mention only the purposes for which such products are authorized.

Article 27:

(1) Equipment used for phytosanitary treatment which are made, imported or distributed in Cameroon must be certified as compliant with the norms in force.

(2) The conditions for certifying phytosanitary treatment equipment shall be fixed by regulation.

Section II

INSPECTION AND CONTROL OF PHYTOSANITARY PRODUCTS

Article 28:

All plants, plant products, soils or culture mediums, biological control organisms as well as phytosanitary products shall be subject to:

- phytosanitary inspection, irrespective of their place of production, multiplication and storage and the mode of transportation;
- control during their manufacture, at importation, exportation, packaging, distribution and use.

Article 29:

Phytosanitary inspection and control of phytosanitary products shall be effected in accordance with provisions stipulated in national norms, tire code of inspection procedure adopted by the national phytosanitary authority, and where applicable, international guidelines.

Article 30:

Any natural person or corporate body carrying plants, plant products or phytosanitary products in their luggage shall be bound to declare them to officials in charge of phytosanitary inspection and control of phytosanitary products at entry and exit points in the country.

Chapter IV

PUNISHING OFFENCES

Section I

REPRESSION PROCEDURE

Article 31:

Without prejudice to the prerogatives of the Legal Department and criminal investigation officers with general jurisdiction, sworn officers of phytosanitary inspection services shall be responsible for investigating, establishing and instituting legal proceedings for offences in the phytosanitary domain.

In that capacity, they shall establish the facts of the case, impound the plants, plant products or biological control agents without certificates or importation licences, phytosanitary products being retailed or displayed for sale, as well as such products which are either introduced or used in violation of this law and shall draw up a report thereon.

The report written and signed by the sworn official shall constitute material proof of the facts stated therein until challenged.

Article 32:

Sworn officials in charge of phytosanitary inspection and the control of phytosanitary products, in the exercise of their duties and following procedures stipulated by the regulation in force, may:

- request the services of the Police to search for and impound plant products and phytosanitary products which are fraudulently brought in, sold or circulated, or to obtain the particulars of the offender ;
- visit the premises, trains, vessels, vehicles or aircraft carrying, containing or likely to carry or contain such products ;
- order that plants and plant products be either treated, quarantined, destroyed or turned back ;
- affix the seals.

Section II

OFFENCES AND SANCTIONS

Article 33:

Anyone who :

- fails to present a phytosanitary certificate ;
- fails to declare plants, plant products and phytosanitary products ;
- fails to declare expired phytosanitary products ;

shall be punished with a fine of 50,000 (fifty thousand) francs.

Article 34:

Whoever brings in plants, regulated plant products or biological control agents without an importation licence shall be sentenced to imprisonment for from 1 (one) to 3 (three) months or a fine of from 100,000 (one hundred thousand) to 1,000,000 (one million) francs, or to both such imprisonment and fine.

Article 35:

Whoever infringes the provisions of Sections 20 to 26 of this law shall be sentenced to imprisonment from 1 (one) to 3 (three) months or a fine of from 100,000 (one hundred thousand) to 1,000,000 (one million) francs, or both such imprisonment and fine.

Article 36:

(1) Whoever, either through negligence or failure to comply with the regulations, causes pollution before, during or after a phytosanitary treatment shall be punished in accordance with Section 261 of the Penal Code.

(2) Whoever, under the circumstances described in sub-Section (1) above, poisons another person such that he/she becomes disabled, shall be punished in accordance with Section 289 (1) of the Penal Code.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 37:

(1) A National Phytosanitary Council, which shall be a consultative body on phytosanitary protection policy in Cameroon, is hereby established.

(2) The composition, missions and conditions of functioning of the National Phytosanitary Council shall be fixed by regulation.

Article 38:

All provisions of Law No 90/13 of 10 August 1990 relating to phytosanitary protection are hereby repealed.

Article 39:

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 21 April 2003

Paul Biya

President of the Republic

I.11

LAW NO. 2003/006 OF 21 APRIL 2003 TO LAY DOWN SAFETY REGULATIONS GOVERNING MODERN BIOTECHNOLOGY IN CAMEROON

LAW NO. 2003/006 OF 21 APRIL 2003 TO LAY DOWN SAFETY REGULATIONS GOVERNING MODERN BIOTECHNOLOGY IN CAMEROON

The National Assembly deliberated and adopted,

The President of the Republic hereby enacts the law set out below:

Chapter I

GENERAL PROVISIONS

Article 1:

This law shall govern:

(1) The safety, development, use including contained use, manipulation and cross-border movement, including the transit of any genetically modified organism that may negatively affect human and animal health, biodiversity and the environment.

(2) The safeguarding of products thereof that may negatively affect human and animal health, biodiversity and the environment.

Article 2 :

(1) This law and its subsequent regulatory instruments shall not apply to organisms whose genetic material has been modified using traditional reproduction and coupling methods to develop and nurture plants and animals in natural conditions.

(2) Unless the genetically modified organisms are of the same species, this law and its subsequent statutory instruments shall not apply to the cytogenetic production of :

(a) genetically modified plant cells, where the same result may be obtained through the use of traditional cultivation techniques;

(b) animal cells under cultivation, where genetic material was obtained from individuals of the same species and where the cells could have been produced through natural reproduction and the use of the same type of plant and animal cells.

(3) It shall also not be applicable to techniques requiring gene therapy involving genetic mutations or cloning, except where such genetic mutations are used for health reasons using laboratory techniques to repair certain deficiencies.

Article 3 :

(1) The services in charge of bio-safety may prohibit any activity involving genetically modified organisms on the basis of the precautionary principle or new scientific knowledge.

(2) The terms and conditions of such prohibition shall be laid down by regulations.

Article 4 :

The objective of this law shall be to:

1- Ensure safety and ethics in modern biotechnological research and development and lay down the procedure for cross-border movement of genetically modified organisms;

2- Provide a mechanism for assessing, managing, communicating and controlling the risks inherent in the use, release and cross-border movement of genetically modified organisms or those having new traits as a result of modern biotechnological activity that may negatively affect the environment, and by extension the conservation and sustainable use of biological resources. This shall be achieved by taking into consideration the risks to human, animal and plant health and their socio-economic effects and by fully developing the benefits of biotechnology, as opposed to traditional technology.

Chapter II

DEFINITIONS

Article 5 :

(1) Advance informed agreement":

Consent or authorisation given by the competent national administration, following notification by an applicant and before any intentional release, to an importer or exporter permitting him to carry out cross-border movements of a living modified organism, an organism bearing a new trait or a genetically modified organism or products thereof, within or across the country.

(2) Competent national administration:

The national authority in charge of coordinating activities related to biosafety. It shall be responsible for carrying out the administrative duties prescribed by the Cartagena Protocol on the prevention of biotechnology risks. It shall take its decisions within a National committee made up of the services and bodies concerned.

(3) DNA (Deoxyribonucleic Acid):

The molecule bearing the genetic information of most organisms, made up of 4 nitrogenous bases and a phosphate sugar medium.

(4) Recombinant-DNA:

DNA constituted by in vitro fusion of the DNA fragments from different organisms.

(5) Public Hearing:

Meeting with the local or neighbouring population through which they can react, after having been duly informed of any activity on the environment which, according to them, could adversely affect human or animal health or the environment.

(6) Biosafety:

policies or procedures adopted with a view to guaranteeing the application, without environmental risks, of modern biotechnology in medicine, agriculture, industry and the environment, and to forestall human health and environmental safety hazards.

(7) Modern biotechnology:

- application to nucleic acids of in vitro techniques including the recombination of the deoxyribonucleic acid and the direct introduction of nucleic acids in cells or bodies;
- cellular fusion of bodies not belonging to the same taxonomic family, which overcome the natural obstacles of reproductive physiology or recombination and which are not the techniques used for the reproduction and selection of the standard type.

(8) Cell:

The smallest morphological unit of living organisms, capable of growing and reproducing autonomously.

(9) Centre of origin of diversity:

Place or area of localisation of the source or diversity of a species.

(10) BIC:

Biosafety Institutional Committee.

(11) Placing on the market or release of transgenic products for commercial purposes:

Sale of products containing or constituted from substances with new traits.

(12) Clone:

Noun-group of genes, cells or organisms from the same ancestor, which are genetically identical.

Verb: to reproduce identical DNA sequences or whole cells using genetic manipulation techniques.

(13) Containment:

Prevention of the release of genetically modified organisms outside the laboratory. Physical containment is achieved through the use of special procedures and purpose-built installations. Biological containment is achieved through the use of specific varieties of organisms with a reduced survival or replication capacity in an open environment.

(14) Applicant:

A natural or legal person, or a national bio-safety institution wishing to import/export genetically modified organisms.

(15) Release:

Introduction in the environment or in the market of genetically modified organisms.

(16) Controlled/intentional release:

Introduction of an organism presenting new traits in an environment in which risk management measures have been applied.

(17) Deliberate or programmed release in the environment:

Intentional use of genetically modified organisms which is other than contained.

(18) Accidental release:

Involuntary release resulting from accidents, emigration/immigration, human activities and from transport by air, land or water, etc.

(19) Donor:

Organism or cell used as a source for extracting the DNA intended for insertion in another organism (host).

(20) Packaging:

Grouping of components of a virus, during the replication process of the virus, to form a complete particle of the virus.

(21) Environment:

- all the natural or artificial elements and the bio-geochemic equilibriums in which they are involved, as well as the economic, social and cultural factors which foster the existence, transformation and development of the environment, living organisms and human activities.
- natural abiotic resources such as the surrounding air, surface waters, underground water, soils, land surface, wildlife and plants, and the interactions between the elements which all form an integral part of the cultural heritage and specificities the landscape under Cameroon's jurisdiction.

(22) Labelling:

The logo, content, marks, characteristics and other indicators of the presence of genetically modified organisms or products thereof.

(23) Risk assessment:

Measures aimed at evaluating the damage likely to be caused, the probability of damage being caused, and the impact of the damage evaluated. In other words, risk assessment is an estimation of risks and their consequences.

(24) Familiarity:

The fact of being adequately informed to be able to determine whether a release is with risk or not, or to indicate risk management strategies.

(25) Gene:

A basic hereditary unit of deoxyribonucleic acid (DNA), which determines the structure of a protein or a ribonucleic acid (RNA) molecule and the manifestation of a hereditary feature.

(26) Genome:

All the DNA of a given organism.

(27) Risk management:

Measures applied to ensure the safe manipulation of an organism. Risk management conditions often change according to the risk assessment. A high risk experiment, for example, may be managed owing to the application of appropriate containment measures aimed at reducing risks. The assessment of low risks may indicate to what extent the risk assessment procedure may be streamlined or eliminated.

(28) Inspector/Controller:

An accredited and sworn official of the competent service, who is well specialised in disciplines relating to biotechnology/biosafety, and whose duties consist in verifying, assessing, managing and ensuring the follow-up of risks, and control with a view to granting a prior approval and/or authorisation with full knowledge of the facts on notifications and release in the environment of genetically modified organisms and products thereof. He shall, in addition, be responsible for identifying offenders, formulating and/or proposing appropriate sanctions.

(29) Micro-organism:

An organism which can be seen only through a microscope.

(30) Transboundary movement:

Movement of genetically modified organisms or products through national borders.

(31) Containment level:

The level of physical containment offered by a laboratory and which is based on the installation plan, the equipment and the procedures used. Physical containment levels range, according to the classification of the genetically modified organism, from 1 to 4, with level 4 being the highest.

(32) Notifier:

Any natural person or corporate body, or a national biosafety institution which notifies the competent service of the use, and the export/import of genetically modified organisms.

(33) Nuisance:

The ability of an organism to be harmful to human healthy and/or the environment.

(34) Organism:

A biological, microscopic or non-microscopic entity capable of multiplying.

(35) Organism with new trait:

An organism developed by genetic modifications whose genetic structure resulting from the said modifications is not likely to be reproduced naturally.

(36) Genetically modified organism:

An organism whose genetic material has been altered following a process which cannot be replicated naturally through mating and/or natural recombination, and which has the capacity to replicate and to transmit the same genetic material.

(37) Transgenic organism:

An organism whose cells, including germinal cells, contain foreign DNA. The production of transgenic animals is conducted by inserting foreign genes in newly fertilised eggs or embryos.

(38) Living modified organisms:

A living organism which possesses a new combination of genetic material obtained through modern biotechnology.

(39) Parent (wild variety):

Mother cell or organism of a genetically modified organism.

(40) Pathogenic:

Capable of causing disease.

(41) Precautionary principle:

In case of suspicion of serious threat, or of irreversible damage, the absence of scientific proofs should not be a pretext to delay the taking of preventive measures.

(42) Recombination:

Presence or production of descendants having genetic combinations other than those present in parents.

(43) Risk:

Combination of the consequences of danger, if it occurs, and the probability that the consequences will arise.

(44) Raising public awareness:

The fact of educating and informing the public about risks and the safety measures relating to genetically modified organisms.

(45) Gene therapy:

Treatment consisting in replacing the defective gene in an individual or animal suffering from a genetic disease.

(46) Works in a contained milieu:

Genetic modification operation conducted so as to avoid release outside the laboratory of genetically modified organisms.

Physical containment is achieved through the use of special procedures and installations. Biological containment is achieved through the use of special varieties of organisms having new traits which present a low capacity of survival or replication in a non-contained milieu. Transboundary movement includes transit.

(47)User:

Any person, institution or body (including companies), responsible for the development or preparation, production, experimentation, marketing and distribution of organisms presenting new traits.

Within the meaning of this law, any member of the general public who buys and/or uses an organism shall not be a user, unless the said organism is used under specific conditions.

(48) Contained use or use in a contained milieu:

Any operation in which genetically modified organisms are used in some other way in a close system in which physical barriers are employed, either alone or together with physical and/or chemical and/or biological barriers, and which limit contact between the said organisms and the potential receptive environment, including human beings.

(49) Vector:

An agent capable of reproducing itself and used in the transfer of foreign DNA in a host cell.

(50) Virus:

A sub-microscopic infectious particle, comprising genetic material (DNA or RNA) and protein, and which can reproduce only within the cell of an organism (plant, animal or bacterium).

Chapter III

CLASSIFICATION OF SAFETY LEVELS

Article 6:

(1) Biotechnological activities shall be classified under (four) 4 safety levels as follows:

- ***Safety level 1*** - Biotechnological projects that are known to present no risks to the community and the environment.
- ***Safety level 2*** **-** Biotechnological projects that are known to present minor risks to the community and/or the environment.
- ***Safety level 3*** **-** Biotechnological projects that are known to present slight risks to the community and/or the environment.
- ***Safety level 4***

(1) - Biotechnological projects that are known to present risks or high risk probability for the community and/or the environment.

(2) Any authorisation to carry out biotechnological activities must mention the safety level (s) for which the authorisation has been granted.

(3) Specific criteria for defining safety levels shall be fixed by an implementation decree of this law.

Chapter IV

SAFETY MEASURES

Article 7:

(1) Prior to the initial use of any premises for genetic modification activities, general safety measures such as best laboratory, industrial and production practices must be rigorously respected by the user. Measures must also be taken to ensure large-scale sensitisation of the local populations on the hazards related to the use, handling or movement of genetically modified organisms, as well as on the measures to prevent or reduce such risks.

Article 8:

Safety measures shall be set up from levels 1 to 4, as recommended internationally for micro-organisms and in genetic engineering and in conformity with the laws in force, provided that the organisms whose hazard levels have been determined shall be freely handled after notification of the competent authority.

Article 9:

Health and phytosanitary safety measures defined by international institutions must be applied by professionals working on genetically modified organisms, especially those regarding food safety.

Chapter V

IDENTIFICATION OF RISKS AND LIABILITY

Article 10:

Users shall be responsible fore ensuring that appropriate measures have been taken to prevent any negative impact on the environment that may result from the use and handling of genetically modified organisms.

Article 11:

(1) Liability for any damage resulting from the release of genetically modified organisms shall be borne by the implicated user.

(2) When an inspector or controller seizes such an organism as stipulated in section 56 of this law, the user concerned at the time of use or of the release thereof shall not be liable for any damage caused, except where the latter had anticipated or was in a position to foresee and prevent the said damage, and had however failed to take acceptable action to that effect.

Chapter VI

CONFIDENTIALITY

Article 12:

No one shall be authorised to divulge information obtained in the performance of his duties as an inspector/controller or in the implementation of this law and subsequent regulatory instruments, except:

- where such information is necessary for the effective implementation of the provisions of this law or related regulatory instruments;
- for the purpose of legal proceedings within the framework of =this law and subsequent regulatory instruments, where a competent court of law so rules;
- where he is authorised by the competent authority to do so.

PART II

CONTAINED USE OF GENETICALLY MODIFIED ORGANISMS

Chapter I

CONTAINED USE

Article 13:

Any research, development or use of genetically modified organisms or products thereof must first be conducted in a closed system.

Article 14:

(1) To prevent risks to human health and the environment, containment shall be guaranteed by use of physical, chemical and/or biological barriers in laboratories, greenhouses and any other facility specially equipped for containment of plants, animals, insects, fish and other genetically modified micro-organisms.

(2) Containment measures shall be periodically reviewed every two years by the user to incorporate new scientific and technical knowledge on risk management waste treatment and disposal.

Article 15:

Containment modalities shall be fixed on the basis of the knowledge and level of the risks that the genetically modified organisms presents.

Chapter II

QUARANTINE

Article 16:

Genetically modified organisms destined for intentional release in the environment must, prior to such release, be subject to appropriate quarantine measures as fixed by the competent authority, in conjunction with other authorities concerned.

Article 17:

Any genetically modified organism or product thereof which poses risks to human, animal and plant health, as well as to biological diversity and the environment, shall be destroyed under conditions fixed by regulations.

Chapter III

RISK ASSESSMENT

Article 18:

(1) Risk assessment in any activity related to genetically modified organisms should take into account the precautionary principle, and conducted in a suitable manner, to guarantee the safety of humans, animals and plants, as well as to protect biological diversity and the environment.

(2) It should take into account expert opinion and guidelines drawn up by relevant international organisations.

(3) Lack of scientific certainty or agreement by scientists should not be interpreted as reflecting an acceptable risk level.

Article 19:

(1) Risk assessment shall aim to classify risks according to appropriate levels as defined in section 6 of this law. The purpose of the assessment shall be to:

- identify potential risks;
- assess risk probability;
- manage risks;
- analyse the risk's cost-benefit ratio;
- examine the efficacy of sustainable alternatives to the introduction of genetically modified organisms, as well as the precautionary principle.

(2) Risk assessment shall be undertaken on a case-by-case basis. The type and level of details concerning the information required may vary in relation to the living modified organism, its end use and the probable host environment.

(3) Risks associated with living modified organisms or products thereof, that is transformed products from living modified organisms that contain new detectable combinations of genetic material resulting from modern biotechnology, should be considered in the on text of risks associated with non-modified organisms or parent organisms on the probable host environment.

Article 20:

(1) Prior to any intentional release to the environment, contained use, import/export, sale/placement on the market of living modified organisms, genetically modified organisms or products thereof, a strict assessment of risks must be conducted.

(2) It shall include the following parameters:

- specificities of the organisms with novel traits, taking into consideration:
- its biological and reproductive characteristics;
- the biological and reproductive characteristics of the recipient or host organisms;
- the trait transmitted through genetic modification or by the vector;
- marker trait and sequencing;
- the centre of origin, if it is known;
- the availability of domesticated or wild parents in the host environment.
- intended use, that is, the specific application of the contained use, intentional release or placement on the market, as well as the intended scale and any procedures for the management and treatment of wastes;

- the potential recipient environment, taking into consideration on a case-by-case basis, the ecological, socio-economic and ethical consequences, in a scientific manner and on the basis of the precautionary principle, where feasible;
- the potential hazards, knowledge or experiences available on the organism;
- indication as to whether the genetically modified organism released shall be used as human or animal food.

Article 21:

The assessment of risks shall be conducted in accordance with the following principles:

- financial responsibility for risk assessment shall be borne by the applicant for the notification or the notifier,
- information necessary for risk assessment such as reports of previous tests in open environment, the sites of such tests, data, etc. shall be provided by the notifier or the importer/exporter, for transboundary movement of genetically modified organisms or products thereof;
- the minimum criteria for the parameters for risk assessment shall remain those defined in section 6 above, subject to any updates of those parameters on instruction of the minister in charge of the environment, after consulting with other competent ministries.

Article 22:

(1) Requirements in respect of useful information for notification shall include all reports and risk assessment documentation, and shall specify the safety requirements for accidental release and emergency.

(2) It shall be forbidden to move to other countries or to engage in importation and movement activities whose purpose is to relocate or export substances connected with genetically modified organisms likely or able to degrade the environment or cause irreversible change I the ecological balance of biological diversity, or whose hazardous nature to human, animal and plant health is proven.

Chapter IV

RISK MANAGEMENT

Article 23:

It shall be incumbent on the user of any genetically modified organism or product thereof to propose proportionate risk management measures where there are real or potential risks inherent in the release of the organism or movement of its genes when in contained conditions or deliberately released into the environment. In order to guarantee the stability of genomes and traits in the environment, specialists in risk assessment shall be responsible for ensuring that any genetically modified organism or product thereof, imported or locally produced, is monitored in proportion as the case may be, to its life-cycle or reproductive period before it is put to the intended use.

Article 24:

In the case of importation of genetically modified organisms or products thereof, the exporter or promoter shall bear the cost providing the technical and financial support necessary for risk assessment and management so as to enable the competent authority to accomplish such tasks.

Chapter V

APPROVAL AND AUTHORISATION

Article 25:

Any activity in the research, development, production, manipulation and marketing of genetically modified organisms or products thereof in contained conditions, or intended to be released shall be subject to approval by the competent national administration in collaboration with the other services concerned. The procedure for applying for authorisation shall be determined by regulations.

Article 26:

All applications for approval for activities in the research, development, production, manipulation, use and movement of genetically modified organisms and products thereof shall be subject to payment of charges the amounts of which shall be determined by the finance law.

PART III

DELIBERATE AND ACCIDENTAL RELEASE OF GENETICALLY MODIFIED ORGANISMS

Chapter I

NOTIFICATION

Article 27:

(1) The user shall be bound to give written notice to the competent national administration of his intention to import or export genetically modified organisms before undertaking to effect any deliberate release.

(2) The information that must feature on the written notice shall be laid down in the implementing decree of this law.

(3) The applicant shall be held legally responsible for the correctness of the information provided.

Article 28:

(1) In the event of accidental release of genetically modified organisms resulting in an adverse impact on human, animal or plant health or on the biodiversity and the environment, and that could have been prevented in accordance with the criteria laid down by the competent national administration or the BIC, the user, persons or institutions informed of such accidental release shall immediately pass over such information to the competent national administration, indicating the place where the said release occurred, detail information on the actions taken and the authorities notified.

(2) The fact that the competent national administration is informed shall in no way relieve the user of any obligation binding him, by virtue of ordinary law or duty, to give notice to persons likely to be affected.

Article 29:

(1) The competent national administration shall acknowledge receipt, in writing, of the notice to move genetically modified organisms across borders to the notifier or applicant in accordance with the conditions laid down in the instruments in force.

(2) Failure to acknowledge receipt of the notification on the part of the competent national administration shall in no case be interpreted as being an authorisation to effect any transboundary movement whatsoever.

Chapter II

ADVANCE INFORMED AGREEMENT OR PRIOR INFORMED CONSENT

Article 30:

The import or export of all genetically modified organisms shall be subject to the issuance of an advance informed agreement or of a prior informed consent by the competent national administration in collaboration with the other services concerned.

Article 31:

(1) In case of an application for an advance informed agreement or of a prior informed consent by a potential importer/exporter of genetically modified organisms and products thereof, the competent national administration shall be bound to respond within a time-limit of 90 (ninety) days following receipt of the notice by:

- approving, with or without conditions, the importation or exportation, indicating how the decision applies to the subsequent importation/exportation of the same genetically modified organisms;
- prohibiting the importation/exportation;
- requesting additional relevant information, in accordance with the provisions of this law and the statutory instruments deriving therefore;
- informing the applicant that the time-limit for notification indicated in this section has been extended by 60 (sixty) days for the purpose of reaching an informed decision.

(2) The information given for purposes of notification shall be provided as specified under section 27 (2) above.

(3) Where, at the expiry of the 90 (ninety) days time-limit, the advance informed agreement or the prior informed consent has not been expressly given by the competent national administration, the application shall be presumed to have been rejected.

PART IV

SOCIO-ECONOMIC CONCERNS

Article 32:

(1) Prior to any deliberate release of genetically modified organisms into the environment, a thorough study of their ethical and socio-economic impact on the local population must be conducted by the competent authority in collaboration with the government services concerned.

Such a study shall include the effects on:

- the traditional market and export earnings;
- health;
- production systems;
- ethical, moral and social considerations;
- the actual economic value of traditional species likely to be affected by the introduction of the genetically modified organisms.

(2) Funding of the study shall be provided by the user.

Article 33:

Appropriate emergency response strategies must be applied in the event of accidental release and in order to reduce its socio-economic impact by the competent national administration in collaboration with the other services concerned.

PART V

INSPECTION, CONTROL, EDUCATION AND PUBLIC AWARENESS-BUILDING

Article 34:

(1) Within the meaning of this law, inspection and control shall refer to the set of operations designed to ensure safety and verify compliance of activities on genetically modified organisms and products thereof in accordance with the norms and procedures in force.

(2) The duty of inspectors and controllers shall be to check the functioning of establishments responsible for modern biotechnology and to ensure compliance with this law.

(3) The modalities for inspection and controls shall be laid down by regulations.

(4) Expenses arising from the discharge of inspection and control duties shall be borne by the competent national administration.

Article 35:

The competent national administration shall, in collaboration with the other services concerned, foster and facilitate the sensitisation, education and participation of the public with regard to the safe movement, manipulation, and use of genetically modified organisms concerned in relation to the conservation and sustainable management of biodiversity, taking into consideration the risks on human health. It shall require that any person involved in modern biotechnology should sensitise and educate the public on the risks and benefits that such organisms entails.

PART VI

EMERGENCY RESPONSE STRATEGIES

Article 36:

(1) Before introducing any genetically modified organisms or any activity related thereto into an open environment, appropriate measures and emergency response plans shall be put in place to properly manage accidents.

(2) Response strategies and emergency plans shall be implemented by all persons involved in the production, manipulation and marketing of genetically modified organisms, in collaboration with the competent services, in order to properly manage emergency cases

resulting from the deliberate or accidental release of genetically modified organisms and products thereof in their possession.

(3) In the event of a disaster or of imminent danger resulting from the deliberate or accidental release of genetically modified organisms representing a threat to human, animal or plant health, biodiversity and the environment, the competent national administration shall inform the authorities responsible for disaster management and the services involved. The said administration shall also provide advice on the appropriate emergency response strategies.

(4) In situations like the one referred to in sub-section (3) above, the competent national administration may suspend the activity, the importation/exportation of genetically modified organisms concerned, pending an investigation on the causes of the accident.

Article 37:

The user of genetically modified organisms shall be liable for any damage caused by the deliberate or accidental release of such organisms.

PART VII

WASTE AND GAS EMISSIONS TREATMENT

Article 38:

The management of waste resulting from research and development, the manipulation and marketing of genetically modified organisms shall be in compliance with the provisions of the laws in force.

Article 39:

(1) Waste and contaminated effluents containing genetically modified organisms shall be inactivated using approved means before the final discharge. Waste disposal shall be in conformity with the laws in force.

(2) Gas and other toxic emissions originating from facilities which use genetically modified organisms shall be treated before being released into the environment.

PART VIII

OPEN TESTING AND USE OF GENETICALLY MODIFIED ORGANISMS

Article 40:

(1) Any test or application of genetically modified organisms in the open by users must be done in a way as to ensure the safety of the local community and the environment.

(2) The procedure for conducting tests in the open shall be laid down by regulations.

Article 41:

Projects to conduct research on and develop genetically modified organisms in the open must be appraised by the user or promoter of the technology. However, the competent national administration may carry out an independent appraisal if it deems it necessary. This shall apply to all genetically modified organisms such as plants, animals, micro-organisms and viruses, including the reproduction stages where recovery is neither envisaged nor guaranteed.

Article 42:

(1) The competent national administration shall, in collaboration with the other services involved, see to it that the public is sufficiently sensitised and that a sufficient number of public consultations devoted to the use, release and placing on the market of genetically modified organisms and products thereof, are held; the competent national administration shall open a national biosafety register containing all information relating to the use, release and placing on the market of all new modern technology-derived substances.

(2) Any application for the open testing of genetically modified organisms requiring risk assessment shall be subject to a public consultation. The competent national administration shall issue an environmental safety attestation after having taken account of comments made at the public consultation.

PART IX

TRANSPORTATION, IMPORT/EXPORT AND PLACING ON THE MARKET OF GENETICALLY MODIFIED ORGANISMS

Chapter I

TRANSPORTATION OF TRANSGENIC ANIMALS, PLANTS AND MICRO-ORGANISMS

Article 43:

(1) For biotechnological products to be imported or exported, the competent national administration in charge of biosafety in the exporting country concerned shall issue, to whom it may concern,

information attesting the safety of the products concerned.

(2) Genetically modified organisms developed within the national territory and designed for export shall be subject to the same procedure.

Article 44:

(1) Users shall, in accordance with the provisions governing the transportation of transgenic animals, take sufficient measures to:

- prevent the escape of animals, given such possibilities as accidents on the way so that they are not crossed with domesticated indigenous populations;
- be sure that they are well identified and that they reach their destination as intended;
- ensure that the process is supervised by a competent biologist with experience in the management of stock breeding-related problems;
- institute accounting procedures that will ensure that the number of animals shipped remain same at delivery.

(2) Only cages and containers approved by the competent national administration may be used for transportation.

(3) Exporters/importers shall contact the competent national administration for directives related to the purchase of cages approved by airline companies for the transport of specific non pathogenic animals.

Article 45:

During the transportation of transgenic insects and their pathogenic agents, the following measures shall be taken:

- the insects must be put in an unbreakable locking container clearly labelled and hermetically sealed in order to avoid leakages;
- the locking container must be put in another container clearly labelled and properly sealed for transportation;
- the insects shall be transferred from the container to another container immediately they arrive at their destination;
- all the transport equipment shall be decontaminated by autoclave after the transported insects are transferred into new containers;
- accounting procedures shall be set up to ensure that the number of containers and insects exported are the same upon delivery.

Article 46:

(1) Any transgenic material to be transported within and between institutions, shall first be put in a primary container, such as polythene bags for seeds and placed in unbreakable secondary containers.

(2) The outer container shall also be labelled to show that it contains transgenic material. The label shall bear the address of the sender to be contacted in case of loss or damage of the parcel. The labels on the parcels of seeds shall indicate the quantity transported.

(3) Complete transgenic plants shall be covered with nets and devoid of flowers before they are transported. They may be transported in pots, placed in boxes or racks. The plants shall not be transported when they start bearing seeds.

(4) Accounting procedures shall be set up to ensure that the number of plants or containers exported are the same upon delivery.

Article 47:

Micro-organisms shall be transported in accordance with international norms in force and shall not, for any reason, be transported in personal luggage by public or private transport.

Article 48:

(1) Any person or company transporting genetically modified organisms through the national territory in transit to other countries shall inform the competent national administration far in advance, and comply with the national requirements relating to containment and transport, as laid down in this law.

(2) The competent national administration shall grant the prior approval with full knowledge of the facts before the transit is effected.

(3) Moreover, the following safety measures must be respected:

- every importer/exporter of genetically modified organisms transiting through the national territory, shall ensure that the imported/exported genetically modified organisms has been inspected, at his expense, by the competent services;
- All the genetically modified organisms transiting through the national territory shall be granted a period of 60 (sixty) days during which they shall be escorted out of the country.

This period shall be indicated on the documents accompanying the escorted containers, and certified by the competent national administration in collaboration with the other authorities involved at the exit or entry ports.

(4) Transit conditions shall be laid down by regulation.

Chapter IV

LABELLING, PACKAGING AND MARKETING

Article 49:

(1) Any genetically modified organisms or products thereof intended for intentional release or marketing on the national territory shall be packaged and labelled in order to safeguard ethical and cultural values, and to avoid risks to human and animal health. (2) All the genetically modified organisms perfected and marketed on the national territory shall be packaged and labelled by the producer and sender as follows: “Product based on genetically modified organisms”, or “contains genetically modified organisms”, in compliance with other supplementary norms defined by the competent national administration in collaboration with the other authorities involved. The following information shall be specified:

- distinctive marks of the model or specifications of packaging, irrespective of the container, generally used by the manufacturer of packages;
- packaging with marks indicating content, donor and consignor;
- labels with specific colours corresponding to dangerous contents.

(2) Moreover, the consignor shall fill in and sign two copies of a manifest. The said manifest shall attest to the respect, by the sender, of the requirements of the advance informed agreement.

Article 50:

The distributor of genetically modified organisms shall regularly register his commercial activities in accordance with the regulations in force. All importers and commercial agents involved in the distribution of genetically modified organisms and products thereof shall pay expenses whose amounts shall be fixed annually by the finance law.

Article 51:

Recombinant-DNA vaccines and other pharmaceutical products manufactured through genetic modification and marketed on the national territory shall be subjected to the same safety norms provided for in this law.

Article 52:

Recombinant-DNA products and other imported pharmaceutical products shall be quarantined at entry ports until samples which shall be tested by the competent national administration shall prove that the said products are not dangerous, before they are placed on the market. In the absence of any proof of danger, the competent national administration shall, in collaboration with the other services involved, take the responsibility to authorise the release of the products. Consequently, the manufacturer shall set up strategies and ensure the follow-up of the products, in order to fully guarantee their safety to human and animal health as well as to the environment.

Article 53:

The method of work in the field of Recombinant-DNA vaccines and other pharmaceutical products manufactured through genetic modification shall be determined by regulation.

Article 54:

With regard to genetically modified organisms perfected on the basis of genetic resources taken from the national heritage, the provisions of the regulations in force relating to access to genetic resources and sharing of benefits shall be applied *mutatis mutandis.*

Article 55:

Notwithstanding the above provisions, products based on genetically modified organisms intended for human or animal consumption shall be subject to specific norms determined by special instruments.

PART X

REPRESSION AND SETTLEMENT

Chapter I

OFFENCES AND PENALTIES

Section I

OFFENCES

Article 56:

Offenses against this Act or its regulations apply:

- failure to comply with a condition, restriction or direction provided by this Act;
- refusal to provide information or any explanation to an inspector or controller in the discharge of their duties;
- posing as a sworn inspector or controller.

Article 57:

(1) Without prejudice to the prerogatives granted to the prosecution and judicial police officers of general competence, sworn inspectors and controllers of the competent national administration in charge of

biosafety or other services concerned shall be responsible for the investigation, establishment and repression of offences against the provisions of this law.

(2) The officers referred to in 57 (1) above shall be sworn in before competent courts at the request of the authority concerned, in accordance with the conditions laid down by regulation.

(3) In the discharge of their duties, sworn officers shall put on professional identity cards.

Article 58:

(1) (1) Any offence that is established shall be subject to a regular report.

(2) Investigation and establishment of offences shall be carried out by 2 (two) officers who shall co-sign the report. The report shall be valid until the contrary is proven.

Article 59:

(1) Any report on the establishment of an offence shall be transmitted immediately to the competent national administration in charge of biosafety who shall notify the accused. The accused shall, within a period of 20 (twenty) days, with effect from the date of notification, be free to contest the report. Beyond the above mentioned period, no protest shall be accepted.

(2) In case of protest within the time-limit indicated in 59 (1) above, the claim shall be examined by the competent national administration in charge of biosafety.

Where the accused's claim is right, the matter shall be closed.

Where the claim is unfounded and no settlement is carried out, the competent national administration in charge of biosafety shall, in conjunction with the authority in charge of classified establishments, take the matter to court in accordance with the regulations in force.

Section II

PENALTIES

Article 60 :

Whoever is found guilty of violating the safety measures provided for in section 7, 9, 13, 14, 20, 22 and 55 of this law, shall be punished with imprisonment for from 6 (six) months to 2 (two) years or with fine of from 100,000 to 1,000,000 CFA francs or with both such imprisonment and fine.

Article 61:

Whoever violates the approval, authorisation, notification and urgent intervention measures provided for in section 25, 26, 28, 30 and 36 above shall be punished with imprisonment for from 2 (two) to 5 (five) years or with fine of from 1,000,000 to 5,000,000 CFA francs or with both such imprisonment and fine.

Article 62:

Whoever is found guilty of putting genetically modified organisms and products thereof into dangerous use shall be punished with imprisonment for from 5 (five) to 7 (seven) years or with fine of from 5,000,000 to 10,000,000 CFA francs or with both such imprisonment and fine.

Article 63:

Whoever is found guilty of an offence committed in relation to a micro-organism shall be punished with imprisonment for from 7 (seven) to 10 (ten) years or with a fine of from 10,000,000 to 100,000,000 CFA francs or with both such imprisonment and fine.

Article 64:

Any second offender, shall be liable to twice the maximum of the penalties provided for above.

Chapter II

SETTLEMENT

Article 65:

(1) The competent national administration in charge of biosafety shall have full powers to work out a compromise. To this end, the accused must refer the matter to the authority concerned.

(2) The amount of money paid as settlement shall be determined in consultation with the authority in charge of finance. The said amount shall not be less than the minimum amount of the corresponding penal fine.

(3) Under pain of nullity, the settlement procedure shall be carried out before any possible court proceeding.

(4) The method of collecting and allocating the proceeds of the settlement shall be determined by regulation.

PART XI

SUNDRY AND FINAL PROVISIONS

Article 66:

Income from taxes, authorisation fees, seizure expenses, compensations, public auction sales or private negotiations of genetically modified organisms or products thereof seized shall be allotted and shared in accordance with conditions laid down by regulation.

Article 67:

(1) Authorisations or permits for exploration and development, movement or marketing of genetically modified organisms which are still valid, in use and in conformity with the protection of the environment shall remain valid until they expire. The promoters of the said activities shall declare their existence to the competent national administration.

(2) The renewal of such authorisations shall be carried out in accordance with the provisions of this law and the statutory instruments thereof.

(3) Without prejudice to the provisions of paragraph 67(1) above, holders of authorisations granted before the promulgation of this law, shall comply with the safety measures provides for in this law.

Article 68:

All previous provisions repugnant hereto are hereby repealed.

Article 69:

This law shall be registered, published according to the procedure of urgency and inserted in the official gazette in English and in French.

Yaounde, April 21, 2003

Paul Biya
The President of the Republic,

I.12

LAW NO. 2004-18 OF 22 JULY 2004 TO LAY DOWN RULES APPLICABLE TO COUNCILS

LAW NO. 2004-18 OF 22 JULY 2004 TO LAY DOWN RULES APPLICABLE TO COUNCILS

The National Assembly deliberated and adopted, the President of,
The Republic enacts the law set out below:

PART I

GENERAL PROVISIONS

Article 1:

This law lays down the rules applicable to councils, in accordance with the provisions of the law on the orientation of decentralization.

Article 2:

(1) The council shall be a basic decentralized local authority.

(2) The council shall be set up by decree of the President of the Republic.

(3) A decree to set up a council shall determine its name, its area of jurisdiction and its chief town.

(4) A change of name, chief town or of the boundaries of a council may be effected by decree of the President of the Republic.

Article 3:

(1) Councils shall have a general mission of promoting local development and improving the living conditions of their inhabitants.

(2) Councils may, to supplement their own resources, request assistance from the population, civil society organizations, other regional and focal authorities, the State and internationa1 partners. in accordance with the laws and regulations in force.

(3) Recourse to the forms of assistanc1 referred to in the preceding Subsection shall be decided after deliberations by the council concerned and shall, as and when necessary take into account the relevant draft agreement.

Article 4:

(1) The President of the Republic may, by decree, temporarily group a numbe1 of councils together, on the proposal of the Minister in charge of regional and local authorities..

(2) A temporary grouping of councils may be consequent upon:

- the adoption of identical draft agreement: by each council concerned. Such draft
- agreement shall enter into force in accordance with the procedure stipulated in
- the preceding Subsection;
- a grouping plan drawn up by the Minister in charge of regional and local authorities. In
- this case, the draft agreement may, as and when necessary, be submitted for ratification
- to the council concerned.

(3) The decree to institute the temporary, grouping of councils shall lay clown the conditions of the reformation.

Article 5:

(1) Property belonging to a council that is attached to another or to part of a council that has been raised to the status of an autonomous council shall become the property of the council of attachment or of the new council.

(2) The decree to attach or split up councils shall define all other conditions, including the devolution of property.

Article 6:

The decree of the President of the Republic to attach or split councils shall be issued upon the recommendation of a committee appointed by · order of the representative of the State to examine issues on the sharing of assets and liabilities between the State and the council of attachment or part of a council involved. The committee shall consist of representatives of deliberative organs of the councils concerned.

Article 7:

Where councils are grouped, councils and executives of the councils concerned shall remain in office until the expiry of their term.

Article 8:

Certain urban centres, because of their special nature, may be granted a special status, in accordance with the provisions of this law.

PART II

MANAGEMENT AND USE OF PRIVATE PROPERTY OF THE STATE, PUBLIC PROPERTY AND NATIONAL LAND

Chapter I

PRIVATE STATE LAND

Article 9:

(1) The State may transfer to councils all or part of its movable or immovable private property, or enter into agreement with the said councils on the use of such property.

(2) The transfer by the State of movable and immovable property provided for in the preceding subsection, may be effected, either on the initiative of such councils or of the State.

Article 10:

In accordance with the provisions of Section 12 of this law, the State may either facilitate the freehold by councils to all or part of the State's movable and immovable private property, or simply grant these regional and local authorities user rights over some of its movable and immovable property.

Chapter II

MANAGEMENT AND USE OF PUBLIC COAST-LANDS AND WATERWAYS

Article 11:

(1) The council shall be bound to seek the authorization of the regional council after deliberation for local projects initiated on public coast-lands and waterways.

(2) The deliberation referred to in the preceding subsection shall be subject to approval by the representative of the State.

Article 12:

(1)In zones falling under public coast-lands and waterways for which special development plans have been approved by the State, management powers shall be delegated by the latter to the councils concerned, for areas thereof which have been devolved upon them in the above mentioned plans.

(2) The royalties accruing there-from shall be paid to the counci1s concerned.

(3) Management instruments issued by the mayor shall be submitted for approval by the representative of the State and then forwarded to the council for information.

Chapter III

NATIONAL LAND

Article 13:

(1) Projects or operations initiated by a council shall be executed in accordance with the land tenure laws and regulations in force.

(2) For the projects or operations which it initiates on national land, the State shall take a decision after consultation with the council concerned, except where national defence or public policy requirements dictate otherwise.

(3) The decision referred to in the. Preceding subsection shall be forwarded, for information, to the council concerned.

Article 14:

Lands considered as national land may, as and when necessary, be registered in the name of the council, especially to serve as a basis for public utility projects.

PART III

POWERS DEVOLVED UPON COUNCILS

Chapter I

ECONOMIC DEVELOPMENT

Section I

ECONOMIC ACTION

Article 15:

The following powers shall be devolved upon councils:

- development of local agricultural, pastoral, handicraft and fish farming activities;
- development of local tourist attractions;
- building, equipment, management and maintenance of markets, bus stations and slaughter-houses;
- organization of local trade fairs;
- provision of support to income and job generating micro-projects.

Section II

ENVIRONMENTAL AND NATURAL RESOURCE MANAGEMENT

Article 16:

The following powers shall be devolved upon councils:

- drinking water supply;
- cleaning up of council streets, roads and public parks;
- monitoring and control of the management of industrial waste;
- reforestation and creation of council forests;
- combating insanitation, pollution and nuisances:
- protection of underground and surface water resources;
- preparation of council environmental action plans;
- creation maintenance and management of council lawns, parks and gardens;
- local management of household waste.

Section III

PLANNING, RURAL DEVELOPMENT, URBAN DEVELOPMENT AND HOUSING

Article 17:

The following powers shall be devolved upon councils:

- developing and managing public urban parks;
- drawing up and executing council investment plans;
- awarding, in association with the State or the region, contract-plans for the achievement of development objectives;
- preparing land tenure plans, town planning documents and concerted development. Urban rehabilitation and land .consolidation plans;
- organizing and managing public urban transport;
- carrying out land development operations;
- issuing town planning certificates, authorizations to subdivide real estate, authorizations to settle, building and demolition permits;
- building and maintaining council roads and conducting similar activities;
- developing and servicing housing estates;
- lighting public highways;
- addressing and naming streets, public squares and edifices;
- constructing and maintaining unclassified rural roads and ferry-boats;
- setting up industrial zones;
- contributing to the electrification of areas inhabited by the poor;
- granting authorizations for temporary settlement and other works.

Article 18:

The council shall give its opinion on regional development plans before their approval, under conditions laid clown by regulation.

Chapter II

HEALTH AND SOCIAL DEVELOPMENT

Single section

HEALTH OF THE POPULATION AND SOCIAL ACTION

Article 19:

The following powers shall be devolved upon councils:

a) Health and population:

- civil status registration;
- setting up equipping managing and maintaining council health centres in keeping with the health map;

– assisting health and social centres; ensuring sanitary inspection 1n establishments that manufacture, package, store and distribute food products as well as in plants that treat solid and liquid waste produced by individuals or enterprise.

b) Social welfare:

– participating in the upkeep and management, where necessary, of social advancement and reintegration centres;
– constructing, maintaining and managing public cemeteries;
– organizing and coordinating relief operations for needy persons.

Chapter III

EDUCATIONAL, SPORTS AND CULTURAL DEVELOPMENT

Section unique

EDUCATION, LITERACY EDUCATION AND VOCATIONAL TRAINING

Article 20:

The following powers shall be devolved upon councils:

a) Education:

– in keeping with the school map, setting up, managing, equipping, tending and maintaining council nursery and primary schools and pre-school establishments;
– recruiting and managing back-up staff for the schools;
– participating in the procurement of school Supplies and equipment;
– participating in the management and administration of State high schools and colleges in the region through dialogue and consultation structures.

b) Literacy education:

– executing plans to eradicate illiteracy, in conjunction with the regional administration;
– participating in the setting up and management of educational infrastructure and equipment.

c) Technical and vocational training:

– preparing a local forward-looking plan for training and retraining;
– drawing up a council plan for vocational integration and reintegration;
– participating in the setting up, maintenance and management of training centres.

Section II

YOUTH, SPORTS AND LEISURE

Article 21:

The following powers shall be devolved upon councils:

– promoting and coordinating sports and youth activities;
– supporting sports associations;

- constructing and managing municipal stadia, sports centres and courses, swimming pools, playgrounds and arenas;
- identifying and participating in the equipment of sports associations:
- participating in the organization of competitions.

Section III

CULTURE AND DEVELOPMENT OF NATIONAL LANGUAGES

Article 22:

The following powers shall be devolved upon councils:

a) Culture:

- organizing cultural weeks, traditional cultural events and literary and artistic competitions at the local leve1;
- setting up at the local Level, orchestras, traditional opera ensembles, ballet groups and theatre troops;
- setting up and managing socio-cultural centres and public Libraries;
- providing support to cultural associations.

b) Development of national languages:

- participating in regional programmes for the development of national languages;
- participating in the setting up and maintenance of infrastructure and equipment.

PART IV

COUNCIL ORGANS

Article 23:

Councils shall have the following organs:

- the Council;
- the Council Executive.

Chapter I

COUNCIL

Section I

COMPOSITION

Article 24:

The council shall comprise elected councillors in accordance with the terms and conditions laid clown by the law.

Article 25:

(1) The number of councillors shall be fixed as follows:

- less than 50,000 (fifty thousand) inhabitants: 25 (twenty- five councillors);
- from 50,000 (fifty thousand) to 100,000 (one hundred thousand) inhabitants: 31 (thirty-one) councillors;
- from 100,001 (one hundred thousand and one) to 200,000 (two hundred thousand) inhabitants: ;35 (thirty-five) councillors;
- from 200,001 (two hundred thousand and one) to 300,000 (three hundred thousand) inhabitants: 41 (forty-one) councillors;
- over: 300,000 (three hundred thousand) inhabitants: 61 (sixty-one) councillors;

(2) The official population census immediately preceding the municipal elections shall serve as the basis for determining the number of councillors per council area, pursuant to the provisions of the statutory instruments.

Section II

DUTIES

Article 26:

(1) The council shall be the deliberative organ of the council area.

(2) It shall settle council matters by deliberation.

Article 27:

The council shall decide on matters under the law on the orientation of decentralization as well as those under this law.

Article 28:

(1) The council may delegate the exercise of part of its duties to the mayor, save for those mentioned in Section 41(1) below.

(2) The decision to delegate duties shall be specified in a resolution setting out the extent of the duties so delegated.

(3) At the expiry of the delegation, the council shall be informed thereof.

Section III

FUNCTIONING

Article 29:

(1) The council shall hold its meetings in the council hall or in the building used as council premises. However, the mayor may, exceptionally, convene the council in any other appropriate venue situated within the council area, where circumstances so warrant. In such case. he shall inform the representative of the State and the councillors no less than 7 (seven) days before the date of the meeting.

(2) The council shall be chaired by the mayor or, where he is unavoidably absent, by a deputy mayor in order of precedence.

Article 30:

(1) The council shall meet in ordinary session once every quarter, for a period not exceeding 7 (seven) days.

(2) During ordinary sessions, the council may deliberate only on matters falling within its ambit.

Article 31:

(1) The mayor may convene an extraordinary session of the council whenever he deems it appropriate. He shall also be bound to convene such a session when a reasoned request is made by two-thirds of the current members of the council.

(2) The representative of the State may request the mayor to convene an extraordinary session of the council.

(3) Convening notices shall be signed by the mayor and shall include a specific agenda. The council shall not examine any other business outside the agenda.

(4) Where the mayor fails to perform the duties set out in subsections (1) (2) and (3) above, after due notification, the representative of the state may sign the necessary convening notices for the holding of the council meeting.

Article 32:

The convening of the council shall be in writing addressed to the municipal councillors, entered in the record of proceedings posted at the town hall or council office, within 15 (fifteen) clear days before the meeting. In case of emergency, this period shall be reduced to 3 (three) days.

Article 33:

(1) The council may validly conduct business only where 2/3 (two thirds) of its members are present.

(2) Where the quorum is not met a 2 session has been duly convened, any decision taken after the convening of a second session. within a three-day interval shall be enforceable if half of the councillors are present.

(3) Where the country is under general mobilization, the council shall validly conduct business at the first meeting where the majority of its non-mobilized members are in attendance.

Article 34:

(1) Decisions shall be taken by a simple majority of votes.

(2) A councillor who is unable to attend a meeting may give a legalized proxy to a peer of his choice to vote on his behalf. A councillor may hold only one proxy. Except in the case of duly ascertained illness, a proxy may not be used during more than 2 (two) consecutive sessions.

(3) Voting shall be by open ballot. In case of a tie, the chairman shall have the casting vote.

The full names of voters and their ballots shall be included in the minutes.

(4) Notwithstanding subsection (3) above, voting by secret ballot shall apply at the behest of I/3 (one-third) of the councillors present or in case of nomination or representation. In the latter case, and after two rounds of balloting, where no candidate scores an absolute majority, a third round shall be held and the election shall be won by a relative majority. In case of a tie, the eldest candidate shall be declared winner.

Article 35:

(1) During sessions to examine the administrative account of the mayor, the council shall elect a protem chairman. In this case, the mayor may attend the proceedings but shall be bound to retire in case of elections,

(2) The protem chairman shall directly forward the decision by way of a report to the representative of the State.

Article 36:

(1) At the beginning of and throughout each session, the council shall appoint one or more members to assist the secretary general throughout the meeting in his secretarial duties.

(2) The secretary general may also requisition support staff from the council personnel. Such support staff shall attend the proceedings without voting rights.

(3) The representative of the State or his duly authorized representative shall attend sessions ex officio. He shall take the floor as and when necessary but may not vote or chair the council. His statements shall be recorded in the minutes.

(4) The council may, if it so deems necessary, seek the authorization of the representative of the State to consult, in session, civil servants or State employees. It may also consult any other persons on account of their expertise, following the same procedure.

Article 37:

(1) Sessions of the council shall be open. However, a t the request of the mayor or 1/3 (one-third) of its members, the council may conduct business in camera.

(2) The council shall meet in camera as of right where it is required to give its opinion on the following specific and general matters:

On the following specific and general matters:

- school grants;
- free medical care;
- assistance to elderly persons, families, poor persons and disaster victims; .
- consideration of matters outlined in.

Article 38:

(1)The protem chairman shall steer the meeting.

(2) The conditions for the implementation of the preceding Subsection shall be defined in the rules of procedure.

Article 39:

Any contempt or insult to the mayor or protem chairman during the discharge of their duties shall be punishable under the Penal Code.

Article 40:

(1) Extracts of proceedings of the session shall be posted at the town hall or council office within 8 (eight) days.

(2) The mayor shall approve the posting of the proceedings and such approval shall be recorded in the record of proceedings.

(3) Proceedings shall be recorded chronologically in a register numbered and signed by the representative of the State. They shall be signed by all councillors in attendance. Where some councillors abstain from signing. the records shall state the reasons therefore.

Article 41:

(1)The council may, during the first annual session, set up committees to study matters falling within its powers. Each committee shall have a chairperson and secretary.

(2) Committees may meet during and in between sessions. Membership of the committees shall be honorary. However, any cost incurred for their running shall be borne by the council budget.

(3) Committees shall be convened by the chairperson within 8 (eight) days of their establishment.

During the first meeting, each committee shall designate a vice-chairperson who shall deputize if the chairperson is duly and unavoidably absent. Thereafter, they may be convened within a shorter time-frame at the request of the majority of their members.

(4) The chairperson invite any person on account of his expertise to attend committee meetings in an advisory capacity. Such attendance may be remunerated by decision of the council.

Article 42:

(1) The council may, at the request of the majority if its members, invite any person To attend proceedings on account of his expertise.

(2) Persons invited to attend proceedings in an advisory capacity may be remunerated in keeping with Section 41 (4) above.

Article 43:

Councils may allocate allowances or special benefits to civil servants or State employees assigned to perform secondary activities in councils in accordance with the law on the orientation of decentralization.

Article 44:

Decisions by the council to grant council personnel wages and incidentals otherwise intended for personnel referred to in the preceding Section, for the purpose of granting to the said personnel a status better than that provided for by the regulations in force, shall be deemed illegal.

Article 45:

The provisions of the preceding Section shall be applicable to decisions taken by state-controlled bodies running a public utility under council supervision for their personnel.

Section IV

SUSPENSION, DISSOLUTION, TERMINATION OF DUTIES AND REPLACEMENT OF THE COUNCIL

Article 46:

(1) The council may be suspended by reasoned order of the minister in charge of regional and local authorities where it:

a) acts unconstitutionally;

b) undermines the security of the State or public law and order;

c) threatens the country's territorial integrity;

d) cannot sustainably perform its normal duties.

(2) Suspension provided for under the preceding subsection may not exceed two months.

Article 47:

a) The President of the republic may dissolve the council by decree under the following circumstances a) in any of the cases referred to in Section 46(1);

b) where there is a persistent breakdown or inability to restore normalcy after the period set out in Section 46(2).

Article 48:

Any member of the council duly convened who, without just cause, bas failed to attend three successive sessions may, after a request by the mayor to furnish explanations, be deemed upon the recommendation of the council to have resigned by the minister in charge of regional and local authorities.

(1) above may not run for the council by or general council election immediately following such resignation.

(2) The decision, which shall be notified to the member concerned and to the representative of the State, may be appealed before a competent court.

(3) The councillor deemed to have resigned in accordance with the provisions of subsection

Article 49:

(1) Employers shall be bound to allow their employees who are councillors the necessary time to attend plenary sessions of the council or of its committees.

(2) Suspension from duty as provided in the preceding subsection shall not give rise to the termination of an employment contract by an employer under pain of damages and compensation paid to the employee.

Article 50:

(1) Any member of the council who, without good grounds, fails to perform his duties defined under the rules and regulation in force, may, upon the recommendation of the Council, be deemed to have resigned by the minister in charge of regional and local authorities.

(2) Failure to perform the duties referred to in the preceding subsection shall be ascertained either by a written notification addressed to the competent authority or made public by such member or persistent abstention after warning by the minister in charge of regional and local authorities.

(3) The ensuing decision may be appealed before a competent court.

Article 51:

Resignations shall be sent by registered mail to the mayor with a copy to the representative of the State. Resignation shall be considered definitive with effect from the date of acknowledgement of receipt by the mayor or, failing that, within a maximum period of one month from the date of forwarding of a new resignation by registered mail.

Article 52:

(1) ln time of war, the President of the Republic may, by decree, suspend the activities of the council for the purpose of maintaining law and order or safeguarding the general interest until the end of hostilities.

(2) The same decree shall appoint an ad hoc body empowered to take decisions on behalf of the council. It shall define the composition of the body, and appoint its chairman and his vice.

Article 53:

(1) ln case of dissolution of the council or resignation of ail its current members and where a new council cannot be established, a special body shall perform its duties.

(2) Within 8 (eight) days following the dissolution or acceptance of the resignation, such special body shall be appointed by order of the of the minister in charge of regional and local authorities who shall I appoint the chairman and his vice.

(3) The special body shall comprise 3 (three) members in councils with a population of no more than 50,000 inhabitants. The number may be increased to 7 (seven) in councils with a higher population.

Article 54:

(1) The special body shall perform the duties of the council.

(2) However, it shall not:

- transfer or exchange council property;
- increase budget provision;
- set up public services;
- vote loans ;

Article 55:

(1) Where council elections are postponed on account of mobilization. The special delegation shall be empowered to take the same decisions as the council.

(2) In case of dissolution of the council, or where, in pursuance of the provisions of Section 5:3(2) above, a special body is appointed, council re-elections shall be held within 6 (six) months as from the date of dissolution or of the last resignation.

(3) The time frame referred ta 1n the preceding subsection may be extended by decree of the President of the Republic for a period of 6 (six) months, renewable not more than :3 (three) times.

Article 56:

The reconstitution of the council shall automatically terminate the duties of the special body.

Article 57:

(1) Pursuant to Section 53 above, the chairman shall perform the duties of mayor and the vice-chairman those of deputy mayor.

(2) Their powers shall be terminated in accordance with the provisions of Section 56 above.

Chapter II

COUNCIL EXECUTIVE

Section I

REGULATIONS GOVERNING THE MAYOR, AND DEPUTY MAYOR

Article 58:

(1) The mayor and his deputies shall be the executive organ of the council.

(2)The mayor shall be the head of the council executive. He shall be assisted by deputy mayors in order of their election.

(3) The mayor and deputy mayors shall reside within the council area.

(4) Depending on the number of councillors, the number of deputy mayors shall be determined as follows:

- Town with twenty five to thirty-one councillors: two deputies;
- Town with thirty-five to forty-one councillors: four deputies;
- Town with sixty-one councillors: six deputies.

Article 59:

(1) Where any obstacle or remoteness makes it difficult hazardous or momentarily impossible to communicate between the chief town and a part of the council, the position of special deputy mayor may be instituted in the council by decision of the council which shall state the reasons therefore.

(2) The special deputy provided for in the preceding subsection shall be elected from among the councillors resident in that part of the council. The special assistant:

- shall act as civil status registrar;
- may enforce policing laws and regulations in that part of the council area.

(3) The duties of special deputy mayor shall cease as soon as the situation returns to normal. A decision-of the council shall establish such cessation.

(4) The decision referred to in subsection (1) above shall be subject to prior approval by the representative of the State.

Article 60:

(1) The representative of the State shall convene the first session of the council on the second Tuesday following the date of proclamation of results of the council elections. The said session shall be devoted to the election of the mayor and deputy mayors. The distribution of positions of deputy mayors shall, as much as possible, reflect the configuration of the council .

(2) The mayor shall be elected by majority vote under the double ballot single-candidate system. The election shall be won in case of absolute majority of the votes cast during the first ballot. Where an absolute majority is not obtained after the first ballot, a second ballot shall be conducted. The candidate who obtains a relative majority of the votes shall then be declared elected. In case of a tie, the eldest candidate shall be the winner of the election.

(3) After the election of the mayor, the deputy mayors shall be elected by proportional representation under the list system following the principle of the highest average. Only ballot papers bearing a number of names corresponding to the number of candidates to be elected shall be valid.

(4) The elections referred to in subsections (2) and (3) above shall be by secret ballot.

Article 61:

The council session devoted to the election of the mayor shall be chaired by the eldest member who shall be assisted by the youngest member.

Article 62:

The chairman of the said council session shall publish the list of elected candidates within a period not exceeding 24 (twenty-four) hours following the proclamation of results by posting it at the town hall or at the council office. The said list shall, within the same time frame, be forwarded to the representative of the State.

Article 63:

The mayor and deputy mayors shall be elected for a term of office corresponding to that of the council.

Article 64:

(1) The election of the mayor and deputy mayors may be subject to an appeal for cancellation, in keeping with the laws in force governing the cancellation of elections of councillors.

(2) In case of cancellation of the election or where for any other reason, the mayor or deputy mayors cease to discharge their duties, the council shall be convened to replace them within a maximum period of one month.

Article 65:

The office of mayor shall be incompatible with that of:

- member of government or persons ranking as such;
- member of parliament and senator;
- administrative authority
- ambassador or official of a diplomatic mission
- president of a law court or tribunal
- general manager or manager of a public establishment or public corporation;
- secretary-general of a ministry or persons ranking as such:
- director in the central administration;
- president of regional council;
- law enforcement officer;
- staff of the council concerned;
- finance official having to handle the finances or accounts of the council concerned.

Article 66:

(1) The mayor, deputy mayor, councillor, chairman and member of the special body shall be entitled to a session allowance or to reimbursement of expenses incurred in the discharge of the duties assigned to them.

(2) The allowance referred to in the preceding subsection shall be fixed by decision of the council and following modalities determined by order of the minister in charge of regional and local authorities.

Article 67:

(1) Mayors and their deputies shall be entitled to a remuneration, duty and entertainment allowances the amounts of which shall be fixed following a scale determined by statutory instruments.

(2) A deliberation of the council concerned, approved by the Minister in charge of regional and local authorities shall determine, for each council, the amounts of the remuneration and allowances referred to in subsection 1 above.

(4) In case of dissolution of the council, the said allowances shall be paid to the chairman and vice-chairman of the special body, in the same proportions and under the same conditions as for the mayor and deputy mayor.

Article 68:

(1) Payment of damages as a result of an accident in the performance of duty of mayor, deputy mayor, chairperson and vice- chairperson of the special body shall be borne by the council.

(2) Councillors and members of the special body shall be entitled to the protection provided for in the preceding subsection, in the discharge of a special duty.

Article 69:

Mayors, deputy mayors chairperson and vice-chairman of special bodies shall be protected in accordance with the criminal and special laws in force against threats, contempt, violence, insults or defamation to which they may be subject in the discharge of their duties.

Article 70:

(1) In the event of death, resignation or dismissal of a mayor or a deputy mayor, the council shall be convened to elect a new mayor or deputy mayor, within 60 (sixty) days following such death, resignation or dismissal.

(2) The council shall designate a deputy mayor, according to the order of precedence or failing that, one of the 5 (five) eldest councillors, to act during the interim period provided for in Subsection (1) above.

(3) In case of vacancy of the position of deputy mayor, the deputy mayors in active service shall have a pre-emptive right over the replacement candidates, according to the order of precedence established during the previous election.

Section II

DUTIES OF THE MAYOR

Article 71:

(1) The mayor shall represent the council in all civil matters and before the law courts. To that end, the mayor, under the supervision of the council, shall be responsible for:

- preserving, maintaining and administering council property and assets and safeguarding them;
- managing council revenue and supervising council services and accounts;
- issuing building or demolition permits and land tenure authorizations;
- preparing and submitting the budget, authorizing expenditure, and prescribing revenue collection;
- directing council projects:
- ensuring the implementation of development programmes financed by the council or carried out in conjunction with the council;
- taking measures concerning the municipal road network;
- inviting tenders, concluding leases and awarding contracts for council works, in accordance with the regulations in force;
- executing, according to the same rules, deeds for the sale, exchange, sharing,
- acceptance of donations or legacies, for acquisition, transaction where such deed have been authorized by the council;
- taking, in the absence of owners or holders of hunting permits notified before hand, all measures necessary for the destruction of animals declared harmful, in accordance with the laws and regulations in force, and, ultimately, requisitioning residents with the appropriate weapons and dogs for hunting such animals, to monitor and ensure implementation of such measures and to draw up a report thereon;
- ensuring environmental protection and, accordingly, taking measures to prevent or eliminate pollution and nuisances, protecting public parks and helping to embellish the council;
- filling council vacancies and, in general, implementing the decisions of the council.

(2) The mayor shall be the authorizing officer for the council budget.

Article 72:

(1) The mayor may, under his supervision, delegate by order part of his duties to his deputies and, where the latter are absent or unavailable, to council members.

(2) The delegation of duties referred to in the preceding subsection shall remain effective until revoked. However, the said delegation shall cease, without having been expressly revoked, in the event of the mayor1s death, suspension, dismissal or declared resignation.

Article 73:

Where the mayor's personal interests conflict with those of the council. the council shall designate another council member to represent the council, in particular, before the law courts or in any contractual transaction.

Article 74:

(1) The mayor shall recruit, suspend or dismiss workers governed by labour laws and collective agreements.

(2) The mayor shall assign and manage staff placed under his authority.

Article 75:

(1) A model list of council jobs taking into account the size of the various councils shall be enforceable by order of the minister in charge of regional and local authorities.

(2) The amount and method of remuneration of council staff as well as any allowances to which they may entitled shall be determined by regulation.

Article 76:

Under the authority of the representative of the State, the mayor shall be responsible in his council for:

- the publication and enforcement of laws, regulations and measures of a general character;
- implementing general security measures.

Article 77:

The mayor and deputy mayors shall be civil status registrars. In this capacity, they shall be bound to take an oath before the competent court.

Article 78:

(1) During official ceremonies and solemn occasions, the mayor and deputy mayors shall in the exercise of their duties, wear sashes in national colours, with a gold fringed tassel for the mayor and silver fringed tassels for deputy mayors.

(2) During the official ceremonies and occasions referred to in subsection municipal councillors shall wear insignia the characteristics of which shall be determined by statutory instruments;

(3) Provision shall be made in the budget of the council concerned for the acquisition of the sashes and insignia referred to in subsections 1 and 2 above.

Article 79 :

The council executive: shall give its approval when required by the representative of the State or in accordance with the laws and regulations in force. It shall, in particular, be responsible for:

- drawing up the agenda for council sessions;
- implementing development activities and mass participation activities in particular;
- controlling the co1lection of council taxes, duties and levies; and shall propose, where
- necessary, measures to improve the collection of such taxes, duties and levies;
- following up the execution of counci1 projects.

Article 80:

(1) The Council Executive shall be assisted by a Secretary General.

(2) The secretary general shall be the main coordinator of council administrative services. Ta this end, he shall have the delegation of signature for the smooth accomplishment of his duties.

(3).The minister in charge of regional and local authorities shall, by order, appoint and dismiss secretaries general of councils.

(4) The secretary general shall attend meetings of the council executive and shall provide secretarial services therefore.

Article 81:

(1) The minister in charge of regional and local authorities shall, on the proposal of the representative of the State and after the approval of the mayor, set up special civil status registries by order within some councils. Such registries shall be attached to the main civil status registry at the council.

(2) In the case provided for in subsection (1) above, the duties of civil status registrar shall be exercised by persons appointed by the minister in charge of regional and local authorities upon the recommendation of the representative of the State.

(3) Copies of the orders setting up specia1 civil status registries and those appointing the civil status registrars shall be forwarded to the president and the state counsel of the competent court in whose area of jurisdiction the council concerned is located.

(4) The duty of civil status registrar in main registries shall be honorary. ln special registries, civil status registrars shall be entitled to an allowance the conditions of payment and amounts of which shall be fixed by order of the minister in charge of regional and local authorities.

Article 82:

(1) The mayor or deputy mayor shall legalize any signature signed in his presence by any of his known subjects or one that is accompanied by two known witnesses. He shall, at the request of the signatory, legalize any signature that is similar to the model left by the signatory in a special register kept in the council.

(2) Finger prints cannot be legalized. However, the mayor or deputy mayor can certify that they were made before them.

(3) The signatures given by councillors in the discharge of their duties shall be valid in ail circumstances without having to be legalized so long as they have the council stamp affixed thereon.

Article 83:

(1) The mayor or acting deputy mayor shall urgently ensure that any deceased person is dressed and buried decently without any discrimination based on ethnic, racial, political, philosophical or religious grounds.

(2) Where the mayor fails to carry out his duty, the representative of the State shall take the necessary measures to provide the services referred to in the preceding subsection.

Article 84:

(1) The mayor shall, by order:

- take local measures concerning objects left under his care and authority by the laws in force;
- ensure the implementation of laws and regulations to maintain order.

(2) He shall ensure the respect of measures to maintain law and order taken by him.

Article 85:

(1) All instruments issued by the mayor or the council shall be immediately forwarded to the representative of the State who shall control them in accordance with the law on the orientation of decentralization.

(2) Such instruments shall become enforceable in accordance with the provisions of the law referred to in subsection (1) above and shall be registered on the date of issuance in a special register kept in the council.

Article 86:

(1) Under the control of the representative of the State, the mayor shall be responsible for the municipal police and for the implementation of State instruments relating thereto.

(2) The creation of a council police service shall be authorized by decision of the council which shall define its duties, logistics and functioning

(3) The decision referred to in subsection (2) above shall be submitted for prior approval by the minister in charge of regional and local authorities.

Article 87:

(1) Subject to the provisions of Section 92 below, the purpose of the council police shall be to ensure public order, safety, peace, security and sanitation.

(2) Its duties shall include:

a) safe and convenient passage in public streets, wharfs, places and ways, that is, the cleaning, lighting, removal of obstructions, demolition or renovation of buildings falling in ruins, forbidding people from placing any objects on windows or on any part of the building that may cause damage or produce harmful exhalations;

b) the means of transportation of deceased persons, interment and exhumation, the maintenance of order and decency in graveyards without any body being authorized to make distinctions or write special prescriptions stating the circumstances of the death;

c) the inspection of apparatuses and/or instruments used in weighing or measuring foodstuffs and the sanitation of edible foodstuffs exposed for sale;

d) prevention through convenient precautions and intervention through the provision of the required assistance in case of accidents or disasters such as fires, floods or any other natural accidents, epidemic or contagions diseases, epizooties, the implementation of emergency measures as concerns security, assistance and aid, and if need be call for the intervention of the representative of the State to whom an account of the measures taken shall be given;

e) measures taken concerning the insane who may compromise public morality, the security of persons or the conservation of property;

f) intervention to prevent or remedy some unfortunate events that may be ca used by stray animals;

g) the demolition of buildings without building permits.

Article 88:

The duties assigned to the mayor in case of the serious or imminent danger referred to in Section 87 above shall not obstruct the powers of the representative of the State to take any safety and security measures required by the circumstances within the administrative area of the council.

Article 89:

(1) The mayor shall exercise policing powers on road traffic within his council area.

(2) In return for the payment of levies fixed by the council, he may grant parking permits or authorizations for the temporary use of public roads, rivers, river ports and quays and other public places under the jurisdiction of the council on condition that such usage does not hinder traffic on the public road or waterway.

(3) The mayor shall grant temporary and revocable permits for the use of public roads in accordance with the laws and regulations in force. Such permits shall notably have as objective the installation in the ground or on the public road of networks for the supply of water, electricity or telephone services.

Article 90:

The mayor may instruct beneficiaries of property or farmers or any other owners or users of property to build good fences round their wells and excavations that constitute a danger to public security as well as insalubrious lands that are dangerous to public health.

Article 91:

(1) The powers vested in the mayor under Sections 86 to 90 above shall not bar the power of the representative of the State to take all measures relating to public order, security, sanitation, safety and peace for all the councils of a district or for one or more of them in cases where council authorities fail to act.

(2) The powers referred to in the preceding subsection may be used by the representative of the State in a council only after a warning unheeded to by the mayor where the council concerned has a police service.

Article 92:

(1) Where there is no council police service, the mayor may set up a sanitation service which will be responsible for sanitary inspection in the council area.

(2) The official in charge of the service provided for in subsection (1) above shall take oath before the competent court.

Article 93:

Concerning the council police, the council may express its wishes and opinion but shall not in any case give orders to the mayor.

Section III

SUSPENSION, TERMINATION OF DUTIES AND REPLACEMENT OF THE COUNCIL EXECUTIVE

Article 94:

(1) In case of infringement of the laws and regulations in force or of serious misconduct, mayors and deputy mayors may be suspended by order of the minister in charge of regional and local authorities for a maximum period of three months after hearing them or requesting them to furnish written explanations on the acts for which they are accused. After such period they shall either be rehabilitated or dismissed.

(2) The dismissal refereed to in the preceding subsection shall be by decree of the President of the Republic.

(3) The suspension orders and dismissal decrees shall give reasons therefore.

(4) The suspended or dismissed mayors and deputy mayors shall maintain their status as councillors.

Article 95:

(1) In case of embezzlement or an infringement leading to a penalty together with the serious deficiency or serious misconduct in the discharge of their duties, the mayor and deputy mayors shall be dismissed by decree of the President of the Republic under the conditions provided for in.

(2) After being heard, they may also be suspended by decision of the council during an extraordinary session on the initiative of the representative of the State or by a 2/3 majority of the councillors. Such decision shall automatically suspend the mayor or deputy mayors as soon as it is adopted. It shall be enforceable by order of the minister in charge of regional and local authorities.

Article 96:

(1) Where the mayor fails or refuses to perform acts required of him by the laws and regulations in force, the minister in charge of regional and local authorities shal1 order the performance of the acts when informed by the representative of the State after formally notifying the mayor.

(2) Where a measure involves several councils, the Minister in charge of regional and local authorities shall act in place of the mayors of the councils concerned when informed by the representative of the State.

Article 97:

(1) The notification referred to in Section 96 above shall be forwarded to the mayor concerned through any means with written trace.

(2) It shall indicate the time-limit granted to the mayor to submit his reply to the representative of the State.

(3) Where no reply is given at the expiry of the time-limit set out in Subsection (2) above, such silence shall be deemed to be a refusal.

Article 98:

(1) The mayor or deputy mayor who, for some reason after his election, no longer fulfils the conditions required to be mayor or deputy mayor or who finds himself in one of the cases of incompatibility referred to in Section 65 above, shall immediately stop performing his duties.

(2) Where the minister in charge of regional and local authorities is informed by the representative of the State, he shall order the mayor or deputy mayor to immediately hand over service to his replacement appointed in accordance with the provisions of Section 10;3 below, without waiting for the installation of his successor. Where the mayor or deputy mayor refuses to resign, the minister in charge of regional and local authorities shall suspend him by order, for a period determined by the said minister. His duties shall be terminated by decree of the President of the Republic.

Article 99:

(1) Where a mayor is appointed to a post that is incompatible with his status, he shall be bound to make a choice within a time-limit of 30 (thirty) days. After this time-limit, the minister in charge of regional and 1ocal authorities, informed by the representative of the State, shall call on the relinquish of the posts.

(2) Where the mayor refuses or after a maximum period of 15 (fifteen days) following the notification referred to in the preceding subsection, the mayor shall be declared to have resigned by order of the minister in charge of regional and local authorities.

Article 100:

(1) Resignations of mayors and deputy mayors shall be addressed to the minister in charge of regional and local authorities by registered mail, with acknowledgement of receipt. They shall become final with effect from the date of their acceptance by the minister in charge of regional and local authorities or, where applicable, after a maximum period of one month from the date of dispatch of a new registered mail.

(2) Mayors and deputy mayors who have resigned shall, subject to the provisions of Section 103 below, continue to discharge their duties until their successors have been installed.

(3) However, in case of complete renewal, the duties of mayors and deputy mayors shall, with effect from the installation of the new council and until the election of the mayor and deputy mayors, be discharged by the councillors according to the order of election.

Article 101:

The criminal law provisions in force shall be applicable to any mayor who resigns with the intent of hindering or suspending either the administration of justice, or the performance of any duty whatsoever.

Article 102:

Dismissal shall as of right entail ineligibility for the post of mayor or deputy mayor till the end of the term of office, with effect from the date of publication of the decree of dismissal.

Article 103:

(1) In case of dismissal, suspension, absence or any other hindrance and, subject to the provisions of Section 95 above, the mayor shall be temporarily replaced by a deputy following the order of election and, where there is no deputy, by a councillor chosen according to the order of the list.

(2) In the latter case, the council shall, within a maximum period of 8 (eight) days, appoint one of its members to deputize.

Article 104:

(1) Where a mayor is dismissed or suspended, his replacement shall fully discharge his duties until a new mayor is elected.

(2) Where a mayor is absent or is unable to discharge his duties, his replacement shall be responsible for handling routine matters. The replacement shall, in particular, neither replace the mayor in the general management of council matters nor modify its decisions or the budget.

Article 105:

(1) In time of war, the mayor and the councillors considered individually, may, for purposes of public order or the general interest, be suspended by decree of the President of the Republic, until the end of the war. The members of the council thus suspended shall not be replaced numerically during the normal duration of their term of office.

(2) However, where such measure leads to the reduction of the number of councillors by at least one quarter, a special body shall be set up, in accordance with the provisions of Section 53 above.

Article 106:

(1) The provisions of Section 94 above shall, among others, apply in case of the following malpractices:

a) acts provided for and punishable under the law relating to the auditing of authorizing officers, managers and directors of public funds and of State enterprises;

b) use of council funds for personal or private purposes;

c) forgery as provided for under criminal law;

d) misappropriation of public funds and corruption;

e) speculation in the allocation or use of public lands and other movable and immovable property of the council and in the issuing of building, land parcelling or demolition permits.

(2) In the cases referred to above, administrative sanctions shall not bar legal proceedings to be instituted in accordance with the regulations in force.

Article 107:

Where the mayor, deputy mayors. the chairman or members of the special body commit one of the malpractices provided for by the law relating to auditing of authorizing officers, managers and directors of public funds, they shall be liable to sanctions by the budget and finance disciplinary board.

Article 108:

The mayor, deputy mayors, chairman or members of the special body who illegally involve themselves in the handling of council funds shall be considered de facto accountants and may be prosecuted by the competent courts.

PART V

SPECIAL REGULATIONS APPLICABLE TO URBAN CENTRES

Article 109:

(1) Some urban centres, because of their specific nature, may be raised to city councils by decree of the President of the Republic.

(2) A city council shall be a legal entity governed by public law, It shall have a legal personality and financial autonomy.

(3) A city council shall comprise at least 2 (two) councils;

(4) The councils which constitute a city council shall be ca1led sub-divisional councils.

(5) The name of the urban centre shall precede the words " ... City Council" .

(6) The decree referred to in subsection (1) above shall determine the chief town as well as the area of jurisdiction of the city council concerned.

Chapter I

CITY COUNCIL

Section I

DUTIES OF THE CITY COUNCIL

Article 110:

The following powers shall be devolved upon the city council, with effect from the date of its creation:

- creation, maintenance and management of city greens, parks and gardens;
- management of city lakes and rivers;
- monitoring and contro1 of the management of industrial refuse;
- cleaning of city roads and areas;
- collection. remova1 and treatment of household waste;
- creation, development, maintenance, operation and management of urban sanitation, used and rain water facilities;
- preparation of urban environmental, action plans, especially as concerns the fight against nuisance and pollution, protection of lawns;
- creation, maintenance and management of public cemeteries;
- creation and management of urban sports facilities;
- urban development projects;
- setting up community land reserves;
- setting up and management of community cultural centres;
- construction. equipment, managen1ent and maintenance of community facilities;

- management and maintenance of markets, bus stations and slaughter houses;
- participation in the organization and management of urban passenger transport;
- preparation and implementation of community investment plans;
- signing with the State or the reg1on of community development contracts and plans;
- urban planning, plans and master plans, land tenure plans or town planning documents in lieu thereof. To this end, the city council shall make recommendations on the draft regional development plan before its approval;
- construction, development, maintenance. operation and management of primary and
- secondary community roads and equipment, including public lights, road signs, rainwater
- drainage. safety facilities and bridges;
- creation and development of public squares;
- coordination of urban networks for the supply of power, drinking water and telecommunication services, and coordination of stakeholders in community traffic zones;
- urban circulation plans covering the entire circulation network.

Section II

ORGANIZATION AND FUNCTIONING OF CITY COUNCILS

Article 111:

The city council shall function, *mutatis mutandis,* in accordance with the regulations governing councils, as provided for by this law and the law on the orientation of decentralization.

Article 112:

The city council shall comprise:

- the city council;
- the Government Delegate to the City- Council.

Article 113:

(1) The city council shall be made up of sub-divisional council mayors and representatives chosen within sub-divisional councils, in accordance with the provisions of

(2) The city council shall discuss al1 matters which fall under its jurisdiction.

Article 114:

(1) The term of office of the city council shall expire at the same time as that of councillors of sub-divisional councils.

(2) Five members of the special body referred to in Sections 53 and 54 above shall represent a city council in case of dissolution, resignation or suspension of all members thereof.

(3) In the event of vacancy on a city council resulting from death, resignation or other reasons, the sub-divisional council concerned shall replace the said councillor within a maximum period of2 (two) month.

Article 115:

(1) A government delegate appointed by decree of the President of the Republic shall fully exercise the duties and powers of a mayor at the head of a city council. He shall be assisted by persons appointed by order of the President of the Republic.

(2) He shall convene and chair city council meetings.

(3) The government delegate and his assistants shall constitute the city council executive.

Article 116:

In the discharge of his duties, the Government Delegate to the City Council shall be responsible for:

- preparing and implementing the decisions of the city board; preparing and implementing the budget of the city council;
- organizing and managing city services;
- managing the resources and property of the city;
- overseeing city projects:
- representing the city at official ceremonies.

Article 117:

The Government Delegate and Assistant Government Delegates shall be entitled to remuneration, as well as entertainment and duty allowances whose amounts shall be fixed by order of the President of the Republic.

Article 118:

During public ceremonies, the government delegate and assistant government delegates shall each wear around the waist a sash in national colours. With a gold fringed tassel for the Government Delegate and Silver fringed tassels for the assistant Government Delegates

Article 119:

(1) Decisions of the city council shall be taken under the same legal conditions as those of the council.

(2) Copies of the said decisions shall, within 10 (ten) days from the date of their coming into force, be sent by the government delegate to the city council to the mayors of the sub-divisional councils concerned,

(3) The mayors shall be bound to notify the decisions referred to in Sub-section (2) above to their sub-divisional councils at their next meeting.

Chapter II

SUB-DIVISIONAL COUNCILS

Article 120:

The provisions of the law on the orientation of decentralization as well as those of this law shall be applicable *mutatis mutandis* to sub-divisional councils.

Article 121:

(1) Mayors of sub-divisional councils shall be ex officio members of the city council.

(2) In addition to the mayor referred to in Subsection (1) above, the sub-divisional council shall designate 5 (five) councillors to represent it on the city council.

(3) The designation referred to in subsection (2) above shall be made during the first council meeting following the publication of council election results.

Article 122:

(1) The sub-divisional council shall make recommendations whenever requested to do so by the city council or any other body, on matters that concern the said council

(2) The consultation referred to in subsection (1) above shall be compulsory for any operation or project of general interest to be executed in its entire council area or a part thereof.

Article 123:

(1) Sub-divisional councils may meet at the request of 2/3 (two thirds) of the councillors or, as an exceptional measure, the government delegate to the city council, with a specific agenda. In this case, the government delegate may address the sub-divisional councillors at the meeting.

(2) The meeting referred to in subsection (1) above shall be subject to the prior approval of the representative of the State when it is initiated by the government delegate to the city council.

Article 124:

The setting up of a city council shall entail the transfer by sub-divisional councils of powers and resources to the said city council, in accordance with the provisions of this law.

Article 125:

(1) Save in the case of consultation provided for under Section 122 above, the sub-divisional council may not deliberate on a field of competence devolved upon a city council.

(2) In all cases of consultation, the decisions of the sub-divisional council shall not contradict those of the city council.

(3) Notwithstanding the provisions of subsection 2 above, where the sub-divisional council takes a decision repugnant to that of the city council, the decision of the sub-divisional council shall automatically be null and void, save in case of violation of the instruments in force by the city council.

Article 126:

The President of the Republic may, by decree, apply the provisions of this part to any council by virtue of its importance and level of development.

Chapter III

SPECIAL PROVISIONS

Article 127:

(1) The general recurrent allocations to sub-divisional councils by the provisions of this law shall constitute a mandatory expenditure for the city council.

(2) They shall be indexed to certain revenues of the city council.

(3) The conditions for making the allocations provided for under subsection (1) as well as those of the indexation referred to in subsection (2) above shall be laid down by regulation.

Article 128:

(1) The conditions of devolution of assets and liabilities of an urban centre comprising sub-divisional councils shall be laid down by order of the minister in charge of regional and local authorities.

(2) The order referred to in Subsection (1) above shall be published within a maximum period of 3 (three) months following the setting up of the city council.

Article 129:

The provisions of this law relating to councils shall, *mutatis mutandis,* be applicable ta city councils and sub-divisional councils.

Article 130:

The creation of any inter-council service by a city council shall be subject to the prior approval of the sub-divisional councils concerned.

PART VI

INTER-COUNCIL COOPERATION AND SOLIDARITY

Chapter I

DECENTRALIZED COOPERATION

Article 131:

(1) Decentralized cooperation shall be realized under an agreement whereby 2 (two) or more councils decide to merge their various resources with a view ta achieving common objectives.

(2) It may be effected between Cameroonian councils or between Cameroonian and foreign councils, under the conditions laid down by the laws and regulations in force.

Article 132:

(1) Councils may belong to international organizations of twinned towns or any other international organizations of towns.

(2) The cooperation agreement, which shall be authorized before hand by decision of the council. shall be forwarded by the representative of the State for prior approval by the minister in charge of regional and local authorities.

Chapter II

COUNCIL UNIONS

Section I

REGULATIONS GOVERNING COUNCIL UNIONS

Article 133:

(1) Councils of the same division or region may, by at least a 2/3 (two-thirds) majority of the decision of each council, form a union with a view to realizing inter-council operations.

(2) A council union shall be set up by an agreement signed by mayors of the councils concerned. The said agreement shall lay clown the conditions of functioning and management of the union, as provided for by this law.

Article 134:

(1) A council union shall be an inter-council public establishment, endowed With legal personality as well as administrative and financial autonomy

(2) It shall, *mutatis mutandis,* be subject to the provisions of the law on the orientation of decentralization, as well as those of this law.

Section II

ORGANIZATION AND FUNCTIONING OF COUNCIL UNIONS

Article 135:

(1) The bodies of a council union shall comprise:

- a union board;
- a union chairman

(2) The union board referred to under subsection (1) above shall comprise mayors assisted each by 2 (two) councillors designated within each unionised council.

(3) It shall be managed by a chairman elected from among members of the union board for a one year renewable term of office.

(4) The term of office of councillors serving on the union board shall be governed by the legal provisions of the council to which they belong. In the event of vacancy or resignation, the members shall be replaced in accordance with the regulations applicable to the representatives of sub-divisional councils on the city council.

Article 136:

(1) Minutes and decisions of the union board chairman to mayors of unionised councils.

(2) Mayors shall be bound to notify the minutes and decisions referred to under subsection (1) above to their council during the next session.

Art 137:

The union board shall deliberate on issues within its jurisdiction, particularly:

- the union budget;
- the administrative and management accounts of the union;
- the acquisition, transfer and exchange of union property;
- the union action programme;
- requests for interventions of unionised councils;
- membership of new councils;
- management of a public enterprise or an inter-council public establishment.

Article 138:

The chairman shall represent the union in civil matters and before the law courts. To that end, he shall:

- be answerable to the union board;

- implement the recommendations and decisions of the union board;
- be the authorizing officer of the budget of the union;
- propose the organization chart and the action plan of the union;
- authorize revenue and expenditure operations;
- prepare and present the union accounts;
- conclude contracts in accordance with the instruments in force;
- take out leases, contract loans and perform acts relating to the acquisition, sale, transaction, exchange, sharing or acceptance of gifts and legacies within the forms laid down by the regulations.

Section III

UNION BUDGET

Article 139:

The union budget shall be prepared, adopted, executed and audited in accordance with the provisions of the agreement creating the union.

Article 140 :

The union budget shall be prepared and executed in accordance with the conditions laid down by the financial regulations of regional and local authorities.

Section IV

SPECIAL PROVISIONS

Article 141:

(1) The admission of a council to an existing union shall be submitted for prior approval by the union board.

(2) The decision of the board to admit a new council shall be notified b\· the chairman to mayors of unionised councils.

Article 142:

A council may withdraw from the union, after approval by the board, in accordance with the provisions of the agreement creating the union.

Article 143:

(1) The council union shall be dissolved:

- as of right upon expiry of its duration or on completion of the operation which it had as its objective;
- by resolution of the councils concerned made by at least a 2/3 (two-thirds) majority of the members of each council, in accordance with ordinary law.

(2) The dissolution instrument shall determine, subject to third party rights, the conditions under which the union shall be liquidated.

PART VII

Single Chapter

FINANCIAL PROVISIONS

Article 144:

The resources needed by a council to exercise its powers shall be devolved upon it either by tax transfers or ceded revenue or both.

Article 145:

(1) The draft budget shall be prepared and presented to the council by the mayor.

(2) The budget and special revenue and expenditure authorizations shall be adopted by the council. They shall be divided into two sections: "Recurrent" and "investment".

Article 146:

A separate law shall Jay clown the financial regulations applicable to councils.

Article 147:

Relevant State services shall control the management of council funds.

PART VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 148:

(1) Where the mayor, government delegate, chairman of a council union or any other councillor is sentenced for a crime, he shall automatically be dismissed.

(2) Where he has been sentenced for an offence or where such a person's conduct seriously undermines the interests of the council, city council or council union, on the basis of specific acts considered as such by the council and after being heard or summoned by the representative of the State to give written explanations on the charges against him, he may be dismissed by order of the minister in charge of regional and local authorities.

(3) As a precautionary measure, and in case of emergency, the representative of the State may notify the incriminated official or councillor, by using any means with written proof, the immediate cessation of duty. In such case, the order referred to under subsection (2) above shall be published within a maximum period of one month with effect from the date of notification.

Article 149:

Dismissal shall automatically entail ineligibility for the office of mayor or councillor for a period of 10 (ten) years

Article 150:

The provisions of Section 148 above shall, among others, apply to the following:

a) acts provided for and punishable under the law to set up the Budgetary and Financial Disciplinary Board;

b) the use of council, city council or council union funds for personal or private purpose; forgery as provided for under criminal law:

(d) misappropriation of public funds and corruption;

(e) speculation in the allocation or use of public lands and other movable or immovable property of the council, city council or council union, and in the issuing of building, land parcelling or demolition permits, as the case may be.

Article 151:

In the absence of a separate instrument, the recruitment of any employee by the council, city council or council union shall be clone in compliance with the conditions of recruitment, remuneration and career profile applicable to equivalent State positions.

Article 152:

(1) The councils set up pursuant to Law. No. 74/2:3 of 5 December 1974 to organize councils, and subsequent amendments there to shall cease to be urban or rural councils with effect from the date of enactment of this law.

(2) Notwithstanding the prov1s1ons of the preceding subsection councils bearing identical names by. virtue of a change in status shall retain their former name, until the publication of a decree of the President of the Republic changing their name.

Article 153:

A council whose office is located in another council area shall have a period of 18 (eighteen) months with effect from the date of enactment of this law to transfer the said office to its own council area.

Article 154:

City and urban councils governed by special regulations in existence on the date of enactment of this law shall continue to function until they comply with the provisions of this law.

Article 155:

(1) notwithstanding the provisions of Section 156 below, councils existing on the date of enactment of this law shall continue to function until compliance with the provisions of this law.

(2) Councils elected before the enactment of this law shall remain in place until expiry of their term of office.

(3) Their subsequent re-election shall be conducted in accordance with the regulations in force

Article 156:

The provisions of Laws No. 74/23 of 5 December 1974 to organize councils, and 8 7 /15 of 15, July 198 7 to set up city councils, and subsequent amendments thereto, and are hereby repealed.

Article 157 :

This law shall be registered published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 22 July 2004
President of the Republic
Paul Biya

I.13

LAW NO. 2004-19 OF 22 JULY 2004 TO LAY DOWN RULES APPLICABLE TO REGIONS

LAW NO. 2004-19 OF 22 JULY 2004 TO LAY DOWN RULES APPLICABLE TO REGIONS

The National Assembly deliberated and adopted,
The President of the Republic hereby enacts the law set out below:

PART I

GENERAL PROVISIONS

Article 1:

This law lays down the rules applicable to regions, in accordance with the provisions of the 1aw on the orientation of decentralization.

Article 2:

(1) The region shall be a regional authority comprising several divisions.

(2) The creation, change of name and modification of boundaries of regions shall be governed by Article 61 of the Constitution.

Article 3:

The chief town of each province that becomes a region shall be the chief town of that region.

Article 4:

(1) The boundaries or chief towns of administrative units; shall be modified where:

- a council or part thereof is attached to a region;
- the geographical boundaries of regions are modified;
- new chief towns are established.

(2) The attachment of a council or a part thereof to a region shall be subject to the approval of the council and regional councils concerned.

Article 5:

The modifications of regions shall enter into force on the date of the holding of the first session of the regional council of the newly created entity unless otherwise provided for in the amendment decree. ln this case, the decree shall make provision for the dissolution of the said regional council(s).

Article 6:

(1) The instruments modifying the boundaries of one or more regions shall set out conditions thereof, in particular. Those on the devolution of property.

(2) The instruments referred to in the preceding subsection shall also lay clown conditions for granting the undermentioned property either to a reg ion or regions of attachment or to the State:

- lands and buildings forming part of State property;
- private property of the State;
- donations meant for the defunct region.

Article 7:

In accordance with the laws in force, a region may:

- carry out activities to supplement those of the State;
- propose to councils under its jurisdiction, all measures to foster the coordination of local development and investment actions.

Article 8:

(1) Where a regional council deliberate outside its statutory sessions or on a matter not falling under its jurisdiction, the representative of the State shall take appropriate measures to stop the meeting forthwith.

(2) Accordingly, regional councils shall not issue declarations and statements, give political views that undermine territorial integrity or national unity, or entertain relations with one or more regional councils outside the cases provided by the laws in force.

(3) In keeping with subsection (2) above, the representative of the State shall institute legal proceedings against regional councillors guilty of such opinions, statements, declarations or relations.

(4) Where the participants at the meeting are sentenced, the court decision shall exclude them from the regional council and declare them ineligible for re-election for a period of

5 (five) years following the sentence.

PART II

MANAGEMENT AND USE OF PRIVATE PROPERTY OF THE STATE, PUBLIC PROPERTY AND NATIONAL LANDS BY REGIONS

Article 9:

The powers devolved upon regions in matters of land tenure shall be exercised in strict compliance with provisions of the land laws in force, in so far as those provisions are not contrary to this law.

Chapter I

PRIVATE PROPERTY OF THE STATE

Article 10:

(1) The State may transfer to regions all or part of its movable or immovable private property, or enter into agreement with the said regions on the use of such property.

(2) The transfer by the State of movable and immovable property referred to in the preceding subsection, may be effected, either at the request of regions or on the initiative of the State to enable them to carry out their missions, house services or provide public facilities.

Article 11:

In accordance with the provisions of Section 10 above, the State may either facilitate the freehold by regions to all or part of the State's movable and immovable private property, or simply grant these regions user rights over some of its movable and immovable property.

Chapter II

PUBLIC PROPERTY

Article 12:

(1) Projects or operations of local interest initiated on public coast lands and waterways by natural persons, regional and local authorities or any other corporate bodies, shall require the authorization of the regional council by decision. upon the recommendation of the local council where the project is located.

(2) The decision referred to in the preceding subsection shall be forwarded for approval by the representative of the State.

Article 13:

For projects or operations initiated by the State on public coast land and waterways, either in the exercise of sovereignty, or in the perspective of promoting economic and social development, or for regional development purposes, the State shall take a decision after consultation with the regional council concerned, except where national defence or public policy requirements dictate otherwise. In the latter case, the State shall communicate its decision to the regional council, for information.

Article 14:

(1) In zones falling under public coast lands and waterways for which specia1 development plans have been approved by the State, management powers shall be delegated by the latter to the regions concerned, for areas there of Which have been devolved upon them in the above mentioned plans.

(2) The royalties accruing there from shall be paid to the regions concerned.

(3) Management instruments issued by the president of the regional council shall be submitted for approval by the representative of the State and then forwarded to the regional council for information.

Article 15 :

The artificial public property shall be managed exclusively by the State. However, the State may transfer to regions, in accordance with conditions of classification which are laid clown by an implementation decree of this law, the management of ancient monuments.

Chapter III

NATIONAL LAND

Article 16:

(1) Projects or operations initiated by a region shall be located in accordance with the land laws and regulations in force.

(2) For the projects or operations, which it initiates on national lands, the State shall take a decision after consultation with the region concerned, except where national defence or public policy requirements dictate otherwise.

(3) The decision referred to in the preceding subsection shall be forwarded to the regional council concerned for information.

Article 17:

(1) For any project or operation within the jurisdiction of the State to be implemented in urban areas, the State shall take a decision after consultation whit the region concerned

(2) The decision referred to in the preceding subsection shall be notified to the regional council.

PART III

POWERS DEVOLVED UPON REGIONS

Chapter I

ECONOMIC DEVELOPMENT

Section I

ECONOMIC ACTION

Article 18:

The following powers shall be devolved upon regions:

- promoting small- and medium-sized enterprises; ·
- organizing trade fairs and exhibitions;
- promoting handicrafts;
- promoting farming, livestock and fishery activities;
- encouraging business operators to set up regional groups;
- supporting income and job generatin14 micro-projects;
- developing tourism.

Section II

MANAGEMENT OF THE ENVIRONMENT AND NATURAL RESOURCES

Article 19:

The following powers shall be devolved upon regions:

- managing, protecting and maintaining protected areas and natural sites falling within the jurisdiction of the region;
- preserving and protecting of nature;

- managing water resources of the region;
- creating regional woodlands, forests and protected areas according to a plan duly
- approved by the representative of the State;
- providing fire-breaks and setting early fires to check bush fires;
- managing natural parks of the region according to a plan submitted for the
- approval of the representative of the State;
- formulating, implementing and monitoring regional plans or guidelines for
- environmental action;
- formulating specific regional plans for emergency intervention and risk prevention.

Section III

PLANNING, REGIONAL DEVELOPMENT, PUBLIC WORKS, TOWN PLANNING AND HOUSING

Article 20:

The following powers shall be devolved upon regions:

- formulating and implementing regional development plans
- signing with the State, plan contracts for the achievement of development objectives;
- participating in the organisation and management of public intercity transport;
- coordinating development action:
- formulating in accordance with the national plan, regional guidelines for development;
- participating in the preparation of urban planning documents and master plans of regional and local authorities:
- rehabilitating and maintaining divisional and regional roads;
- supporting the action of councils in town planning and housing matters.

Chapter II

HEALTH AND SOCIAL DEVELOPMENT

Section unique

HEALTH AND SOCIAL ACTION

Article 21:

The following powers shall be devolved upon regions:

- creating in accordance with the health map, equipping, managing and maintaining health centres within the region;
- supporting health facilities and social establishments;
- implementing prevention and hygiene measures;
- participating in maintaining and managing social advancement and/or rehabilitation centres;
- organizing and managing assistance to the needy;
- participating in drawing up the regional portion of the health map;

– participating in organizing and managing drug supply, essential reagents and appliances in accordance with the national health policy.

Chapter III

EDUCATIONAL, SPORTS AND CULTURAL DEVELOPMENT

Section unique

EDUCATION, LITERACY AND VOCATIONAL TRAINING

Article 22:

The following powers shall be devolved upon regions:

a) Education:

– participating 1n drawing up and implementing the regional portion of the national school location map;
– creating, equipping, and maintaining government high schools and colleges in the region
– recruiting and paying support staff of State high schools and secondary schools;
– distributing and awarding school grants and scholarships;
– participating in the acquisition of school manuals and supplies;
– participating in the management and administration of government high schools and colleges through forums for dialogue and consultation;
– supporting the action of councils in the area of primary and nursery education. Literacy:
– formulating and implementing regional plans for the elimination of illiteracy;
– doing a yearly evaluation of the execution of literacy campaigns;
– recruiting personnel in charge of literacy campaigns;
– training of trainers;
– designing and producing teaching aids;
– drawing up the literacy map;
– providing school infrastructure and facilities;
– monitoring and evaluating illiteracy elimination campaigns Vocational Training:
– comprehensive census of the region' s trades and drawing up of a repertoire of existing vocational training courses with an indication of the aptitude required and the training profile;
– participating in drawing up the regional portion of the school location map as concerns technical education and vocational training;
– formulating a forward looking training plan;
– refurbishing and maintaining training establishments, centres and institutes in the region;
– recruiting and paying support staff;
– participating in the acquisition of teaching aids, in particular, supplies and working materials;
– participating in the management and administration of state training centres through dialogue and consultation forums; formulating a regional plan for the vocational integration of youth;
– assisting in the drawing up of school enterprise partnership contracts.

Section II

YOUTH, SPORTS AND LEISURE

Article 23:

The following powers shall be devolved upon regions:

- issuing authorizations to open educational centres duly approved by the representative of the State ;
- assisting regional sports associations;
- constructing, administering and managing regional sports and socio- educational facilities;
- organizing, coordinating and developing socio-educational activities;
- promoting and managing physical and sports education activities at the regional level.

Section III

CULTURE AND DEVELOPMENT OF NATIONAL LANGUAGES

Article 24:

The following powers shall be devolved upon regions:

a) Culture:

- promoting and developing cultural activities;
- contributing to the surveillance and protection of conservation sites, ancient monuments, and discovery of prehistoric or historical relies;
- organizing cultural weeks, traditional cultural events and literary and artistic contests;
- creating and runn1ng regional bands, traditional song groups, ballets and drama groups;
- creating and running regional socio-cultural centres and public libraries;
- collecting and translating works of oral tradition such as tales, myths and legends with a view to facilitating their publication;
- providing support to cultural associations.

b) Developing of national languages

- encouraging functional fluency in national languages and producing a regional language map;
- supporting publishing in national languages:
- developing print and broadcast media in national languages;
- building facilities and infrastructure.

PART IV

REGIONAL ORGANS

Article 25:

Regions shall have the following organs:

- the regional council;
- the president of the regional council.

Chapter I

REGIONAL COUNCIL

Section I

COMPOSITION

Article 26:

(1) The reg ion al council shall be the deliberative organ of the region. It shall comprise regional councillors elected for a five-year term.

The regional council shall comprise:

- divisional delegates elected by indirect universal suffrage;
- representatives of traditional rulers elected by their peers.

They shall be elected in accordance with conditions defined by law.

(2) The regional council shall reflect the various sociological groups of the region.

Article 27:

Members of Parliament of the region shall attend proceedings of the regional council in an advisory capacity.

Section II

DUTIES

Article 28:

The regional council shall settle regional matters by deliberation.

Article 29:

The regional council shall decide on matters provided for by the law on the orientation of decentralization as well as those provided for by this law.

Article 30:

(1) The regional council may delegate part of its duties to the regional executive, save for those mentioned in Sections 32 and 33 below. The attendant decision taken upon deliberation shall set out the purview and duration of the duties so delegated. At the expiry of the delegation, the regional council shall be informed thereof.

(2) It shall appoint, from among its members, delegates to external bodies in compliance with the instruments governing the said bodies. Notwithstanding the terms of office of such members or delegates set out in the said instruments, the regional council shall be empowered, when it deems necessary, to replace such persons before the end of their terms.

Section III

FUNCTIONING

Article 31:

(1) The regional council shall meet in ordinary session once every quarter when convened by its president. The duration of each session may not exceed 8 (eight) days save for the budget session, which may be held for 15 (fifteen) days.

(2) During the election of new regional councillors and during the initial establishment of regional councils, the first session shall be convened automatically on the second Tuesday following the proclamation of results. In this case, the meeting shall be convened by the representative of the State.

(3) In the case of election of new regional councillors, in accordance with the provisions of subsection (2) above, the powers of the outgoing council shall expire at the opening of the session held as of right.

Article 32:

The regional council shall also meet in extraordinary session with a specific agenda at the behest of its president;

- at least 2/3 (two-thirds) of its members for a duration of no more than a (three) days; a councillor may not make more than one request for a session every year;
- the representative of the State.

Article 33 :

(1) The regional council shall comprise 4 (four) committees, each headed by a committee member:

- the committee on administrative and legal matters, rules of procedure;
- the committee on education, health, population, social and cultural affairs, youth and sports:
- the committee on finance, infrastructural development, planning and economic development;
- the committee on the environment, regional development, land, town planning and housing.

(2) Notwithstanding the provisions of the preceding sub-section, the regional council may:

- set up or dissolve any other committee upon deliberation, at the request of its chairperson or 2/3 (two-thirds) of its members;
- invite any person, on account of his expertise in a specific item on the agenda, to attend proceedings of a regional council or committee meeting;
- create or disso1ve any ad hoc committee.

Article 34:

(1) Regional councillors shall be entitled to allowances and the refund of any expenses incurred in the discharge of their duties.

(2) A regional councillor who is chairman or member of a special body provided for under section 50 herein shall be entitled to a daily allowance and travel allowances, charged to the budget of the region, for the performance of the duties assigned to him by the special body.

(3) Persons invited in an advisory capacity and members, excluding those appointed to ad hoc committees, shall be entitled to an allowance.

Article 35:

(1) The allowances and expenses referred to in Section 34 above shall be charged to an appropriation generated from total revenue collected as posted on the approved administrative account of the previous financial year.

(2) The appropriation referred to in the preceding- sub-section earmarked for the initial establishment of regional councils shall be charged to the Common Decentralization Fund.

(3) The calculation of amounts, the conditions for paying allowances to regional councillors and persons invited in an advisory capacity as well as the refund of expenses referred to in Sub-section (1) above shall be defined by regulation.

Article 36:

(1) The minister in charge of regional and local authorities shall setup a joint committee comprising delegates appointed from each regional council for the purpose of drawing up draft rules of procedure,

(2) The rules of procedure referred to in the preceding subsection shall be rendered enforceable by order of the minister in charge of regional and local authorities.

Article 37:

(1) The regional council may validly conduct business only where the absolute majority of its members are present. However, where such a quorum is not met, the meeting shall be reconvened automatically with1n 8 (eight) days. In this case, business may be valid1y conducted only if at least 1/4 (one-quarter) of the councillors are present.

(2) Decisions shall be taken by a simple majority of members present and voting. In case of a tie, the chairman shall have the casting vote, except in the case of a secret ballot. In this case, fresh and open ballot elections shall be conducted at the request of at least 1/3 (one-third) of members. The full names and ballots of voters shall be recorded in the minutes.

Article 38:

Meetings of the regional council shall be open unless otherwise decided by an absolute majority of members present or represented.

Article 39:

(1) A regional councillor who is unable to attend a meeting may give a written proxy to another councillor.

(2) A regional counci1lor may hold or by one proxy.

(3) The regional council may nullify the proxy of a councillor where it deems that the grounds of the giver of the proxy for absence are not sound.

Article 40:

(1) Notices of the meeting referred to in Section: 31(1) must reach regional councillors within 15 (fifteen) clear days before the meeting.

(2) They shall include working documents related to each items on the agenda. As and when necessary, the president of the regional council shall draw up a report on each of the items.

Article 41:

(1) The president shall inform the regional council through a special report presented in the month of January following the end of the financial year, on the situation of the region, devolved powers, activities and functioning of various services and bodies of the region as well as appropriations.

(2) The report referred to in the preceding subsection shall state the status of implementation of the decisions of the regional council and the financial situation of the region. It shall be discussed, forwarded to the representative of the State for information and then published.

Article 42:

(1) The presence of the representative of the State or his duly authorized delegate in regional council sessions shall be as of right. The representative of the State or his delegate shall take the floor at any

time, but may neither participate in voting nor chair the regional council. His declaration shall be entered in the minutes of the meeting.

(2) In the month of January following the end of the financial year, the representative of the State shall present to the regional council a special report on the activities of the State services in the region. This special report shall be discussed in his presence.

Article 43:

During the meetings of the regional council, the secretarial duties shall be performed by secretaries of the regional bureau. In their absence, the President of the regional council or, failing this, the session chairman, shall designate another regional councillor to perform such duties.

Article 44:

(1) At the end of each meeting, the session secretary shall submit to the regional council for approval a written statement of the resolutions made during that session.

(2) The statement referred to in the preceding subsection shall be signed by ail the members present and voting. It shall serve as a basis for preparing draft decisions.

Article 45:

(1) The session secretary shall draw up minutes consigned by the president of the regional council.

(2) The minutes referred to in the preceding Subsection shall outline the deliberations of the regional council. They shall be forwarded to council members, and then submitted to them for adoption at the opening of the next session.

Article 46 :

The deliberations of the regional shall be recorded in chronological order in a register, numbered and initialled by the representative of the State.

Article 47 :

Regional councillors shall be entitled to the protection laid clown under Section 70 below, when they are charged with the performance of a special task.

Section IV

SUSPENSION, DISSOLUTION OF THE REGIONAL COUNCIL, REPLACEMENT, TERMINATION OF DUTIES AND SUBSTITUTION

Article 48:

(1) The regional council may be suspended by decree of the President of the Republic on the recommendation of the minister in charge of regional and local authorities, where it:

- acts unconstitutionally;
- threatens the security of the State or law and order;
- threatens the country's territorial integrity;
- cannot perform its duties permanently.

(2) Suspension referred to under subsection (1) above may not exceed 2 (two) months.

(3) Suspension may be preceded by a notification forwarded to the council concerned by the Minister in charge of regional and local authorities.

Article 49:

The President of the Republic may dissolve the regional council by decree on the recommendation of the constitutional council:

- in any of the cases referred ta: in Section 48(1) above;
- where there is a persistent breakdown or inability to restore normalcy after the period set out in Section 48(2) above.

Article 50:

(1) Where the regional council is dissolved, the President of the Republic shall by decree, set up a special body comprising a chairman and vice-chairman, on the recommendation of the minister in charge of regional and local authorities.

(2) The powers of the special body laid clown under subsection (1) shall be limited to handing routine matters, protective measures and the search for solutions to the urgent issues at stake.

(3) The special body shall under no circumstances:

- commit the regions funds; above the ceiling laid down by regulations;
- transfer or exchange property of the regions;
- modify the staff strength of the region;
- vote loans.

(4) A by-election of regional councillors shall be conducted within a maximum period of 6 (six) months. The powers of the special body laid down under subsection 1 shall be terminated forthwith on the installation of the new regional council.

Article 51:

A special body shall equally be set up under the same conditions, in case of resignation of all the members of a regional council or of a final court decision on the cancellation of the election.

Article 52:

The composition of any special body shall be laid down by the decree setting it up.

Article 53:

Budgetary substitution shall be conducted in accordance with the law to lay down the financial regulations of regional and local authorities.

Article 54:

(1) Any member of a regional council who has duly been sent a convening notice and who ,without sound grounds, does not attend 3 (three) successive may, after a request by the regional council chairman to furnish explanations, be deemed as having resigned by Minister in charge of regional and local authorities. The decision, which is copied to such member and the Representative of State, may be appealed before a competent court.

(2) The counc11lor deemed to have resigned under subsection (1) above shall not be eligible for election to the regional council during the by-or general elections held immediately after his resignation.

Article 55:

(1) A member of the regional council, who, without grounds, does not perform his duties defined by law, may be deemed to have resigned by l the Minister in charge of regional and local authorities , upon the recommendation of the regional council.

(2) Failure to perform duty shall be ascertained in a written notification addressed to the competent

authority or announcement by such member, or persistent abstention upon notification by the Minister in charge of regional and local authority, within a fixed period of time he shall determine.

Article 56:

Resignation letters shall be sent by registered mail to the President of the regional council with a copy to the Representative of State .They shall apply from the date of reception by the President of the regional council or, where such acknowledgement of receipt is lacking, within one month from the date of a second mailing of resignation letter by registered mail.

Article 57 :

Employers shall be bound to allow employees of their enterprise or service who are members of the regional council to attend plenary sessions of council or deliberations of commissions and ad hoc committees. W here the employer terminates the employment contract on grounds of off duty referred to in this section; he shall be liable to pay damage and compensation to the employee.

Article 58 :

(1) In the case of war or complicity with the enemy the President of the Republic may, by decree, suspend on an individual basis, regional councillors for the purpose of maintaining law and order protecting the general interest until the end of hostilities .The members of regional council thus suspend may not be replaced numerically during the remaining term of office of the said council.

(2) However, where such measure reduces by least half (1/2) the number of councillors, the same decree shall set up a special body empowered to replace the regional council.

Article 59:

(1) The precedence of regional councillors , after the President and bureau members, shall be in keeping with their order of election , in accordance with the provision of this law.

(2) The order of precedence shall be as follows:

- the date of the oldest elections conducted with effect from the last election of the entire regional council;
- priority of age of the councillors elected on the same day.

Chapter II

PRESIDENT OF REGIONAL COUNCIL

Article 60:

The President of the regional Council shall be the chief executive of the Region. He shall be assisted by a regional Bureau elected at the same time with him from among the councillors. The Regional Bureau shall reflect the sociological composition of the region.

Section I

ELECTION OF THE PRESIDENT OF THE REGIONAL BUREAU

Article 61:

(1) The regional council shall elect during its first session , a president assisted by a bureau comprising a senior vice-president , a vice – president , 2 (two) questers and 2 (two) secretaries.

(2) The president of regional council shall be a native of the region elected for the duration of the term of office of the council.

(3) During the session referred to in subsection (1) above, the regional council shall be chaired by the oldest member while the youngest member shall perform secretarial duties.

(4) Election shall be by secret ballot and by absolute majority of the regional council members present and voting.

(5) Where, after 2 (two) rounds of balloting, no candidate obtains an absolute majority, a third ballot shall be conducted and winning at the election shall be by relative majority. In the event of a tie, the oldest candidate shall be declared winner.

(6) The regional council may conduct business in the case referred to in subsection 5 only where 2/3 (two-thirds) of the members are present. Where that condition is not fulfilled, the meeting shall automatically be reconvened 8 (eight) days later. It may then conduct without taking into account a quorum.

(7) Immediately after the election of the election of the president, he shall preside over the regional council to complete its bureau by electing under the same conditions, the senior vice-president. The vice-president, 2 (two) questers and 2 (two) secretaries shall be elected on a list by single ballot.

Article 62:

After election of its bureau, the regional council shall form its committees and proceed to designating its members of delegates to represent it in external bodies, in accordance with the provisions of section 30 (2) above.

Article 63:

(1) The president regional bureau members shall be elected for the duration of the term of office of the regional council.

(2) During official ceremonies or solemn occasions, the president of the regional council shall sling a sash across his shoulder and bureau members shall wear sashes as belt, all in national colours, with a gold fringed tassel for the president and silver fringed tassels for bureau members.

(3) During the ceremonies and occasions provided for under sub-paragraph 2 above, regional councillors shall wear an insignia the characteristics of which shall be laid down by statutory instruments.

(4) Provision shall be made in the regional budget for the acquisition of the sashes and insignia provided for in subsections 2 and 3 above.

Article 64:

The duties of president of regional council shall be incompatible with the duties of:

- member of government and persons ranking as such;
- member of Parliament or senator;
- Administrative authority;
- Mayer of government delegate;
- ambassador of official of a diplomatic mission;

- President of law courts and tribunals;
- General Manager of a public establishment or public corporation;
- secretary-general of ministry and persons ranking as such;
- director in the central administration;
- law enforcement officer;
- Employee of the Ministry of Finance who have to handle the finances or accounts of the region concerned.

Section II

DUTIES OF PRESIDENT OF REGIONAL COUNCIL THE CHIEF EXECUTIVE OF THE REGION

Article 65:

(1) the president of regional council shall be the chief executive of the region

To that end, he shall:

- be spokesman before the Representative of the State;
- represent the region in all matters and before the law courts;
- prepare and implement the regional council deliberations
- authorize the revenue and expenditure of the region subject to the separate provisions laid down by the regulations in force;
- management, particularly as concerns the movement on such property, subject to the duties devolving on the Representative of the state and mayors.

(2) The president of the regional council shall reside in the chief town of the region concerned.

(3) He may, under his supervision and responsibility, grant delegation of signature to bureau members. He may, under the same conditions, grant delegation of signature to the region's secretary-general, as well as to officials of the regional services

(4) The president of the regional council shall reside in the region concerned.

Article 66:

(1) For the preparation and enforcement of decision of the regional Council, the president may, as and when necessary, use the deconcentrated government services under an agreement signed with the Representative of the State, spelling out the conditions of defrayment for such services by the region.

(2) The President of the Regional Council may, under his control and responsibility grant delegation of signature to the heads of the said services for the discharge of the Duties assigned them pursuant to section (1) above 66(1) above.

(3) Model agreements relating to the use of the deconcentrated government services by the region shall be fixed by regulation.

Article 67:

(1) For purposes of implementing Section 66 above, State employees responsible for discharging regional duties shall be assigned to the President of the regional council and shall be placed under his authority for the discharge of such duties.

(2) The staff referred to in Section 67(1) above shall continue to be governed by the rules and regulations applicable to them at the time of entry into force of this law.

Article 68:

(1) The President of the Republic shall appoint the secretary-general of the region upon the recommendation of the minister in charge of regional and local authorities. He shall terminate such appointment.

(2) The secretary-general of the region shall run the services of the regional administration, under the authority of the president or within the framework of the delegations provided for in Section 64 above.

(3) He shall attend meetings of the Bureau and of the regional council for which he shall provide secretarial services.

Article 69:

(1) The representative of the State, in conjunction with the president of the regional council, shall coordinate the action of regional services and those of government services in the region.

(2) The representative of the State shall hold a coordination meeting at least twice a year on the investment programmes of the State and the region. The president of the regional council and Members of the Regional Bureau shall attend the said coordination meeting.

Article 70:

(1) The duties of president or member of the Bureau shall give entitlement to remuneration, payment of allowances or refund of expenses, as well as benefits in kind arising from the discharge of the duties assigned them, under conditions laid down by regulation,

(2) The regional council may vote on the ordinary resources of the region, the entertainment allowances of the president. In case of dissolution, such allowances shall be granted to the president of the special body referred to in Sections 50, 51 and 52 above.

Article 71:

(1) The region shall cover expenses resulting from any injury sustained by the president, vice-president or member of the Bureau, president and vice-president of a special body, of a commission or an ad hoc committee in discharge of their duties.

(2) The holding of any one of the positions referred to in Section 71 (1) above shall as and when necessary, give rise to protection by separate instruments.

Section III

SUSPENSION, CESSATION OF DUTIES AND SUBSTITUTION

Article 72:

The president of the region and the bureau may be suspended by decree of the President of the Republic in the cases provided in Section 48 above.

Article 73:

The President of the Republic may, upon the recommendation of the Constitutional Council, dismiss the president of the region and bureau, *mutatis mutandis*, in accordance with the provisions of Section 49 above.

Article 74:

(1) The President of the Regional Council who, for a reason subsequent to his/her election, no longer fulfils the requirements for his office or who finds himself in one of the cases of ineligibility provided

for by the laws in force, shall cease his functions forthwith. The minister in charge of regional and local authorities shall enjoin him/her ta immediately resign from the said function without awaiting the installation of his successor.

(2) Where the president of the regional council refuses to resign, the minister in charge of regional and local authorities shall notify him of his immediate cessation of duties and shall propose to the President of the Republic the record of his forfeiture.

Article 75:

(1) The president of a regional council appointed to a position incompatible with his office shall be bound to make a declaration of his choice within 30 (thirty) days with effect from his appointment. Beyond such period, he shall be invited by the minister in charge of regional and local authorities to give up one of his positions.

(2) In case of refusal to make a choice or within no more than 15 (fifteen) days, the president of the regional council shall be declared to have resigned, by decree of the President of the Republic, upon the recommendation of the minister in charge of regional and local authorities.

Article 76 :

The resignation of the president of the regional council shall be forwarded to the minister in charge of regional and local authorities by registered mail with acknowledgement of receipt therefore. It shall be final as from the date of acceptance by the said minister or in the absence of an acknowledgement of receipt, within a period of no less than one month following the dispatch of another registered mail.

Article 77:

Any president of a regional council who deliberately tenders his resignation so as to obstruct or interrupt the administration of justice, or the provision of any service whatsoever, shall be punished in accordance with the criminal law in force.

Article 78:

In the case Where the president of a regional council or the chairperson of a special body commits one of the irregularities provided for by the law instituting the budgetary and financial disciplinary board, he shall be prosecuted before this body.

Article 79:

The president of the regional council or the chairperson of a special body who involves himself/herself in the manipulation of regional funds shall be considered a de, facto accountant and may as such be prosecuted before the competent courts.

Article 80:

(1) In case of death, resignation dismissal suspension, absence or any other case of unavailability duly established by the representative of the State upon the recommendation of the bureau, subject to the provisions of Section 81(2) below , the president shall be temporarily replaced by the Senior vice-President or, in case of unavailability, by the Vice-President by any other bureau member according to rank or, failing that, by a regional councillor following the same rank.

(2) At the next ordinary session, the permanently unavailable president shall be replaced; the bureau shall be filled accordingly, where necessary .

Article 81:

(1) In case of death, resignation or dismissal of a president., his replacement shall fully discharge his duties.

(2) In case of suspension on unavailability duty established by the representative of the State upon the recommendation of the bureau, the replacement of the president shall be responsible solely for handling routine matters. He may neither replace the president in the general management of the affairs of the region, nor modify its decisions.

Article 82:

(1) Where the president of the regional council refuses or fails to perform one of the acts prescribed by the laws or regulations in force or that are absolutely warranted by the region's interest, the minister in charge of regional and local authorities may, following a notification, order its execution automatically, in accordance with the law on the orientation of decentralization.

(2) The notification referred to in subsection 820) above shall be issued by any medium leaving written trace. It shall indicate the deadline allowed the president to reply to the minister in charge of regional and local authorities. Where the notification bas had no effect within the prescribed time-limit, such silence shall be ……to refusal.

(3) Where the measure concerned is one of interregional interest, the minister in charge of regional and local authorities may act, under the same conditions, in place of the President of the regional councils concerned.

PART V

INTER-REGIONAL COOPERATION AND SOLIDARITY SINGLE CHAPTER

Single Chapter

Article 83:

(1) Decentralized cooperation shall result from an agreement whereby 2 (two) or more regions decide to pool their various resources with a view to attaining common objectives.

(2) It may be done between Cameroonian regions or between them and foreign regions.

Article 84:

(1)Regions may belong to international organizations of twinned regions or any other international organizations of regions.

(2) The agreement relating thereto, subject to prior approval by decision of the regional council, shall be submitted by the representative of the State for approval by the minister in charge of regional and local authorities.

PART VI

FINANCIAL PROVISIONS

Single Chapter

Article 85:

The resources necessary for the region to exercise its authority shall be devolved on it either through the transfer of taxes, subsidies or through both procedures.

Article 86:

(1) The draft budget shall be prepared and presented to the council by the President of the regional council.

(2) The budget and special revenue and expenditure authorizations shall be adopted by the regional council. They shall be divided into two sections: "Recurrent" and "Investment".

Article 87 :

A special law shall lay clown the financial regulations applicable to regions.

Article 88 :

Relevant government services shall control and manage finances of the region.

PART VII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 89:

(l) Where the president the regional councillor any other regional councillor is sentenced for a crime and the said sentence is final, he shall be automatically dismissed.

(2) Where he has been sentenced for an offence or where his behaviour seriously undermines the interest of the region or on the basis of specific acts considerer as such by the council and after having been heard or summoned by the minister in charge of regional and local authorities to give written explanations on the charges against him he may dismisses by decree.

(3) As a precautionary measure, and in case of an emergency, the minister in charge of Regional and local authorities may notify to the president concerned by written form leaving trace to the immediate cessation of his duties. In such case, the order referred to in section 89 (2) above shall be published within a period of no more than one month with effect from the date of notification.

Article 90:

Dismissal shall automatically entail debarment from the office of president or councillor for a period of 10 (ten) years, and from ineligibility to these positions and to the office of President of the Republic, Member of Parliament, senator or municipal councillor for the same period.

Article 91:

(1) The following offences. amongst others, shall entail the application of Section 89 of this law:

- the offences envisaged and punishable by the law on the control of public vote holders and managers:
- the use of the public funds of the region for personal or private purposes:
- forgery of official documents as laid clown by the criminal law;
- embezzlement of public funds or corruption:
- speculation on the assignment or use of public land or any other movable or immovable property of the region;
- refusal to sign or transmit a decision of the regional council.

(2) In the first 5 (five) cases, the administrative sanction shall not bar prosecution.

Article 92:

In the absence of a separate instrument, the recruitment of any employee by the region shall be clone in compliance with the conditions of recruitment, remuneration and career profile applicable to equivalent State positions.

Article 93:

(1) two or more regional councils may, among themselves set up, on the initiative of their respective presidents, form alliances to tackle issues of regional interest.

(2) Alliances shall be subject to authorized agreements by the respective councils, signed by the president and approved by order of the minister in charge of regional and local authorities.

Article 94:

(1) Issues of common interest shall be debated in meetings where each regional council shall be represented by a special commission elected for that purpose and comprising 3 (three) members elected by secret ballot.

(2) Special commissions shall form the administrative committee charged with overseeing the alliance.

(3) The representative of the State in each region concerned may attend the meetings referred to in Section 94(1) above or send a representative.

(4) Decisions taken at such meetings shall be enforceable only after having been ratified by all the regional councils concerned and subject to the provisions of the law on the orientation of decentralization

Article 95:

Where matters other than those referred to in Section 94 above are discussed, the representative of the State in the region where the meeting is being held shall declare the meeting dissolved.

Article 96:

Mixed groupings may be set up by agreement among the regions and the State, with public establishments, or with councils for the purpose of carrying out work or providing a service deemed useful for each of the parties.

Article 97:

(1) A mixed grouping shall be a corporate body governed by the law. It shall be authorized and abolished by decree of the President of the Republic.

(2) The authorization decree shall approve the conditions of functioning of the grouping and shall determine the conditions for exercising administrative, financial or technical control.

(3) The laws and regulations governing public establishments shall be applicable to mixed groupings.

Article 98:

(1) A mixed grouping may realize its objectives notably through direct exploitation or through simple taking of shares in companies or bodies with majority public shares, under the same conditions as regions.

(2) The conditions for such shareholding shall be fixed by constituent instruments.

Article 99:

The conditions of application of this law shall be determined by statutory instrument.

Article 100:

All previous provisions repugnant hereto are hereby repealed.

Article 101:

This law shall be registered and published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 22 July 2004.

Paul Biya,
President of the Republic.

I.14

LAW NO. 2011/25 OF 14 DECEMBER 2011 ON THE DEVELOPMENT OF ASSOCIATED GAS

LAW NO. 2011/25 OF 14 DECEMBER 2011 ON THE DEVELOPMENT OF ASSOCIATED GAS

Chapter I

GENERAL PROVISIONS

Article 1:

This law relates to the development of associated gas.

Article 2:

The purpose of developing associated gas is to:

- foster the recovery of flared or released gas for commercialization; ·
- create attractive contractual and tax conditions for oil contract holders to develop associated gas;
- contribute to the reduction of greenhouse gas emissions and environmental protection.

Article 3:

For the purposes of this law and its implementing instruments, the following definitions shall apply:

- **Authorized official:** any official who can grant an administrative deed in his sphere of competence for the enforcement of the current law and its implementation.
- **Exploitation permit:** administrative act whereby an oil company or a group of oil companies is granted the right to produce or develop hydrocarbons;
- **Flaring permit:** administrative act whereby the operator is specially allowed to flare associated gas;
- **Oil contract:** production sharing or concession contract as defined by the Petroleum Code;
- **Carbon credit:** tradable credit to emit or reduce one tonne of carbon dioxide equivalent;
- **Ecosystem:** a dynamic complex community of plants, animals, micro-organisms and their living environment which, by interacting, form a functional unit;
- **Associated gas:** gas found in the form of solutions in crude oil and separated from it during extraction;
- **Greenhouse gases:** atmospheric gaseous components, which are natural or due to human activities, and which absorb infrared radiation emitted by the earth's surface;
- **Hydrocarbons:** liquid and gaseous components existing in their natural state, otherwise known as crude oil or natural gas as the case may be, and all related products and substances extracted in association with the said components;
- **Installation:** any facility or any fixed or mobile unit used in associated gas production;
- **Flaring standard:** all rules with which the operator must comply during useful flaring or in case of special flaring permit;
- **Operator:** oil company, that is a permit holder or co-holder entrusted with conducting petroleum operations in accordance with the oil contract provisions;
- **Exchange rate regime:** terms and conditions governing local currency exchange;

- **Release:** dissemination into the atmosphere of the gas that escapes from hydrocarbons exploitation;
- **Upstream oil sector:** sector bearing exploration and exploitation activities of raw liquid and gas hydrocarbons;
- **Downstream oil sector:** sector bearing activities of processing, transporting, distributing, stocking, importing, exporting, selling liquid and gas hydrocarbons.
- **Exploitation** site**:** location where the operator conducts hydrocarbons exploitation activities;
- **Government monitoring:** check by the Government of the operator' s activities;
- **Third party:** natural or legal person not party to the oil contract, but having concluded with the operator an agreement for exploitation of associated gas in lieu of the operator;
- **Flaring:** any operation consisting in burning gas from oil production.

Chapter II

LEGAL STATUS OF ASSOCIATED GAS-RELATED ACTIVITIES

Article 4:

(1) Associated gas comprises:
- Gas used for on-site petroleum operations and released into the open or flared during crude oil extraction;
- The gas transferred from operator to operator for oil exploitation purposes.

(2) The exploitation of the associated gas referred to in this law is on activity related to crude oil production.

Article 5:

(1) The exploitation of associated gas shall be subject to the licensing regime as defined in the Petroleum Code.

(2) The exploitation permit shall give its holder the exclusive right to conduct at its own risk, within the perimeter of the oil contract to which it relates, all associated gas development operations.

Article 6:

(1) All associated gas shall be the exclusive property of the State of Cameroon.

(2) It may be used by:
- Companies holding establishment conventions, partnership contracts or petroleum activities contracts on the exploitation of hydrocarbons;
- A third party having concluded an agreement to that effect with the holder of an oil contract prior to the approval by the Minister in charge of the upstream oil sector;
- The State of Cameroon or any duly authorized public institution .

(3) The agreement between the oil contractor and the third party shall specify the procedures for transfer of gas, the sharing of legal and contractual obligations related to installation and site restoration, investment cost sharing covering some common facilities, as well as take into account the costs of downtime during the installation of new equipment, sharing of risks and responsibilities in the event of technical failure or accident, and the terms of dispute resolution.

(4) Where a public establishment is authorized by the State, the authorization shall be granted for no consideration.

Article 7:

(1) The holder of a petroleum contract shall notify the Minister in charge of the upstream petroleum sector, as prescribed by the Petroleum Code, of any discovery of commercially exploitable liquid hydrocarbon and the associated gas development project related thereto.

(2) After approval of the development plan for liquid hydrocarbon discovery and the development project by the Minister in charge of the upstream petroleum sector, the operator shall be authorized to undertake the exploitation of associated gas under the conditions prescribed by the Petroleum Code.

(3) The holder of a petroleum contract may be exempted from the associated gas development requirement only after having provided technical evidence, accepted by the Minister in charge of the upstream petroleum sector that the said gas is not available in commercial quantities.

Section I

FLARING OF ASSOCIATED GAS

Article 8:

(1) The flaring permit may be granted as a special measure by the Minister in charge of the upstream oil sector at the request of the operator, subject to security related provisions and where the technical or economic factors warrant, for a period' not exceeding 60 days renewable.

(2) The flaring permit shall take into account the conditions' and characteristics of the underground gas tanks and how they operate.

(3) The conditions for implementing the provisions concerning the flaring of associated gas shall be laid down by regulation.

Article 9:

(1) The quantities of associated gas flared shall be reported at the expiration of the license period. The said report shall be addressed to the Minister in charge of the upstream petroleum sector for assessment of compliance with the flare standard.

(2) The flaring standard shall be set by regulation.

Article 10:

Any operator operating in the upstream petroleum sector shall be required to comply with the associated gas flaring and discharge standards.

Chapter III

ENVIRONMENTAL PROTECTION AND SAFETY MEASURES

Article 11:

(1) The operator shall carry out its activities while preserving the safety of persons and property as well as the environment and ecosystems.

(2) It shall be required to apply the standards of hygiene, safety and environmental protection, in accordance with laws and regulations, oil industry practices, as well as international treaties signed and ratified by Cameroon on greenhouse gas emissions.

Article 12:

(1) The operator shall be bound to ensure compliance of the facilities necessary for associated gas exploitation, during the transitional period referred to in Section 25 below.

(2) The compliance conditions shall be laid down by regulation.

Article 13:

The operator may request from the Minister in charge of environmental issues to benefit from the Clean Development Mechanism or other similar mechanism in order to obtain carbon credits.

Chapter IV

ADMINISTRATIVE AND TECHNICAL MONITORING

Article 14:

The Minister in charge of the upstream petroleum sector shall be responsible for administrative and technical monitoring of associated gas related activities in conjunction with all other relevant government services.

Article 15:

(1) Administrative and technical monitoring shall include:

- assessment of compliance with standards of flaring;
- verification of volumes of gas flared;
- upkeep of equipment and facilities;
- safety of persons and property;
- environmental protection.

(2) The conditions for implementing the provisions of Subsection 1 above shall be laid down by regulation.

Chapter V

ACCOUNTING, TAX, CUSTOMS AND EXCHANGE SYSTEM PROVISIONS

Section I

ACCOUNTING

Article 16:

Associated gas exploitation accounts shall be governed by the laws applicable to oil contracts.

Article 17:

(1) The operator shall keep separate accounts for its liquid hydrocarbons and associated gas exploitation operations.

(2) Without prejudice to the tax provisions in force, audited accounts shall be filed with the competent authority within no more than three (3) months of the close of fiscal year, subject to penalties provided for in Section 22 below.

Section I

TAX AND CUSTOMS PROVISIONS AND EXCHANGE REGIME

Article 18:

The operator shall be subject to the tax system provided for by the Petroleum Code.

Article 19:

Notwithstanding the provisions of Section 18 above, associated gas exploitation activities shall enjoy the following tax benefits:

- Exemption from company tax for the first 5 (five) years of operation. At the end of the said period, the associated gas operator shall be liable to company tax at the reduced rate of 35 % (thirty-five percent);
- Exemption from registration fees for buildings leased solely for professional use as an integral part of the investment programme;
- Exemption from transfer fees on the acquisition of property, land and buildings essential to the implementation of the investment programme;
- Exemption from the graduated tax on production as provided for in the Petroleum Code;
- For the first 10 (ten) years of associated gas exploitation, deduction of depreciation normally recorded during the first 3 (three) fiscal years on taxable income from the next 5 (five) fiscal years.

Article 20:

The operator shall be subject to the customs and foreign exchange regimes provided for under the Petroleum Code.

Chapter VI

OFFENCES AND PENALTIES

Section I

OFFENCES

Article 21:

The following shall be considered offences within the meaning of this law:

- laring without authorization;
- flaring contrary to the provisions hereunder;
- non-compliance with standards of flaring
- non-compliance with technical, safety and health regulations on flaring operations;
- non-compliance with environ mental regulations;
- non-maintenance;
- non-compliance with accounting standards hereunder;

- concealment of information and communications which the Minister in charge of the upstream petroleum sector is responsible for monitoring;
- obstruction of control by sworn officers.

Section II

PENALTIES

Article 22:

(1) In case of violation, the Minister in charge of the upstream petroleum sector shall pronounce against the operator, one of the following sanctions:

- fine;
- suspension of the flaring permit;
- withdrawal of flaring approval.

(2) The penalties referred to in subsection

(1) above shall take effect only where a notice served on the operator is not acted upon within thirty (30) days.

Article 23:

The fines shall be as follows:

- flaring without a permit: 250,000,000 (two hundred and fifty million) CFA francs;
- violation of the standards of flaring: 100,000,000 (one hundred million) CFA francs;
- non-compliance with technical, safety and health-related flaring regulations: 50,000,000 (fifty million) CFA francs;
- non-compliance with the environmental rules: 20,000,000 (twenty million) CFA francs;
- non-maintenance of facilities: 50,000,000 (fifty million) CFA francs;
- non-compliance with accounting standards prescribed here above: 50,000,000 (fifty million) CFA francs;
- concealment of information and communications: 50,000,000 (fifty million) CFA francs;
- obstruction of control by authorized sworn officers: 100,000,000 (one hundred million) CFA francs;
- failure to pay fines: increase of 10% (ten percent) per month .

Article 24:

(1) The penalties referred to in Section 22 above shall be inflicted by the Minister in charge of the upstream petroleum,sector or any public establishment authorized to do so, without prejudice to other penalties provided by the laws and regulations in force.

(2) The conditions for implementing the provisions of subsection (1) above shall be laid down by regulation.

Chapter V

TRANSITIONAL AND FINAL PROVISIONS

Article 25:

The transitional period for compliance of associated gas exploitation facilities shall be 3 (three) years with effect from the date of enactment of this law.

Article 26:

This law shall be registered and published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 14 December 2011.

Paul Biya,
President of the Republic

I.15

LAW NO. 2012/006 OF 19 APRIL 2012 TO INSTITUTE THE GAS CODE

Article 30:

The operator shall be bound to comply with the environmental protection and safety laws and regulations in force, as well as with internationally accepted environmental protection and safety standards.

Section 31:

(1) Transportation and distribution concession holders shall be bound to build, maintain and develop their networks in accordance with the safety norms provided for by the laws governing compressed gas and steam powered equipment, as well as with any other regulations issued in pursuance of this law and specified provisions stipulated in their concession contracts. Moreover, they shall be bound to restore the sites where they have wound up operations, according to standard and internationally recognized practice.

(2) Any holder of a processing or storage licence shall be bound to comply with the laws and regulations governing establishments classified as dangerous, unhealthy or obnoxious.

Article 53 :

(1) Transportation, distribution, Processing and storage operations may entail the setting up of protection areas without compensation to the concession or licence holder.

(2) The setting up of the protection area shall seek to protect persons and property such as buildings and built-up areas, water sources, roads, bridges and public interest works as well as any other site where such areas are deemed to be in the general interest.

I.16

LAW NO. 2016/017 OF 14 DECEMBER 2016 ON THE MINING CODE (EXCERPT)

LAW NO. 2016/017 OF 14 DECEMBER 2016 ON THE MINING CODE (EXCERPT)

Section

CLOSED OR PROTECTED ZONES

Article 126 :

(1) Protected zones may be established by the minister in charge of mines in conjunction with the relevant government services, within which prospecting, exploration and mining of mineral or quarry substances are prohibited.

(2) Closed zones shall aim to protect buildings, agglomerations, cultural sites, burial grounds, places of endemism, tourist sites, water points, communication routes, civil engineering works, public utility works, archaeological sites, agricultural concerns, protected areas within the meaning of forestry and environmental laws, and ail areas deemed necessary for the preservation of the environment and general interests.

(3) The exclusion instrument shall be published in the Official Gazette or in a national journal of legal notices. It shall specify the relevant land areas or the mineral substance.

(4) A fair and prior compensation shall be paid to the operator or beneficiary of a license who suffers a prejudice as a result of the establishment of a protected zone.

(5) The exclusion of any zone or mineral substance from exploration and non-industrial or industrial mining may be lifted under the same formalities and procedures.

(6) Mining title applications on an excluded land registered before the publication of the exclusion decision shall be left pending. They shall be given priority during treatment if the exclusion decision ends.

Article 127 :

Prospecting, exploration or mining may not be undertaken without authorization from the competent authorities:

(a) on the surface, in an area of less than 500 (five hundred) metres, for mining operations and extraction 6f quarry substances:
- around built property, villages, groups of houses, protected areas, wells, religious buildings, burial grounds and places considered as sacred, without the consent of the owner;
- on both sides of communication routes, water pipes, energy and sundry substance carrier systems and, generally, around ail public utility sites and civil engineering works;

(b) in any protected area within the meaning of the forestry and environmental laws and under international agreement.

Article 128 :

In the event of an archaeological discovery or other discoveries not failing within the scope of the mining title, the holder of the mining title, reconnaissance permit, quarry mining license or permit shall be bound to delimit the perimeter concerned and immediately declare such discovery to the minister in charge of mines who, in tum, shall inform the competent authority, under pain of penalties.

Chapter III

RELATIONS BETWEEN OPERATORS

Article 129:

Where any works useful to several neighbouring operators are carried out, the said operators shall contribute an amount proportional to the profit they derive there from.

Article 130:

Where the mining works cause damage to a neighbouring operator, the author of the damages shall provide compensation.

Article 131:

(1) Communication routes and electric lines established by the operator may, where they do not entail any prejudice, against payment of a compensation agreed by mutual consent of the parties, where appropriate, be made available to neighbouring establishments at their request. They may be open to the public.

(2) Where an operator refuses to allow another operator to use his communication routes or electric lines under the conditions provided for in Section 131(1) above, the aggrieved operator may refer the matter to the authority in charge of mines or, where appropriate, to other relevant sector government services under terms laid down by regulation.

(3) The operator shall be responsible for the maintenance and upkeep of the facilities. Such facilities may, where necessary, be declared to be in the public interests in accordance with the laws and regulations in force.

Article 132:

A buffer zone may be determined to prevent contact between works in a mine with those of other mines already established or to be established. The establishment of the buffer zone shall not entail any compensation on the part of the operator.

Chapter IV

HEALTH, SAFETY AND HYGIENE

Article 133:

(1) Any natural or legal person carrying out exploration and mining works pursuant to this law shall be bound to do so according to standard practice and in accordance with the laws and regulations in force, in such manner as to safeguard the health and safety of persons, workers of the mine and property.

(2) The health, safety and hygiene rules applicable to prospecting, exploration and mining as well as to transportation, storage and use of mineral or dangerous substances shall comply with the laws and regulations in force.

(3) Where the standards provided for by the laws and regulations in force are lower than to those observed by the permit holder in other countries where he carries out the same activity, the latter shall prevail. In such case, the permit holder shall adopt and apply rules that comply with such standards, to ensure optimal conditions of hygiene, health and safety for workers.

(4) Before undertaking exploration or mining activities, the holder of a mine or quarry title shall draw up rules relating to safety, health, hygiene and prevention of occupational hazards for the proposed works, which shall be submitted to the joint approval of the ministers in charge of mines and labour. Once such approval is granted, the mining or quarry title holder shall comply therewith.

(5) Any accident occurring or any danger detected at a work site, mine, quarry or in their outbuildings must be reported to the authorities in charge of mines, health and occupational safety within the time limit prescribed by the regulations in force.

(6) In the event of impending danger or accident at a work site or a mine, the authority in charge of mines, judicial police officers and other competent authorities may take all necessary measures to end the danger and prevent its consequences. In the event of emergency or refusal of mining title holders to comply, these measures shall be enforced as of right at the expense of the parties concerned, as the case may be.

(7) In addition to the health, safety and hygiene rules provided for in the paragraphs and provisions above, ail holders of mining titles, quarry mining licenses and permits with the exception of non-industrial mining operators and operators of non-industrial quarries for domestic purposes shall be bound to take out an insurance policy to cover any civil liability and any damage that may result from their activities, under terms and conditions laid down by regulation.

Article 134:

(1) In the event of an accident occurring at a mine or quarry or their outbuildings, or in the event of danger detected, the holder of the license, mining or quarry title shall be bound to take ail necessary measures to contain or prevent the disaster and/or request competent bodies to repair same in accordance with the regulations in force.

The relevant authorities shall jointly conduct an investigation to determine the causes of the accident and draft a report containing proposals to prevent the recurrence of further accidents.

(2) Where the holder of the mining or quarry title or the beneficiary of a license is unable to prevent or contain the disaster using his own means, the authority in charge of mines, judicial police officers and other competent authorities shall, at the expense of the operators concerned, take ail necessary measures to end the danger and prevent its recurrence.

Chapter V

PROTECTION OF THE ENVIRONMENT

Article 135:

(1) Further to the provisions of this law, any mining and quarry operation undertaken must comply with the laws and regulated force relating to sustainable environmental protection and management.

(2) Apart from the non-industrial mining license, the exploration permit and the license for non-industrial quarry mining for domestic purposes, the granting of mining titles, quarry licenses and permits shall be subject to the prior conduct of an environmental and social impact assessment, a hazard and risk assessment and provision of an environmental management plan as provided for by the laws and regulations in force in matters relating to the protection and sustainable management of the environment.

Article 136:

(1) Each operator shall be responsible for the restoration, rehabilitation and closure of mining and quarry sites.

(2) The operations referred to in Section 136 (1) above shall include removal, by the operator, of ail facilities, including any mining or quarry plant found on the land.

(3) The former mining and quarry sites must be restored to stable conditions of security, agrosylvopastoral productivity and appearance close to their original state or conducive to any new and sustainable development deemed suitable and acceptable by the authorities in charge of mines, the environment and any other relevant authority.

(4) Without prejudice to the provisions of Section 236(1), (2) and (3) above, the State or mining and quarry operators may use the old sites for various activities.

(5) The post-inspection establishment of the proper rehabilitation and restoration of the mining sites by the authorities in charge of mines and the environment or any other relevant authority shall result in the grant of a discharge which shall release the former operator of any obligation concerning his former mining title, his quarry license or permit. However, the former operator shall remain responsible for any damage discovered subsequently in connection with his previous activities on the site.

(6) The terms and conditions for implementation of the provisions of Section 136(1) above shall be laid down by regulation.

Article 137:

In order to ensure mining and quarry resources in line with environmental titles shall be the rational use of mineral and quarry protection, holders of responsible for:

- preventing geohazards and geodisasters; preventing or minimizing the discharge of waste in protecting fauna and flora;
- promoting or maintaining the general health of the reducing waste;
- disposing of non-recycled waste in such manner as to ensure safety of the environment, after informing and receiving the approval of the authorities in charge of mining and the environment;
- managing waste in accordance with the laws and regulations in force.

Article 138:

(1) Where a mining title, a quarry license or quarry permit expires, is abandoned, withdrawn or renounced, the holder shall, within the period prescribed by the minister in charge of mines, dismantle, in accordance with standard rules, any mining plant found on the land covered by the title.

(2) Further, the holder of the mining title, a quarry license or permit shall be liable to payment of the required duties and taxes and shall be bound to honour his obligations relating to the environment and the rehabilitation of mining sites, in accordance with the laws and regulations in force.

(3) Where the mining plant is not dismantled, the minister in charge of mines may take measures for the mining plant to be sold by public auction or tender. The proceeds of such sale shall be paid into the Treasury.

(4) If upon the expiry of a mining or quarry title, the holder is unable, within the prescribed time limit to remove or complete the treatment of waste, and after a formal notice remained unheeded, the holder shall be liable to the penalties provided for by the laws and regulations in force.

(5) If upon the expiry of a mining or quarry title, the holder is unable, within the prescribed period, to remove other minerals extracted, such minerals shall become State property.

(6) The provisions of this Section shall not apply to agreements between the former holder of the mining or quarry title and the possible owner of the land covered by the mining or quarry title, as concerns the facilities abandoned on the land after the prescribed period.

Article 139:

The provisions of Section 125 of this law notwithstanding, no material used to construct or support any shaft, tree, gallery, terrace, dam or other extraction work shall be removed without the authorization of the authorities in charge of mines.

However, the mining agreement may include other provisions applicable to the holder at the expiry of a mining permit.

Article 140:

At the end of mining or quarry activities, buildings, outbuildings, wells, galleries and ail structures in general built and used for the mining or quarry activities shall be secured, in accordance with conditions set out in the Environmental and Social Management Plan and the mining sites rehabilitation programme.

Chapter VI

GOVERNANCE AND TRANSPARENCY IN THE MINING SECTOR

Article 141:

Holders of mining titles shall be required to comply with the principles of transparency by declaring ail payments made to the State, in accordance with the laws and regulations in force.

Article 142:

Holders of mining titles operating in Cameroon shall be obliged to comply with the international commitments made by the State and applicable to their activities, to improve governance in the mining sector, particularly those relating to the Kimberley Process (KP) and the Extractive Industries Transparency Initiative (EITI).

Article 143:

Holders of diamond and gold exploration or mining permits and ail players involved in the processing and marketing chain of these substances shall be subject to traceability requirements and to internationally recognized rules and principles.

Article 144:

LThe instruments on the granting, extension, renewal, transfer, farm-out, withdrawal or waiver of a mining permit shall be published in the Official Gazette and in journals of legal notices.

Article 145:

(1) Every applicant or holder of a mining title, quarry license or permit as well as their direct subcontractors shall be bound to provide to the competent authority, the identity of all the parties having interests in the mining title, notably:
   - legally identified shareholders of each company holding at least 5% (five percent) of the share capital;
   - subsidiaries of each company their subcontractor(s), their relationship with the company and the court having jurisdiction where they operate;
   - the identity of the senior managers and executives of each company which make up the applicant, the title holder or his subcontractor, each shareholder of these companies, anyone considered as manager of the company, and anyone holding 5% (five percent) or more of the voting rights entitling control of the company or rights to the profit of the company and the command chain of these rights.

(2) Any subsidiary of the holder or applicant of a mining title, quarry license or one of the shareholders thereof shall make a prior declaration of identity stating the nature of relationship in ail submission with economic and financial stakes for mining companies in Cameroon.

Chapter VII

ACCESS TO GEOLOGICAL AND MINING INFORMATION

Article 146:

(1) The geological and mining documentation consisting of any data relating to the national subsoil, its potential, its mineral resources as well as geohazards shall be kept in the ministry in charge of mines, in physical or digital form, in georeferenced or non georeferenced databases accessible to applicants, under the terms and conditions laid down by regulation.

(2) The geological and mining documentation shall include especially:

- prospecting reports;
- reconnaissance reports;
- exploration reports;
- administrative supervision and technical control reports; exploration reports by holders of exploration permits;
- geological and mining surveys;
- findings of analyses of mineral substance samples;
- geological and mining maps;
- geoscientific data.

Article 147:

(1) The following may access geological and mining documentation, upon payment of Consulting fees, as applicable:

- mining operators; researchers;
- any interested person.

(2) The amounts and conditions of payment and collection of the fees referred to in Section 147(1) above shall be determined by regulation.

(3) Exploration reports by holders .of valid exploration permits may not be conveyed to third parties.

(4) Reports and information relating to improvement of the living conditions of local communities living around mining and quarry sites may be conveyed to third parties as part of implementation of the good governance mechanisms outlined in this law.

PART VI

POSSESSION, TRANSPORTATION, PROCESSING AND MARKETING OF MINERAL SUBSTANCES

Article 148:

No one shall possess, transport or market mineral substances derived from non-industrial and semi-mechanized non-industrial mining, unless he is holder of a valid individual non-industrial mining operator's card, the individual collector card, a non-industrial mining license, a semi- mechanized non-industrial mining license or a license to open a marketing office.

Article 149:

(1) Non-industrial and semi-mechanized non-industrial mining operators may sell their mining products only to collectors, marketing offices, or to any structure established or authorized by the State.

(2) Collectors may sell non-industrial and semi-mechanized non- industrial mining products only to marketing offices or to structures created or authorized by the State.

Article 150:

(1) The collection of non-industrial mining substances shall be subject to issuance of a collector's card by the authority in charge of mines.

(2) The holder of a collector's card shall be required to keep records and documents relating to the marketing of mining products as prescribed by regulation.

Article 151:

(1) The marketing of mineral substances derived from non- industrial or semi-mechanized non-industrial mining shall be open to any natural or legal person governed by Cameroonian law. It shall be subject to issuance of a license by the minister in charge of mines, under the terms and conditions laid down by regulation.

(2) The holder of the license referred to in Section 151(1) above shall be authorized to open an office for the purchase and marketing of mineral substances obtained from non-industrial or semi-mechanized non-industrial mining under terms and conditions laid down by regulation.

(3) The license referred to in Section 151(1) above shall be valid for 4 (four) years, renewable.

(4) In order to supply the domestic market, the State may authorize one of its entities to carry out the marketing of the mineral substances referred to in Section 151(1) above.

Article 152:

The provisions of Section 151 above notwithstanding, holders of non-industrial and semi-mechanized non-industrial mining permits shall be strictly forbidden to have, directly or through intermediaries, any interests in purchase offices.

Article 153 :

The control and monitoring of the production, processing and marketing of mineral substances derived from non-industrial and semi- mechanized non-industrial mining shall be carried out by competent State bodies.

Article 154:

The terms and conditions for importing and exporting mineral substances shall be laid down by regulation.

Article 155:

(1) Conditions for possessing precious stones and mineral substances as personal collection shall be laid down by regulation.

(2) Any personal collections leaving the country shall be subject to prior authorization by the minister in charge of mines.

Article 156:

(1) Any mineral substance extracted from Cameroon's subsoil and destined for export shall be submitted to the expertise of the laboratory of the ministry in charge of mines or any other laboratory approved by the minister in charge of mines.

(2) Regarding gold, ail export transactions, excluding those carried out on the non-industrial mining site, shall be done on alloyed gold. Alloying shall be carried out in the laboratories referred to in Section 156(1) above.

(3) The terms and conditions for carrying out the analyses provided for in Section 156(1) above shall be laid down by regulation.

Article 157:

Any trader of mineral substances shall be required to comply with trade laws and with this Code.

Article 158:

The marketing of products derived from mining reconnaissance or exploration shall be strictly prohibited.

Article 159:

The export of mineral substances and sending of mining reconnaissance or exploration samples for analysis and industrial tests shall be carried out under the terms and conditions laid down by regulation.

Article 160:

(1) The export of mineral and quarry substances shall be subject to a compliance check by the authority in charge of mines.

(2) The processing of some mineral substances into ingots or other form may be required for export.

Article 161:

(1) For the quantity of mineral substances destined for export and for processing by local industries, the compliance check shall be carried out by sampling, in accordance with the laws and regulations in force.

(2) A certificate of authenticity issued by the authority in charge of mines shall be required for ail precious stones or metals as well as semi- precious stones leaving the national territory.

(3) The terms and conditions for issuance of the certificate provided for in Section 161(2) above shall be laid down by regulation.

Article 162:

(1) All jewels made from precious and semi-precious stones sold on the domestic market or exported must be stamped.

(2) The terms and conditions for the stamping referred to in Section 162(1) above shall be laid down by regulation.

Article 163:

The provisions of this Chapter shall apply *mutatis mutandis* to industrial and non-industrial establishments working on mineral substances.

PART VII

LOCAL CONTENT

Article 164:

The development of mining resources and industrial quarries must include a "Local Content" component which shall specify the spin-offs of the selected mining and quarry projects on Cameroon’s economic, social, cultural, industrial and technological development.

Article 165:

(1) The Local Content referred to in Section 164 above shall include a human resources development component and a domestic industries and business development component. Both components must be detailed out in the standard mining agreement that will be drafted.

(2) The Local Content shall include, in particular:

- the types of jobs or trades required as part of the developed projects;
- the detailed mechanisms for transfer of technology and skills to nationals in order to increase their vocational skills in the required trades;
- a recruitment plan highlighting the proportions reserved for nationals by professional category;
- a technical and vocational training programme for Cameroon nationals in order to improve their skills in the mining trade;
- a programme on the working conditions, the protection of workers against emerging risks and social security;
- a programme and terms for subcontracting primarily to local small- and medium-sized enterprises (SMEs) having the requisite capacity to provide goods, products, tools, materials, equipment and services;
- a programme for the social development of the neighbouring population and, where necessary, the indigenous populations in the vicinity of mining and quarry activities;
- conditions for a periodic assessment of the capacity of local enterprises likely to contribute to the construction, operation and maintenance of the facilities required for the earmarked mining activities and, where necessary, a development and upgrading plan for those in need thereof.

Article 166 :

(1) For the implementation of the activities referred to in Section 165 above, the mining companies that had signed a mining agreement, or other specifications documents, shall be required to pay a contribution into a special local capacity building fund, with effect from a date and up to an amount fixed in the mining agreement.

(2) The contributions referred to in Section 166(1) above shall be for:

- the development of local human resources, particularly by upgrading, adapting or creating local training institutions for mining professionals;
- the development and upgrading of home-based companies likely to be involved in the mining sector, as service providers, subcontractors or mining companies;
- social programmes and projects for the promotion of indigenous and local populations in the vicinity of mining sites;
- programmes and projects to fight against the worst forms of child labour in the mines;
- the programme for maternity protection in mines;
- monitoring the mining companies' compliance with their commitments towards the Local Content.

(3) The amount of the contribution referred to in Section 166(1) above in CFA francs, shall be between 0.5% (zero point five percent) and 1% (one percent) of the mining company's total turnover exclusive of taxes. The adopted rate shall be fixed during negotiations of the mining agreement between the parties.

(4) The conditions for the collection and management of these contributions shall be laid down by regulation.

Article 167:

(1) Mining companies shall give priority to the recruitment of Cameroonians in majority, with the required skills, in accordance with the existing regulations in matters relating to employment and labour.

(2) Ninety percent of the positions that do not require special skills shall be reserved for Cameroonians.

Article 168:

(1) Mining companies and their subcontractors shall be required to give preference to companies governed by Cameroonian law that meet international standards in the area, for construction contracts as well as contracts to provide services, materials, equipment, and products relating to mining operations, in accordance with existing regulations which specify quotas for subcontracting to local companies.

(2) The minister in charge of mines or any other duly authorized body shall be responsible for the monitoring and implementation of the provisions of Section 168(1) above.

(3) The terms and conditions for the monitoring and implementation provided for in Section 168(2) above shall be laid down by regulation.

Article 169:

Mining companies shall be required to submit to the State and to carry out, depending on their priorities, technology and know-how transfer programmes relating to their activities, with a view to encouraging, facilitating and enabling the gradual replacement of the expatriate staff of the companies with local staff.

PART VIII

TAX, CUSTOMS AND ECONOMIC PROVISIONS

Chapter I

TAX PROVISIONS

Section I

SPECIAL TAXES

Paragraph I :

Survey and exploration fees. Fixed costs and area royalty

Article 170 :

(1) Applications for granting and renewing mining titles and other licenses and transactions shall be subject to payment of non-refundable survey and exploration fees at the time of filing the application at the mining registry, under pain of inadmissibility.

(2) The amounts of and conditions for the distribution of the survey and exploration fees referred to in Section 170(1) above shall be laid down by regulation.

Article 171 :

(1) Mining titles and other licenses and transactions shall be withdrawn at the mining registry upon presentation of a receipt showing payment of fixed duties to the Treasury. The said fixed duties shall apply to the following deeds:

– grant of reconnaissance permit, quarry substance mining licenses and permits;

- grant of non-industrial and semi-mechanized non-industrial mining licenses, reconnaissance permit, exploration permits and small-scale and industrial mining permits;
- issuance of the mining operator or collector's card;
- license for marketing, alloying of mineral substances derived from non-industrial mining, semi-mechanized non-industrial mining, and industrial mining;
- license to open workshops for the new structures issuance of certificates to export mineral substances derived from non-industrial mining, semi-mechanized non-industrial mining, and industrial mining;
- spring water, mineral and thermomineral water operating permits;
- license for the packaging of spring water, mineral and thermomineral water;
- renewal of ail the above-mentioned mining titles and licenses.

(2) The amounts of the fixed duties referred to in Section 171(1) above shall be as follows

1) QUARRIES

a) Quarry license
- Grant: CFAF 1 500 000;
- Renewal: CFAF 2 000 000.

b) Quarry permit
- Attribution : CFAF 2 000 000;
- Renewal: CFAF 2 500 000;
- Transfer: CFAF 3 000 000.

2) NON-INDUSTRIAL MINING

a) Non-industrial mining operator's card
- Grant: CFAF 10 000;
- Renewal: CFAF 20 000.

b) Individual mineral substance collectors card
- Grant: CFAF 25 000;
- Renewal: CFAF 50 000.

c) Non-industrial mining licence
- Grant: CFAF 30 000 ;
- Renewal: CFAF 50 000.

d) Semi-mechanized non-industrial mining license
- Grant: CFAF 1 500 000;
- Renewal: CFAF 3 000 000.

e) License to open a marketing office for mining substances derived from non-industrial mining
- Grant: CFAF 750 000;
- Renewal: CFAF 1 250 000.

f) Allowing plant
- Grant: CFAF 750 000;
- Renewal: CFAF 1 250 000.

3) PERMITS

a) Reconnaissance permit

- Grant: CFAF 1 000 000;
- Renewal: CFAF 2 500 000.

b) Exploration permit

- Grant: CFAF 3 000/Km² ;
- Renewal: CFAF 4 000/Km² ;
- Transfer: CFAF 7 500 000.

c) Small-scale mining permit

- Grant: CFAF 2 500 000;
- Renewal: CFAF 6 000 000;
- Transfer: CFAF 10 000 000.

d) Industrial mining permit

- Grant: CFAF 6 000 000;
- Renewal: 1 CFAF 5 000 000;
- Transfer: CFAF 30 000 000.

4) EXPORT AND TRANSIT LICENCE: CFAF 250 000

5) GEOTHERMAL DEPOSITS, SPRING WATER, MINERAL AND THERMOMINERAL WATER

a) Reconnaissance

- Institution: CFAF 300 000;
- Renewal: CFAF 500 000.

b) Exploration

- Institution: CFAF 1 000 000 ;
- Renewal: CFAF 1 500 000;
- Transfer: CFAF 2 000 000.

c) Tapping

- Institution: CFAF 2 000 000 ;
- Renewal: CFAF 4 000 000 ;
- Transfer: CFAF 7 500 000.

(3) Public interest quarries shall be exempt from payment of the aforementioned fixed duties.

Article 172:

(1) Holders of exploration permits, mining permits or titles, non-industrial commercial quarry licenses and permits, semi-mechanized non-industrial and industrial quarry licenses and permits, licenses for tapping spring water, mineral and thermomineral water and geothermal deposits shall be liable to payment, at the beginning of each financial year, as applicable, of an area royalty or State land concession rights.

(2) The area royalty or State land concession rights referred to in Section 172(1) above shall be assessed on the basis of the surface area covered by the mining or quarry title, the permit or license on the date of payment.

Article 173:

(1) The amounts of the area royalty referred to in Section 172 above shall be determined by basic cadastral units as follows:

(a) Non-industrial mining license: CFAF 10 /m2/year

(b) Semi-mechanized non-industrial mining license: CFAF 50 /m2/year

(c) Exploration Permit:

- 1styear: CFAF 5 000 /km2/year;
- 2nd year: CFAF 6.000 /km2/year;
- 3rd year: CFAF 7 000/km2/year;
- 4th year: CFAF 14 000/km2/year;
- 5th year: CFAF 15 000/km2/year;
- 6th year: CFAF 30 000/km2/year; '
- 7th year: CFAF 31 000 /km2/year;
- 8th year: CFAF 62 000/km2/year;
- 9th year: CFAF 63 000/km2/year.

(2) The amounts of the area royalty concerning geothermal deposits, spring waters, mineral and thermomineral waters, shall be as follows:

- Exploration permit: CFAF 500 /m2/year;
- Mining title for geothermal deposits, spring water. mineral and thermomineral water: CFAF 50 /m2/year.

(3) The amounts of the State land concession rights referred to in Section 172 above shall be determined by basic cadastral units as follows:

- Quarry mining licenses and permits: CFAF 25 /m2/year;
- Small-scale mining permit: CFAF 75 000 /km2/year;
- Industrial mining permit: CFAF 100 000 /km2/year.

(4) The minimum charge for the annual mining concession permit shall be CFAF 2 000 000 (two million) for small-scale mining and CFAF 4 000 000 (four million) for industrial mining.

Paragraph II : Proportional fees

Article 174:

(1) Value-based royalty shall include the ad valorem tax on mining substances and the extraction tax on quarry materials.

(2) It shall be paid monthly by mining license or permit holders, or during the shipment of consignments by mining title holders upon filling out a tax returns at the taxation authority. Such returns shall be compared with the royalty payment statements prepared by the competent services of the ministry in charge of mines.

(3) Substances subject to the ad valorem tax shall be extracted products at their merchantable state, which have been treated or not, entailing no considerable modification in their chemical composition.

(4) The ad valorem tax shall be calculated on the basis of the taxable value of ready-to-ship products extracted from the mine, using information, contracts and supporting documents that each royalty payer must submit to the competent authorities to enable them determine such tax. The base price of the taxable value of products extracted from the mine shall be based on the international market price of the substance.

Article 175:

The amounts of the ad valorem tax on mining products and on spring water, mineral and thermomineral water as well as geothermal deposits, and of the extraction tax on commercial non-industrial, semi- mechanized non-industrial and industrial quarry substances, as well as the council tax, shall be as follows:

(a) For mining products :

- precious stones: (diamond, emerald, rubies, sapphire): 8%;
- precious metals: (gold, platinum, etc.): 5%
- base metals and other mineral substances: 5%;

– radioactive substances and their derivatives: 10%.

(b) For water

– geothermal deposits. spring water, mineral and thermomineral water: CFAF 800/m3

(c) For quarries

– unconsolidated materials (clay, stones, laterite, pozzuolana, sand, etc.): CFAF 200/m3

– hard materials: stones: CFAF 350/m3.

Article 176 :

(1) The amounts, rates and tariffs of fixed duties, area-based royalties, the ad valorem tax and the extraction tax laid down in sections 171,173,174 and 175 of this Code shall be incorporated into the Finance Law and attached as annex to the General Tax Code.

(2) The proceeds from area-based royalties and State land concession fees, the ad valorem tax and the extraction tax shall be shared between the Treasury, the authority in charge of mines, the authority in charge of State property, the taxation authority, the Funds provided for in this Code, councils and the neighbouring community, as the case may be.

(3) The conditions for such sharing shall be laid down by regulation.

Section II

TAX AND CUSTOMS REGIME

Article 177:

Subject to the implementation of the relevant provisions of common law, the following tax and customs benefits shall be granted to any exploration or mining enterprise or company carrying out its operations in conformity with this law.

Article 178:

(1) The tax and customs benefits shall be granted to mining title holders depending on the phases of the mining project.

(2) The phases referred to in Section 178(1) above shall concern:

– the exploration phase which covers the research period ;

– the operation phase which covers the installation or construction period and the production period.

Sous-section I

INCENTIVES DURING EXPLORATION PHASE

Paragraph I :

Tax Incentives

Article 179:

(1) Exploration permit holders shall benefit from:

– business licensing tax exemption;

– free registration of incorporation, company duration extension or capital increase and unbuilt landed property ownership transfer deeds;
– exemption from VAT on local purchases and on importation of materials and equipment directly related to mining operations featuring on a list jointly established by the minister in charge of mines and the minister in charge of finance.

(2) Effective exemption from VAT shall be subject to the presentation of an exemption certificate issued by the taxation authority upon written request by the holder.

Paragraph II :
Customs Incentives

Article 180:

(1) Exploration permit holders shall be granted temporary entry status for their equipment used for exploration, as well as for professional equipment, machines, appliances, mining site vehicles and spare parts.

(2) Mining site vehicles shall include all types of vehicles with the exception of private vehicles.

However, on the proposal of the minister in charge of mines, the customs authority shall assess the eligibility of mining company private vehicles for the system referred to in Section 180(1) above, under terms and conditions laid down by regulation.

(3) In the event of "as is" sale or transfer of such materials or equipment, customs duties and taxes shall be collected in accordance with the regulations in force.

(4) The materials and spare parts required for the operation of the plant and professional equipment shall be imported duty-free.

(5) Special lubricants required for the operation of exploration plant and equipment shall be imported duty-free.

Sous-section II

INCENTIVES DURING EXPLOITATION PHASE

Paragraph I : Tax Incentives

Article 181:

(1) Subject to the special benefits granted by this law, ordinary law provisions shall be applicable to mining permit holders.

(2) Mining companies and enterprises holding mining permits shall be entitled to the following benefits:

(a) payment of registration fees on incorporation, company duration extension and capital increase deeds spread out over a period of 1 (one) year. Such fees may be split and paid as follows:
– the first third upon submission of the incorporation deed;
– the second third and final third semi-annually.

b) Extension of the loss carry forward period from 4 (four) to 5 (five) years.

(3) Products intended for export shall be liable to a zero VAT rate, where such products are liable to this tax. However, products meant for consumption on the domestic market shall be liable to duties and taxes levied on similar imported products.

(4) Mining company deeds shall be exempt from payment of registration fees and stamp duty up to the

date of the first commercial production, with the exception of deeds on the leasing and renting of accommodation premises.

Paragraph II
Customs Incentives

Article 182:

(1) Holders of mining permits shall, during the mine installation or construction phase as specified in the mining agreement, be exempt from taxes and customs duties on equipment, inputs and capital goods needed for production, as well as on the first consignment of spare parts accompanying start-off equipment, with the exception of private vehicles, office supplies and equipment. They shall also benefit from:

- exemption from taxes and customs duties on replacement of equipment in the event of a technical incident on equipment to be used for expanding the mining operation;
- exemption from taxes and customs duties on imported inputs up to the date of the first commercial production established by a joint order of the minister in charge of mines and the minister in charge of finance;
- exemption from taxes and customs duties on the importation of materials and equipment needed for the construction of buildings, up to the date of the first commercial production established by a joint order of the minister in charge of mines and the minister in charge of finance;
- exemption from taxes and customs duties on special lubricants.

(2) However, up to the date of the first commercial product established by a joint order of the minister in charge of mines and the minister in charge of finance, the permit holder shall be exempt from VAT on imported materials and equipment under the conditions provided for in Section 182(1) above.

(3) All the customs exemptions provided for in this law shall not include taxes on services provided.

Article 183:

(1) The benefits referred to above shall also be granted to the sub-contractors of exploration permit holders.

(2) Sub-contractors of exploration mining companies shall be approved by instrument of the minister in charge of mines prior to commencement of their activities.

(3) Under the same quality, price, delivery deadline and payment conditions, holders of agreements attached to a mining title as well as enterprises working for them must give priority to Cameroonian enterprises, especially with respect to construction, supply or service provision contracts.

Section III

MINING LIST

Article 184:

The tax and customs benefits provided for in this law shall apply to the following equipment, consumables and materials:

- **First category:**

  Equipment, materials, heavy-duty tools, machines and site vehicles featuring on the fixed assets register of the company concerned;

– **Second category:**

  Consumables intended for extraction and concentration of raw mining substances, including heavy fuels exclusive of ordinary fuels, common lubricants and other petroleum products;

– **Third category:**

  Consumables intended for on-the-spot processing of mining substances into semi-finished or finished products, including heavy fuels and special lubricants, except for ordinary fuels, common lubricants and other petroleum products.

Article 185:

(1) Before starting their operations, holders of mining titles must establish a mining list for each of the activity phases specified in Section 186 below and have it approved by the minister in charge of finance.

(2) The content of the mining list shall be strictly limited to the categories defined in Section 184 above. The list shall comprise ail the equipment, materials, machines, raw materials and consumables for which the holder of the mining title is requesting exemption of levies and taxes on.

Article 186:

The contents of the mining list are specific to each phase of activity:

- the mining list for the research phase may only contain equipment, materials, machines, raw materials and consumables required for the activities of this phase;
- the mining list of the installation or construction phase may only contain the equipment, material, machinery, raw materials and consumables required for the activities of this phase;
- the mining list for the exploitation phase can only contain equipment, materials, machines, raw materials and consumables necessary for the activities of this phase.

Article 187:

(1) The mining list is revisable periodically according to the needs related to the evolution of the work of the phase concerned.

(2) Where equipment, material, machinery, raw materials and consumables to be imported do not appear on the previously defined and approved mining list, a modification of the existing list shall be filed with the Minister in charge of mines who shall transmit it after visas to the Minister of Finance for approval. The amendment respects the conditions for the establishment of the mining lists with particular regard to categories and content.

II

DECREES

II.1

DECREE NO. 81/279 OF 15 JULY 1981 TO LAY DOWN THE TERMS OF IMPLEMENTATION OF LAW NO. 77/15 TO REGULATE EXPLOSIVE SUBSTANCES AND DETONATORS

DECREE NO. 81/279 OF 15 JULY 1981 TO LAY DOWN THE TERMS OF IMPLEMENTATION OF LAW NO. 77/15 TO REGULATE EXPLOSIVE SUBSTANCES AND DETONATORS

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution of 2 June 1972;

Mindful of Law No. 77/15 of 6 December 1977 to regulate explosive substances and detonators;

HEREBY DECREES AS FOLLOWS:

Article 1

This Decree lays down procedures for implementing Law No. 77/15 of 6 December 1977 to regulate explosive substances and detonators.

Chapter I

REGULATED EXPLOSIVE SUBSTANCES AND DETONATORS

Article 2

The provisions of this Decree shall apply to:

- explosive chemical substances or products likely to explode made from nitro-glycerine, nitro -derivatives of hydrocarbons, chlorates or perchlorates, nitrates;
- ammonium-fuel oil nitrate mixtures;
- liquid oxygen;
- black powders;
- all firing devices and so-called "safety" explosives and, similarly, to all detonating or explosive bodies used in mines, quarries for public works and agricultural engineering;

However, they shall not apply to collodion or picric acid circulating or stored in non-combustible containers with a unit capacity of less than 1 kg and in batches with a total weight of less than 50 kg.

Article 3

New types of explosives and products likely to explode, not stated in Article 1 above, must be approved by order of the Minister in charge of mines prior to their manufacture, importation, sale, transportation, conservation or use in Cameroon.

Article 4

(1) The nomenclature and classification of explosives and detonators are set out in the Annex to this Decree.

(2) Explosive or detonating products and all fireworks referred to in Article 2 above shall correspond to or belong to one of the classes defined in the said annex to be manufactured, imported, sold, preserved or used in Cameroon.

Article 5

(1) (1) The substances referred to in Article 4 above are divided into eight classes. Each class shall be allocated a coefficient of equivalence E, with respect to dynamite-gum.

(2) The coefficients of equivalence shall apply to cartridged products. They shall be halved for uncartridged substances.

(3) All the weight limits fixed in this Decree shall be the gross weights of the products cartridged ready to use.

Chapter II

PERSONAL AUTHORIZATION TO MANUFACTURE OR CARTRIDGE

Article 6

(1) Personal authorization shall entitle the holder to manufacture or cartridge explosives, detonators and firing devices.

(2) The personal authorisation shall be granted by Decree at the end of the procedure described in Articles 7 and 8 below.

Article 7

(1) Application for authorization shall be addressed to the Minister in charge of Mines in three copies with the original bearing a stamp.

(2) It shall state:

a) the identity of the applicant:

- **for an individual:** name, first name, profession.
- **for a company:** company name, type, registered office

b) the place, nature and scope of the proposed activities.

(3) It shall be accompanied by the following documents:

(a) for an individual:

- a copy of the birth certificate;
- a certificate of non-conviction less than three months old;
- a certificate of nationality;
- an information sheet issued by the Minister in charge of mines,

(b) for a company

- a copy of the updated articles of association;

- the list of members of the Board of Directors specifying the identity and nationality of each member;
- the balance sheet of the previous financial year;
- a copy of the report of the Board of Directors addressed to the General Assembly and the report of auditors of the previous financial year;
- the surnames, first names, nationality, profession of the director and power-wielding associates of the company;
- an information sheet issued by the Minister in charge of mines.

Article 8

The whole file shall be forwarded to the Presidency of the Republic after the opinion of the ministers in charge of territorial administration and the armed forces as well as the General Delegate for National Security.

Article 9

Withdrawal of personal authorization may be made in the same manner as its granting.

Article 10

Refusal or withdrawal of an authorization shall not give room for any compensation.

Article 11

(1) Personal authorization to manufacture or cartridge shall be different from the authorization to operate a cartridge-making factory or workshop and shall not replace it.

(2) It shall neither be rentable nor transferable.

Chapter III

AUTHORIZATION TO OPERATE AN EXPLOSIVE OR DETONATOR CARTRIDGE-MAKING FACTORY OR WORKSHOP

Article 12

(1) No person may operate a factory or a cartridge-making workshop

- if he/she does not hold the personal authorization referred to in Chapter II above;
- if the operation of a cartridge-making factory or workshop has not been authorized in the terms defined below.

(2) The authorization to operate a cartridge-making factory or workshop shall confer on its proprietor the right to construct and commission a manufacturing plant or a cartridge-making workshop for fireworks, and explosive and detonating substances.

(3) It shall be granted by decree.

Article 13

(1) An application for authorization written in three copies, the original of which is stamped, shall be addressed to the Minister in charge of mines care of the territorially competent senior divisional officer.

It shall state:

a) For an individual:

– the surname, first name, residence, profession and nationality of the applicant.

b) For a company:

– its registered name, registered office, nationality and position of its representative.

(2) It shall be accompanied by the following documents:

– a 1/50,000 map showing the location of the factory or workshop;
– a 1/10,000 plan showing the surroundings of the establishment, over a radius of 3 km;
– the plans and sections at 1/200, which contain the layout of the establishment, as well as the distributions of each of the premises;
– any document likely to shed light on the nature of the composition and
– characteristics of the products whose manufacture and/or cartridge-making are envisaged; indications on the method of manufacture by specifying the quantities of raw materials and finished products to store; the number of different personnel, the number and types of machines to install;
– a safety and rescue plan in the event of danger during the operation of the establishment; hygiene measures taken at each workstation;
– all references of personal authorization referred to in Article 6 of this Decree;
– a declaration of election of domicile at the divisional headquarters where the establishment is located;
– the attestation by which the applicant declares to be acting on his own or on behalf of a third party; in the latter case, regular powers must be annexed;
– in the case of a company, the articles of association of the company and all acts establishing its legal existence.

(3) The authorization provided for in this Article shall be valid for one establishment only.

Article 14

The complete file shall be forwarded by the Minister in charge of mines to the Presidency of the Republic.

Article 15

(1) The Minister in charge of mines may, if necessary, issue by order special security and hygiene measures.

(2) Any modifications of the said measures and any new security and salvaging plan shall be approved in the same manner as in the previous paragraph.

Chapter IV

CONSERVATION OF EXPLOSIVE SUBSTANCES AND DETONATORS

Article 16

(1) Explosive substances and detonators, and detonating devices manufactured, imported, sold or used in Cameroon must be kept in specially designed depots and authorized in accordance with the forms and terms laid down by order of the Minister in charge of mines

(2) Explosives shall be kept in separate depots from those of detonators. However the detonating cords and slow or non-initiated safety locks shall be stored in the same depots as explosives.

(3) These depots may be classified according to their administrative situation, capacity or location and their method of construction.

Article 17

(1) In accordance with paragraph (3) of Article 16 above, there are:

(a) According to administrative criteria:

- permanent depots;
- temporary depots;
- mobile depots.

(b) According to capacity:

- permanent category 1 depots with a storage capacity exceeding 300 kg of dynamite-gum;
- permanent category 2 depots, whose storage capacity does not exceed 300 kg of dynamite-gum;
- temporary depots and mobile depots shall have a capacity equal to that of permanent category 2 depots.

(c) According to their location and method of construction:

- surface depots built outdoors on the ground;
- buried depots built by an arch covered with embankment by an underground gallery not linked to any construction site in operation;
- underground depots located in a gallery linked to an underground operational construction site.

(2) The methods and conditions of storage and construction of various depots defined in paragraph (1) above shall be laid down by order of the Minister in charge of mines.

Article 18

(1) Operating a depot of explosives, detonators and detonating devices shall be subject to obtaining prior authorization issued by the Minister in charge of mines.

(2) The authorization to operate a depot shall confer on its holder the right to construct and put it in use.

(3) It shall be valid for only one establishment and shall concern either a permanent category one or two depot, a temporary depot or a mobile depot.

Article 19

(1) Application for an authorization to operate a category 1 or 2 permanent depot or a temporary depot shall be in three copies, the original of which shall be stamped and forwarded to the Minister in charge of mines through the territorially competent senior divisional officer.

(2) It shall be accompanied by the following documents and information:

- a map of the region at 1/50 000 indicating the location of the depot;
- a 1/10 000 plan showing the surroundings of the proposed depot within a radius of 500m;
- plans and sections at 1/200 showing the layout and distributions of the establishment and its various premises;
- a statement on the type and quality of the substances to be kept in the depot and on the use for which they are intended;
- a safety and rescue plan in the event of danger during the operation of the establishment;
- a declaration of election of domicile in the division where the deposit will be located,

(3) The request shall also state the names, first names, profession, nationality of the applicant if it is a natural person; in the case of a company, its name, headquarters, nationality and position of its representative, the articles of association of the company and all deeds establishing its legal existence.

Article 20

Authorization shall be granted under the following conditions:

(1) by order of the Minister in charge of mines for category 1 and 2 permanent depots;

(2) by decision of the Minister in charge of mines for temporary depots;

(3) The authorization order or decision must specify the duration of the authorization, the situation and the type of depot and maximum quantities of the products to be stored therein, special safety measures to be taken. The same deed may authorize the operation of a depot of explosives and a depot of detonators.

Refusal or withdrawal of an authorization shall not give room for any compensation.

Article 21

(1) The period of validity of the authorization to operate a category 1 or 2 permanent depot shall be four years renewable.

(2) The period of validity of a temporary depot shall not exceed six months.

Article 22

(1) The authorization to operate a mobile depot shall be granted in the case where for public utility works the use of explosives, detonators and detonating devices is necessary in sites situated in several localities of the same administrative unit or of several neighbouring administrative units.

(2) The conditions for operating a mobile depot shall be laid down by order of the Minister in charge of mines.

Article 23

(1) The application for an authorization to operate a mobile depot shall be in the same manner and conditions laid down in Article 19 above. It must also make known the localities in which the operations shall be carried out and their approximate duration.

(2) The authorization shall be granted by order of the Minister in charge of mines after the opinion of the authorities provided for in Article 8.

(3) The refusal or withdrawal of authorization shall not give room for any compensation.

(4) In case of emergency, the Governor may suspend the implementation of the authorization to operate a mobile depot within the territory of his province. He shall immediately inform the Minister in charge of mines.

Chapter V

PERSONAL AUTHORIZATION TO IMPORT, SELL, BUY OR TRANSPORT EXPLOSIVE SUBSTANCES AND DETONATORS

Article 24

(1) The importation, sale, purchase or transport of explosive substances and detonators shall be subject to prior authorization issued by the Minister in charge of mines after notification of authorities provided for in Article 8 of this Decree.

(2) An application made and processed in accordance with the procedure laid down in Chapter II of this Decree shall make known besides the origin and nature of products, the size of the consignment and special safety requirements during handling, transportation and delivery.

It shall also mention all references to the authorization to exploit depots in which these products will be stored.

(3) The authorization shall be granted by order of the Minister in charge of mines. It shall make known the number of operations permitted, the nature and quantities of explosives and detonators or fireworks allowed per operation given the capacity of the operated depots.

It shall also specify whether the beneficiary is authorized to sell the imported or purchased products.

In this case, the authorization must bear the label "sold to the public".

Article 25

(1) Only natural persons or legal entities authorized to manufacture and cartridge such substances, holders of the authorization provided for in Article 24 above, custodians of cartridge-making factories or workshops shall be authorized to sell explosive or detonating substances and detonating devices.

(2) Exceptionally, the operator of a depot may be authorized in the manner provided for in Article 24 above, to surrender to another depot during the course of operation excess explosives or detonators not used at expiry of the validity of their authorization.

This surrender must be carried out under the control of the local administrative authority in conjunction with the administration in charge of mines.

Article 26

(1) No person shall be delivered explosives or detonators unless he is the holder of a valid authorization to operate a permanent, temporary or mobile depot.

(2) The seller must ensure before any delivery operation that the buyer fulfils the requirements of paragraph (1) of this Article.

(3) Under no circumstances may the quantities sold exceed the capacity of the depots in which the products to be delivered will be stored.

Article 27

(1) However, the Minister in charge of mines and snior divisional officers may issue to individuals permissions for purchase and immediate use of explosive and detonating substances without the beneficiary being a holder of personal authorization and being obliged to build a depot.

(2) Permissions to purchase for immediate use shall be granted under the following conditions:

- The quantity of explosives authorized may not exceed 30 kg of explosives and 500 kg of detonators. It shall be bought in one instalment.
- The beneficiary must keep in a safe place, sheltered from the weather and under permanent and effective guard, and use all within twenty-four hours upon receipt of the explosives that he was allowed to use.

He must send to the authority that granted the permission with a copy to the Minister in charge of mines, if applicable within forty-eight hours of the use of the explosives, a detailed report, stating the quantities used for the work envisaged, the intended use of the remaining explosives, and return his permit after mentioning the type and quantity of products used and the delivery date of these products.

Article 28

(1)Transportation of explosives, detonators and detonating devices may be done by road, by rail, by inland waterways, on board inland navigation vessels.

Transportation of these materials by air shall be strictly forbidden.

(2) The conditions of transportation and transhipment shall be defined by order of the Minister in charge of mines.

Chapter VI

ADMINISTRATIVE AND TECHNICAL SURVEILLANCE

Article 29

(1) The authorization to operate a cartridge-making factory or workshop confers on the holder the right to build and operate a category one permanent depot.

(2) Orders issued by the Minister in charge of mines pursuant to this Decree shall specify the technical terms and conditions for the construction of manufacturing depots or cartridge-making workshops.

Article 30

(1) The holders of authorizations to operate a factory, a cartridge-making workshop or a depot for explosive substances, detonators or detonating devices shall operate their establishments at the end of construction work only upon notification by a conclusive inspection report, drawn up by a sworn inspector of mines.

(2) The expenses related to this inspection shall be borne by the operator.

(3) The authorization may be suspended and the operation delayed if the inspection referred to above was not carried out because of the holder of the authorization, or if during that inspection infringements on regulations were observed.

Article 31

(1) No modification may be made to a manufacturing, cartridge-making or conservation establishment of explosives, detonators or detonating devices without the prior approval of the Minister in charge of mines.

(2) The application for modification shall be in the same manner as the application for authorization of the corresponding category of establishment and shall follow the same administrative procedure.

(3) In case of refusal, the operator shall be notified by letter from the administration in charge of mines.

Article 32

(1) The Minister in charge of mines may prescribe additional special provisions after the granting of the authorization.

(2) The holder of the authorization must comply with the new measures taken at his expense, within 6 months, from the date of notification.

Article 33

(1) The authorization to operate factory of explosives, detonators or detonating devices, a cartridge-making workshop or depot of such substances may be assigned or transferred to natural persons or legal entities.

(2) In the case of a cartridge-making factory or workshop, the assignee must first be holder of the personal authorization to manufacture or cartridge provided for in Chapter II of this Decree.

(3) The application for authorization signed by the assignor and the assignee shall be sent to the Minister in charge of mines and must include all the justifications and reasons for the assignment transaction or envisaged transfer.

(4) The authorization shall be granted by the authority which signed the initial deed of authorization to the establishment concerned.

Article 34

(1) Authorization to operate a a cartridge-making factory or workshop, a permanent depot, a temporary depot or a mobile depot shall entail for the holder the obligation to report to administrative authorities where one of these establishments is built, with a copy to the local administration of mines, on stock movements, thefts and other incidents under conditions that will be specified in the order made pursuant to this Decree.

(2) Controls prescribed in connection with the inspection of establishments classified as dangerous, unhealthy and inconvenient, as well as technical controls allowing the permanent monitoring of cartridge-making factories or workshops, explosives, detonators and detonating devices depots will be regularly carried out by sworn inspectors of mines, without prejudice to controls made by administrative and law enforcement authorities.

(3) The operator must at all times allow these officials free access to the cartridge-making factory, workshop or depot. He must also provide them with all the information required for normal accomplishment of their duty and writing of corresponding reports.

Article 35

The territorially competent labour inspector may at any time visit cartridge-making factories or workshops of explosive or detonating substances. During these visits, he shall ensure that the facilities of the establishment and their accessory buildings extensions annexes are arranged in such a way as to guarantee the safety and hygiene of workers.

Article 36

(1) If for any reason the safety of the establishment or the public is impaired, or in case of imminent danger, the operator must inform the local administrative authorities who, under their responsibilities shall take the necessary safety and rescue measures in the meantime while waiting for arrival of the sworn inspector of mines.

(2) In agreement with the local administrative authorities, the sworn inspector of mines may order, at the expense of the operator and without the latter being able to claim any compensation, the removal, sale or destruction in situ or after transportation to a suitable place of the dangerous explosive or detonating substances.

Chapter VII

MISCELLANEOUS

Article 37

Without prejudice to the powers of judicial police officers with general jurisdiction, the provisions of this Decree shall be certified by the sworn inspectors of the Ministry in charge of mines, and where appropriate, by labour inspectors or their legal alternates.

Article 38

(1) An authorization to operate a a cartridge-making factory, workshop or depot may be withdrawn after formal notice, if the operator does not comply with the requirements laid down by this Decree and subsequent texts. Transportation, sale or destruction of explosive or detonating substances that would result from the closing order shall be prescribed at the expense of the operator.

(2) Any other infringement of the provisions of this Decree shall lead to the withdrawal of the authorization to operate or the one provided for in Chapter V above.

Article 39

As from the date of publication of this Decree and with the penalty of annulment, holders of authorizations for various activities on explosives regulated by this Decree shall have six months to comply with the above provisions.

Article 40

This Decree, which repeals all previous provisions to the contrary, will be registered and published in the Official Gazette in English and in French.

Yaounde, 15 July 1981

The President of the Republic

Paul Biya

ANNEX

Nomenclature and classification of explosive substances and detonators

Explosive substances and detonators covered by this Decree are classified in the eight classes below, each class being assigned an equivalence coefficient E with respect to dynamite-gum

Class	COEFFICIENT EQUIVALENCE	SUBSTANCES
0	E = ¼	Security lock detonators
0	E = 1/2	Electric detonators
I	E = 1	Dynamite and other nitro-glycerine based explosives
II	E = 2	Black powders or potassium or sodium nitrates other than those of class IV
III	E = 1	Chlorinated (OC type) or perchlorate (OP type) explosives
IV	E = 10	Compressed black powders of density greater than 1.5; carefully wrapped in good quality hard paper
V	E = 2	Ammonia explosives or nitrates and mixtures of ammonium nitrate - fuel- oil (type N explosives)
VI	E = 2	Nitrate explosive derivatives of benzene, toluene, mothballs, phenol and cresol
VII	E = 20	Detonating cords or trinitrotoluene and other cords or detonating with the same safety guarantees. Enthrite and hexogen detonating fuses have E = 3

II.2

DECREE NO. 94/254/PM OF 31 MAY 1994 TO SET UP A NATIONAL ENVIRONMENT AND SUSTAINABLE DEVELOPMENT JOINT ADMINISTRATIVE BOARD

DECREE NO. 94/254/PM OF 31 MAY 1994 TO SET UP A NATIONAL ENVIRONMENT AND SUSTAINABLE DEVELOPMENT JOINT ADMINISTRATIVE BOARD

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Decree No.92/245 of 26 November 1992 to organize the Government as amended;

Mindful of Decree No.92/88 of 1 May 1992 to organize the Prime Minister's Office;

Mindful of Decree No. 92/89 of 4 May 1992 to specify the duties of the Prime;

Mindful of Decree No.92/244 of 25 November 1992 to appoint a Prime Minister, Head of Government,

HEREBY DECREES AS FOLLOWS:

Article 1:

A National Environment and Sustainable Development Joint Administrative Board herein under "The National Commission" is hereby set up.

Chapter I

DUTIES

Article 2.

(1) The National Commission shall assist Government in:

- drawing up national policy relating to the environment and sustainable development;
- coordinating and implementing the said policy;

To this end, it shall:

- monitor the execution of activities ensuing from AGENDA 21 laid down by the United Nations Conference on the Environment and Sustainable Development organized from 3 to 14 June 1992;
- assess progress made in the execution of commitments undertaken by Government as part of Agenda 21 referred to above;
- analyse reports drawn up as part of the follow-up of the implementation of international conventions on the environment and sustainable development; and
- prepare Government's contribution to the UN Commission on Sustainable Development;

(5) The Prime Minister may confer any other duty on her.

Chapter II

ORGANIZATION AND FUNCTIONING OF THE NATIONAL COMMISSION

Section I

ORGANIZATION

Article 3.

(1) Chaired by the Prime Minister or, upon his delegation, by the Minister in charge of Environment, the National Commission shall comprise the following members:

– a representative of the Prime Minister's Office;
  – a representative of each of the Ministries in charge of as the case may be:
– Environment and Forestry;
– Territorial Administration;
– Agriculture;
– Industrial and Commercial Development;
– Livestock, Fisheries, Animal Husbandry;
– Defence;
– National Education;
– Higher Education;
– Youth and Sports;
– Plan and Regional Development;
– Mines, Water and Energy;
– Scientific and Technical Research;
– External Relations;
– Tourism;
– Public Works;
– Transport;
– Town Planning and Housing;
– Health; and
– Women's Affairs.
  – a Parliamentarian;
  – a representative of the Chamber of Commerce, Industry and Mines of Cameroon;
  – a representative of the Chamber of Agriculture, Livestock and Forestry;
  – three (3) representatives of religious organizations each representing the Catholic and Protestant Churches and Islam; and
  – three (3) representatives of non-governmental organizations concerned with issues on the environment and sustainable development.

(2) The Chairperson may invite any person based on his competence to participate, without voting rights, in the deliberations of the National Commission.

(3) Members of the National Commission shall be appointed by order of the Prime Minister upon the proposal of each of the ministers or the main official of the institution mentioned, as the case may be.

Article 4:

The National Commission shall comprise the following organs:

- specialized committees referred to herein under as “The Committees”;
- a permanent secretariat;
- provincial committees.

Article 5:

(1) The National Commission shall be subdivided into five (5) Committees covering the areas of expertise provided for in the appendix of this decree.

(2) The composition, operating methods and appointment of Committee members shall be set out by order of the Minister in charge of Environment.

(3) Each Committee shall be chaired by the official of the Ministry with jurisdiction.

Article 6:

(1) The Permanent Secretariat of the National Commission shall be managed by the Director responsible for environmental issues in the Ministry in charge of Environment in collaboration with the competent official(s) at the Prime Minister’s Office.

(2) He shall:

- propose the agenda of the National Committee;
- préparé files to be submitted for review;
- follow-up the implementation of its recommendations;
- supervise the coordination of activities related to the implementation of Agenda 21;
- draw up session minutes and reports relating to the execution of proposals and recommendations made as well as the annual and quarter reports sent to the Prime Minister;
- draw up the list of personalities to participate in deliberations in accordance with the provisions of Article 3 (2);
- keep the register in which the opinions, proposals and resolutions of the National Commission are recorded; and
- conserve ail the National Commission’s documentation.

(2) Members of the Permanent Secretariat shall participate in the deliberations of the National Commission and shall have voting rights.

Article 7:

(1) The duties, composition and operating methods of Provincial Commissions shall be set out by order of the Minister in charge of Environment.

(2) Members of Provincial Commissions shall be appointed by order of the Provincial Governor with territorial jurisdiction.

Section II

FUNCTIONING

Article 8:

(1) The National Commission shall be convened at least twice (2) a year in an ordinary session by its Chairperson.

(2) It may equally be convened in an extraordinary session by its Chairperson or at the request of at least two thirds (2/3) of its members.

(3) In the cases referred to in subsections (1) and (2), the summons signed by the Chairperson shall indicate the date, hour and agenda of the session. It shall include working documents if necessary.

Article 9:

(1) The National Commission shall give its opinion on any matter:

- relating one of its duties laid down I Articles 2 and 3 referred to her by the Prime Minister;

(2) It may validly conduct its business only in the presence of at least two thirds (2/3) of its members.

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 10:

(1) The duties of Member of the National Commission, Committees, Permanent Secretariat and Provincial Commissions shall be free of charge.

However, members and personalities called for consultation and who do not live in the venue of the meeting shall be entitled to transport and travel allowances like civil servants of Group I, based on the production of a travel document issued by the administrative authority of the jurisdiction upon presentation of the summons by the Chairperson of the National Commission, Committee or Provincial Commission.

(2) The free transport and travel allowances referred to in subsection (1) above shall be exclusive of any other benefit in kind.

Article 11:

The operating expenses of the National Commission, Committees, Permanent Secretariat and Provincial Commissions shall be borne by the budget of the Ministry in charge of Environment.

Article 12:

The National Commission, Committees and Provincial Commissions may receive, by authorization of the Prime Minister, technical and financial assistance from any international body or non-governmental organization.

Article 13:

This decree shall be registered, published according to the procedure of urgency then inserted in the official Gazette in English and French.

Yaounde, 31 May 1994

Simon Achidi Achu
Prime Minister

II.3

DECREE NO. 98-31 OF 9 MARCH 1998 TO DETERMINE THE ORGANIZATION OF EMERGENCY AND RELIEF PLANS IN THE EVENT OF DISASTER OR GRAVE DANGER

DECREE NO. 98-31 OF 9 MARCH 1998 TO DETERMINE THE ORGANIZATION OF EMERGENCY AND RELIEF PLANS IN THE EVENT OF DISASTER OR GRAVE DANGER

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;

Mindful of Law No. 86-16 of 6 December 1986 to reorganize civil protection.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree shall determine the organization of emergency and relief plans in the event of disaster or grave danger.

Article 2:

Emergency plan shall mean the set of quick intervention measures which should be taken to cope with disasters or grave danger occurring in any part of the country.

Article 3:

(1) In the event of a disaster or grave danger. The emergency plan shall be launched by :

- the Divisional Officer at the divisional level;
- the Governor at the provincial level;
- the Secretary-General of the Presidency at the national level.

(2) The emergency plan may be launched only when the competent authority has reliable and irrefutable information on the nature and scope of the disaster or grave danger.

(3) The competent authority shall take the following measures:

- send out the alert:
- promptly initiate emergency relief activities.
- inform higher authorities:
- mobilize the necessary human. material and financial resources;
- promptly convene the Crisis Commission:
- inform the general public.

Chapter II

CRISIS COMMISSION

Article 4 :

In the event of a disaster or grave danger. the Crisis Commissions set up by this decree shall meet automatically:

- at the divisional level;
- at the provincial level:
- and at the national level.

Article 5:

The Crisis Commission shall be responsible on Particular for:

- co-ordinating public relief action;
- directing relief operations;
- preparing rescue facilities;
- forwarding relief to the disaster area;
- determining the assistance and relief needs of victims;
- assessing the immediate and after effects of the phenomenon;
- managing all the human, material and financial resources provided for the circumstance by the
- government authorities, public or private international organizations and, in general, all gifts and legacies.

Article 6:

(1) The Crisis Commission at the divisional and provincial levels shall correspond to the Joint Chiefs of Staff.

(2) The competent authority may involve any individual or corporate body on account of their competence.

Article 7:

(1) In the event of a disaster or grave danger the National Crisis Commission shall comprise the following:

Chairman: The Secretary-General of the Presidency of the Republic.

Members:

the Secretary-General at the Prime Minister's Office:

- the minister in charge of defence.
- the minister in charge of finance:
- the minister in charge of external relations;
- the minister in charge of territorial administration.
- the minister in charge of Justice,
- the minister in charge of public health;
- the minister in charge of communication:
- the minister in charge of transport;
- the minister in charge of the environment:
- the minister in charge of social affairs;

- the Delegate General for National Security;
- the Secretary of State for Defence. in charge of the Gendarmerie;
- the Director General of External Research:
- the National President of the Red Cross

(2) The Chairman of the National Crisis Commission may involve any individual or corporate body on account of their competence.

(3) The Secretariat General of the Presidency of the Republic shall provide the secretarial services of the National Crisis Commission.

Chapter III

EMERGENCY PLAN FUNDING

Article 8:

The resources available to the National Crisis Commission for intervention in the event of a disaster or grave danger shall be derived from:

- annual allocations in the State budget;
- public subsidies;
- aid and public or private contributions of all types:
- all forms of donations and legacies.

Article 9:

(1) The National Crisis Commission shall draw up an intervention plan, accompanied by budget estimates, which shall be enforceable once approved by the President of the Republic.

(2) The Chairman of the National Crisis Commission shall, at the local level, allocate the required means according to the nature and extent of the disaster or grave danger.

Article10:

(1) The Chairman of the National Crisis Commission shall be the authorizing officer of its budget.

(2) The Minister of Finance shall appoint the accounting officer.

Article 11:

(1) The funds earmarked for intervention in the event of a disaster or grave danger shall be lodged in an account in an approved bank.

(2) The National Crisis Commission shall also have a special imprest set up by the Minister in charge of Finance and supplied with funds as and when necessary.

Chapter IV

MISCELLANEOUS AND FINAL PROVISIONS

Article 12:

(1) The Chairman of the National Crisis Commission shall report regularly on the activities of the commission to the President of the Republic.

(2) he shall prepare a general report on the disaster or grave danger, stating in detail all the immediate and post-crisis measures required to check its effects or prevent its occurrence.

(3) He shall. in particular, assess State relief and assistance measures that could be required for some categories of victims, especially minors and displaced persons.

Article 13:

This decree, which repeals ail previous provisions repugnant hereto shall be registered. Published according to the procedure of urgency and inserted in the Official Gazette in English and French .

Yaounde, 9 March 1998.

Paul Biya,
President of the Republic

II.4

DECREE NO. 99/634 / PM OF 10 JUNE 1999 TO AMEND AND SUPPLEMENT SOME PROVISIONS OF DECREE NO. 94/254/PM OF 31 MAY 1994 TO CREATE A NATIONAL ADVISORY COMMISSION ON ENVIRONMENT

DECREE NO. 99/634 / PM OF 10 JUNE 1999 TO AMEND AND SUPPLEMENT SOME PROVISIONS OF DECREE NO. 94/254/PM OF 31 MAY 1994 TO CREATE A NATIONAL ADVISORY COMMISSION ON ENVIRONMENT

THE PRIME MINISTER, HEAD OF GOVERNMENT:

Mindful	of the Consultation;
Mindful	of Law No. 96/12 of 5 August 1996 relating to environmental management;
Mindful	of Decree No. 92/088 of 4 May 1992 to organize the Prime Minister's Office;
Mindful	of Decree No. 92/089 of 4 May 1992 to specify the powers of the Prime Minister, amended and supplemented by Decree No 95/145 of 4 August 1995;
Mindful	of Decree No. 97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;
Mindful	of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister;
Mindful	of Decree No. 98/345 of 21 December 1998 to organize the Ministry of Environment and Forestry;
Mindful	of Decree No. 94/259/PM of 31 May 1994 to establish a National Advisory Commission for Environment and Sustainable Development.

HEREBY DECREES AS FOLLOWS:

Article 1:

The provisions of Articles 3 (1), 6 (1), 79 (1) and 11 of Decree No. 94/259/PM of 31 May 1994 to create a National Advisory Commission for Environment and Sustainable Development are amended and supplemented as follows:

Article 3: (1) (new)

Presided by the Prime Minister or by delegation of the latter, by the Minister in charge of Environment, the National Commission shall comprise of the following members:

- a representative of the Prime Minister's Office;
- a representative of each of the ministries, as the case may be, in charge of:
  - environment and forestry;
  - territorial administration;
  - agriculture;
  - industrial and commercial development;
  - livestock, fisheries and animal husbandry;
  - defence;

- national education;
- higher education;
- youth and sports;
- regional development;
- economy and finance;
- mines, water resources and power;
- scientific and technical research;
- external relations;
- tourism;
- public works;
- town planning and housing;
- public health;
- women's empowerment;
- social affairs;
- urban affairs;
- a member of the National Assembly;
- a senator;
- a representative of the Cameroon Chamber of Commerce, Industry and Mines;
- a representative of the Chamber of Agriculture, Livestock and Forestry;
- three members of religious denominations, each representing the Catholic Church, Protestant Churches and Islam;
- three representatives of non-governmental organizations concerned by environment and sustainable development issues.

Article 6: (1) (new)

The Permanent Secretariat of the National Commission shall be ensured by the Permanent Secretariat of the Ministry in charge of environment in conjunction with competent officials at the Prime Minister's Office.

Article 7: (new)

The duties, the composition and the operating procedures of provincial commissions as well as that of those relating to the appointment of their members shall be laid down by order of the Minister in charge of environment.

Article 9: (new)

The National Commission shall give an opinion on any issue relating to its tasks as defined in Article 2 above, as well as on any other issue received from the Prime Minister.

Article 11: (new)

The recurrent expenses of the National Commission, committees, the Permanent Secretariat and provincial commissions shall be borne by the National Environment and Sustainable Development Fund.

However, and pending the establishment of this Fund, these expenses shall be deductible from the budget of the Ministry in charge of environment.

Article 2:

This Decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 10 June 1999

Peter Mafany Musonge
PRIME MINISTER,
HEAD OF GOVERNMENT

II.5

DECREE NO. 99/780/PM OF 11 OCTOBER 1999 – TO AMEND AND SUPPLEMENT PROVISIONS OF ARTICLE 3 (1) OF DECREE NO. 94/259/PM OF 31 MAY 1994 TO ESTABLISH A NATIONAL ADVISORY COMMISSION FOR ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

DECREE NO. 99/780/PM OF 11 OCTOBER 1999 – TO AMEND AND SUPPLEMENT PROVISIONS OF ARTICLE 3 (1) OF DECREE NO. 94/259/PM OF 31 MAY 1994 TO ESTABLISH A NATIONAL ADVISORY COMMISSION FOR ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

THE PRIME MINISTER, HEAD OF THE GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 96/12 of 5 August 1996 relating environmental management;

Mindful of Decree No. 92/088 of 4 May 1992 to organize the Prime Minister's Office;

Mindful of Decree No. 92/089 of 4 May 1992 to specify the powers of the Prime Minister, amended and supplemented by Decree No. 95/145 of 4 August 1995;

Mindful of Decree No. 97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;

Mindful of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister;

Mindful of Decree No. 98/345 of 21 December 1998 to organize the Ministry of Environment and Forestry;

Mindful of Decree No. 94/259/PM of 31 May 1994 to establish a National Advisory Commission for Environment and Sustainable Development

HEREBY DECREES AS FOLLOWS :

Article 1:

The provisions of Article 3 (1) of Decree No. 94/259/PM of 31 May 1994 to establish a National Advisory Commission for the Environment and Sustainable Development are amended and supplemented as follows:

Article 3 : (1) (nouveau)

Presided by the Prime Minister or by delegation of the latter, by the Minister in charge of environment, the National Commission shall comprise the following members:

- a representative of the Prime Minister's Office;
- a representative of each of the ministries, as the case may be, in charge of:
  - environment and forestry;
  - territorial administration;

- agriculture;
- industrial and commercial development;
- livestock, fisheries and animal husbandry;
- defence;
- national education;
- higher education;
- youth and sports;
- regional development;
- economy and finance;
- mines, water resources and power;
- scientific and technical research;
- external relations;
- tourism;
- public works;
- transports;
- town planning and housing;
- public health;
- women's empowerment;
- social affairs;
- urban affairs;
- a member of the National Assembly;
- a senator;
- a representative of the Cameroon Chamber of Commerce, Industry and Mines;
- a representative of the Chamber of Agriculture, Livestock and Forestry;
- three members of religious denominations, each representing the Catholic, Protestant Churches and Islam;
- three representatives of non-governmental organizations concerned with environmental and sustainable development issues;
- two representatives of donors concerned with environment and sustainable development.

The rest unchanged.

Article 2 :

This decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 11 October 1999

Peter Mafany Musonge
The Prime Minister, Head of Government,

II.6

DECREE NO. 99/818/PM OF 9 NOVEMBER 1999 TO LAY DOWN TERMS AND CONDITIONS OF SETTING UP AND OPERATING ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

DECREE NO. 99/818/PM OF 9 NOVEMBER 1999 TO LAY DOWN TERMS AND CONDITIONS OF SETTING UP AND OPERATING ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution;
Mindful	of Law No. 96/12 of 5 August 1996 relating to Environmental Management;
Mindful	of Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;
Mindful	of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, as amended and supplemented by Decree No 95/145 of 4 August 1995;
Mindful	of Decree 97/205 of 7 December 1997 to organize the Government, as amended and supplemented by Decree No 98/067 of 28 April 1998;
Mindful	of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister,

HEREBY DECREES AS FOLLOWS:

Article 1:

This Decree lays down the procedures for setting up and operating establishments classified as dangerous, unhealthy or obnoxious.

Chapter I

PROVISIONS APPLICABLE TO FIRST CLASS ESTABLISHMENTS

Article 2 :

(1) Any person wishing to set up and operate an establishment subject to authorization shall address an application to the Minister in charge of classified establishments.

This application, the original of which shall be stamped at the current rate, shall be filed in five copies and shall mention:

- surname, first names, domicile, filiation and nationality if it is a natural person;
- the name or corporate name, legal status, address of the registered office, composition of capital, if any, as well as the position of the signatory of the application for corporate bodies;

- the location of the establishment;
- the nature and volume of the activities that the promoter proposes to carry out, as well as the items of the nomenclature in which the establishment is to be classified;
- the manufacturing processes that will be implemented, the materials used and the products manufactured by specifying their chemical composition and their biodegradable character. In this case, the promoter may send in a single copy and in a separate envelop confidential information that may result in the disclosure of manufacturing secrets.

(2) Where the setting up of an establishment requires prior obtaining of a building permit, the application for authorization shall be accompanied by the said permit or, where appropriate, proof of filing of the permit application, with the understanding that a building permit is not worth authorization to set up or to operate.

Article 3

Each copy of the application for authorization shall be accompanied by the following documents:

- a map at a scale of 1/50,000, approved by a sworn surveyor of the cadastre, on which shall be indicated the location of the proposed facility;
- a 1/10 000 scale plan, approved by a sworn surveyor of the cadastre, on which shall be indicated the surroundings of the establishment on a radius of 100m. On this plan shall be indicated all buildings with their uses, railroads, public roads, water points and waterways;
- an overall plan at 1/200 scale indicating the projected provisions and distributions of the establishment and its various premises;
- an environmental impact assessment carried out in accordance with the laws and regulations in force;
- a hazard study carried out in accordance with the laws and regulations in force;
- an emergency plan drawn up in accordance with the laws and regulations in force;
- plans, sections and technical documentation of equipment;
- a receipt attesting the payment to the public treasury of the right to issue the authorization to operate provided for in Article 27 below.

Article 4

(1) Applications for the authorisation to operate first-class establishments shall be subject to public inquiry, opened by the Minister in charge of dangerous, unhealthy or obnoxious establishments who shall appoint investigating commissioners for that purpose.

(2) The opening of this inquiry shall be published through:

- the senior divisional officer of the division where the establishment is located;
- the divisional officer of the sub-division concerned;
- the mayor of the council where the establishment is located.

(3) The aforementioned authorities shall post the notice to the public provided for in Article 5 below. The posting radius determined for each classified establishment shall be set at five kilometres maximum in the sub-division or council where the establishment is located.

(4) An inquiry register shall be opened at the sub-divisional office or the council office of the location of the establishment in which the public may make comments, after acquainting themselves with the issue.

Article 5

(1) The public notice shall be posted at the expense of the applicant. The carrying out of this posting shall be certified by the authorities mentioned in Article 4 above.

(2) The notice shall specify the type of establishment, its class, the types of hazards and nuisances the

establishment may present, the place on which it is to be carried out, the duration of the inquiry, the names and addresses of the investigating commissioners.

(3) The inquiry shall also be announced by a notice inserted in the Official Gazette in the same manner as above, and by any other means, if the type and magnitude of the dangers and inconveniences presented by the proposed establishment are justified.

Article 6

(1) Upon the initiation of an investigation, the Minister in charge of classified establishments shall communicate for advice a copy of the application for authorization to the administrations in charge of environment, public health and, where appropriate, agriculture, animal husbandry, industrial development, and trade. The above-mentioned administrations must take a decision within twenty days as from the date of referral. After this deadline, their observations shall not be taken into consideration.

(2) The Minister in charge of classified establishments shall issue an order fixing the date to present and explain the project to the population by the establishment's promoter, in the presence of administrative authorities referred to in Article 4 above. The report of this ceremony shall be drawn up and signed by the investigating commissioners.

Article 7

The duration of the public inquiry of establishments subject to authorization shall be thirty days After this period, the administrative authorities referred to in Article 4 above shall forward to the Minister in charge of classified establishments a certificate of posting and no-opposition in case of no objection by the populations, or failing that, the oppositions of the interested public concerning the setting up of the establishment.

Article 8

(1) The inquiry register shall be closed and signed by the investigating commissioners. During the close of the inquiry, the investigating commissioners shall summon the applicant within one week and communicate to him on-the-spot the written or oral observations recorded in their report inviting him to produce a response within 15 (fifteen) days.

(2) The Investigating Commissioners shall forward the inquiry file to the Minister in charge of establishments within eight days of the filing of the applicant's response or the expiry of the time limit for giving that response. The Minister shall decide within a maximum of one month from the date of receipt of the file in his services.

(3) However, the Minister in charge of classified establishments may, where it is impossible to decide within the period referred to in paragraph (2) above, fix by order a new deadline which may not exceed 2 (two) months.

Article 9

(1) If the proposed establishment has more than one classified first class facility,

There shall be a single inquiry, and a single order shall decide on all the facilities.

(2) The authorization shall be granted pending taking into account the rights of third parties.

Article 10

The order on authorization to operate an establishment classified as dangerous, unhealthy or obnoxious shall stipulate the conditions for setting up and operating, as well as the technical requirements for preventing dangers to health, safety, public health, agriculture, nature and the environment in general, and inconveniences for the comfort of the neighbourhood.

Article 11

In the context of self-monitoring of discharges into the environment, the authorization order shall stipulate the means of analysis and measures necessary for control of the establishment and monitoring its effects on the environment.

Article 12

(1) In order to inform the interested public:

- a copy of the decree of authorization shall be deposited in senior divisional office, sub-divisional office and council office of the establishment's location;
- an excerpt from the order listing the requirements to which the establishment is subject shall be posted at the sub-divisional office and the council office for a maximum of one month, the reports of the aforementioned authorities shall prevail. The same excerpt shall be posted in front of the offices of the beneficiary of the authorization and inserted in the Official Gazette.

(2) At the request of the operator, certain provisions likely to lead to the disclosure of manufacturing secrets may be excluded from the publication provided for in paragraph (1) above.

Article 13

The Minister in charge of establishments classified as dangerous, unhealthy or obnoxious shall lay down by order the procedures for carrying out emergency public inquiries with a view to granting authorizations as appropriate for a limited period to establishments that are required to operate for a period not exceeding one year, either to establishments experimenting with new technologies or located at sites within the vicinity of which town planning developments are planned.

Chapter II

PROVISIONS APPLICABLE TO SECOND CLASS ESTABLISHMENTS

Article 14 :

The declaration relating to a second class establishment must be sent, before operating the establishment, to the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious in five copies of which the original shall be stamped at the current rate.

It shall mention:

- surname, first names, domicile, filiation and nationality if it is a natural person;
- name or corporate name, legal status, address of the registered office, composition of capital, if any, as well as the quality of the signatory of the declaration if it is a corporate body;
- location of the establishment;
- nature and volume of the activities that the promoter proposes to carry out and the nomenclature(s) in which the establishment is to be classified;
- a receipt attesting the payment into the public treasury of the issuance fee for the declaration receipt provided for in Article 27 below.

The promoter shall also produce:

- a site plan of the establishment at the scale of 1/50,000, approved by a sworn surveyor of the cadastre;

- an overall plan at the scale of 1/200 showing the material provisions of the establishment and indicating up to 50m at least of this land use, inhabited areas, water points, communication routes;
- the method of recovery, enhancement and treatment of solid waste and liquid or gaseous effluents;
- the building permit, if applicable, with the understanding that the latter is not worth authorization to set up or to operate;
- an emergency plan drawn up in accordance with the laws and regulations in force.

Article 15

Before deciding on the operator's declaration, the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious shall communicate for opinion a copy of the latter to the council where the establishment shall be located, to the administrations in charge of environment, health and, where appropriate, agriculture, livestock, and industrial and commercial development. The aforementioned administrations shall take a decision within ten days from the date of their referral. After this deadline, their observations shall not be taken into consideration.

Article 16

(1) The Minister in charge of establishments classified as dangerous, unhealthy or obnoxious shall by decision, issue a receipt of the declaration within a maximum period of fifty days from the date the declaration was filed in his services and shall provide the applicant with a copy of the general requirements concerning the classified activity. After this deadline, the receipt of the declaration shall be deemed acquired.

(2) A copy of the decision referred to in paragraph (1) above shall be sent to the administrative authority and the mayor of the council where the establishment is located, for information of the interested public.

(3) At the applicant's request, certain provisions of the decision that may lead to the disclosure of manufacturing secrets may be excluded from the publication provided for in paragraph (2) above.

Article 17

(1) To prevent either hazards to health, safety, public hygiene, agriculture, nature and the environment in general, or inconveniences for the comfort of the neighbourhood, additional requirements may, as necessary, be issued against the inconveniences inherent in the operation of a second-class establishment.

(2) The operator of a second-class establishment may, on the basis of a reasoned request submitted to the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious, obtain the removal or mitigation of certain requirements to which he is subjected.

Chapter III

COMMON PROVISIONS FOR CLASSIFIED ESTABLISHMENTS

Article 18

(1) The emergency plan referred to in Articles 3 and 14 above shall be approved by a commission made up of the following members:

– a representative of each of the ministers in charge, as the case may be, of:

- classified establishments, president;
- territorial administration;
- defence ;
- environment ;
- industrial and commercial development,
- a representative of the Delegate General for National Security.

(2) The approval commission referred to in paragraph (1) above shall annually ensure the condition and reliability of the equipment provided for in the implementation of the emergency plan.

(3) The composition of the accreditation committee shall be determined by decision of the Minister in charge of classified establishments.

Article 19

(1) The setting up and operation of any classified establishment shall be subject to obtaining a priori, as the case may be, the order authorizing operation, or the declaration receipt.

(2) Where an authorized or registered establishment changes its operator or name, the new operator or his representative shall make the declaration to the Minister in charge of classified establishments within one month from the date of taking over the establishment.

Article 20

Any transfer of an establishment to another location, any modification of it resulting in a significant change in the demand or the original declaration shall require, before its completion, a request for supplementary authorization or a new declaration, subject to the same formalities as the original application or declaration.

Article 21

(1) Where a classified establishment is not operational within two years from the notification of the order of authorization to operate or the issuance of the declaration receipt, or not operated for two consecutive years, for the operator to resume operations, he shall request a new authorization or make a new declaration.

(2) Where an establishment ceases the activity for which it was authorized or declared, its operator must inform the Minister in charge of classified establishments within one month following the cessation.

He shall be issued a receipt free of charge for this declaration. The operator must restore the site so as to eliminate any danger or inconvenience for comfort of the neighbourhood.

Article 22

The operator of an establishment subject to authorization or declaration shall be required to immediately notify, and no later than forty-eight hours,the Minister in charge of classified establishments, accidents or incidents resulting from the operation of this establishment.

Article 23

The Minister in charge of classified establishments may decide that the restoration of an establishment following a temporary halt as a result of a fire, explosion or other accident due to its malfunction, shall be subject to a new authorization or a new declaration, as the case may be.

Article 24

Where an establishment has been the subject of a removal, closure or suspension measure, the operator shall be required to take appropriate measures to supervise the establishment, including removing dangerous or toxic materials, which are perishable as well as animals found in the establishment.

Article 25

Inspection and control of establishments classified as dangerous, unhealthy or obnoxious shall be carried out, under the authority of the Minister in charge of those establishments, by inspectors designated for that purpose or by authorized natural persons or legal entities.

Chapter IV

FINANCIAL PROVISIONS

Article 26 :

In order to calculate the costs of inspection and control of classified establishments and pollution tax, under this Decree the following shall mean:

- built-up area, the area occupied by the facilities included in the nomenclature of establishments classified as dangerous, unhealthy or obnoxious;
- unbuilt area, the area occupied by unclassified facilities of the establishments concerned, including administrative buildings and dwellings;
- biodegradable pollution, any industrial discharge that can be easily destroyed by bacteria or by other biological agents;
- non-biodegradable pollution, any industrial discharge containing substances characterized by their persistence, toxicity or harmfulness and tendency to bio-accumulation.

Article 27

(1) Any establishment classified as dangerous, unhealthy or obnoxious shall be subject to pay a fee for authorization to operate or the declaration receipt the amounts of which shall be fixed as follows:

- 500,000 (five hundred thousand) CFA Francs for an establishment subject to authorization;
- 200,000 (two hundred thousand) CFA Francs for an establishment subject to declaration.

(2) Classified establishments referred to in Articles 20 and 23 above shall also be subject to payment of fees set out in this Article.

Article 28:

(1) Any establishment classified as dangerous, unhealthy or obnoxious that pollutes the environment, shall be subject to pay annual pollution tax whose multiplier coefficient, related to the typology and quantity of solid, liquid or gaseous discharges from the establishment is stipulate in the Annex of this Decree.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 29 :

The nomenclature of establishments classified as dangerous, unhealthy or obnoxious shall be laid down by order of the Minister in charge of classified establishments.

Article 30

Costs of public inquiry for dangerous, unhealthy or inconvenient establishments and allowances of investigating commissioners shall be borne by the operator.

Article 31

All previous contrary provisions are hereby repealed, especially those of Decree No. 76/372 of 2 September 1976 to regulate dangerous, unhealthy or obnoxious establishments.

Article 32:

The Minister of Mines, Water Resources and Power shall be in charge of the implementation of this Decree which will be registered and published according to procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 9 November 1999

Peter Mafany Musonge
Prime Minister, Head of Government

ANNEX to the Decree No. 99/818/PM of 9 November 1999 to lay down terms and conditions for setting up and operating establishments classified as dangerous, unhealthy or obnoxious.

Definition of the multiplying coefficient for the calculation of the pollution tax

Typology of discharges	Quantity of discharges	Multiplier coefficient N
I.- Biodegradable pollution a. liquid discharges b. solid discharges II.- Non-biodegradable or hardly biodegradable pollution 1. liquid discharges 2. solid discharges	V<10m3/J V>10m/J Q<1T/J Q>1T/J V<5m3/J V>5m3/J Q<0,5T/J Q>0,5T/J	1<N<4 N= 5 1<N<3 N=4 5<N<8 N=8 5<N<7 7<N<9
III.- gaseous pollution 1. greenhouse gases 2. CFC gas 3. particulars	Whatever be V	N = 8 N = 10 N = 6
IV.- Pollution by ionizing radiation 1. X-ray generators 2. Radio nuclides		N = 10 N = 10
V.- Acoustic pollution	I<100 DB I>100 DB	N = 4 N = 6

II.7

DECREE NO. 99/820/PM OF 9 NOVEMBER 1999 TO LAY DOWN CONDITIONS FOR APPROVAL OF PHYSICAL PERSONS OR LEGAL ENTITIES OPERATING POLLUTION CONTROL LABORATORIES

DECREE NO. 99/820/PM OF 9 NOVEMBER 1999 TO LAY DOWN CONDITIONS FOR APPROVAL OF PHYSICAL PERSONS OR LEGAL ENTITIES OPERATING POLLUTION CONTROL LABORATORIES

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution;
Mindful	of Law No. 96/12 of 5 August 1996 relating to environmental management;
Mindful	of Law No. 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or inconvenient;
Mindful	of Decree No. 92/089 of 4 May 1992 to specify the powers of the Prime Minister, amended and supplemented by Decree No. 951145 of 4 August 1995;
Mindful	of Decree No. 97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;
Mindful	of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the conditions of approval of physical persons or legal entities operating laboratories for quality and quantity control of solid, liquid or gaseous effluents discharged by establishments classified as dangerous, unhealthy or inconvenient..

Article 2 :

The control of effluents discharged by establishments classified as dangerous, unhealthy or inconvenient shall be a prerogative of the administration in charge of classified establishments.

However, the administration responsible for classified establishments may approve physical persons or legal entities to operate pollution control laboratories under conditions laid down by this Decree.

Chapter II

GRANT OF APPROVAL

Article 3 :

(1) The approval referred to in Article 2 above shall be granted by Order of the Minister in charge of classified establishments, after the opinion of the competent technical administrations, at the request of the applicant for a period of three years renewable.

(2) The approval shall be strictly individual, non-assignable, non transferable and shall not be rented.

Article 4:

(1) Every person seeking accreditation shall compile a file that includes:

– an application in three copies, the original of which is stamped at the current rate, and indicating:
  – in the case of a natural person, his name and surname, affiliation, domicile, nationality, address, theoretical and practical competence in the field of pollution control, references relating to his past activities;
  – in this case it is a company, its legal nature, its name or corporate name, its registered office, the names, positions and nationalities of its main officials, its address, a certificate of non-bankruptcy issued by the court of first instance of the place where the head office is located;
  – the list of persons in charge of analyses, specifying for each one of them theoretical and practical skills as well as professional references in quality and quantity control of solid, liquid or gaseous effluents discharged by establishments classified as unhealthy or inconvenient; in charge of classified establishments

Article 11:

Authorized physical or legal entities must send to the Minister in charge of classified establishments before 31 July of each year, the progress report of the previous budget year as well as the financial report.

Chapter IV

ADMINISTRATIVE FOLLOW-UP

Article 12 :

(1) The analysis and testing centre of the ministry in charge of classified establishments shall be designated as reference laboratory.

(2) Control and expertise activities of pollution control laboratories are carried out under the supervision of the administration in charge of classified establishments whenever necessary and at least twice a year.

(3) The costs of control and expertise of pollution control laboratories shall be borne by the approved persons.

Article 13:

Infringements to the provisions of this Decree and those of its implementing instruments shall be recorded by judicial police officers, engineers and sworn officials of the Ministry in charge of classified establishments.

Chapter V

INFRINGEMENTS AND SANCTIONS

Article 14 :

(1) If the provisions of this Decree are not complied with, the Minister in charge of classified establishments may:

- suspend the accreditation for a period not exceeding one year in one of the following cases:
- violation of one of the provisions of Articles 7 and 11 of this Decree and its implementing instruments;
- non-payment of taxes owed;
- publication of erroneous control results;
- forgery and faking in terms of control of discharge;
- no repayment to the public treasury of sums due:
- ultimate withdrawal of the approval in case of cessation of activities, bankruptcy, liquidation and, in general, in case of repeated violation of the provisions of this Decree and of its implementing instruments.

(2) Any decision to suspend or withdraw shall be reasoned and notified to the person in question

(3) The suspension may be lifted only if it is noticed that there is a cessation of the cause that led to the suspension.

(4) Any suspension not lifted after one year automatically leads to the withdrawal of approval.

Chapter VI

FINAL PROVISIONS

Article 15:

Decrees issued by the Minister in charge of classified establishments shall set out, as and when necessary, the terms of implementation of this Decree, which will be registered, published according to procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaoundé, 9 November 1999

Peter Mafany Musonge
Prime Minister, Head of Government

II.8

DECREE NO. 99/821 OF 9 NOVEMBER 1999 TO LAY DOWN TERMS AND CONDITIONS FOR THE APPROVAL OF NATURAL PERSONS OR LEGAL ENTITIES IN INSPECTIONS, CONTROLS AND AUDITS OF ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

DECREE NO. 99/821 OF 9 NOVEMBER 1999 TO LAY DOWN TERMS AND CONDITIONS FOR THE APPROVAL OF NATURAL PERSONS OR LEGAL ENTITIES IN INSPECTIONS, CONTROLS AND AUDITS OF ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

THE PRIME MINISTER, HEAD OF GOVERNMENT

VU of the Constitution;

VU of Law No. 96/12 of 5 August 1996 relating to environmental management;

VU of Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

VU of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, as amended and supplemented by Decree No 95/145 of 4 August 1995;

VU of Decree 97/205 of 7 December 1997 to organize the Government, as amended and supplemented by Decree No 98/067 of 28 April 1998;

VU of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the conditions for the approval of natural persons or legal entities for inspections, controls and audits of establishments classified as dangerous, unhealthy or obnoxious.

Article 2:

For the purposes of this Decree, the terms inspections, controls and audits shall be understood to mean all operations in a dangerous, unhealthy or obnoxious establishment within the framework of administrative and technical supervision, aimed at preventing either dangers to health, safety, public hygiene, agriculture, nature and the environment in general, or inconveniences for the comfort of the neighbourhood.

Article 3:

Inspection, control and audit of establishments classified as dangerous, unhealthy or obnoxious shall be a prerogative of the administration in charge of classified establishments.

However, the administration in charge of classified establishments may approve natural persons or legal entities for inspections, controls and audits of establishments classified as dangerous, unhealthy or obnoxious under the conditions laid down in this Decree.

Chapter II

GRANT OF APPROVAL

Article 4 :

(1) The approval referred to in Article 3 above shall be granted by order of the Minister in charge of classified establishments, after the opinion of the competent technical administrations, at the request of the applicant for a renewable period of 3 (three) years.

(2) The approval shall be strictly individual, non assignable, non transferable and shall not be rented.

Article 5:

(1) Any person seeking an approval shall compile a file that shall include:

- an application in three copies, the original of which shall be stamped at the current rate and indicating:
- in the case of a natural person, his name and surname, filiations, domicile, nationality, address, theoretical and practical expertise in inspection, control and audit of classified establishments, references relating to his previous activity;
- in the case of a company, its legal status, its name or corporate name, its registered headquarters, the names, positions and nationalities of its main leaders, its address, a certificate of non-bankruptcy issued by the court of first instance of the place where the head office is found;
- the list of names of its technicians specifying for each of them, his theoretical and practical skills and its professional references in inspection, control and audit of classified establishments;
- the list of equipment, scientific equipment and technical documentation available to the applicant on the date of application for approval;
- a receipt attesting the payment into the Public Treasury of the fees for the issuance of 100,000 (one hundred thousand) CFA Francs for individuals and 300, 000 (three hundred thousand) CFA Francs for companies, the said fees being non-refundable.

(2) The application, signed and addressed to the Minister in charge of classified establishments, shall be submitted at the provincial delegation of the Ministry in charge of classified establishments.

(3) In the event of modification in any of the information referred to in paragraph (1) above, it shall be immediately notified to the Minister in charge of classified establishments.

(4) The Minister in charge of classified establishments may, at the expense of the approval applicant, visit his facilities.

Article 6:

(1) An application for renewal of an approval, deposited in the same manner as the initial application must reach the Minister in charge of classified establishments four months before the date of expiry of the current approval.

(2) The fees for renewal of an approval shall be set at 200,000 (two hundred thousand) CFA Francs for individuals and 600,000 (six hundred thousand) CFA Francs for companies.

Article 7:

In all cases, the Minister in charge of classified establishments shall have a period of forty-five days from the deposit date to decide. After this time, his silence shall worth acceptance of the request.

Chapter III

OBLIGATIONS OF APPROVED PERSONS

Article 8 :

Approved persons, administrators and technical staff of approved companies, called to carry out inspections and controls of establishments classified as dangerous, unhealthy or obnoxious, shall be bound by professional secrecy. In this respect, they shall be prohibited from having any interest in an establishment classified as dangerous, unhealthy or obnoxious.

Article 9:

Notwithstanding the provisions of the Labour Code, approved natural persons or legal entities shall not make changes to the list of their technical staff during the period of validity of approval only upon obtaining prior approval from the Minister in charge of classified establishments.

Article 10:

Approved natural persons or legal entities shall not provide services other than those featuring in the approval deed.

Article 11:

Inspection, control and audit of establishments classified as dangerous, unhealthy or obnoxious by the approved persons must be the subject of a report initialled by the territorially competent person in charge of classified establishments, to be addressed to the Minister in charge of classified establishments.

Article 12:

Inspection, control and audit of establishments classified as dangerous, unhealthy or obnoxious by the approved persons shall be made at the request of the administration in charge of classified establishments.

Article 13:

Approved natural person or legal entity shall be responsible for any accident or incident caused by them during inspections, controls and audits of classified establishments.

Article 14:

Approved natural persons or legal entities must forward to the Minister in charge of classified establishments before 31 July of each year, the activity report of the previous fiscal year as well as the financial report.

Chapter IV

OFFENCES AND SANCTIONS

Article 15 :

(1) In case of non-compliance with the provisions of this Decree, the Minister in charge of classified establishments may:

- suspend the approval for a period not exceeding one year in one of the following cases:
- violation of any of the provisions of Articles 8 to 12, 14 and 16 of this Decree and its implementation instruments;
- non-payment into the State Treasury of inspection and control costs;
- publication of erroneous inspection and control reports;
- forgery and faking in the control of classified establishments.
- definitive withdrawal of the approval in case of cessation of activities, bankruptcy, liquidation and in general, in case of repeated violation of the provisions of this Decree and of its implementation instruments.

(2) Any decision to suspend or withdraw shall be reasoned and notified to the person concerned.
(3) The suspension may be lifted only if the cessation of the cause that led to the suspension is observed.
(4) Any suspension not lifted automatically after one year shall lead to withdrawal of the approval.

Article 16:
(1) Sums recovered by natural persons or legal entities under the legislation in force shall immediately be paid into the fund of the intermediary revenue official of the territorially competent authority of the Ministry in charge of classified establishments.
(2) The distribution of these sums between the Public Treasury and the approved persons as their remuneration shall be in accordance with the procedures laid down by joint order of the Minister in charge of classified establishments and the Minister in charge of finance.

Article 17:
Infringements of the provisions of this Decree and of its implementation instruments shall be recorded by judicial police officers, engineers and sworn officials of the Ministry in charge of classified establishments.

Chapter V

FINAL PROVISIONS

Article 18 :
Orders issued by the Minister in charge of classified establishments shall lay down, as and when necessary, the terms and conditions for the implementation of this Decree, which will be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 9 November 1999

Peter Mafany Musonge
Prime Minister, Head of Government

II.9

DECREE NO. 99/822 OF 9 NOVEMBER 1999 TO LAY DOWN CONDITIONS FOR APPOINTING INSPECTORS AND ASSISTANT INSPECTORS OF ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS AND APPARATUS USING GAS PRESSURE AND WATER VAPOUR PRESSURE

DECREE NO. 99/822 OF 9 NOVEMBER 1999 TO LAY DOWN CONDITIONS FOR APPOINTING INSPECTORS AND ASSISTANT INSPECTORS OF ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS AND APPARATUS USING GAS PRESSURE AND WATER VAPOUR PRESSURE

THE PRIME MINISTER, HEAD OF GOVERNMENT

Mindful	of the Constitution;
Mindful	of Law No. 96/12 of 5 August 1996 relating to environmental management;
Mindful	of Law No. 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious:
Mindful	of Law No. 98/020 of 24 December 1998 governing apparatuses using gas pressure and water vapour pressure;
Mindful	of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, as amended and supplemented by Decree No. 95/145 of 4 August 1995;
Mindful	of Decree No. 97/205 of 7 December 1997 to organize the Government, as amended and supplemented by Decree No. 98/067 of 28 April 1998;
Mindful	of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister.

HEREBY DECREES AS FOLLOWS:

Article 1:

This Decree lays down conditions for the appointment of inspectors and assistant inspectors of establishments classified as dangerous, unhealthy or obnoxious and apparatuses using gas pressure and water vapour pressure.

Chapter I

CONDITIONS TO APPOINT INSPECTORS AND ASSISTANT INSPECTORS

Article 2 :

(1) May be appointed inspectors of dangerous, unhealthy or obnoxious establishments and apparatuses using gas pressure and water vapour pressure, engineers and non-commissioned officials of at least categories 10 to 12, specialized in technical, industrial, mining and geological fields, in services in the Ministry in charge of establishments classified as dangerous, unhealthy or obnoxious.

(2) May be appointed assistant inspectors, technicians of mines, industrial techniques, and geologists and non-commissioned officials from category 7 to 9 of the same specialty.

Article 3:

May also be appointed inspectors or assistant inspectors of the said establishments:

- engineers, technicians and non-commissioned officials of other specialties, working in the Ministry in charge of classified establishments, because of their skills or their position in the area of control and monitoring of establishments classified as dangerous, unhealthy or obnoxious and apparatuses using gas or water vapour pressures;
- engineers, medical doctors, technicians of administrations in charge of environment, industry and health, on the proposal of their respective ministers.

Article 4:

Inspectors and assistant inspectors of establishments classified as dangerous, unhealthy or obnoxious working in the Ministry in charge of classified establishments shall be competent to monitor administrative and technical aspects of apparatuses using gas pressure and water vapour pressure

Article 5:

(1) Inspectors and assistant inspectors of classified establishments and pressure apparatuses appointed by order of the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious and pressure apparatuses.

(2) Before taking office, inspectors and assistant inspectors shall take an oath before the court of first instance in their place of residence, at the request of the administration in charge of classified establishments, in accordance with the laws and regulations in force.

(3) When exercising their duties, inspectors and assistant inspectors shall hold their professional card.

(4) Inspection of establishments classified as dangerous, unhealthy or obnoxious, generators of nuisances, shall be carried out in collaboration with the other administrations concerned.

Article 6:

(1) Appointment as inspector or assistant inspector shall be subject to prior theoretical and practical training of the parties concerned in the field of control and monitoring of classified establishments and pressure apparatuses.

(2) The duration of the training referred to in paragraph (1) above shall be as follows:

- 3 (three) months for engineers and technicians specialized in the field of industrial techniques, mining and geology and related fields;
- 6 (six) months for engineers and technicians from other specialties.

(3) The proposal to appoint inspectors and assistant inspectors shall fall under the powers the Director of Mines and Geology and, as the case may be, the officials of environment, industry and health administrations.

Article 7:

(1) The duties of inspector and assistant inspector of classified establishments and pressure apparatuses may be suspended in one of the following cases:

- cessation of activities in the field of control and monitoring of establishments classified as dangerous, unhealthy or obnoxious and apparatuses using gas pressure and water vapour pressure;
- failure to respect the established ethics;
- violation of the oath;
- serious misconduct in the exercise of duty;
- poor output or incompetence in the control of classified establishments and pressure appliances.

(2) In case of recurrence, the Minister in charge of classified establishments may indefinitely suspend the concerned as inspector or assistant inspector of classified establishments and pressure apparatuses.

(3) The decision to temporarily or permanently suspend the status of inspector or assistant inspector, shall be notified to the person concerned and shall automatically lead to withdrawal of the professional card referred to in 5 (3) above.

(4) Going on retirement shall lead to cessation of activities as inspector or assistant inspector.

Article 8:

A permanent advisory committee shall be set up within the Ministry in charge of classified establishments, , the composition and functioning of which shall be laid down by order of the Minister in charge of classified establishments.

The purpose of the permanent committee shall include:

- issuing opinions on proposals for the appointment of staff as inspector or assistant inspector of classified establishments and pressure appliances;
- making proposals as to the curricula and methods of the training referred to in Article 6 above;
- examining cases relating to temporary or permanent suspension of the status of inspector or assistant inspector;
- studying all matters relating to inspection and control of classified establishments and pressure appliances entrusted to it by the Minister in charge of classified establishments and pressure appliances.

Chapter II

METHOD OF DISTRIBUTING INSPECTION AND CONTROL FEES

Article 9 :

The distribution of control fees to establishments classified as dangerous, unhealthy or obnoxious and the costs of visiting pressure appliances between the public treasury and inspectors and assistant inspectors shall be done annually in accordance with the provisions of the Finance Law.

Article 10

The amount for shares allocated quarterly to staff in charge of control shall correspond to the percentage of inspections, controls and visits fees paid into the State Treasury during the quarter considered.

Article 11

(1) Shares shall be paid to inspectors, assistant inspectors and associated personnel, depending on a personal mark, given quarterly by the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious, on the proposal of the Director of Mines and Geology, according to individual performance.

(2) They shall be paid quarterly, in arrears, by decision of the Minister in charge of classified establishments.

(3) They may be reduced or cancelled by decision of the Minister in charge of classified establishments, if the output of the recipient official proved to be low or nil in the current quarter, or in the case of temporary suspension or forfeiture of the status of inspector or assistant inspector.

(4) Associated personnel referred to in paragraph (1) above shall mean civil servants, non-commissioned officials, and state employees belonging to the administration in charge of classified establishments and directly concerned by the inspections and controls of classified establishments, as well as the visits of pressure appliances.

Article 12:

(1) Shares shall be calculated on the basis of the salary scale or gross monthly category, by applying the following rates:
- 55% for inspectors;
- 45% for assistant inspectors;
- 40% for associated staff.

(2) The maximum share that can be allocated to each recipient during a quarter corresponds to three times the quarterly bonus, calculated as provided for in paragraph (1) above and constitutes the theoretical allowance

Article 13:

(1) Should the total amount of the shares to be distributed is less than the sum of the theoretical allowance to be granted provided for in Article 12 (2) above, the shares shall be multiplied by a correction coefficient, calculated according to the following formula : a = D/M where D is the amount of the shares corresponding to the payments made during a given quarter and M is the sum of allowances calculated on the basis of gross salary index or category or the total of theoretical allowances.

(2) In case the total shares to be distributed exceed the sum of the theoretical allowance the balance shall be returned to the treasury.

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 14 :

Appropriations required for the payment of shares shall be collected from the Treasury based on the statements of corresponding payments made by intermediate revenue officials of the Ministry in charge of establishments classified as dangerous, unhealthy or obnoxious during each quarter and certified by the Paymaster.

An appropriation allocation account shall be opened at the Central Treasury for the payment of shares.

Article 15

This Decree that repeals all previous contrary provisions including those of Decree No. 77/90 of 25 March 1977 to determine the method of distributing inspection and control fees of establishments classified as dangerous, unhealthy or obnoxious, shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French./-

Yaounde, 9 November 1999

Peter Mafany Musonge
Prime Minister, Head of Government

II.10

DECREE NO. 99/899/CAB/PM OF 29 DECEMBER 1999 ON THE NATIONAL ADVISORY COMMISSION FOR ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

DECREE NO. 99/899/CAB/PM OF 29 DECEMBER 1999 ON THE NATIONAL ADVISORY COMMISSION FOR ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Decree to amends and supplements certain provisions of Decree No. 94/259 / CAB / PM of 31 May 1994, to set up a National Consultative Commission for Environment and Sustainable Development.

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Decree No. 92/089 of 9 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No. 95/145 of 4 April 1995;

Mindful of Decree No. 94/259 / PM of 31 May 1994 to set up a National Consultative Commission for Environment and Sustainable Development, as amended and supplemented by Decree No. 99/634/PM of 10 June 1999;

Mindful of Decree No. 97/205 of 7 December 1997 to organize the Government, as amended and supplemented by Decree No. 98/067 of 28 April 1998;

Mindful of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister;

Mindful Mindful of Decree No. 98/345 of 21 December 1998 to organize the Ministry of Environment and Forestry

HEREBY DECREES AS FOLLOWS

Article 1:

The provisions of Article 3 paragraph (1) of Decree No. 94/259 / CAB / PM of 31 May 1994 establishing a National Consultative Commission for Environment and Sustainable Development are hereby amended and supplemented as follows:

Article 3:

(1) (new) Chaired by the Prime Minister or delegated by the Prime Minister, or by the Minister in charge of environment and forestry, the National Commission shall include the following members:

- A representative of the Services of the Prime Minister
- A representative of each of the Ministries concerned, as the case may be:
  - environment and forestry,
  - territorial administration,
  - agriculture,

- industrial and commercial development,
- animal husbandry, fisheries and animal industry,
- defence,
- national education,
- higher education,
- youth and sports,
- plan and regional development,
- the economy and finance,
- mines, water resources and energy,
- scientific and technical research,
- external relations,
- tourism,
- public works,
- transports,
- town planning and housing,
- public health,
- women affairs,
- social affairs,
- urban affairs;
- two parliamentarians of the National Assembly;
- 1 senator;
- 1 representative of the Chamber of Commerce, Industry, and Mines of Cameroon;
- 1 representative of the Chamber of Agriculture, Livestock, and Forestry;
- 3 (three) members of religious denominations, each representing the Catholic Church, Protestant churches and Islam;
- 3 (three) representatives of non-governmental organizations concerned with environment and sustainable development;
- representatives of donors concerned with environmental and sustainable development issues;
- representatives of European Union Ambassadors;
- The rest, without change;

The rest, without change.

Article 2:

This Decree, which shall repeal the provisions of Decree No.99/780/PM of 11 October 1999 to modify and supplement the provisions of Article 3 paragraph (1) of Decree No.94/259/PM of 31 May 1994 to set up a National Consultative Commission for Environment and Sustainable Development, shall be registered, published following the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 29 December 1999

Peter Mafany Musonge
Prime Minister, Head of Government

II.11

DECREE NO. 2001/161/PM OF 8 MAY 2001 TO LAY DOWN THE DUTIES, ORGANISATION AND FUNCTIONING OF THE NATIONAL WATER COMMITTEE

DECREE NO. 2001/161/PM OF 8 MAY 2001 TO LAY DOWN THE DUTIES, ORGANISATION AND FUNCTIONING OF THE NATIONAL WATER COMMITTEE

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No.96/12 of 5 August 1996 relating to environmental management;

Mindful of Law No.98/005 of 14 April 1998 on water resources;

Mindful of Law No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 bis of 4 August 1995

Mindful of Decree No. 96/277 of 1 October 1996 to organize the Ministry of Mines, Water Resources and Energy;

Mindful of Decree No.97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No.98/067 of 28 April 1998;

Mindful of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree specifies lays down the duties, organisation and functioning of the National Water Committee established by Law No.98/005 of 14 April 1998 to manage water resources.

Article 2:

The National Water Committee shall:

- study and propose to Government all measures or actions meant to ensure the conservation, protection and sustainable use of water
- give opinions on water-related issues or problems referred to it by the Government; propose or recommend to Government on any issue that contributes to the rational management of water resources, especially as regards preparing and implementing sustainable development plans or projects on water and sanitation.

Chapter II

ORGANIZATION AND FUNCTIONING

Article 3 :

(1) Chaired by the Minister in charge of water resources, the National Water Committee shall be composed of:

- A representative of the Minister in charge of finance
- A representative of the Minister in charge of public health
- A representative of the Minister in charge of environment
- A representative of the Minister in charge of regional planning
- A representative of the Minister in charge of urban development and housing
- A representative of the Minister in charge of territorial administration
- A representative of the Minister in charge of urban affairs
- A representative of the Minister in charge of agriculture
- A representative of the Minister in charge of livestock, fisheries and animal industries
- A representative of the Minister in charge of meteorology
- A representative of the Minister in charge of Industrial and Commercial Development;
- The President of the Chamber of Agriculture, Livestock and Forestry or his representative
- A representative of the associations of mayors
- A representative of the concessionaires of the public water services and
- A representative of the concessionaires of the public energy utilities.

(2) The President may invite any natural or legal person to take part in the work of the Committee without voting rights, by dint of his competence on the items on the agenda.

Article 4:

The secretariat of the National Water Committee shall be provided by the Department in charge of water in the Ministry in charge of water.

Article 5:

(1) The National Water Committee shall meet in ordinary session 2 (two) times a year and in extraordinary session, as and when required, convened by its President.

(2) The convening notices, together with the agenda and the relevant files and documents, shall be sent to the members of the Committee at least 15 (fifteen) days before the date of the meeting.

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 6 :

(1) Members of the National Water Committee and qualified persons called in consultation shall be entitled to sitting allowance. Those of the members and those of the persons called in consultation but who are not residing at the place of meeting shall be entitled to transport allowance.

(2) The amounts of the sitting and transport allowances provided for in paragraph (1) above shall be fixed by the Minister in charge of water resources.

Article 7:

Funds necessary for the functioning of the National Water Committee shall be charged each year to the special allocation account for financing sustainable development projects in the domain of water and sanitation.

Article 8:

All previous and contrary provisions, especially those of the Decree No.85/758 of 30 May 1985 to set up a National Water Committee are hereby repealed.

Article 9: This Decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 May 2001

Peter Mafany Musonge
Prime Minister, Head of Government

II.12

DECREE NO. 2001/162/PM OF 8 MAY 2001 TO LAY DOWN THE TERMS FOR APPOINTING SWORN-IN OFFICIALS TO MONITOR AND CONTROL WATER QUALITY

DECREE NO.2001/162/PM OF 8 MAY 2001 TO LAY DOWN THE TERMS FOR APPOINTING SWORN-IN OFFICIALS TO MONITOR AND CONTROL WATER QUALITY

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No.96/12 of 5 August 1996 relating to environmental management;

Mindful of Law No.98/005 of 14 April 1998 on water resources;

Mindful of Decree No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145-bis of 4 August 1995;

Mindful of Decree No.97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No.98/067 of 28 April 1998;

Mindful of Decree No.97/206 of 7 December 1997 to appoint a Prime Minister.

HEREBY DECREES AS FOLLOWS:

Article 1:

(1) This Decree lays down the conditions for appointing and specifies the powers of sworn-in officials who shall monitor and control water resources.

(2) For the purposes of this Decree and enabling orders, sworn-in officials for monitoring and controlling water quality shall be referred to as "Inspectors and Assistant-Inspectors" of water resources.

(3) They shall ensure water quality control, research, establishment, and legal proceedings for sanctioning infringements in accordance with the provisions of the law governing the water regime and its enabling instruments.

Chapter I

DUTIES OF INSPECTORS AND ASSISTANT INSPECTORS OF WATER RESOURCES

Article 2 :

(1) Inspectors and Assistant-Inspectors of water resources shall be authorised to enter establishments or facilities when they have reason to believe that an offense is being committed.

(2) In addition, they may, with the prior authorization of the competent court, enter private dwellings for the same purpose. Visits to homes shall be allowed only between 6 a.m. and 6 p.m.

.

Article 3 :

Every inspection visit must be made jointly by at least 2 (two) Inspectors or Assistant-Inspectors of water resources, duly sworn in, accredited and identified.

Article 4 :

(1) Inspectors and Assistant-Inspectors may require the assistance of law enforcement officials in performing their duties.

(2) In case no offense is established, they may take samples of the water tapped or discharged and of the receiving waters. They shall then write a report of the sampling operation, and give a copy to the owner of the facilities.

Article 5:

Inspectors and Assistant-Inspectors of water resources may, in the event of a flagrant offense, seize anything that appears to have been used or intended to commit an offense and / or that could be used to establish the offense.

Article 6:

(1) When emergency measures are required, the Minister in charge of water resources may, on a reasoned report from the Inspectors and Assistant-Inspectors of water resources, prohibit the use of the facilities and appliances suspected to be the source of pollution or pollution threats and seal the facilities and appliances in question.

(2) Inspectors and Assistant-Inspectors of water resources shall not inquire about the processes used in the establishments and facilities visited beyond what may have a direct impact on the nature and origin of spills into sewers, artificial conduits, streams, installations for tapping water, treating waste water, sewage treatment or water and waste treatment.

Chapter II

CONDITIONS FOR APPOINTING WATER RESOURCES INSPECTORS AND ASSISTANT-INSPECTORS

Article 7 :

(1) Water resources Inspectors shall be appointed from Category A civil servants and public contract workers from the categories 10 to 12, specialized in the field of water resources and who are in service in the Ministry in charge of water resources.

(2) Assistant-Inspectors of water resources shall be appointed from categories B and C civil servants and state employees from categories 7 to 9, of the same specialty as mentioned in paragraph (1) above, and who are in service in the Ministry in charge of water resources.

Article 8:

State employees working especially in administrations in charge of public health and the environment may also be appointed as Inspectors or Assistant-Inspectors of water resources, on the proposal of their heads of ministries respectively.

Article 9:

(1) Inspectors and Assistant-Inspectors of water resources shall be appointed by Order of the Minister in charge of water resources.

(2) Before taking office, Inspectors and Assistant-Inspectors of water resources shall take an oath before the competent court of their place of residence at the request of the authority in charge of water resources, in accordance with the laws and regulations in force.

(3) In the performance of their duties, Inspectors and Assistant-Inspectors of water resources must hold their professional identity card.

Article 10:

(1) The functions of Inspector and Assistant-Inspector of water resources may be suspended for a period not exceeding 1 (one) year in any of the following cases:

- temporary cessation of activity in water resources control and monitoring
- failure to respect established ethics
- violation of oath
- serious misconduct in their duties
- insufficient performance or incompetence in water resources control and monitoring.

(2) In case of recidivism, the Minister in charge of water resources may decide on the final suspension of the status of Inspector or Assistant-Inspector of water resources.

(3) The decision of temporary suspension or final suspension notified to the interested party, shall automatically entail withdrawal of the professional card referred to in Article 9 (3) above.

(4) Retirement shall entail the cessation of activity as Inspector or Assistant Inspector of water resources.

Article 11:

Prior to their appointment as Inspectors or Assistant-Inspectors of water resources, the appointed persons shall receive theoretical and practical training in water quality control and monitoring.

Article 12:

The duly sworn-in, accredited and identified inspectors and assistant-inspectors of water resources shall be competent in water quality control, research, establishment, and legal proceedings for sanctioning infringements in accordance with the legislation and regulations on water resources. To this end, they shall be competent to:

- control the quality of drinking water, public or private water supply, tapping and treatment of surface water or groundwater for industrial or commercial purposes, collection, treatment or disposal of wastewater, as well as the receiving environments
- collect data and other information necessary for calculating and recovering the sanitation tax and the water tapping fee for industrial or commercial purposes
- initiate any administrative sanctions against any violator of the provisions of the legislation and regulations relating to water resources.

Article 13:

(1) Any infringement established shall regularly be reported.

(2) The search and detection of infringements shall be carried out by 2 (two) sworn-in officials who shall co-sign the report which shall remain authentic until plea for forgery.

Article 14:

The administration in charge of water resources shall send a copy of the report on the offense to the offender who shall have 20 (twenty) days from the notification to contest the report. After this deadline, any objection shall not be admitted.

Chapter III

INSPECTION AND CONTROL SHARES AND THEIR DISTRIBUTION METHOD

Article 15 :

(1) Inspectors, Assistant-Inspectors and personnel associated with water inspection shall be entitled to control shares from a total amount obtained from sanitation taxes and water tapping fees.

(2) Distribution of the total amount of sanitation and water tapping charges collected between the State Treasury and inspection shares shall be done annually in accordance with the provisions of the Finance Law.

Article 16:

(1) Shares allocated quarterly to inspection and control personnel shall be a percentage of the total amount of taxes and fees collected and paid to the Treasury in the relevant quarter.

(2) This amount, corresponding to the percentage of taxes and fees allocated to inspection and control shares, shall be deducted from the total amount of fees and charges in the light of the corresponding statements of recovery and disbursements made by the intermediate revenue agents of the ministry in charge of water resources during each quarter and certified by the paying treasurer.

Article 17:

(1) The inspection and control shares paid to inspectors, assistant-inspectors and associated personnel shall be calculated on the basis of the gross monthly index or gross category pay, by applying the following rates:

- 55 % for inspectors
- 45% for assistant-inspectors and
- 40% for associated staff.

(2) The maximum share that may be allocated to each beneficiary in a quarter shall be 5 (five) times the quarterly premium, calculated as provided in paragraph (1) above and constitute the net premium.

Article 18:

(1) The inspection and control shares shall be paid quarterly to the Inspectors, Assistant- Inspectors and associated personnel, in arrears, upon decision of the Minister in charge of water resources.

(2) Should the total amount of the shares to be distributed be less than the sum of the net premiums provided for in Article 17 (2) above, the shares shall be multiplied by a correction coefficient (a) calculated according to the following formula:

$$a = \frac{D}{M}$$

Where D: is the amount of shares corresponding to payments made during a given quarter; and

M: is the sum of shares calculated on the basis of gross sectoral or categorical balances or total net premiums.

(3) If the total amount of the shares to be distributed is greater than the sum of the net premiums, the shares allocated shall be equal to the net premiums and the balance shall be paid to the Treasury.

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 19 :

(1) On the proposal of the Director in charge of water resources, the Minister in charge of water resources can fix a personal rating according to the individual yield, on the shares paid to the Inspectors, Assistant- Inspectors and associated personnel.

(2) Inspection and control shares may be reduced or cancelled by decision of the Minister in charge of water resources, if the performance of the beneficiary has been low or zero in the quarter in question, or in the event of temporary suspension or disqualification of the status of Inspector or Assistant-Inspector of water resources.

(3) The associated personnel referred to in this Decree shall mean civil servants, contract workers and 'decision-workers' belonging to the water resources administration and directly involved in inspections and controls.

(4) The Inspectors and Assistant-Inspectors of water resources shall conduct their activities without prejudice to the powers conferred on the other services.

Article 20:

The Ministers in charge of water resources and the Minister in charge of finance shall, each, within his jurisdiction, apply this Decree which will be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 May 2001

Peter Mafany Musonge
Prime Minister, Head of Government

II.13

DECREE NO. 2001/163/PM OF 8 MAY 2001 TO REGULATE AND PROTECT THE AREA AROUND POINTS OF CATCHMENT, TREATMENT AND STORAGE OF DRINKABLE WATER

DECREE NO. 2001/163/PM OF 8 MAY 2001 TO REGULATE AND PROTECT THE AREA AROUND POINTS OF CATCHMENT, TREATMENT AND STORAGE OF DRINKABLE WATER

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution ;
Mindful	of Law No.96/12 of 5 August 1996 relating to Environmental Management;
Mindful	of Law No.98/005 of 14 April 1998 on the water regime;
Mindful	of Decree No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 of 4 August 1995;
Mindful	of Decree No. 97/205 of 7 December 1997 on the organization of the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;
Mindful	of Decree No. 97/206 of 7 December 1997 appointing a Prime Minister,

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree regulates the areas of protection around the points of catchment, treatment and storage of drinkable water.

Article 2:

For the purposes of this Decree and its enabling orders, the following definitions shall be used:

"Potable water":

shall mean any surface, underground or spring water which, naturally or after an appropriate physico-chemical or microbiological treatment, can be consumed without danger to health.

"Area of protection":

shall mean the protected area defined around a catchment, treatment or storage point for drinkable water intended for supply;

"Immediate protection area":

shall mean the prevention area or geographical area within which water catchment, treatment and storage plants may be reached by pollutants without substantially degrading or dissolving the latter or where effective removal is possible.

"Close protection area":

shall mean the monitoring area or geographical area that includes all or part of the watershed that is likely to supply an existing or potential water catchment point.

"Remote protection area":

shall mean the control area or geographical area outside the surveillance zone.

"Water catchment point":

shall mean the geographical area where the drinkable water catchment facilities are implanted. Such facilities include especially wells, boreholes, drainages and other facilities intended to operate drinkable water catchments, including catchments from springs.

"Water treatment point":

shall mean a geographical area where the facilities and other equipment constituting a drinkable water treatment station are set up.

"Water storage point":

shall mean a geographical area where the reservoirs and other storage basins of untreated or treated drinkable water are set up.

Chapter II

DEMARCATING PROTECTION AREAS

Article 3:

(1) To protect the quality of drinkable water intended for supply, a protection area shall be demarcated around the water catchment, treatment and storage points.

(2) Protection areas shall include, as the case may be, areas of immediate, close and/or remote protection.

(3) Lands in protection areas shall be public utility.

Article 4:

(1) The tapping authorization deed shall fix and demarcate, if applicable, the limits and modalities for delimiting an immediate protection area around catchment, treatment and storage facilities of water intended for supply.

(2) The immediate protection area referred to in paragraph (1) above shall cover the geographical area in which water catchment, treatment and storage facilities may be affected by any pollutant without sufficiently degrading or dissolving the latter, or without the possibility of completely removing the pollutant.

Article 5:

(1) The Minister in charge of water resources shall state in the deed authorizing water tapping the following:

- limits of the catchment points of drinkable water and procedure for delimiting the protected areas related thereto; and
- conditions for modifying the above mentioned limits.

(2) Lands within the boundaries of the drinkable water tapping point must be in full ownership and fenced, if necessary. All activities, except those duly authorized by the public utility declaration deed, shall be prohibited therein.

Article 6:

(1) The water authorization deed shall fix and determine, as the case may be, the limits and methods for demarcating a close protection area around the catchment, treatment and storage facilities for water intended for consumption.

(2) The close protection area referred to in paragraph (1) above shall cover the geographical area that encloses all or part of the (geographical) area that can supply existing or potential water tapping points.

Article 7:

(1) The Minister in charge of water resources shall fix and determine in the tapping authorization deed, the limits and modalities for demarcating a distant protection area around the points of capture, treatment and storage of drinkable water.

2) The Minister shall prohibit, regulate or subject to authorization, after investigation and opinion of other administrations, the facilities, depots and activities referred to in article 10 below, and especially the installation of pipelines, reservoirs or deposits of liquid or gaseous hydrocarbons, radioactive products, chemicals and waste water of any kind in the vicinity of the capture, treatment and storage points of drinkable water.

Chapter III

PROTECTING THE CAPTURE, TREATMENT AND STORAGE POINTS FOR DRINKABLE WATER

Article 8 :

The Minister in charge of water resources may, on the proposal of the competent territorial administrative authority, prohibit the tapping of surface or underground water, for one of the reasons duly noted hereafter, that is:

- risk of water course or water table drying up
- obvious pollution of the water course or water table
- risk to public health and
- for public utility reason.

Article 9:

(1) The Minister in charge of water resources may, in view of the report of sworn-in control officials, take all necessary and urgent measures to ensure the protection of the quality of water intended for supply, as well as the protection of drinkable water tapping, treatment and storage facilities.

(2) The Minister may, especially, prohibit, regulate or subject to authorization the discharge or deposit of materials and conduct of any activity that can pollute water supply or threaten the viability of hydraulic facilities and equipment.

Article 10:

(1) Without prejudice to legislative and regulatory provisions governing the protection of surface water or groundwater against pollution, the following shall be prohibited within the immediate protection areas:

- drilling of wells, exploitation of open cut quarries and backfilling of open pit excavations;
- transporting, storing, disposing, evacuating or burying household refuse, trash, rubbish and radioactive products and any other products or materials liable to affect water quality;
- installing pipelines, tanks or other deposits of liquid or gaseous hydrocarbons, chemicals and waste water of any kind;
- doing surface or underground constructions;
- passage of animals, spreading of manure, any organic or chemical fertilizer and any other pesticide, fertilizer or insecticide;
- in general, any fact or activity that can directly or indirectly alter the quality of water or the viability of hydraulic facilities and equipment.

(2) A durable material barrier must delimit the immediate protection area demarcated around drinking water tapping, treatment and storage points.

Chapter IV

MONITORING AND CONTROLLING WATER CATCHMENT, TREATMENT AND STORAGE POINTS

Article 11 :

(1) The monitoring and control of compliance of measures of protection of catchment, treatment and storage of drinkable water points shall be conducted by sworn-in officials of the water resources administration or other administrations concerned, who are duly commissioned for this purpose.

(2) The sworn-in officials referred to in the preceding paragraph shall examine, control or investigate and gather all necessary information. They may especially:

- take samples of water or material for analysis by an approved laboratory;
- have access to the facilities in question to conduct any checks deemed necessary; and
- find and record offenses in a regularly written report.

Article 12:

(1) When sworn-in officials establish an offense during control , for reasons of proven safety and validity they may:

- temporarily prohibit the use of facilities and appliances that do not function in a compliant manner;
- seize on site the facilities and appliances referred to above;
- prescribe the immobilization of dangerous or unhealthy objects;
- affix seals to ensure prohibitions, seizures and fixed assets;

– prescribe urgent and temporary measures to reduce insecurity or insalubrity resulting from non-compliance with the laws and regulations in force;
– propose to the Minister in charge of water resources, in case of extreme urgency, the renovation of the premises or the site by the offender at the latter's expense.

(2) In any case, the report of the offense must be forwarded immediately to the Minister in charge of water resources who shall take all appropriate measures and if necessary, proceed to prosecute, in accordance with the legislation in force.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 13 :

Measures for protecting the catchment, treatment and storage points of water intended for consumption, to which the concessionary companies of a public service for the exploitation and distribution of drinking water are subjected, shall be fixed by the related terms of reference.

Article 14:

The Minister in charge of water resources can, if necessary, specify by order the conditions for implementing this Decree.

Article 15:

The Ministers in charge of water resources and the Minister in charge of environment shall each, within his jurisdiction, be responsible for the implementation of this Decree, which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 May 2001

Peter Mafany Musonge
Prime Minister, Head of Government

II.14

DECREE NO. 2001/164/PM OF 8 MAY 2001 TO SPECIFY THE TERMS AND CONDITIONS FOR TAPPING SURFACE WATER OR GROUNDWATER FOR INDUSTRIAL OR COMMERCIAL PURPOSES

DECREE NO. 2001/164/PM OF 8 MAY 2001 TO SPECIFY THE TERMS AND CONDITIONS FOR TAPPING SURFACE WATER OR GROUNDWATER FOR INDUSTRIAL OR COMMERCIAL PURPOSES

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution;
Mindful	of Law No.96/12 of 5 August 1996 relating to environmental management
Mindful	of Law No.98/005 of 14 April 1998 on the water regime;
Mindful	of Law No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 of 4 August 1995;
Mindful	of Decree No.97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No.98/067 of 28 April 1998;
Mindful	of Decree No.97/206 of 7 December 1997 to appoint a Prime Minister.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the terms and conditions for tapping surface water or groundwater for industrial or commercial purposes.

Article 2:

Prior authorization shall be obtained before surface water or groundwater can be tapped for industrial or commercial purposes.

Article 3:

(1) Shall be considered as intended for domestic purposes and dispensed from authorization,the tapping of surface or underground water to satisfy the needs of natural persons who are owners of tapping facilities as well as those of persons living habitually under their roofs, within the limits of the quantities of water required for human consumption, for hygienic requirements and for plant or animal productions reserved for family consumption.

(2) However, the administration in charge of water resources may, as necessary, request the persons referred to in paragraph (1) above to provide information on their water tapping systems.

Article 4:

The tapping of surface water or groundwater for industrial or commercial purposes shall require payment of a fee. The fee amount, basis and method of water extraction shall be fixed by the Finance Law.

Chapter II

AUTHORIZATION FOR TAPPING WATER

Article 5 :

(1) Any person wishing to set up and/or operate a facility comprising one or more structures for tapping surface or underground water for industrial or commercial purposes, shall apply for authorization to the Minister in charge of water resources.

(2) The original of the application for authorization, stamped at the current rate shall be submitted in four (4) copies to the competent divisional delegation in charge of water resources.

The application file shall include:

(a) an impact assessment accompanied by the relevant decision of the administration in charge of environment

(b) information and documents appended to this Decree

(c) any other additional information required by the administration in charge of water resources

d) a receipt of payment to the intermediate revenue officer of the Ministry in charge of water resources attesting to the payment of opening fees and for the study of file of a sum of:

- 50 000 (fifty thousand) CFA Francs for tapping of less than 100 (one hundred) cubic meters of water per day
- 200 000 (two hundred thousand) CFA Francs for tapping of between 100 (one hundred) and 500 (five hundred) cubic meters of water per day
- 300 000 (three hundred thousand) CFA Francs for tapping of between 500 (five hundred) and 1000 (one thousand) cubic meters of water per day and
- 500 000 (five hundred thousand) CFAF for tapping that exceeds 1000 (one thousand) cubic meters of water per day.

Article 6:

When the installation of a water tapping facility for industrial or commercial purposes requires prior obtaining of a building permit, the said permit must be included in the application for authorization.

Article 7:

: (1) Within 1 (one) month from the date of submission of the application, the Minister in charge of water resources may, as necessary, open a public inquiry. For this purpose, he shall appoint investigating commissioners.

(2) The opening of this inquiry shall be published through:

- the Senior Divisional Officer of the Division of location of the tapping facility
- the Sub-divisional Officer of the sub-division concerned, and
- the Mayor of the Council of location of the said installation.

Article 8:

(1) The notice to the public shall be posted at the expense of the applicant. Execution of this posting shall be certified by the authorities mentioned in Article 7 above.

(2) The notice shall specify the nature of the tapping facility, the direct or indirect impact of the proposed tapping on the ecological balance, the setting and the population's quality of life, the environment in general, duration of the investigation, as well as the names and addresses of the investigating commissioners.

(3) After examining the relevant file, an investigation register shall be opened at the Sub-divisional Office or town hall of the location of the proposed tapping, in which the public may make observations.

Article 9:

Before opening the investigation, the Minister in charge of water resources shall communicate for opinion, a copy of the request for authorization to the administrations in charge of environment, public health and, if necessary, agriculture, livestock, industrial and commercial development and public water resources service managers operating in the area. The aforementioned administrations and bodies must take a decision within 30 (thirty) days from the referral date. After this period, their observations shall no longer be taken into consideration.

Article 10:

The duration of the public inquiry shall be 30 (thirty) days. After this period, the administrative authorities referred to in Article 7 (2) above shall send to the Minister in charge of water resources a certificate of posting and non-opposition by the populations, or oppositions of the public concerned regarding the planned water tapping project.

Article 11:

(1) The investigation register shall be closed and signed by the investigating commissioners. At closing of the investigation, the investigating commissioners shall convene the applicant within 8 (eight) days and communicate to him on the spot, the observations recorded in their report and invite the latter to produce a brief in reply within 15 (fifteen) days.

(2) The investigating commissioners shall forward the record of the inquiry to the Minister in charge of water resources within 8 (eight) days after the submission of the applicants' response to the observations or expiry of the period referred to in paragraph (1) above.

(3) The Minister in charge of water resources shall decide within 30 (thirty) days from the date of receipt of the investigation file in his services.

Article 12:

If the tapping facility includes several structures, a single investigation shall be conducted and an order shall rule on all of these facilities.

Article 13:

The costs of the public inquiry shall be borne by the applicant for authorization. Their amount shall be fixed by order of the Minister in charge of water resources.

Article 14:

(1) The authorization for tapping shall be granted by order of the Minister in charge of water resources, subject to respect of the rights of third parties, for a period of 5 (five) years renewable.

(2) The authorization shall be personal and non-transferable.

(3) Renewal of the authorization shall be subject of an application in the same forms and procedures as those followed for its granting, 6 (six) months before the expiry of the current authorization.

Article 15:

The Order authorizing the tapping of surface or underground water for industrial or commercial purposes shall specify the conditions for establishing and operating the tapping facilities and, where appropriate, the water outflow and its destination.

Article 16:

In case of modification resulting in a significant change in the information of the initial application or in case of interruption of activities for more than 6 (six) months, the owner of the tapping facilities must request a new authorization to continue or resume activities.

Article 17:

(1) The authorization may be:

- suspended for non-compliance with the standards and conditions laid down in the authorization document;
- withdrawn;
- in the case of performance of the works of public interest, without prejudice, if any, to the right of compensation of the owner of the tapping facility;
- in the case of conviction of the authorization holder for infringement on the provisions of the law on water resources and its implementation instruments;
- in the case of a repeated infringement on the provisions leading to the suspension of the authorization.

(2) The non-renewal of the authorization shall mean its cancellation.

Chapter III

SURFACE WATERS AND CONTROL OF TAPPING FACILITIES

Article 18 :

Any water tapping plant for industrial or commercial purposes must have an effective device to measure the volumes collected. The device must conform to a model approved and authorized by the Minister in charge of water resources, after consulting the administration in charge of checking measuring instruments.

Article 19:

The operator or the person in charge of a water tapping facility must note, on a monthly basis, in a register specially opened for this purpose:

- the volumes tapped;
- - the number of tapping hours;
- - the usage and conditions of use of the water tapped;

- - any variation in the quality of the water tapped;
- - the conditions for discharging the water tapped;
- - incidents occurring in the operation of the facility or the tapping of water, especially
- -stoppages in tapping.

Article 20:

(1) Monitoring and control of water tapping facilities shall be exercised under the authority of the Minister in charge of water resources by sworn-in officials commissioned for this purpose.

(2) The operators or the persons in charge of the water tapping facilities shall ease access for sworn-in officials and put at their disposal the register referred to in Article 19 above, in which they shall make their observations.

Article 21:

The Minister in charge of water resources can call upon the owner or the person in charge of the tapping facility in question to comply, within a specified period, with the conditions fixed by the deed of authorization and standards of the monitoring devices.

Article 22:

(1) Any violation found during a check shall be reported in an adversarial manner and immediately forwarded to the Minister in charge of water resources for the latter to notify the offender.

(2) The offender shall have 20 (twenty) days from the date of receipt of the notice to comply.

(3) In case of protest, the claim shall be examined by the Minister in charge of water resources. If the protest is well-founded, the report is dismissed. Otherwise, in the absence of a final settlement or arbitration within the time limit set in paragraph (2) above, the Minister in charge of water resources shall refer the case before the competent court.

Chapter IV

WATER TAPPING FEES

Article 23 :

(1) Any natural or legal person who owns or operates a facility for tapping surface or groundwater for industrial or commercial purposes shall pay a fee.

(2) The water tapping fee shall be calculated on the volumes of water tapped, according to a unit rate of taxation fixed annually by the Finance Law.

Article 24:

The following shall be exempted from the payment of tapping fee:

- public service concessionary companies that exploit and distribute drinking water, without prejudice to the provisions of the related specifications;
- operators who tap water for pastoral, agricultural or piscicultural uses and whose daily drawn quantities are less than those of the 5 000 (five thousand) man equivalent;
- operators who tap water for the council or for a village water supply project.

Article 25:

(1) Any person liable to pay the fee shall be required to communicate to the Minister in charge of water resources all information necessary to calculate the volume of water tapped.

(2) The information referred to in paragraph (1) above shall be reported quarterly on a form provided by the water resources authority.

(3) The completed form must be sent to the water resources authority by the twentieth day of the month at the end of each quarter. In case of cessation of activity, declaration thereof must be made within 45 (forty-five) days.

Article 26:

(1) Any error or omission in the taxable person's declaration shall be automatically rectified by the water resources authority using the control elements at its disposal. The adjustment shall be notified to the liable person within 60 (sixty) days from the date of receipt of the declaration.

(2) In the event of a late declaration or non-declaration, the water resources authority shall calculate and fix the fee amount using the information available to it and, where appropriate, by on-the-spot check.

(3) The water resources authority shall notify the taxpayer concerned of the reasons for the automatic tax assessment and shall send him a notice of payment 30 (thirty) days after such notification.

Article 27:

(1) The fee amount, corrected if necessary, shall be notified quarterly to the person liable in the form of a payment notice.

(2) The taxpayer must pay the fee amount within the time limit set in the payment notice, until subsequent modification.

Article 28:

Any delay noted in the transmission of the declaration or payment of the fee shall entail, without prejudice to the other penalties provided for by Law No.98/005 of 14 April 1998 referred to above, an increase of:

- 25% of the fee amount for a delay of between 1 (one) and 3 (three) months;
- 50% of the fee amount for a delay of between 3 (three) and 6 (six) months;
- 75% of the fee amount for a delay of between 6 (six) and 9 (nine) months; and
- 100% of the fee amount for a delay of more than 9 (nine) months.

Article 29:

(1) The water tapping fee shall be collected by the revenue officer of the Ministry in charge of water resources.

(2) The proceeds of the water tapping fee and subsequent fines shall contribute to the trust fund for financing sustainable water and sanitation projects.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 30 :

The owners and operators of the land on or under which the water tapping facilities are located shall facilitate access for sworn-in officials responsible for monitoring and control.

Article 31:

Previously established water tapping facilities must, within 1 (one) year from the date of signature of this Decree, comply with its provisions.

Article 32:

Orders issued by the Minister in charge of water resources shall specify, as necessary, the methods for implementing this Decree.

Article 33:

This Decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 May 2001

Peter Mafany Musonge
Prime Minister, Head of Government

II.15

DECREE NO. 2001/165/PM OF 8 MAY 2001 TO LAY DOWN THE TERMS AND CONDITIONS FOR PROTECTING SURFACE WATER AND GROUNDWATER AGAINST POLLUTION

DECREE NO. 2001/165/PM OF 8 MAY 2001 TO LAY DOWN THE TERMS AND CONDITIONS FOR PROTECTING SURFACE WATER AND GROUNDWATER AGAINST POLLUTION

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;
Mindful of Law No. 96/12 of 5 August 1996 relating to environmental management;
Mindful of Law No. 98/005 of 14 April 1998 on the water regime;
Mindful of Law No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No. 95/145 of 4 August 1995;
Mindful of Decree No. 97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;
Mindful of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree specifies the terms and conditions for protecting surface water and groundwater against pollution.

Article 2:

For the purposes of this Decree and its enabling orders the following definitions shall apply,

(a) **"Sanitation"**: a system that includes collecting, transporting and treating effluents to reduce or eliminate their harmful effects.

(b) **"Collectors":** conduits connecting sewer systems to predicted or foreseeable locations for sewage treatment.

(c) **"Waste":** any residue of a production, processing or use process, any substance or material produced or more generally, any movable property or building abandoned or destined for abandonment.

(d) **"Sewage Discharge":** the channelling of sewage into surface water by pipeline or by any other means, except natural runoff from storm water.

(e) **"Cooling Water":** water that is used in industry for open circuit cooling and that has not come into contact with the substance to be cooled.

(f) **“Surface water”:** Runoff water, watercourses, standing water and, more generally, ordinary surface water and artificial drainage water.

(g) **“Ordinary surface water”:**water of waterways, water of non-navigable watercourses including their underground stretches , streams, rivers and creeks, whether or not with intermittent flow upstream from where they are classified as non-navigable watercourses, lake water, ponds and other running or stagnant water except water of artificial drainage channels.

(h) **“Groundwater”:** seepage water and water-table water, and more generally any water that is below the surface of the earth, in the saturation zone in direct contact with the ground or subsoil.

(i) **“Sewage”:**

Artificially polluted or used water, including cooling water.

Artificial runoff water from rainfall.

Treated water for discharge.

(j) **“Agricultural wastewater”:** waste water from agricultural or fish farms or establishments where animals are kept or reared resulting in an overall pollutant load of less than a maximum figure set by the regulations in force and which are neither from zoos nor permanent menageries.

The method for calculating the pollutant load shall be set according to the number of animals and species to which they belong.

(k) **‘Domestic waste water’:** water from sanitary installations only, such as:

- kitchen water;
- water coming from the cleaning of buildings, such as dwellings, offices, premises where a wholesale or retail trade is practiced, theatres, barracks, campsites, prisons, educational establishments with or without boarding facilities, hospitals, clinics and other establishments where non-infectious patients are accommodated and receive care, swimming pools, hotels, restaurants, drinking places, hairdressing salons;
- laundry water at home;
- washing water from cycles not equipped with engines and mopeds;
- water used for washing less than ten (10) motor vehicles and their trailers per day;
- as well as, where appropriate, rainwater
- waste water from washing facilities whose machines are used exclusively by customers.
- waste water from factories, workshops, depots and laboratories employing less than ten (10) persons, unless the competent authority, for the purpose of granting the discharge authorization, considers that such wastewater are detrimental to the sewers and / or normal operation of a sewage treatment plant and / or the receiving environment and cannot be classified as domestic sewage.

(l) **“Industrial wastewater”:** wastewater other than domestic sewage and agricultural wastewater.

(m) **“Effluent”:** any liquid or gaseous discharge of domestic, agricultural or industrial origin, whether treated or untreated discharged directly into the environment.

(n) **“Public sewers”**: public water drainage channels constructed as underground conduits, ditches or open earth or concreted ditches used for collecting waste water.

(o) **“Slush”:** the content from an emptied septic tank;

(p) **“Water inspector”:** a sworn-in officer of the water administration or other concerned administrations, in charge of water quality control, research, establishment and and legal proceeding for sanctioning infringements in accordance with the provisions of the water regime legislation and its implementing instruments;

(q) **"Pollutants":** substances liable to pollute;

(r) **"Parameter":** the criterion for defining the quality of surface- or ground-water and wastewater.

(s) **"Pollution":** discharge of substances or energy into groundwater, ordinary surface water or artificial conduits directly or indirectly with the potential to endanger human health or water supply, to harm living resources and the ecological system, to impair attraction or to interfere with other legitimate uses of water.

(t) **"Discharge":** releasing substances or matter into drinkable water, passing or not passing through the soil or subsoil; it refers to a spill, a flow, or a jet.

(u) **"Artificial flow channels":** rivulets, drains or conduits for draining rainwater or treated wastewater.

Chapter II

GENERAL MEASURES FOR PROTECTING WATER AGAINST POLLUTION

Article 3 :

(1) Shall be prohibited, the dumping, flows, disposals, seepages, burial of wastes, spreading, direct or indirect deposits in water of any solid, liquid or gaseous material, especially, any industrial, agricultural or atomic waste likely to:

- alter the quality of surface or groundwater or seawater within territorial limits;
- harm public health, aquatic and sub-marine fauna and flora and animals;
- jeopardize the economic and tourist development of the regions;
- impair the quality of life and comfort of residents.

(2) Especially prohibited shall be disposals, dumping or depositing into surface water, public sewers or artificial drainage conduits of:

- any solid waste, even if previously subjected to mechanical grinding, as well as water or other fluids containing such matter or substances;
- oils, lubricants and other matter resulting from the cleaning and maintenance of motor vehicles, combustion engines and similar machinery;
- slushes; and
- pesticides.

(3) The list of substances referred to in paragraphs (1) and (2) above may, where necessary, be specified and supplemented, after consulting the administrations concerned, by order of the Minister in charge of water resources.

Article 4:

Any deposit of pollutants in a place where they are likely to be swept by a natural or technological phenomenon into surface water or groundwater, public sewers or artificial drainage conduits shall be subject to prior authoristion of the Minister in charge of water resources.

Article 5:

(1) The Minister in charge of water shall define, as necessary, the rules for maintaining treatment systems for individuals and for wastewater treatment concerns, especially regarding the number, capacity and location of wastewater treatment plants for collecting and treating slush.

(2) Sewage tanker firms duly approved by the water authority shall empty septic tanks (of the slush),

- either by handing it to a farmer, for spreading according to the rules defined by the deed of approval,
- or by taking it to a treatment plant for sanitizing by a decontaminating firm.

Article 6:

The Minister in charge of the water resources may, according to local hydrogeological conditions, set out specific technical prescriptions, for setting up and constructing individual or collective sanitation facilities, especially latrines, septic tanks, Imhoff digesters, soakaway, trickling filters and drained filtering trenches.

Article 7:

Any collecting, sanitizing or wastewater treatment operations must first obtain the approval of the Minister in charge of water resources.

Chapter III

SPECIFIC WATER PROTECTION MEASURES AGAINST CERTAIN SPILLAGES

Article 8 :

Performance of the following disposal activities shall require prior authorization of the Minister in charge of water resources after the opinion of other concerned administrations; these activities include dumping, flows, disposals, seepages, burial of wastes, spreading, direct or indirect deposits in water of solid, liquid or gaseous matter when they guarantee safety and no nuisances, taking into account the nature of the effluent and the receiving environment.

Article 9:

(1) The deed granting the authorization shall determine the general and sectoral conditions to which dumping, flowing, disposals, seepages, burial of wastes, spreading, direct or indirect deposits in the waters of the materials concerned are subjected, taking into consideration the balance of environmental ecosystems.

(2) It shall also lay down the special conditions to be met by the beneficiary of the authorization in order to achieve or maintain the quality of the discharge and the receiving environment in accordance with the requirements set out in Article 8 above.

(3) The authorization deed shall specify, as the case may be, the conditions relating, inter alia, to:

- the establishment of control points and control mechanisms, the correct functioning of the control instruments and their accessibility;
- the obligation to communicate to the water authority the results obtained from measuring spillages and receiving waters, according to a specified regularity;
- the periods or times during which spillages are permitted
- the separation of the different types of wastewater authorized for discharge, depending on whether it is domestic, rain, industrial, agricultural or cooling wastewater.

Article 10:

(1) Authorization for dumping shall be issued for a duration not exceeding 5 (five) years, by order of the Minister in charge of the water, after inquiry and opinion of the other administrations concerned.

(2) Any refusal of authorization shall be motivated and notified to the applicant.

Article 11:

(1) The Minister in charge of water resources may, before the expiry of the period for which the dumping authorization has been granted, modify the dumping conditions:

a) at the reasoned request of the holder of the authorization;

(b) on the proposal of the designated sworn-in officials commissioned for that purpose, if any of the dumping characteristics are changed, or if any of the conditions of the permit are not complied with by the holder of the dumping authorization;

(c) at the request of concerned third parties.

(2) The holder of a dumping authorization shall first notify the water authority in writing of any change in the nature or conditions of the dumping as provided for in the authorization document.

Article 12:

1) The application for a dumping authorization shall be stamped at the tariff in force and sent in four (4) copies to the Minister in charge of water who shall proceed, at the expense of the applicant, to verify the elements of the request by at least 2 (two) sworn-in officials.

(2) The application for a dumping authorization shall contain:

- information and documents provided for in schedules I and II of this Decree
- any additional information that would be required by the water authority
- a receipt of 10 000 (ten thousand) CFAF.

Article 13:

(1) The application for the renewal of the dumping authorization shall be submitted at least 6 (six) months before the expiry date of the current authorization and shall follow the same procedure as the initial application referred to in Article 12 above.

(2) A reassembly visit shall be carried out within a maximum of 60 (sixty) days after the date of receipt of the renewal application by the sworn-in control officials appointed and commissioned by the Minister in charge of water, to verify the application of the provisions of the dumping authorizing deed.

(3) Verification shall include, as necessary and at the expense of the holder of the authorization, measurements made on the effluent and taking of the necessary samples of the dumping, flowing, disposals and receiving waters and their analyzes in laboratories of the Ministry in charge of water or failing that, in laboratories approved by the Minister in charge of water resources.

(4) A report of the visit shall be written at the request of the water authority and sent to the holder of the dumping authorization who may, within a maximum of 20 (twenty) days after the notification, express his opinion on the said report.

If the conditions of the dumping are judged to be in conformity with those stipulated in the deed of authorization, the Minister in charge of water resources shall pronounce renewal of the authorization. On the contrary, the Minister in charge of water resources shall put the application on hold to give time to the holder of the authorization to comply within a period not exceeding 3 (three) months.

Article 14:

The authorization granted may be modified or withdrawn either at the request of the owner or interested third parties, or at the initiative of the Administration, or by operation of law in the case provided for by the authorization deed.

Chapter IV

MISCELLANEOUS AND FINAL PROVISIONS

Article 15 :

Natural or legal persons who own facilities connected to public or private sewerage networks, artificial waterways or sewage treatment plants, shall be subject to the payment of a tax of sanitation, in accordance with the procedures laid down by the Finance Law.

Article 16:

A joint order of the Ministers in charge of water resources and Minister in charge of standardization respectively shall set the standards and conditions for discharging wastewater.

Article 17:

(1) The control of dumping covered by this Decree shall be exercised under the authority of the Minister in charge of water resources, by sworn-in officials of the administrations in charge respectively of water, public health, environment and, where appropriate, agriculture and animal husbandry, fisheries and animal industries.

(2) A regular and signed report, in the form set out in Annex III to this Order shall crown the control.

Article 18:

Owners of dumping facilities established prior to the date of publication of this Decree must, within a maximum period of 1 (one) year, take all necessary measures to comply with the conditions imposed on their effluents to ensure to the middle receiver the characteristics that conform with the regulations and standards in force.

Article 19:

Orders of the Minister in charge of water resources shall lay down, as and when necessary, the terms and conditions for implementing this Decree which shall be registered and published following the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 8 May 2001

Peter Mafany Musonge
Prime Minister,
Head of Government

II.16

DECREE NO. 2001/718/PM OF 3 SEPTEMBER 2001 RELATING TO THE ORGANIZATION AND FUNCTIONING OF THE INTERMINISTERIAL COMMITTEE ON THE ENVIRONMENT

DECREE NO. 2001/718/PM OF 3 SEPTEMBER 2001 RELATING TO THE ORGANIZATION AND FUNCTIONING OF THE INTERMINISTERIAL COMMITTEE ON THE ENVIRONMENT

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No.96/3 of 4 January 1996 on the Framework Law on Management of the Environment;

Mindful of Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management;

Mindful of Decree No. 92/89 of 4 May 1992 to specify the duties of the Prime Minister, as amended and supplemented by Decree No.95/145-bis of 4 August 1995;

Mindful of Decree No.97/345 of 21 December 1997 to organize the Government;

Mindful of Decree No.97/345 of 21 December 1997 to appoint a Prime Minister, Head of Government,

Mindful of Decree No.97/345 of 21 December 1997 to organize the Ministry of Environment and Forest as amended and supplemented by Decree No. 99/196 of 10 September 1999,

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree relates to the organization and function of the Interministerial Committee on the Environment herein after "The Committee".

Article 2:

(1) The Committee shall assist Government in its duties to draw up, coordinate, execute and control national policies on the environment and sustainable development.

To this end it shall:

- ensure the respect and taking into consideration of environmental considerations especially the implementation of economic, energy and land plans and programmes;
- approve the bi-annual report on the environment drawn up by the Ministry in charge of Environment;
- coordinate and direct the updating of the National Environment Management Plan;
- give its opinion on environmental impact assessment; and

– assist Government in preventing and managing urgent or crisis situations that could constitute serious threats to the environment or result in its degradation.

(2) The Committee shall give its opinion or assess and other issue relating to the duties referred to (1) above referred to it b the Minister in charge of Environment.

Chapter II

ORGANIZATION AND FUNCTIONING

Section I

ORGANIZATION

Article 3 :

(1) The Committee shall be under the Minister in charge of Environment.

(2) It shall be composed of:

Chairperson: an official appointed by the Minister in charge of Environment.

Members:

- a representative of the Minister in charge of Environment;
- a representative of the Minister in charge of Territorial Administration;
- a representative of the Minister in charge of Agriculture;
- a representative of the Minister in charge of Industrial and Commercial Development;
- a representative of the Minister in charge of Livestock, Fisheries, Animal Husbandry;
- a representative of the Minister in charge of Regional Development;
- a representative of the Minister in charge of Mines, Water and Energy;
- a representative of the Minister in charge of Scientific and Technical Research;
- a representative of the Minister in charge of Tourism;
- a representative of the Minister in charge of Public Works;
- a representative of the Minister in charge of Transport;
- a representative of the Minister in charge of Town Planning and Housing;
- a representative of the Minister in charge of Health;
- a representative of the Minister in charge of Urban Affairs; and
- a representative of the Minister in charge of the Minister of Defence.

(3) TheChairperson may invite an expert, based on the items on the agenda, to participate in the deliberations of the Committee without the right to vote.

(4) The Committee may set up sub-committees in its midst, when need be, on issues and specified areas relating to its sphere of influence.

(5) The Permanent Secretariat of the Environment shall be the Secretariat of the Committee.

Article 4:

(1) Members of the Committee shall be appointed by their respective ministries.

(2) The composition of the Committee shall be determined by order of the Minister in charge of Environment.

Section II

FUNCTIONING

Article 5 :

The Committee shall be convened, when need be, and at least once each quarter by the Chairperson.

Article 6:

The summons shall indicate the date, hour, agenda and venue of the meeting.

They shall include working documents and shall be sent at least seven (7) days before the date of the meeting.

Article 7:

(1) The Committee may validly conduct its business only in the presence of two thirds (2/3) at least of its members.

(2) However, where after the first summons the quorum provided for in subsection (1) above is not attained, the Chairperson shall convene members of the Committee within a maximum time limit of seven (7) days.

In such case, the Committee shall conduct its business without fulfilling the condition of quorum.

Article 8:

The opinion and resolutions of the Committee shall be adopted by a majority of two thirds (2/3) of members present.

Article 9:

The Committee shall be assisted by its Secretariat in carrying out its duties.

To this end, it shall especially be in charge of:

- proposing the agenda and preparing files to be reviewed by the Committee;
- drawing up the minutes of meetings and the Committee's progress report;
- keeping registers containing the Committee's views and resolutions; and
- ensuring the constitution and conservation of the Committee's archives.

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 10 :

(1) The Committee shall adopt a quarterly report on the execution of its duties, a yearly evaluation report on the situation of the environment and measures to improve and reinforce policies relating to the environment and sustainable development.

(2) The reports referred to in subsection (1) above shall be sent for information to the Prime Minister, Head of Government, the Minister in charge of Environment and ministers whose ministries are represented in the Committee. They may be given wide publicity.

Article 11:

(1) The duties of Chairperson and member of the Committee shall be free of charge.

(2) However, the Chairperson and members of the Committee as well as consultants shall be entitled to a sitting allowance whose amount shall be fixed by order of the Minister in charge of Environment.

Article 12:

The Committee's recurrent expenses shall be borne by the budget of the Ministry of Environment and Forestry, and resources of the National Environment and Sustainable Development Fund.

Article 13:

The Minister in charge of Environment shall be responsible for the execution of this decree that shall be registered, published according to the procedure of urgency then inserted in the Official Gazette in English and French..

Yaounde, 3 September 2001

Peter Mafany Musonge
PRIME MINISTER
HEAD OF GOVERNMENT

II.17

DECREE NO.2005/0770/PM OF 6 APRIL 2005 TO LAY DOWN PHYTOSANITARY CONTROL PROCEDURES

DECREE NO.2005/0770/PM OF 6 APRIL 2005 TO LAY DOWN PHYTOSANITARY CONTROL PROCEDURES

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 2003/003 of 21 April 2003 on phytosanitary protection;

Mindful of Decree No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 of 5 August 1995;

Mindful of Decree No.2004/320 of 8 December 2004 to organize the Government;

Mindful of Decree No.2004/321 of 8 December 2004 to appoint a Prime Minister

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down phytosanitary control procedures.

Article 2:

Phytosanitary control shall be done by controlling major pests or other organisms harmful to plants.

Article 3:

For the purposes of this Decree, the following definitions shall apply:

Biological control agent:

an auxiliary, antagonist, competitor or other biological entity capable of self-reproduction, used in the control of harmful organisms.

Good phytosanitary practices:

an expression that groups methods of pest control in crops to maintain the health status of plants and plant products, human and animal health, as well as the environment against risks arising from the use of pesticides and other phytosanitary activities.

Integrated protection:

an approach that aims to increase agricultural production based on ecological principles and enhances the ability of producers to promote crop health in a balanced agro-ecological system, making use of available and economically viable technologies, especially variety selection, biological control, cultivation methods and regulatory measures.

Chapter II

PHYTOSANITARY CONTROL OF HARMFUL ORGANISMS

Section I

BIOLOGICAL CONTROL

Article 4

(1) Biological control shall be done by research institutes or any other institution approved by the Ministry in charge of agriculture, phytosanitary services, agricultural extension services, producers and producer organizations and any other administration concerned.

Article 5:

Any institution wishing to promote the use of exotic biological control agents must obtain an authorization from the Minister in charge of agriculture. For this purpose, it must compile a file containing the following documents:

(a) an application stamped at the current rate;

(b) an introductory programme highlighting:

- preliminary studies on the identification of harmful organism, relevant information on its origin and extent of the damage caused, as well as experiences acquired elsewhere with harmful organism,
- the results of surveys and examinations in the areas of origin of the biological control agent,
- a description of the quarantine unit,
- methods of production and release of the biological control agent.

Article 6:

Before undertaking any release, the proponent must ensure that the damage caused by the harmful organisms justifies a control effort and that the introduction of a biological control agent is a rational approach.

Article 7:

(1) Exotic biological control agents must be approved prior to their production and release on a large scale.

(2) Releases shall be made in specific areas, with the authorization of the Minister in charge of agriculture.

(3) The conditions for approval shall be defined by order of the Minister in charge of agriculture.

Article 8:

After each release, the proponents must evaluate the impact of the biological control agents on both the harmful organism and non-target populations.

Section II

INTEGRATED CROP PROTECTION

Article 9:

Harmful organism control shall be done according to the principles of integrated protection, to:

- reduce dependence on pesticides;
- exercise better control over the use of pesticides;
- reduce risks related to abusive and inappropriate use of pesticides.

Article 10:

Implementation of integrated control and priority establishment of this approach shall involve the participation of farmers by:

- providing assistance and the necessary resources to promote initiatives aimed at adopting and using integrated control;
- supporting research activities involving farmers;
- supporting organizations that train farmers, researchers and extension workers;
- consumer awareness-raising on the quality of agricultural products; and
- training producers on integrated protection practices.

Chapter III

CONTROL MEASURES AGAINST PESTS AND OTHER HARMFUL ORGANISMS

Section I

PESTS CONTROL MEASURES

Article 11 :

(1) The State shall provide direct support to phytosanitary control of pests.

(2) Phytosanitary treatments in the context of these controls shall be done either by the specialized departments of the Ministry in charge of agriculture or by any other public or private structure committed to this purpose.

(3) Once decided, such controls shall be systematic and mandatory for all holdings.

Article 12:

The Minister in charge of agriculture shall prescribe the phytosanitary measures relating to pests. He shall set forth by order, the list of the said pests and update them, as necessary.

Section II

ALERT AND CONTROL OF OTHER HARMFUL ORGANISMS

Article 13 :

(1) The authority responsible for phytosanitary protection shall disseminate countrywide, information relating to harmful organisms, preventive and curative treatments necessary for the good health of plants and plant products.

(2) For this purpose, the authority responsible for phytosanitary protection shall develop or implement warning and response systems whose objective is alert and response monitoring.

Article 14:

(1) Phytosanitary control of harmful organisms shall be implemented and conducted by producers or producer organizations. It shall be done, whenever circumstances permit, according to the integrated approach referred to in the article above.

(2) The application of pesticides must comply with good phytosanitary practices.

Article 15:

The competent departments of the Ministry in charge of agriculture, in collaboration with the other administrations and institutions concerned, shall support producer organizations in:

- organizing, structuring and setting up intervention units;
- developing and popularizing technical guidelines;
- training in good phytosanitary practices;
- developing and providing pest management strategies; and
- assessing risk in the use of pesticides.

Article 16:

(1) The Minister in charge of agriculture may prescribe, by order, treatments and measures necessary for preventing the spread of pests in the field.

(2) He may also prohibit practices that may promote the development and spread of harmful organisms in the same manner.

(3) If an owner refuses to perform the treatments and measures referred to in paragraph (1) above within the prescribed time and in accordance with the relevant pest control orders, sworn-in officials in charge of inspection and plant control shall take necessary measures to implement them. They shall send a copy to the competent administrative authority.

(4) Control operations shall then be done by an approved structure and under the supervision of phytosanitary services.

(5) The costs relating thereto shall be borne by the owner.

(6) In case of non-payment by the interested party within 3 (three) months or whenever treatment is provided by phytosanitary services, recovery shall be done as in the case of direct contributions, on roll drawn up by the sworn-in officials responsible for plant control and inspection.

Article 17:

(1) Farmers shall use only:

- pesticides registered or authorized provisionally for sale in accordance with international standards for distributing and using pesticides;

- pesticides for the uses indicated on the label; and
- the services of persons trained in the domain by the services in charge of phytosanitary or agricultural extension, or by any other specialized structure.

(2) In addition, they must:

- apply pesticides on surfaces and structures that are used for producing, transporting, processing and storing agricultural or forestry products; and
- apply pesticides while avoiding to endanger human and animal health and preserving the environment.

(3) It shall be forbidden to use children under the age of 15 (fifteen) and pregnant women in phytosanitary treatments.

Article 18:

Pesticides must be stored where there is no risk to human health, animal health or to the environment.

Chapter IV

FINAL PROVISIONS

Article 19 :

Texts of the Minister in charge of agriculture shall specify, as necessary, terms and conditions for the implementation of this Decree.

Article 20:

All previous and contrary provisions, especially those of the Decree No.92/233 PM of 25 May 1992 to lay down the terms and conditions for implementing Law No.90/013 of 10 August 1990 on phytosanitary protection are hereby repealed.

Article 21:

: This Decree shall be registered and published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 6 April 2005

Ephraim INONI
Prime Minister, Head of Government

II.18

DECREE NO. 2005/0772/PM OF 6 APRIL 2005 TO LAY DOWN TERMS AND CONDITIONS FOR REGISTRATION AND CONTROL OF PLANT PROTECTION PRODUCTS

DECREE NO. 2005/0772/PM OF 6 APRIL 2005 TO LAY DOWN TERMS AND CONDITIONS FOR REGISTRATION AND CONTROL OF PLANT PROTECTION PRODUCTS

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution;
Mindful	of Law No. 2003/003 of 21 April 2003 on phytosanitary protection;
Mindful	of Decree No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 of 5 August 1995;
Mindful	of Decree No.2004/320 of 8 December 2004 to organize the Government;
Mindful	of Decree No.2004/321 of 8 December 2004 to appoint a Prime Minister;

HEREBY DECREES AS FOLLOWS :

Chapter I

GENERAL PROVISIONS

Article 1:
This Decree lays down the terms and conditions for registration and control of plant protection products.

Article 2:
For the purposes of this Decree, the following definitions shall apply:

Antagonist:
an organism that does not cause significant damage but whose presence protects the host from damage by other pests.

Biopesticides:
a generic term, generally applied to a biological control agent, most commonly a pathogen, formulated and applied in a manner analogous to a chemical pesticide and normally used to rapidly reduce a population of harmful organisms in a short term effort.

Approval:
the process by which the competent authority approves the import, distribution and use of a plant protection product, after reviewing the complete scientific data showing that the product is effective for the intended uses and does not pose a risk to human and animal health and to the environment under the recommended conditions of use.

Entry or exit point:

airports, river or sea ports, parcel post centres, or officially designated land border points.

Plant protection products:

shall mean pesticides, bio-pesticides and other substances intended to be used as plant growth regulators, defoliants, desiccants, fruit thinners or to prevent the premature falling of fruits, as well as substances applied to crops, before or after harvest, to protect products from deterioration during storage and transportation.

Residues:

specific substances left by a plant protection product in agricultural products or foods.

Chapter II

THE REGISTRATION PROCEDURE

Section I

REGISTRATION

Article 3 :

Any plant protection product shall be approved prior to its importation, distribution and use.

Article 4:

(1) Registration shall include the following operations:

(a) chemical analysis of a sample taken from the product to be tested by a recognized national or foreign laboratory

(b) biological efficacy tests for the indicated uses for one (1) to two (2) crop cycles conducted by a research institute for:

- new plant protection products; and
- extension of registration of a plant protection poroduct to control enemies other than those for which it was initially registered.

(c) Pre-popularisation tests during at least one agricultural cycle, carried out by plant protection services of the Ministry in charge of agriculture, in the event of a conclusive biological efficacy test.

(d) Joint bio-efficacy and pre-popularisation tests during at least one agricultural cycle for:

- plant protection products whose active substance is sufficiently known and registered, but presented under another formulation;
- new products whose biological efficacy tests were conclusive in the first year of testing
- modification of a known commercial specialty or the concentration of the active substances in a given commercial specialty.

(2) The costs of the transactions referred to in paragraph one (1) shall be borne by the proponent.

Article 5:

(1) The conduct of the tests referred to in Article 4 above shall be authorized by decision of the Minister in charge of agriculture.

(2) The latter may either prohibit or authorise the tests subject to all the conditions deemed necessary to prevent harmful risks to human and animal health and to the environment.

Article 6:

(1) Prior to the conduct of the above tests, preliminary dose-screening tests may be performed to determine the dose of the active ingredient or formulated product to be used and to inform the manufacturer of the efficacy of the plant protection product vis-à-vis the target harmful organism.

(2) Preliminary tests shall be carried out jointly by phytosanitary firms and approved research institutions or specialized structures approved by the Ministry in charge of agriculture, operating in this domain.

(3) Reports of such tests must be submitted to the competent authority at its request, to supplement the already available information.

Article 7:

(1) Registration of a plant protection product shall be subject to the compiliation of a file by the proponent or distributor comprising:

- an application for registration of the specialty stamped at the current rate,
- a descriptive form,
- a technical file,
- an analytical file,
- a toxicological file,
- an eco-toxicological file,
- an eco-environmental file,
- an original labeling model or its pattern,
- a reference sample of the active substances contained in the specialty and a sample of the specialty,
- attestations or certificates of registration issued in other countries,
- a report of biological efficacy tests and pre-popularisation tests,
- an analysis bulletin issued by a laboratory approved by the Ministry in charge of agriculture,
- a certificate of origin issued by the Chamber of Commerce of the country of origin of the plant protection product or by any other competent body,
- a report of the residual content tests of the plant protection product in treated plants and plant products, and
- the name and characteristics of the local representative.

(2) The file referred to in paragraph one (1) above shall be deposited in the Secretariat of the Commission in 3 (three) copies against receipt, and no later than 4 (four) weeks before the session is held.

Article 8:

To register biopesticides, the proponent must submit a file including the following documents and information:

- precise identification of the target harmful organism and its presumed origin,
- an assessment of its importance,
- a precise identification form or sufficient characterization of the biopesticide, to identify it unambiguously,

- a list of its auxiliaries and their impact in the application area,
- an analytical record of the biopesticide's specificity and any potential risks it may pose for non-target hosts,
- proposed contaminants and procedures for their elimination from colonies in the laboratory,
- procedures for identifying and removing from the crop, the host on which the pathogen was grown,
- the qualification of persons likely to handle biopesticides under laboratory, production and farm conditions,
- risks to which human and animal health are likely to be exposed,
- an impact assessment on non-target organisms and their environment,
- a description of the emergency procedures in case the biopesticideshows unexpected adverse effects after spraying,
- a detailed laboratory or field observation report on the range of known and potential antagonists
- the nomenclature of the additives used in the formulation,
- a report of biological efficacy tests,
- an analysis bulletin issued by a laboratory commissioned by the Ministry in charge of agriculture,
- a description of the quarantine facilities and
- qualification of the staff.

Section II

RENEWAL OF REGISTRATION

Article 9 :

(1) The company that holds the active substance or commercial specialty's trademark may apply for renewal of registration.

(2) The renewal application shall be sent to the Commission at least 6 (six) months before the expiry of the certification and shall contain the following documents and information:

- data on toxicity to humans
- available environmental data
- maximum residue limit data
- the report on the effects of the pesticide on successive crops
- the phytosanitary product monitoring report 8 (eight) years after its use.

Section III

MODIFICATION AND WITHDRAWAL OF REGISTRATION

Article 10 :

The registration of a plant protection product shall be modified in case the method of use is adjusted or the doses used are revised.

Article 11:

(1) Withdrawal of registration for a plant protection product shall be declared where the product:

- is no longer effective against the targeted enemy
- has adverse effects on plants or plant products and
- has an adverse effect on human or animal health under normal conditions of use.

(2) Registration may be withdrawn:

- when incorrect or misleading information has been provided about the data on which the registration was granted;
- at the request of the trademark holder.

Article 12:

The holder of an registration must imperatively communicate to the phytosanitary authority any new information concerning the potential dangers of a plant protection product or its residues on human or animal health or the environment.

Section IV

TRANSFER OF REGISTRATION

Article 13 :

(1) It shall be possible to transfer registration to another firm at the request of the holder company.

(2) In which case, the holder company shall provide a file comprising:

- an application stamped at the current rate
- a copy of the registration order and
- a registration transfer agreement, jointly signed by the holder firm and the firm applying for acquisition of the approval.

(3) A registration transfer shall give rise to the issuance of a registration transfer certificate by the phytosanitary authority.

Section V

RESEARCH, EDUCATION AND EMERGENCY SITUATIONS

Article 14 :

Without prejudice to the provisions of Article 3 above, import for experimental purposes or the use of small quantities of plant protection products which have not been approved or which have not obtained a provisional marketing authorization may be specially authorized by the authority for plant protection to:

- Research institutions,
- Services responsible for agricultural extension,
- Laboratories for the analysis of plant protection products,
- Research units of phytosanitary firms established in the country, and
- Educational institutions.

Article 15:

In case of calamities and in the absence of a plant protection products registered for this purpose, the Minister in charge of agriculture may authorize the selective use of an unregistered plant protection product:

- if no registered equivalent product is present on the market and that the active ingredient is recognized by competent international organizations;
- if the product has marketing authorization in the country of origin or is already used elsewhere for similar purposes; and
- if it has not been subject to marketing authorization withdrawal in a third-party country or if it does not belong to the group of persistent organic pollutants.

Chapter III

CERTIFICATION OF TREATMENT EQUIPMENT

Article 16 :

(1) Any model or type of phytosanitary treatment equipment shall be certified prior to its import, distribution and use in accordance with international standards.

(2) Certification shall involve the following operations:

- tests of control of the technical specifications carried out by a specialized laboratory or any other institution specially authorized by the Ministry in charge of agriculture; and
- the field performance tests carried out by the Ministry in charge of agriculture.

(3) The costs incurred by these tests shall be borne by the proponents.

Article 17:

The certification referred to in Article 16 above shall concern especially the following types of equipment:

- pressure-knapsack sprayers,
- motorized backpack sprayers,
- thermal fogging devices,
- dusters,
- granule applicators,
- cold foggers, and
- towed equipment.

Article 18:

(1) To certify phytosanitary treatment equipment, the proponent must submit a file containing the following:

(a) an application stamped at the current rate stating the brand of the equipment and information on its technical characteristics.

(b) a user manual containing the following information:

- the initial assembly,
- identification of all spare parts, accompanied by an exploded view of the whole,

- adjustment and calibration,
- the cleaning and the safe evacuation of washing liquids,
- usual maintenance and storage,
- afety and usual use in the field,
- safe release of pressure in the nozzle and tank,
- durability of the constituent materials.
- the pipe and nozzle flow, the jet quality or smoke cloud and droplet characteristics,
- pipe calibration and service pressures to be used,
- precautions to take to reduce the risk of user contamination and environmental pollution.

(c) test reports of technical specification control

(d) a field performance test report issued by the authority in charge of phytosanitary protection

(e) a commitment to provide after-sales service and to put spare parts on the market

(f) a sample of the equipment or performance test report jointly produced by the importing firm and the technical services of the Ministry in charge of agriculture.

(2) The file referred to in paragraph one (1) above shall be submitted at the Secretariat of the Commission in 3 (three) copies, against a receipt, no later than four 4 (four) weeks before the meeting.

Article 19:

Treatment equipment sold and used must not present any danger to users. They must be easy to use and be reliable under normal conditions of use. They must comply with the characteristics enacted by the phytosanitary authority or failing that, international requirements.

Chapter IV

NATIONAL COMMISSION FOR REGISTRATION OF PESTICIDES AND CERTIFICATION OF TREATMENT EQUIPMENT

Article 20 :

A National Commission for the Registration of Pesticides and Certification of Treatment Equipment, hereinafter referred to as “the Commission”, is hereby established within the Ministry in charge of agriculture. It shall be responsible for:

- deciding on files for certification of pesticides as well as on those relating to their renewal;
- deciding on the certification of files for phytosanitary treatment equipment;
- giving an opinion on the restriction or prohibition of the use of a pesticide or on the withdrawal of registration;
- giving a technical opinion on any file referred to it; and
- validating experimental protocols.

Article 21:

(1) Chaired by the Minister in charge of agriculture or his representative, the Commission shall also include the following members:

- 2 (two) representatives of the Ministry in charge of agriculture,
- 2 (two) representatives of the Ministry in charge of scientific research,
- 1 (one) representative of the Ministry in charge of higher education,
- 1 (one) representative of the Ministry in charge of livestock,
- 1 (one) representative of the Ministry in charge of public health,
- 1 (one) representative of the Ministry in charge of environment and nature protection,
- 1 (one) representative of the Ministry in charge of trade, and
- 1 (one) representative of the Ministry in charge of energy and water resources.

(2) Members of the Commission shall be appointed by order of the Minister in charge of agriculture, on the proposal of the administrations to which they belong.

(3) The President of the Commission may invite any person, based on his/her competence on an item on the agenda, to take part in the deliberation of the Commission in an advisory capacity.

(4) Secretariat duties of the Commission shall be provided by the Department for Regulation and Quality Control of Agricultural Inputs and Products.

Article 22:

The Commission shall meet twice a year and, if necessary, upon the convening of its President.

Article 23:

Convening shall be made by any means leaving written trace and addressed to the members 15 (fifteen) days before the meeting date. Invitations shall include the agenda and meeting place.

Article 24:

(1) Decisions of the Commission shall be taken by a simple majority of the members present.

(2) They shall be recorded in minutes co-signed by the President of the Commission and the Secretary. The said minutes shall also mention the names of the members present and those of the persons invited in an advisory capacity.

Article 25:

The Commission shall examine the dossiers referred to in Article 20 above and deliberate on one of the following measures:

- maintenance of the plant protection product under study for a fixed period depending on the nature of the problems identified;
- provisional authorization of sale for a period of 2 (two) years non-renewable depending on the nature of the problem;
- registration of the plant protection product for the uses indicated for a period of 5 (five) years renewable once tacitly;
- modification or extension of the uses of a plant production product;
- withdrawal of registration;
- renewal of registration; and
- restrictions.

Article 26:

Registration shall be granted on the basis of commercial specialties and not on the basis of active substances. Registration is given if, in the light of scientific and technical knowledge and when used in accordance with the indications on the label and good phytosanitary practice:

- the plant protection products is effective against the targeted enemy;
- the plant protection product has no direct or indirect effect on human or animal health or on the environment under normal conditions of use;
- the major toxicological and environmental compounds can be determined;
- the nature and quantity of active ingredients, impurities and other important toxicological and eco-toxicological elements can be determined using proven methods;
- the residues resulting from the permitted uses and the toxicological and environmental characteristics can be determined using proven methods;
- the physicochemical properties are considered suitable;
- the maximum residue limits determined by the phytosanitary authority or any other international organization competent in the matter are known; and
- the residual content of the pesticide in treated products is below the maximum residue limit.

Article 27:

Decisions of the Commission shall be executed by order of the Minister in charge of agriculture.

Article 28:

(1) The proponent shall have the right to appeal and may therefore request the reconsideration of a file when they deem the decision taken concerning them unjustified. They may:

- request to be heard by the Commission. For this purpose, he may be assisted by an approved expert of his choice, or
- send to the Minister in charge of agriculture, a request for reconsideration within thirty (30) days following the notification of the results of the session, under penalty of foreclosure.

(2) The review or hearing shall take place during the next session.

Article 29:

The duties of President and Member of the Commission shall not be enumerated. However, the members shall be entitled to working facilities necessary to accomplish their missions.

Article 30:

The operating costs of the Commission shall be borne by the Ministry in charge of agriculture.

Chapter V

PLANT PROTECTION PRODUCT RELATED ACTIVITIES

Section I

IMPORT OF PLANT PROTECTION PRODUCTS

Article 31 :

(1) (1) The laws and regulations on trade in force notwithstanding, the import of plant protection products shall be subject to declaration by the importer to the authority in charge of phytosanitary protection.

(2) Import of plant protection product shall be exclusively reserved for local representatives of the phytosanitary companies holding the registration. However, in impromptu cases of control of pests, the phytosanitary authority may import registered plant protection product.

Article 32:

(1) The declaration provided for in Article 31 (1) above shall include the following:

- the exact address of the brand holder or the supplier,
- the probable date of arrival of the products in Cameroon and the point of entry in Cameroon,
- the names and quantities of pesticides to be imported as well as the countries of origin and destination,
- the mode of transport and certificate of transfer of the import signed by the holder of the registration, and
- the address of the importer or supplier and address of the distributor.

(2) the file shall be submitted to the Department of Regulation and Control of Agricultural Inputs and Products at least 1 (one) month before the expected date of embarkation.

Article 33:

Containers of pesticides and bio-pesticides in transit in the country or containing pesticides manufactured, formulated or packaged in Cameroon and intended for export, must be sealed.

Article 34:

Every importer shall annually, provide data on the type, quantities and value of imported plant protection product for the purpose of compiling statistics.

Section II

MANUFACTURING, FORMULATING AND PACKAGING PLANT PROTECTION PRODUCTS

Article 35 :

: (1) Manufacturing, formulating or packaging registered plant protection product shall be permitted beforehand by the Minister in charge of agriculture, for a period of 10 (ten) years renewable.

(2) To obtain the registration referred to in paragraph (1) above, the proponent shall compile a file comprising:

a) an application stamped at the current rate, indicating:

- the name and given name or the business name of the applicant;
- the exact address of the holder of the brand or the supplier, and ;
- the pesticides, bio-pesticides or biological control agents for which the application is made;

) an authenticated copy of the medical care agreement underwritten by a physician;

c) the geographical siteof facilities and the sources of danger attributable to the location of the premises;

d) a site plan, block plan and detailed plan of the production unit;

e) an environmental impact assessment conducted by the Permanent Secretariat for Environment at the Ministry in charge of the environment;

f) reports of the inspection of the facilitiess written by the competent services of the authority in charge of phytosanitary protection;

g) a general description of the technical processes

h) contingency plans, including safety, warning and response equipment, inside and outside the establishmnt;

i) a list of intended jobs and their required qualifications;

j) an undertaking to arrange insurance covering fire and other risks

k) a legalized commitment by the proponent to use only plant protection products for which the application was made; and

l) processes for the disposal of effluents, wastes and packaging

Section III

DISTRIBUTION OF REGISTERED PLANT PROTECTION PRODUCTS

Article 36 :

Registered plant protection products may be distributed or resold by physical or moral persons duly approved by the Minister in charge of agriculture.

Article 37:

(1) A distributor of plant protection products shall be any natural or legal person who obtains plant protection products for commercial purposes from the phytosanitary firms established in Cameroon or from their representatives.

(2) The distributor must verify that the plant protection products he buys are registered or have a valid provisional sales authorization in Cameroon.

Article 38:

The distributor of plant protection products must hold a diploma from an agricultural training institution, or hold a training certificate of 3 (three) months duration delivered by an approved training institution.

Article 39:

Approval as a distributor of plant protection products and bio-pesticides, issued by the Minister in charge of agriculture shall be valid for 5 (five) years renewable. A file for accreditation shall include:

- an application stamped at the current rate,
- an information sheet,
- a copy of the diploma or certificate,
- a certificate of presentation of the original diploma or certificate,
- a curriculum vitae,
- an authenticated copy of a contract with the supplier of the product for distribution,
- a legalised commitment to respect the phytosanitary legislation and regulations in force,
- a report on the premises written and signed by the sworn-in official of phytosanitary protection with territorial jurisdiction, and
- a contract of employment binding the owner to the employees.

Section IV

PROFESSIONAL PHYTOSANITARY TREATMENT FOR THIRD PARTIES

Article 40 :

(1) Approval to carry out phytosanitary treatments in a professional capacity for the benefit of third parties shall be issued by the Minister of Agriculture for 5 (five) years renewable.

(2) The applicant must have a diploma from an agricultural training institution or hold a certificate of training of at least 3 (three) months in phytosanitary treatment issued by an approved institution. In the latter case, the training must be authorized by the Minister in charge of agriculture.

Article 41:

Approval shall be issued for all or part of the following activities:

- phytosanitary protection of crops,
- treatment of stored agricultural commodities and products,
- cleaning the premises, product storage units, aircraft and other means of transport,
- wood treatment, and
- chemical weeding.

Article 42:

(1) The applicant for approval for the phytosanitary treatment shall:

- possess facilities, equipment and certified agricultural equipment for applying pesticides;
- acquire appropriate and sufficient equipment for the protection of personnel against exposure to the products during the various handling activities;
- possess safety equipment to detect any leakage of toxic gas;
- have staff with technical and practical skills in the handling of pesticides for agricultural use; and
- undertake to use only registered plant protection products.

(2) They must also produce a file containing:

- an application stamped at the current rate,
- an information sheet,
- a copy of the diploma or certificate of training of at least three (3) months in an institution specialized in agriculture,
- a curriculum vitae,
- a commitment to comply with the phytosanitary legislation and regulations in force,
- supporting documents for the qualification of the staff,
- a report on the premises written and signed by sworn-in official with territorial jurisdiction,
- a commitment to take out insurance covering fire and other risks, and
- a contract of employment binding the owner to the employees.

Section V

RENEWAL AND WITHDRAWAL OF APPROVALS

Article 43 :

In the event of renewal of approvals provided for in Articles 39, 40 and 42 above, the proponent must present a file including:

- an authenticated copy of a health care agreement of care reached with a physician;
- insurance covering fire risks of the premises and infrastructures and risks of damage that may be suffered by third parties in the exercise of their activities;
- a legalized site plan of the premises; and
- a report of the premises written and signed by a sworn-in official with territorial jurisdiction.

Article 44:

The Minister in charge of agriculture shall suspend or withdraw authorizations and approvals:

- if the beneficiary does not comply with the laws and regulations in force, and
- in case the beneficiary's facilities constitute a danger to human and animal health and to the environment.

Section VI

TRANSFER OF UNITS FOR MANUFACTURING, FORMULATING, PACKAGING AND DISTRIBUTING PLANT PROTECTION PRODUCTS

Article 45 :

(1) The transfer of a unit for manufacturing, formulating, packaging or distributing from one place or locality to another or any modification of the conditions for setting up shall be declared to the service responsible for phytosanitary control territorially competent, on pain of withdrawal of the approval.

(2) The transfer or modifications of the unit referred to in paragraph (1) above may only be carried out with the authorization of the authority in charge of phytosanitary protection.

Chapter VI

CONTROL OF PLANT PROTECTION PRODUCTS AND TREATMENT EQUIPMENT

Section I

CONTROL OF PLANT PROTECTION PRODUCTS AND TREATMENT EQUIPMENT

Article 46 :

(1) Natural or legal persons shall ensure the control of plant protection products and equipment regarding:

- import or export of plant protection products and phytosanitary treatment equipment
- manufacturing, formulating and packaging units for plant protection products
- storage or distribution warehouses for plant protection products and
- means of transport and postal parcels.

(2) The control of plant protection products shall be done countrywide, especially at the country's entry and exit points.

(3) In the case of suspected fraud during checks, sworn-in officials may take samples and have them analyzed at the expense of the owner.

Article 47:

(1) The purpose of plant protection product and treatment equipment controls shall be to ensure:

- prevention of importation or distribution of unregistered plant protection products;
- conformity and quality of plant protection products used in the country;
- conformity and quality of treatment equipment used in the country; and
- the use of plant protection products with minimum risks to human and animal health and to the environment.

(2) A certificate of pesticide quality or conformity of treatment equipment shall be issued after the control.

Article 48:

(1) On import, export and distribution, plant protection products and treatment equipment shall be subject to control or quality analysis.

(2) Imported, manufactured, formulated or locally packaged plant protection products and treatment equipment shall be subject to analysis and quality control respectively at the proponent's expense, prior to their distribution and during use.

(3) In the case of import of prohibited plant protection products or uncertified treatment equipment, inspection officials shall turn them back at the owners' expense.

Section II

DUTIES OF SWORN-IN OFFICIALS

Article 49 :

(1) Post-registration control of plant protection products , inspection of treating equipment, storage or distribution warehouses, means of transport, production and packaging units shall be carried out by sworn-in officials of the Ministry in charge of agriculture.

(2) They shall take an oath before the Court of First Instance with territorial jurisdiction under common law conditions, at the behest of the authority in charge of phytosanitary protection.

(3) They shall wear a uniform and present their professional card and mission order at each requisitioning.

(4) The capacity of inspector or phytosanitary controller shall be lost once the official no longer works in the structures responsible for phytosanitary regulations.

Article 50:

In order to facilitate the performance of their duties, phytosanitary inspectors and inspectors shall have access to bills of lading and manifests for international shipments. They shall have the power to oppose the distribution of plant protection products and non-compliant treatment equipment.

Article 51:

(1) The sworn-in officials of the Ministry in charge of agriculture shall take part in the prosecution of offenses committed in connection with the import, manufacture, packaging, distribution and use of plant protection products and treatment equipment.

(2) To this end, they shall establish the offence, seize plant protection products sold in bulk or on display or not registered in circulation, as well as that of treatment equipment introduced or used in violation of the provisions of the law.

(3) The report of their operations shall be written and signed by the sworn-in official and countersigned by the offender. It shall remain authentic until proof of the contrary and shall be forwarded to the territorially competent Public Prosecutor.

Article 52:

Sworn-in officials in charge of controlling plant protection products and treatment equipment can, in the performance of their duties and according to the procedures provided for by the regulation in force:

- request requisitions from the judicial police to search and seize plant protection products introduced, sold or circulated fraudulently or to obtain the offender's identification
- visit the premises, trains, ships, vehicles or aircraft likely to transport or shelter these products
- affix seals
- order the turning back of plant protection products at the expense of the offender.

Section III

RESIDUE CONTROL

Article 53 :

(1) The purpose of controlling plant protection products residue in agricultural products shall be to safeguard the health of consumers.

(2) Samples of plant protection products for residue analysis shall be collected frommarkets, supermarkets and processing, storage and sales units by qualified personnel of the Ministry in charge of agriculture.

(3) Findings of the analyses shall be communicated to the Ministry in charge of agriculture, which shall publish them and prescribes the actions to be considered in the field of information and awareness-raising with reference to the FAO/WHO standards in force.

Article 54:

The standards for maximum residue limits and the findings of analyses shall be communicated to the Minister in charge of agriculture who shall publish them and prescribe the actions to be taken regarding information and awareness-raising.

Chapter VII

TRANSITIONAL AND FINAL PROVISIONS

Article 55 :

Registration orders and various approvals established prior to the date of signature of this Decree shall remain valid until their expiry.

Article 56:

: Importers of treatment equipment and phytosanitary sector operators shall have a period of 12 (twelve) months from the date of signature of this Decree to comply with the regulations in force.

Article 57:

All previous and contrary provisions, especially those of Decree No.92/223/PM of 25 May 1992 to lay down the terms and conditions for implementing Law No.90/013 of 10 August 1990 on phytosanitary protection are hereby repealed.

Article 58:

This Decree shall be registered and published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 6 April 2005

INONI Ephraim

Prime Minister, Head of Government

II.19

DECREE NO. 2006/1577/PM OF 11 SEPTEMBER 2006 TO AMEND AND SUPPLEMENT SOME PROVISIONS OF DECREE NO. 2001/718/PM OF 3 SEPTEMBER 2001 ON THE ORGANIZATION AND FUNCTIONING OF THE INTER-MINISTERIAL COMMITTEE ON ENVIRONMENT

DECREE NO. 2006/1577/PM OF 11 SEPTEMBER 2006 TO AMEND AND SUPPLEMENT SOME PROVISIONS OF DECREE NO. 2001/718/PM OF 3 SEPTEMBER 2001 ON THE ORGANIZATION AND FUNCTIONING OF THE INTER-MINISTERIAL COMMITTEE ON ENVIRONMENT

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution;
Mindful	of Law No.96/12 of 5 August 1996 relating to Environmental Management;
Mindful	Law No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 bis of 4 August 1995;
Mindful	of Decree No. 2004/320 of 8 December 2004 to organize the Government;
Mindful	of Decree No. 2004/321 of 8 December 2004 to appoint a Prime Minister;
Mindful	of Decree No. 2005/117 of 14 April 2005 to organize the Ministry of Environment and Protection of Nature, amended and supplemented by Decree No. 2005/496 of 31 December 2005;
Mindful	of Decree No. 2001/718/M of 3 September 2001 on the organization and functioning of the Inter-ministerial Committee on Environment;

HEREBY DECREES AS FOLLOWS:

Article 1:

The provisions of Articles 3 and 12 of Decree No. 2001/7181/PM of 3 September 2001 on the organization and functioning of the Inter-ministerial Committee on the Environment, are hereby amended and supplemented as follows:

Article 3: (new):

(1) The said Committee shall operate in collaboration with the Minister in charge of environment.

(2) The Committee shall be composed as follows:

President: a personality appointed by the Minister in charge of environment

Members:

- 1 (one) representative of the Ministry in charge of environment
- 1 (one) representative of the Ministry in charge of territorial administration
- 1 (one) representative of the Ministry in charge of agriculture
- 1 (one) representative of the Ministry in charge of mines and industry

- 1 (one) representative of the Ministry in charge of small and medium-size enterprises
- 1 (one) representative of the Ministry in charge of livestock, fisheries and animal industries
- 1 (one) representative of the Ministry in charge of regional planning
- 1 (one) representative of the Ministry in charge of water resources and energy
- 1 (one) representative of the Ministry in charge of scientific research
- 1 (one) representative of the Ministry in charge of tourism
- 1 (one) representative of the Ministry in charge of public works
- 1 (one) representative of the Ministry in charge of transport
- 1 (one) representative of the Ministry in charge of urban development and housing
- 1 (one) representative of the Ministry in charge of surveys and land tenure
- 1 (one) representative of the Ministry in charge of public health
- 1 (one) representative of the Ministry in charge of defence
- 1 (one) representative of the Ministry in charge of forestry.

(2) The President may invite any person, based on his competence on the items on the agenda, to participate in the deliberations of the Committee, without the right to vote.

(3) The Committee may set up sub-committees on subjects and in specific areas as appropriate within its field of competence.

(4) The secretariat of the Committee shall be provided by the department responsible for developing environmental policies in the Ministry of environment.

Article 12 (new)

The Committee's operating expenses shall be attributed to the Ministry in charge of environment and protection of nature and to the resources of the National Fund for Environment and Sustainable Development.

Article 2:

This Decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French. /-

Yaounde, 7 September 2006

Ephraim Inoni
Prime Minister, Head of Government

II.20

DECREE NO. 2008-64 OF 4 FEBRUARY 2008 TO LAY DOWN THE CONDITIONS FOR THE MANAGEMENT OF THE NATIONAL ENVIRONMENT AND SUSTAINABLE DEVELOPMENT FUND

DECREE NO. 2008-64 OF 4 FEBRUARY 2008 TO LAY DOWN THE CONDITIONS FOR THE MANAGEMENT OF THE NATIONAL ENVIRONMENT AND SUSTAINABLE DEVELOPMENT FUND

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management.

Mindful of Law No. 2007/6 of 26 December 2007 relating to the Fiscal Regime of the State;

Mindful of Decree No. 2004/320 of 8 December 2004 to organize the Government, as amended and supplemented by Decree No. 2007/268 of 7 September 2007;

Mindful of Decree No. 2005/217 of 14 April 2005 to organize the Ministry of Environment and Protection of Nature, as amended and supplemented by Decree No. 2005-496 of 31 December 2005.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree lays down the conditions for the management of the National Environmental and Sustainable Development Fund, here after referred to as “the Fund5’, which was set up by Law No. 96/12 of 5 August 1996 relating to Environmental Management.

Article 2:

The Fund shall be placed under the authority of the Minister in charge of the environment.

Chapter II

RESOURCES AND EXPENDITURE OF THE FUND

Section I

RESOURCES

Article 3 :

(1) The resources of the Fund shall comprise:

- proceeds from fines and transactions stipulated by the Law relating to Environmental Management and the Law relating to establishments classified as dangerous, unhealthy or obnoxious;
- sums collected for the rehabilitation of sites;
- inspection fees and proceeds from fines as provided for by Law No. 2003/6 of 21 April 2003 to lay down safety regulations governing modem biotechnology in Cameroon;
- processing fees for environmental assessment and environmental audit files;
- contributions from the State;
- contributions from regional and local authorities or associations seeking to promote environmental protection and sustainable development;
- donations and legacies, subsidies and other forms of assistance;
- any other resources authorized by the laws and regulations in force.

(2) The Fund's resources shall be public funds. Accordingly, they shall be managed in compliance with public accounting rules and shall be subject to control by competent State bodies.

Section II

EXPENDITURE

Article 4 :

(1) The Fund's resources shall be used, in accordance with priorities set by the Government, to:

- support sustainable development projects;
- support environmental research and education;
- contribute to financing the rehabilitation of sites;
- contribute to financing the environmental audit conducted by the Ministry in charge of the environment;
- provide support to promote clean technology programmes;
- contribute to the Fund's operating and audit costs;
- encourage local initiatives on environmental protection and sustainable development;
- support legalized associations involved in environmental protection which carry our significant activities in this domain;
- contribute to the operating costs of the Inter-ministerial Committee on the Environment;
- contribute to the operating costs of the National Consultative Commission on the Environment and Sustainable Development;

– contribute to the employees 25% scratching share of proceeds from fines and compensation accruing from public auction or private sale of various items attached and allocated to the Fund.

(2) The modalities for the payment of the 25% matching share referred to in (1) above shall be laid down by a joint order of the Ministers in charge of finance and of the environment, respectively.

Chapter III

MANAGEMENT OF THE FUND

Article 5:

(1) In order to enable the Fund to carry out its missions, a Special Environment and Sustainable Development Appropriation Account, hereinafter referred to as "the j Account" is hereby set up.

(2) The ceiling of resources for the replenishment of the Account shall be fixed yearly by the finance law.

(3) The Fund's resources which have not been appropriated to the Account shall constitute reserves. Such resources shall be used only for the same purpose.

(4)The Minister in charge of finance shall delegate, by an order, his powers of authorizing officer of below the line accounts to the Minister in charge :,f the environment for the purpose of its account project to an annual independent audit.

Article 6:

(1) At the end of each financial year, the Minister in charge of environment shall draw up an account for ail income and expenditure transactions related to the Special Appropriation Account.

(2) This use of income account shall be forwarded to the Minister in charge of finance.

Article 7:

(1) An Accounting Officer, appointed by order of the Minister in charge of finance from among treasury accountants, shall be responsible for conducting the financial transactions of the Account.

Accordingly, he shall:

– settle expenditure made on the Account;

– ensure the regularity of expenditure from the Account.

(2) The Accounting Officer shall be the sole person entitled to handle funds and/or securities and sign cheques. He shall be responsible for keeping the books and ensuring the accuracy of the account records.

(3) The Accounting Officer shall be personally liable for ail financial and accounting transactions conducted by him. He shall be bound to draw up a management account at the end of each financial year.

(4) The management account shall be forwarded for approval to the court in charge of examining accounts through the Minister in charge of finance.

Article 8:

The Accounting Officer shall be bound by regulations applicable to public accounting officers.

Article 9:

The Financial Controller at the Ministry in charge of the environment shall control ail the budgetary transactions on the Account.

Chapter IV

PROGRAMMES COMMITTEE

Article 10 :

A Programmes Committee hereinafter referred to as “the Committee". is hereby set up. It shall assist the Minister in charge of the environment in the selection of priority studies and projects eligible for the Fund’s resources.

Accordingly, the Committee shall:

- define the criteria for-assessing projects and for processing applications for financing;
- examine and give an opinion on projects and applications for financing;
- monitor and supervise the execution of projects and programmes selected;
- ensure the judicious use of resources disbursed by the Fund;
- carry out any other mission entrusted to it by the Minister in charge of the environment in his area of competence.

Article 11:

(1) Projects and programmes eligible for financing with the Fund’s resources shall be submitted to the Minister in charge of the environment within two the 2 (two) months preceding the first annual session of the Committee.

(2) The programmes and projects being submitted for financing by the Fund shall be presented according to a framework decided by the Committee.

(3) The Minister in charge of the environment shall decide on the disbursement of funds for the execution of projects and programmes financed by the Fund, on the recommendation of the Committee.

Article 12:

(1) The Committee shall be composed as follows:

Chairperson: a personality appointed by the Minister in charge of the environment.

Members:

- 2 (two) representatives of the Ministry in charge of the environment;
- 1 (one) representative of the Ministry in charge of forestry;
- 1 (one) representative of the Ministry in charge of finance;
- 1 (one) representative of the Ministry in charge of research;
- 1 (one) representative of the Ministry in charge of water resources and energy;
- 1 (one) representative of the Ministry in charge of territorial development;
- 1 (one) representative of the Ministry in charge of mines and industry;
- 1 (one) representative of the Ministry in charge of agriculture;
- 1 (one) representative of the Ministry in charge of public works;
- 2 (two) representatives of associations and non-governmental organizations operating in the environment sector.

(2) The Chairperson may, as and when necessary, invite any individual or corporate entity because of their expertise on the issues to be examined, to take part in deliberations in an advisory capacity.

(3) The Director in charge of sustainable development shall perform secretarial duties for the Committee.

Under the authority of the Committee Chairperson, the Secretariat shall be responsible for:

- preparing files of Committee meetings;
- drafting minutes of Committee meetings;
- following up the implementation of Committee resolutions;
- collecting, centralizing and preserving the records and documents of the Committee;
- executing any other tasks that contribute to attaining the Fund's missions entrusted to it by the Committee or its Chairperson.

Article 13:

(1) Committee Members shall be appointed by the government services and bodies they represent.

(2) The composition of the Committee shall be established by order of the Minister in charge of the environment.

(3) Where a member loses the position by virtue of which he sits in the Committee, he shall immediately cease to be a member.

(4) The duties of Committee Chairperson. Member and Secretary shall be honorary, However, they, as well as persons invited in an advisory capacity, shall be entitled to a session allowance whose amounts shall be fixed by order of the Minister in charge of the environment, in accordance with the regulations in force.

Article 14:

(1) The Committee shall meet in ordinary session at least once every six months when convened by its Chairperson. It may meet in extraordinary session at the request of the Minister in charge of the environment.

(2) Invitation letters which shall include the relevant working documents, shall indicate the date, time, venue and agenda of the meeting and should reach Committee members no less than 5 (five) working days prior to the meeting date. However, this time limit shall be reduced to 3 (three) days, in case of an emergency.

(3) The Committee may validly deliberate only if half of its members are present. The presence of members representing non- governmental organizations shall be required for Committee deliberations to be valid, save where the latter fail to attend after they have been duly invited on 2 (two) occasions.

(4) Committee recommendations and resolutions shall be adopted by a simple majority of members present. In case of a tie vote, the Chairperson shall have the casting vote.

(5) The deliberations of the committee shall be submitted to the Minister in charge of the environment for endorsement.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 15:

(1) Commitments charged to the Fund shall under no circumstances exceed the amount of annual appropriations.

(2) The Fund may not contract loans.

(3) Where the Fund's resources are in excess of commitments at the end of a financial the surplus shall be carried forward : Fund's annual budget.

(4) Outstanding commitments at the en financial year shall be carried forward : next financial year. However, the re expenditure should be authorized before end of the same financial year.

Article 16:

All assets acquired with the Fund's shall remain the property of the Staff.

Article 17:

This decree shall be registered, public according to the procedure of urgency inserted in the Official Gazette, in English and in French.

Yaounde, 4 February 2008

Paul BIYA
President of the Republic.

II.21

DECREE NO. 2009-410 OF 10 DECEMBER 2009: ON THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF THE NATIONAL OBSERVATORY ON CLIMATE CHANGE

DECREE NO. 2009-410 OF 10 DECEMBER 2009: ON THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF THE NATIONAL OBSERVATORY ON CLIMATE CHANGE

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;

Mindful of the United Nations Framework Convention on Climate Change ratified on 19 October 1994;

Mindful of the Kyoto Protocol to the United Nations Framework Convention on Climate Change adopted on 11 December 1997, to which Cameroon adhered on 23 July 2002;

Mindful of Law No. 96/12 of 5 August 1996 relating to environmental management;

Mindful of Law No. 99/16 of 22 December 1999 on General Rules and Regulations governing public establishments and enterprises of the public and semi-public sector;

Mindful of Decree No. 2004/320 of 8 December 2004 to organize the Government, as amended and supplemented by Decree No. 2007/268 of 7 September 2007.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree lays down the establishment, organization and functioning of the National Observatory on Climate Change abbreviated (NOCC), hereafter referred to as " the Observatory".

Article 2:

(1) The Observatory shall be a special administrative public establishment, considering its duties, bodies and its financial status. It shall be endowed with legal personality and financial autonomy…

(2) It headquarters shall be in Yaoundé.

(3) Branches of the Observatory may as and when necessary, be set up in other localities of the national territory upon deliberation by the Executive Board of the Observatory and approval by the Minister in charge of technical supervision.

Article 3:

The Observatory shall be under the technical supervision of the Minister in charge the environment and the financial supervision of the Minister in charge of finance.

Article 4:

(1) The duties of the Observatory shall consist in monitoring and evaluating the socio- economic and environmental impact of climate change and proposing measures to prevent alleviate and/or adapt to the adverse effects and hazards related to such changes;

(2) in the respect, it shall notably be responsible for:

- drawing up relevant climate indicators to monitor environmental policy;
- conducting prospective analyses aimed at proposing a vision on the short, medium and long term climate trends:
- monitoring climates trends, providing meteorological and climatological data to all the relevant sectors of human activity and drawing up Cameroon's annual climate reports;
- initiating and promoting studies aimed at highlighting; the indicators, impacts, and hazards related to climate change;
- collecting and analysing reference data on climate change in Cameroon and providing such data to public and private decision-makers as well as the different national and international Bodies;
- initiating any sensitization activity and preventive information on climate change;
- serving as an operational instrument within the framework of other activities to reduce greenhouse gases;
- proposing to the government the preventive measures to reduce the release of greenhouse gases, as well as measures to prevent and/or adapt to the adverse effects and hazards related to climate change;
- serving as an instrument of cooperation with the other regional or international observatories operating in the climate sector;
- facilitating the obtaining of compensation for the services rendered to the climate by the forest through the development, preservation and restoration of the ecosystems;
- strengthening the capacities of the institutions and bodies in charge of collecting data on climate change, with a view to setting up at the national level, an effective network for collecting and disseminating such data.

(3) The Observatory shall carry out its duties in conjunction with the government services.

The territorial structures thereof, as well as research establishments, centres and institutes based in the national territory.

(4) The Observatory shall carry out any other duty assigned to it by the Government.

Chapter II

ORGANIZATION AND FUNCTIONING

Article 5 :

The management bodies of the Observatory shall be:

- the Executive Board;
- the Management.

Section I

EXECUTIVE BOARD

Article 6:

(1) The Executive Board shall be the body responsible for making the general policy of

- the Observatory.
- It shall comprise 12 (twelve) members namely:

Chairperson: a personality appointed by decree of the President of the Republic.

Members:

- a representative of the Presidency of the Republic:
- a representative of the Prime Minister's Office
- a representative of the Ministry in charge of the environment
- a representative of the Ministry in charge of forestry
- a representative of the Ministry in charge of finance
- a representative of the Ministry in charge of technical cooperation:
- a representative of the Ministry in charge of scientific research;
- a representative of the Ministry in charge of agriculture;
- a representative of the Ministry in charge of water resources and energy;
- a representative of the Ministry in charge of meteorology;
- a representative elected by the staff.

(2) Members of the Executive Board shall be appointed by decree of the President of the Republic.

Article 7:

(1) The Chairperson and members of the Executive Board shall be appointed for a 3 (three)-year term of office renewable once.

(2) The term of office of member of the Executive Board shall end at the normal expiry date, as well as through death or resignation. It shall also end when a member no longer qualifies for appointment or through dismissal following gross misconduct that is incompatible with the duty of member of the Executive Board.

(3) Where a member of the Executive Board dies during his term of office or, in any case, where a member is not longer capable of performing his duties, the President of the:

- Republic shall designate another administrator for the remainder of the term of office.

Article 8:

(1) The Chairperson and members of the Executive Board shall be subject to restrictions and incompatibilities laid down by the regulations in force.

(2) Members of the Executive Board shall be bound to observe secrecy for the information, acts and deeds that they may become acquainted with in the exercise of their duties.

Article 9:

(1) The duty of member of the Executive Board shall be honorary. However, members shall receive a session allowance and shall be entitled to the refund of the expenses incurred as a result of the session, on presentation of supporting documents.

(2) The Chairperson of the Executive Board shall receive a monthly allowance.

(3) The rate of the session allowance and the monthly allowance of the Chairperson shall be fixed by the Executive Board, subject to the ceilings provided for by the regulations in force.

Article 10:

(1) The Executive Board of the Observatory shall have the widest powers to act on behalf of the Observatory. In this capacity, it shall be responsible for defining and guiding the general policy of the Observatory and evaluating its corporate mandate. It shall be charged with administrative and technical monitoring issues. At the administrative level, the Executive

Board shall be responsible for:

- determining the objectives and approving the annual programmes of action of the Observatory;
- approving, on the proposal of the Director, the organization chart, the internal regulations, the salary scale and staff benefits;
- adopting the budget and final annual accounts and financial statements of the Observatory;
- recruiting and dismissing, on the proposal of the Director, the experts and supervisory staff;
- accepting gifts, legacies and subsidies;
- approving conventions and partnership agreements negotiated by the Director having an impact on the budget;
- approving the briefings drawn up by the Director;
- commissioning audits relating to the functioning or management of the Observatory;
- authorizing any transfer of movable 01' immovable, tangible or intangible property, in
- accordance with the laws in force and after approval by the supervisory Ministers;
- encouraging the collection of data, the conduct of studies and research in sectors which
- have hitherto not been subject to systematic observation;
- monitoring, under the authority of its Chairperson, the activity of the Management.

At the technical level, the Executive Board shall be responsible for:

- validating climate indicators adopted and monitoring developments in works conducted by the Director;
- validating and monitoring surveillance programmes on the quality of the components related to climate change;
- validating Cameroon's annual climate report and notably estimates of the carbon stock at the national level;
- validating recommendations on measures relating to the prevention of alleviation and/or adaptation to the adverse effects and hazards related to climate change;
- validating instruments of cooperation with the international community as well as cooperation agreements between the observatory and partner bodies with an experience or expertise in the areas concerning the activity of the Observatory :
- approving the animal progress report of the Observatory before forwarding it to the supervisory Ministers.

(2) The Executive Board may delegate some of its duties to the Director, with the exception of those enumerated above.

The Director shall report, as and when necessary, on the use of such delegation.

Article 11:

(1) The Chairperson of the Executive Board shall convene and chair the sessions of the Executive Board. He shall ensure the implementation of its resolutions.

(2) The Chairperson of the Executive Board may invite any person by reason of their expertise in specific agenda items of the session:, to take part in the deliberation of the Board, in an advisory capacity.

(3) The representatives of development partners may be invited to take part in the deliberations of the Executive Board, in an advisory capacity.

(4) Persons invited to attend the deliberations of the Executive Board in an advisory capacity Shall be entitled to a session allowance.

Article 12:

The Director of the Observatory shall provide secretarial duties to the Executive Board.

Article 13:

(1) The Executive Board shall meet in ordinary session twice a year, when convened by its Chairperson. One session shall be devoted to the vote of the budget, and the other to the adoption of the annual financial statements and examination of the functioning of the activities of the Observatory.

(2) Extraordinary sessions may be programmed, if need be, to examine specific or urgent issues, at the request of the Chairperson or of at least one-third of the members of the Executive Board.

(3) The Chairperson of the Executive Board shall be considered defaulting where he does not convene at least 2 (two) sessions of the Board per year. In such case, at least 1/3 (one-third) of its members, the Minister in charge of finance or the Minister in charge of environment, as the case may be, may take the initiative to convene the Executive Board on a specific agenda.

(4) The Executive Board may set up working groups or be assisted by experts and/or specialized consultancies, depending on the issues to be examined.

Article 14:

(1) Invitations to meetings featuring the date, time, venue and agenda, accompanied by the files to be examined, shall be sent to members at least 15 (fifteen) days before the date of the meeting. In case of emergency, this time-limit shall be reduced to 7 (seven) days.

(2) Where during the first invitation the quorum laid down in Article 16 (1) is not reached the Chairperson shall reconvene members of the Executive Board within a period of three days. In that case, the Executive Board shall deliberate without the condition of a quorum.

(3) Each member present or represented at a meeting of the Executive Board shall be considered as having been duly convened.

Article 15:

(1) Any member of the Executive Board who is unavailable may be represented in meetings by another member. However, no member may, during the same meeting, represent more than one member.

(2) Where the Chairperson is held up, the Board may elect from among its members a protem Chairperson by a simple majority of the members present or represented.

Article16:

(1) The Executive Board may validly deliberate only where at least two-thirds of its members are present.

(2) Recommendations and resolutions of the Executive Board shall be adopted by a simple majority of the members present. In the event of a tie, the Chairperson shall have the casting vote.

(3) Minutes of meetings shall be recorded in a special register kept at the headquarters of the Observatory.

Section II

MANAGEMENT

Article 17:

The Management of the Observatory shall be under the authority of a Director assisted, where necessary, by a Deputy Director, both appointed by decree of the President of the Republic, for a term of office of 3 (three) years renewable once.

Article 18:

The Director of the Observatory shall be responsible for monitoring all the technical, administrative and financial activities relating to the management of the establishment, under the control of the Executive Board. In this respect, he shall:

- prepare the sessions of the Executive Board , in conjunction with the Chairperson, and draft the minutes of each session;
- keep the records and documentation of the Observatory;
- prepare the draft budget, action programmes, and progress reports of the Observatory, to be submitted to the Executive Board, including its annual report;
- implement the action and activity plans adopted by the Executive Board;
- ensure constant liaison between the Observatory and the other sector-based observatories, centres, stations or laboratories existing within the government services or institutes, having similar or complementary duties;
- ensure permanent watch and give an alert in case of serious hazards;
- monitor the implementation of the recommendations and resolutions of the Executive Board ;
- carry out any duty assigned by the Executive Board;
- supervise the collection and analysis of data based on pre-established scientific indicators;
- prepare and conduct surveillance programmes on the quality of components related to climate change;
- prepare Cameroon's annual climatic report, notably, the estimate of carbon stocks at the national level;
- propose recommendations on the measures to prevent, alleviate and/or adapt to the adverse effects and hazards related to climate change;
- propose instruments of cooperation with the international community and cooperation agreements between the Observatory and partner bodies with an experience or expertise in areas relating to the activity of the Observatory.

Article 19:

(1) The Director of the Observatory shall countersign all technical data analysis reports.

(2) He shall be answerable to the Executive Board which may penalize him for gross mismanagement or for conduct likely to impede on the proper functioning or tarnish the image of the establishment, in accordance with the procedure laid down by the laws and regulations in force.

(3) Where the Director is temporarily held up for a period not exceeding 2 (two) months, the latter shall take all the measures to ensure the proper functioning of the service.

(4) In case of vacancy of the post of Director, as a result of death, resignation or permanent disability duly ascertained by the Executive Board and pending the appointment of a new Director by the competent authority, the Executive Board shall take necessary steps to ensure the proper functioning of the Observatory.

Article 20:

The remuneration and benefits of the Director shall be determined by the Executive Board by a 2/3 (two-thirds) majority of its members, subject to the ceilings laid down by the regulations in force.

Article 21:

(1) The Observatory shall have central administrative services.

(2) An order of the Prime Minister shall lay down the organization and functioning of the administrative services of the Observatory.

Chapter III

FINANCIAL PROVISIONS

Section I

RESOURCES

Article 22:

The financial resources of the Observatory shall be public funds. They shall be managed in accordance with the rules laid clown by the financial regulations of the State. Its resources shall be derived from:

- own resources, generated by the activities of the Observatory;
- subsidies and any other resources granted by the State;
- gifts and legacies;
- contributions from international partners.

Section II

BUDGET AND ACCOUNTS

Article 23 :

The budget of the Observatory shall be balanced in revenue and expenditure.

Article 24:

(1) The Director shall be the main authorizing officer for the budget of the Observatory.

(2) On the proposal of the Director, secondary authorizing officers may be instituted by the Executive Board.

Article 25:

The Observatory's draft annual budget and investment plans shall by prepared by the director, adopted by the Executive Board and forwarded to the supervisory Ministers for approval before the beginning of the financial year.

Article 26:

(1) An Accountant shall be appointed at the Observatory by order of the Minister in charge of finance.

(2) The Accountant shall record all revenue and expenditure of the Observatory. He shall control the regularity of revenue authorizations, payments by money order and payments ordered by the Director.

(3) The payment of expenditure authorized shall be made only by the Accountant.

Article 27:

(1) A finance controller shall be appointed at the Observatory by order of the Minister in charge of finance.

(2) The finance controller shall be responsible for controlling the income-generating activities and expenditure committed by the director or his aides. He shall, generally, be responsible for controlling the execution of the budget.

Article 28:

(1) At the end of each financial year the Director shall prepare all statements relating to the situation of all bank accounts of the Observatory. He shall prepare a report on debts and revenue.

- He shall submit to the Executive Board need be, to the supervisory Ministers, periodic statements and an annual progress report.
- He shall equally submit within the 6 (six) months following the closing of the financial year financial statements, the report on the implementation of the budget of the previous year report on the patrimony of the Observatory.

(2) The Accountant and finance controller shall submit to the Executive Board their respective reports on the execution of the budget of the Observatory.

(3) Copies of the reports shall be forwarded to the supervisory Ministers and the Director of the Observatory.

Chapter IV

STAFF

Article 29:

The Observatory may employ:

- experts recruited temporarily on the basis of the projects validated by the Executive Board:
- staff recruited directly:
- civil servants on secondment;
- State employees governed by the Labour
- Code who have been assigned to it at the request of the Director.

Article 30:

(1) The civil and/or criminal liability of Observatory staff shall be subject to the rules of ordinary laws.

(2) Disputes between the staff and the Observatory shall be settled by ordinary law courts.

Article 31:

(1) Under no circumstances shall Observatory staff have any interesting operations funded by the latter.

(2) The total staff strength of the Observatory may not exceed GO (fifty) person;

Article 32:

The staff rules and regulations as well as the nature and rates of benefits entitled to officials of the Observatory shall be laid clown by the Executive Board.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 33:

The assets of the Observatory shall comprise the movable, and immovable property granted to it by the state.

Article 33:

(1) The public, national and private property of the state granted to the Observatory in accordance with the laws governing state property, shall retain their original status property.

(2)The private property of the state granted as property shall be considered as permanent assets of the Observatory.

(3) The property forming part of the private property of the Observatory shall be managed in accordance with ordinary law.

Article 33:

After each session of the Executive Board, a detailed report shall be drawn up and forwarded to the Prime Minister, at the behest of the Minister in charge of the environment, outlining notably, the functioning of the Observatory and any problems encountered.

Article 33:

An order of the Prime Minister shall lay down the conditions of implementation of this decree.

Article 33:

This decree shall be registered, published according to the procedure of urgency. and inserted in the Official Gazette in English and French.

Yaounde. 10 December 2009.

Paul Biya,
President of the Republic

II.22

DECREE NO. 2011/238 OF 9 AUGUST 2011 ON THE RATIFICATION OF THE VOLUNTARY PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF CAMEROON AND THE EUROPEAN UNION ON FOREST LAW ENFORCEMENT, GOVERNANCE AND TRADE IN TIMBER AND ITS BY PRODUCTS WITH THE EUROPEAN UNION (FLEGTVPA)

DECREE NO. 2011/238 OF 9 AUGUST 2011 ON THE RATIFICATION OF THE VOLUNTARY PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF CAMEROON AND THE EUROPEAN UNION ON FOREST LAW ENFORCEMENT, GOVERNANCE AND TRADE IN TIMBER AND ITS BY PRODUCTS WITH THE EUROPEAN UNION (FLEGTVPA)

THE PRESIDENT OF THE REPUBLIC,

HEREBY DECREES AS FOLLOWS:

Article 1:

The voluntary partnership agreement between the Republic of Cameroon and the European Union on Forest Law Enforcement, Governance and Trade in Timber and its by products with the European Union (FLEGTVPA), signed in Brussels, Belgium, on 6 October 2010, is ratified.

Article 2:

This decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 9 August 2011

Paul Biya,
President of the Republic.

II.23

DECREE NO. 2011/2492/PM OF 18 AUGUST 2011 TO AMEND AND SUPPLEMENT SOME PROVISIONS OF DECREE NO. 94/259/PM OF 31 MAY 1994 TO CREATE A NATIONAL CONSULTATIVE COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

DECREE NO. 2011/2492/PM OF 18 AUGUST 2011 TO AMEND AND SUPPLEMENT SOME PROVISIONS OF DECREE NO. 94/259/PM OF 31 MAY 1994 TO CREATE A NATIONAL CONSULTATIVE COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful	of the Constitution;
Mindful	of Law No.96/12 of 5 August 1996 to lay down the framework law relating to environmental management;
Mindful	of Decree No.92/089 of 4 May 1992 to specify the attributions of the Prime Minister, amended and supplemented by decree No.95/145-bis of 4 August 1995;
Mindful	of Decree No.2004/320 of 8 December 2004 to organize the Government, amended and supplemented by decree No.2007/268 of 7 September 2007;
Mindful	of Decree No.2005/l 17 of 14 April 2005 to organize the Ministry of Environment and Protection of Nature, amended and supplemented by Decree No.2005/496 of 31 December 2005;
Mindful	of Decree No.2008/064 of 4 February 2008 to lay down terms and conditions for the management of the National Environment and Sustainable Development Fund;
Mindful	of Decree No.2009/222 of 30 June 2009 to appoint the Prime Minister, Head of Government;
Mindful	of Decree No.94/259/PM of 31 May 1994 to create a National Consultative Committee on Environment and Sustainable Development and its subsequent modifications.

HEREBY DECREES AS FOLLOWS:

Article 1 :

Provisions of articles 3(1); 4; 6; 7; 10; 11 and 12 of Decree No.94/259/PM of 31 May 1994 to create a National Consultative Committee on Environment and Sustainable Development are amended and supplemented as follows:

Article 3: (new)

Presided over by the Prime Minister or, by delegation of the latter, by the Minister in charge of Environment, the National Committee shall be made up of the following members:

- one (1) representative of the Prime Minister's Office;
- one (1) representative of the Ministry in charge of Environment;
- one (1) representative of the Ministry in charge of Forestry;

- one (1) representative of the Ministry in charge of Territorial Administration;
- one (1) representative of the Ministry in charge of Agriculture;
- one (1) representative of the Ministry in charge of Mines and industrial Development;
- one (1) representative of the Ministry in charge of Commerce;
- one (1) representative of the Ministry in charge of Livestock;
- one (1) representative of the Ministry in charge of Defence;
- one (1) representative of the Ministry in charge of Basic Education;
- one (1) representative of the Ministry in charge of Communication;
- one (1) representative of the Ministry in charge of Secondary Education;
- one (1) representative of the Ministry in charge of Higher Education;
- one (1) representative of the Ministry in charge of Youth Affairs;
- one (1) representative of the Ministry in charge of Regional Development;
- one (1) representative of the Ministry in charge of Finance;
- one (1) representative of the Ministry in charge of Water and Energy;
- one (1) representative of the Ministry in charge of Scientific Research;
- one (1) representative of the Ministry in charge of External Relations;
- one (1) representative of the Ministry in charge of Tourism;
- one (1) representative of the Ministry in charge of Public Works;
- one (1) representative of the Ministry in charge of Transport;
- one (1) representative of the Ministry in charge of Urban Development;
- one (1) representative of the Ministry in charge of Land Tenure;
- one (1) representative of the Ministry in charge of Public Health;
- one (1) representative of the Ministry of in charge Women's Empowerment and the Family;
- one (1) representative of the Ministry in charge of Social Affairs;
- two (2) representatives of the National Assembly; one (1) senator;
- one (1) representative of Chamber of Commerce, Industry and Mines of Cameroon;
- one (1) representative of Chamber of Agriculture, Fisheries, Livestock and Forestry;
- three (3) members of religious denominations representing respectively the catholic church, protestant churches and Islam;
- three (3) representatives of Non Governmental Organizations concerned about environmental and sustainable development issues; two (2) representatives of the private sector;
- two (2) representatives of business men concerned about environmental and sustainable development issues.

Article 4: (New)

To carry out its missions, the National Committee comprises the following organs:

- Specialized Committees, hereinafter referred to as "Committees"; a Permanent Secretariat;
- Regional Committees.

Article 6: (New)

(1) The Director in charge of sustainable development issues in the Ministry of Environment shall chair the Permanent Secretariat of the National Committee. He shall be assisted by two (2) of his collaborators and work in collaboration with competent official (s) of the Prime Minister's Office.

(2) As such, he shall:

- propose the agenda of the National Committee;

- prepare files to submit for examination by the National Committee;
- ensure the follow-up of resolutions adopted by the National Committee;
- see to the coordination of activities related the implementation of Agenda 21;
- draw up session reports and reports related to the realization of proposals and recommendations formulated , as well as annual and the six- month activity reports addressed to the Prime Minister, Head of Government;
- draw up a list of invited personalities and send them invitation to take part in the National Committee's deliberations;
- ensure the proper handling of the register in which are recorded the opinions and resolutions of the National Committee;
- keep ail the documentation related to the National Committee;
- carry out any other mission entrusted to him by the National Committee.

(3) Members of the Permanent Secretariat shall take part in the deliberations of the National Committee with advisory capacity.

Article 7: (New)

(1) the attributions,composition and conditions of functioning of Regional Committees shall be fixed by order of the Minister in charge of Environment.

(2) (New) The Composition of Regional Committees shall be done by order of the Governor of the Region of the competent jurisdiction.

Article 10: (New)

(1) the duties of President, member of the National Committee, committees, the Permanent Secretariat and Regional Committees shall be free of charge.

(2) However, they shall benefit from session allowances and reimbursement of their session expenses upon presentation of supporting documents or documentary evidence.

Article 11 : (New)

Operating expenses of the National Committee, Committees, Permanent Secretariat and Regional Committees shall be charged to the budget of the Ministry in charge of Environment.

Article 12: (New)

The National Committee, Committees and the Regional Committees may benefit, on authorization of the Prime Minister, from technical and financial assistance of any international body or Non Governmental Organization.

Article 2:

This decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 18 August 2011

Philemon Yang
THE PRIME MINISTER,
HEAD OF GOVERNMENT

II.24

DECREE NO. 2011/2581/577/PM OF 23 AUGUST 2011 TO REGULATE HARMFUL AND/OR DANGEROUS CHEMICAL

DECREE NO. 20112581/577/PM OF 23 AUGUST 2011 TO REGULATE HARMFUL AND/OR DANGEROUS CHEMICAL

THE PRIME MINISTER, HEAD OR GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 77/15 of 5 December 1977 on explosives and detonating substances;

Mindful of Law No. 89/27 of 29 December 1989 relating to toxic and dangerous wastes;

Mindful of Law No.96/12 of 5 August 1996 on the framework Law on Environmental Management;

Mindful of Law No. 98/15 of 14 July 1998 relating to dangerous, unhealthy or awkward establishments;

Mindful of Law No. 98/20 of 24 December 1998 governing gas and vapor pressure vessels;

Mindful of Law No. 99/13 of 24 December 1999 on the Petroleum Code;

Mindful of Law No. 2000/18 of 17 December 2000 to regulate veterinary pharmacy;

Mindful of Law No.2003/3 of 21 April 2003 on phytosanitary protection;

Mindful of Decree No. 92/89 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No. 95/145-bis of 4 August 1995;

Mindful of Decree No. 2009/222 of 30 June 2009 to appoint a Prime Minister, Head of Government,

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree regulates harmful and/or dangerous chemical substances.

Article 2:

The Minister in charge of Environment shall identify harmful and/or dangerous chemical substances in accordance with international conventions ratified by Cameroon.

Chapter II

DUTIES OF MANUFACTURERS AND IMPORTERS

Section I

PRIOR PROHIBITION AND AUTHORIZATION REGIMES

Article 3 :
The production, importation, transit and circulation of products, on Appendix of this decree and all products on Appendix A of Stockholm Convention, throughout the national territory shall be prohibited.

Article 4:
The production, importation, transit and circulation of products on Appendix B of this decree shall be subject to the prior authorization of the Minister in charge of Environment.

Article 5:
The list of chemical substances provided by this decree may be amended by order of the Minister in charge of Environment after the opinion of these competent ministries.

Section II

CONDITIONS FOR THE ISSUE OF PRIOR AUTHORIZATION

Article 6 :
(1) The production, importation, transit and circulation of chemical products provided for by article 4 of this decree throughout the national territory shall be subject to the issue of prior authorization by the Ministry in charge of Environment.

(2) The production authorization shall be issued upon the presentation of a file addressed to the Minister in charge of Environment comprising the following documents:

- an stamped application at the rate in force bearing the applicant's name, first name, nationality, profession and address or headquarters in case of a corporate body;
- a copy of the articles of association;
- a registration attestation in the personal property and trade register;
- a copy of taxpayer card;
- a tax certificate of not more than three (3) months old;
- a certified true copy of certificates in the domain chemistry of two (2) senior officials of entity;
- a certified true copy of certificates, attestation of presentation of originals of certificates and the curriculum vitae of two (2) senior official of the entity;
- a list of activities carried out in the past by the applicant;
- the site plan of the head office;
- the list of material means owned by the operator that could be used for the activity;
- a bank attestation and;
- a payment receipt the amount of which is fixed by the Finance Law.

(3) The importation authorization shall be issued upon the presentation of file addressed to the Minister in charge of Environment comprising the following documents:

- an stamped application at the rate in force bearing the applicant's name, first name, nationality, profession and address or headquarters in case of a corporate body;
- a document to prove registration in the importers' card-index;
- a copy of the articles of association;
- a registration attestation in the personal property and trade register;
- a copy of the taxpayer card;
- a tax certificate of not more than three (3) months old;
- the site plan of the head office;
- the list of material means owned by the operator that could be used for the activity;
- a bank attestation and;
- a payment receipt the amount of which is fixed by the Finance Law.

(4) The transit or circulation authorization shall be issued upon the presentation of a file addressed to the Minister in charge of Environment comprising the following documents:

- an stamped application at the rate in force bearing the applicant's name, first name, nationality, profession and address or headquarters in case of a corporate body;
- a copy of the articles of association;
- a registration attestation in the personal property and trade register;
- a copy of taxpayer card;
- a tax certificate of not more than three (3) months old;
- a certified true copy of certificates relating to chemistry of two (2) senior officials of the entity;
- the site plan of the head office;
- the list of material means owned by the operator that could be used for the activity;
- a bank attestation and;
- a payment receipt the amount of which is fixed by the Finance Law.

Article 7:

(1) The Ministry in charge of Environment shall have a time limit of thirty (30) days with effect from the date of deposit of the file to issue the authorization mentioned above.

(2) Silence by the Ministry upon expiration of the time limit of thirty (30) days provided for in article 7 (1) above shall be deemed implicit acceptance.

Article 8:

The importer, producer or distributor of chemical substances shall send to the Minister in charge of Environment, writing, three (3) months before cessation of his activity within the national territory.

Article 9:

(1) A producer, importer or distributor of chemicals substances shall send to the Minister in charge of Environment information that substantially amends and/or supplements the file initially submitted.

(2) An importer, producer or distributor of chemical substances who obtains authorization within the framework of this decree shall conserve the documents relating to the information provided in.

Article 9:

(1) above for ten (10) days at least with effect from the date of seizure of Ministry in charge of Environment.

Article 10:

(1) The Minister in charge of Environment shall draw up an initial inventory of chemical substances imported, manufactured or used for commercial purposes.

(2) Only the chemical substances identified in Article 10 (1) above shall be registered.

Section III

PACKAGING AND COMMERCIALIZATION OF HARMFUL AND/DANGEROUS CHEMICAL SUBSTANCES

Article 11 :

Importers and manufacturers of chemical substances shall submit yearly reports on special form, the quality and quantity of substances to the Minister in charge of Environment.

Article 12:

All chemical products shall be manufactured, used, transported and eliminated with a view to minimizing public health and environmental risks.

Article 13:

(1) Importers or manufactures of harmful and/or dangerous chemical products shall correctly label or mark their packaging in order that they can be used without endangering public health and the environment.

(2) The label or tag of dangerous chemical products shall contain the:

- commercial name of the product;
- identity and batch of the chemical product;
- name, address, and telephone number of the supplier, distributor and importer;
- appropriate danger warnings;
- specific risks associated with the used of the product;
- security precautions;
- toxicological information giving supplementary data on the product security and;
- classification assigned in the established system by the competent authority.

(3) The tag or mark shall be visible, legible, durable and with and adequate size.

(4) The packaging of substances shall comply with the following conditions:

- prevent content spill with exception of security regulatory mechanisms;
- avoid content attack of packaging and lid and the likelihood of their producing harmful or dangerous combinations and;
- the lid must be air-proof, solid and strong.

Article 14:

(1) Each type of harmful and/or dangerous chemical substances shall be stored with a view to protecting public health and the environment.

(2) The said chemical substances shall be stored in appropriates places in order to prevent dispersion in the atmosphere, water and other receiving environments.

Chapter III

MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS

Article 15:

On-going exploitation and/or functioning facilities shall have one (1) year with effect from date of signature of this decree to comply with its provisions.

Article 16:

All previous provisions repugnant to this decree are hereby repealed.

Article 17:

The Ministers in charge of environment, agriculture, classified establishments, forestry and wildlife, industry, water, energy, research, public health, fisheries, transport, commerce and finance shall be charged, each in his own sphere, with the strict application of this decree that shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-

Yaounde, 23 August 2011

Philemon Yang
PRIME MINISTER,
HEAD OF GOVERNMENT

APPENDIX A:

LIST OF HARMFUL AND/OR DANGEROUS PRODUCTS BANNED FROM MANUFACTURE AND IMPORTATION

Chemical Substance	Activity	Special waiver
Aldrine CAS No.:309-00-2	Production	
	Use	Local ectoparasiticide insecticide
Chlordane CAS No.: 57-74-9	Production	As authorized by parties in the register
	Use	Local ectoparasiticide insecticide Termicide Termicide in buildings and dams Road termicide Additive in plywood adhesives
Dieldrine CAS No.: 60-57-1	Production	None
	Use	Agriculture
Endrine CAS No.: 72-20-8	Production	None
	Use	None
Heptachlor CAS No.: 76-44-8	Production	None
	Use	Termicide Termicide in house frames Termicide (underground) Termicide wood treatment Cases for underground cables
Hexachlorobenzene CAS No.: 118-74-1	Production	As authorized by parties in the register
	Use	Intermediary product Solvent in pesticides Close circuit intermediary on specific site
Mirex CAS No.: 2385-85-5	Production	As authorized by parties in the register
	Use	Termiticide
Polychlorobiphenyles (PCB)	Production	None
	Use	None
Commercial pentabromodiphe ether	Production	None
	Use	None
Chlordecone	Production	None
	Use	None
Hexabromodiphenyl	Production	None
	Use	None
DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane	Production	None
	Use	None
Per fuori octane sulfonate	Production	None
	Use	None

Chemical Substance	Activity	Special waiver
Lindane	Production	None
	Use	None
Alpha hexachlorocyclohexane	Production	None
	Use	None
Beta hexachlorocyclohexane	Production	None
	Use	None
Commercial diphenyle ether octabromo	Production	None
	Use	None
Pentachlorobenzene	Production	None
	Use	None
Tetrabromodiphenyl	Production	None
	Use	None
Mercury and its compounds	Production	None
	Use	None

APPENDIX B:

LIST OF HARMFUL AND/OR DANGEROUS CHEMICAL SUBSTANCES SUBJECTED TO PRIOR AUTHORIZATION

Name of chemical substance (chemical formula)	Service number of chemical analytical summaries	Category
2,4,5-T (2,4,5-trichlorophenoxy acetic acid)	93-76-5	Pesticide
Captafol (N-(1,1,2,2-tetrachloroethyl)thio) cyclohex-4-ene-1,2-dicarboximide)	2425-06-1	Pesticide
Chorodiùeform (N1-(4-chloro-o-toyle)-NN-imethylformamidine)	6164-98-3	Pesticide
Chlorobenzilate (Ethyl 4,41-dichlorobenzilate)	510-15-6	Pesticide
Dinoseb and dinoseb salts (2-(sec-buthyl)-4,6-dinitrophenol)	88-85-7	Pesticide
EDB (Dibromo-1,2 ethane)	106-93-4	Pesticide
Fluoroacetamide (2-fluoroacetamide)	640-19-7	Pesticide
HCH (Isomers combinations) (1,2,3,4,5,6-Hexachlorocyclohexane)	608-73-1	Pesticide
Mercury compounds comprising inorganic compounds and alkylmercury, alkyloxyalkyle and arymercury compounds		Pesticide
Monochrotophos (Soluble liquid formulations of the substance containing more than 600g of active principle per liter)	87-86-5	Pesticide
Monocrotophos (Formulations liquides solubles de la substance qui contiennent plus de 600 g de principe actif par litre) (Diméthyle (E)- 1- méthyle- 2- (méthylecarbamoyl) vinyle Phosphate) (Dimethyl (E) -1-methylecarbomoyl) vinyl Phosphate)	6923-22-4	Extremely dangerous pesticide preparation
Monochrotophos (Soluble liquid formulations of the substance containing more than 600g of active principle per liter) (O,S-Dimethyl phosphoramidothioate)	10265-92-6	Extremely dangerous pesticide preparation
Phosphamidon (Soluble liquid formulations of the substance containing more than 1000g of active principle per liter) 2-chloro-2-diethylcarbamoyl-1-methyvinyl dimethyl phosphate)	13171-21-6 (Mélange, isomeres (E) et (Z))23783-98-4 (isomère (Z) 297-99-4 (isomère (E))	Extremely dangerous pesticide preparation
Methyl parathion (certain formulations of emulsifiable methyl parathion concentrates containing 19.5%, 40%, 50% and 60% of active principle and dust containing 1.5%, 2% and 3% of active principle) (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)	298-00-0	Extremely dangerous pesticide preparation

Name of chemical substance (chemical formula)	Service number of chemical analytical summaries	Category
Parathion (all preparations-aerosols, powders, emulsifiable concentrates, tensioactive granules and powders with exception of capsule suspensions) (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate	56-38-2	Extremely dangerous pesticide preparation
Crocidolite	12001-28-4	Industrial product
Tri-Posphate 2,3 dibromopropyl (2,3-dibromo-1- propanole phosphate (3:1))	126- 72- 7	Industrial product

II.25

DECREE NO. 2011/2582/PM OF 23 AUGUST 2011 TO LAY DOWN CONDITIONS FOR THE PROTECTION OF THE ATMOSPHERE

DECREE NO. 2011/2582/PM OF 23 AUGUST 2011 TO LAY DOWN CONDITIONS FOR THE PROTECTION OF THE ATMOSPHERE

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution ;

Mindful of the Law No. 96/03 of 4 January 1996 on framework law in the field of health;

Mindful of the Law No. 96/12 of 5 August 1996 on a framework law on environmental management;

Mindful of the Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or uncomfortable;

Mindful of the Law 98/020 of December 24, 1998 governing gas pressure and steam pressure appliances;

Mindful of Decree No. 92/089 of 4 May 1992 specifying the powers of the Prime Minister, amended and supplemented by Decree No. 95/145-bis of 4 August 1995;

Mindful of Decree No. 2004/320 of 8 December 2004 on the organization of the Government, as amended and supplemented by Decree No. 2007/268 of 07 September 2007;

Mindful of Decree No. 2009/222 of 30 June 2009 appointing a Prime Minister, Head of Government.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree lays down conditions for the protection of the atmosphere.

Article 2:

The provisions of this decree shall be applicable to ail sources of pollutant emissions in the atmosphere.

Article 3:

For purposes of implementation of this decree, the following definitions shall apply:

ambient air.

part of the atmosphere outside the buildings to which the public has access..

best management practices:

activities, measures and methods, including operating and maintenance procedures and related activities, which are reasonable and economically feasible for a specified activity with a view to controlling or reducing the emission of controlled atmospheric pollutants in the ambient air.

new fixed source:

any new or transformed stationary source which becomes operational on the date of signature of this decree.

environmental permit:

authorization to carry out an activity which is in conformity with the environmental regulations in force.

controlled atmospheric pollutant:

any pollutant discharged in the ambient air which features under Article 4 of this decree.

mobile source:

motor vehicle, portable device or any other device likely to discharge a controlled atmospheric pollutant.

stationary source:

building, structure or installation which discharges or is likely to dis-charge a controlled atmospheric pollutant.

existing stationary source:

stationary source which is operational on the date of signature of this decree.

combustion unit:

boiler, incinerator, generator, internal combustion engine, hearth or any other thermal machine which burns fuels and discharges controlled atmospheric pollutants.

Chapter II

CONTROLLED ATMOSPHERIC POLLUTANTS

Article 4:

The following shall be considered control-led atmospheric pollutants:

- radioactive atmospheric pollutants (krypton, radon);
- gaseous pollutants and dust (chlorhydric acid (HCI)); carbon monoxide (CO), mercap. From the general secretariat (CO) carbon dioxide (C02); volatile organic composites (COV); benzene (C6 H6); nitrogen oxide (N02); photochemical smogs; metals and metalloid; fluorine and fluoridated pollutants; methane (CH4); matters in suspensions (MES); lead (Pb); sulphur; sulphur anhydrous (H2S); sulphur dioxide (S02);
- chlorofluorocarbons (CFC);
- persistent organic pollutants (POP);
- substances depleting the ozone layer (SAO) enumerated in the annexes to the Montreal Protocol of 1987 and amendments thereto;
- mercury emissions.

Article 5:

(1) Air quality measuring and control stations intended to monitor compliance with the provisions of Section 21 of framework Law No.96/12 of 5 August 1996 relating to environmental management shall be set up on the sites where pollution is considered to be higher than the ceilings, set.

(2) The station sites referred to under paragraph 1 concern those:

- where health and the environment are subject to special protection;
- which are likely to give a valid representation of air pollution over a large area of the territory.

(3) A joint order of the Ministers in charge of the environment and transport shall lay down the conditions for setting up, operating and controlling air quality measures.

Article 6:

(1) The information and data collected for the control stations shall be forwarded quarterly to the Minister in charge of the environment for wide dissemination, where necessary.

(2) Measurements in fixed stations shall be conducted continuously or through random sampling. Such measurements must be sufficiently numerous to permit an appropriate determination of the level of pollution. They may be supplemented through modelling or mobile measurement..

Article 7:

(1) Special protection zones may be instituted by decree enacted on the proposal of the Senior Divisional Officer with territorial, where the level of pollutant recorded is below the minimum quality ceiling fixed by the regulations or on the basis of certain circumstances capable of aggravating the degradation.

(2) The perimeter of each zone shall be determined on the basis of the risk of exceeding the ceiling values of controlled pollutants

Chapter III

OPERATION OF EMISSION SOURCES

Article 8:

(1) The operation of any new fixed source shall be subject to obtaining an environmental permit.

(2) An order of the Minister in charge of the environment shall lay down the conditions for obtaining, suspension and withdrawal of the said permit.

Article 9:

(1) Save otherwise decided by the Minister in charge of the environment, in consultation with the other relevant services, any fixed combustion unit must respect the atmospheric emission ceilings laid down by the body in charge of standardization and quality.

(2) For each of the categories featuring in the annex to this decree, the Minister in charge of the environment shall issue an order laying down the ceilings for the emission of controlled atmosphere pollutants.

Article 10:

(1) Any operator of a fixed source shall be bound to implement the best management practices to control and/or reduce the potential emission of controlled atmospheric pollutants.

(2) Operators in the oil or gas pipelines sec- tor shall implement specific practices for controlling the emission of atmospheric pollutants aimed at respecting the ceiling ratios laid down by the regulations in force.

Article 11:

(1) Every operator of a fixed source shall update the documents indicating conformity with the ceilings of emission of controlled atmospheric pollutants. Such documents shall be preserved in the card-indices of fixed source for a period of at least 10(ten) years.

(2) Control or surveillance registers shall be presented at the request of sworn environ- mental officers.

Article 12:

It shall be prohibited to lock, dismantle or render ineffective an emission control apparatus set up in an emission source, under pain of the sanctions laid down by the laws in force.

Chapter IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 13:

Units being exploited and/or being operated shall have a period of 3(three) years with effect from the date of signature of this decree to comply with these provisions.

Article 13:

This decree which repeals ail previous provisions repugnant hereto, shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 23 August 2011

Philemon Yang,
Prime Minister,
Head of Government.

APPENDIX : List of Industries That May Pollute the Atmosphere

Categories subject to emission limits

1. Raw metals and iron ore mining
2. Breweries
3 Cement factory
4. Coal mining and production
5. Copper smelting
6. Dairy industry
7. Manufacture of dyes
8. Galvanizing industry
9. Foundries
10 Processing of fruits and vegetables
11 .Installations
12. Iron and steel production
13. Casting of lead and zinc
14. Forest exploitation and wood preparation
15. Sawmills
16. Butchery and meat processing
17. Fertilizer manufacturing
18. Exploitation (ashore) of oil and gas
19. Formulation of pesticides
20. Pesticide manufacture
21 .Manufacture of petrochemical products
22. Oil refining
23. Printing
24. Pulp mills
25. Sugar production
26. Tanning and leather manufacturing
27 Textile Industry
28. (New) Thermal Power Plants
29. Plants (existing and modified) of thermal electricity
30. Manufacture of vegetable oils
31 Wood presentation industry
32. All other industries identified by the Ministry in charge of the environment, after consulting the competent administrations.

II.26

DECREE NO. 2011/2583/PM OF 23 AUGUST 2011 TO LAY DOWN THE REGULATIONS OF SOUND AND ODOUR NUISANCES

DECREE NO. 2011/2583/PM OF 23 AUGUST 2011 TO LAY DOWN THE REGULATIONS OF SOUND AND ODOUR NUISANCES

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution ;

Mindful of the Law No. 96/03 of 4 January 1996 on framework law in the field of health;

Mindful of the Law No. 96/12 of 5 August 1996 on a framework law on environmental management;

Mindful of the Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or uncomfortable;

Mindful of the Law No. 001 of 16 April 2001 on the Mining Code, amended and supplemented by Law No. 2010/011 of 29 July 2010;

Mindful of the the law n ° 2004/018 of July 22nd, 2004 fixing the rules applicable to the communes;

Mindful of Decree No. 92/089 of 4 May 1992 specifying the powers of the Prime Minister, amended and supplemented by Decree No. 95/145-bis of 4 August 1995;

Mindful of Decree No. 2009/222 of 30 June 2009 appointing a Prime Minister, Head of Government;

Mindful of Decree No. 99/818 / PM of 9 November 1999 laying down the procedures for the establishment and operation of establishments classified as unsafe or uncomfortable,

HEREBY DECREES AS FOLLOWS:

Article 1:

This decree lays down the regulations of sound and odour nuisances.

Article 2:

For purposes of implementation of this decree, the following definitions shall apply:

action:

any activity carried out in buildings, industrial, commercial, handicraft or agricultural establishments, vehicles, fixed units or any other type of operation which can emit sounds and/or odours, likely to be harmful to public health and the environment, including any project or activity of exploitation of soils and sub-soils, construction, modification or demolition of existing installations, as well as other activities leading to a significant change in the impacts of sounds or odours.

existing installations:

any device or any fixed or mobile unit likely to be harmful to the environment, irrespective of its owner or use, in activity prior to the date of entry into force of this decree.

new installation:

any device or any fixed or mobile unit likely to be harmful to the environment, irrespective of its owner or use, that becomes operational after the date of entry into force of this decree.

odour:

discharge into the air of gas from a fixed or mobile source detected by the olfactory system and noxious, unhealthy or unpleasant.

sound:

any acoustic vibration with a degree of intensity and duration likely to be harmful to public health or which substantially interferes with the enjoyment of life or property in the vicinity of its source

specific noise:

one of the components of the ambient noise which may be attributed to a specified source.

residual noise:

ail the usual external and internal noises in a specific place in addition to the specified noise.

ambient noise:

noise resulting from the activity of ail sources of noise in a specific place and at a given moment.

emergence:

differential between the degree of ambient noise, comprising the specific noise in question and that of the residual noise constituting ail the usual, external and internal noises, in a specific place, corresponding to the normal occupancy of premises and to the normal operation of equipment.

decibels:

unit used to express the ratio of the decimal logarithm between two degrees of sound wave intensities varying from zero. They also express the acoustic pressure as against a reference pressure of 20 micro pascal, which can be the perception or accessibility threshold.

Article 3:

(1) The provisions of this decree shall apply to ail types of noises, including noisy activities or works and disturbing the vicinity, the establishments classified as hazardous, unhealthy or noxious, noises produced in mines and quarries, public and private work sites as well as mobile sources.

(2) The value ceilings, expressed in emergence decibels shall be laid down by the body in charge of standardization and quality.

Article 4:

(1) The provisions of this decree shall equally apply to ail the odours likely to produce odour nuisances whose chemical compounds are: volatile organic compounds (alcohols and phenols, aldehyde and cetones, organic acids, esters, terpenes, amines, benzenic compounds, non cyclic hydrocarbons, mercaptans and low sulphur content), ammoniac and hydrogen sulphide.

The value ceilings of odorous discharges whose concentration is measured by sensors (electronic nose) or through physicochemical and olfactometric analysis methods, shall be laid down by the body in charge of standardization and quality.

Article 5:

The installations not subject to the environmental impact studies shall comply with the statutory standards applicable to the dis-charge of sounds and odours in their sectors of activity.

Article 6:

Noisy activities or works disturbing the vicinity beyond the emergence values and periods laid down by the body in charge of standardization and quality, shall be prohibited.

Article 7:

The discharge of odours disturbing the vicinity, at any place, beyond the discharge values laid down by the body in charge of standardization and quality, shall be prohibited.

Article 8:

Where the value ceilings laid down by the standards for sounds and odours pollution are not respected, the councils shall take measures such as, service of notice, affixing of seals and suspension of the activities of the polluter establishment, to put an end to the nuisances.

Article 9:

(1) The existing installations shall have a period of l(one) year with effect from the date of signature of this decree to comply with these provisions.

(2) Provided that the Minister in charge of the environment may, at the request of the operator, grant an extension not exceeding 5(five) years for the category of operations which are subject to an environmental impact study.

Article 10:

Specified activities and installations of the national defence shall be excluded from the scope of implementation of this decree.

Article 11:

Ail previous provisions repugnant to this decree are hereby repealed.

Article 11:

The Ministers in charge of the environment, mines and classified establishments, industry, research, public health, regional and local authorities, public works, trans¬port, urban development, finance, are responsible, each in his own sphere, for the implementation of this decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 23 August 2011.

Philemon Yang,
Prime Minister,
Head of Government

II.27

DECREE NO. 2011/2584/PM OF 23 AUGUST 2011 TO LAY DOWN CONDITIONS FOR THE PROTECTION OF SOILS AND THE SUB-SOIL

DECREE NO. 2011/2584/PM OF 23 AUGUST 2011 TO LAY DOWN CONDITIONS FOR THE PROTECTION OF SOILS AND THE SUB-SOIL

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of the Law No. 89/27 of 29 December 1989 on toxic and dangerous waste;

Mindful of the law No. 96/12 of August 5th, 1996 bearing framework law relative to the management of the environment;

Mindful of the law No.2003/003 of April 21st, 2003 relating to phytosanitary protection;

Mindful of the law No. 2003/006 of April 21st, 2003 laying down safety regime in modern biotechnology way in Cameroon;

Mindful of the law No.2003/007 of July 10th, 2003 governing the activities of the sub-sector fertilizer in Cameroon;

Mindful of decree No.92/089 of May 4th, 1992 specifying the attributions of the Prime Minister, modified and completed by the decree n ° 95/145-bis of August 4th, 1995;

Mindful of Decree No.2004/320 of 8 December 2004 on the organization of the Government, as amended and supplemented by Decree No. 2007/268 of 07 September 2007;

Mindful of Decree No. 2009/222 of 30 June 2009 appointing a Prime Minister, Head of Government

Mindful of Decree No.577 / PM of February 23rd, 2005 fixing the conditions of realization of the studies of impacts.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:
This decree lay s down the conditions for the protection of soils and the sub-soil.

Article 2:
For the purposes of implementation of this decree, the following definitions shall apply:

distribution:
supply to the market, transportation, storage or sale of pesticides or fertilizers or any chemical products.

harmful effect to the environment:
any effect which is noxious or which renders the environment hazardous to human, animal or plant life.

fertilizer:
any substance or material containing one or more nutritive plant elements approved and used as such for the purpose of enhancing plant growth and production.

bulk fertilizer:
fertilizer distributed without packaging or in any other unpackaged form.

compound fertilizer:
fertilizer containing at least two nutritive elements in its chemical composition.

custom-made fertilizer:
mixed fertilizer, pre- pared following the individual specifications supplied by the consumer.

label:
indication of everything in a written, printed or graphic form on the immediate packaging or during a specific message on a fertilizer.

operator:
a natural or legal person exercising commercial and/or industrial activities which may lead to soil degradation.

manufacturing:
preparing, composing, creating active ingredients, adding substances, mixing, formulating, packaging or repackaging, labelling or treating in any form the active ingredient for the purpose of sale.

noxious body:
any species, strain or plant or animal biotype, as well as the pathogenic agent, harmful to plants and plant products.

pesticide:
any substance or compound substances intended for repelling, destroying or controlling pests, vectors of diseases and undesirable plant or animal species causing damage and also harmful during the production, processing, storage, transportation or marketing of food, agricultural products, timber and non-wood forest products.

body of water:
any part of the territory which is occupied or is likely to be occupied comprising the sea, a river, stream, brook, lake, marshland or backwater.

chemical product:
a product obtained by processes or chemical combination.

adulterated product:
a product which contains any poisonous or noxious substance in such substantial quantity as to render it harmful to plant, animal, human, aquatic life, the soil or water when used following the mode of usage indicated on the label.

advertising:
offer of sale and use of pesticides by the print or electronic media, notice boards, presentations, gifts, shows or by word of mouth.

mulching:
agricultural technique which consists in covering young plants with straw or manure, to avoid evapo-transpiration and other parasites.

arable land:
surface part of the soil suitable for agricultural activities.

erosion zone:
part of the land where, due to the nature of soils or conditions of their occupancy, lack of plant cover or hedge, their declivity, the agricultural activities and the other human activities leading to soil degradation.

Chapter II

SPECIAL CONDITIONS FOR THE PROTECTION OF SOILS AND THE SUB-SOIL

Section I

PROTECTION AGAINST EROSION AND DESERTIFICATION

Article 3:
Any activity relating to the exploitation of soils must be such as to avoid or reduce soil erosion and desertification.

Article 4:
(1) Exploitation shall be prohibited in high risk erosion zones.
(2) An order of the Senior Divisional Officer enacted on the proposal of technical services with territorial jurisdiction, shall delimit the high risk erosion zones and lay down safety conditions.

Section II

PROTECTION AGAINST THE LOSS OF ARABLE LANDS

Article 5 :
Any activity which degrades or modifies the quality and/or structure of arable land or contributes to the loss of such lands shall be prohibited.

Section III

CONTROL OF THE POLLUTION OF THE SOIL AND ITS RESOURCES BY CHEMICAL PRODUCTS, PESTICIDES AND FERTILIZERS

Article 6:
Any natural or legal person who uses fertilizers, pesticides or chemical products shall be bound to comply with national and inter national standards.

Article 7:
The intensive use of fertilizers in agricultural exploitation shall be subject to prior assessment of the physical and chemical conditions of the soil.

Article 8:
Besides the conditions laid down by the regulations in force in Cameroon, the distribution of fertilizers, pesticides or chemical products shall be subject to the sticking of £ label comprising the following indications:

- net weight of the packaging content;

- mark or name of the product;
- name and address of the manufacturer of the approved distributor;
- specifications relating to the quality and guarantee;
- indications concerning the product toxicity level;
- risks to public health and the environment
- active principle of the product;
- product usage notice.

Article 9:

Any natural or legal, private or public per son who possesses an agricultural holding and is involved in the intensive use of fertilizers and/or pesticides or soil conditioning apparatuses, shall be bound to regularlj conduct an assessment of their impact on the environment, in accordance with the regulations in force.

Article 10:

on the national territory, shall be bound to carry out an environmental impact assessment, in accordance with the regulations in force.

Chapter III

LIST OF THE FERTILIZERS, PESTICIDES AND OTHER CHEMICAL SUBSTANCES SUBJECT TO AUTHORIZATION

Article 11:

(1) The list of the fertilizers, pesticides and other chemical substances subject to the provisions of this decree shall be that whose use is authorized by the regulations in force.

(2) Any other chemical products not featuring on the approved list, shall be prohibited, save for research purposes.

Article 12:

(1) The insecticides, rongicides, fungicides, herbicides and methyl bromide of the Customs Code No. 2093 30; 2903 3000; 3808 10; 3808 20; 3808 30; 3808 40; 3808 90 which contain the substances depleting the ozone layer, as regulated by the Montreal Protocol, shall be controlled jointly by the Ministries in charge of the environment and agriculture.

(2) The control referred to under paragraph (1)above concerns the fertilizers and/or pesticides not in conformity with the provisions of the Carthage and Montreal Protocols the Baie, Bamako, Rotterdam, Stockholm and Rio on Conventions on biodiversity. It is aimed at:

- avoiding the importation, production and/or use on the national territory of fertilizers and/or pesticides not in conformity with the statutory provisions;
- ensuring the prevention of the importation, production, distribution and/or use on the national territory of the fertilizers containing noxious substances or harmful proper- ties, even when used in accordance with the prescribed doses and likely to affect the development of plants, human and animal health and the environment.

Chapter IV

QUANTITIES AUTHORIZED AND CONDITIONS OF USE OF FERTILIZERS, PESTICIDES AND OTHER CHEMICAL SUBSTANCES

Article 13:

The quantities authorized and the conditions of use of fertilizers, pesticides and other chemical substances, shall be those laid down by the regulations in force.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 14:

1) Any infringement of the provisions of this decree shall be liable to the sanctions laid down by Law No.96/12 of 5 August 1996 relating to environmental management, Law No. 2003/7 of 10 July 2003 to regulate the activities of the fertilizer sub-sector in Cameroon and Law No. 2003/3 of 21 April 2003 relating to phytosanitary protection.

(2) However, the compromise and arbitration provided for in the above mentioned frame- work law shall be implemented as and when necessary.

Article 15:

Ail previous provisions repugnant to this decree are hereby repealed.

Article 16:

The Ministers in charge of the environment, agriculture, State property, mines and technological development and forestry are responsible, each in his own sphere, for the implementation of this decree, which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 23 August 2011

Philemon Yang,
Prime Minister

II.28

DECREE NO. 2011/2585/PM OF 23 AUGUST 2011 TO FIX THE LIST OF NOXIOUS OR HAZARDOUS SUBSTANCES AND THE REGULATIONS RELATING TO THEIR DISPOSAL IN CONTINENTAL WATERS

DECREE NO. 2011/2585/PM OF 23 AUGUST 2011 TO FIX THE LIST OF NOXIOUS OR HAZARDOUS SUBSTANCES AND THE REGULATIONS RELATING TO THEIR DISPOSAL IN CONTINENTAL WATERS

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution ;

Mindful of the Law No.96/03 of 4 January 1996 on framework law in the field of health;

Mindful of the Law No. 95/12 of 5 August 1996 on the framework law on environmental management;

Mindful of the Law No. 98/005 of 14 April 1998 on the Water Regime;

Mindful of the Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy and inconvenient;

Mindful of Decree No.85 / 1278 of 26 September 1985 laying down the police and operating regulations in the port areas;

Mindful of Decree No. 92/89 of 4 May 1992 specifying the powers of the Prime Minister, amended and supplemented by Decree No. 95/145-bis of 4 August 1995;

Mindful of Decree No. 2004/320 of 8 December 2004 on the organization of the Government, as amended and supplemented by Decree No. 2007/268 of 07 September 2007:

Mindful of Decree No. 2009/222 of 30 June 2009 appointing a Prime Minister, Head of Government.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree fixes the list of the noxious or hazardous substances and lays down the regulations relating to their disposai in continental waters.

Article 2:

For the purposes of implementation of this decree, the following definitions shall apply:

residual waters:
industrial and domestic wastewater.

receiving environment:
any place where waste water is disposed.

sensitive environment:
lakes, ponds, estuaries and Coastal waters which is eutrophised or in the process of being eutrophised.

non-sensitive environment:
maritime waters or any water which is very unlikely to be affected by the discharge of wastewater.

conventional parameters:
Biochemical Request for Oxygen for 5 days (DB05), Chemical Request for Oxygen (DCO), Matters in Suspension (MES), Oils and Grease (H + G), Hydrogen Potential (pH), temperature and faecal coliformes.

non-conventional parameters:
total phosphorus, total nitrogen or kjeldahl nitrogen (NTK).

toxic parameters or contaminators:
substances harmful to the environment or of recognized toxicity.

sewage system:
system ramified with underground pipings linking several production points (special connection, rainwater drain...).

Chapter II

LIST OF PROHIBITED NOXIOUS OR HAZARDOUS SUBSTANCES

Article 3

It shall be prohibited to discharge, dump deposit, immerse or introduce directly or indirectly in the Cameroon continents waters, the following noxious substances:

- chlordane, aldrine, dieldrine, endrine, hepts chlore, hexachlorobenzene, mirex, toxaphen chlordecone, lindane, Polychlorobiphenylej DDT (1-1-1-Trichloro 2,2-a (4-chloropheny] ethane).

Article 4:

The list of the abovementioned substance shall be supplemented, as and when necessary, by order of the Minister in charge of th environment to comply with the international agreements on the environment.

Article 5:

Any dumping of residual waters in th public sewage shall comply with the regulations in force.

Chapter III

THE LIST OF THE NOXIOUS OR HAZARDOUS SUBSTANCES SUBJECT TO PRIOR AUTHORIZATION

Article 6:

The direct or indirect discharge, dumping deposit, immersion or introduction in the Cameroon continental waters of the following noxious or hazardous substances produced in Cameroon, shall be subject to prior authorization:

ammonium (NH4), ammonium (4H14), ant:

mony, antrazine, silver, arsenic, baryuir beryllium, boron, cadmium and its compounds, chromium, cobalt, copper, tin, iron lead, lead compounds, mercury, mercur compounds, molybdene, nickel, seleniurr sulphide (H25), tellurium, thallium, titanium, uranium, vanadium, zinc.

Article 7:

The list of the substances referred t under Article 6 above shall be drawn up not withstanding the provisions of the different international agreements ratified by Cameroon in that respect. It shall be supplemented, as and when necessary, by order of the Minister in charge of the environment.

Article 8:

The disposal or introduction of waste water in a receiving environment shall be subject to obtaining a disposal authorization issued by the relevant service, after the due recommendation of the Minister in charge of the environment.

Chapter IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 9:

The units being exploited and/or being operated shall have a period of l(one) year with effect from the date of signature of this decree to comply with these provisions.

Article 10:

(1) Any operator of an establishment whose activities are subject to the provisions of this decree, shall be bound to carry out at least once a month the sampling of its waste- water to ensure compliance with the standards.

(2) The analysis of the samples shall be conducted by an approved laboratory.

(3) The results of the analyses of the above- mentioned samples shall be recorded in a register.

Article 11:

Persons who infringe on the provisions of this decree shall be liable to the sanctions laid down by the regulations in force.

Article 12:

Ail previous provisions repugnant to this decree are hereby repealed.

Article 13:

The Minister in charge of the environment is responsible for the implementation of this decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 23 August 2011

Philemon Yang,
Prime Minister
Head of Government

II.29

DECREE NO. 2012/0882/PM OF 27 MARCH 2012 TO LAY DOWN TERMS FOR EXERCISING SOME POWERS TRANSFERRED TO COUNCILS BY THE STATE RELATING TO ENVIRONMENT

DECREE NO. 2012/0882/PM OF 27 MARCH 2012 TO LAY DOWN TERMS FOR EXERCISING SOME POWERS TRANSFERRED TO COUNCILS BY THE STATE RELATING TO ENVIRONMENT

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No. 2004/017 of 22 July 2004 on the orientation of decentralization;

Mindful of Law No. 2004/018 of 22 July 2004 to lay down the rules applicable to councils;

Mindful of Law No. 2009/011 of 10 July 2009 to lay down the financial system of councils;

Mindful of Law No. 2009/019 of 15 December 2009 on local taxation;

Mindful of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145-bis of 4 August 1995;

Mindful of Decree No. 2008/013 of 17 January 2008 to organize and lay down the functioning of the National Council for Decentralization;

Mindful of Decree No. 2008/013 of 17 January 2008 on the organization and functioning of the Inter-ministerial Committee on Local Services;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2008/409 of 9 December 2011 to appoint a Prime Minister, Head of Government;

Mindful of Decree No. 2001/718/PM of 3 September 2001 on the organization and the functioning of the Inter-ministerial Committee on Environment and subsequent texts;

Mindful of Decree No. 2005/0577/PM of 23 February 2005 to lay down the methodology for conducting environmental impact assessments

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This decree shall lay down the procedures by which councils shall exercise, as from the 2012 fiscal year, the powers herein below transferred to them by the State on environment, namely:

- Drawing up environmental action plans and
- Fighting insalubrity, pollution and nuisances.

Article 2:

Councils shall exercise the powers transferred to them in the matters referred to in Article 1 above, without prejudice to State prerogatives and responsibilities recognized herein below. Councils shall:

- work out and implement the national policy on environment and sustainable development
- determine the conditions of technical modalities for combating desertification and restoring degraded lands, fight against unhealthy conditions, pollution and nuisances, and drawing up environmental action plans
- define and control the standards by which the fight against desertification and the restoration of degraded lands shall be sustained, develop spaces reserved for the public, fight against unhealthy conditions, pollution and nuisances, and develop environmental action plans.

Article 3:

(1) The powers transferred by the State in the drawing up of environmental action plans and in the fight against unhealthy conditions, pollution and nuisances shall be exercised by the councils in strict compliance with the legal provisions in force.

(2) Execution of related expenses shall comply with the legal and regulatory provisions applicable to public contracts.

Chapter II

DRAWING UP ENVIRONMENTAL ACTION PLANS

Article 4 :

The council shall adopt an action plan for the environment by decision of the municipal council.

Article 5:

(1) The action plan for the environment shall include measures and actions to be taken to preserve the environment. These measures and actions shall concern especially:

- fighting unhealthy conditions
- managing household waste
- designing botanical gardens in urban spaces
- maintaining the vegetation cover of public spaces
- reforesting urban spaces
- conducting the Green City operation
- fighting noise and odour nuisances and
- managing reforested sites 1 (one) year after reforestation for those of the councils which have Operation Green Sahel activities.

(2) The Environmental Action Plan shall set out a timetable for implementing measures and actions taken and the types of activities to execute in emergency situations.

Chapter III

FIGHTING UNHEALTHY CONDITIONS, POLLUTION AND NUISANCES

Article 6 :

The council shall ensure that project proponents or small establishments / facilities which are not subject to an environmental impact assessment or environmental audit, but which could have negligible effects on the environment, carry out an environmental impact statement.

Article 7:

(1) The environmental impact statement shall be carried out, either before the start of the project/ establishment or facility, or during the operation thereof. The conduct of the environmental impact statement shall give rise to the establishment of specifications for the proponent.

(2) Conduct of the environmental impact statement and associated costs shall be borne by the proponent of the project, establishment / facility, activity or an economic, social and cultural operation.

(3) Any proponent of a project, an establishment or facility that meets the aforementioned conditions of Article 6, shall be required to produce an environmental impact statement on pain of sanction provided for in Articles 20 (2), 79, 82 and 84 of Law No.96/12 of 5 August 1996 relating to environmental management.

Article 8:

The council shall make the list of activities based on the environmental impact statement, after mandatory notification of the Divisional Head of the decentralized services of the Ministry in charge of environment.

Article 9:

(1) An environmental impact statement shall include:

- a summary of an impact statement in plain language, in English and in French
- a description of the project or establishment
- a description of the state of the site and its physical, biological, socio-economic and human environment
- an environmental management plan containing planned measures to avoid, reduce, eliminate or offset the damaging effects of the project on the environment and an estimation of the corresponding expenditure
- a description of the execution of the project or establishment on the natural and human environment
- an awareness raising and information programme as well as the reports of consultations with local populations and
- the Terms of Reference of the environmental impact statement.

(2) The council shall issue to any proponent of a project or institution subject to the environmental impact statement procedure, an Attestation of Environmental Compliance for his project or establishment, on the assent of the Regional authority of the decentralized services of the Administration in charge of environment.

Article 10:

(1) The council shall ensure the administrative and technical supervision of any activity that is subject to an environmental impact statement in collaboration with the decentralized services of the Ministry in charge of environment.

(2) The administrative and technical supervision shall cover the effective implementation of the environmental management plan included in the environmental impact statement and a joint report written.

(3) The council shall receive a half-yearly report on the implementation of the environmental management plan from the proponent.

Article 11:

(1) Within the context of the fight against unhealthy conditions, pollution and nuisances, the council shall recruit auxiliary staff as needed.

(2) The council shall bear the salary of the said staff.

(3) The council may entrust to a service provider the implementation of certain activities on the fight against unhealthy conditions, pollution and nuisances.

Chapter IV

MANAGING REFORESTED SITES

Article 12 :

Councils that host Operation Green Sahel sites shall ensure their management 1 (one) year after re-forestation.

Article 13:

Managing the reforested site within the context of the said operation shall include:

- maintaining plants, boreholes and watering equipment
- watering plants
- warden servicing and
- all other related operations.

Chapter V

TRANSFER OF RESOURCES

Article 14 :

The transfer of powers by the State in developing action plans for the environment, as well as in the fight against unhealthy conditions, pollution and nuisances, shall be accompanied by the concomitant transfer of resources necessary for their normal exercise by the councils.

Article 15:

The finance law of the State shall provide, each year, the resources necessary for the exercise of powers transferred to councils in drawing up environmental action plans as well as in fighting unhealthy conditions, pollution and nuisances.

Article 16:

In addition to the resources transferred by the State, councils may benefit from the assistance provided by partners for the exercise of transferred powers in drawing up environmental action plans and in fighting against unhealthy conditions, pollution and nuisances.

Article 17:

(1) The financial resources transferred by the State shall be exclusively reserved for the exercise of corresponding powers.

(2) These resources shall be included in the council budget.

(3) The management of these resources shall comply with the budgetary and accounting principles in force.

Chapter VI

MISCELLANEOUS AND FINAL PROVISIONS

Article 18 :

The conditions and procedures for the exercise of transferred powers in drawing up environmental action plans, in fighting unhealthy conditions, pollution and nuisances as well as in using the corresponding resources, shall be detailed by specifications sanctioned by the Minister in charge of environment.

Article 19:

The State shall monitor, control and evaluate the exercise of powers transferred to councils regarding the drawing up of environmental action plans and fighting unhealthy conditions, pollution and nuisances.

Article 20:

(1) Under the authority of the Senior Divisional Officer, councils shall write a report every six months, with the support of the competent decentralized State services, on the state of exercise of the transferred powers concerning environmental action plans and in the fight against unhealthy conditions, pollution and nuisances.

(2) The said report shall be sent by the Senior Divisional Officer to the Minister in charge of decentralization and to the Minister in charge of environment

Article 21:

The Minister in charge of decentralization, the Minister in charge of environment, the Minister in charge of finance and the Minister in charge of public investments shall, each in their sphere, be responsible for implementing this Decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 27 March 2012

Philemon YANG
Prime Minister,
Head of Government

II.30

DECREE NO. 2012/2808/PM OF 26 SEPTEMBER 2012 TO LAY DOWN CONDITIONS FOR EXERCISING THE FUNCTIONS OF ENVIRONMENTAL INSPECTOR AND CONTROLLER

DECREE NO. 2012/2808/PM OF 26 SEPTEMBER 2012 TO LAY DOWN CONDITIONS FOR EXERCISING THE FUNCTIONS OF ENVIRONMENTAL INSPECTOR AND CONTROLLER

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No.94/01 of 20 January 1994 relating to forests, fauna and fishing;

Mindful of Law No.96/03 of 4 January 1996 relating to health;

Mindful of Law No.96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No.96/117 of 5 August 1996 on standardization;

Mindful of Law No.98/005 of 14 April 1998 relating to water regimes;

Mindful of Law No.98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No.99/013 of 22 December 1999 on the Petroleum Code;

Mindful of Law No.001 of 16 April 2001 on the Mining Code;

Mindful of Law No.2002/013 of 30 December 2002 on the gas code;

Mindful of Law No.2003/006 of 21 April 2003 lay down safety regulations governing modern biotechnology in Cameroon;

Mindful of Decree No. 2008/064 of 4 February 2008 to lay down the procedure for administering the National Fund for Environment and Sustainable Development;

Mindful of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by the Decree No.95/145-bis of 4 August 1995;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/409 of 9 December 2011 to appoint a Prime Minister, Head of Government

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1 :
This Decree lays down the conditions for performing the duties of environmental inspector and controller.

Article 2 :
For the purposes of this Decree the following definitions shall apply:

Environmental control:
any continuous environmental monitoring operation to verify compliance of an activity or facility with the standards and rules of the domain.

Environmental controller:
a set of inquiries to establish the causes, threats, circumstances and responsibilities of an attack on the environment.

Environmental investigation:
Shall mean a set of inquiries to establish the causes, threats, circumstances and responsibilities of an attack on the environment.

Environmental inspection:
any operation to ensure that an activity is conducted in compliance with national or international laws, regulations, guidelines, norms and standards established for better protection of the environment.

Environmental inspector:
any sworn-in official in charge of environmental inspections.

Article 3 :
Sworn-in officials of the administration in charge of environment shall be inspectors and controllers of the environment, under Article 88 of Law No. 96/12 of 5 August 1996 relating to environmental management.

Chapter II

CONDITIONS FOR APPOINTMENT OR DESIGNATION

Article 4 :
Officials responsible for inspections or controls shall be appointed by the Minister in charge of environment.

Article 5:
(1) The following shall be eligible for appointment as environmental inspectors: Category A civil servants and contract workers from categories 10 (ten) to 12 (twelve).

(2) The following shall be eligible for appointment as environmental controllers: Category B civil servants and contract worker from categories 8 (eight) to 9 (nine).

Chapter III

DUTIES

Article 6 :

(1) Environmental inspectors shall inspect, control, investigate, find out, establish and prosecute infringements in the environment and sustainable development, in compliance with the laws and regulations in force.

(2) Environmental controllers shall conduct investigations and ensure that recommendations made during environmental and sustainable development inspections are implemented in accordance with the laws and regulations in force.

(3) The inspector may be assisted in the performance of their duties by one or more controllers. Inspectors and controllers shall ensure:

- compliance with international conventions and protocols signed and/or ratified by Cameroon in environmental protection
- the application of laws and regulations on nature protection, natural resource conservation, atmospheric protection, water resources, aquatic/marine environment, as well as soils and subsoil against all forms of degradation
- compliance, in application of the legislation and regulations in force, with conditions for setting up and operating the classified establishments, with treatment, elimination, discards from solid wastes, with liquid or gaseous wastes resulting from human activities and with conditions for managing atmospheric emissions, noise and odour nuisances
- compliance, in accordance with the legislation and regulations in force and in consultation with the services concerned, with the conditions of use, warehousing, storage, handling and transport of chemicals, dangerous and / or toxic waste excepting radioactive ones
- control of all sources of pollution and nuisances
- inquiries to detect sources of pollution and nuisances likely to harm public health, natural resources and the environment
- compliance with environmental law and regulations in impact assessment and audit
- restoration of damaged and / or polluted sites and
- control of genetically modified organisms, in conjunction with the administrations or establishments concerned.

Article 7:

(1) In the event of an offense, the inspectors shall write a report signed by them and by the person in charge of the establishment or his designated representative.

(2) In case of refusal by the offender, this attitude shall be mentioned in the report.

(3) When no offence is found, the inspectors and controllers shall write an inspection report and give a copy to the person in charge of the establishment concerned.

Chapter IV

PREROGATIVES

Article 8 :

Inspectors and controllers shall have the right to:

- access any fixed or mobile installation to obtain any information on environmental management;
- investigate any incident or accident involving chemical, toxic or dangerous substances, noise and odour emissions, excluding radioactive substances; and
- investigate management of natural resources.

Article 9:

In the performance of their duties, inspectors and controllers shall enjoy the privilege of jurisdiction provided for in Section 634 (2) of the Criminal Procedure Code.

Article 10:

Inspectors and controllers may request the assistance of the forces of law and order, to facilitate access to any fixed or mobile facilities, to have the seals affixed, to make seizures, to drive the equipment and facilities in question into the pound, to take the offender for questioning in case of threat and/or serious harm to the environment.

Article 11:

(1) Before taking up their duties, environmental inspectors and controllers shall take an oath before the high court in whose area of jurisdiction their administrative residence is located according to the following formula:

"I swear and pledge to properly and faithfully perform my duties as environmental inspector/controller, to abide whenever and wherever by the obligations, imposed on me and not to reveal or use whatever I shall learn during and upon cessation of my duties."

(2) Oaths shall be taken at the request of the administration in charge of environment in accordance with the laws and regulations in force.

Article 12:

(1) The authorized and sworn-in inspectors and controllers of the decentralized services shall exercise their powers within the territorial limits of their place of employment.

(2) In case of transfer of post or change of assignment/post outside the area of territorial jurisdiction of inspector and controller referred to in paragraph 1 above, their powers and the oath shall remain valid.

(3) Authorized and sworn-in inspectors and controllers of central services shall be competent countrywide.

Chapter V

CONDUCT OF INSPECTION AND CONTROL

Article 13 :

(1) Environmental inspectors and controllers shall act on the basis of an annual inspection programme submitted to the Minister in charge of environment for approval and communicated to the officials in charge of facilities.

(2) They may, moreover, intervene unexpectedly on the instruction of the hierarchy or on denunciation to perform any fact-finding duty necessitated by a particular situation.

Article 14:

Any inspection, control/investigation operation shall be sanctioned by a report that the inspectors shall forward to the Minister in charge of environment.

Article 15:

The duties of environmental inspection and control shall be performed in collaboration with the other concerned administrations as necessary.

Chapter VI

SUSPENSION OR TERMINATION OF DUTY

Article 16 :

The Minister in charge of environment shall be able to decide on the temporary suspension or termination of the duties of environmental inspector and controller.

Article 17:

(1) The duties of environmental inspector and controller may be suspended for a period not exceeding 1 (one) year, in case of:

- non-respect of ethics and professional deontology and
- serious offence.

(2) In case of recidivism, the Minister in charge of environment may strip the environmental inspector or controller of their powers.

(3) The environmental inspector or controller may be stripped of their powers in the event of:

- violation of oath
- gross negligence in the performance of his duties
- notorious professional incompetence in the inspection and control of the environment and
- leave of absence exceeding 5 years.

(4) The decision to suspend or terminate the duties of an inspector or controller, notified to the person concerned, shall automatically entail withdrawal of the environmental inspector or controller card.

(5) Retirement shall terminate activities as environmental inspector or controller.

Chapter VII

TERMS OF DISTRIBUTION OF SHARES

Article 18 :

(1) Environmental Inspectors and Controllers shall receive an allowance called the share.

(2) The sum representing the share to be distributed shall be deducted from the National Environment and Sustainable Development Fund up to 25% of the amount paid out. The terms of payment of the 25% share referred to in paragraph 2 above shall be set by a joint order of the Minister in charge of finance and the Minister in charge of environment.

Article 19:

(1) On the proposal of the Director of Environmental Inspections, the Minister in charge of environment shall allocate, on a quarterly basis, an individual share to the inspectors, controllers and associated personnel involved in the inspection process according to the following shares:

- Inspectors: 5 shares
- Controllers: 3 shares
- Associated personal: 2 shares

(2) The method of calculating the value of a share shall be as follows:

Value of a share = total amount of allowances to be allocated

Total number of shares = (number of inspectors x 5) + (number of controllers x 3) + (number of associated personnel x 2)

(3) On the decision of the Minister in charge of environment, the share of a receiving official may be reduced by 50% or stopped in the cases referred to in Article 19 above.

Chapter VIII

MISCELLANEOUS AND FINAL PROVISIONS

Article 20 :

Statements of share payments shall be established each term by the accounting officer of the National Fund for Environment and Sustainable Development and shall be signed by the specialized financial controller in the ministry in charge of environment.

Article 21:

The Ministers in charge of environment and the Minister in charge of finance shall each, in their sphere implement this Decree which will be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 26 September 2012

Philemon YANG
The Prime Minister,
Head of Government

II.31

DECREE NO. 2012/2809/PM OF 26 SEPTEMBER 2012 TO LAY DOWN CONDITIONS FOR SORTING, COLLECTING, TRANSPORTING, RETRIEVING, RECYCLING, TREATING AND FINAL DISPOSING OF WASTE

DECREE NO. 2012/2809/PM OF 26 SEPTEMBER 2012 TO LAY DOWN CONDITIONS FOR SORTING, COLLECTING, TRANSPORTING, RETRIEVING, RECYCLING, TREATING AND FINAL DISPOSING OF WASTE

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 89/027 of 29 December 1989 on toxic and dangerous waste;

Mindful of Law No. 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries;

Mindful of Law No. 96/03 of 4 January 1996 relating to the framework law on health;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No. 96/117 of 5 August 1996 on standardization;

Mindful of Law No. 98/005 of 14 April 1998 on the water regime;

Mindful of Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No. 2001/015 of 23 July 2001 to govern the activity of the commercial trucker and auxiliary commercial trucker;

Mindful of Law No. 2003/003 of 21 April 2003 on phytosanitary protection;

Mindful of Law No. 2004/018 of 22 July 2004 to lay down the rules applicable to councils;

Mindful of Law No. 2011/012 of 6 May 2011 on consumer protection in Cameroon;

Mindful of Decree No. 92/89 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No. 95/145-bis of 4 August 1995;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/409 of 9 December 2011 to appoint a Prime Minister, Head of Government

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the conditions for sorting, collecting, storing, transporting, retrieving, recycling, treating and finally disposing waste.

Article 2:

For the purposes of this Decree, the following definitions shall apply:

Waste collection:

any action of organized collection of waste by any natural or legal person authorized for this purpose.

Controlled Landfill:

facilities or sites that have the features and meet regulatory technical requirements where the waste is permanently treated and buried.

Ultimate waste:

any non-biodegradable and non-retrievable residue resulting from waste treated according to current technical and economic conditions.

Agricultural waste:

any waste generated directly by agro pastoral activities.

Waste assimilated to household waste shall include:

Waste resulting from economic, commercial and craft activities and which, by its nature, composition and characteristics, is similar to household waste.

Biodegradable waste:

any waste that may be decomposed by the action of fungi and micro-organisms present in the environment.

Industrial waste:

any waste resulting from an industrial, agro-industrial, artisanal or similar activity.

Inert waste:

any non-flammable and non-biodegradable waste that does not produce a physical or chemical reaction and does not contain dangerous substances or nuisance-causing elements.

Medical and pharmaceutical waste:

any waste resulting from the activities of diagnosis, follow-up and preventive, palliative or curative treatment in the fields of human or veterinary medicine and all waste resulting from the activities of public hospitals, clinics, scientific research establishments, analytical laboratories operating in these fields and all similar establishments.

Household waste:

shall mean any waste resulting from household activities.

Toxic and / or dangerous waste:

mean waste of any form that by its nature is dangerous, toxic, reactive, corrosive, explosive, radioactive, flammable, biological or bacterial, and constitutes a danger to man and ecological balance.

Final disposal of waste:

any operation of incineration, treatment, controlled landfill or any similar process for storing or disposing waste in accordance with the conditions for the prevention of risks to human health and protection of the environment.

Export of waste:

taking out waste from the national territory to another country subject to national and international laws and regulations on the matter.

Generators of waste:

any natural or legal person whose production, distribution, import or exploitation activity generates waste.

Importation of waste:

entry of waste from abroad or free zones into the national territory subject to national and international laws and regulations on the matter.

Trans-boundary movement of waste:

shall mean any movement of waste from one State to another State or customs territory.

Pre-collection of waste:

all operations that organize the evacuation of waste from the place of their production until their take-over by the collection service of the council or any other authorized body.

Retrieving:

any operation to obtain physical waste by approved facilities for processing, recycling and immediate disposal.

Recycling:

direct reintroduction of material into its own production cycle as a total or partial replacement of a new raw material.

Waste storage:

temporary disposal of waste in a facility authorized for this purpose.

Waste treatment:

any physical, thermal, chemical or biological operation leading to a change in the nature or composition of the waste to extract the recyclable part or reduce under controlled conditions the pollutant potential, volume and quantity of the garbage.

Waste transport:

the transfer of waste from production sites to a site for storage, recycling, treatment or final disposal within the national territory.

Sorting:

systematic separation of waste according to the different categories.

Waste recovery:

any operation of recycling, reuse, retrieving, use of waste as a source of energy or any other action aimed at obtaining raw materials or reusable products from the retrievial of waste, to reduce or eliminate the negative impact of this waste on the environment.

Article 3:

(1) The provisions of this Decree shall apply to the following categories of waste, as well as those appended:

- household and similar waste
- industrial, commercial and artisanal waste
- hospital waste (medical and pharmaceutical)
- inert waste and
- agricultural waste.

(2) The provisions of this Decree shall not apply to radioactive waste, ship wrecks and other marine wrecks, gaseous effluents and discharges, direct or indirect deposits into surface water or groundwater except for discharges that are contained in closed containers that shall be governed by special instruments.

(3) The conditions for collecting, transporting and treating liquid waste shall be laid down by an order of the Minister in charge of environment.

Chapter II

SORTING, COLLECTING, TRANSPORTING AND STORING WASTE

Section I

SORTING, COLLECTING, TRANSPORTING AND STORING HOUSEHOLD AND SIMILAR WASTE

Article 4 :

(1) Any activity of collection and storage of household waste shall be ensured by the regional and local authorities in conjunction with the competent State services.

(2) Regional and local authorities, shall, in conjunction with the competent State services, draw up a municipal or inter-municipal plan for the management of household and similar waste, which shall define sorting, pre-collection, collection, transport, landfill, treatment, retrieval and final disposal.

Article 5:

(1) The council or inter-council plan shall take into account the guidelines of the National Strategy for Waste Management. It shall define especially:

- areas where councils or their groupings are required to do the sorting, collecting, transporting, retrieving or final disposal of household and similar waste
- the circuits, frequency and times of collection of this waste

- the methods of collecting waste
- the frequency of cleaning operations by zone
- areas to where the transportation and disposal of this waste is done shall be selected by their generators.

(2) This plan shall be established for a period of 5 (five) years renewable and approved by decision of the Minister in charge of environment.

Article 6:

(1) Holders of household and similar waste shall be required to comply with the council or inter-council plan referred to in paragraph 2 of Article 4 above and to use the waste management system set up by the councils and their groupings or by the users.

(2) Regional and local authorities or operators shall bear the costs of sorting, collecting, transporting, placing on control landfill, retrieving, final disposal of household and similar waste as well as the outlay for checking the cleanliness of areas where these services are provided by the very generators of this waste.

Section II

COLLECTING, TRANSPORTING AND STORING BIODEGRADABLE INERT AND AGRICULTURAL WASTE

Article 7 :

(1) Subject to the provisions of Article 26 below, inert waste and biodegradable agricultural waste shall be deposited by their generators or by persons authorized to manage them in places and disposal facilities designated for this purpose by regional and local authorities.

(2) This waste may also be used to recover, treat or dispose of other categories of waste, with the exception of dangerous waste.

(3) Other non-biodegradable agro-pastoral waste shall be treated or disposed of by approved facilities.

Section III

COLLECTING, TRANSPORTING AND STORING INDUSTRIAL WASTE (TOXIC AND / OR DANGEROUS)

Article 8 :

(1) Toxic and/or dangerous industrial waste shall be collected, transported or stored for final disposal only by natural or legal persons approved by the administration in charge of environment.

(2) The specific conditions for collecting, transporting and treating toxic and/or dangerous industrial waste shall be set by order of the Minister in charge of environment.

Article 9:

An environmental permit issued by the administration in charge of environment shall be obtained prior to collecting, transporting and storing toxic and/or dangerous industrial waste.

Article 10:

The transport of toxic and / or dangerous industrial waste shall be accompanied by a traceability manifest of the waste issued by the administration in charge of environment.

Article 11:

: Any generator, collector, carrier or destroyer of toxic and / or dangerous industrial waste shall keep a register in which he records the types, nature, amount, dangerous nature and origin of the dangerous waste that was produced, collected, stored, transported, retrieved or disposed of. This register shall be controlled by the administration in charge of environment.

Section IV

SORTING, COLLECTING, TRANSPORTING AND STORING MEDICAL AND PHARMACEUTICAL WASTE

Article 12 :

(1) Medical and pharmaceutical waste shall undergo specific management to prevent any harm to human health and the environment.

(2) However, certain types of waste generated by healthcare establishments shall be treated as household waste provided that the waste is sorted in advance and is not contaminated by dangerous waste.

(3) The specific conditions for sorting, collecting, transporting, storing and final disposal of medical and pharmaceutical waste shall be set by order of the Minister in charge of environment.

Article 13:

(1) The public health administration shall, in conjunction with the competent authorities, draw up a plan for managing medical and pharmaceutical waste. This plan shall define the operations of sorting, pre-collecting, collecting, transporting, treating and final disposal of waste.

(2) This plan, established for a renewable period of 5 (five) years, shall be approved by joint order of the Ministers in charge of environment, public health, livestock and fisheries, and animal industries.

Article 14:

(1) The collection and transportation of medical and pharmaceutical waste by any natural or legal person shall be subject to an environmental permit issued by the administration in charge of environment.

(2) The conditions for obtaining the permit referred to in paragraph 1 above shall be specified by order of the Minister in charge of environment.

Article 15:

Damaged or expired pharmaceutical products, biomedical laboratories, and/or veterinary clinics/pharmacies, shall be treated under the same conditions as all other medical and pharmaceutical waste, object of this Decree.

Chapter III

TRANS-BOUNDARY WASTE MOVEMENT

Article 16 :

(1) Any export operation of waste shall be subject to an authorization issued by the administration in charge of environment, subject to the consent and written agreement of the State concerned and provided that the waste in question is included in a nomenclature fixed by regulation.

(2) The export of dangerous waste shall be banned to States that ban the import of such waste, to States that do not banned such import but that do not have any written agreement to that effect and to States that are not party to the Basel Convention on the Control of Trans-boundary Movements of Dangerous Wastes and their Final Disposal.

Article 17:

(1) Any natural or legal person wishing to export dangerous waste shall, at least 45 days before the beginning of any movement of such dangerous waste across borders, give written notification to that effect to the administration in charge of the environment and to the competent authorities of the importing country and all the countries through which such waste shall transit.

(2) The author of the notification shall submit his intention to export this waste in several consignments for a period of up to one year, subject to the written agreement of the States concerned and the administration in charge of environment that shall be able to decide on a shorter or longer period as it deems appropriate on a case-by-case basis.

Article 18:

The export of dangerous waste shall commence after notification within 60 (sixty) days of receiving the acknowledgment of receipt of such notification by the importing country, if no objection was raised.

Article 19:

The tacit consent shall expire one calendar year after the end of the 60-day period. After this date, a notification and renewal of all agreements shall be required for exports.

Article 20:

The export of dangerous waste may commence immediately upon receipt of all necessary agreements, if the competent authorities of the importing and transit countries concerned provide a written agreement in a period of less than 60 (sixty) days.

Article 21:

(1) A written agreement shall be considered expired for each importing and transit country one year after the date of that country's agreement unless otherwise specified.

(2) A new notification and renewal of the agreement shall be required for exports after the period referred to in paragraph 1 above.

Article 22:

Notification on the export of dangerous waste shall include:

- The reason for the export of the waste

- An original copy of a completed manifest, including the required generator certification for the proposed export of dangerous waste using the valid manifest format.
- The names (identity) of all transit countries and their respective national competent authorities, and all entry and exit points.
- The identity of the importing country and its competent national authority, as well as the point of entry.
- A statement indicating the individual or general nature of the notification. If the notification is collective, it shall specify the requested validity period.
- The anticipated date of commencement of the trans-boundary movement of dangerous wastes.
- Information (including the technical description of the facility) communicated to the exporter or producer, by the waste destroyer and on which the latter relies to decide that there is no reason to fear that the waste will not be managed in an environmentally sound manner in accordance with the laws and regulations of the importing country.
- Information on the contract reached between the exporter and the destroyer.
- Information on the assurance and manner by which the exporter, carrier and disposer shall proceed.

Chapter IV

MANAGING CONTROLLED LANDFILLS AND FACILITIES FOR TREATING, RECOVERING, INCINERATING, STORING AND FINAL DISPOSAL OF WAST

Section I

CONTROLLED LANDFILLS

Article 23 :

(1) Controlled landfills shall be classified according to the types of waste as follows:

Class 1: dangerous waste landfills (industrial and final)

Class 2: landfills of non-dangerous waste (biodegradable agro-pastoral, household and similar waste)

Class 3: inert waste landfills

(2) The following wastes shall not be allowed for disposal in landfills:

- liquids, flammables, explosives, oxidizing, infectious hospital or clinical, used tires and any other waste that does not meet the criteria for admission to the Class 1 landfill. Management of these wastes shall be specified by special instruments.

(3) The technical requirements applied to each of these classified establishments shall be determined by joint order of the Minister in charge of environment and the Minister in charge of industry.

Article 24:

The opening, closing or substantial modification of Classes 1 and 2 landfills shall be subject to authorization by the administration in charge of classified establishments after consultation with the Minister in charge of environment.

Article 25:

Controlled landfills may not be allowed near sensitive areas, no-go zones, national parks and protected areas, tourist areas, sites of biological and ecological interest, wetlands and forest areas, irrigated perimeters, lowlands with high agro-pastoral potential and outside sites designated by the waste management plans provided for in this Decree.

Article 26:

In case of closure of a controlled landfill, the operator or the owner shall be obliged to restore the site to its original state or to an ecologically acceptable state.

Section II

PROCESSING, RECYCLING AND FINAL DISPOSING OF WASTE

Article 27 :

(1) Any natural or legal person wishing to conduct the activity of recycling, treating and final disposal of waste shall obtain an environmental permit issued by the administration in charge of environment.

(2) The conditions for obtaining the environmental permit referred to in paragraph 1 above shall be defined by order of the Minister in charge of environment.

Article 28:

In case of suspension of the activity of recycling, treating, or final elimination of waste, the operator or owner shall secure the site.

Chapter V

COMMON PROVISIONS

Article 29 :

(1) Every generator of waste or operator of controlled landfills and plants for treating, recovering, incinerating, storing or final disposal of waste and every carrier of waste shall keep a record of the types, quantities and nature of the waste that it produces, stores, treats, recovers, incinerates, transports or disposes of.

(2) The register referred to in paragraph 1 above shall be checked periodically by the administration in charge of environment.

Chapter VI

ADMINISTRATIVE AND TECHNICAL MONITORING OF COLLECTING, TRANSPORTING AND FINAL DISPOSAL OF WASTE OPERATIONS

Article 30 :

1) Collecting, transporting and final disposal of waste shall be subject to periodic controls by the authorities of the competent administrations.

(2) Collectors, carriers and waste destroyers shall provide all necessary information to the sworn control officials of the competent administrations.

(3) The equipment carrying the waste shall be labeled to specify the nature and type of waste transported.

(4) Sworn officials of the competent administrations shall exercise their duties during waste transportation and may request that any transported packaging be opened or may wish to verify waste during export.

Article 31:

: (1) In case of danger or imminent threat to human health and the environment, the administration in charge of the environment shall instruct operators of the facilities and persons referred to in Article 31 (2) above to immediately take the necessary measures to remedy and mitigate this danger.

(2) If the persons concerned do not comply, the said authority shall, ex officio, at their own expense, take the necessary actions or suspend all or part of the activity threatening human health and the environment.

Chapter VII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 32 :

The use of goods from the recycling of waste in the manufacture of products intended to be put in direct contact with food shall comply with standards in force.

Article 33:

(1) Abandonment in the natural environment, burning in the open air of pharmaceutical, biomedical laboratories and/or veterinary clinic/pharmacy products and any other damaged, expired or seized product during the fight against smuggling and counterfeiting shall be banned.

(2) The methods of destruction of the products referred to in paragraph 1 above shall be defined by a commission set up by the territorially competent administrative authority.

(3) The products referred to in paragraph 1 above shall be delivered to the approved facilities for disposal and the related costs shall be borne by the offender.

Article 34:

(1) The classification of waste, its characterization and its codification shall be appended to this decree.

(2) An order of the Minister in charge of environment shall update the list of toxic and / or dangerous waste as required.

Article 35:

The administration in charge of the environment shall order suspension of the activity of any controlled landfill or installation of treatment, storage, recovery or final disposal of waste in case of non-compliance with the provisions of this Decree.

Article 36:

(I) The administration in charge of environment may, if necessary, request any expertise necessary to analyse and assess the impact of waste on human health and the environment.

(2) The costs of analyses and expertise incurred for this purpose shall be borne by the operators of the facilities and persons referred to in Article 31 (2) above.

Article 37:

Operators involved in waste management shall have 18 (eighteen) months from the date of signature to comply with the provisions of this Decree.

Article 38:

All previous and contrary provisions to those of this Decree are hereby repealed.

Article 39:

The administrations in charge of environment, classified establishments, public health and local authorities shall each in their own sphere be responsible for the implementation of this Decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 26 September 2012

Philemon YANG
Prime Minister,
Head of Government

II.32

DECREE NO. 2012/431 OF 1 OCTOBER 2012 TO ORGANIZE THE MINISTRY OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT

DECREE NO. 2012/431 OF 1 OCTOBER 2012 TO ORGANIZE THE MINISTRY OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;
Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government.

HEREBY DECREES AS FOLLOWS:

PART I

GENERAL PROVISIONS

Article 1:

(1) The Ministry of Environment, Protection of Nature and Sustainable Development shall be placed under the authority of a Minister.

(2) The Minister of Environment, Protection of Nature and Sustainable Development shall be responsible for developing and implementing Government's policy on environment and nature protection, geared toward sustainable development.

In this respect, he/she shall:

- define terms and principles of rational and sustainable management of natural resources;
- define environmental management measures, in conjunction with ministries and specialized bodies concerned;
- prepare sectoral master plans for environmental protection, in conjunction with ministries concerned;
- coordinate and monitor the interventions of regional or international cooperation agencies on environment and nature in conjunction with the Ministry of External Relations and the administrations concerned;
- monitor environmental compliance in the execution of major projects;
- inform the public to encourage its participation in managing, protecting and restoring environment and nature; and
- negotiate international conventions and agreements relating to the protection of environment and nature and their implementation, in conjunction with the Ministry of External Relations.

(3) He/she shall be the supervisory authority of the National Observatory on Climate Change (ONACC).

(4) He/she shall be assisted by a Minister Delegate.

Article 2

(1) To accomplish his/her duties, the Minister of Environment, Protection of Nature and Sustainable Development shall have:

- a Private Secretariat;
- 2 (two) Technical Advisers;
- an Inspectorate General;
- a Central Administration; and
- Decentralized Services.

(2) The Minister Delegate shall also have a Private Secretariat.

PART II

PRIVATE SECRETARIATS

Article 3:

laced each under the authority of a Head of Private Secretariat, the Private Secretaries shall be responsible for the reserved businesses of the Minister and the Minister Delegate.

PART III

TECHNICAL ADVISERS

Article 4:

Technical Advisers shall carry out all duties entrusted to them by the Minister.

PART IV

THE INSPECTORATE GENERAL

Article 5 :

(1) Placed under the authority of an Inspector General, the General Inspectorate shall:

- do internal control and evaluate the functioning of central and decentralized services, institutions under supervision, as well as attached agencies and services;
- evaluate the performance of services in relation to objectives set, in conjunction with the Secretary General;
- inform the Minister on the quality of the functioning and performance of services;
- evaluate the implementation of organizational techniques and methods as well as simplify administrative work, in conjunction with the appropriate services of administrative reform; and

– implement anti-corruption strategy within the Ministry, in conjunction with the Anti-Corruption Unit of the Ministry.

(2) It shall be made up of, in addition to the Inspector General, 2 (two) Inspectors.

Article 6

(1) In the performance of his/her monitoring and evaluation duties, the Inspector General and the Inspectors shall have access to all documents of services controlled.

As such, they may:

– request in writing for information, explanations or documents from officials of services controlled, who are required to respond within the time limit;
– have, on an ad hoc basis, the necessary staff from other services of the Ministry; and
– request public force, if necessary, after consulting the Minister and in accordance with the law, to lend them a hand or establish damage done to public fortune.

(2) A report shall be written after each inspection or control session and submitted to the Minister, copying the Secretary General. The Minister shall send a copy of the report referred to above to the Ministers in charge respectively of public service and supreme state audit.

(3) The Minister shall send quarterly control reports and annual progress reports from the Inspectorate General to the Prime Minister, Head of Government.

PART V

THE CENTRAL ADMINISTRATION

Article 7 :

The Central Administration shall include:

– the Secretariat General;
– the Department of Development of Environmental Policies;
– the Department of Conservation and Management of Natural Resources;
– the Department of Promotion of Sustainable Development;
– the Department of Standards and Control;
– the Information and Documentation Centre on the Environment; and
– the Department of General Affairs

Chapter I

THE GENERAL SECRETARIAT

Article 8 :

(1) The Secretariat General shall be placed under the authority of a Secretary General, the main collaborator of the Minister, who shall follow the instruction of the affairs of the Ministry and receive from the Minister the necessary delegations of signature.

As such, he/she shall:

- coordinate the action of the central and deconcentrated services of the Ministry, and to this end coordination meetings whose minutes he shall send to the Minister;
- outline and codify the internal procedures of the Ministry;
- ensure retraining of personnel and organize, under the authority of the Minister, seminars and refresher, advanced or specialization courses;
- follow, under the authority of the Minister, the action of attached services whose action programme he shall approve and receive activity reports; and
- ensure the celerity with which files are processed, centralise the archives and manage the documentation of the Ministry.

(2) If the Secretary General is absent or unable to act, the Minister shall designate a Director to deputize.

Article 9

The following shall be attached to the Secretariat General:

- the Division of Studies, Projects and Cooperation;
- the Division of Legal Affairs;
- the Follow-up Unit;
- the Communication Unit;
- the Translation Unit;
- the Data Processing Unit;
- the Sub-Department of Reception, Mails and Liaison; and
- the Sub-Department of Documentation and Archives.

Section I

THE DIVISION OF STUDIES, PROJECTS AND COOPERATION

Article 10 :

(1) Placed under the authority of a Head of Division, the Division of Studies, Project and Cooperation shall:

- develop and monitor the implementation of the Department's sectoral strategy, in conjunction with technical departments;
- work out agreements and conventions and monitor their implementation, in conjunction with the Division of Legal Affairs, the technical departments and the administrations concerned;
- coordinate the execution of aid and cooperation programmes;
- centralize statistical data on programmes and projects in support of the environment, protection of nature and sustainable development, in conjunction with the technical departments;
- identify and develop investment programmes and projects;
- monitor and evaluate the Ministry’s priority action matrix in the national economic strategy documents;
- monitor, control and evaluate the implementation of programmes and projects; and
- monitor international cooperation on the environment, nature protection and sustainable development, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Studies and Prospective Unit; and
- the Projects and Cooperation Unit.

PARAGRAPH I
STUDIES AND PROSPECTIVE UNIT

Article 11 :

(1) Placed under the authority of a Unit Head, the Studies and Prospective Unit shall:

- propose avenues for research in the field of environment, in conjunction with the administrations concerned;
- collect and analyse data relating to the development of the sectoral strategy for environment, nature protection and sustainable development;
- conduct prediction and prospective studies on environment, nature protection and sustainable development;
- analyse major political, economic, socio-cultural and technical problems relating to environment, nature protection and sustainable development to determine the resulting perspectives for government policy on environment and sustainable development; and
- carry out studies on the dynamics of different national ecosystems, carry out studies on tax incentives and any other incentive to environmental protection.

(2) It shall comprise, besides the Unit Head, 2 (two) Assistant Research Officers.

PARAGRAPH II
THE PROJECTS AND COOPERATION UNIT

Article 12 :

(1) Placed under the authority of a Unit Head, the Project and Cooperation Unit shall:

- work out agreements and conventions relating to environment, nature protection and sustainable development, in conjunction with the Legal Affairs Division and relevant technical structures;
- coordinate the execution of aid and international cooperation programmes in the areas of environment, nature protection and sustainable development;
- collect and centralize information on international cooperation in the area of environment, nature protection and sustainable development, in conjunction with the administrations concerned;
- participate in negotiations and follow-up relations with international partners of the Ministry;
- participate in bilateral joint commissions, in conjunction with the technical structures concerned;
- monitor the implementation of agreements and conventions in the areas of competence of the Ministry, in conjunction with the relevant technical structures;
- identify and prepare investment programmes and projects in areas of expertise of the Ministry;
- monitor, control and evaluate the implementation of programmes and projects under the Ministry; and
- centralize statistical data on projects relating to environment, nature protection and sustainable development, in conjunction with the technical departments concerned.

(2) It shall comprise, besides the Unit Head, 2 (two) Assistant Research Officers.

Section II

THE DIVISION OF LEGAL AFFAIRS

Article 14 :

(1) Placed under the authority of a Head of Division, the Division of Legal Affairs shall:

- ensure compliance with legality and regularity of acts committing the Ministry;
- formulate legal opinions on Ministry matters;
- prepare and complete draft laws or regulations initiated by the Ministry or submitted to the Minister for signature;
- promote and popularize legal culture within the Ministry;
- examine administrative and litigation appeals, in conjunction with the technical departments concerned;
- defend state interests in court whenever the Ministry is involved in a matter;
- follow up litigations on environment, nature protection and sustainable development;
- follow up the execution of court decisions involving the Ministry; and
- follow up procedure for the ratification of international conventions and agreements in the field of environmental protection, nature protection and sustainable development, in conjunction with the Ministry of External Relations.

(2) It shall comprise:

- the Regulation Unit; and
- the Litigation Unit.

PARAGRAPH I
THE REGULATION UNIT

Article 15 :

(1) Placed under the authority of a Unit Head, the Regulation Unit shall:

- ensure compliance with the legality and regularity of the acts committing the Ministry;
- formulate legal opinions on any matter concerning environment, nature protection and sustainable development;
- prepare and complete draft legislative or regulatory texts initiated by the Ministry or submitted to the Minister for signature;
- monitor the ratification procedures of international conventions and agreements, in conjunction with the Ministry of External Relations;
- promote and popularize the legal culture within the Ministry;
- monitor the execution of court decisions involving the Ministry; and
- defend state interests in court whenever the Ministry is involved in a matter.

(2) It shall comprise, in addition to the Unit Head, 2 (two) Assistant Research Officers.

PARAGRAPH II
THE LITIGATIONS UNIT

Article 16 :

(1) Placed under the authority of a Unit Head, the Litigation Unit shall:

- Examine administrative and litigation appeals, in conjunction with the technical departments concerned;
- manage litigation relating to infringements on the environment; and
- participate in the process of issuing environmental visas and approvals.

(2) It shall comprise, besides the Unit Head, 2 (two) Assistant Research Officers.

Section III

THE FOLLOW UP UNIT

Article 17 :

(1) Placed under the authority of a Unit Head, the Follow-Up Unit shall conduct any study or mission that it is entrusted by the Secretary General. It shall:

- monitor the activities of services;
- prepare coordination meetings, draft reports, as well as follow up the implementation of recommendations; and
- summarize action programmes, economic reports and progress reports of services.

(2) It shall comprise, in addition to the Unit Head, 2 (two) Assistant Research Officers.

Section IV

THE COMMUNICATION UNIT

Article 18 :

(1) Placed under the authority of a Unit Head, the Communication Unit shall:

- implement government communication strategy within the Ministry;
- design and format the Minister's specific messages;
- collect, analyse and preserve journalistic and audio-visual documentation of the Ministry;
- exploit articles relating to the environment, nature protection nature and sustainable development issues published in the national and international press;
- do protocol and organize ceremonies in which the Minister or the Minister Delegate participates;
- -constantly promote the Ministry’s image;
- do protocol and organize ceremonies in which the Minister participates;
- produce specialized programmes of the Ministry in the media;
- organize press conferences and other communication actions by the Minister and the Minster Delegate; and
- draft and publish the newsletter and all other publications of the Ministry.

(2) It shall comprise, in addition to the Unit Head, 2 (two) Assistant Research Officers.

Section V

TRANSLATION UNIT

Article 19 :

(1) Placed under the authority of a Unit Head, the Translation Unit shall:

- do routine translation of documents;
- do quality control of routine translation; and
- establish a terminological database of relating to environment, nature protection and sustainable development.

(2) It shall comprise, in addition to the Unit Head, 2 (two) Assistant Research Officers, respectively for translation into English and translation into French.

Section VI

THE DATA PROCESSING UNIT

Article 20 :

(1) Placed under the authority of a Unit Head, the Data Processing Unit shall:

- design and implement the Ministry data processing master plan;
- choose computer equipment and operation systems;
- set up data banks and databases relating to the various computer sub-systems of the Ministry;
- secure, make available and ensure the integrity of the computer system;
- oversee computing technology;
- promote information and communication technologies;
- ensure studies on the development, operation and maintenance of applications of the computer network of the Ministry; and
- promote electronic governance.

(2) It shall comprise, in addition to the Unit Head, 2 (two) Assistant Research Officers.

Section VII

THE SUB-DEPARTMENT OF RECEPTION, MAILS AND LIAISON

Article 21 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Reception, Mails and Liaison shall:

- receive, inform and orientate users;
- receive, process and distribute mails;

- file and conserve signed documents;
- reproduce and notify individual acts and distribute regulatory texts as well as any other service document; and
- remind services on the processing of files.

(2) It shall comprise:
- the Reception and Orientation Service;
- the Mails and Liaison Service; and
- the Reminder Service.

(1) Placed under the authority of a Service Head, the Reception and Orientation Service is shall:
- Receive files and petitions;
- Receive, inform and orientate users; and
- Check compliance of files.

(2) It shall comprise:
- the Reception and Information Bureau; and
- the Compliance Check Bureau.

Article 23

(1) Placed under the authority of a Service Head, the Mails and Liaison Service shall:
- record and code mails;
- file and conserve signed documents;
- reproduce individual acts and any other service document;
- notify on signed documents; and
- create electronic files.

(2) It shall comprise:
- the In-coming Mails Bureau;
- the Out-going Mails Bureau; and
- the Reprography Bureau.

Article 24

Placed under the authority of a Service Head, the Reminder Service shall:
- register user petitions;
- remind services in the event of non-respect of deadlines prescribed for the processing of files; and
- remind other ministries.

Section VIII

THE SUB-DEPARTMENT OF DOCUMENTATION AND ARCHIVES

Article 25 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Documentation and Archives shall:

- design and implement a system for filing the documentation of the Ministry;
- collect, centralize and conserve documents and archives of the Ministry;
- establish and manage documentation on environment and nature protection; and
- relate with the National Archives.

(2) It shall comprise:

- the Documentation Service; and
- the Archives Service.

Article 26

Placed under the authority of a Service Head, the Documentation Service shall:

- design and develop documentation filing system for the Ministry; and
- manage the documentation of the Ministry.

Article 27

Placed under the authority of a Service Head, the Archives Service shall:

- collect, centralize and conserve documents and archives of the Ministry; and
- relate with the National Archives.

Chapter II

THE DEPARTMENT OF DEVELOPMENT OF ENVIRONMENTAL POLICIES

Article 28 :

(1) Placed under the authority of a Director, the Department of Development of Environmental Policies shall:

- develop, monitor and evaluate the implementation of environmental protection sectoral master plans;
- develop and implement programmes to monitor the quality of environment, in conjunction with the administrations concerned;
- develop environmental and natural resources map, in conjunction with the technical departments and the administrations concerned;
- define research avenues in the field of environment, in conjunction with the administration concerned;

- monitor activities eligible for the National Environment and Sustainable Development Fund in conjunction with the Department of Promotion of Sustainable Development;
- monitor the activities of the Inter-ministerial Committee on Environment;
- collect, process and disseminate statistical data on environment;
- monitor the aid, assistance and partnership programme with national actors on environment;
- follow up the files of the National Consultative Commission on Environment and Sustainable Development, in conjunction with the Department of Promotion of Sustainable Development;
- monitor the implementation and updating of the National Environmental Management Plan;
- prepare the biennial report on the state of environment;
- mainstream environmental considerations into all plans and programmes, particularly economic, energy, land and education, in conjunction with the administrations concerned;
- constitute databases, in conjunction with the administrations concerned;
- participate in the negotiation and implementation of international conventions on environment in conjunction with the administrations concerned;
- develop and implement strategies for participation of the public in environmental management;
- do the technical supervision of regional and local authorities, private corporate bodies and natural persons with regard to environment and nature protection; and
- develop and implement incentive measures related to environmental protection.

(2) It shall comprise:

- the Sub-Department of Environmental Planning;
- the Sub-Department of Guidance and Local Partnership; and
- the Sub-Department of Environmental Awareness and Education.

Section I

THE SUB-DEPARTMENT OF ENVIRONMENTAL PLANNING

Article 29 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Environmental Planning shall:

- draw up and monitor the implementation of sectoral master plans for environment, in conjunction with the administrations concerned;
- prepare and publish biennial reports on the state of environment, in conjunction with the administrations concerned;
- define research avenues in the field of the environment, in conjunction with the administrations concerned;
- monitor the implementation and update the National Environmental Management Plan;
- collect, process and disseminate statistical data on environment; and
- mainstream environmental considerations into all plans and programmes, especially economic, energy, land and educational, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Planning Service; and
- the Environmental Statistics Service.

Article 30

Placed under the authority of a Service Head, the Planning Service shall:

- take initiatives related to the development and monitoring of the implementation of sectoral master plans on environmental protection;
- do preparatory works for the writing of the biennial report on the state of environment;
- make proposals related to updating and monitoring the implementation of the National Environmental Management Plan; and
- make proposal for measures to be taken into account in plans and programmes, particularly economic, energy, land and educational, in conjunction with the administrations concerned.

Article 31

Placed under the authority of a Service Head, the Environmental Statistics Service shall:

- make proposals for techniques on survey and census on environment, nature protection and sustainable development;
- undertake operations to collect, process and disseminate statistical data relating to environment; and
- constitute databases, in conjunction with technical departments.

Section II

THE SUB-DEPARTMENT OF GUIDANCE AND LOCAL PARTNERSHIP

Article 32 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Guidance and Local Partnership shall:

- do technical supervision of regional and local authorities, private corporate bodies and natural persons;
- make proposal for measures relating to the formulation of strategies to guide the population on environmental protection;
- prepare fairs, exhibitions and all other promotional events at national level relating to environment, nature protection and sustainable development in conjunction with the administrations concerned;
- follow up the aid, assistance and local partnership programme;
- participate in the eligibility of activities of the National Fund for Environment and Sustainable Development; and
- monitor local partnership with civil society organizations.

(2) It shall comprise:

- the Guidance Service; and
- the Local Partnership Service.

Article 33

Placed under the authority of a Service Head, the Guidance Service shall:

- take initiatives relating to the development of strategies to guide the populations regarding environment, nature protection and sustainable development; and
- undertake operations relating to technical supervision in the field of environment, nature protection and sustainable development.

Article 34

Placed under the authority of a Service Head, the Local Partnership Service shall:

- prepare works relating to participation in fairs, exhibitions and events at national level;
- implement the aid, assistance and local partnership programme; and
- monitor local partnership and all forms of collaboration with civil society organizations.

Section III

THE SUB-DEPARTMENT OF ENVIRONMENTAL AWARENESS AND EDUCATION

Article 35 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Environmental Awareness and Education shall:

- develop and implement environmental awareness policy, nature protection and sustainable development;
- set up and manage tools and materials for raising awareness on environment, nature protection and sustainable development, in conjunction with the technical structures;
- develop teaching programmes, in conjunction with the administrations concerned; and
- include lessons relating to environment, nature protection and sustainable development in school and university curricula, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Awareness Service; and
- the Environmental Education Service.

Article 36

Placed under the authority of a Service Head, the Awareness Service shall:

- implement strategies and programmes on environmental, nature protection and sustainable development awareness; and
- design awareness tools.

Article 37

Placed under the authority of a Service Head, the Environmental Education Service shall:

- monitor the impact of educational programmes on environment, nature and sustainable development; and
- promote the integration of environment, nature protection and sustainable development in the school and university education programmes, in conjunction with the administrations concerned.

Chapter III

THE DEPARTMENT OF CONSERVATION AND MANAGEMENT OF NATURAL RESOURCES

Article 38 :

(1) Placed under the authority of a Director, the Department of Conservation and Management of Natural Resources shall:

- develop and implement the programme to combat desertification, in conjunction with the administrations concerned;
- develop and monitor the implementation of sustainable natural resource management strategies, in conjunction with the administrations concerned;
- develop, implement and monitor actions to conserve nature and to uphold soil restoration plans;
- prepare the biennial report on biodiversity, in conjunction with the administrations concerned;
- develop, implement and monitor wetland programmes, in conjunction with the administrations concerned;
- develop and implement environmental protection and restoration strategies, in conjunction with the administrations concerned;
- update and implement the national biodiversity conservation strategy;
- support private initiatives to protect and restore soils, forestation, reforestation and rehabilitation of watersheds;
- monitor the activities of the National Biodiversity Committee and the National Biosecurity Committee;
-
- monitor biosafety activities, in conjunction with the administrations concerned;
- participate in the planning, creation and preservation of protected areas, ecological reserves representing national biodiversity and ecosystems; and
- participate in negotiating and implementing international agreements and conventions on environment and nature protection.

(2) It shall comprise:

- the Sub-Department of Biodiversity and Biosesurity;
- the Sub-Department of Promotion and Restoration of Nature; and
- the Sub-Department of Ecological and Climate Monitoring.

Section I

THE SUB-DEPARTMENT OF BIODIVERSITY AND BIOSECURITY

Article 39 ;

(1) Placed under the authority of a Sub-Director, the Sub-Department of Biodiversity and Biosecurity shall:

- draw up and monitor the implementation of national biodiversity and biosecurity policies, in conjunction with the administrations concerned;

- draw up and monitor the implementation of the national policy on access and sharing of benefits from genetic resources, in conjunction with the administrations concerned;
- collect and analyse data relating to the preparation of the biennial report on biodiversity and biosecurity;
- train personnel in biodiversity protection and conservation, in conjunction with the administrations concerned;
- monitor biosafety activities, in conjunction with the administrations concerned;
- monitor the activities of the National Biodiversity Committee and the National Biosecurity Committee; and
- develop and monitor the implementation of strategies and action plans to protect and conserve biological resources, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Biodiversity Protection Service; and
- the Biosecurity Service..

Article 40

Placed under the authority of a Service Head, the Biodiversity Protection Service shall:

- implement strategies and action plans to protect biological diversity;
- monitor biodiversity protection training;
- monitor the implementation of the national policy on genetic resources;
- participate in the issuance of certificates of compliance with environmental obligations in logging operations;
- participate in the preparation of shooting plans and the issuance of related visas;
- monitor the activities of the National Biodiversity Committee; and
- participate in the review of visa files on forest management plans.

Article 41

Placed under the authority of a Service Head, the Biosecurity Service shall:

- prepare and follow up files relating to genetically modified organisms;
- monitor information and public participation mechanism;
- monitor biosafety activities; and
- monitor the activities of the National Biosecurity Committee.

Section II

THE SUB-DEPARTMENT OF PROMOTION AND RESTORATION OF NATURE

Article 42 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Promotion and Restoration of Nature shall:

- develop the strategy for promoting nature conservation;
- develop and implement fire prevention and bushfire control strategies;
- carry out actions to promote nature conservation;
- develop and implement the programme to combat desertification, in conjunction with the

administrations concerned;

- support initiatives to set up, promote and restore protected areas and zones with fragile ecology, in conjunction with the administrations concerned;
- support private initiatives to protect and restore soil, forestation, reforestation and rehabilitation of watersheds, in conjunction with the administrations concerned;
- participate in the classification, inventory development, management and protection of protected areas and ecological reserves;
- participate in the development of research avenues on protected areas; and
- monitor the implementation of environmental restoration plans.

(2) It shall comprise:

- the Promotion Service; and
- the Restoration Service.

Article 43

Placed under the authority of a Service Head, the Promotion Service shall:

- monitor the implementation of actions to promote the conservation and protection of nature ;
- participate in making inventories of natural resources and sites, in conjunction with the administrations concerned;
- monitor the implementation of bushfire control strategies;
- monitor private initiatives for soil protection and restoration, forestation, reforestation and the rehabilitation of watersheds;
- make proposals for measures relating to the establishment and support of school and university organizations working to protect nature.

Article 44

Placed under the authority of a Service Head, the Restoration Service shall:

- monitor the implementation of national strategies to rehabilitate degraded sites, in conjunction with the administrations concerned;
- monitor the implementation of soil restoration strategies and plans.

Section III

THE SUB-DEPARTMENT OF ECOLOGICAL AND CLIMATE MONITORING

Article 45 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Ecological and Climate Monitoring shall:

- design and implement ecological watch and warning systems, in conjunction with the administrations concerned;
- develop, implement and monitor climate change programmes;
- develop the environmental monitoring strategy in conjunction with the administrations concerned;
- develop and implement the Environmental, Nature Protection and Sustainable Development Information Policy;

- manage geographical information systems on environment, nature protection and sustainable development;
- liaise with existing networks and information systems in the environmental, nature protection and sustainable development sector at national and international level;
- set up and run an information exchange platform between the focal points of international conventions and agreements relating to environment, nature protection and sustainable development;
- centralize data on information and documentation in all sectors of environment, in conjunction with the administrations concerned;
- preserve, make accessible and enhance environmental information, documentation and archives;
- support the production, dissemination and provision of environmental information and documentation;
- promote the culture on environment, nature protection and sustainable development;
- monitor the activities of the National Observatory on Climate Change; and
- participate in preventing and managing natural or man-made disasters.

(2) It shall comprise:
- the Ecological Monitoring Service; and
- the Climate Monitoring Service.

Article 46

(1) Placed under the authority of a Service Head, the Ecological Monitoring Service shall:

monitor the establishment of ecological and socio-economic profiles of ecosystems;

make inventories and map sites with fragile ecology or at risk, in conjunction with the administrations concerned;

examine files relating to the issuance of environmental visas on building permits and building ground development plans, in conjunction with the administrations concerned;

monitor the design and implementation of ecological monitoring and warning systems, in liaison with the administrations concerned;

participate in preventing and managing natural or man-made disasters.

(2) It shall comprise, besides the Service Head, 2 (two) Research Engineers.

Article 47

(1) Placed under the authority of a Service Head, the Climate Monitoring Service shall:
- summarise reports on international climate discussions:
- implement programmes concerning climate change;
- make an inventory and monitor the evolution of greenhouse gases and carbon stocks; and
- monitor the evolution of the climate.

(2) It shall comprise, besides the Service Head, 2 (two) Research Engineers.

Chapter IV

THE DEPARTMENT OF PROMOTION OF SUSTAINABLE DEVELOPMENT

Article 48 :

(1) Placed under the authority of a Director, the Department of Promotion of Sustainable Development shall:

- define research avenues in the field of sustainable development, in conjunction with the administrations concerned;
- develop and implement the Sustainable Development Strategy, in conjunction with the administrations concerned;
- develop and monitor the implementation of technology use strategies in conjunction with the administrations concerned;
- develop, monitor and evaluate the implementation of sectoral master plans on sustainable development;
- develop, disseminate and monitor the implementation of sustainable development indicators;
- identify and characterize environmental considerations likely to be taken into account in economic, energy, land and educational plans and programmes, in conjunction with the structures concerned;
- control operations relating to environmental assessments;
- evaluate the impact of public policies on sustainable development;
- issue certificates of compliance with environmental obligations;
- - prepare and follow up files of the Inter-ministerial Committee for Environment and National Consultative Commission for Environment and Sustainable Development;
- promote and disseminate tools, instruments, techniques and technologies of clean development in all sectors of the economy, in conjunction with the administrations concerned;
- promote the incorporation of sustainable development into sectoral policies;
- monitor environmental compliance in the implementation of programmes, projects, economic, social and cultural activities and operations;
- monitor and evaluate the implementation of Agenda 21, the Millennium Development Goals and subsequent action plans, in conjunction with the administrations concerned;
- implement Agenda 21, the Millennium Development Goals and subsequent action plans, in conjunction with the administrations concerned;
- monitor activities eligible to the National Fund for the Environment and Sustainable Development;
- liaise with the United Nations Commission for Sustainable Development; and
- participate in the negotiations and implementation of international conventions on sustainable development, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Sub-Department of Environmental Assessments;
- the Sub-Department of Environmental Management Plans; and
- the Sub-Department of Environmental Economy.

Section I

THE SUB-DEPARTMENT OF ENVIRONMENTAL ASSESSMENT

Article 49 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Environmental Assessment shall:

- develop standard templates for terms of reference for environmental and social impact assessments and audits;
- examine the acceptability of environmental and social impact assessment reports;
- evaluate the impact of public policies on sustainable development;
- evaluate the terms of reference proposed by project promoters;
- assess the consistency of projects with environmental protection requirements;
- prepare and follow up the files of the Inter-ministerial Committee for Environment and the National Consultative Commission for Environment and Sustainable Development;
- schedule and conduct public hearings and consultations;
- monitor and evaluate the implementation of Agenda 21, Millennium Development Goals and subsequent action plans, in conjunction with the administrations concerned;
- monitor activities eligible to the National Fund for Environment and Sustainable Development;
- participate in the negotiation of international conventions on sustainable development, in conjunction with the administrations concerned; and
- monitor and implement International Conventions on Sustainable Development, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Environmental and Social Impact Assessments Service; and
- the Environmental and Social Audits Service.

Article 50

Placed under the authority of a Service Head, the Environmental and Social Impact Assessments Service shall:

- prepare drafts of standard terms of reference for impact assessments, in conjunction with the administrations concerned;
- prepare technical reports on the terms of reference proposed by project proponents;
- do preparatory work to examine acceptability of impact assessment reports;
- do preparatory work to prepare reports on the consistency of projects with environmental protection requirements;
- organize public hearings and consultations and exploit their results; and
- perform operations to monitor the activities eligible for the National Environment and Sustainable Development Fund, in conjunction with the technical departments concerned.

Article 51

Placed under the authority of a Service Head, the Environmental and Social Audits Service shall:

- formulate drafts-templates of the terms of reference for environmental and social audits, in conjunction with the administrations concerned;

- evaluate measures proposed in the environmental and social management plan;
- prepare drafts of standard terms of reference for environmental and social audits, in conjunction with the administrations concerned;
- prepare technical reports on the terms of reference proposed by the promoters of facilities and activities;
- do preparatory work to examine acceptability of environmental and social audit reports;
- do preparatory work to compile reports on consistency of facilities and activities with environmental protection requirements;
- monitor and evaluate the implementation of Agenda 21, the Millennium Development Goals for Development and subsequent action plans, in conjunction with the administrations concerned; and
- do operations relating to the monitoring of activities eligible for the National Environment and the Sustainable Development Fund, in conjunction with the technical departments concerned.

Section II

THE SUB-DEPARTMENT OF ENVIRONMENTAL MANAGEMENT PLANS

Article 52 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Environmental Management Plans shall:

- plan the monitoring and evaluation of Environmental and Social Management plans;
- organize support to the administrative and technical monitoring committees for environmental and social management;
- monitor and evaluate the effectiveness of the measures contained in environmental and social management plans; and
- exploit the results of the implementation of environmental and social management plans.

(2) It shall comprise:

- the Administrative and Technical Supervision of Environmental and Social Management Plans Service; and
- the Data Management Service.

Article 53

Placed under the authority of a Service Head, the Administrative and Technical Supervision of Environmental and Social Management Plans Service shall:

- propose and monitor the establishment of administrative and technical monitoring teams for environmental and social management plans;
- control the proper functioning of the administrative and technical monitoring teams of the environmental and social management plans;
- propose the forms of technical assistance to the administrative and technical supervision of environmental and social management plans.

Article 54

Placed under the authority of a Service Head, the Data Management Service shall:

- monitor the implementation of environmental and social management plans;

- monitor and evaluate the effectiveness of the measures contained in the environmental and social management plans;
- exploit the results of environmental and social management plans; and
- participate in the preparation of the report on the status of implementation of environmental and social management plans.

Section III

THE SUB-DEPARTMENT OF ENVIRONMENTAL ECONOMY

Article 55 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Environmental Economy shall:

- propose strategies for use of clean technologies and monitor their implementation in conjunction with the administrations concerned;
- propose, monitor and evaluate the implementation of projects of sustainable development sectoral plans;
- propose sustainable development draft indicators; and
- promote and disseminate tools, instruments, techniques and technologies of clean development in all sectors of the economy, in conjunction with the administrations concerned;
- promote renewable and non-renewable resource management strategies for sustainable development;
- promote green economy, energies, technologies and clean management methods;
- assess externalities of human activities on environment, in conjunction with the administrations concerned;
- do socio-economic evaluation of environmental regulation instruments for clean development; and
- assess the contribution of natural resources and environment to economic and social development, in conjunction with the administrations concerned;
- monitor the Clean Development Mechanism.

(2) It shall comprise:

- the Clean Energies, Green Goods and Services Service; and
- the Clean Development Mechanism and Clean Technologies Monitoring Service.

Article 56

Placed under the authority of a Service Head, the Clean Energies, Green Goods and Services Service shall:

- propose themes for studies on clean energies;
- propose clean energy draft indicators, in conjunction with the administrations concerned;
- propose initiatives related to the promotion of the development of renewable energy and all forms of clean energy; and
- promote green goods and services.

Article 57

Placed under the authority of a Service Head, the Clean Development Mechanism and Clean Technologies Monitoring Service shall:

- propose measures to develop strategies for the use of technologies in conjunction with the administrations concerned;
- implement clean technology use strategies;
- identify and disseminate non-polluting production methods;
- promote initiatives, disseminate tools, instruments and techniques for use of clean technologies in all sectors of the economy;
- prepare work to elaborate, disseminate and monitor the implementation of sustainable development indicators;
- prepare work to elaborate, disseminate and monitor the implementation of sectoral sustainable development plans;
- propose initiatives related to promoting the green economy;
- propose initiatives related to promoting renewable and non-renewable resource management strategies geared toward sustainable development;
- prepare socio-economic assessment of the regulatory instruments of environment;
- prepare the assessment of the contribution of natural resources and environment to economic and social development, in conjunction with the administrations concerned;
- monitor projects and activities eligible for the Clean Development Mechanism;
- propose measures for the use of best environmental practices in activities of the rural sector, in conjunction with the administrations concerned; and
- propose incentives for the use of appropriate clean management methods.

Chapter V

THE DEPARTMENT OF STANDARDS AND CONTROL

Article 58 :

(1) Placed under the authority of a Director, the Department of Standards and Control shall:

- define and monitor compliance with environmental norms, guidelines and standards;
- define and implement environmental parameters;
- define methods for managing plastic, toxic and dangerous waste, in conjunction with the administrations concerned;
- define non-biodegradable packaging management standards, in conjunction with the administrations and agencies concerned;
- develop and implement guides to good environmental practice, in conjunction with the administrations and agencies concerned;
- participate in elaborating and implementing the global harmonized system of codification and labelling of chemicals, in conjunction with the administrations concerned;
- do environmental inspections and controls;
- do inventory and control of environmental harmfulness of chemicals;
- monitor the chain of custody and management of chemicals, in conjunction with the administrations concerned;
- monitor the activities of environment unit of other administrations;
- participate in the registration of potentially harmful active substances; and
- participate in negotiations and the implementation of international agreements and conventions on environmental standards, waste and chemical products.

(2) It shall comprise:

- the Environmental Inspections Brigade;
- the Sub-Department of Standards, Approvals and Visas; and
- the Sub-Department of Management of Waste, Chemicals, Toxic and Harzardous Products.

Section I

THE ENVIRONMENTAL INSPECTIONS BRIGADE

Article 59:

(1) Placed under the authority of a Head of Brigade, the Environmental Inspections Brigade shall:

- monitor the implementation of national regulations and international standards in force on environment and sustainable development;
- monitor compliance with environmental standards for sanitation;
- control pollution, nuisances and standards of establishments;
- control and monitor transboundary pollution; and
- do periodic control of landfills.

(2) It shall comprise:

- the Terrestrial Inspection Unit;
- the Aquatic, Coastal and Marine Environments Inspection Unit; and
- the Air and Atmosphere Inspection Unit.

Article 60

(1) Placed each under the authority of a Head of Unit, the Inspection Units provided for in Article 59 (2) above, shall respectively:

- do environmental inspections and controls;
- monitor compliance with environmental standards for sanitation;
- control pollution and establishment standards;
- control and monitor transboundary pollution;
- do periodic control of landfills;
- control noise and odour pollution;
- monitor the implementation of national and international regulations in force relating to environment, nature protection and sustainable development; and
- exploit and publish inspection findings.

(2) Each Inspection Unit shall comprise, in addition to the Unit Head, 3 (three) Environmental Inspectors and 5 (five) Environmental Controllers.

Section II

THE SUB-DEPARTMENT OF STANDARDS, APPROVALS AND VISAS

Article 61 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Standards, Approvals and Visas shall:

- develop environmental norms, guidelines and standards;
- develop guides on inspection and best environmental practices;
- approve active ingredients, in particular chemical, physical, radioactive, biological, biotechnology and pharmaceutical, in conjunction with the administrations concerned; and
- issue environmental visas and approvals.

(2) It shall comprise:

- the Standards Service; and
- the Approvals and Visas Service.

Article 62

Placed under the authority of a Service Head, the Standards Service shall:

- monitor compliance with environmental norms, guidelines and standards;
- follow up the implementation of the guides on best environmental practices; and
- examine files relating to the issuance of technical visas, environmental notices and approvals.

Article 63

(1) Placed under the authority of a Service Head, the Approvals and Visas Service shall review files related to:

- approving activities and professions related to the management of toxic and dangerous waste;
- assigning and developing controlled landfills;
- disposal, recycling and land-filling of waste;
- visas on public or private allotment plans, in conjunction with the administrations concerned;
- building permits, in conjunction with the administrations concerned; and
- the issuance of waste traceability manifests, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Approvals Bureau; and
- the Visa Bureau.

Section III

THE SUB-DEPARTMENT OF MANAGEMENT OF WASTE, CHEMICALS, TOXIC AND HARZADOUS PRODUCTS

Article 64 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of the Management of Waste, Chemicals, Toxic and Hazardous Products shall:

- define industrial waste management standards, toxic and hazardous waste as well as determine their treatment method;

- define special waste management mechanisms;
- define and implement standards for managing non-biodegradable plastic packaging;
- develop best practice guides for managing toxic and hazardous waste; and
- prevent and reduce the impacts of toxic and hazardous waste on recipient environment, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Toxic and Dangerous Waste Service; and
- the Chemicals Management Service.

Article 65

1) Placed under the authority of a Service Head, the Toxic and Hazardous Waste Service shall:

- take measures relating to defining standards for managing industrial waste, toxic and hazardous waste substances and determine their treatment method;
- prepare work to define special waste management mechanisms;
- prepare work to define non-biodegradable packaging management policy;
- propose approaches to promote the selective sorting of waste;
- monitor and support health structures in hospital waste management;
- examine files relating to the disposal, recycling and burial of waste, in conjuction with the administrations concerned;
- examine approval files for activities related to waste management; and
- monitor the chain of custody of toxic and dangerous waste.

(2) It shall comprise:

- the Industrial Waste Bureau; and
- the Plastic Waste Bureau.

Article 66

(1) Placed under the authority of a Service Head, the Chemicals Management Service shall:

- implement the global harmonized system of product codification and labelling in conjunction with the administrations concerned; and
- do inventory, quality control and monitor traceability of chemicals, in conjunction with the administrations concerned.

(2) It shall comprise:

- the Chemical Products Inventories Bureau; and
- the Global Harmonized System of Chemical Products Bureau.

Chapter VI

THE ENVIRONMENTAL INFORMATION AND DOCUMENTATION CENTRE (CIDE)

Article 67 :

(1) Placed under the authority of a Head of Centre, the Environmental Information and Documentation Centre (ClDE) shall:

- develop and implement information policy relating to environment, nature protection and sustainable development;
- manage geographical information systems on environment, nature protection and sustainable development;
- liaise with existing networks and information systems in the environment, nature protection and sustainable development sector, nationally and internationally;
- set up and run a clearing house between the focal points of international conventions and agreements relating to environment, nature protection and sustainable development;
- centralize data on information and documentation in all sectors of environment, in conjunction with the administrations concerned;
- preserve, provide and exploit environmental information, documentation and archives;
- support the production, dissemination and provision of environmental information and documentation; and
- promote the culture on environment, nature protection and sustainable development.

(2) It shall comprise:

- the Environmental Information Systems Section;
- the Environmental Documentation Section; and
- the Clearing House Section.

PARAGRAPH I
THE ENVIRONMENTAL INFORMATION SYSTEMS SECTION

Article 68 :

(1) Placed under the authority of a Section Head, the Environmental Information Systems Section shall:

- develop and implement information policy on environment, nature protection and sustainable development at all levels of social, economic and cultural life;
- develop the environmental and natural resources map, in conjunction with the technical departments and administrations concerned;
- develop and implement strategies for public participation in environmental management, in conjunction with the Department of Environmental Policy Development;
- produce and disseminate information on environment, nature protection and sustainable development;
- liaise with existing networks and information systems in the environment, nature protection and sustainable development sector, at national and international level, in conjunction with the Data Processing Unit; and
- partner with other national information dissemination structures.

(2) It shall comprise:

- the Environmental Information Systems and Databases Management Service and
- the Studies and Cartography Service.

Article 69

(1) Placed under the authority of a Service Head, the Environmental Information Systems and Database Management Service shall:

- constitute thematic databases of the environmental information system, in conjunction with the

technical departments concerned;

- collect, process and harmonize environmental data;
- manage geographical information systems and information resources, in conjunction with the administrations concerned;
- disseminate data on environment, nature protection and sustainable development;
- prepare work to design and manage the environmental information system; and
- manage the website of the environmental information system, in conjunction with producers and broadcasters of environmental information.

(2) It shall comprise:

- the Management of Environmental Information System Bureau; and
- the Database Management Bureau.

Article 70

(1) Placed under the authority of a Service Head, the Studies and Cartography Service shall:

- prepare work to develop the environmental and natural resources map;
- monitor indicators of the green, grey and brown environment;
- supply and manage cartographic module of the environmental information system; and
- do studies on the collection and exploitation of information on environment, nature protection and sustainable development.

(2) It shall comprise, besides the Service Head, 2 (two) Research Engineers.

PARAGRAPH II
THE ENVIRONMENTAL DOCUMENTATION SECTION

Article 71 :

(1) Placed under the authority of a Head of Section, the Environmental Documentation Section shall:

- collect, gather, centralize and exploit documentation on environment, nature protection and sustainable development;
- manage and provide environmental documentation;
- make inventory and monitor the implementation of actions that enhance environmental documentary heritage;
- establish partnerships to acquire and manage environmental documentation; and
- produce publications relating to environment, nature protection and sustainable development.

(2) It shall comprise:

- the Promotion of Environmental Culture Service;
- the User Guidance Service; and
- the Publications and Reprography Service.

Article 72

(1) Placed under the authority of a Service Head, the Promotion of Environmental Culture Service shall:

- promote reading and exploitation of environmental documentation;
- collect data on access to environmental documentation;
- acquire and preserve documentation of the CIDE;
- establish a filing system for CIDE documentation:
- set up electronic documentation at the CIDE;
- provide documentation on environment, nature protection and sustainable development; and
- enrich the documentary funds of deconcentrated services and regional and local authorities.

(2) It shall comprise:
- the Acquisitions Bureau;
- the Documentary Fund Management Bureau; and
- the Electronic Documentation Bureau.

Article 73

(1) Placed under the authority of a Service Head, the User Guidance Service shall:
- manage the CIDE library;
- manage the user service;
- open a user file by socio-professional categories; and
- control compliance with the rules of procedure of the Library;

(2) It shall comprise:
- the Users Registration and Database Bureau; and
- the Users Service Bureau.

Article 74

(1) Placed under the authority of a Service Head, the Publications and Reprography Service shall:
- produce publications relating to environment, nature protection and sustainable development;
- produce documentary or graphic video media intended to promote culture in environment, nature protection and sustainable development;
- participate in the production of products related to ecological tourism; and
- do reprography work at CIDE.

(2) It shall comprise:
- the Publications Bureau; and
- the Reprography Bureau.

PARAGRAPH III
THE CLEARING HOUSE SECTION

Article 75 :

(1) Placed under the authority of a Section Head, the Clearing House Section shall:
- collect and centralize information from Clearing Houses, in conjunction with technical departments;

- animate the clearing house platform between the focal points of international conventions and agreements on environment, nature protection and sustainable development, in conjunction with the structures concerned; and
- manage and update the website of each Clearing House.

(2) It shall comprise:

- the Information Bank Service; and
- the Focal Point Platform Monitoring Service.

Article 76

(1) Placed under the authority of a Service Head, the Information Bank Service shall:

- collect, gather information from Clearing Houses, in conjunction with the technical departments; and
- centralize and provide information on conventions and agreements on environmental, nature protection and sustainable development issues.

(2) It shall comprise, besides the Service Head, 2 (two) Research Engineers.

Article 77

(1) Placed under the authority of a Service Head, the Focal Point Platform Monitoring Service shall:

- animate and follow up the clearing house platform between the focal points of international conventions and agreements on environment, nature protection and sustainable development; and
- manage and update the website of each clearing house.

(2) It shall comprise, besides the Service Head, 2 (two) Research Engineers.

Chapter VII

THE DEPARTMENT OF GENERAL AFFAIRS

Article 78 :

(1) Placed under the authority of a Director, the Department of General Affairs shall:

- implement the Ministry’s human resources management policy;
- implement Government's policy on the training of personnel working in the ministry;
- recruit contract workers;
- coordinate the development of the training plan for internal staff;
- monitor the improvement of working conditions;
- prepare administrative acts for managing internal staff;
- prepare personnel transfer measures within the ministry;
- instruct disciplinary files of internal staff;
- implement the legislative and regulatory texts on the ministry’s expenditure;
- prepare salary items and accessories of personnel payroll in services at the Ministry, in conjunction with the relevant structures;
- input and validate salary for acts of recruitment, promotion, appointment, increment and grade;

- input and validate various salary allowances and bonuses;
- input and validate salary family allowances;
- update the payroll;
- prepare and liquidate acts granting pension rights and life annuities upon approval of the competent services;
- draw up and liquidate acts granting workers' compensation for labour accidents and occupational diseases, after the approval of the competent services;
- update internal staff database;
- prepare, execute and control the Ministry's budget;
- prepare tender-call documents and monitor the execution of public contracts within the Ministry;
- control compliance with procurement procedures;
- keep the database and statistics on public contracts;
- conserve public contracts documents;
- monitor the execution of works and services; and
- manage and keep movable and immovable property of the Ministry.

(2) It shall comprise:

- the SIGIPES Project Management Unit;
- the Sub-Department of Personnel, Salaries and Pensions;
- the Sub-Department of Budget, Equipment and Maintenance; and
- the Sub-Department of Environmental Revenues.

Section I

THE SIGIPES PROJECT MANAGEMENT UNIT

Article 79 :

(1) Placed under the authority of a Unit Head, the Integrated Computerized State Personnel and Payroll Management System Unit shall:

- centralize and continuously update the electronic database of the personnel and payroll of the Ministry;
- edit salary documents; and
- operate and maintain computer applications of the Sub-Department of Personnel, Salaries and Pensions.

(2) It shall comprise, in addition to the Head of Unit, 2 (two) Assistant Research Officers.

Section II

THE SUB-DEPARTMENT OF PERSONNEL, SALARIES AND PENSIONS

Article 80 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Personnel, Salaries and Pensions shall:

- centralize and continuously update the physical files of the personnel and payroll of the Ministry;
- prepare staffing measures within the Ministry, in accordance with the organisational set up;
- follow up the career of the personnel, in conjunction with the technical departments;
- develop sectoral staff training plan of the Ministry;
- prepare staff management acts;
- instruct disciplinary files of the personnel;
- prepare staff disciplinary files;
- handle social assistance to staff and support associative and cultural life;
- exploit computer applications for the integrated management of state personnel and salaries;
- manage pensions;
- prepare salary items and salary accessories;
- input and validate salaries for acts of recruitment, promotion, appointment, increment and grade;
- input and validate salary allowances and various bonuses;
- input and validate salary family allowances;
- update salary database;
- prepare and liquidate acts granting pension rights and life annuities upon approval of the competent services; and
- draw up and liquidate acts granting workers' compensation for pensions and occupational diseases, upon the approval of competent services.

(2) It shall comprise:

- the Personnel, Training and Internship Service;
- the Salaries and Pensions Service; and
- the Social Action Service.

Article 81

(1) Placed under the authority of a Service Head, the Personnel, Training and Internship Service shall:

- prepare acts relating to personnel management;
- manage workstations;
- plan workforce, in conjunction with the Ministry of Public Service and Administrative Reform;
- centralize training needs;
- instruct disciplinary files of the personnel;
- update personnel database;
- formulate proposals on the definition of personnel training policy;
- do operations to design and implement personnel retraining procedures;
- assess needs and schedule training and refresher courses;
- research and manage training scholarship offers;
- organize and follow up internships and seminars for ministry staff;
- keep the interns database and statistics.

(2) It shall comprise:

- the Database Bureau;
- the Civil Servants Bureau;
- the Non-Civil Servants Bureau; and
- the Training and Internships Bureau.

Article 82

(1) Placed under the authority of a Service Head, the Salaries and Pensions Service shall:

- prepare salaries and acts of payment;
- process family allowance files;
- prepare acts relating to salary accessories;
- input and validate salaries for acts of recruitment, promotion, appointment, increment and grade;
- input and validate salary allowances and various bonuses;
- input and validate salary family allowances;
- update the payroll database;
- prepare and liquidate acts granting pension rights and life annuities upon approval of the competent services;
- draw up and liquidate acts granting workers' compensation for work accidents and occupational diseases, upon the approval of the competent services;
- process financial files of occupational diseases and risks;
- do documentation and records relating to salaries;
- prepare pension documents;
- establish pension listings;
- manage salary litigations, in conjunction with the competent services of the ministry in charge of finance.

(2) It shall comprise:

- the Pensions Bureau; and
- the Salaries Bureau.

Article 83

(1) Placed under the authority of a Service Head, the Social Action Service shall:

- inform the personnel on assistance procedures relating to diseases and occupational accidents and medical care, in conjunction with the ministries in charge of finance and health;
- monitor the improvement of working conditions in services; and
- support associative and cultural life of internal staff.

(2) It shall comprise:

- the Assistance Bureau; and
- the Associative and Cultural Life Bureau.

Section III

THE SUB-DEPARTMENT OF THE BUDGET, EQUIPMENT AND MAINTENANCE

Article 84 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of the Budget, Equipment and Maintenance shall:

- prepare and monitor implementation of the Ministry’s budget;

- manage and maintain all movable and immovable property of the Ministry;
- prepare Tender-Call Documents and monitor the execution of Public Contracts within the Ministry.

(2) It shall comprise:

- the Budget and Equipment Service;
- the Public Contract Service; and
- the Maintenance Service.

Article 85

(1) Placed under the authority of a Service Head, the Budget and Equipment Service shall:

- synthesise and consolidate the recurrent budget;
- monitor implementation of the financial commitments of central services;
- prepare and monitor implementation of the investment budget; and
- advise and assist in acquiring equipment.

(2) It shall comprise:

- the Budget Bureau; and
- the Equipment Bureau.

Article 86

(1) Placed under the authority of a Service Head, the Public Contracts Service shall:

- prepare tender-call or consultancy files, in conjunction with the relevant technical departments;
- check compliance with and follow up procedures to award and control the execution of public contracts, in conjunction with the Ministry of Public Contracts;
- keep the Ministry's database and statistics on public contracts;
- monitor litigation on public contracts, in conjunction with the Legal Affairs Division;
- conserve the Ministry’s public contracts documents; and
- forward all documents relating to public contract to the ministry in charge of public contracts.

(2) It shall comprise:

- the Tenders Bureau; and
- the Public Contracts Execution Follow-up and Control Service.

Article 87

(1) Placed under the authority of a Service Head, the Maintenance Service shall:

- maintain buildings;
- maintain equipment;
- clean premises and their surroundings.

(2) It shall comprise:

- the Maintenance Bureau; and
- the Cleanliness Bureau.

Section IV

THE SUB-DEPARTMENT OF ENVIRONMENTAL REVENUES

Article 88 :

(1) Placed under the authority of a Sub-Director, the Sub-Department of Environmental Revenues shall:

- develop mechanisms and procedures to secure environmental revenues, in conjunction with the administrations concerned;
- monitor the collection of revenues from transactions and any other revenue related to environmental protection; and
- monitor the collection of revenues from fines for damages to environment.

(2) It shall comprise:

- the Credits Database Service; and
- the Follow-up of Collections Service.

Article 89

Placed under the authority of a Service Head, the Credits Database Service shall:

- establish a database on the nature and amounts of credits to be collected; and
- monitor operations related to the environmental tax base.

Article 90

Placed under the authority of a Service Head, the Follow-up of Collections Service shall:

- monitor the collection of revenues from transactions, as well as any other revenues related to environmental and nature protection;
- monitor the collection of revenues from fines for damages to environment and nature; and
- propose measures to increase the efficiency of revenues from transactions, as well as all other revenues related to environmental protection and sustainable development.

PART VI

DECONCENTRATED SERVICES

Article 91 :

Deconcentrated Services of the Ministry of Environment, Nature Protection and Sustainable Development shall comprise:

- Regional Delegations of Environment, Protection of Nature and Sustainable Development;
- Divisional Delegations of Environment, Protection of Nature and Sustainable Development; and
- Environmental Control Checkpoints.

Chapter I

REGIONAL DELEGATION OF THE ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT

Article 92 :

(1) Placed under the authority of a Regional Delegate, the Regional Delegation of Environment, Protection of Nature and Sustainable Development shall:

- develop the Regional Delegation's draft action programme and budget as well as implement the retained operations;
- manage human, material and financial resources;
- collect and centralize statistical data on environment, nature protection and sustainable development;
- monitor compliance with the enforcement of laws and regulations on environment, nature protection and sustainable development in the Region;
- follow up the development of the action programmes of Divisional Delegations and approve them; and
- monitor projects carried out in the Region, in the field of environment, nature protection and sustainable development.

(2) It shall comprise:

- the Regional Brigade of Environmental Inspections;
- the Sustainable Development Service;
- the Management Plan Monitoring Service;
- the Conservation, Promotion and Monitoring Service;
- the Information, Awareness and Documentation Service; and
- the General Affairs Service.

Article 93

(1) Placed under the authority of a Regional Brigade Head, the Regional Brigade of Environmental Inspections shall:

- monitor the application of environmental norms, guidelines and standards;
- disseminate standards and regulations;
- do environmental inspections and controls;
- monitor compliance with environmental standards for sanitation;
- control and monitor transboundary pollution;
- monitor enforcement of national and international regulations in force, relating to environment; and
- participate in developing inspection guides.

(2) It shall comprise, in addition to the Regional Brigade Head, 6 (six) Regional Controllers.

Article 94

(1) Placed under the authority of a Service Head, the Sustainable Development Department shall:

- hold public hearings and consultations;
- propose specific sustainable development measures to local issues;
- monitor and implement sustainable development programmes and projects in the Region;
- participate in designing and planning projects and programmes of activities that contribute to sustainable development in its territorial jurisdiction, in conjunction with the administrations concerned;
- participate in the process of carrying out environmental assessments; and
- participate in developing regional master plans.

(2) It shall comprise:

- the Public Hearings and Consultations Bureau; and
- the Development Support Bureau.

Article 95

Placed under the authority of a Service Head, the Environmental Management Plan Monitoring Service shall:

- support administrative and technical monitoring committees of management plans;
- monitor, evaluate and draw a balance sheet of the extent of implementation of environmental management plans;
- monitor and evaluate the effectiveness of the measures contained in the environmental management plans.

Article 96

Placed under the authority of a Service Head, the Conservation, Promotion and Monitoring Service shall:

- establish ecological and socio-economic profiles of ecosystems;
- identify and examine the files gazetting natural sites of cultural or ecotourism interest, in conjunction with the administrations concerned;
- control bush fires;
- monitor implementation of national policy on the protection of natural resources and recipient environments, in conjunction with other services concerned;
- monitor implementation of the national biodiversity conservation strategy;
- monitor the setting-up of ecological watch and warning systems;
- participate in developing and implementing nature conservation promotion actions to the public;
- participate in developing and monitoring the updated protected areas and ecological reserves map; and
- participate in reforestation activities and combat desertification.

Article 97

Placed under the authority of a Service Head, the Information, Awareness and Documentation Service shall:

- develop the regional environmental map;
- constitute regional databases on environment and nature protection;
- establish the management of documentation on environment and nature protection;
- implement environmental awareness and education programme.

Article 98

(1) Placed under the authority of a Service Head, the General Affairs Service shall:

- manage the personnel;
- prepare and execute the budget; and
- do ordering and follow up.

(2) It shall comprise:

- the Personnel Bureau;
- the Budget and Material Bureau; and
- the Mails and Liaison Bureau.

Chapter II

DIVISIONAL DELEGATION OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT

Article 99 :

(1) Placed under the authority of a Divisional Delegate, the Divisional Delegation of Environment, Protection of Nature and Sustainable Development shall:

- coordinate activities that fall under the Ministry in the division;
- organize, animate and control activities that fall under the Ministry in the division.

(2) It shall comprise:

- the Sustainable Development Bureau;
- the Environmental Conservation and Monitoring Bureau;
- the Environmental Inspections Assessments Bureau;
- the Environmental Information and Documentation Bureau; and
- the General Affairs Bureau.

Chapter III

ENVIRONMENTAL CHECKPOINTS

Article 100 :

(1) Placed each under the authority of a Checkpoint Head, Environmental Checkpoints shall:

- control environmental conformity of goods at entry and exit of the country;
- control trans-boundary movements of waste and other products prohibited by existing legislation and relevant international conventions;
- monitor and protect areas with fragile ecology.

(2) Other powers and location of Environmental Checkpoints may be adopted, as necessary, by order of the Minister of Environment, Nature Protection and Sustainable Development, upon approval of the Prime Minister, Head of Government.

PART VII

MISCELLANEOUS AND FINAL PROVISIONS

Article 101 :

Appointments to positions of responsibility provided for in this Decree shall be made in accordance with profiles retained in the attached organisational chart.

Article 102

Shall have rank and prerogatives of:

Secretary General:

- the Inspector General.

Director of Central Administration:

- Technical Advisers;
- Inspectors;
- Heads of Division;
- Head of the Environmental Information and Documentation Centre (CIDE).

Deputy Director of Central Administration:

- Regional Delegates.

Sub-Director of Central Administration:

- Unit Heads;
- Section Heads of the CIDE;
- Head of the Environmental Inspections Brigade;
- Divisional Delegates.

Deputy Service Head of Central Administration:

- Assistants Research Officers;
- Heads of Private Secretariat;
- Heads of Inspection Unit;
- Heads of Regional Brigade of Environmental Inspections;
- Regional Service Heads;
- Heads of Environmental Checkpoint.

Deputy Head of Central Administration:

- Inspectors of the Environment;
- Research Engineers.

Bureau Head of the Central Administration:

- Environmental Controllers;

- Regional Controllers;
- Heads of Regional Bureaus;
- Heads of Divisional Bureaus.

Article 103

The staff of the Ministry of Environment, Protection of Nature and Sustainable Development responsible for inspections and control shall take an oath before the High Court of their jurisdiction before taking office.

Article 104

All previous provisions repugnant contrary to this Decree, in particular those of Decree No. 2005/117 of 14 April 2005 to organize the Ministry of Environment and Protection of Nature, amended and supplemented by Decree No. 2005/496 of 31 December 2005 are hereby repealed.

Article 105

This Decree shall be registered and published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 1 October 2012

Paul Biya
President of the Republic

II.33

DECREE NO. 2013/0171/PM OF 14 FEBRUARY 2013 TO LAY DOWN THE TERMS AND CONDITIONS FOR CONDUCTING ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS

DECREE NO. 2013/0171/PM OF 14 FEBRUARY 2013 TO LAY DOWN THE TERMS AND CONDITIONS FOR CONDUCTING ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No.96/12 of 5 August 1996 relating to environmental management;

Mindful of Law No.98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No.2004/017 of 22 July 2004 to orientate the decentralization process;

Mindful of Law No.2004/018 of 22 July 2004 to lay down rules applicable to the Regions;

Mindful of Law No.2004/018 of 22 July 2004 to lay down rules applicable to councils;

Mindful of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister amended and supplemented by Decree No.95/145 bis of 4 August 1995;

Mindful of Decree No.2001/78/PM of 3 September 2001 to lay down the functioning of the Inter-ministerial Committee on the Environment and subsequent texts;

Mindful of Decree No.2008/064 of 4 February 2008 to lay down terms and conditions for managing the National Environment and Sustainable Development Fund;

Mindful of Decree No.2012/0882/PM of 27 March 2012 to lay down terms and conditions for exercising powers transferred by the State to councils concerning environment ;

Mindful of Decree No.2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No.2011/409 of 9 December 2011 to appoint a Prime Minister, Head of Government

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the methodology for conducting environmental and social impact assessments.

Article 2 :

For the purposes of this Decree, the following definitions shall apply:

Environmental and Social Impact Assessment":

a systematic review to determine the potential for and adverse effects of a project on the environment; it helps to mitigate, avoid, eliminate or offset adverse effects on the environment.

"Environmental and Social Impact Statement":

a report prepared on projects or small-scale establishment/facilities plants that are not subject to an environmental and social impact assessment or an environmental and social audit, but which may have significant effects on the environment.

"Strategic Environmental Assessment or Strategic Environmental Impact Assessment"

shall mean a systematic, formal and comprehensive process for assessing environmental effects of a multi-component policy, plan, programme or project.

Article 3:

(1) The environmental and social impact assessment may be a brief or detailed write-up describing the entire project. However, in the case of phased termination or extension of the project, an environmental and social impact assessment may be conducted for each phase.

(2) The environmental and social impact assessment shall be carried out only once in the life of a venture. However, in case of expansion or renovation, another environmental impact assessment shall be required.

(3) The implementation of a project shall not start before the environmental and social impact assessment related thereto is approved.

Article 4:

Any project proponent of a multi-component policy, plan, programme or project may undertake a strategic environmental assessment. However, in the context of the implementation of each related project or component, the proponent shall carry out an environmental and social impact assessment.

Article 5:

The environmental impact statement shall be done either before the start of the project, establishment or facility, or during its operation. The specification is then worked out at completion of the impact statement.

Article 6:

Costs relating to the environmental and social impact assessment, the strategic environmental impact assessment and the environmental impact statement shall be borne by the project proponent in compliance with the provisions of this Decree.

Article 7:

Any proponent of a project, an establishment, a programme or a policy shall conduct an environmental and social impact assessment, a strategic environmental assessment, or write an environmental impact statement on pain of penalties provided for by the laws and regulations in force.

Article 8:

(1) The list of activities subject to the environmental and social impact assessment, to the strategic environmental assessment shall be drawn up by order Minister in charge of environment.

(2) The activities treated in the environmental impact statement shall be determined by the council upon the opinion of the Divisional Head of deconcentrated services of the Ministry in charge of environment.

(3) The Minister in charge of environment shall fix the standard outline for the Terms of Reference for environmental and social impact assessments, strategic environmental assessments and environmental impact statements depending on the activities involved and after consulting the Inter-ministerial Committee on Environment.

Chapter II

CONTENT OF THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT, STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT STATEMENT

Article 9 :

The content of the summary environmental and social impact assessment shall include:

- A summary of the report in plain language in English and in French,
- A description of the project site surroundings and the region,
- A description of the project,
- A review of the legal and institutional context,
- A report of the field trip,
- An inventory and description of the effects of projects on the environment and the envisaged mitigating measures,
- The terms of reference of the assessment,
- The environmental and social management plan, and
- Bibliographical references relating thereto.

Article 10:

A detailed environmental and social impact assessment shall include:

- A summary of the report in plain language in English and in French,
- A description and analysis of the initial state of the site and its physical, biological, socio-economic and human environment,
- A description and analysis of all the natural and socio-cultural elements and resources likely to be affected by the project as well as the reasons for the choice of the site,
- A description of the project and the reasons for its choice among other possibilities,
- A review of the legal and institutional context,
- Identification and evaluation of the possible effects of the project implementation on the natural and human environment,
- An indication of the measures planned to avoid, reduce or eliminate the damaging effects of the project on the environment,
- Awareness and information programme as well as the minutes of meetings held with the people, non-governmental organizations, trade unions, opinion leaders and other organized groups involved in the project,
- The environmental and social management plan including the monitoring mechanisms of the project and its environment and, if applicable, the compensation plan, and
- The terms of reference of the study, as well as bibliographical references.

Article 11:

The content of the strategic environmental assessment shall include among others:

- The summary of the report in plain language in English and in French,
- A description of the policy, plan or programme and its alternatives,

- A description of the institutional and legal framework related to the policy, plan or programme,
- Identification of key stakeholders and their concerns,
- Evaluation of possible environmental impacts,
- A prescription of the relevant environmental management recommendations and measures in an environmental management plan.

Article 12:

The content of an environmental impact statement shall include:

- A summary of the impact statement in English and in French,
- A description of the project or establishment,
- A description of the state of the site and its physical, biological, socio-economic and human environment,
- Identification of the possible effects of the project implementation or establishment on the natural and human environment,
- The measures planned to avoid, reduce, eliminate or offset the damaging effects of the project on the environment and an estimate of the corresponding expenditure,
- The awareness and information programme as well as the reports of consultations with local populations,
- The terms of reference of the environmental impact statement, and
- A review of the legal and institutional context.

Chapter III

DEVELOPING AND APPROVING THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS, STRATEGIC ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS

Article 13 :

(1) In addition to the general project file, every project proponent shall submit the following documents to the competent administration and the ministry in charge of environment:

- A request for conducting the environmental and social impact assessment including the company name, social capital, industry and number of employees planned for the project,
- The terms of reference of the assessment, together with a project description and justification shall lay emphasis on preservation and reasons for choosing the site, and
- Payment receipts of administrative fees as set by Article 17 of this Decree.

(2) A receipt indicating the date and file number shall be issued on submission of the project file.

(3) On receipt of the application file for the environmental and social impact assessment, the competent administration shall have ten days to submit a reasoned opinion to the Minister in charge of the environment.

(4) From the date of receipt, the administration in charge of the environment shall have a period of 20

days to give its opinion on the terms of reference of the assessment. This statement shall include specifications stating the content of the environmental and social impact assessment according to the project category, level of analysis required and proponent's responsibilities and obligations.

(5) In case of silence from the Ministry in charge of environment and after expiry of the 30 (thirty) days following the submission of the file, the proponent may consider the terms of reference admissible.

Article 14:

(1) The project proponent must hire the services of a consultant, a consulting firm, a non-governmental organization or an association of his choice approved by the Minister in charge of the environment to do the impact assessment of his project.

(2) However, priority shall be given on equal competence, to nationals.

Article 15:

(1) Any project proponent or an establishment compelled to produce an environmental impact statement must submit to the council of his locality, in addition to the general project file:

- An application to do the environmental impact statement that shall include the name, registered capital, sectors of activity and number of jobs envisaged in the project.
- The terms of reference of the environmental impact statement attached to a description and justification of the project with focus on the preservation of the environment and the reasons for choosing the site.
- The payment receipt for the file examination fees, whose amount shall be fixed in keeping with the regulations in force.

(2.) The proponent shall submit, against a receipt, the impact assessment to the council of his locality, in 6 (six) copies. The file should include a copy of the receipt of payment of the file examining charges.

(3) Upon receipt of the file, the council shall send 2 (two) copies to the Divisional Head of deconcentrated services of the Administration in charge of environment. The latter shall have 15 (fifteen) days to express an opinion on the Terms of Reference of the environmental impact statement.

(4) In case of the council's silence and after the expiry of 30 (thirty) days after submission of the file, the terms of reference shall be deemed approved.

Article 16:

The project proponent shall be free to hire the services of any person based on his competence to do the environmental impact statement of his project.

Article 17:

(1) Any project proponent compelled to do the environmental impact assessment or strategic environmental assessment must at submission of his file, pay to the National Environment and Sustainable Development Fund, against a receipt, file examination charges amounting to:

- 1 500 000 (one million five hundred thousand) CFA francs for the Terms of Reference of the summary environmental and social impact assessment
- 2 000 000 (two million) CFA F for the terms of reference of the strategic environmental impact assessment
- 3 000 000 (three million) CFAF for a summary environmental and social impact assessment
- 5 000 000 (five million) CFAF for a detailed environmental and social impact assessment or strategic environmental assessment.

(2) However, if a proponent has several projects or similar establishments/facilities, the charges shall be as follows:

- for a proponent with several projects, institutions or similar facilities in a Division, one detailed impact assessment shall be enough for all these establishments
- for a logging company with several Forest Management Units (FMUs), a detailed impact assessment shall be required for these FMUs to have one management plan authorized by the Minister in charge of forestry.

Article 18:

(1) The proponent shall submit, against a receipt, the report of the impact assessment of his project with the competent administration and the administration in charge of environment, in 2 (two) and 20 (twenty) copies.

(2) Upon receipt of the Environmental and Social Impact Assessment or Strategic Environmental Assessment, the above-mentioned administrations shall form a mixed team responsible for:

- making a field trip to substantially support the information contained in the said assessment and to gather the opinions of the people concerned and
- preparing an evaluation report which it shall forward to the Inter-ministerial Committee on the Environment within 15 (fifteen) days for the summary assessment and 20 (twenty) days for the detailed assessment.

(3) The competent administration shall forward a copy of its opinion to the Minister in charge of environment within 15 (fifteen) days upon receipt of the summary assessment and 20 (twenty) days for the detailed assessment.

(4) **(a) The administration in charge of the environment shall decide on the admissibility of the impact assessment and notify the proponent 20 (twenty) days at the latest after receipt:**

- if the assessment is valid, the Ministry shall publicize it by press, radio, television or by any other means; and
- if it (the assessment) is faulty, the Ministry shall indicate the corrections to be effected to make the impact assessment admissible.

(b) After 20 (twenty) days and in case of silence of the administration, the assessment shall be considered admissible.

Article 19:

(1) Any proponent of a project or establishment doing the environmental impact statement shall obtain from the competent council, after obtaining the opinion of the Divisional Head of the deconcentrated services of the administration in charge of the environment, an Attestation of Environmental Compliance of his project or establishment before the start of works or for the operation of his establishment.

(2) Examination of the file relating to the environmental impact statement shall give right to the payment to the council of charges whose amount and recovery methods shall be fixed by the latter. However, if the proponent has several projects, similar establishments or facilities in the same council, only one environmental impact statement shall be required for all his projects, establishments or facilities. This environmental impact statement must then take into consideration each of the project or establishment sites and their environment.

(3) The competent council shall have 30 (thirty) days from receipt of the environmental impact statement to respond to the project proponent:

- if the decision is favourable, a Attestation of Environmental Compliance shall be issued by the council to the project proponent, for his establishment or plant.
- if the decision is conditional, the council shall indicate to the proponent the modifications he must make to obtain the Attestation of Environmental Compliance
- an unfavorable decision shall result in the prohibition of the project or suspension of the activities of the establishment.

Article 20:

(1) Conduct of the environmental and social impact assessment or the strategic environmental assessment must be made with the participation of the people concerned through consultations and public hearings, to know the opinions of the latter on the project.

(2) Public consultation shall consist of meetings during the assessment held in the localities concerned by the project. Public hearings shall be to publicize the assessment, record any oppositions/contrary opinions and allow the public to comment on the conclusion of the assessment.

(3) The public hearing shall be to publicize the assessment, to record any opposition and to allow the public to comment on the assessment's conclusions.

Article 21:

(1) The proponent must inform the representatives of the people concerned at least 30 (thirty) days before the date of the first meeting, a public consultation programme which shall include the date and places of the meetings, the specifications, project brief and objectives of the consultations. The programme must first be approved by the environment authority.

(2) A wide dissemination is made and each meeting shall be sanctioned by a report signed by the project proponent and representatives of the people.

(3) The public hearing shall be to publicize the report of the environmental and social impact assessment.

Article 22:

After notification of the admissibility of the impact assessment or in case of silence of the administration in charge of the environment, a wide public consultation shall be made. An ad hoc committee is then set up to write, under 30 (thirty) days, an evaluation report of the public hearings to be submitted to the Minister in charge of the environment and the Inter-ministerial Committee for the Environment.

Article 23:

The environmental and social impact assessment of projects relating to security or national defence shall not be subjected to public consultation or hearing.

Article 24:

(1) The administration in charge of the environment shall forward to the Inter-ministerial Committee of the Environment the files considered admissible, including the following elements:

- The report on the impact assessment declared admissible
- The evaluation report of the impact assessment
- Evaluation report and public consultations and hearing records.

(2) The Inter-ministerial Committee on the Environment shall have 20 (twenty) days to give its opinion on the impact assessment. After this period, the said statement shall be deemed favourable.

Article 25:

(1) Any project proponent subject to the procedure of the environmental and social impact assessment or the strategic environmental assessment must first obtain a certificate of environmental compliance for his project issued by the Minister in charge of the environment before starting work.

(2) Where a project whose impact assessment has been approved is not implemented within 3 (three) years from the date of approval, the Certificate of Compliance issued to that project shall become obsolete.

Article 26:

(1) The Minister in charge of environment shall have 20 (twenty) days after the opinion of the Inter-ministerial Committee on Environment to give his opinion on the environmental and social impact assessment.

(2) In the case of a favorable decision, a certificate of environmental compliance of the assessment is issued by the Minister in charge of environment to the proponent.

(3) In the event of a conditional decision, the Minister in charge of the environment shall indicate to the proponent the measures that he must take to comply with and obtain the environmental compliance certificate.

(4) An unfavourable decision shall prohibit implementation of the project.

Chapter IV

SURVEILLANCE AND ENVIRONMENTAL MONITORING OF THE PROJECT

Article 27 :

(1) Any project requiring an environmental and social impact assessment, a strategic environmental assessment or an environmental impact statement shall be undere the administrative and technical surveillance of the competent administrations.

(2) The administrative and technical surveillance shall cover the effective implementation of the environmental and social management plan included in the environmental impact assessment, in the strategic environmental assessment and / or in the environmental impact statement and shall be object of a joint report.

(3) The proponent shall write a half-yearly report on the implementation of the environmental and social management plan, which he shall submit to the Minister in charge of environment.

Article 28:

On the basis of the report referred to in Article 27 above, corrective or additional measures may be adopted by the administration in charge of environment after consulting the Inter-ministerial Committee for Environment, to consider the effects not initially or insufficiently appreciated in the environmental and social impact assessment, the strategic environmental assessment and / or the environmental impact statement.

Article 29:

In evaluating environmental impact assessment and control, monitoring and follow-up of environmental and social management plans, the administration in charge of environment may use private expertise, in compliance with the conditions provided for by the public contract regulations.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 30 :

(1) An Administrative and Technical Surveillance Committee of environmental and social management plans is hereby establised in each Division.

(2) An order of the Minister in charge of environment shall organize and lay down the duties and operation rules of the Committee referred to in paragraph (1) above.

Article 31:

All previous and contrary provisions, especially those of the Decree No. 2005/0577/PM of 23 February 2005 to lay down terms and conditions for conducting environmental impact assessments are hereby repealed.

Article 32:

The Minister of Environment, Protection of Nature and Sustainable Development shall be responsible for implementing this Decree which shall be published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 14 February 2013

Philemon Yang
Prime Minister,
Head of Government

II.34

DECREE NO. 2013/0172/PM OF 14 FEBRUARY 2013 TO LAY DOWN TERMS AND CONDITIONS FOR CONDUCTING ENVIRONMENTAL AND SOCIAL AUDIT

DECREE NO. 2013/0172/PM OF 14 FEBRUARY 2013 TO LAY DOWN TERMS AND CONDITIONS FOR CONDUCTING ENVIRONMENTAL AND SOCIAL AUDIT

THE PRIME MINISTER, HEAD OF GOVERNMENT;

Mindful of the Constitution;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No.98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No. 99/013 of 22 December 1999 on the petroleum code;

Mindful of Law No. 2001/001 of 16 April 2001 on the mining code;

Mindful of Law No. 2004/017 of 22 July 2004 to orientate decentralization;

Mindful of Law No. 2004/019 of 22 July 2004 to lay down rules applicable to Regions;

Mindful of Law No. 2004/018 of 22 July 2004 to lay down rules applicable to councils;

Mindful of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister amended and supplemented by Decree No.995/145 bis of 4 August 1995;

Mindful of Decree No. 2011/718/PM of 3 September to organize and specify the duties of the Inter-ministerial Committee for Environment and subsequent texts;

Mindful of Decree No. 2008/064 of 4 February 2008 to lay down rules for managing the National Environment and Sustainable Development Fund;

Mindful Mindful of Decree No. 2012/0882/PM of 27 March 2012 to lay down terms and conditions for exercising some powers on transferred by the State to councils on environment;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/409 of 9 December 2011 to appoint a Prime Minister, Head of Government.

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the terms and conditions for carrying out environmental and social audit.

Article 2:

(1) In the context of this Decree, 'environmental and social audit' shall be understood as a documented and objective systematic evaluation of the activities of an entity, a structure and the facilities of an establishment, as well as of their operation and environmental management system to protect the environment.

(2) It helps to periodically assess the impact that all or part of the company has or is likely to have on the environment.

Article 3:

(1) The proponent of a project or an establishment shall conduct an environmental audit on pain of penalty of the sanctions provided for by the laws and regulations in force.

(2) The Ministry in charge of environment shall specify the periodicity of environmental and social audit according to activity sectors. This audit shall be conducted without prejudice to environmental controls.

(3) Environmental and social audit costs shall be borne by the project proponent.

Chapter II

CONTENT OF ENVIRONMENTAL AND SOCIAL AUDIT

Article 4 :

The report of an environmental and social audit shall include, among others:

- A summary of the report in plain language, in English and in French.
- A presentation of the establishment, particularly the proponent, location, objectives, justification, facilities, operating processes, raw material processing, products, by-products, waste and effluents.
- A description of the methodology used for conducting the audit as well as the laboratory analysis performed, as the case may be.
- A description and analysis of the business environment, including all the natural, human and socio-cultural elements affected by the activities of the company.
- Identification and analysis of environmental impacts.
- The scope of the company, including consistency with the laws, regulations and policies, management, hygiene, health, safety and environment.
- A review of the legal and institutional framework.
- The environmental and social management plan.
- The awareness raising and information programme as well as reports and minutes of public consultation held with the population, non-governmental organizations, trade unions, opinion leaders and other organized groups involved in the company's activities.
- Conclusions and recommendations.
- The Terms of Reference of the audit and bibliographical references.

Chapter III

DEVELOPING AND APPROVING ENVIRONMENTAL AND SOCIAL AUDIT

Article 5 :

(1) The proponent of any company undertaking subject to an environmental and social audit shall submit the following documents to the Minister in charge of environment, in addition to the general project file:

- An application to conduct an environmental and social audit, the company name, corporate capital, industry and number of jobs offered by the company.
- The Terms of Reference of the environmental or social impact assessment or audit including a project description and justification, with emphasis on the preservation of the environment.
- The receipt of payment of file charges as fixed here below.

(2) Upon submission the proponent shall be issued a receipt indicating the file date and number.

(3) Upon receipt of the file, the administration in charge of environment shall have 30 (thirty) days to give an opinion on the Terms of Reference of the audit. This opinion shall include specifications detailing the content of the environmental and social audit, level of analysis required and the proponent's responsibilities and obligations.

(4) In the event of silence by the Minister in charge of environment and after expiry of the 30 (thirty) days following the submission of the file, the Terms of Reference shall be considered approved.

(5) The project proponent may hire a consulting firm approved by the Minister in charge of environment to conduct the environmental audit of his company.

(6) Every business proponent liable to the environmental and social audit procedure must obtain a certificate of environmental compliance for his establishment issued by the Minister in charge of environment to continue operating, on pain of sanctions provided for by the law in force.

Article 6:

No environmental and social audit shall be done without approval of the Terms of Reference by the Minister in charge of environment.

Article 7:

The Minister in charge of environment shall set down the standard outline of the Terms of Reference of the said audits according to activities and after the opinion of the Inter-ministerial Committee for environment.

Article 8:

(1) The proponent must, when submitting his file, pay to the National Environment and Sustainable Development Fund, against receipt, file examination fees of:

- 1 500 000 (one million five hundred thousand) CFAF for the Terms of Reference (ToR) of the environmental and social audit
- 5 000 000 (five million) CFAF for environmental and social audit.

(2) However, if a proponent has several projects, undertakings or similar plants in a Division, only one environmental and social audit shall be required.

Article 9:

(1) An environmental and social audit shall be done with the participation of concerned populations through public consultations and hearings, in order to get the opinion of the people on the activity.

(2) Public consultation shall consist of meetings during the audit, in the localities concerned by the activity.

(3) Public hearings shall be to publicize the audit, to record possible oppositions and to allow the people to give their opinion on the conclusions of the audit.

Article 10:

(1) The proponent must send to the representatives of the populations concerned, at least 30 (thirty) days before the first meeting, a programme of public consultations including the dates and places of the meetings, the descriptive and explanatory memoranda of the activity and objectives of the consultation. The said programme shall first be approved by the administration in charge of environment.

(2) A wide publicity is given to and each meeting is sanctioned by a report signed by the project proponent and representatives of the populations. A copy of the minutes shall be attached to the environmental audit report.

Article 11:

After notification of admissibility of the audit by the Ministry in charge of environment or in case of silence of the administration, a wide public consultation shall be done, after which an ad hoc committee is then set up to write within 30 (thirty) days, an evaluation report of the public hearings to be submitted to the Minister in charge of environment and to the Inter-ministerial Committee on Environment.

Article 12:

Environmental and social audits related to security or national defence shall not be subject to consultation or open to the public.

Article 13:

(1) The Administration in charge of environmental shall forward to the Inter-ministerial Committee for Environment the files deemed admissible, including the following documents:

- The report of the environmental and social audit declared admissible,
- The evaluation report on the environmental and social audit, and
- The evaluation report and records of consultations and public hearing.

(2) The Inter-ministerial Committee on Environment shall have 20 (twenty) days to give its opinion on the environmental and social audit, after this period, the said opinion shall be considered favourable.

Article 14:

The Minister in charge of environment shall have (20) days to give an opinion on the environmental and social audit:

- If the decision is favourable, the Minister in charge of environment shall issue a environmental and social audit certificate to the proponent.
- In the case of a conditional decision, the Minister in charge of environment shall indicate to the proponent the measures that he must take to comply and obtain the certificate of compliance.
- An unfavourable decision shall mean that it is prohibited to continue the activity.

Article 15:

Any activity proponent subject to the environmental and social audit procedure shall obtain a certificate of environmental compliance for his activity issued by the Minister in charge of environment.

Chapter IV

SURVEILLANCE AND MONITORING

Article 16 :

(1) Any activity that is subject to an environmental and social audit shall be put under the administrative and technical supervision of the competent administrations, under the same conditions for environmental and social impact assessments.

(2) Administrative and technical surveillance shall mean the effective implementation of environmental management and be object of a joint report.

(3) The proponent shall be required to submit a half-yearly report on the implementation of the environmental management plan to the Ministry in charge of environment.

Article 17:

The administrative and technical surveillance of the environmental and social management plan shall not preclude the monitoring of the activity concerned by the competent administration.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 18 :

All previous and contrary provisions to this Decree are hereby repealed.

Article 19:

The Minister of Environment, Protection of Nature and Sustainable Development shall implement this Decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French

.

Yaounde, 14 February 2013

Philemon Yang
Prime Minister, Head of Government

II.35

DECREE NO. 2014/2379/PM OF 20 AUGUST 2014 TO LAY DOWN TERMS AND CONDITIONS FOR COORDINATING INSPECTIONS OF ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

DECREE NO. 2014/2379/PM OF 20 AUGUST 2014 TO LAY DOWN TERMS AND CONDITIONS FOR COORDINATING INSPECTIONS OF ESTABLISHMENTS CLASSIFIED AS DANGEROUS, UNHEALTHY OR OBNOXIOUS

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 95/08 of 30 January on Radiation Protection;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No. 98/020 of 24 December 1998 relating to gas pressure and water vapour pressure appliances;

Mindful of Decree No. 92/0R9 of 4 May 1992 to specify the powers of the Prime Minister, as amended and supplemented by Decree 95/145-bis of 4 August 1995;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/409 of 9 December 2011 to appoint a Prime Minister, Head of Government;

Mindful of Decree No. 2011/409 of 9 December 1999 to lay down the procedures for constructing control units for operating gas pressure and water vapour pressure appliances;

Mindful of Decree No. 99/818/PM of 9 November 1999 to lay down the procedures for setting up establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Decree No. 99/822/PM of 9 November 1999 to lay down conditions for approving natural or legal persons for the inspection, control and audit of establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Decree No. 99/822/PM of 9 November 1999 to lay down the conditions for appointing inspectors and assistant inspectors of establishments classified as dangerous, unhealthy or obnoxious and of gas and water vapour pressure vessels;

Mindful of Decree No. 2008/064/PM of 4 February 2008 to define the terms and conditions for managing the National Environment and Sustainable Development Fund;

Mindful of Decree No. 2012/2808/PM of 26 September 2012 to lay down the conditions for exercising the duties of environmental inspector and controller

Mindful of Decree No. 2012/2809/PM of 26 September 2012 to lay down the conditions for sorting, collecting, storing, transporting, retrieving, recycling, treating and final disposal of waste

Mindful of Decree No. 2013/017/PM of 14 February 2013 to lay down the procedures for conducting out environmental and social impact assessments

Mindful of Decree No. 2013/0172/PM of 14 February 2013 to lay down procedures for conduction environmental and social audits

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the procedures for coordinating inspections of establishments classified as dangerous, unhealthy or obnoxious.

Article 2:

The inspections referred to in Article 1 above, refer, within the context of this Decree, to the administrative surveillance and technical control of establishments classified as dangerous, unhealthy or obnoxious.

Article 3:

The inspection of establishments classified as dangerous, unhealthy or obnoxious shall, in this capacity, involve policing regarding safety of the facilities, of appearance, of health guarantees and of environment protection measures.

Article 4:

The inspection shall consist of a set of activities within the jurisdiction and coordination of the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious and the Minister in charge of environment.

Article 5:

The inspection of establishments of leisure classified as dangerous, unhealthy or obnoxious shall fall under the province of the Minister in charge of leisure.

Chapter II

COORDINATING INSPECTIONS OF CLASSIFIED ESTABLISHMENTS

Article 6 :

(1) A National Committee of Inspections is hereby established.

(2) The National Committee of Inspections referred to in paragraph 1 above shall be coordinated by the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious and the Minister in charge of environment.

(3) The National Committee of Inspections is composed as follows:

President: The Minister in charge of establishments classified as dangerous, unhealthy or obnoxious or his representative.

Vice-president: The Minister in charge of environment or his representative.

Member:

- 1 (one) representative of the Minister in charge of classified establishments
- 1 (one) representative of the Minister in charge of environment
- 1 (one) representative of the Minister in charge of public health
- 1 (one) representative of the Minister in charge of water resources and energy
- 1 (one) representative of the Minister in charge of civil protection
- 1 (one) representative of the Minister in charge of justice
- 1 (one) representative of the Minister in charge of finance
- 1 (one) representative of the National Fire Brigade Corps
- 1 (one) representative of the General Delegation for National Security
- 1 (one) representative of the State Secretariat for Defence in charge of the Gendarmerie.

Article 7:

(1) The authorities and members of the National Inspection Committee, referred to in Article 6 above, shall be appointed by their respective administrations at the behest of the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious.

(2) A decision of the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious shall define the composition of the National Inspection Committee.

(3) A decision of the Minister in charge of establishments classified dangerous, unhealthy or obnoxious shall lay down the operating procedures of the National Inspection Committee.

Article 8:

The National Inspection Committee for establishments classified as dangerous, unhealthy or obnoxious shall be responsible for:

- harmonizing the schedules for inspection and control of establishments classified as dangerous, unhealthy or obnoxious
- planning controls annually
- validating and monitoring the implementation of the annual inspection program of establishments classified as dangerous, unhealthy or obnoxious
- the periodic evaluation of inspection and control activities carried out in establishments classified as dangerous, unhealthy or obnoxious
- monitoring the implementation of environmental and sustainable development legislation and regulations
- proposing measures to strengthen the administration's action in terms of safety of facilities, health preservation and environment protection
- searching for ways and means to avoid duplications and conflicts of jurisdiction
- initiating and following up investigations in the event of an accident within establishments classified as dangerous, unhealthy or obnoxious, to determine causes, evaluate damages and ascertain responsibilities
- specific tasks related to its activity, which may be entrusted to it at the request of public administrations, private companies or civil society.

Article 9:

The activities of the National Inspection Committee shall be carried out annually on the basis of a programme of action decided and published jointly by the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious and the Minister in charge of environment.

Chapter III

INSPECTION OPERATIONS AND DUTIES OF INSPECTORS OF CLASSIFIED ESTABLISHMENTS

Article 10 :

Inspection of establishments classified as dangerous, unhealthy or obnoxious, shall be done through operations of administrative supervision and technical control of the said establishments.

Article 11:

Inspection and control missions of establishments classified as dangerous, unhealthy or obnoxious shall be carried out by sworn inspectors of the administration.

Article 12:

(1) Inspectors of classified establishments shall be bound by professional secrecy in the performance of their duties.

(2) Any disclosure, use or infringement of manufacturing secrets or any other confidential information concerning the inspected establishment shall be punishable by penalties provided for by the laws and regulations in force.

Article 13:

Before taking office, the sworn inspectors of the administration shall take the following oath before the competent courts:

"I swear to perform my duties with integrity in accordance with the laws and regulations in force and not reveal, or use directly or indirectly, even after cessation of inspections, the secrets of manufacture and in general, the operating procedures which I would have learned in the practice of my profession".

Article 14:

(1) Each inspection operation of establishments classified as dangerous, unhealthy or obnoxious shall be conducted by a team of 5 (five) sworn inspectors of the administration, including:

- 2 (two) inspectors of the administration in charge of establishments classified as dangerous, unhealthy or obnoxious
- 2 (two) inspectors under the administration in charge of environment; and
- 1 (one) inspector from the administration concerned by the activity of the classified establishment subject to inspection.

(2) Each administration shall carry out inspections and controls within its jurisdiction in accordance with the laws and regulations in force.

(3) Inspection and control operations of establishments classified as dangerous, unhealthy or obnoxious shall be conducted under the supervision of an inspector from the administration in charge of establishments classified as dangerous, unhealthy or obnoxious.

Article 15:

(1) At the end of the inspection or control operation, the head of the inspection team shall organize an evaluation work session for the exercise just carried out and may make recommendations to the establishment concerned.

(2) The inspection report shall be submitted respectively to the Minister in charge of establishments classified as dangerous, unhealthy or obnoxious and to the Minister in charge of environment.

Article 16:

(1) The competence of the inspectors of establishments classified as dangerous, unhealthy or obnoxious shall be as follows:

- The central administration, administrative surveillance and technical control of first class establishments of the nomenclature of establishments classified as dangerous, unhealthy or obnoxious.
- The regional administration, administrative surveillance and technical control of the second class establishments of the nomenclature of establishments classified as dangerous, unhealthy or obnoxious. And
- The divisional administration, administrative surveillance and technical control of third class establishments of the nomenclature of establishments classified as dangerous, unhealthy or obnoxious.

(2) The provisions of Article 15 above shall apply to the administrative supervision and technical control operations carried out by the Central, Regional and Divisional administrations.

Article 17:

Operations of inspection and technical control of establishments classified as dangerous, unhealthy or obnoxious shall be conducted in accordance with the inspection guide applicable to each type of inspection conducted.

Article 18:

(1) In performing their duties, inspectors of the administrations responsible for the inspection and control of establishments classified as dangerous, unhealthy or obnoxious shall have the status of judicial police officers with special competence.

(2) As such, they shall have access to all documentation and sites of the inspected establishment for the purpose of making any findings they deem necessary in the performance of their duties.

Article 19:

(1) In addition to officers and judicial police officers and other specially authorized official, inspectors responsible for administrative surveillance and technical control of classified establishments shall be entitled to investigate and record infringements of the provisions of the laws and regulations applicable to classified establishments.

(2) Offenses referred to in paragraph (1) above shall be recorded in the report in accordance with the laws and regulations in force.

Article 20:

Inspectors of the classified establishments shall carry out their inspection duties, following an annual programme validated by the National Inspection Committee and published by the Minister in charge of classified establishments.

Article 21:

Inspectors of classified establishments may also, at the behest of the Minister in charge of classified establishments or the Minister in charge of environment, visit the said establishments to perform unexpectedly, any other mission made necessary by a particular case.

Article 22:

(1) Any supervisory inspection and control mission of establishments classified as dangerous, unhealthy or obnoxious shall be sanctioned by a report submitted by the inspectors to the Minister in charge of classified establishments and to the Minister in charge of environment.

(2) The Minister in charge of dangerous, unhealthy or obnoxious establishments and the Minister in charge of environment shall inform the relevant sector ministers of the contents of this report, and implement the recommendations made in agreement with them.

Article 23:

(1) First and second class establishments classified as dangerous, unhealthy or obnoxious, shall have an approved firm carry out, every six months, an internal technical control and report to the Minister in charge of the said institutions.

(2) Assumption of approved firms under the internal technical control referred to in paragraph (1) above, shall be carried out in accordance with the provisions of special instruments established between the classified establishments concerned and the firms they hire for this purpose.

Chapter IV

TRANSITIONAL AND FINAL PROVISIONS

Article 24 :

(1) Visits of the administrations to classified establishments for purposes of administrative surveillance and technical control contrary to the provisions of this Decree shall be prohibited.

(2) The prohibition referred to in paragraph (1) above, shall involve visits organized by local authorities for administrative surveillance and technical control of classified establishments in relation to public hygiene.

(3) Authorities in charge of classified establishments shall report officials and administrative staff involved in organizing and carrying out the visits referred to in paragraph (1) above to the National Inspection Committee, which shall give a ruling on such officials and administrative staff and propose sanctions to their respective administrations.

Article 25:

(1) The Minister in charge of the classified establishments and the Minister in charge of the environment shall establish annually, by regulation, the programme of administrative surveillance and technical control of establishments classified as dangerous, unhealthy or obnoxious.

(2) The administrative monitoring and technical control programme referred to in paragraph (1) above shall be published in the press at the beginning of each annual inspection and control campaign for establishments classified as dangerous, unhealthy or obnoxious.

(3) Arrangements for organizing and launching the annual inspection campaign for classified establishments shall be fixed by joint order of the Minister in charge of classified establishments and the Minister in charge of environment.

Article 26:

Any hindrance in the accomplishment of inspection missions perpetrated by officials or authorities in charge of the establishment subjected to inspection shall constitute an infringement of the law and regulation on classified establishments.

Article 27:

Funds necessary for the accomplishment of inspection missions of establishments classified as dangerous, unhealthy or obnoxious shall be included annually in the budget of the Ministry in charge of these establishments and that of the Ministry in charge of environment.

Article 28:

All previous provisions contrary to this Decree are hereby repealed.

Article 29:

The Minister of Mines, Industry and Technological Development and the Minister of Environment, Protection of Nature and Sustainable Development shall each in their sphere be responsible for implementing this Decree, which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 20 August 2014

Philemon YANG
Prime Minister, Head of Government

II.36

DECREE NO. 2015/1373/PM OF 8 JUNE 2015 TO LAY DOWN RULES FOR EXERCISING SOME POWERS TRANSFERRED BY THE STATE TO COUNCILS ON ENVIRONMENT

DECREE NO. 2015/1373/PM OF 8 JUNE 2015 TO LAY DOWN RULES FOR EXERCISING SOME POWERS TRANSFERRED BY THE STATE TO COUNCILS ON ENVIRONMENT

THE PRIME MINISTER, HEAD OF THE GOVERNMENT:

HEREBY DECREES AS FOLLOWS

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree lays down the rules by which councils shall, as from the 2015 financial year, exercise the following powers transferred to them by the State on environment:

- Monitoring and controlling industrial waste management
- Protecting groundwater and industrial resources and
- Protecting groundwater and surface water resources

Article 2:

Councils shall exercise the powers transferred in matters referred to in Article 1 above, without prejudice to the prerogatives regarding the following State responsibilities:

- developing and implementing national policy in environment and sustainable development
- developing, implementing and monitoring wetland programmes
- monitoring, at national level, of the implementation of environmental restoration plans
- defining modes of management of plastic, toxic and dangerous wastes as well as determining their method of treatment and
- defining specific conditions for managing industrial waste.

Article 3:

(1) The powers transferred by the State in monitoring and controlling the management of industrial waste and in protecting groundwater and surface water resources shall be exercised by councils in strict compliance with the legal and regulatory provisions in force.

(2) Related expenditure shall comply with the legal and regulatory provisions applicable to public contracts.

Chapter II

MONITORING AND CONTROL OF INDUSTRIAL WASTE MANAGEMENT

Article 4 :

Monitoring and control of industrial waste management shall be provided by the council.

Article 5:

(1) Monitoring and controlling industrial waste management shall consist in taking measures and actions to preserve the environment. Such actions shall include:

- Promoting the construction and/or rehabilitating class 1 wastewater treatment plants and landfills (industrial and final waste) by waste producing industries and
- Controlling manifest traceability of waste and environmental permits in industrial waste management.

(2) Councils shall draw up a timetable for implementing measures and indicate the action to take in emergency situations.

Chapter III

PROTECTION OF GROUNDWATER AND SURFACE WATER RESOURCES

Article 6 :

Protecting groundwater and surface water resources shall involve controlling water hyacinth and other invasive alien plants as well as conserving and rationally managing wetland ecosystems.

Article 7:

(1) In controlling the proliferation of water hyacinth, the council shall restore and make river courses viable in the effort to preserve the biodiversity of aquatic environments.

(2) Activities carried out by the council shall be to identify water basins infected with water hyacinth and to protect the former against all other forms of proliferation of invasive alien species. To achieve this, the council shall carry out the following activities:

- seasonal cleaning of water courses
- involving local populations and making use of traditional know-how in waste management and
- controlling silting of water bodies.

Article 8:

(1) Regarding the conservation and wise management of wetlands, councils shall monitor the major factors that favour the disappearance of the latter especially point or non-point pollution sources frequently responsible for the degradation of the said wetlands.

(2) Councils shall also monitor external factors such as runoff of chemicals used in agriculture, soil erosion and point source pollution from wastewater treatment plants that cause considerable damage to estuarine wetlands.

Article 9:

Activities carried out by councils shall be to preserve wetlands from threats of disappearance and to enforce rational management measures. Such activities include:

- controlling silting of water bodies
- preventing draining or conversion of land for agricultural and town planning purposes
- restricting certain agricultural practices in the marshes
- avoiding the harvest of aquatic vegetation for use as fodder or fuel
- preventing the loss of biodiversity in aquatic ecosystems, particularly in the coastal zone and in continental river- and lake basins and
- encouraging the collection and conversion of water hyacinth and other invasive plants.

Article 10:

(1) Regarding the monitoring and control of industrial waste management and the protection of groundwater and surface water resources, councils shall recruit extra staff as needed.

(2)(2) Councils shall pay the salary of the said extra staff.

(3) As necessary, councils shall make use of the technical staff of the Ministry in charge of environment.

(4) Councils may sublet to a service provider the implementation of certain activities relating to monitoring and control of industrial waste management and protection of groundwater and surface water resources.

Chapter IV

RESOURCE CONTROL

Article 11 :

The transfer of powers by the State in monitoring and control of industrial waste management as well as in the protection of groundwater and surface water resources shall be accompanied by concomitant transfer of resources necessary for their execution by councils.

Article 12:

The State Finance Law shall provide the necessary resources each year for executing the duties transferred to councils concerning the monitoring and control of the management of industrial waste as well as for protecting groundwater and surface water resources.

Article 13:

Councils may benefit, in addition to resources transferred to them by the State, from the support of partners in executing the transferred duties of monitoring and control of industrial waste management and of protecting groundwater and surface water resources.

Article 14:

(1) Financial resources transferred by the State shall be reserved exclusively for carring out the corresponding duties.

(2) The resources referred to in paragraph 1 above shall be included in the council's budget.

(3) Management of the said resources shall comply with the budgetary and accounting principles in force.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 15 :

The conditions and technical modalities for executing the transferred duties of following up and controlling industrial waste management and of protecting groundwater and surface water resources as well as the use of the corresponding resources shall be stated in the specifications drawn up by the Minister in charge of environment.

Article 16:

The State shall monitor the exercise of powers transferred to councils regarding the monitoring and control of industrial waste management and protection of groundwater and surface water resources.

Article 17:

(1) Under the authority of the Senior Divisional Officer, councils shall draw up, with the support of the deconcentrated State services, a half-yearly report on the state of implementation of transferred duties in monitoring and controlling of industrial waste management as well as in protecting groundwater and surface water resources.

(2) The said report shall be forwarded by the Senior Divisional Officer to the Minister in charge of decentralization and to the Minister in charge of environment.

Article 18:

The Minister in charge of decentralization, the Minister in charge of environment, the Minister in charge of finances and the Minister in charge of public investments shall each in their sphere, ensure the implementation of this Decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 June 2015

Philemon Yang
The Prime Minister, Head of Government

III

ORDERS

III.1

ORDER NO. 002/MINEPIA OF 1 AUGUST 2001 TO LAY DOWN TERMS AND CONDITIONS FOR PROTECTING FISHERY RESOURCES

ORDER NO. 002/MINEPIA OF 1 AUGUST 2001 TO LAY DOWN TERMS AND CONDITIONS FOR PROTECTING FISHERY RESOURCES

THE MINISTER OF LIVESTOCK, FISHERIES AND ANIMAL INDUSTRIES,

Hereby orders as follows:

Article 1:

This Order lays down the terms and conditions for protecting fishery resources.

Chapter I

PROTECTING SENSITIVE HABITATS

Article 2 :

(1) Fishing shall be forbidden in all identified fish sensitive zones, especially nurseries and refuge areas.

(2) A text of the Minister in charge of fisheries, after seeking the opinion of the Minister in charge of environment, shall make a list of sensitive habitats.

Chapter II

BIOLOGICAL REST PERIODS IN WATERS UNDER CAMEROON JURISDICTION

Article 3:

A 'biological rest' is hereby instituted in all national territorial waters. The 'rest' shall correspond to periods of reproduction, youthful growth of a species or target species group.

Article 4

Practically, biological rest shall imply:

– delimiting fishing zones

– reducing the number of fishing units per zone

– complete halt of fishing in the zones concerned.

Article 5

The Minister in charge of fisheries shall at the appropriate time, issue a text indicating:

- the zone concerned; and
- the closing and reopening of fishing seasons.

Chapter III

BAN ON THE USE OF SOME FISHING DEVICES AND METHODS

Article 6:

The use of the following fishing devices and methods shall be prohibited countrywide:

- beach seine fishing;
- cast-net;
- mass, creel, gill-net whose mesh is less than 40mm;
- unbaited hooks; and
- dams across a riverbed.

Chapter IV

CHARACTERISTICS (MESH SIZE) OF SOME FISHING DEVICES

Article 7:

The use of fishing devices for artisanal fishing in maritime waters under Cameroon jurisdiction shall be subject to the following rules:

- bottom set gill-nets, minimum mesh size: 50mm;
- surface gill-nets, minimum mesh size: 40mm;
- shrimp nets, minimum mesh size: 10 mm at the cod-end
- surrounding gill-nets, minimum mesh size: 40mm;
- sliding ringnet, minimum mesh size: 28mm;
- Inshore shrimp trawl, minimum mesh size: 50 mm.

Article 8

(1) The mesh size for maritime fishing shall be determined by the measure of the stretched out mesh or mesh length.

(2) The stretched out mesh shall be the distance between two opposing knots, measured from the middle of one knot to the middle of the opposing knot, with the thread of the two opposing knots completely stretched out.

(3) Nets shall be measured wet with a scale rule. The accepted mesh size shall be two times the average of measures of a series of 10 (ten) consecutive measures taken from the middle of the first knot to the middle of the eleventh.

Article 9

The minimum mesh sizes of industrial fishing net used in maritime waters under Cameroon jurisdiction shall be as follows:

- Standard otter trawls (fish and Cephalopoda), minimum mesh size: 70mm;
- inshore shrimps trawls, minimum mesh size: 50mm;
- inshore shrimps trawls, minimum mesh size: 50mm;

Article 10

(1) The minimum mesh size for 'industrial' (maritime) fishing shall be determined by the measure of the mesh opening.

The mesh opening shall be the intermediary distance between two opposing knots in the same mesh completely stretched out. The mesh opening shall be measured by:

a) Using a 2 (two) millimetre thick, flat triangular gauge whose width decreases on each side from 2 (two) to 8 (eight) centimetres which shall be inserted in the mesh with moderate pressure.

The mesh opening could also be measured with a moderate pressure gauge or with a normalized pressure gauge recommended by the International Council for the Exploration of the Sea (ICES), specifically to calibrate measurements made with the triangular gauge.

b) The nets shall be measured wet.

c) The mesh size of the net shall be the figure corresponding to the arithmetic mean of a series of 50 (fifty) consecutive meshes;

d) Mesh situated less than 50 (fifty) centimetres away from the braiding, selvedge, bolt rope or seaming shall not be measured;

e) In trawlers, the mesh to be measured should be placed on top parallel to the longitudinal axis. Counting starts from the rear end at a distance of at least five meshes before this end.

Article 11

(1) It is prohibited for any kind of fishing device to use any means or system that obstructs the effectiveness of the net mesh or whose method reduces their selective action;

(2) However, to avoid wearing and tearing, it is advisable to exclusively fix protective shields in net or any other material on the lower part of the cod-end of the trawl net. These shields can only be fixed in the front and side edges of the cod-end of trawl net;

(3) For the back part of the trawler, it is allowed to use protective measures on condition that it is made up of a single net of same material with the cod-end and whose mesh opening measures at least 300 (three hundred) mm.

Chapter V

MINIMA SIZE AND WEIGHT OF TARGET SPECIES

Article 12 :

It shall be forbidden to fish, to allow someone to fish, to transfer, to keep, to buy, to sell or let sell, to transport and to use for any purpose whatsoever, fish and shellfish which do not meet the size and weight stipulated in this Order.

Article 13

(1) The minimum dimensions of fish mentioned in this Order shall be measured from the tip of the snout to the extreme end of the caudal fin as follows:

Fish:

- sardinelles maderensis (sardinelles, elolo, strong kanda, belolo) 19 cm;
- Pseudotolithus senegalensis, P. typus (bar) 25 cm;
- Pseudotolithus elongates (Bossu, Broke marriage) ; 22 cm; and
- Cynoglossus canariensis (sole); 25cm

(2) For shellfish, the minimum weight shall be considered.

Shellfish:

- pink shrimp (penaeus notialis).

Article 14

Offenders to the provisions of this Order shall be subject to sanctions provided for by the regulations in force.

Yaounde, 1 August 2001

HAMADJODA ADJOUDJI

Minister of Livestock, Fisheries and Animal Industries

III.2

ORDER NO. 0001/MINEP OF 3 FEBRUARY 2007 TO SPECIFY THE TERMS OF REFERENCE OF ENVIRONMENTAL IMPACT ASSESSMENTS

ORDER NO. 0001/MINEP OF 3 FEBRUARY 2007 TO SPECIFY THE TERMS OF REFERENCE OF ENVIRONMENTAL IMPACT ASSESSMENTS

THE MINISTER OF ENVIRONMENT AND PROTECTION OF NATURE,

Mindful	of the Constitution;
Mindful	of Law No. 96/12 of 5 August 1996 on the framework law on environmental management;
Mindful	of Decree No. 2004/320 of 8 December 2004 to organize the government;
Mindful	of Decree No.2004/322 of 8 December 2004 to form the government;
Mindful	of Decree No. 2005/117 of 14 April 2005 to organize the Ministry of Environment and Nature Protection, as amended and supplemented by Decree No.2005/496 of 31 December 2005;
Mindful	of Decree no.2005/577PM of 23 February 2005 to lay down the terms and conditions for the conduct of environmental impact assessments;
Mindful	of Order No.70/MINEP of 22 April 2005 to establish the different operational categories whose conduct is subject to an environmental impact assessment,

HEREBY ORDERS AS FOLLOWS:

Article 1:
This order specify the terms of reference of environmental impact assessments.

ARTICLE 2:
The terms of reference of any environmental assessment shall include the following:

a) Introduction:
- goal of the terms of reference;
- presentation of project owner;
- type of project;
- award procedures for the realization of the environmental impact assessment (tenders, consultation, private agreement, etc.);

b) Context
- geographic and administrative location of the project;
- legal and institutional context;
- environmental context;
- socio-economic context; and
- specification of source of information used in the area (environmental profile, strategy documents, etc.).

c) Objectives and significance of environmental impact assessments Description of project

Project components

- location;
- general plan;
- size;
- capacity;
- pre-construction and construction activities;
- schedule;
- required workforce;
- installations and services;
- exploitation and maintenance activities; and
- required off-site investments and project duration.

Analysis of the initial State and the environment (project influence zone)

- **physical environment:** geology, relief, soils, climate and meteorology, atmosphere, hydrology of surface and underground waters, Coastal and oceanic parameters, existing sources of atmospheric emissions, dumping of pollutants in water, quality of outlets, etc.
- **biological environment:** flora, fauna, rare or endangered species, sensitive habitats including parks or reserves and major natural sites, commercially significant species and those likely to be a source of nuisance, vectors of dangerous diseases..., etc.
- **socio-economic and human environment:** populations, land occupation, development activities, structures.

Drawing up of environmental management plan

Preparing a management programme measure including proposed work plans, budget estimates, execution schedule, training and workforce needs, follow-up and monitoring mechanisms, identification of stakeholders in charge of programme execution and any other support service ensuring the enforcement of mitigating measures.

a) Assessment schedule and composition of expert groups

- state duration of assessment and schedule of the execution of different assessment phases;
- indicate experts who will participate in the assessment.

b) Presentation of report and cost of assessment

- presentation of different chapters of the report specifying the
- methodology for the realization of the environmental impact assessment;
- presentation of the summary of the environmental impact assessment in the two (2) official languages.

Article 3:

A special instrument shall specify the specific components to taken into account by the terms of reference of each sector of activity.

Article 4:

This Order shall be registered and published according to the procedure of urgency then inserted in the Official Gazette in English and in French.

Yaounde, 3 February 2007

Hele Pierre
Minister Of Environment And Protection Of Nature

III.3

ORDER NO. 143/PM OF 30 AUGUST 2010 TO LAY DOWN MODALITIES TO CARRY OUT INSPECTIONS AND CONTROLS OF TECHNICAL SERVICES ON BOARD VESSELS

ORDER NO. 143/PM OF 30 AUGUST 2010 TO LAY DOWN MODALITIES TO CARRY OUT INSPECTIONS AND CONTROLS OF TECHNICAL SERVICES ON BOARD VESSELS

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of international conventions and protocols on the protection of environment, notably the Basel Convention of 22 March 1989 and its Protocol, the Montreal Protocol of 16 September 1987, the Stockholm Convention of 23 May 2001, the Rotterdam Convention of 10 September 1998, the Cartagena Protocol of 29 January 2000, the Rome Convention of 6 December 1951;

Mindful of the MARPOL 73/78 Convention and other relevant conventions of the International Maritime Organization (IMO);

Mindful of the London Convention of 9 April 1965 on the facilitation of international Maritime Traffic;

Mindful of the CEMAC Community Code on Merchant Shipping

Mindful of Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations and its implementing instruments;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management and its implementation decrees;

Mindful of Law No. 2000/017 of 19 December 2000 to regulate veterinary health inspection and its implementation decrees;

Mindful of Law No. 2003/003 of April 2003 relating to phytosanitary protection and its implementation decrees;

Mindful of Decree No. 92/089 of 4 May 1992 to specify the functions of the Prime Minister as amended and supplemented by Decree No. 95/145-bis of 4 August 1995;

Mindful of Decree No. 2004/320 of 8 December 2004 to organize the Government, amended and supplemented by Decree No. 2007/268 of 7 September 2007;

Mindful of Decree No. 2009/222 of 30 June 2009 to appoint a Prime Minister, Head of Government.

HEREBY ORDERS AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Order lays down modalities to carry out joint inspections and controls of technical services on board ships.

Article 2

(1) Inspections and controls referred to in article 1 above shall be carried out mainly at the wharf.

(2) They can be carried out offshore when necessary.

Article 3

(1) Placed under the coordination of the Minister in charge of merchant shipping in collaboration with competent services of the port, controls on board ships shall be carried out in groups following a predetermined time frame and known to all the stakeholders.

(2) There shall be no derogation to the application of paragraph (1) above.

Chapter II

CONTROL SESSIONS ON BOARD

Article 4 :

(1) Inspections and controls on board ships shall be carried out by the following administrations:

- The Ministry in charge of merchant shipping;
- The Ministry in charge of environment;
- The Ministry of public health;
- The Ministry in charge of agriculture;
- The Ministry in charge of livestock, fisheries and animal industries
- Ministry in charge of forestry and wildlife;

(2) Other administrations may equally be admitted to carry out inspections and controls on board ships, in accordance with the regulation in force.

Article 5

1. The competent service of the Ministry in charge of merchant shipping shall ensure the coordination of interventions of all technical services carrying out inspections and controls on board vessels.
2. The competent services of the port shall give, and in due time, information and documents necessary for inspections and controls on board vessels to the aforementioned coordination body.
3. The competent service of the Ministry in charge of merchant shipping shall first of all determine access on board vessels, in collaboration with competent technical services in charge of inspections and controls, the composition of the inspection and control teams, the running order, the place and time of control.

4. The competent service shall give all necessary information to the various inspectors and controllers, commander of the port and captain of the ship.

Article 6

(1) Administrations carrying out the controls on board vessels shall have access thereof at the same time.

(2) Persons in charge of these controls shall be designated by their respective administrations.

Article 7

(1) To accomplish their duty, each administration shall carry out inspections and controls that fall within their area of competence.

(2) On completion of inspection and control, each administration shall notify the captain of the ship and give him a copy of the report of their work.

(3) A written report on the results of inspections and controls shall equally be submitted to the competent services of the Ministry in charge of merchant shipping.

(4) Should an anomaly be noticed during inspection and control, the competent service of the Ministry in charge of merchant shipping shall organize a special session of the technical service concerned and inform the captain of the ship about the anomaly.

Article 8

(1) Access on board shall be done every day from 8 a.m. to 6 p.m., with the exception of vessels that anchor for less than 12 hours, given that inspections and controls cannot be carried out on such vessels without the time frame defined above.

(2) The time frame for inspections and controls of vessels that anchor for less than 12 hours shall be determined by the Ministry in charge of merchant shipping.

Chapter III

MISCELLANEOUS AND FINAL DISPOSITIONS

Article 9 :

Each administration shall bear the cost inherent to the execution of their duties.

Article 10:

This order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 30 August 2010

Philemon Yang

Prime Minister, Head of Government

III.4

ORDER NO. 005/MINEP OF 9 NOVEMBER 2011 TO LAY DOWN ATTRIBUTIONS, COMPOSITION AND FUNCTIONING MODALITIES OF THE REGIONAL COMMITTEE OF THE NATIONAL CONSULTATIVE COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

ORDER NO. 005/MINEP OF 9 NOVEMBER 2011 TO LAY DOWN ATTRIBUTIONS, COMPOSITION AND FUNCTIONING MODALITIES OF THE REGIONAL COMMITTEE OF THE NATIONAL CONSULTATIVE COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

THE MINISTER OF ENVIRONMENT AND PROTECTION OF NATURE,

Mindful of the Constitution;

Mindful of Law No.96/12 of 5 August 1996 to lay down the framework law on the management of environment;

Mindful of Decree No. 2004/320 of 8 December 2004 to organize the Government, as amended and supplemented by Decree N °2007/268 of 7 September 2007;

Mindful of Decree No.2005/117 of 14 April 2005 amended and supplemented by Decree N °2005/496 of 31 December 2005 to organize the Ministry of Environment and Protection of Nature;

Mindful of Decree No.94/259/PM of 31 May 1994 to create a National Consultative Committee for Environment and Sustainable Development and its subsequent modifications.

HEREBY ORDERS AS FOLLOWS:

Article 1:

This order lays down the attributions, composition and functioning methods of the Regional Committee of the National Consultative Committee on Environment and Sustainable Development.

Chapter I

ATTRIBUTIONS

Article 2 :

(1) The Regional Committee shall assist the National Consultative Committee in following up the implementation of national policy on environment and sustainable development at the regional level.

As such, the Regional Committee shall:

– Draw up an action plan that includes the important and fundamental aspects of development,

according to priorities and specificities of the Region such as: environmental, urban, rural and socioeconomic aspects;

- Consolidate the annual and regional action plan on sustainable development;
- follow-up and assess the implementation of Agenda 21 activities at the regional level; see to rational production and consumption practices from the ecological viewpoint;
- elaborate practical guides which enhance sustainable development at the regional level;
- draw up session reports and forward them to the National Committee.

(2) The Regional Committee can create within itself thematic groups according to domains, in order to examine specific issues related to environment and sustainable development.

Chapter II

COMPOSITION

Article 3 :

(1) Presided over by the Governor of the Region or his representative, the Regional Committee comprises the following members:

- one (1) representative of the Governor's office; three (3) members of religious denominations;
- two (2) representatives of Non Governmental Organizations conceded by environmental and sustainable development issues;
- representatives of political parties represented in the National Assembly;
- two (2) representatives of mayors' Association at the regional level;
- regional delegates of the following administrations in charge of:
- Environment;
- Forestry;
- Agriculture;
- Finance;
- Mines and Industrial Development; Commerce;
- Livestock, Fisheries and Animal Industries;
- Defence;
- Higher Education;
- Basic Education;
- Secondary Education;
- Youth Affairs;
- Regional Development;
- Water and Energy;
- Scientific Research;
- Tourism;
- Public Works;
- Land Tenure;
- Transport;
- Public Health;
- Social Affairs;

(2) Members of the Regional Committee shall be designated by their respective administrations and organs.

(3) The composition of the Regional Committee shall be done by decision of the Governor of the Region of the competent jurisdiction.

(4) The President of the Regional Committee may invite any person, by reason of his competences, to attend deliberations of the Committee.

(5) The Regional Delegate in charge of Environment shall be the rapporteur of the Regional Committee.

He shall play the following rôle:

- propose the agenda of the Regional Committee;
- prepare invitations for the holding of Regional Committee session;
- assist the president of the regional Committee in the orientation, follow-up and assessment of the action plan;
- draw up session reports which shall be forwarded to the National Committee; ensure the archiving of ail the documents of the Regional Committee.

Chapter III

FUNCTIONING

Article 4 :

(1) The Regional Committee shall hold quarterly once in ordinary session on the convening of the president.

(2) Whenever need arises or on the request of 2/3 of members, the Regional President can convene an extraordinary session of the Regional Committee.

Article 5:

The operating expenses of the Regional Committee shall be boned by the National Environment and Sustainable Development Fund.

Article 6:

(1) Duties of both the President and members of the Regional Committee shall be free of charge.

(2) However, they shall benefit from session allowances, the amount of which shall be fixed by decision of the Minister in charge of Environment, within the limits provided for by regulations in force and shall be paid to the regional delegations of the Ministry in charge of Environment.

(3) The Governor of the Region shall be the official with power to authorize payment.

Article 7:

This order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./.

Yaounde, 9 November 2011

Hele Pierre

The Minister of Environment and Protection of Nature

III.5

ORDER NO. 001/MINEPDED OF 15 OCTOBER 2012 TO LAY DOWN REQUIREMENTS FOR OBTAINING AN ENVIRONMENTAL PERMIT CONCERNING WASTE MANAGEMENT

ORDER NO. 001/MINEPDED OF 15 OCTOBER 2012 TO LAY DOWN REQUIREMENTS FOR OBTAINING AN ENVIRONMENTAL PERMIT CONCERNING WASTE MANAGEMENT

THE MINISTER OF ENVIRONMENT,
PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

Mindful of the Constitution;

Mindful of Law No. 89/027 of 29 December 1989 relating to toxic and dangerous wastes;

Mindful of Law No. 90/031 of 10 August 1990 on commercial activities;

Mindful of Law No. 96/03 of 4 January 1996 relating to health;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No. 96/117 of 5 August 1996 relating to standardization;

Mindful of Law No. 98/005 of 14 April 1998 relating to water resources;

Mindful of Law No. 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No. 2001/015 of 23 July 2001 to govern the activities of road transport operators and road transport auxiliary;

Mindful of Law No. 2003/003 of 11 April 2003 relating to phytosanitary protection;

Mindful of Law No. 2004/002 of 21 April 2004 on legal metrology in Cameroon;

Mindful of Law No. 2004/018 of 22 July 2004 to lay down rules applicable to councils;

Mindful of Law No. 2011/012 of 6 May 2011 on consumer protection in Cameroon;

Mindful of Decree No. 99/818/PM of 9 November 1999 to lay down procedures for implanting and exporting establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Decree No. 2005/1928/PM of 3 June 2005 to lay down the metro-logical characteristics of pre-packaged or equivalent products and modalities for their control;

Mindful of Decree No. 2008/064 of 4 February 2008 on the modalities for managing the National Fund for Environment and Sustainable Development;

Mindful of Decree No. 2011/2581/PM of 23 August 2011 to regulate harmful or dangerous chemicals;

Mindful of Decree No.2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No.2011/409 of 9 December 2011 to appoint the Prime Minister, Head of Government;

Mindful of the Decree to form the government;

Mindful of Decree No. 2012/2002 PM of 26 September 2012 to lay down conditions for sorting, collecting, storing, transporting, recovering, recycling, treating and final disposal of waste.

HEREBY DECREES AS FOLLOWS,

Chapter I

GENERAL PROVISIONS

Article 1:
This Order lays down conditions for obtaining environmental permits concerning waste management.

Article 2
Within the context of this Order, an environmental permit concerning waste management shall mean a document that authorizes any individual or corporate body to sort, collect, transport, store, valorise, recycle, treat and/or finally dispose of waste.

Article 3
(1) The environmental permit referred to in Article 1 here in above shall be issued by the Minister in charge of environment.

(2) The environmental permit shall be awarded only upon compliance with the following conditions:
- Be a legally constituted natural person or legal entity;
- Undertake to carry out as main activities, sorting, collecting, transporting, storing, valorising, recycling, treating and/or final disposal of waste;
- Have sufficient financial capability required to conduct these activities;
- Have qualified staff and trained to conduct these activities ;
- Undertake to take preventive and health measures required to safeguard human health and protect the environment;
- Have equipment that is adapted to the conduct of these activities.

Article 4
1. Any holder of an environmental permit shall submit at the end of each half-year, to the administrations in charge of environment and classified establishments, a summary of the information in the various manifests.
2. The summary statement referred to in sub paragraph 1 above shall be forwarded before 15 January and 15 July of the preceding half-year.

Chapter II

CONDITIONS FOR OBTAINING AN ENVIRONMENTAL PERMIT TO SORT, COLLECT, TRANSPORT, STORE, VALORISE, RECYCLE, TREAT AND/OR FINALLY DISPOSE OF MEDICAL, PHARMACEUTICAL, AND LIQUID HOSPITAL WASTE

Article 5 :
An environmental permit to sort, collect, transport and finally dispose of toxic and/or dangerous waste, medical waste, pharmaceutical waste and liquid hospital waste shall be issued after examination of a file submitted in five (5) copies to the Minister in charge of environment, comprising the following documents:

- A stamped application at the current official rate indicating the type of activity, complete address, nationality, profession of the applicant or its corporate name if it is a legal entity;
- A copy of the statutes of the structure;
- A certified true copy of registration of the trade register and credit on personal property;
- A copy of tax payers' card;
- an attestation of non-bankruptcy;
- site plan of the head office;
- list of the structure's equipment that can be used to sort, collect, transport and finally dispose of waste;
- detailed list of the various types of waste concerned;
- estimated capacity to collect, transport and of final disposal;
- attestation of bank domiciliation;
- a presentation of preventive and health measures to guarantee personnel safety;
- a receipt for the payment of 200 000 (two hundred thousand) CFAF issued by the accountant of the National Fund for Environment and Sustainable Development; and
- a receipt for the payment of a financial guarantee deposit of 2 000 000 (two million) CFAF issued by the accountant of the National Fund for Environment and Sustainable Development.

Article 6

The environmental permit referred to in Article 5 above shall be valid for a period of 5 (five) years renewable.

Article 7

Treatment and final disposal establishments of the said waste shall submit in addition to the abovementioned documents the following:

- a certified true copy of the certificate of environmental compliance for structures whose activities are subject to an environmental impact assessment;
- a copy of the authorization to operate issued by the administration in charge of establishments classified as dangerous, unhealthy or obnoxious to the structures concerned.

Chapter III

CONDITIONS FOR OBTAINING AN ENVIRONMENTAL PERMIT TO SORT, COLLECT, TRANSPORT, STORE, VALORISE, RECYCLE, TREAT AND FINALLY DISPOSE OF NON-HAZARDOUS WASTE AND LIQUID HOUSEHOLD WASTE

Article 8 :

Environmental permits to sort, collect, transport, store, valorise, recycle, treat and final disposal of dangerous waste and liquid household waste shall be issued upon examination of a file submitted, in 5 (five) copies to the Minister in charge of environment comprising the following:

- a stamped application at the current official rate indicating the type of activity, complete address, nationality, profession of the applicant or its corporate name in the case of a legal entity;

- a copy of the statutes of the structure;
- the site plan of the head office and the site for storing or treating waste;
- a copy of the tax payers card;
- an attestation of non-bankruptcy;
- a list of appropriate equipment with documents attesting to the said equipment;
- a justification of the capacity to carry out the planned recycling, treatment or disposal;
- a detailed list of the various types of waste concerned;
- a receipt of financial guarantee deposit corresponding to 5% of the total investment required to conduct the activity, limited to a maximum of 10 (ten) million CFAF and issued by the Accountant of the National Fund for Environment and Sustainable Development;
- a receipt for the payment of the sum of 100 000 (one hundred thousand) CFAF issued by the accountant of the National Fund for Environmental and Sustainable Development.

Article 9

The environmental permit referred to in Article 8 above shall be valid for 5 (five) years renewable.

Article 10

1. In case of final stop of activity of the storage, treatment, disposal facilities, or the dumping of waste, reimbursement of the caution shall be conditioned by an acceptable ecological restoration of the site.

Reimbursement of the deposit referred to in paragraph 1 above shall be done after acknowledgement of the administration in charge of environment within sixty (60) days.

Chapter IV

CONDITIONS FOR OBTAINING ENVIRONMENTAL PERMIT TO MANUFACTURE, IMPORT, COMMERCIALIZE OR DISTRIBUTE NON-BIODEGRADABLE PACKAGING

Article 11:

1. The manufacture, importation, commercialization or distribution of non-biodegradable packaging shall be subject to obtaining an environmental permit to ensure their traceability.

2. The environmental permit referred to in paragraph 1 above shall be issued after examination of a file submitted in 5 (five) copies to the Minister in charge of environment, comprising the following documents:

- An application stamped at the current official rate, indicating the type of activity, the complete address, nationality, profession of the applicant or its corporate name in case it is a legal entity;
- A management plan for the waste as well as the follow-up or monitoring mechanism thereof;
- A copy of the statutes of the structure;
- A copy of the tax payers' card;
- An attestation of non-bankruptcy:
- A site plan of the head office and of the site where the non-biodegradable packaging will be manufactured and stored;

- A management plan for the packaging waste generated;
- A certificate of registration in the importers roll;
- A receipt of financial guarantee deposit corresponding to 5% of the total investment required for the activity to be carried out and limited to a maximum of 10 (ten) million CFAF issued by the Accountant of the National Fund for Environment and Sustainable Development; and
- A receipt showing payment of 500 000 (five hundred thousand) CFAF for importers issued by the Accountant of the National Fund for Environment and Sustainable Development.

2. The environmental permit referred to in paragraph 1 above shall be issued for 3 (three) months renewable for importers and 5 (five) years renewable for any other operator in the sector.
3. However, the manufacturing, possession and commercialization or free distribution of non-biodegradable plastic packaging of low density less than or equal to 60 (sixty) microns in thickness and in the granules used for their manufacture shall be forbidden.

Chapter V

CONDITIONS FOR OBTAINING ENVIRONMENTAL PERMIT TO COLLECT, EVACUATE, STORE, VALORISE, RECYCLE, TREAT AND FINALLY DISPOSE OF WASTE FROM ELECTRICAL AND ELECTRONIC EQUIPMENT

Article 12 :

(1) An environmental permit to collect, evacuate, store, valorise, recycle, treat and finally dispose of waste from electrical and electronic equipment shall be issued after examination of a file submitted in 5 (five) copies to the Minister in charge of environment, comprising the following documents:
- An application stamped at the current official rate, indicating the type of activity, the complete address, nationality, profession of the applicant or its corporate name if it is a legal entity;
- A copy of the statutes of the structure;
- A copy of the tax payers' card;
- An attestation of non-bankruptcy:
- A site plan of the head office and of the site where the electrical and electronic equipment will be manufactured;
- A management plan for the waste generated;
- A receipt of financial guarantee deposit corresponding to 5% of the total investment required for the activity to be carried out and limited to a maximum of 10 ten million CFAF issued by the Accountant of the National Fund for Environment and Sustainable Development;
- A receipt showing payment of 200 000 (two hundred thousand) CFAF for importers issued by the Accountant of the National Fund for Environment and Sustainable Development.

(2) The environmental permit referred to in paragraph 1 above shall be issued for a period of 3 (three) years renewable.

Chapter VI

SUSPENSION, WITHDRAWAL AND/OR RENEWAL OF ENVIRONMENTAL PERMITS

Article 13 :

Any environmental permit issued by virtue of this Order may be suspended or withdrawn in case of non-compliance with the regulations in force.

Article 14

(1) The decision to suspend the environmental permit shall be taken by the Minister in charge of environment

(2) Withdrawal of the permit shall be decided by the Minister in charge of environment upon the assent of the Prime Minister, Head of Government.

Article 15

Suspension or withdrawal of the environmental permit shall take place in the following cases:

- bankruptcy of the establishment responsible for collection, transportation and final disposal of waste;
- violation of the legislation and regulations in force duly recorded by the Minister in charge of environment;
- poor quality of services provided, recorded by the sworn officials of competent administrations.

Artlcle16

(1) Suspension or withdrawal of the environmental permit shall result respectively to temporary or final cessation of the activity.

(2) 3 (three) suspensions of the environmental permit shall result to its final withdrawal and forfeiture of rights by the officials of the said structure from any similar activity.

(3) Suspension of the environmental permit shall be lifted as soon as the grounds for which it was decided are no longer valid.

Article 17

(1) Any natural person or legal entity, who requests for the renewal of their environmental permit shall submit to the Minister in charge of environment at least 2 (two) months before expiry of the said permit, an application for renewal comprising the following documents:

- A report of activities in 5 (five) copies of the last 3 (three) years;
- An attestation of non-bankruptcy;
- The site plan of the head office;
- The list of equipment of the structure required for conducting its activities;
- An attestation of bank domiciliation;
- A receipt for the payment of the sum corresponding to the amount initially paid issued by the Accountant of the National Fund for Environment and Sustainable Development.

(2) Renewal of the deposit shall be required of operators in case of use in accordance with the provisions of this Order.

Chapter V

MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS

Article 18 :

(1) The Minister in charge of environment shall have 60 (sixty) days after reception of the application file to obtain an environmental permit to decide on the award of the said environmental permit.

(2) After this 60-day deadline, and in case of silence from the administration in charge of environment, the file of the applicant shall be considered admissible.

Article 19

Environmental permits referred to in this Order shall not be transferable.

Article 20

Whenever an approved company changes operator or name, the new operator or their representative shall inform the Minister in charge of environment in writing within 30 (thirty) days from the actual transfer date.

Article 21

No one shall manage more than one waste management structure.

Article 22

Importers of second-hand electrical and electronic equipment shall be subjected to the conditions for obtaining an environmental permit referred to in Article 12 of this Order.

Article 23

Existing structures shall have 18 (eighteen) months, from the date of signature, to comply with the provisions of this Order.

Article 24

This Order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 15 October 2012

Hele Pierre
Minister of Environment, Protection of Nature
and Sustainable Development

III.6

ORDER NO. 002/MINEPDED OF 15 OCTOBER 2012 TO LAY DOWN SPECIFIC CONDITIONS ON THE MANAGEMENT OF (TOXIC AND/OR HAZARDOUS INDUSTRIAL WASTE

ORDER NO. 002/MINEPDED OF 15 OCTOBER 2012 TO LAY DOWN SPECIFIC CONDITIONS ON THE MANAGEMENT OF (TOXIC AND/OR HAZARDOUS INDUSTRIAL WASTE

THE MINISTER OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,
THE MINISTER OF TRADE,

Mindful of the Constitution;

Mindful of Law No.89/027 of 29 December 1989 on toxic and hazardous wastes;

Mindful of Law No.096/03 of 4 January 1996, relating to Health;

Mindful of Law No.96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No.96/117 of 5 August 1996 relating to Standardization;

Mindful of Law No. 98/005 of 14 April 1998 on Water Regimes;

Mindful of Law No. 98/015 of 15 July 1998 on establishments classified as dangerous, unhealthy and obnoxious;

Mindful of Law No.2001/015 of 23 July 2001 to regulate the road transport and transport auxiliary professions;

Mindful of Law No.2D03/003 of 21 April 2003 on Phytosanitary Protection;

Mindful of Law No.2004/018 of 22 July 2004 to lay down rules applicable to councils:

Mindful of Framework Law No.2011/012 of 6 May 2011 on consumer protection in Cameroon;

Mindful of Order No.2011/408 of 9 December 2011 to organize the Government;

Mindful of Order No. 2011/409 of 9 December 2011 to appoint a Prime Minister, Head of Government;

Mindful of Order No.2011/410 of 9 December 2011 to appoint members of Government;

Mindful of Order No. 2011/2581/PM of 23 August 2011 to regulate harmful or hazardous chemicals;

Mindful of Order No. 2012/2809 to lay down terms and conditions for sorting, collecting, storing, transporting, retrieving, recycling, treating and final disposal of wastes

Hereby orders as follows:

Section I

GENERAL PROVISIONS

Article 1:

This Article lays down specific conditions on management of (toxic and/or hazardous) industrial waste.

Article 2 :

(1) Any waste generator and/or operator in the sector of (toxic and/or hazardous) industrial waste shall submit twice a year, to the administration in charge of environment and classified establishments, a summary of the various manifests received in each half-year.

(2) The summaries mentioned in paragraph 1 above shall be submitted before 15 January and 15 July of the previous half-year.

Section II

TOXIC OR HAZARDOUS INDUSTRIAL WASTE MANAGEMENT PLAN

Article 3

(1) Every operator of a plant that annually generates more than 2 tonnes of (toxic and/or hazardous) industrial waste shall submit a management plan of the said waste to the administration in charge of environment.

(2) Hazardous waste management plans shall include information on:

- existing procedures and measures;
- actions planned by the operator to reduce generated quantities;
- measures to increase their reuse and recycling and guarantee that non-recoverable waste will be eliminated.

(3) The plan mentioned in paragraph 1 above shall describe options for recovering or eliminating toxic and/or hazardous industrial waste by indicating their destination.

(4) This management plan shall henceforth be updated at most every 5 (five) years or during the environmental audit of the plant. The new management plan is submitted to the administration in charge of environment no later than 6 (six) months before expiry of the last plan submitted.

(5) The management plan mentioned in paragraph 1 above shall be drafted in accordance with the model adopted by the Minister in charge of environment.

Section III

OBLIGATIONS RELATED TO THE TRANSPORTATION AND FINAL DISPOSAL OF (TOXIC AND/OR HAZARDOUS) INDUSTRIAL WASTE

Article 4 :

(1) Any (toxic or hazardous) industrial waste transporter shall use a waste traceability manifest in keeping with the form in force.

(2) The waste traceability manifest shall indicate, especially, the origin, nature, characteristics, quantities and destination of toxic and/or hazardous industrial waste and the modality of transportation, storage and final disposal of the said waste as well as companies involved in these operations.

(3) This manifest shall be issued in 5 (five) copies by the administration in charge of environment and shall be signed by the local authority of the said administration on departure and on arrival.

Article 5

(1) Sworn agents of the administration in charge of environment may require samples and analyses to check conformity of the load with the information in the manifest.

(2) Should the administration in charge of environment resort to private expertise, the costs related thereto shall be borne by the proponent.

Article 6

Before transporting (toxic and/or hazardous) industrial waste the waste maker or shipper shall:

- label containers of (toxic and/or hazardous) industrial waste in accordance with the regulations in force and put the classification code of the said waste on them;
- ensure that the consignee runs a controlled rubbish dump or a storage, recovery or final waste disposal centre duly authorized to receive (toxic and/or hazardous) industrial waste;
- give the consignee the information contained in the waste traceability manifest;
- sign a contract with a waste destroyer who holds an environmental permit; and
- ensure that the waste transporter holds an environmental permit.

Article 7

Before giving toxic and /or hazardous industrial waste to the transporter, the waste maker or shipper shall:

- complete the waste traceability manifest;
- ensure that the toxic and /or hazardous industrial waste is identified through a label affixed on the container or in case of bulk transportation, on the vehicle used for transportation in accordance with the regulations in force;
- have the waste traceability manifest signed by the collector or transporter during loading and give the latter a copy of the said manifest.

Article 8

The transport operator shall:

- ensure that the classification code of hazardous waste stuck on the waste containers matches the one indicated in the waste traceability manifest;
- sign the waste traceability manifest during loading of hazardous waste, and hold it during transportation;
- transport (toxic and /or hazardous) industrial waste in a container or vehicle compartment, that is appropriate, watertight, sealed, labelled and as necessary, equipped with valves and/or drain valves made and fitted such that it can take a watertight pipe coupling during discharge;
- In case of transportation of an article containing hazardous waste, and that cannot be transported in a watertight and sealed container or vehicle compartment, the transporter shall drain it before transportation, tie it to the vehicle and protect it with a watertight device against bad weather to avoid any spill of (toxic and/or hazardous) industrial waste during transportation;
- transport (toxic and/or hazardous) industrial waste to the consignee indicated in the waste traceability manifest;

- notify the consignee when the initial deadline is postponed for 2 days;
- be authorized by the consignee before they can offload the hazardous waste that he is transporting;
- give the waste traceability manifest to the consignee and keep one signed copy.

Article 9

(1) On arrival of the transport operator, the consignee of the said (toxic and/or hazardous) industrial waste shall:

- authorize offloading of the said waste only when it is accompanied by a duly completed waste traceability manifest;
- complete and sign the waste traceability manifest and forward it to the service in charge of environment that issued the manifest, within 7 days of receiving the waste;
- immediately notify the administration in charge of environment if they does not receive waste 2 days after the date indicated on the manifest or if the transport operator notifies him that the said waste will be delivered 2 days after the expected date;
- immediately inform the administration in charge of environment if the transport operator arrives with a load of hazardous waste without a manifest.

2) In case of non-acceptance, the consignee shall immediately notify the shipper and handover the manifest to the latter giving reasons for the refusal.

3) The consignee shall immediately inform the administration in charge of environment of the refusal, to ensure control of his facility.

Article 10:

Any failure to respect the obligations mentioned above shall engage the responsibility of the accused operator.

Section IV

MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS

Article 11 :

Within the limit of the technical capacity of their facilities, class 1 controlled rubbish dump (disposal facilities), are bound to receive toxic and/or hazardous industrial waste that are brought or sent to them.

Article 12

No person shall be an operator in more than one structure that collects, transports and finally disposes of toxic and/or hazardous industrial waste.

Article 13

The consignee shall send to the shipper and administration in charge of environment an attestation of waste destruction.

Article 14

Existing structures shall have 18 (eighteen) months from the date of signing to comply with the provisions of this Order.

Article 15

This Order shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Article 15

This Order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 15 October 2012

Hele Pierre
Minister of Environment,
Protection of Nature and Sustainable Development

III.7

ORDER NO. 003/MINEPDED OF 15 OCTOBER 2012 TO LAY DOWN SPECIFIC CONDITIONS FOR MANAGING MEDICAL AND PHARMACEUTICAL WASTE

ORDER NO. 003/MINEPDED OF 15 OCTOBER 2012 TO LAY DOWN SPECIFIC CONDITIONS FOR MANAGING MEDICAL AND PHARMACEUTICAL WASTE

THE MINISTER OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

Mindful of the Constitution;

Mindful of Law No. 89/027 of 29 December 1989 on toxic and dangerous waste;

Mindful of Law No. 96/03 of 4 January 1996 relating to health;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No. 96/117 of 5 April 1996 on standardization;

Mindful of Law No.98/005 of 14 April 1998 on water resources;

Mindful of Law No.98/015 of 4 July 1998 on establishments classified as dangerous, unhealthy or obnoxious;

Mindful of Law No.2004/015 of 23 July 2001 on the road haulier and transport auxiliaries;

Mindful of Law No.2004/018 of 22 July 2004 to lay down rules applicable to councils;

Mindful of Decree No. 2011/2581/PM of 23 August 2011 to regulate harmful or dangerous chemicals;

Mindful of Decree No. 2011/406 of 9 December 2011 to organize of the Government;

Mindful of Decree No. 2011/409 of 9 December 2011 to appoint the Prime Minister, Head of Government;

Mindful of Decree No. of 9 December 2011 to form the Government;

Mindful of the Decree to lay down the conditions for sorting, collecting, storing, transporting, recovering, recycling, treating and final disposal of waste.

HEREBY ORDERS AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Order lays down conditions for managing medical and pharmaceutical waste.

Article 2:

For the purposes of this Order, the following definitions shall apply:

Decontamination:

the removal of contaminating agents by a physical, chemical or biological process.

Shipper:

a natural or legal person generating or holding categories 1 and 2 medical and pharmaceutical waste referred to in Article 3 below, assigned to entrust them to the collector-transport operator.

Collector-transport operator:

a natural or legal person responsible for taking or receiving category 1 and 2 medical and pharmaceutical waste from the shipper and delivering them to the consignee.

Recipient:

a natural or legal person receiving categories 1 and 2 medical and pharmaceutical waste for recovery or disposal.

Traceability manifest:

an accompanying form, used during the transport of categories 1 and 2 medical and pharmaceutical waste.

Certificate of prior acceptance:

a document certifying approval of the recipient to receive categories 1 and 2 medical and pharmaceutical waste for disposal.

Certificate of destruction:

a document issued by the consignee in which he asserts to have destroyed the categories 1 and 2 medical and pharmaceutical waste received.

Transport:

the transfer of medical and pharmaceutical waste from the place of production to that of recovery or disposal.

Article 3:

Medical and pharmaceutical waste shall be classified according to their characteristics and nature as follows:

Category 1:

potentially infectious waste as it contains viable micro-organisms or toxins that may cause diseases in humans or other living organisms (pathogenic waste), as well as unidentifiable human or animal organs and tissues. These include:

- Piercing or sharp material to be discarded, irrespective of whether or not they have been in contact with a biological product, and
- Incompletely used, damaged or expired therapeutic blood products and derivatives.

Category 2:

Unused, spoiled or expired drugs, chemical and biological products and containers (vials, boxes).

Genotoxic waste:

This is waste containing substances that may cause damage to DNA, those containing cytostatic drugs (often used in the treatment of cancers), or genotoxic chemicals. However, management of

waste from reuse of poisonous substances must take into account legislation applicable to these substances.

Waste with high content of heavy metals like batteries, broken thermometers, tensiometers and similar waste.

Category 3:

Human or animal organs and tissues, easily identifiable by a layman.

Category 4:

Waste assimilated to household waste.

Article 3:

Medical and pharmaceutical waste shall be classified according to their characteristics and nature as follows:

Category 1:

- potentially infectious waste as it contains viable micro-organisms or toxins that may cause diseases in humans or other living organisms (pathogenic waste), as well as unidentifiable human or animal organs and tissues. These include:
- Piercing or sharp material to be discarded, irrespective of whether or not they have been in contact with a biological product, and
- Incompletely used, damaged or expired therapeutic blood products and derivatives.

Category 2:

- Unused, spoiled or expired drugs, chemical and biological products and containers (vials, boxes).
- **Genotoxic waste:** This is waste containing substances that may cause damage to DNA, those containing cytostatic drugs (often used in the treatment of cancers), or genotoxic chemicals. However, management of waste from reuse of poisonous substances must take into account legislation applicable to these substances.
- Waste with high content of heavy metals like batteries, broken thermometers, tensiometers and the like.

Category 3:

Human or animal organs and tissues, easily identifiable by a layman.

Category 4:

Waste assimilated to household waste.

Article 4:

(1) Every medical and pharmaceutical waste generator shall set up an internal management system which shall include especially:
- a unit for managing such waste
- qualified personnel trained in the management of such waste
- a register in which the quantities, category, origin of the waste produced, collected, stored and disposed of are updated
- suitable equipment for the safe encapsulation of this waste.

(2) However, generators producing a quantity of categories 1 and 2 medical and pharmaceutical waste of less than 10 (ten) kg per day shall designate a qualified person to manage the said waste and keep a register.

Article 5:

Any medical and pharmaceutical waste generator shall manage the waste which includes sorting at the source, packaging, storing, and where appropriate, collecting, transporting, treating and final disposal.

Chapter II

SORTING, PACKAGING AND STOCKING METHODS

Article 6 :

Medical and pharmaceutical waste shall be sorted according to category from their generation and placed in containers of different colours for single use meeting the manufacturing standards in force, according to the following conditions:

- resistant and waterproof red-coloured containers for categories 1a and 1c waste
- solid, hermetically sealed, yellow-coloured containers for category 1b waste
- resistant and leak-proof brown-coloured containers for category 2 waste
- non-transparent white coloured containers for human or animal organs and tissues of category 3
- resistant and waterproof black-coloured containers for category 4 waste.

Article 7:

(1) The filling of bags and containers shall not exceed three quarters of their capacity and shall be labelled to indicate the source of the waste, date of first sacking or putting in containers and date of loading.

(2) Bags and containers shall be sealed after filling and placed in separate containers, reserved for storing according to the category of the waste.

Article 8:

(1) Containers used for storing categories 1 and 2 waste shall be rigid, watertight, moisture-proof, solid, cracking- and crushing-resistant under normal conditions of use and be in accordance with the standards in force

(2) Tightly sealed containers to prevent leakage during transport shall bear a label indicating the category of waste they contain and their storage date.

(3) The containers shall be placed in an appropriate storage area, away from the waste generating units, accessible only to the waste management unit staff or to the person in charge.

Article 9:

Each unit generating medical and pharmaceutical waste shall fit out safe storage points.

Chapter III

TRANSPORT REQUIREMENT

Article 10 :

(1) Every transport operator of medical and pharmaceutical waste shall keep a manifest of traceability of the said waste according to the form in force.

(2) The manifest shall be issued by the administration in charge of the environment and signed by the local authority of the said administration on departure and on arrival.

Article 11:

(1) Where necessary, sworn officials of the administration in charge of the environment may require sample taking and analysis to verify the load conformity with the manifest.

(2) When the administration in charge of the environment makes use of private expertise, the costs related thereto shall be borne by the operator.

Article 12:

Before delivering the medical and pharmaceutical waste to a transport operator, the generator or shipper shall:

- label the bags and containers of such waste in accordance with the regulations in force and mark them with their classification codes
- ensure that the consignee operates a disposal centre duly authorized to receive medical and pharmaceutical waste and a controlled landfill for the ultimate waste
- communicate to the consignee the information provided for in the waste traceability manifest
- have a contract with a destroyer who has an environmental permit
- ensure that the carrier has an environmental permit.

Article 13:

Before handing over medical and pharmaceutical waste to a transport operator, the generator or shipper shall:

- complete the traceability manifest
- ensure that such waste is identified by means of a label affixed to the bag or container and to the vehicle used for transportation in accordance with the regulations in force
- have the manifest of traceability of the waste signed by the collector-transport operator during the loading and given (the said manifest) to him.

Article 14:

The transport operator shall:

- ensure that the classification code for medical and pharmaceutical waste put on the waste container corresponds to that indicated in the waste traceability manifest
- sign when loading medical and pharmaceutical waste, the manifest of traceability of waste and keep it with him during transportation
- transport medical and pharmaceutical waste in a suitable, sealed and labelled container or compartment of the vehicle
- transport medical and pharmaceutical waste to the consignee indicated on the waste traceability manifest
- notify recipients when the initial deadline for deliveries is deferred by 2 days
- obtain the consignee's authorization before off-loading the waste he is transporting
- deliver the traceability manifest to the consignee and keep a signed copy.

Article 15:

(1) On arrival (of the transport operator), the consignees of the waste shall:

- authorize unloading of such waste only if it is accompanied by a duly completed traceability manifest
- complete and sign the traceability manifest for the waste and send it to the department in charge of the environment who issued the manifest within 7 days of receipt of the waste
- immediately notify the administration in charge of environment when it has not received the waste 2 days after the date on the manifest, or when a transport operator informs him that the said waste will be delivered more than 2 days after the expected date
- immediately notify the administration in charge of environment when the transport operator shows up with a load of waste without manifest or not in conformity with the manifest.

(2) In case of non-acceptance, the recipient shall immediately inform the sender and sends him the traceability manifest indicating the reasons for the refusal.

(3) The recipient shall report the refusal without delay to the administration in charge of environment.

Article 16:

The operator shall be liable for the breach of any of the above requirements.

Chapter IV

TREATMENT AND DISPOSAL MODALITIES

Article 17 :

(1) Containers and vehicles used for transporting categories 1 and 2 medical and pharmaceutical wastes shall be cleaned and disinfected after each use.

(2) Single-use containers shall be disposed of in the same way the categories 1 and 2 medical and pharmaceutical waste they contain are done.

Article 18:

(1) Categories 1 and 2 medical and pharmaceutical waste shall be disposed of in accordance with appropriate methods recognized in the domain.

(2) Organs and tissues of human and animal origin easily identifiable by a layperson shall be managed in accordance with the regulations in force.

(3) Non-identifiable organs and tissues of human and animal origin shall be treated and disposed of according to the same procedures for the treatment and disposal as category 1 infectious waste.

Article 19:

If it is proven that, by a compulsorily certified treatment process, categories 1 and 2 medical and pharmaceutical waste no longer pose a risk, they may be treated under the same conditions as household waste.

Article 20:

The consignee shall send to the consignor and the administration in charge of environment an attestation of destruction of the waste.

Chapter V

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

Article 21 :

The management of medical and pharmaceutical waste entrusted to an authorized operator shall require specifications and a contract approved by the administration in charge of environment.

Article 22:

The existing structures shall have a period of 18 (eighteen) months from the date of signature to comply with the provisions of this Order.

Article 23:

This Order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 15 October 2012
Hele Pierre
The Minister of Environment,
Protection of Nature and Sustainable Development .

III.8

ORDER NO. 0010/MINEP OF 3 APRIL 2003 ON THE ORGANIZATION AND FUNCTIONING OF DIVISIONAL COMMITTEES FOR MONITORING THE IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS

ORDER NO. 0010/MINEP OF 3 APRIL 2003 ON THE ORGANIZATION AND FUNCTIONING OF DIVISIONAL COMMITTEES FOR MONITORING THE IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS

MINISTER OF ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

Mindful of the Constitution;

Mindful of Law No.96/12 of 5 August 1996 relating to Environmental Management;

Mindful Mindful of Law No.2001/78 of 3 September 2001, on the organization and functioning of the Inter-ministerial Committee on Environment;

Mindful of Decree No.2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No.2011/410 of 9 December 2011 to form the Government;

Mindful of Decree No.2012/431 of 1 October 2012 to organize the Ministry of Environment, Protection of Nature and Sustainable Development;

Mindful of Decree No.2012/0882/PM of 27 March 2012 to lay down conditions for exercising some powers transferred by the State on environment;

Mindful of Decree No.2013/0171/PM of 14 February 2013 to lay down the methodology for conducting environmental and social impact assessments;

Mindful of Decree No.2013/0172 /PM of 14 February 2013 to lay down conditions for conducting environmental and social audits;

HEREBY ORDERS AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Order lays down the organization and functioning of the Divisional Committees for monitoring the implementation of Environmental and Social Management Plans, hereinafter referred to as “The Committee”.

Article 2

(1) The seat of the Committee shall be the Divisional headquarter.

(2) The purpose of the Committee shall be to monitor the implementation of all environmental and social management plans within the Division.

As such, the Committee shall:

- ensure compliance with and implementation of the environmental and social management plan as approved by the Inter-ministerial Committee for Environment (ICE)
- promote and facilitate consultation between the project proponents and the populations, to implement the environmental and social management plans
- assist project proponents to implement the environmental and social management plan and, where appropriate, make recommendations for their effectiveness
- review reports on the status of implementation of environmental and social management plans and, if necessary, make trips to the project sites for verification
- evaluate the process of implementing environmental and social management plans in the Division, and report to the Minister in charge of environment
- contribute to the ownership of the environmental and social management plans by project proponents
- propose to the Minister in charge of environment, any useful measure geared towards implementing the environmental and social management plans.

Chapter II

ORGANIZATION AND FUNCTIONING

Article 3 :

(1) The Committee shall include:

A Chairperson: shall be the territorially competent Senior Divisional Officer

Vice-Chairperson: shall be the Divisional Delegate of the Ministry in charge of environment

Members:

- The Divisional Delegate of the Ministry in charge of the economy, planning and regional development
- The Divisional Delegate of each Ministry concerned by the project
- The Mayor of the council of the project site
- The Bureau Head of Environmental Inspections and Assessments at the Divisional Delegation of the Ministry in charge of environment
- The Bureau Head of Sustainable Development at the Divisional Delegation of the Ministry in charge of environment
- 2 (two) representatives of the communities
- 2 (two) representatives of the private sector
- 1 (one) representative of non-governmental organizations

(2) The representatives of the communities and non-governmental organizations shall be designated by the Senior Divisional Officer, on the proposal of the Divisional Delegate of the Ministry in charge of environment.

(3) Private sector representatives shall be designated by the groupings to which they belong.

(4) The Chairman of the Committee may invite any natural or legal person, based on their competence or

experience on sustainable development issues, to take part in the deliberations of the Committee, in an advisory capacity.

(5) The composition of the Committee shall be established by decision of the Minister in charge of environment.

Article 4

(1) To perform its duties, the Committee shall have a Technical Secretariat manned by the Divisional Delegate of the project owner Ministry, assisted by the Bureau Head of Sustainable Development and the Bureau Head of Environmental Inspections and Assessments at the Divisional Delegation of the Ministry in charge of environment.

(2) The Technical Secretariat shall:

- draft the Committee's agenda
- prepare the files for Committee deliberations
- follow up the recommendations adopted by the Committee
- take down minutes of sessions and write reports on implementation of the environmental and social management plans
- prepare and distribute committee meeting invitations
- keep all Committee documentation and archives and
- conduct any mission entrusted to it by the Committee Chairperson.

Article 5

(1) The Committee shall meet 3 (three) times a year, convened by the Chairman and shall make field trips to monitor the execution of projects in its area of competence.

(2) Invitations for sessions shall include the date, time, place and agenda, accompanied by

- the files to be examined, and should be sent to Committee members at least 1 (one) week before
- the meeting date, except in emergency cases.

Article 6

(1) The Committee shall validly deliberate only if two-thirds (2/3) of its members are present or represented.

(2) The decisions of the Committee shall be adopted by a simple majority of the members present or represented. In the case of a tie, the Chairperson shall have the casting vote.

(3) Any representation must be in writing and presented to the Chairperson at the opening of the session.

(4) Each Committee meeting shall end with a report forwarded through hierarchy to the Minister in charge of environment

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 7 :

(1) The duties of Committee members and the Technical Secretariat shall be free. However the concerned, as well as those invited in an advisory capacity, shall receive a sitting allowance and may be entitled for reimbursement of expenses incurred during sessions, upon presentation of supporting documents.

(2) The amount of the sitting allowances shall be fixed by Decision of the Minister in charge of environment, within the scope provided for by the regulations in force.

Article 8

The Chairperson of the Committee shall report annually on their activities to the Minister in charge of environment.

Article 9

The Committee's operating expenses shall be borne by the budget of the Ministry of Environment, Protection of Nature and Sustainable Development.

Article 10:

This Order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French./-

Yaounde, 15 October 2012

Hele Pierre
Minister of Environment,
Protection of Nature and Sustainable Development

III.9

ORDER NO. 005 CAB/PM OF 12 JANUARY 2015 REORGANIZING THE INTERMINISTERIAL FACILITATION COMMITTEE FOR THE IMPLEMENTATION OF THE FORESTRY / ENVIRONMENT SECTOR PROGRAM

ORDER NO. 005 CAB/PM OF 12 JANUARY 2015 REORGANIZING THE INTERMINISTERIAL FACILITATION COMMITTEE FOR THE IMPLEMENTATION OF THE FORESTRY / ENVIRONMENT SECTOR PROGRAM

THE PRIME MINISTER HEAD OF THE GOVERNMENT,

Mindful of the Constitution;

Mindful of the law n ° 94/01 of January 20th, 1994 governing the regime of the forests, the fauna and the fishing;

Mindful of No. 96/12 of August 05th, 1996 bearing framework law relating to the management of the environment;

Mindful of decree n ° 92/089 of May 4th, 1992 specifying the attributions of the Prime Minister, modified and completed by the decree n ° 95/145 bis of August 04th, 1995;

Mindful of Decree No. 2011/408 of 9 December 2011 on the organization of the Government;

Mindful of Decree No. 2011/409 of 9 December 2011 appointing a Prime Minister, Head of Government;

Mindful of decree n ° 95/466 / PM of July 20th, 1995 fixing the modalities of application of the mode of fauna;

Mindful of Decree No. 95/531 / PM of 23 August 1995 laying down the procedures for the application of the forest regime;

Mindful of Decree No. 95/678 / PM of 18 December 1995 establishing an incentive framework for land use in the southern forest area.

HEARED BY FOLLOW:

Chapter I

GENERAL PROVISIONS

Article 1:

This Order reorganizes the Interministerial Facilitation Committee for the Implementation of the Forests / Environment Sector Program (PSFE), hereinafter referred to as «the Committee».

Article 2 :

Under the authority of the Minister in charge of Finance, the Committee is a body for the coherence of the strategies of the Ministries in charge of forests and the environment in the framework of the implementation of the conventions, treaties or agreements in the sub- Forest / Environment sectors, coordinating the implementation of the various Cross-Border Programs and facilitating collaboration between institutional actors involved in the implementation of Cross-Country Programs in the rural sector, according to the orientations of the Strategy Paper for Growth and Employment (DSCE).

In this capacity, he is responsible for:

- to ensure cross-sectoral coherence in the planning of cross-cutting programs;
- facilitate cross-sectional studies in the environment, forestry and wildlife sectors;
- to ensure that audits and other studies on the management of transversal programs in progress are carried out and to validate the related reports;
- supervise the smooth implementation of the activities of the transversal programs currently being implemented, through the organization of joint six-monthly monitoring and evaluation missions between the Government and the technical and financial partners;
- ensure that funding for cross-program activities is reflected in the Annual Performance Plans (APPs) of the relevant ministerial departments;
- to consider any other question relating to the implementation of cross-cutting programs.

Article 3 :

The cross-cutting programs referred to in Article 2 above, refer to any program resulting from the implementation of a bilateral or multilateral convention, treaty or agreement of one of the sub-sectors forest / Environment.

Chapter II

ORGANIZATION AND OPERATION

Article 4 :

(1) The Committee is composed as follows:

President: The Secretary General of the Ministry of Finance.

Vice-Presidents:

- the Secretary General of the Ministry of Forests;
- the Secretary General of the Ministry of the Environment;
- the Secretary General of the Ministry in charge of planning.

Members :

- one (01) representative of the Prime Minister's Office;
- two (02) representatives of the Ministry of Finance;
- two (02) representatives of the Ministry in charge of forests;
- two (02) representatives of the Ministry of the Environment;
- two (02) Ministry representatives in charge of planning;
- one (01) representative of the Ministry of External Relations;
- one (01) representative of the Ministry of Agriculture;
- one (01) representative of the Ministry of Territorial Administration,

- one (01) representative of the Ministry of Livestock and Fisheries;
- one (01) representative of the Ministry of Tourism;
- one (01) representative of the Ministry in charge of the domains;
- one (01) representative of the Ministry responsible for scientific research;
- one (01) representative of the Ministry of Mines.

(2) The Chairman of the Committee may invite any natural or legal person, because of his / her competence on matters on the agenda, to take part in the work of the Committee, in an advisory capacity.

(3) The members of the Committee shall be appointed by the administrations to which they belong.

(4) The composition of the Committee is established by decision of the Minister of Finance.

Article 5 :

Representatives of development partners involved in a given cross-cutting program attend the meetings of the Committee as observers.

Article 6 :

(1)The Committee meets at least once (01) per quarter.

(2) The convocations accompanied by documents are sent at least fifteen (15) days before the meeting. They indicate the date, place, time and agenda of the meeting.

(3) The decisions of the Committee shall be taken by a simple majority of the members present. In case of a tie, the President has the casting vote.

Article 7 :

For the accomplishment of its missions, the Committee has a Technical Secretariat in charge of:

- to prepare the meetings of the Committee, in liaison with the administrations and the institutions responsible for implementing the transversal programs;
- follow up on the implementation of the Committee's decisions;
- to align the annual performance plans of the ministries responsible for forests and the environment, in accordance with the matrices of commitments of the transversal programs;
- prepare the minutes of the working sessions and quarterly reports of the Committee;
- to establish, maintain and classify the documentation and archives of the Committee;
- draft the annual report (s) of the implementation of the transversal programs;
- to prepare the Committee's budget;
- to propose to the Committee any measure likely to improve the implementation of cross-cutting programs;
- prepare joint monitoring and evaluation missions between the Government and the technical and financial partners;
- to carry out any work entrusted to it by the Committee or its Chairman, in relation to its missions.

Article 8

(1) Under the coordination of the Focal Point of the Ministry of Finance at the PSFE, the Technical Secretariat is composed as follows:

- one (01) representative of the Ministry of Forests;
- one (01) representative of the Ministry of the Environment;
- one (01) representative of the Ministry of the Economy.

(2) The members of the Technical Secretariat are appointed by the administrations to which they belong.

(3) The composition of the Technical Secretariat is established by decision of the Chairman of the Committee.

Article 9 :

At the end of each meeting, the Committee sends a report to the ministers in charge of finance, forestry, environment, planning, and the leader of the rural sector administration platform.

Chapter III

VARIOUS AND FINAL PROVISIONS

Article 10 :

(1) The Committee's operating expenses are borne jointly by the budget of the Ministry of Finance and by the Common Fund PSFE MINFOF / MINEPDED.

(2) The Committee may benefit from the financial contributions of Cameroon's bilateral and multilateral partners.

Article 11 :

The functions of President, Vice-President, Committee member and Technical Secretariat are free. However, the interested parties, as well as the persons invited in an advisory capacity, benefit from a session allowance according to the rates provided for by the regulations in force.

Article 12 :

This Order repeals all previous provisions to the contrary, in particular Order No. 100 / PM of 11 August 2006 establishing an Interministerial Committee for Facilitation for the Implementation of the Forests / Environment Sector Program.

Article 13 :

The ministers in charge of finance, forestry, environment and planning are responsible, each for his own part, for the application of this decree, which will be registered, published according to the emergency procedure and then inserted in the Journal. Official in French and English.

Yaounde, 12 January 2015

Philemon Yang
The Prime Minister, Head of Government

III.10

ORDER NO. 00002/MINEPDED OF 9 FEBRUARY 2016 TO LAY DOWN THE MODEL FORMAT FOR THE TERMS OF REFERENCE AND CONTENT OF AN ENVIRONMENTAL IMPACT NOTICE

ORDER NO. 00002/MINEPDED OF 9 FEBRUARY 2016 TO LAY DOWN THE MODEL FORMAT FOR THE TERMS OF REFERENCE AND CONTENT OF AN ENVIRONMENTAL IMPACT NOTICE

THE MINISTRY OF THE ENVIRONMENT, PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

Mindful of the Constitution;

Mindful of Law No. 96 / 12 of 5 August 1996 to lay down the framework law for environmental management;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/410 of 9 December 2011 to form the Government;

Mindful of Decree No. 2012/431 of 1 October 2012 to organize the Ministry of the Environment, Protection of Nature and Sustainable Development;

Mindful of Decree No. 2013/171/PM of 14 February 2013 to lay down the procedures for the completion of Environmental and Social Impact Assessments;

Mindful of Decree No. 2013/172/PM of 14 February 2013 to lay down the procedures for the realization of the Environmental and Social Audit;

Mindful of Decree No. 2012-0882-PM of 27 March 2012 to lay down procedures for the exercise of some powers transferred by the State to Councils with regard to the environment;

HEREBY ORDERS AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

(1): This Order defines the model format for the terms of reference and content of the Environmental Impact Statement.

(2) The model format for the terms of reference also deals with the contents of the Environmental Impact Notice Report, the procedure for completion and approval of the TOR and of the Report as well as the list of activities subject to its completion.

Article 2 :

For the purposes of this Order, the Environmental Impact Notice refers to the Report on small-scale projects or establishments/facilities that are not subject to an environmental and social impact assessment or audit, but may have significant effects on the environment.

Chapter II

MODEL FORMAT FOR THE TERMS OF REFERENCE OF THE ENVIRONMENTAL IMPACT NOTICE

Section I

GENERAL FEATURES OF THE MODEL FORMAT FOR TDR

Article 3 :

The terms of reference for an Environmental Impact Notice (EIN) shall comprise the following main elements:

1. **Introduction:**
   - Type of project;
   - Objectives of the notice;
   - Legal framework;
   - Presentation of the promoter and consultant when applicable; and
   - Procedure for drafting the EIN.
2. **Presentation of the promoter: Name, company name, full address, size of the business and field of activity, capital, date of creation, products, name of the main manager;**
3. **Project description:**
   - Administrative location; overall plan; size, capacity, and life span of the project;
   - Land tenure status: (occupation permit for the site signed by the competent authority);
   - Pre-construction or construction activity;
   - Facilities and services; and
   - Operations and maintenance;
4. **Presentation of the project impact area: Physical, biological and human environment as well as socioeconomic, cultural activities and archaeological sites;**
5. **Impact identification and assessment:**
   - Positive and negative impacts on the physical, biological and human environment; and
   - Socio-economic impacts, particularly on the traditional rights of indigenous peoples and minorities in the project area.
6. **Measures to be prescribed**
   - Measures to avoid, eradicate or mitigate negative impacts; and
   - Measures aimed at acknowledging the rights and cultures of the populations and preserving the archaeological heritage.
7. **Neighbourhood survey.**

8. Environmental specifications

- Prescribed measures, responsibilities;
- Implementation schedules; and
- Estimate of the implementation costs.

9. Conclusion.

Article 4 :

The Environmental Impact Notice Report shall include the following:

- Summary of the EIN in English and French;
- Description of the establishment or project;
- Presentation of the legal framework;
- Presentation of the environment of the project or establishment site:
- Identification of potential impacts;
- Prescription of mitigation/enhancement measures;
- Neighbourhood survey;
- Environmental and social specifications
- Annexes: TOR approved by the competent Council and any other document related to the land or project.

Section II

PREPARATION AND APPROVAL OF THE TDR

Article 5 :

(1) Any promoter of a project subject to the production of an EIN shall submit four (4) copies of the application to the competent Council along with the relevant terms of reference. Upon receipt of the application, the Council shall send two (2) copies to the Divisional Delegation in charge of the Environment.

(2) A receipt bearing the date and references of the file shall be issued upon submission of the application.

(3) Upon receipt of the application to produce an EIN, the Divisional Delegation in charge of the Environment shall transmit its technical opinion with regard to the TOR to the Council within fifteen (15) days. Past that deadline, the opinion shall be deemed favourable.

(4) The Council shall formulate its opinion on the TOR within thirty (30) days. Upon expiry of that deadline, the TOR shall be deemed approved.

ARTICLE 6:

(1) The TOR file review fee shall be set by the competent Council. Whatever the case, it shall not exceed fifty thousand (50 000) CFAF. The payment slip for the fees paid to the Council Revenue Collector or structure against receipt, shall be attached to the application.

ARTICLE 7:

The promoter may, to ensure the drawing up and approval of the TOR's EIN, enlist the services of a third party based on the latter's competence to draw up the TOR of his project's EIN.

Section III

DRAWING UP AND APPROVAL OF ENVIRONMENTAL IMPACT NOTICES

Article 8 :

(1) A project promoter shall submit six (6) copies of the EIN Report to the competent Council against receipt. Upon receipt of the file, the Council shall forward two (2) copies to the Divisional Delegation in charge of the Environment and one (1) copy to the relevant Divisional Delegation sector.

(2) A receipt bearing the date and references of the file shall be issued upon submission of the EIN Report.

(3) Upon receipt of the EIN Report, the competent sector Delegation shall forward its opinion to the Divisional Delegation in charge of the Environment within a period of five (5) days. The latter shall have ten (10) days to communicate its technical opinion to the Council, taking into account sector-relevant concerns. Upon expiry of the period of fifteen (15) days, said opinion shall be deemed favourable.

(4) Upon receipt of the EIN Report, the Council shall provide the promoter with a response concerning his project within thirty (30) days. In case of silence of the Council and after expiration of the thirty (30) day deadline subsequent to filing the EIN, the latter shall be deemed approved. The Council shall issue a Certificate of Environmental Compliance to the promoter

Article 9 :

The fee for the EIN Report review shall be set by the competent Council. Whatever the case, it shall not exceed one hundred thousand (100 000) CFA F. The fees shall be paid to the Council Revenue Collector or structure against receipt, a copy of which shall be attached to the application for EIN approval.

Chapter III

LIST OF ACTIVITIES SUBJECT TO AN ENVIRONMENTAL IMPACT NOTICE

Article 10 :

(1) This list serves as a reference for the drawing up by the councils of a list of operations or activities subject to the production of an Environmental Impact Notice in social, economic infrastructures and production as follows:

I. Social Infrastructures:

1. Water supply and sanitation:

- Water supply project with a capacity between 100 and less than 500 m3 per day;
- Dam with a capacity between 100,000 and less than 500,000 m3;
- Treatment facility for sludge from septic tanks and other sewage systems with a receiving capacity of less than 200 m3 per day;
- Disposal facility for household and other related waste with a capacity of less than 50 tons/day (landfills);
- Sanitation micro-project from a programme or project with costs ranging between CFAF 100 million and less than CFAF250 million that had not been environmentally assessed at outset;

- Construction of public latrines;
- Car wash unit;
- Oil change facility; and
- Sewage sludge treatment or disposal plant of less than 50 m3 /day.

2. Hospitals and health facilities:

- Integrated and assimilated health centres;
- Medical laboratories; and
- Construction and operation of morgues.

3. Socio-cultural and educational Infrastructures

- Nursery, primary, secondary schools/educational institutions, training centres and other learning facilities set up on less than one hectare;
- Building of markets, bus stations and major exchange hubs at an investment cost of less than CFAF 500 million;
- Rehabilitation of communal cemeteries;
- Construction of municipal stadiums and other playgrounds; and
- Construction of camps for refugees and displaced persons.

4. Housing and trade projects

- Real estate project of 15 to 49 housing units;
- Subdivision of land from 5 ha to less than 100 ha;
- Development of resettlement area of less than 1000 inhabitants in rural areas;
- Development resettlement area of less than 600 inhabitants in peri-urban area;
- Construction and operation of warehouses of less than 500m² for storing hazardous products;
- Carpentry workshop equipped with planning and/or turning machine;
- Hardware stores with warehouses set up on more than 500 m²;
- Fish shop with a cold storage room;
- Lumber yard in urban areas;
- Charcoal production unit;
- Supermarkets of less than 2,500 m2;
- Construction and operation of a bakery;
- Operation of a dry-cleaning facility;
- Repair workshop for electric and electronic devices and home appliances (cold and air-conditioning: freezers, refrigerators, air conditioners for buildings);
- Operating a printing press; and
- Car repair shop with or without a sheet metal facility.

II. Economic Infrastructures

1. Transportation

- Opening and periodic maintenance of municipal roads;
- Municipal project for the construction and maintenance of transportation infrastructures at the cost of less than CFAF 200 million;
- Construction of parking lots for trucks.

2. Energy:

- Construction of thermal power plants with a capacity of less than 2 MW;
- Construction of medium voltage electric power lines (5 to 30 kV);

- Construction of solar energy(photovoltaic) producing units with a capacity inferior or equal to 10 MW;
- Installation of tidal energy producing units with a capacity inferior or equal to 5 MW;
- Construction of micro hydro-power plants with a capacity inferior or equal to 4.5 MW;
- Installation of wind energy producing units with a capacity inferior or equal to 4,5 MW;
- Construction of electric energy production units from biomass with a capacity inferior or equal to 3 MW;
- Domestic gas depot with more than 100 bottles.

III. Production:

1. Agricultural production

- Creation of a plantation with an area between 100 and 500 hectares;
- Project for manufacturing and artisanal repackaging of livestock and agricultural inputs.

2. Social irrigation and hydraulics

- Surface water irrigation project for a maximal pumping capacity of 50 m3 per day;
- Groundwater irrigation project for a pumping capacity of less than 2m3 per day;
- Irrigation of areas between 50 and 100 hectares (river + borehole water).

3. Fishing and aquaculture

- Industrial fry production unit;
- Commercial smoking ovens for fish and other fishing products;
- Fishing company possessing at least 5 boats fitted with an outboard motor, no cold storage and operating less than 3 km away from the coast;
- Extensive aquaculture on an area covering between 10 and 50 hectares.

4.Livestock

- Ranch with between 1,000 and 5,000 head;
- Poultry farm with between of 10,000 and 25,000 head;
- Confined pig farming of between 100 and 1,000 head;
- Confined breeding of small ruminants with between100 and 1,000 head;
- Tannery processing between 10 and 100 hides and skins daily;
- Cattle, pig and small ruminant slaughterhouse for 5 to 50 head/day;
- Poultry slaughterhouse for between 100 and1,000 head/day;
- Dairy processing of 1,000 to 5,000 l/day.

5. Forestry

- Exploitation of community forests;
- Commercial charcoal production at a capacity exceeding 5 tons per year;
- Forestry and agro-forestry on 100 to 500 ha (individually run plantations);
- Exploitation of forestry reserves transferred to Councils in dry and wet savannah area.

6. Mining

- Artisanal sand pit;
- Small-scale mining.

7. Industries

- Traditional/rural felling areas;
- Artisanal aluminium foundries.

8. Tourism

- Hotels/motels, one star hotel residence and guest house;
- Construction of recreational areas for mass tourism covering less than 2 ha;
- Rated restaurants.

(2), Operations not listed in paragraph 1 above shall be exempt from the production of the Environmental Impact Notice.

Chapter IV

MISCELLANEOUS AND FINAL PROVISIONS

Article 11 :

The activities and costs relating to the production of an EIN can be adapted depending on the specificities of each Council constituency.

Article 12 :

This Order shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 8 February 2016

Pierre Hele
Minister of Environment, Protection of Nature and Sustainable Development

IV

DECISIONS

IV.1

DECISION NO. 0047/D/MINEPDED/SG/DPDD OF 10 FEBRUARY 2017 TO ESTABLISH THE DIVISIONAL COMMITTEE FOR MONITORING THE IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS IN THE DJA AND LOBO

DECISION NO. 0047/D/MINEPDED/SG/ DPDD OF 10 FEBRUARY 2017 TO ESTABLISH THE DIVISIONAL COMMITTEE FOR MONITORING THE IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS IN THE DJA AND LOBO

THE MINISTER OF ENVIRONMENT,
PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

Mindful of the Constitution;

Mindful of Law No. 96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Law No. 2001/78 of 3 September 2001 on the organization and functioning of the Inter-Ministerial Committee on Environment;

Mindful of Decree No. 2008/377 of 12 November 2008 on the powers of heads of administrative unit and the organisation and functioning of their services;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/410 of 9 December 2011 to form the Government;

Mindful of Decree No. 2012/431 of October 2012 to organize the Ministry of Environment, Protection of Nature and Sustainable Development;

Mindful of Decree No. 2012/0882/PM of 27 March 2012 to lay down conditions for exercising some powers transferred by the State on environment;

Mindful of Decree No. 2013/0171/PM of 14 February 2013 to lay down conditions for conducting environmental and social impact assessments;

Mindful of Decree No. 2013/0172/PM of 14 February 2013 to down conditions for conducting environmental and social audits;

Mindful of Order No. 0010/MINEPDED of 3 April 2013 on the organization and functioning of Divisional Committees for monitoring the implementation of Environmental and Social Management Plans (ESMPs).

HEREBY DECIDES AS FOLLOWS:

Article 1:

This Decision shall set up the Divisional Committee for monitoring the implementation of Environmental and Social Management Plans for the Dja and Lobo. This Committee is hereinafter referred to as "The Committee".

Article 2 :

The Committee's purpose shall be to follow up all environmental and social management plans within the Dja and Lobo Division. As such, it shall:

- ensure compliance with and implementation of the environmental and social management plan as approved by the Inter-ministerial Committee for Environment (ICE)
- promote and facilitate consultation between the project proponents and the populations, to implement the environmental and social management plans
- assist project proponents to implement the environmental and social management plan and, where appropriate, make recommendations for their effectiveness
- review reports on the status of implementation of environmental and social management plans and, if necessary, make trips to the project sites for verification
- evaluate the process of implementing environmental and social management plans in the Division, and report to the Minister in charge of environment
- contribute to the ownership of the environmental and social management plans by project proponents
- propose to the Minister in charge of environment, any useful measure geared towards implementing the environmental and social management plans..

Article 3 :

(1) The Committee shall comprise:

- **A Chairperson: Senior Divisional Officer of Dja and Lobo**
- **Vice-Chairperson: shall be the Divisional Delegate of the Ministry in charge of environment, Dja and Lobo**
- **Members:**
- The Divisional Delegate ensuring the technical supervision of the project
- The Mayor of the council of the project site
- The Bureau Head of Environmental Inspections and Assessments at the Divisional Delegationof the Ministry in charge of environment, Dja and Lobo
- The Bureau Head of Sustainable Development at the Divisional Delegation of the Ministry
- in charge of environment, Dja and Lobo
- 2 (two) representatives of communities designated by the Senior Divisional Officer (SDO), upon the proposal of the Divisional Delegate of the Ministry in charge of environment. They should be the people's representatives, that is, senator, parliamentarian or their alternates;
- 2 (two) private sector representatives designated in the most representative sectors of activity and by the groupings to which they belong, if any, by the project proponent.
- 1 (one) representative of civil society organizations, designated by the SDO, upon the proposal of the Divisional Delegate of the Ministry in charge of Environment. This representative shall be chosen from legal associations and NGOs operating in the environmental domain and actively operating in the Division.

The Chairperson may invite two natural or legal persons to participate in the Committee's deliberations based on their competence or experience on sustainable development and environmental management issues of the concerned project. These invitees shall have an advisory status.

Article 4 :

The Chairperson of the Committee shall, if necessary, and annually, update the list of members he sends to the Minister in charge of environment.

Article 5 :

Each session of the Committee shall review one or more environmental and social management plans for projects in the same area of activity. The session shall last at least two days devoted to examining files and doing field trips.

Article 6 :

The quorum of the Committee's session shall be reached when a simple majority of the Members concerned and invitees are present.

Article 7:

To perform its duties, the Committee shall have a Technical Secretariat provided by the Divisional Delegate of the Ministry ensuring the technical supervision of the project, manned by the Bureau Head of Sustainable Development and the Bureau Head of Environmental Inspections and Assessments of the Divisional Delegation of the Ministry in charge of environment.

Article 8 :

(1) For projects that overlap or cover more than one Division, monitoring shall be done by the Committee of the division that is hosting the greater part of the project. In this case, the Senior Divisional Officer or Senior Divisional Officers of the other Divisions concerned shall co-chair the Committee's work while the other Divisional Delegates of MINEPDED concerned shall man the Vice-Presidency.

(2) For these special sessions, the Technical Secretariat shall be run by the Divisional Delegates of the Ministry that is ensuring the technical supervision of the project, manned by the Bureau Head of Sustainable Development and the Bureau Head of Environmental Inspections and Assessments of the Divisional Delegations of MINEPDED concerned.

Article 9 :

The duties of members of the Committee and the Technical Secretariat shall be free. However, the interested parties as well as the persons invited in an advisory capacity may be entitled to reimbursement of expenses incurred because of the sessions. These allowances are fixed as follows:

- Chairperson: 80 000 (eighty thousand) CFAF
- Vice-President: 60 000 (sixty thousand) CFAF
- Members and invitees: 50 000 (fifty thousand) CFAF and
- Support staff: 20 000 (twenty thousand) CFAF.

Article 10:

The Committee's operating expenditure shall be borne by the Ministry of Environment, Protection of Nature and Sustainable Development.

Article 11:

This decision shall be registered and published wherever necessary.

Cc:

- MINEPDED/DPDD
- DR/MINEPDED/South
- MINATD/Dja and Lobo Prefecture
- DD/MINEPDED/Dja & Lobo

Yaounde, 10 February 2017

Hele Pierre

Minister of Environment,

Protection of Nature and Sustainable Development

IV.2

DECISION NO. 00131/D/MINEPDED/ CAB OF 26 AUGUST 2016 TO LAY DOWN PROCEDURES FOR ISSUING ENVIRONMENTAL COMPLIANCE CERTIFICATES (ECC) UNDER THE FLEGT LICENSING SCHEME

DECISION NO. 00131/D/MINEPDED/ CAB OF 26 AUGUST 2016 TO LAY DOWN PROCEDURES FOR ISSUING ENVIRONMENTAL COMPLIANCE CERTIFICATES (ECC) UNDER THE FLEGT LICENSING SCHEME

THE MINISTER OF ENVIRONMENT,
PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

Mindful of the Constitution;

Mindful of the Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on Forest Law Enforcement, Governance and Trade in Timber and By-products with the European Union (VPA/FLEGT) of 6 October 2010 ;

Mindful of Law No.94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations;

Mindful of Law No.96/12 of 5 August 1996 relating to Environmental Management;

Mindful of Decree No. 95/531/PM of 23 August 1995 to determine the conditions for the implementation of forestry regulations;

Mindful of Decree No. 2011/238 of 9 August 2011 to ratify the Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on Forest Law Enforcement, Governance and Trade in Timber and By-products to the European Union (PPT/FLEGT);

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;

Mindful of Decree No. 2011/410 of 9 December 2011 to form the Government;

Mindful of Decree No. 2012/431 of 1 October 2012 to organize the Ministry of Environment, Protection of Nature and Sustainable Development;

Mindful of Decree No. 2013/0171/PM of 14 February 2013 to lay down conditions for conducting environmental and social impact assessments;

Mindful of Decree No. 2013/0172 /PM of 14 February 2013 to lay down conditions for conducting environmental and social audits;

Mindful of Order No. 00001/MINEPDED of 9 February 2016 to lay down the various categories of operations whose realization is subject to a strategic environmental assessment or an environmental and social impact assessment

HEREBY DECIDES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:
This Decision lays down procedures for issuing Environmental Compliance Certificates (ECC) in general, and in the context of the FLEGT licensing scheme in particular.

Article 2 :

(1) The ECC shall certify compliance with environmental obligations by an operator whose activities were subject to an environmental assessment (strategic environmental assessment, environmental and social impact assessment, environmental and social audit, and environmental impact statement).

(2) The ECC shall be issued to project proponents who express the need. It shall be valid for 12 (twelve) months from the date of signature for permanent logging titles and wood processing plants, and 6 months for the others (sale of standing volume, community forest, etc.).

(3) The ECC shall be one of the documents required for the issuance of the Certificate of Legality and the FLEGT License for exporting timber to the European Union.

Article 3 :
For the purposes of this Decision, the term “logging operator” shall mean any natural or legal person holding a title, a logging licence or a wood processing plant.

Chapter II

CONDITIONS FOR ISSUING ENVIRONMENTAL COMPLIANCE CERTIFICATES (ECC)

Article 4 :

The ECC shall be issued on the basis of the following documents:

(1) The letter of approval of the terms of reference of the strategic environmental assessment, environmental and social impact assessment, environmental and social audit and environmental impact statement.

(2) The Environmental Coompliance Certificate (ECC) issued by the Minister in charge of environment that certifies the approval of the assessment report or the Environmental Compliance Certificate (ECC) issued by the concerned Mayor who approves the statement report.

(3) The effective implementation of environmental measures provided for in the Environmental and Social Management Plan (ESMP) or in the environmental specifications, and

(4) Compliance with all other environmental regulatory requirements.

Chapter III

PROCEDURES FOR ISSUING ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC)

Article 5:

The application file for an ECC shall include the following documents:

- A stamped application on headed paper including the company name, addressed to the Minister in charge of environment.
- The report on the implementation of the Environmental and Social Management Plan (ESMP) or the environmental specifications less than 6 months old, to which is attached the verification report on the effectiveness of the implementation of the measures contained in the said report, certified by the chairman of the Divisional monitoring committee of the ESMP or Divisional Delegate of MINEPDED, as the case may be.
- A photocopy of the letter of approval of the terms of reference for the strategic environmental assessment, the environmental and social impact assessment, the environmental and social audit or the environmental impact statement.
- A photocopy of the Environmental Compliance Certificate (ECC) issued by the Minister in charge of environment or the Environmental Compliance Attestation issued by the competent Mayor.

Article 6:

Incomplete applications shall be rejected and the applicant notified.

Article 7:

A verification mission of the ESMP implementation effectiveness or the specifications and regulatory environmental obligations shall be carried out as and when required by the competent services (central and decentralized staff and the ESMP Divisional monitoring committee).

Article 8:

The mission to verify the ESMP implementation or the environmental specifications shall be preceded by an analysis at the level of the competent service, the baseline of the environmental offences, the reports of the proponent on ESMP implementation and the latest report of the competent bodies monitoring the Environmental and Social Management Plans of the activity concerned. This analysis shall be the subject of a pre-report that serves as a working basis for the ad hoc committee that shall be set up for this purpose.

Article 9:

(1) The ECC shall be issued to the operator by the Minister in charge of environment within two 2 (two) months following the date of submission of the application.

(2) An ECC shall be issued for each project/facility or group of projects that have an Environmental Compliance Certificate (ECC) or Environmental Compliance Attestation.

Chapter IV

FINAL PROVISIONS

Article 11:

The Divisional committee for monitoring ESMPs and, where applicable, the Divisional Delegate shall monitor compliance with the environmental obligations of the operators after issuance of the Environmental Compliance Attestation (ECC) by the Minister in charge of environment.

Article 12:

(1) An updated annual file of Environmental Compliance Attestation issued by the Minister in charge of environment shall be established as necessary and made available to the Administrations that express the need.

Article 13:

This Decision shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 26 August 2016

Hele Pierre
Minister of Environment,
Protection of Nature and Sustainable Development

V

CIRCULARS

V.1

CIRCULAR LETTER NO. 096/C/CAB/ MINEPDED OF 10 APRIL 2014 TO CHECK COMPLIANCE AND PUNISH OFFENDERS WITH REGARD TO JOINT ORDER NO. 004/MINEPDED/ MINCOMMERCE OF 24 OCTOBER 2012 ON, INTER ALIA, THE BAN OF PLASTIC PACKAGING LESS THAN 61 MICRONS IN THICK

CIRCULAR LETTER NO. 096/C/CAB/MINEPDED OF 10 APRIL 2014 TO CHECK COMPLIANCE AND PUNISH OFFENDERS WITH REGARD TO JOINT ORDER NO. 004/MINEPDED/MINCOMMERCE OF 24 OCTOBER 2012 ON, INTER ALIA, THE BAN OF PLASTIC PACKAGING LESS THAN 61 MICRONS IN THICK

THE MINISTER OF ENVIRONMENT,
PROTECTION OF NATURE AND SUSTAINABLE DEVELOPMENT,

To
GOVERNORS
SENIOR DIVISIONAL OFFICERS
SUB-DIVISIONAL OFFICERS
REGIONAL DELEGATES
DIVISIONAL DELEGATES

Regarding the implementation of Joint Order No. 004 / MINEPDED / MINCOMMERCE of 24 October 2012 to ban, inter alia, plastic packaging less than 61 microns thick, especially in the repressive phase starting on 25 April 2014 and render effective the ban thus prescribed,

Structures to be set up for this purpose have been established, namely: an Operational Team, two Co-ordination Committees, one at the Divisional level and the other at the Regional level.

In the Divisions, Senior Divisional Officers shall, each in their constituency set up an Operational Team and a Divisional Coordination Committee.

Placed under the authority of the Senior Divisional Officer, the Operational Team shall comprise:

- The Sub-Divisional Officer of the Sub-Division of the site to be controlled or his Representative
- 1 (one) Representative of the Ministry of Environment, Protection of Nature and Sustainable Development
- 1 (one) Representative of the Ministry of Trade
- 1 (one) Representative of the Ministry of Finance / Directorate General of Customs
- 1 (one) Representative of the Mayor of the Council in which the facilities to be controlled is located

- 4 (four) gendarmes and / or police officers and
- 3 (three) drivers.

Placed under the chairmanship of the Senior Divisional Officer, the Divisional Coordination Committee shall comprise:

- The Senior Divisional Officer's high command (Police Chief, Head of Intelligence and
- Head of the Gendarmerie)
- The Divisional Delegate of MINEPDED, Rapporteur
- The Divisional Delegate of MINCOMMERCE, Member
- The Divisional Delegate of MINFI / Head of the Customs Office, Member and
- The territorially competent Public Prosecutor, Member.

At the Regional level, the Governors shall each, in their constituency, set up the Regional Coordination Committee responsible for supervising and coordinating the work done by the Operational Teams and Divisional Coordination Committees.

Placed under the authority of the Governor, the Regional Coordination Committee shall comprise:

- The Governor's high command (Regional Police Chief, Regional Head of Intelligence and Regional Head of the Gendarmerie)

- The Regional Delegate of MINEPDED, Rapporteur
- The Regional Delegate of MINCOMMERCE, Member
- The Regional Delegate of MINFI / Chief of Customs Sector, Member and
- The Public Prosecutor, Member.

) The Operational Team shall be deployed throughout the entire Division. It shall make at least one trip to each sub-division, to the markets and any other sale, holding or storing place for plastic packaging of less than 61 microns thick to control and if necessary, seize the stocks of the said plastic packaging. Control sessions shall be unannounced.

In case of seizure of stocks of these plastic packaging of less than 61 microns thick, reports of the offense shall be written in accordance with the laws and regulations in force. At the end of a control session, a report shall be written and submitted to the Chairpersonof the Divisional Coordination Committee.

(2) The Divisional Coordination Committee shall meet twice a month to review reports submitted by the Operational Team and, if necessary, make recommendations to improve the work of the said team. The Chairperson of the Divisional Coordination Committee shall forward their report to the Governor, Chairperson of the Regional Coordination Committee.

(3) The Regional Coordination Committee shall make a decision on the reports sent to it by the Chairpersons of the Divisional Coordination Committees. The former shall direct the activities of the Divisional Coordination Committee and the Operational Teams. The Regional Coordination Committee shall meet twice a month.

(4) The Chairperson of the Regional Coordinating Committee and the Chairperson of the Coordination Committee shall each, in their respective capacity, invite experts (versed with the issues at hand) to committee work sessions.

The running cost of Operational Teams, Divisional and Regional Coordination Committees shall be borne by the Ministry of Environment, Protection of Nature and Sustainable Development. Funds earmarked for this purpose shall be given to each body, along with an estimate of corresponding expenditure.

I look forward to a rigorous compliance with and application of the provisions of Joint Order No. 004/ MINEPDED/MINCOMMERCE of 24 October 2012, as well as directives given in this circular.

Yaounde, 10 April 2014

Hele Pierre
Minister of Environment,
Protection of Nature and Sustainable Development

Copies:
- SGPM
- MINJUSTICE
- MINATD
- MINCOMMERCE
- MINFI
- Chrono
- Archives

VI

GUIDES AND MANUALS

VI.1

PRACTICAL GUIDE FOR INSPECTORS AND CONTROLLERS OF THE MINISTRY OF ENVIRONMENT AND PROTECTION OF NATURE

SUMMARY

INTRODUCTION

This document is a set of benchmarks to be followed by inspectors and controllers of MINEP as they conduct inspections and controls. This document defines terms, lays down inspection and control procedures and exemplifies some common types of installations and their associated verification parameters.

A - DEFINITION OF TERMS

Environment:
shall mean a milieu conducive to animal- and plant-life

Waste:
shall mean any residue from a process of production, processing, or anything abandoned or set to be discarded.

Effluent:
shall mean any liquid or gaseous discharge of domestic, agricultural or industrial origin, treated or untreated, and discharged directly or indirectly into the environment.

Pollution:
shall mean any direct or indirect contamination or modification of the environment caused by releases that exceed the standard threshold.

Nuisance:
shall mean a combination of factors of a technical or social origin that affect the environment and make life unhealthy or unpleasant.

Standard:
shall mean the level of fixed or admitted values, favorable to sustainable development.

Development:
shall mean an anthropogenic activity of cultural, economic and social advancement.

Sustainable development:
shall mean a mode of advancement that aims to satisfy the interests of present generations without compromising the interests of future generations.

Installation:
shall mean any device, fixed or mobile unit likely to harm the environment, regardless of its owner or function.

Biodiversity:
shall mean a diversity of living species and their genetic characteristics.

Ecology:
shall mean a science that studies the relationship of living things with their environment (see Law No.96/12 of 5 August 1996 on the study of the relationships that exist between different living organisms and their surroundings.

Ecosystem:

shall mean a fundamental unit formed by the association of a community of living species and a constantly interacting physical environment (see Law No.96/12 of 5 August 1996), a dynamic complex of plant communities, animals, micro-organisms and their living environment which, through

Inspection:

shall mean an operation conducted in an installation by the environmental inspector to determine the effect of an installation on the receiving environment and on the biodiversity.

Control:

shall mean an operation undertaken to make sure a proponent complies with recommendations from environmental inspections as he conducts his activities or verification of compliance with pre-established standards.

B - INSPECTION PROCEDURE

BASIC QUESTIONS ASKED

Once at the installation site:

1. Where is verification done?

- Verification is conducted:
- at solid waste disposal, liquid effluent and gaseous emission points
- on the waste treatment device if there is one
- at the waste storage site and
- at noise generating sites.

2. What is checked during verification?

The following elements are verified:

- environmental parameters and their compliance with the regulations and
- implementation of previous recommendations.

3. How is verification conducted?

Verification is done by:

- simply observing
- consulting the company documents (results of analyzes and possibly, standards etc.)
- sampling (for later analysis and interpretation of the results) if possible
- verifying equipment (kits, measuring equipment etc.)

4. With whom is verification done?

The verification work group consists of a squad involving a team leader inspector and two sworn assistants (inspectors or controllers)

THE MAIN STEPS TO TAKE DURING VERIFICATION

Stages	Actions to take
Preparation (Place: Office)	Establish mission orders
	Examine documents relating to previous inspections and EMP if it exists. If it does not exist, the inspection carries on nevertheless
	Put the necessary equipment together (inspection kits, cameras, GPS, inspector's card, individual equipment, etc.)
	Inform the owners of the installation in case of routine inspection
The inspection proper (at the installation site)	Meet the owners and introduce the mission
	Hold a working session (explain the purpose of the inspection)
	Do a guided tour of the installation (verify raw material inputs, their processing and output and note any anomaly at each stage)
	Take samples, as necessary (kits)
	Visually appreciate the effects of the activity or wastes on the receiving environment (air, soil, water and human establishments) or on the biodiversity
	Ask question for additional information (are the analyses done? Where did you take samples? What is the sampling frequency? and where are the analyses results?
	Give the preliminary inspection results to the owner of the installation
	Write and sign the inspection report (jointly with the stakeholders, that is, inspectors and company owners) include recommendations.

NB:

1. Recapitulation allows the inspectors to have a clear idea of the situation and to write the inspection report with maximum objectivity, avoiding de facto, any possible objections.
2. Only sworn persons shall do inspection.

C - CONTROL PROCEDURE

BASIC QUESTIONS

1. Where is verification done?

Verification is conducted:

- at solid waste disposal, liquid effluent and gaseous emission points
- on the waste treatment device if there is one
- at the waste storage site and
- at noise generating sites.

2. What is checked during verification?

The following elements are verified:

Types of activities	Nature of waste			Some verification parameters
	Nature of waste	Some verification parameters	Gaseous	
	Solid	**Liquid**	**Gaseous**	
Service Station	Used filters packaging	Used oils, sewage	Vapour of hydrocarbons, VOCs (volatile organic compounds)	Presence of grease oils, lead, chromium and zinc
Hotel and restaurant	Waste household packaging	Wastewater Sewage sludge	Odours	D8O5, COD, pH, oils and grease, fecal coliforms
Agro industry	Packaging (paper, wood scrap, plastics), obsolete pesticides, molasses, spent grains, bagasse; coccus, parchments and other biomass and waste	Manufacturing waste water, washing and cleaning waste water, obsolete liquid pesticide, waste oil and grease, boiler water	Suspended matter, unburned gases, smelling water vapour	pH,D8O5, DCO, SS, Oils and grease Total nitrogen, elevation of T ° C, bacteria, coliform bacteria, VOCs, SS, CO2, CO, NOx and SO2, heavy metals Nuisances (noise and vibrations, odours)
	solid, biomedical waste			
Quarry	Empty packaging, gear carcasses, biomedical waste	Used oils and greases	Dust	SS2.5, SS 10, Heavy metals noises and vibrations
Used industry, wood	Wood scrap, sawdust, filters and used tires, batteries, packaging, iron scrap and filings, biomedical waste	Pesticide residues, used oil, boiler water	Dust, unburned gas	SS (SS2.5, SS 1 0), Dust, Heavy metals, noise and vibration
Health care facility	Empty packaging, biomedical waste, household waste	Waste water from the morgue, waste oil effluent from wastewater treatment plant	Odorous emanation	Wastewater treatment system Solid waste management Existence and operation of the incinerator
Thermal power plant	Used filters, packaging (drum, etc.)	Used oils, heavy fuel	unburnt gases	Suspended matter, CO2, CO, NOx and SO2, heavy metals, noise and vibration, oil spills
Car workshop	Old engine, old batteries, wrecks of vehicles, scrap. Carbide waste, used tires	Used oils, greases, hydrocarbons	Dust containing heavy metals	Oils and grease Chlorine, VOCs Oil spills
Soap factory	Empty packaging, Horns	Oils, caustic soda, solvents	Odours, Smokes	SS, oils and greases, pH, BOD, COD
Slaughterhouse	Clogs, feces, bone fragments	Blood, waste water	Odours	BOD, COD, TSS, pH, total coliforms
Breweries	Glass debris, spent grains, seeds, caustic waste, various packaging waste	Drainage water, cleaning wastewater, cooling water, production water, used oil.	CO, CO2, SO2, unburnt gases, odours, MES, dust, noise, fumes	DB05, COD, PH, phosphates, nitrates, nitrites

Types of activities	Nature of waste			Some verification parameters
	Nature of waste	Some verification parameters	Gaseous	
Car emptying (outside service stations)	Used filters, Empty packaging	Used oils, washing wastewater	Odours	oily sludge, grease, lead, chromium, zinc
Discharge	Garbage, garbage, glasses, paper, cardboard, rubber, cans, wood, electronic waste and appliances, etc.	Leachate, canalized dirty water	Odours, SS, dust	Odours, SS, dust
Bakery pastry	Used bags, paper, cardboard, waste of flour, damaged products, waste of yeast.	Manufacturing wastewater, cooling water, cleaning wastewater, used oil	Odour CO, CO2, SO2, fumes	DB05, PH, phosphates

E - INSPECTION AND CONTROL PROCEDURE

1. Inspections are done jointly by the central services and the Regional brigades.

2. Controls are done at two levels, that is, at big and at small installations.

- At big installations, controls are done jointly by the central services and Regional brigades, while
- At small installations, controls are conducted by the Regional brigade controllers.

3. At the Regional level, the Delegate may, if he deems it necessary, be part of the control or inspection team along with the brigade commander and controllers.

KEY

D805: is the biochemical oxygen demand for five days (the higher it is relative to the reference value, the more the medium is polluted). D805 defines the amount of oxygen that micro-organisms need to decompose environmental organic matter in 5 days. The accepted reference values are:

- Less than 100 mg/l if the daily flow does not exceed 30 kg and
- Less than 30 mg/l beyond that

COD: is the chemical oxygen demand. It is the quantity of oxygen necessary for chemical reactions leading to decomposition of the elements of the medium. The accepted reference values are:

- Less than 200 mg/I if the daily flow does not exceed 100 kg and
- Less than 100mg/I beyond that

pH: is the hydrogen potential of a medium. It varies from 0 to 14.

- pH values between 0 and 7 means the medium is acidic.
- pH values between 7 and 8 means the medium is neutral, and

- pH values between 7 and 14 means the medium is basic.

Accepted pH values must be between 6 and 9.

SS: are suspended substances. The limit value of these substances must be less than 50 ml

CO: is carbon monoxide

C02: is carbon dioxide (Carbonic gas) and

CH4: is methane

VI.2

GENERAL PROCEDURE MANUAL FOR IMPACT ASSESSMENTS AND ENVIRONMENTAL AUDITS

ACRONYMS

EIA:	Environmental Impact Assessment
AE:	Environmental Audit
CEC :	Certificate of Environmental Compliance
ICE :	Inter-ministerial Committee for the Environment
EMP :	Environmental Management Plan
PV :	Minutes
TDR:	Terms of Reference
MINEP :	Ministry of Environment, Protection of Nature and Sustainable Development

INTRODUCTION

The purpose of this manual, worked out by the Ministry of Environment and Nature Protection (MINEP), is to popularize the procedure for carrying out and approving Environmental Impact Assessments (EIAs) to enable proponents or project owners, environmental assessment experts and the public concerned, to plan their projects and / or to play their respective roles throughout the process of developing and managing a project or business. Impact assessments are prescribed in Cameroon by several pieces of law, including Law No. 96/012 of 5 August 1996 to lay down the framework law on environmental management.

Decree No.2005 / O577 / PM of 23 February 2005 to lay down the procedures for doing environmental impact assessments and Order No. 0070 / MINEP of 22 April 2005 to determine the different categories of operations whose realization is subject to an environmental impact assessment. This manual presents the procedure for completing and approving environmental assessments.

An environmental impact assessment is a systematic review to determine whether or not a project has positive or negative effects on the environment. The document resulting from this review is a report on the environmental impact assessment that is given to the parties involved in the project. Impact assessments shall be done by project proponents or owners and at their expense.

To achieve this, proponents must hire the services of a consulting firm of their choice to do the assessment according to the rules of the art. On approval of an environmental impact assessment, the Minister in charge of the environment issues a Certificate of Environmental Compliance (CEC). Under the Act, no project that has an effect on the environment should be implemented without a Certificate of Environmental Compliance. The Ministry in charge of environment examines the report of the impact assessment submitted to it by the proponent and decides to approve the said report or not, after consulting the Inter-ministerial Committee for the Environment (ICE).

Approval results in the issuance of a Certificate of Environmental Compliance. For establishments already operational, without an impact assessment prior to the date of signature of the aforementioned decree, an Environmental Audit (EA) is required.

By definition, an environmental audit is a systematic, documented and objective assessment of an establishment's facilities, operation and environmental management system to ensure environmental protection.

Environmental impact assessments, like environmental audits, are based on a scientific and participative approach. EIAs make it possible to predict, identify and evaluate the damaging effects of projects on the environment; it is an evaluation done a priori on an activity that is not yet realized. On the other hand, EAs are a posteriori evaluations of activities that are already in progress. EIAs and EAs are decision support tools and have three main objectives, namely

- to help the public or private developer to design an environmentally friendly project
- to show the level of compliance with environmental obligations, in accordance with existing laws and regulations
- to inform the authority responsible for authorizing the project. Impact assessments or environmental audits provide the said authority with information that enable him to make informed decisions and
- to inform the public and facilitate their participation in decision-making. EIA / EA files are made available to the public for comments which the final decision takes into account.
- Impact assessments and environmental audits can be summary or detailed. The list of transactions subject to one or the other category (summary or detailed) is compiled by Order No. 0070 / MINEP of 22 April 2005.

I. PROCEDURE FOR CARRYING OUT IMPACT ASSESSMENTS AND ENVIRONMENTAL AUDITS

According to the regulations in force, the procedure for conducting EIAs / EAs and approving EIA / EA reports (issuance of the Certificate for Environmental Compliance) includes several steps (see figure). These steps relate to the Terms of Reference (ToR), the conduct of the assessment and organization of public hearings, submission and admissibility of the EIA / AE report, organization of public meetings by MINEP, review of the report by the Inter-ministerial Committee for the Environment and the final decision of MINEP. Details of these phases are given below.

1.1. TERMS OF REFERENCE (ToR)

The proponent (or project owner) of the project or company develops terms of reference for the environmental impact statement or audit. These TORs must include a description and justification of the project. In this exercise, the proponent may be assisted by a consultant or a consulting firm. The proponent then submits these ToRs to the approval of MINEP by submitting a request for an impact assessment and by paying the required review fees which amount to 2 000 000 (two million) FCFA at the National Fund for the Environment and Sustainable Development.

MINEP reviews the received ToRs and decides to either approve them as they are, or to approve them subject to modifications, or to reject them out rightly. MINEP shall notify the sponsor of its decision within 30 (thirty) days from the date of receipt of the said ToR. If the proponent is not notified by the MINEP after 30 (thirty) days following the submission of the ToRs, the latter may be considered approved.

1.2. IMPLEMENTING ENVIRONMENTAL IMPACT ASSESSMENTS AND ORGANIZING PUBLIC MEETINGS

Once the ToRs are approved or deemed to be valid, the proponent can start doing the EIA. To do this, the proponent must hire the services of an approved consulting firm to do impact assessments and environmental audits, in accordance with the regulations in force. Carrying out the EIA consists of the following:

- collecting bibliographic data
- collecting data from the field and
- organizing the public hearings: these consultations consist of meetings between the proponent (and / or his consultant) and the populations concerned, in particular those likely to be affected by the project, following a program approved beforehand by MINEP.

The proponent must send the approved program to the peoples representatives at least 30 (thirty) days before the date of the first meeting. During these public consultation meetings, the project and its positive / negative effects as well as the mitigation / impact enhancement measures are presented to the participants to elicit their reactions. A report on each meeting must be written and co-signed by a representative of the populations and by the proponent's representative. These minutes shall be attached to the EIA report which shall be written according to the template in use.

1.3. SUBMITTING THE EIA REPORT

The proponent, after finalizing the EIA report, submits it report in 20 (twenty) copies to MINEP and 2 (two) copies to the competent Administration of the sector. The proponent must pay the examination fees of the EIA / EA report to the National Fund for the Environment and Sustainable Development. These fees are: - 3 000 000 (three) million CFA francs for a summary EIA or EI report and 5 000 000 (five) million FCFA for a detailed EIA or EA report.

1.4. APPROVING THE ASSESSMENT REPORT

Upon receipt of the EIA report, MINEP organizes a joint MINEP-Competent Administration mission to verify in the field (project site) some relevant information from the report. At the end of this mission, a report is written that allows MINEP to declare the report of the EIA admissible or not. The project proponent must be notified of this admissibility or rejection within 20 (twenty) days of the submission of the EIA report. In case of non-admissibility, the reasons are communicated to the proponent. If the proponent is not notified of the non-admissibility of his report after 20 (twenty) days, he may consider the report admissible.

1.5. ORGANIZING PUBLIC HEARINGS

Public hearings are organized by MINEP after the EIA report is approved. These meetings consist in bringing the EIA or EA reports received to the populations, exposing them for one or two weeks, in reading rooms, according to programs and localities previously contacted, for their opinions and observations. These meetings are intended to publicize the assessment, record any opposition and allow the public to comment on the conclusions of the assessment. This requires that the people be informed, participate freely and actively and comment on both the content of the assessment and their expectations from the project.

These hearing consist of:

- making the reports of the impact assessment available to the public for consultation in reading rooms set up for this purpose
- giving the public the opportunity to learn more about the impact assessment and mitigation measures proposed and
- collecting from the registers in the reading rooms, the opinions, observations and other public memoirs.

At the end of the public hearings, a report is written on the analysis of the participations and observations of the populations. This report is sent to ICE members together with the EIA or EA report.

It should be noted that public hearings shall be organized only for projects that warrant detailed environmental impact assessments and that public hearings shall be unnecessary for projects that require summary impact assessments.

Moreover, organizing public hearings is the duty of the project proponent. If the proponent refuses or hesitates to make the necessary material or financial means available to MINEP, the process of validation of the report is suspended until the proponent acts.

1.6. REVIEW OF EIA REPORT BY THE ICE

Following the approval of the summary EIA report or after the organization of public meetings of a detailed EIA report, MINEP sends the EIA report, accompanied as appropriate by the report of the public hearings, to ICE members. The ICE meets at least 7 (seven) days and 20 (twenty) days at most to give an opinion on the EIA report submitted to it. This opinion of the ICE is a prerequisite to the decision of the Minister in charge of the environment on any EIA or EA report.

1.7. APPROVAL OF THE REPORT AND ISSUE OF THE CERTIFICATE OF ENVIRONMENTAL COMPLIANCE

Any EIA / EA report submitted calls for a reasoned decision by the Minister in charge of the environment, after consulting the ICE, otherwise the decision risks nullification. This means that the Minister in charge of the environment can not issue any Certificate of Environmental Compliance without the prior opinion of the ICE. Therefore, following the advice of the ICE, the Minister in charge of the environment can take:

- a favourable decision: entailing the issue of a CEC

- a conditional decision: in this case, the Minister draws the attention of the proponent to modifications to be made to reach the issue of the CEC
- an unfavourable decision: implying prohibition of the project, stating the reasons.

It should be emphasized that regarding the submission of the EIA or EA report for the final decision of the Minister in charge of the environment, legislation has provided maximum deadlines according to activity sector. This period is 30 (thirty) days for oil sector reports and 120 (one hundred and twenty) days for reports from all other sectors. After this period, if the proponent has not been notified of the decision of the Minister in charge of environment, they may consider their report approved and claim the issue of a Certificate of Environmental Compliance.

1.8. MONITORING-ENVIRONMENTAL ASSESSMENT OF PROJECTS

The Ministry in charge of environment and the competent administrations monitor and evaluate the execution of the Environmental Management Plan (EMP) of the approved technical and environmental reports. This monitoring and evaluation may lead to additional modifications of the EMP, following the opinion of the ICE.

II. CONTENT OF ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL AUDIT REPORTS

The expected content of the reports varies depending on whether it is a summary or detailed environmental impact assessment report, or a summary or detailed environmental audit.

2.1. CONTENT OR REPORT OF EIA

The contents of the summary EIA report include:

1. a summary of the assessment in plain language, in English and in French
2. a description of the project site and region
3. the project description
4. the field trip report
5. an inventory and description of the project's effects on the environmental, the mitigation measures envisaged and estimated corresponding cost
6. the approved terms of reference of the assessment and
7. bibliographical references relating thereto.

The content of a detailed EIA report includes:

1. the summary of the assessment in plain language, in English and in French
2. a presentation of the company, including the organization and its environmental management policy
3. a description and analysis of all natural and sociocultural elements and resources likely to be affected by the project, as well as the reasons for the choice of the site
4. a description of the site and facilities
5. presentation and analysis of alternatives

6. the reasons for choosing the project among the other possible solutions

7. identification and assessment of the possible effects of the implementation of the project on the natural and human environment

8. an investigation of compatibility with laws, regulations and policies, identification of situations of non-compliance and proposed compliance measures and

9. the awareness raising and information program as well as the minutes of the consultation meetings held with the populations, non-governmental organizations, trade unions, opinion leaders and other organized groups involved in the project

10. the environmental management plan including procedures for monitoring the project and its environment and, where applicable, the compensation plan

11. the terms of reference of the assessment and

12. bibliographical references.

2.2. CONTENT OF THE AUDIT REPORT

The environmental audit report includes the following elements:

1. a presentation of the environmental legal and institutional framework applicable to the company's activities

2. a presentation of the Company, including the organization and its environmental management policy

3. a presentation of the biophysical and socio-economic environment of the area of influence of the business including fauna and flora

4. a description of the site and installations

5. a description of the production processes

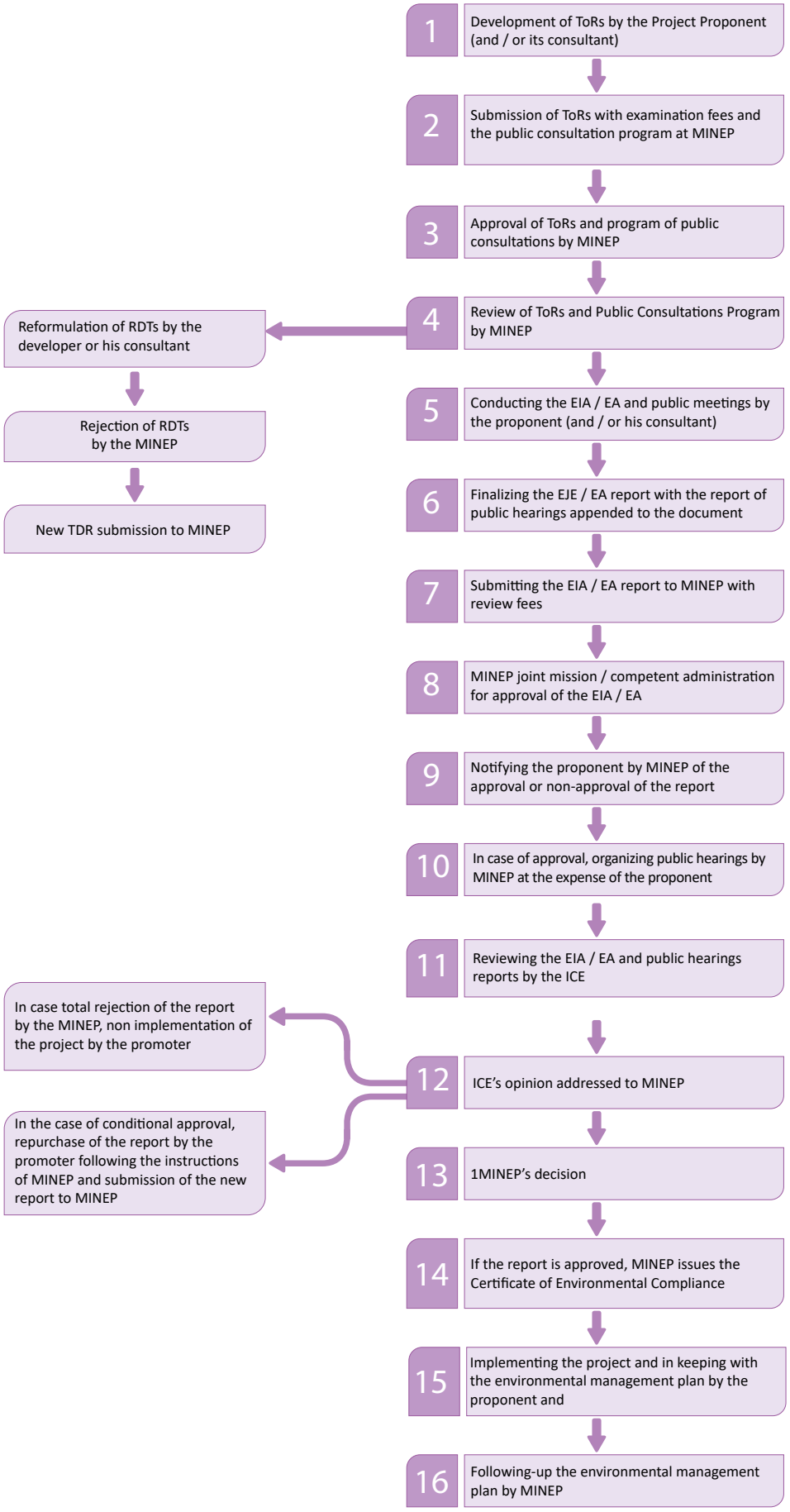
6. a description of wastes and their disposal process

7. a document of identification and analyses of the effects of the company's activities on the environmental components (air, water, soil, human environment) and proposed corrective measures

8. an investigation on compatibility with laws, regulations and policies, identification of situations of non-compliance and proposed compliance measures and

9. a work-out of an environmental management plan.

Figure Procedure for preparing and approving environmental impact assessment reports and audits



VI.3

PROCEDURE GUIDE FOR ENVIRONMENTAL DISPUTES

SUMMARY

INTRODUCTION

Environmental litigation includes structural organization, rules of procedures, distribution of competencies and appeal mechanisms. 'Environmental litigation' is intended to work toward preventing risks and ensuring compensation for damages already caused to natural persons, corporate bodies and to ecosystems.

Environmental law has specially adapted or created procedures which differ from the usual means of redress in civil and penal matters. The reason is that the environment can truly be preserved or protected only through preventive, dissuasive, repressive, distributive and curative measures.

The procedure for environmental litigation is provided not only in section 90 and the following sections of Law No. 96/12 of 5 August 1996 relating to Environmental Management, but also other sector laws that protect the environment and natural resources some of which are targeted in this guide.

This procedure is worth explaining in detail so that the actions of the Ministry of Environment and Protection of Nature (MINEP) should be legal, clear, objective and transparent. After these preliminaries, let us now examine, on the one hand, the first stage that comprises the establishment of infringements (A), and reports (B) and, on the other, procedures that involve the administrative phase (A) and the judicial phase (B).

I. FIRST STAGE

A. ESTABLISHMENT OF INFRINGEMENTS

Infringements shall be established by the public prosecutor, the judicial police vested with general competence, sworn officials of the administration in-charge of environment, or other administrations concerned, especially of State property, cadastral survey, town planning, public works, forestry and wildlife, merchant marine, mines, industry, labour and tourism (cf Section 88 (1)).

The offence recording officials of MINEP are environmental controllers and inspectors who swore before the competent courts of jurisdiction, specifically the Court of First Instance at the request of their administration. They conduct inquiry, establish infringements and engage repressive proceedings in keeping with the provisions of the framework law and its enabling instruments. These sworn officials of MINEP shall hold their professional cards in the exercise of their duty, have a mission order and write a report at the end of their trip.

It should be noted that regarding environmental impact assessment, environment inspectors /controllers have the power to suspend work planned or already initiated where the impact assessment is neglected or the impact assessment procedure is totally of partially disrespected (cf section 20 (2) of Law No. 96/12 of 5 August 1996 relating to Environmental Management).

Accordingly, "the competent administration or, if need be, the administration in charge of environment shall demand the implementation of appropriate emergency procedures to suspend the work planned or already initiated. These emergency procedures shall be initiated without prejudice to the penal sanctions provided for by this Law".

The emergency procedure consist in instantly establishing the infringement, giving a formal notice to the offender to immediately stop the said infringement, and see to the implementation of appropriate protective measures as soon as the infringement is established. This is evidenced by a written report.

B- Reports are identical irrespective of whether they are of an emergency procedure or a normal procedure. Reports are a unique document that contains the hearing and specifies the nature of the infringement. The report comprises the following:

B. THE REPORT

- Date and time of the beginning and the end of hearing;
- Names, first name, and capacity of the judicial police vested with special competence;
- Names, first names, and capacity of the official of the inspected structure or his representative;
- Each page of the original of the report must bear the two signatures of the environmental inspectors;
- When the whole or part of a report is devoted to a hearing, the persons heard, must, after reading, be invited to signed each page of the report;
- The last page of the report shall be signed by the two environmental inspectors, and the official in charge of the inspected structure or his representative;
- Any person invited to sign a report and who is unable to do so, shall affix the finger print of his right thumb;
- In the event of refusal, either to sign, or to affix a finger print, the environmental inspectors shall indicate it in the report.
- Any persons invited to sign a report can precede their signature with any reservation that they deem necessary.

Reports established by officials who have taken the oath before a competent court, shall comprise details of the nature of infringement, the legal basis and the corresponding sanctions.

It shall serve as a proof and remain authentic until its validity is disputed.

This document can also be accompanied by recommendations, suggestions or any other measures that MINEP may take against the offender with the aim to remove or reduce threats to the environment.

Any refusal to counter sign the statement of offence by the offender must be mentioned by the official recording the offence.

At the end of each inspection/control, a field trip report must be written by the inspectors and controllers and immediately forwarded to the Minister of Environment for competence.

At the end of each inspection/control, the inspectors/controllers shall send recommendations and suggestions to the structures inspected or controlled for a better functioning of the said structure.

The statement of offence shall be presented in the form of a 3-leaf counter foil that shall be quoted and initialled by the clerk of the competent court.

A copy of the statement shall be given to the offender.

The statement shall be written clearly.

The statement shall be prepared only in case of an infringement.

II. PROCEDURES

'Procedures' have to do with inspection and control sessions during which an infringement was established and recorded in a statement of offence. 'Environmental disputes' comprise two phases:

- The administrative, extra-judicial or transaction phase;
- The judicial phase

A- THE ADMINISTRATIVE, EXTRA-JUDICIAL OR TRANSACTION PHASE

This phase must be executed before any case is referred to the judge under pain of being declared null and void.

It comprises two stages:

1. The first stage:

At the end of an inspection /control field trip, the files of the officials recording the offence including the field trip report and statement of offence, shall be forwarded to the Department of Standards and Control which, through the Follow-up and Disputes Unit, shall peruse all the files to check possible irregularities in form and content. The dispute follow-up unit shall initiate the notification draft for hierarchy to pursue the procedure.

2. The second stage:

At this stage MINEP notifies the offender of the infringement and corresponding fine. The notification can be done through a bailiff. Notification by bailiff prevents unjustified contesting by the offender and ensures compliance with the 20-day deadline granted the offender to contest the statement.

Indeed, the framework Law No. 96/12 of 5 August 1996 stipulates in section 90 (1) that the offender shall have 20 (twenty) days from the date of notification to contest the statement of infringement.

Should the offender act within the deadline and his case is founded, the matter shall be dropped.

As regards transaction, MINEP shall have the full right to reach a compromise and arbitrate in consultation with the administration in charge of finance; this fine amount shall not be less than the minimum for the corresponding penal sanction. 'Transaction' is defined as an act in pais whereby an offender expresses his willingness to compensate for damages by paying certain charges and/or restoring a site to its initial state. 'Transaction' shall be effected before any possible legal procedure is engaged, under pain of being declared null and void.

MINEP shall examine the complaint of the offender after the matter has been duly referred to it by the later. Should the offender act after the deadline, his objection shall be inadmissible. Where the objection is justified, MINEP shall close the case. The bailiff shall formally notify the offender as soon as the deadline for payment of the fine is foreclosed. The law also provides for 'arbitration,' stating that: "parties to an environmental dispute may settle the matter by mutual agreement reached through 'arbitration'" cf section 92.

Arbitration is referred to when, instead of going to the court, parties to a dispute decide to act in pais, otherwise known as 'acting in compromise,' to entrust the matter to one or more arbitrators to solve equitably. The latter are generally chosen for their competence on the matter and their judgment must be given in writing.

When parties to a dispute agree to resort to 'arbitration', they are obliged to respect the decision of the arbitrator also known as arbitral award.

In case this transaction does not succeed or the offender refuses to pay the penalty and to subject himself to the recommendations made by the offence recording officials, MINEP shall pursue legal proceedings, hence the second phase.

B- THE JUDICIAL PHASE

This phase has two stages:

The first stage starts with a complaint of MINEP or its local representative (RDE, DDE) addressed to the public prosecutor of territorially and materially competent courts like:

The court of first instance (CFI), ruling in minor offences if the claim is less than or equal to 5 million CFAF;

The high court (HC), ruling in criminal matters if the claim is strictly greater than 5million CFAF.

THEMATIC INDEX

ENVIRONMENTAL AND SOCIAL IMPACT STUDY

- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Section 4 (o), Sections 17 to 20, Article 79.
- Law No. 94/01 of 20 January 1994 on Forestry, Wildlife and Fisheries Regulations, Section 16
- Law on Water Regulations Section 10, section 15 (3)
- Law No. 2016/017 of 14 December 2016 on the Mining Code, Section 4, 135 Para 2, 136 to 140
- Law No. 99-013 of 22 December 1999 on the Petroleum Code, Section 83 Paras 1 to 3
- Decree No. 95/531 of 23 August 1995 to lay down terms for the implementation of forestry regulations, Articles 22 Para 2, 23 Para 3, 26 Para 4, 110 Para 1
- Decree No. 99/818/PM of 9 November 1999 to lay down the procedures for the establishment and operation of establishments classified as dangerous, unhealthy or obnoxious, Articles 3 and 6;
- Decree No. 2002/648 / PM of 26 March 2002 - to lay down terms for implementation of Law No. 001 of 16 April 2001 on the Mining Code, Articles 65 (f) (g), 91 (2 , c), 120 Para 1 and 2; Chap 2; 3 and 4 of Part 8.
- Decree No. 2000/465 of 30 June 2000 on the implementation decree of the Petroleum Code, Art 9 Para 1 (12), Art 16 Para 1 (12); Art 27 para 1 (23); Art 37 Para 1 (6); Chap. 1, 2 and 3 of Part 10.
- Decree No. 99/818/PM of 9 November 1999 to lay down procedures for setting up and operating establishments classified as dangerous, obnoxious or unhealthy, Article 3 (4).
- Decree No. 2013/0171/PM of 14 February 2013 to set out methods of conducting environmental and social impact assessments.
- Decree No. 2013/0172/PM of 14 February 2013 to lay down procedures for conducting environmental and social audit
- Order No. 00004/MINEP of 3 July 2007 to lay down conditions for approval of consulting firms for the conduct of environmental impact assessments and audits.
- Order No. 00001/MINEPDED of 9 February 2016 to set out the various categories of operations whose realization are subject to strategic environmental assessment or an environmental and social impact assessment.
- Order No. 00002/MINEPDED of 9 February 2016 to define the outline of the terms of reference and the content of environmental impact notice.
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POLLUTION

Protection of the environment

- Law No. 77/15 of 6 December 1977 on the regulation of explosive substances and detonators in Cameroon;
- Law No. 94/01 of 20 January 1994 on Forestry, Wildlife and Fisheries Regulations, Part 2; - Law No. 95/08 of 30 January 1995 on radiation protection, Sections 2, 4 and 12.
- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Chapter 3 of Part 3.
- Law No. 98/015 of 14 July 1998 relating to establishments classified as dangerous; unhealthy or obnoxious, Law No. 99/013 of 22 December 1999 on the Petroleum Code Chapter 2 of Part 5;
- Law No. 2004/018 of 22 July 2004 to lay down the rules applicable to Councils, Sections 16, 71 and 110;
- Law No. 2011/025 of 14 December 2011 on the enhancement of gases, Part 2 Chapter 3.
- Decree No. 81/279 of 15 July 1981 to lay down detailed rules for the application of Law No. 77/15 of 6 December 682, 1977 on the regulation of explosive substances and detonators;

- Decree No. 98-031 of 9 March 1998 on the organization of contingency plans and disaster and major risk relief;
- Decree No. 99/818/PM of 9 November 1999 to lay down procedures for setting up and operating dangerous, unhealthy or obnoxious establishments, Art 10, 11, 15, 17, 18 and 28
- Decree No. 2011/2581/PM of 23 August 2011 on the regulation of harmful and/or dangerous chemical substances.
- Decision No. 0108/D/MINEF/CAB of 9 February 1998 on the implementation of forest intervention standards in Cameroon Chap 4 and 5.

Air Protection

- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management Part 3 - Chapter 3 Section 1.
- Law No. 99/013 of 22 December 1999 on the Petroleum Code Section 82.
- Law No. 2011/025 of December 14, 2011 on the enhancement of gases, Sections 11, 12 and 13.
- Decree No. 2011/2582/PM of 13 August 2011 to lay down terms for the protection of the atmosphere.

Water Protection

- Law No. 94/01 of 20 January 1994 on the Forestry, Wildlife and Fisheries Regulations, Section 17; Section 18; Section 63;
- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Part 3 Chapter 3 Section 2; Section 3.
- Law No. 98/005 of 14 April 1998 on Water Regulations, Section 4, Section 6 and Section 7;
- Law No. 99/013 of 22 December 1999 on the Petroleum Code Section 82;
- Law No. 2011/025 of 14 December 2011 on the enhancement of gases, Section 1; Section 12; Section 13.
- Decree No. 2001/163/PM of 8 May 2001 to regulate protection perimeters around the points of capture, treatment and storage of potable waters;
- Decree No. 2001/164/PM of 8 May 2001 to specify the terms and conditions for collecting surface water or groundwater for industrial or commercial purposes, Articles 5, 8 and 9;
- Decree No. 2001/165/PM of 8 May 2001 to lay down terms for the protection of surface water and groundwater against pollution
- Decree No. 2011/2585/PM of 23 August 2011 to determine the list of harmful or dangerous substances and regulation of their discharge into inland waters.
- Decision No. 0108/D/MINEF/CAB of 9 February 1998 to implement forest intervention standards in Cameroon, Chapter 4; Chapter 5.

Soil and Subsoil Protection

- Law No. 94/01 of 20 January 1994 on the Forestry, Wildlife and Fisheries Regulations, Section 17.
- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Part 3 Chapter 3 Section 4.
- Law No. 99/013 of 22 December 1999 on the Petroleum Code Section 82;
- Law No. 2003/003 of 21 April 2003 on phytosanitary protection;
- Law No. 2003/007 of 10 July 2003 to govern the activities of the fertilizer sub-sector in Cameroon, Section 5; Section 10.
- Law No. 2011/025 of 14 December 2011 on the enhancement of gases, Section 11; Section 12; Section 13.

- Law No. 2016/017 of 14 December 2016 on the mining code, Part 5 Chapter 5.
- Decree No. 2011/2584/PM of 23 August 23 2011 to lay down terms for soil and subsoil protection.

Noise and olfactory nuisances

- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Part 3 Chapter 4 Section 4.
- Law No. 99/013 of 22 December 1999 on the Petroleum Code, Part 5 Chapter 2.
- Law No. 2011/025 of 14 December 2011 on the enhancement of associated gases, Part 2 Chapter 3.
- Decree No. 81/279 of 15 July 1981 to lay down terms for the Implementation of Law No. 77/15 of 6 December 1977 to regulate explosive substances and detonators;
- Decree No. 2011/2583/PM of 23 August 2011 on the regulation of noise and olfactory nuisances.

MANAGEMENT AND CONSERVATION OF NATURAL RESOURCES

Biodiversity and Biosafety

- Law No. 94/01 of 20 January 1994 on the Forestry, Wildlife and Fisheries Regulations; Part 2.
- Law No. 2001/014 of 23 July 2001 on the seed activity, Section 5;
- Law No. 2003/2006 of 21 April 2003 on the safety regulations on modern biotechnology in Cameroon;
- Law No. 2004/019 of 22 July 2004 to lay down rules applicable to regions;
- Decree No. 2007/0737/PM of 31 May 2007 to lay down terms of implementation of Law No. 2003/2006 of 21 April 2003 on the safety regulations on modern biotechnology in Cameroon;
- Decree No. 95/531/PM of 23 August 1995 to lay down terms of implementation forestry regulations; Article 1;
- Order No. 002/MINEPIA of 1 August 2001 on terms of protecting fishery resources, Article 2.

Promotion and restoration of nature (awareness raising, reforestation, rehabilitation)

- Law No. 94/01 of 20 January 1994 on the Forestry, Wildlife and Fisheries Regulations, Chapter 5; Section 19; Section 24 Para 1; Section 63;
- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Section 52 para 1; Section 11; Section 76 Para 2.
- Law No. 98/015 of 14 July 1998 on the establishments classified as dangerous, unhealthy or obnoxious, Section 26 Para 2; Part 5.
- Law No. 2016/017 of 14 December 2016 on the mining code, Section 136, Paras 1 and 5; Section 233 (2); Section 235 Para 1, Para 3.
- Decree No. 95/531/PM of 23 August 1995 to lay down terms of implementation of forestry regulations, Article 2; Article 3.
- Decree No. 2000/465 of 30 June 2000 on the implementation decree of the Petroleum Code, Chapter 3.
- Decree No. 2002/648/PM of 26 March 2002 to lay down terms of implementation of Law No. 001 of 16 April 2001 on the Mining Code, Article 65 (m).
- Decree No. 2009/410 of 10 December 10, 2009 on the creation, organization and operation of the National Climatic Change Observatory, Article 4.
- Decree No. 2012/2809/PM of 26 September 2012 to lay down conditions for sorting, collection, transport, recovery, recycling, treatment and final disposal of waste;

Ecological monitoring and climate monitoring

- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management
- Law No. 94/01 of 20 January 1994 on the Forestry, Wildlife and Fisheries Regulations 684
- -Decree No. 2009/410 of 10 December 10, 2009 on the creation, organization and operation of the National Climatic Change Observatory.

WASTE

- Law No. 89/27 of 29 December 1989 on toxic and dangerous waste.
- Law No. 95/08 of 30 January 1995 on radiation protection, Section 13.
- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Section 42 to 53.
- Law No. 98/015 of 14 July 1998 on establishments classified as dangerous, unhealthy or obnoxious.
- Decree No. 2011/2581/PM of 23 August 2011 on the regulation of harmful and/or dangerous chemical substances.
- Decree No. 2012/0882/PM of 27 March 2012 to lay down terms for the exercise of certain powers transferred by the State to Councils in the field of the environment.
- Decree No. 2012/2809/PM of 29 September 2012 to lay down conditions for sorting, collection, transport, recovery, recycling, treatment and final disposal of waste.
- Decree No. 2015/1373/PM of 8 June 2015 to lay down terms for the exercise of certain powers transferred by the State to Councils in the field of the environment.
- Order No. 001/MINEPDED of 15 October 2012 to lay down conditions for obtaining an environmental permit for waste management.
- Order No. 002/MINEPDED of 15 October 2012 to lay down specific conditions for industrial waste management (toxic and/or dangerous).
- Order No. 003/MINEPDED of 15 October 2012 to lay down specific conditions for the management of medical and pharmaceutical waste.
- Joint Order No. 004/MINEPDED/MINCOMMERCE of 24 October 2012 to regulate the manufacture, import and marketing of non-biodegradable packaging.
- Joint Order No. 005/MINEPDED/MINCOMMERCE of 24 October 2012 to lay down specific conditions for the management of electrical and electronic equipment and the disposal of waste from such equipment.

INSPECTIONS AND CONTROLS

- Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management, Section 54; Section 55; Section 56; Section 80; Section 88; Section 89; Section 90.
- Law No. 98/015 of 14 July 1998 relating to establishments classified as dangerous; unhealthy or inconvenient, Art 17; art 18; art 19; art 20.
- Law No. 99/013 of 22 December 1999 relating to the Petroleum Code PART 5 Chap. 3; Chap. 4.
- Law No. 2000/017 of 19 December 2000 on the regulation of veterinary health inspection.
- Law No. 2011/025 of 14 December 2011 relating to the valuation of associated gases, Chap. 4.
- Decree No. 95/531/PM of 23 August 1995 laying down terms for the implementation of forestry regulations, Part 8 Chap. 1.
- Decree No. 99/820/PM of 9 November 1999 to lay down conditions for approval of individuals or legal entities to operate pollution control laboratories;
- Decree No. 99/822 of 9 November 1999 to lay down conditions for the appointment of inspectors

and assistant inspectors of establishments classified as hazardous, unhealthy or obnoxious and appliances with gas pressure and water vapour pressure, Article 3 and Article 6 ;

- Decree No. 2000/465 of 30 June 2000 to lay down the terms for the implementation of Law No 99/013 of 22 December 1999 on the Petroleum Code, Art 63, Art 64; Art 66; Art 71; Art 96; Art 98 and Part 15.
- Decree No. 2001/162/PM of 8 May 2001 to lay down the procedures for the appointment of sworn agents to monitor and control water quality, Art 8;
- Decree No. 2005/0772/PM of 6 April 2005 to lay down conditions for the approval and control of phytosanitary products, Art 5, Art 7, Art 8, Art 18 and Art 35
- Decree No. 2014/2379/PM of 20 August 2014 to lay down terms for coordinating inspections of establishments classified as dangerous, unhealthy or obnoxious.
- Circular Memo No. 096/C/CAB/MINEPDED of 10 April 2014 relating to the control of conformity of offenders to Joint Decree No. 004/MINEPDED/MINCOMMERCE of 24 October 2012, inter alia other prohibition of plastic packaging with less than 61 microns thickness.

INFORMATION, PUBLIC PARTICIPATION

- Law No. 96/12 of 5 August 1996 on the framework law on environmental management, Section 7 Paragraph 1; Section 9 Paragraph e (1).
- Law 2016/017 of 14 December 2016 on the mining code; Section 43 Para 5; Section 80 Para 2 (1); Section 37; Chapter 7 of Part 5; Section 200; Section 213 Para 1 (7); Section 223; Section 229.
- Decree No. 2013/0171/PM of 14 February 2013 to lay down the terms and conditions for conducting environmental and social impact assessments, Section 10 (8); Section 12 (6); 18 Para 2 (1); Section 20; Section 21 Para 1; Section 22; Section 23; Section 24 Para 1.
- Decree No. 2013/0172/PM of 14 February 2013 laying down the terms and conditions for the conduct of environmental and social audit, Section 4 (9); Section 9; Section 10 Para 1; Section 12; Section 1 (3).

FUNDING THE ENVIRONMENT

- Law No. 96/12 of 5 August 1996 on the framework law relating to environmental management, Part 2.
- Decree No. 96/237/PM of 10 April 1996 to laying down the procedures for the operation of the special funds provided for by Law No 94/01 of 20 January 1994 on Forestry, Wildlife and Fisheries Regulations..