Part III

Cooperation and Regional Integration

TREATY ESTABLISHING THE ECONOMIC AND MONETARY COMMUNITY OF CENTRAL AFRICA

The Government of the Republic of Cameroon
The Government of the Republic of Central African Republic
The Government of the Republic of Congo
The Government of the Republic of Gabon
The Government of the Republic of Equatorial Guinea
The Government of the Republic of Chad

- Conscious of the need to develop together all the human and natural resources of their States and harness them for the general welfare of their peoples in all fields;
- Determined to give a new and decisive impetus to the integration process in Central Africa through increased harmonization of the policies and legislation of their States;
- Taking note of the dynamic approach proposed by the OAU Heads of State at the Abuja Conference in July 1991;
- mindful the new momentum underway in the Franc zone, which is urgently needed in view of the changes and the recent refocusing of cooperation and development strategies observed in Africa and on other continents including Europe;
- desiring to strengthen solidarity between their peoples while respecting their respective national identities;
- Reaffirming their commitment to the principles of freedom, democracy and respect for fundamental human rights and the rule of law;
- Decided to create a "Central African Economic and Monetary Community", abbreviated CEMAC.

Article 1: The essential mission of the Community is to promote the sustainable development of the Member States within the framework of the institution of two Unions: an Economic Union and a Monetary Union. In each of these two areas, the Member States intend to move from a situation of cooperation, which already exists between them, to a situation of union capable of completing the process of economic and monetary integration.

Article 2: The parties decide on the principle of creating four institutions attached to and constituting the Community:

- the Economic Union of Central Africa,
- the Central African Monetary Union,
- the Community Parliament,
- the Community Court of Justice, comprising a Judicial Chamber and a Chamber of Auditors.
- The main bodies of the Community are:
- the Conference of Heads of State,
- the Council of Ministers,
- the Ministerial Committee,
- the Executive Secretary,
- the Inter-State Committee,
- the Bank of Central African States,
- the Banking Commission of Central Africa,
- the Development Finance Institution.

Article 3: The four institutions mentioned in Article 2 above shall be the subject of separate Conventions, to be respectively annexed to this Treaty and of which they shall form an integral part.
The status of the bodies mentioned above and already existing shall be amended, if necessary, by separate conventions with a view to harmonizing them with the provisions of the Acts governing the Community.

Article 4: The essential role of the Community Parliament, which will subsequently be created by a separate Convention, will be to legislate by means of directives.

Article 5: The Community Court of Justice comprises two Chambers: a Judicial Chamber and an Audit Chamber.
The Chamber of Auditors is responsible for auditing the Union's accounts.
The composition, functioning and field of competence of each of the two Chambers are contained in the Convention establishing the Central African Economic Union.

Article 6: Any other African State, sharing the same ideals as those to which the founding States solemnly declare their adherence, may apply for membership of the Central African Economic and Monetary Community.
Such membership shall only be possible after unanimous agreement of the founding members.
Any subsequent accession of a new State shall be subject to the unanimous agreement of the Member States of the Community.

Article 7: The present Treaty drawn up in a single copy in English, French, and Spanish languages, the French text being authentic in case of divergence of interpretation, shall come into force as soon as it is ratified by all the signatory States with the Republic of Chad, designated as the depositary State of all the Acts relating to the Economic and Monetary Community of Central Africa.

REGULATION No. 17/99/CEMAC-020-CM-03 on the CEMAC Investment Charter

THE COUNCIL OF MINISTERS

Mindful of the Treaty establishing the Economic and Monetary Community of Central Africa of 16 March 1994 and its addendum of 5 July 1996;
Mindful of the Convention governing the Central African Economic Union (UEAC); On the proposal of the Executive Secretary;
Following the opinion of the Inter-State Committee;
At its meeting of 17 December 1999,

HEREBY ADOPTS

The Regulation relating to the CEMAC Investment Charter, the content of which is as follows:

PRELIMINARY PART PREAMBLE

The Member states of the Economic and Monetary Community of Central Africa have been implementing important structural reforms for several years to improve the framework for economic activities and support sustainable growth. Within this framework, the Governors are keen to promote the development of a dynamic private sector and to attract national and international private capital.
They adhere to the main international investment guarantee schemes, including those relating to the procedures of international arbitration courts and the recognition and enforcement of their awards.
The Investment Charter constitutes the common general framework bringing together provisions designed to improve the institutional, fiscal and financial environment of enterprises without discrimination with a view to promoting the growth and diversification of the economies of Member countries, based on a better definition of the role of the State, and the harmonious development of the private sector through investments of national or foreign origin.
This Charter shall be supplemented as necessary by specific texts to specify the technical, fiscal and financial conditions of investment and exploitation in certain specific sectors.
Member States may, by means of national regulations, specify and supplement the provisions of the Charter without contradicting it.

PART I
CONSOLIDATION OF THE MACRO-ECONOMIC FRAMEWORK

Article 1: Member States shall pursue the implementation of economic and monetary policies aimed at achieving the recovery of their economies and their development on a sustainable basis. To this end, they shall accept the rules of discipline imposed by the multilateral surveillance defined in the Convention of the Central African Economic Union.

Article 2: With a view to the consolidation of public finances, Member States shall ensure a rigorous application of the 1994 UDEAC tax and customs reform, particularly with regard to limiting derogatory regimes and attaching importance to the systematic collection of tax and customs revenue, in order to balance public revenue and expenditure.
Member States shall undertake to give priority in the allocation of resources to expenditure on basic health and education, which are factors in the fight against poverty, to transport

infrastructure and to rural development, as well as to adjustment and sustainable development.
Article 3: Member States shall undertake to improve the quality of data and information available to investors on their economic performance and social development. To this end, they shall give special recognition to the strengthening of statistical services and tools with the support of Afrisat.

PART II
LEGAL AND JUDICIAL FRAMEWORK

Article 4: Member States shall promote legal and judicial certainty and strengthen the rule of law. The Community Court of Justice shall ensure compliance with the rights and obligations arising from the Treaty and from acts adopted pursuant to the Treaties.
They shall accede to the Treaty of OHADA (Organisation for the Harmonisation of Business Law in Africa). They shall guarantee the application of the procedures and judgments of the Common Court of Justice and Arbitration of this regional institution. They shall adapt their national law and judicial policy to the rules and provisions of OHADA.

Article 5: Member States shall endeavour to train judges in the handling of commercial cases and, if possible, shall specialise certain courts (Commercial Court or Economic and Social Chamber). They shall ensure the diligent enforcement of court decisions. States shall encourage recourse to arbitration and guarantee the enforcement of arbitral awards.

PART III
ROLE OF THE STATES

Article 6: Member States shall ensure the proper functioning of the economic system.
To this end, they shall ensure that the rules of the game are applied uniformly and fairly to all actors in the system.
They shall ensure the development and maintenance in good condition of basic economic and social infrastructures in the fields of health, education, transport, the environment and urban and rural development.

PART IV
PARTNERSHIP WITH THE PRIVATE SECTOR

Article 7: States are committed to the effectiveness of the private sector in driving development and growth. They intend to involve the private sector in defining strategies and solving development problems.
To this end, they shall support the strengthening of autonomous and dynamic professional organisations. They shall create a legal framework that is conducive to the proper functioning of professional organisations. consular chambers, employers' and workers' unions, consumer associations, non-governmental organisations that respect national laws and regulations.
They shall adopt or lead an institutional framework for periodic and systematic consultation with the private sector and civil society.

Article 8: Member States undertake to reduce administrative slowness and red tape and to provide investors with all useful information for the diligent conduct of the formalities required for their operations. To this end, they shall set up a system for the reception of information and advice for investors and for the facilitation of the creation and approval of companies, after which any request which has not been acted upon shall be considered as accepted.
Where authorisation is required, particularly in the case of specific codes, States shall ensure that procedures are simplified and rapid.

Article 9: Except on grounds of public policy, public security or public health, States shall accord foreign investment the same treatment as domestic investment. However, they expect the foreign investor to avoid any behaviour and practices harmful to the interests of the host country, in particular through over-invoicing of services from the parent company to the subsidiary, tax evasion, recourse to corruption, etc. and to refrain from any involvement in political activities in the country.

PART V
BUSINESS ENVIRONMENT

Article 10: States shall endeavour to create an environment conducive to the development of enterprises. To this end, they shall implement competition regulations, ensure the protection of intellectual property and develop support services to strengthen productivity and competitiveness.
Community regulations on competition and consumer protection ensure the free play of competition as a means of increasing productivity and guarantee consumers in privatisation operations a better quality/price ratio.
States shall refrain from discriminatory practices which hinder the free play of competition, except those expressly authorised by Community regulations.

Article 11: Member States shall undertake to apply the rules of competition and transparency in the privatisation of public enterprises. They shall provide the populations and economic operators with all the information required.

Article 12: As active members of the African Intellectual Property Organisation (OAPI), States shall guarantee the protection of patents, trademarks, distinctive signs, labels, trade names, geographical indications and appellations of origin. They support measures aimed at stimulating innovation, acquiring and mastering innovative technologies, and promoting the dissemination of knowledge. To this end, they shall encourage initiatives aimed at establishing internal and external partnerships.

Article 13: States are resolved to set up a national and regional system of standardisation, petropole and certification, in line with the international systems in particular the International Organization for Standardization (ISO). They shall support the development of the "total quality" mentality and culture within companies. Participation in the activities of the African Regional Organisation for Standardisation (ORAN) contributes to strengthening this policy.

Article 14: Member States shall promote all measures aimed at raising the level of productivity of enterprises. They shall support the development of the business advisory professions through appropriate regulation. They shall apply a policy of reducing transaction costs.

To this end, they shall promote the creation of regulatory bodies which guarantee the availability and quality of factors of production whose high cost services undermine the competitiveness of national manufactured products.

When a public service gives rise to a natural monopoly, States shall put in place means of regulating this monopoly. Where appropriate, they create a regulatory body with the participation of the private sector and civil society.

They offer private investors the possibility of participating in the financing of economic infrastructures through public service concessions.

Article 15: Member States shall be aware of the need for investors to dispose of human resources in sufficient quantities and qualifications. To this end, they shall strengthen the basic primary education sector in order to improve the enrolment rate, particularly for girls.

They shall pay particular attention to public and private vocational training and encourage private companies and professional organisations to contribute more to the development of human resources.

They recognize the need to make labour regulations more flexible, in accordance with the international standards to which States have subscribed.

Article 16: Member States shall consider scourges such as money laundering, the drug trade, corruption, fraud and/or any other counterfeiting which constitute a serious obstacle to the development of their economies. They undertake to wage a merciless fight against these evils. This mission of moralising economic life is entrusted to an autonomous body or a community institution with sufficient human and financial resources.

Corruption being a global scourge, this fight cannot succeed without it being integrated into an international system. The Member States are campaigning in favour of such a mechanism.

PART VI
TAX AND CUSTOMS FRAMEWORK

Article 17: Taxation in the Member States shall be based on the principles of simplicity, fiscal equity and moderation in the tax burden.

They adopted a Common Tariff which they shall endeavour to ensure its homogeneous implementation, to combat fraud and to limit derogations which are a source of distortion and inefficiency. The customs tariff rate applicable to products of Community origin is zero.

Article 18: Member States are aware of the need to modernise tax and customs administrations. To this end, they shall rely on regional customs cooperation, the training of managers and officials, the provision of information on certain tasks and, where necessary, the use of supervisory companies on the basis of specific objectives.

They still consider the time taken to clear the goods through customs to be excessive and undertake to respect the legal deadlines set by the General Customs Code. In any event, these time limits must not exceed 3 days (with the exception of Sundays and public holidays.cf Art 112).

Article 19: In order to achieve these objectives and comply with these principles, the provisions in force under the Customs Code, the General Tax and Indirect Tax Code and the Code of Registration, Income from Securities and Stamps are based on:

1) Customs:

- the application of moderate customs duties harmonised within the framework of the Common External Tariff of the Economic and Monetary Community of Central Africa (CEMAC);
- the suspension of customs duties in the form of temporary admission or duty-free entry for research activities in the field of natural resources within the framework of specific regulations;
- the suspension of duties in the form of temporary admission or duty-free entry and inward processing mechanism for export-oriented activities.

2) Direct and indirect contribution

- the generalised application of Value Added Tax (VAT), which also ensures a simplified and neutral indirect taxation for the company;
- the application to zero tax of VAT on exported products, allowing the reimbursement of VAT paid on investments and operating expenses of exporting companies;
- exemption from corporation tax during the first three years of operation;
- the possibility to proceed with degressive and accelerated depreciation and the

authorisation to carry forward negative results to subsequent financial years to improve the cash flow of companies in their ramp-up phase;
- the application of tax reduction measures aimed at promoting technological research, professional training and environmental protection in accordance with specific codes;
- maintaining the tax burden at a level corresponding to the services provided by local authorities and the State in terms of urban infrastructure and public services.

3) Domains and registration

The moderation of registration fees for the creation of companies, capital increases, company mergers, transfers of shares and holdings.

Article 20: Member States shall adopt legislation specific to certain sectors of activity, in particular in the fields of mining, tourism and forestry.
They shall set up for micro-enterprises and the informal sector a simplified regime or other taxation regimes with a view to limiting their reporting obligations and facilitating their administrative management.

Article 21: To promote the harmonious development of the territory, social advantages are granted to companies investing in landlocked or backward regions: tax reductions, equipment premiums and compensation for social services provided by the company and which fall within the normal missions of the States.
These measures are modulated according to the handicap to be overcome, without constituting a serious distortion of the rules of competition.

PART VII
AN EFFICIENT FINANCIAL SYSTEM

Article 22: The Member States shall have a common convertible currency. They have entrusted the monopoly of its issuance and management to a common Central Bank, the Bank of Central African States (BEAC). They shall guarantee the latter real autonomy to define and conduct a sound monetary policy, with due regard for the stability of the currency, and shall ensure the coherence between this policy and national economic policies, within the framework of the multilateral surveillance mechanism.

Article 23: Member States have acceded to Article VII of the IMF Articles of Agreement guaranteeing the freedom of capital movements for current transactions.
The conditions and deadlines for the execution of transfers still need to be improved and better known by economic actors.

Article 24: Member States have made significant sacrifices for the restructuring of the banking system and are determined to see it through to completion. The supervisory mission entrusted to the Central African Banking Commission (COBAC) is essential for the long-term viability of the sector. COBAC is responsible for ensuring that banks comply with prudential standards. Member States support the action of COBAC and guarantee the proper implementation of its relevant decisions.

Article 25: Member States shall pursue efforts to mobilise savings for the financing of investments.
To this end, they shall pursue the improvement of management in the insurance and social security sector (institutional investors) by submitting them to the supervision of regional bodies, such as CIMA for insurance and CIPRES for social security organisations.
In order to strengthen the mobilization of savings for investment, States have taken the initiative to set up new instruments, including a financial market. They support credit institutions and set up a legal framework for the security of their operations.

Article 26: The CEMAC Treaty provides for the creation of a Development Finance Institution. To this end, the recovery of the Development Bank of Central African States is a major imperative. Its mission is to mobilise local savings and external financing for development projects.

Article 27: Member States are aware of the difficulty for SMEs SMIs to have access to credit; improving their management capacity and developing the venture capital financing sector will help to alleviate this constraint.

Article 28: In the new international economic environment marked by globalization, development is driven by exports. Exports represent an important part of the GDP of our sub-region. The difficulty of access to credit is one of the obstacles to export diversification. Member States shall join institutions specialising in export financing or export risk insurance. They shall encourage the extension in member countries of the activities of the African Import-Export Bank.

PART VIII
FINAL PROVISIONS

Article 29: Member States shall endeavour to obtain the support of their partners in various forms: investment guarantees, financial or fiscal advantages, including encouragement of their national promoters to invest in the sub-region.

Article 30: This Community Charter may be supplemented by national regulatory texts without derogating from its essential provisions.

Article 31: Any Member State may submit to the Council of Ministers projects for the revision of this Charter.
The Executive Secretary and the Standing Committee on Trade and Investment set up by Act No. 6/97-UDEAC-639-CE-33 of 5 February 1998 may also submit proposals for the revision of the Charter.
Amendments shall enter into force after being adopted by the Council of Ministers.

Article 32: Signature of the Charter shall entail an undertaking by each State to implement all the provisions within the shortest possible period of time and, at the latest, within five (5) years.

N'djamena, 17 December 1999

(ed) BICHARA CHERIF DAOUSSA

President

Law No. 85 / 003 of 4 July 1985

to authorize the President of the Republic to ratify the Agreement on Economic, scientific and Technical Cooperation, signed on 21 April 1983 at Lagos between the Government of the United Republic of Cameroon and the Government of the Federal Republic of Nigeria.

The National Assembly deliberated and adopted,

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

Section I: - The President of the Republic is hereby authorized to ratify the Agreement on Economic, Scientific and Technical Co-operation signed on 21 April 1983 at Lagos between the Government of the United Republic of Cameroon and the Government of the Federal Republic of Nigeria.

Section 2. - This law shall be registered, enacted and published in the Official gazette in English and French.

Yaounde, 4 July 1985

(signed) Paul Biya
President of the Republi

INTERIM AGREEMENT
with a view to an Economic Partnership Agreement between the European Community and its Member States,
of the one part, and the Central Africa Party, of the other part

"CENTRAL AFRICA" which, for the purpose of this agreement, comprises:
- The Republic of CAMEROON,

of the one part,

- THE KINGDOM OF BELGIUM,
- THE REPUBLIC OF BULGARIA,
- THE CZECH REPUBLIC,
- THE KINGDOM OF DENMARK,
- THE FEDERAL REPUBLIC OF GERMANY,
- THE REPUBLIC OF ESTONIA,
- IRELAND,
- THE HELLENIC REPUBLIC,
- THE KINGDOM OF SPAIN,
- THE FRENCH REPUBLIC,
- THE ITALIAN REPUBLIC,
- THE REPUBLIC OF CYPRUS,
- THE REPUBLIC OF LATVIA,
- THE REPUBLIC OF LITHUANIA,
- THE GRAND DUCHY OF LUXEMBOURG,
- THE REPUBLIC OF HUNGARY,
- MALTA,
- THE KINGDOM OF THE NETHERLANDS,
- THE REPUBLIC OF AUSTRIA,
- THE REPUBLIC OF POLAND,
- THE PORTUGUESE REPUBLIC,
- ROMANIA,
- THE REPUBLIC OF SLOVENIA,
- THE SLOVAK REPUBLIC,
- -THE REPUBLIC OF FINLAND,
- -THE KINGDOM OF SWEDEN,
- THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

and

THE EUROPEAN COMMUNITY,
of the other part

PREAMBLE
HAVING regard to the Partnership Agreement between the Members of the Group of African, Caribbean and Pacific States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005, hereinafter "the Cotonou Agreement";

CONVINCED that the Economic Partnership Agreement (EPA) will create a new and more favourable climate for their relations in the areas of economic governance, trade and investments and create new opportunities for growth and development;

WHEREAS the liberalisation of trade, of establishment and of trade in services between the Parties must be based on the regional integration of the Central African States, have the objective of fostering their smooth and gradual integration into the global economy, with due regard for their political choices and their development priorities, and fulfil the conditions laid down in the World Trade Organisation (WTO) agreements;

WHEREAS the Parties shall not encourage foreign direct investment by making their domestic environmental, labour or occupational health and safety legislation and regulations less stringent or by relaxing their domestic labour legislation and regulations or regulations designed to protect and promote cultural diversity. The Parties therefore reaffirm their commitment to comply with these domestic laws or regulations or to propose to do so in order to encourage the establishment, acquisition, expansion or retention in their territory of an investment or of an investor,

HAVE DECIDED AS FOLLOWS:

TITLE I
OBJECTIVES

Article 1 Interim Agreement

This Agreement establishes an initial framework for an Economic Partnership Agreement (EPA).

By **"initial framework"**, the Parties mean an Interim Agreement comprising, on the one hand, actual and enforceable commitments according to the provisions of this Agreement and, on the other hand, negotiations on incorporating additional elements in order to arrive at a full EPA in accordance with the Cotonou Agreement.

Article 2 General objectives and scope

The general objectives of this Agreement are to:

a) contribute to the reduction and eventual eradication of poverty by establishing a trade partnership consistent with the objective of sustainable development, the Millennium Development Goals and the Cotonou Agreement;
b) promote a regional economy in Central Africa that is more competitive and diversified, and stronger growth;
c) foster regional integration, economic cooperation and good governance in the Central African region;
d) promote the gradual integration of the Central Africa Party into the global economy, in accordance with its political choices and its development priorities;
e) improve the capacities of the Central Africa Party in terms of trade policy and trade-related issues;
f) establish and implement an effective, predictable and transparent regulatory framework for trade and investment in the Central African region, thus supporting the conditions for increasing investment and private-sector initiatives, and enhance capacity for the supply of products and services, competitiveness and economic growth in the region;
g) strengthen existing relations between the Parties on the basis of solidarity and mutual interest. To this end, in line with the WTO obligations, the Agreement will enhance commercial and economic relations, support a new trading dynamic between the Parties by means of the progressive, asymmetrical liberalisation of trade between them and reinforce, broaden and deepen cooperation in all areas relevant to trade;
h) promote private-sector development and employment growth.

Article 3 Specific objectives

In accordance with Articles 34 and 35 of the Cotonou Agreement, the specific objectives of this Agreement are to:

a) establish a basis for the negotiation of an EPA which will help reduce poverty, promote regional integration, economic cooperation and good governance in Central Africa and increase Central Africa's production, export and supply capacities, as well as its ability to attract foreign investment and its capacities in terms of trade policy and trade-related issues;
b) foster the smooth and gradual integration of Central Africa into the global economy, in accordance with its political choices and its development priorities;
c) strengthen existing relations between the Parties on the basis of solidarity and mutual interest;
d) create an Agreement that is compatible with the rules of the WTO;
e) establish a basis for negotiating and implementing an effective, predictable and transparent regulatory framework for trade, investment, competition, intellectual property, public procurement and sustainable development in the Central African region, thus supporting the conditions for increasing investment and private-sector initiatives, and enhance capacity for the supply of goods and services, competitiveness and economic growth in the region;
f) provide a roadmap for negotiations on the areas referred to in paragraph (e) for which it was not possible to complete negotiations in 2007.

TITLE II
PARTNERSHIP FOR DEVELOPMENT

Article 4 Framework for capacity building in Central Africa

The Parties affirm their commitment to promote capacity building and economic modernisation in Central Africa using the various instruments at their disposal, for example by setting up an economic and institutional framework at national and regional levels that is conducive to growth in economic activity in Central Africa, by means of trade policy instruments and development cooperation instruments as set out in Article 7.

Article 5 Priority areas for capacity building and modernisation

1. The Central African Party, in partnership with the EC Party and by means of the cooperation instruments set out in Article 7, shall promote a quantitative and qualitative increase in the goods and services produced and exported by the Central African region, particularly in the following areas:
   a. Development of basic regional infrastructure
      - Transport
      - Energy
      - Telecommunications
   b. Agriculture and food safety
      - Agricultural production
      - Agro-industry
      - Fisheries
      - Stock farming
      - Aquaculture and fish stocks
   c. Industry, diversification and competitiveness of economies
      - Modernisation of businesses
      - Industry
      - Standards and certification (sanitary and phytosanitary (SPS) measures, quality,

zootechnical standards, etc.)

d. Strengthening of regional integration
   - Development of the regional common market
   - Taxation and customs
e. Improvement of the business environment
   - Harmonisation of national trade policies

2. In implementing this partnership, the Parties shall refer to the joint guidance document in Annex I to this Agreement.
3. In the implementation of this Agreement, the Parties affirm their commitment to promote the modernisation of the productive sectors in Central Africa affected by this Agreement, by means of the cooperation instruments set out in Article 7.

Article 6 Business environment

The Parties consider that the business environment is an essential vehicle for economic development, and that the provisions of this Agreement are therefore geared towards achieving this common objective. The signatory Central African States, which are also signatories of the OHADA Treaty (Organisation for the Harmonisation of Business Law in Africa), undertake to apply and implement the provisions of this Treaty effectively and without discrimination.

Article 7 Development finance cooperation

1. The provisions of the Cotonou Agreement which relate to economic and regional integration and cooperation shall be implemented in order to maximise the benefits provided for in this Agreement.
2. European Community [1] financing pertaining to development cooperation between the Central Africa Party and the European Community supporting the implementation of this Agreement shall be within the framework of the relevant rules and procedures provided for by the Cotonou Agreement, in particular the programming procedures of the European Development Fund (EDF), and within the framework of the relevant instruments financed by the General Budget of the European Union. In this context, supporting the implementation of this Agreement shall be one of the priorities.
3. The Member States of the European Community collectively undertake to support, by means of their respective development policies and instruments — including aid for trade — development activities for regional economic cooperation and for the implementation of this Agreement, at both national and regional levels, in accordance with the principles of effectiveness and complementarity of aid.
4. The Parties shall cooperate in order to facilitate the participation of other donors willing to support the efforts of the Central Africa Party to achieve the objectives of this Agreement.
5. The Parties recognise the usefulness of specific regional financing mechanisms which support the implementation of this Agreement, and will support the region's efforts in this direction.

Article 8 Supporting the implementation of trade-related rules

The Parties agree that the implementation of trade-related rules, for which the areas of cooperation are detailed in the individual Chapters of this Agreement, shall help to achieve the objectives of this Agreement. Cooperation in this area shall be in accordance with the arrangements set out in Article 7.

Article 9 Financing of the partnership

1. The Parties agree on the creation of an EPA regional fund, set up by and for the Central African region, to coordinate support which will help to finance effectively the priority

measures intended to build productive capacity in the Central African States, as indicated in Article 5, and the measures referred to in Article 10. The detailed rules for the operation and management of the EPA regional fund shall be decided by the region by the end of 2008. The EC Party shall use this period to complete its assessment of these rules.

2. The EPA regional fund shall be financed by resources secured by the Parties, for example contributions from EDF funds, contributions from European Union Member States and, potentially, contributions from other donors.
3. Notwithstanding paragraphs 1 and 2, the European Community Party undertakes to channel its support either via the financing mechanisms specific to the region or via those chosen by the countries signatory to this Interim Agreement, with due regard for the rules and procedures provided for in the Cotonou Agreement, and in accordance with the principles of aid effectiveness.
4. The Parties shall cooperate in order to facilitate contributions from other donors to the EPA regional fund.

Article 10 Cooperation on fiscal adjustment

1. The Parties recognise the challenges which the elimination or substantial reduction of the customs duties provided for in this Agreement may pose for signatory Central African States, and they agree to establish a dialogue and cooperation in this area.

2. In the light of the dismantling schedule approved by the Parties to this Agreement, the latter agree to establish an in-depth dialogue on the fiscal adjustment measures to be taken which could restore budget balance in the long term.

3. Further to paragraphs 1 and 2 of this Article, the Parties agree to cooperate, within the framework of Article 7, and undertake to implement technical and financial assistance measures in the following areas:

a. contribution to absorbing the net fiscal impact in full complementarity with the fiscal reforms;
b. support for fiscal reform together with dialogue in this area.

4. The Parties undertake to agree, within the EPA Committee and as soon as possible, on the methodology for estimating net fiscal impact. In this same context the Parties shall subsequently agree on the complementary measures and studies to be undertaken.

Article 11 Cooperation in international fora

The Parties shall endeavour to cooperate in all international fora where issues of interest to this partnership are discussed.

Article 12 Review of the partnership for development

The Parties agree to review in greater detail in 2008 the partnership for development established by this Title, including the details of its implementation.

TITLE III
TRADE REGIME FOR GOODS

CHAPTER 1
CUSTOMS DUTIES AND NON-TARIFF MEASURES

Article 13 Rules of origin

1. For the purposes of this Chapter, "originating" shall apply to goods that conform with the rules of origin in force on 1 January 2008 in the territories of the Parties.

2. A common reciprocal regime governing the rules of origin shall be annexed to this Agreement by the EPA Committee, and shall enter into force as of the date of provisional

application of this Agreement.
3. Not later than three years after the date of this Agreement's entry into force, the Parties shall review the provisions in force governing the rules of origin, with a view to simplifying the concepts and methods used for the purpose of determining origin in the light of Central Africa's development goals. As part of this review, the Parties shall take into account technological development, production processes and all other factors including reforms under way in relation to rules of origin which could require amendments to the negotiated reciprocal regime. Any amendment or replacement shall be effected by decision of the EPA Committee.

Article 14 Customs duties
"Customs duties" shall mean duties or charges of any kind, including any form of surcharge or supplement, imposed on or in connection with the import or export of goods. These do not include:
(a) charges equivalent to taxes or other internal charges imposed in accordance with Article 23, below, on national treatment;
(b) antidumping, countervailing or safeguard measures applied in accordance with the provisions of the Chapter on trade defence instruments;
(c) fees or other charges imposed in accordance with Article 18.

Article 15 Elimination of customs duties on exports
1. No new customs duties on exports shall be introduced in trade between the Parties, nor shall those already applied be increased, as of the date of this Agreement's entry into force.
2. However, in the event of a serious public finance problem or the need for greater environmental protection, the Central Africa Party may, after consultation with the EC Party, introduce customs duties on exports for a limited number of additional goods.
3. The EPA Committee shall undertake a regular evaluation in order to examine the impact and relevance of customs duties on exports applied under this Article.

Article 16 Movement of products
1. Products originating in the European Community or in the Central African region shall be assessed duties only once in the territory of the other Party.
2. For products originating in the European Community, the customs duty to be paid in accordance with this Agreement shall be levied on behalf of the signatory Central African State whose territory constitutes the place of consumption.
3. The Central Africa Party shall take all necessary measures to ensure the effective implementation of the provisions of this Article and to promote the free movement of goods in the signatory Central African States. The two Parties agree to cooperate in relation to this matter as per Articles 7 and 8. This cooperation shall be adapted according to the type of mechanism ultimately chosen by the Central African region.
4. The Parties agree to cooperate with a view to facilitating the movement of goods and simplifying customs procedures as provided for under Chapter 3 of Title III.

Article 17 Classification of products
The classification of products covered by this Agreement shall be that set out in each Party's respective tariff nomenclature in conformity with the Harmonised Commodity Description and Coding System ("HS").

Article 18 Fees and other charges
1. Fees and other charges referred to in Article 14(c) shall be limited in amount to the approximate cost of services rendered and shall not constitute indirect protection for domestic products or taxation of imports or exports for fiscal purposes. They shall be subject to specific

tariffs corresponding to the approximate cost of services rendered and shall not be calculated on an ad valorem basis. The fees and other charges shall not be imposed for consular formalities, such as consular certificates and invoices (exhaustive list to be drawn up by the EPA Committee).
2. In order to promote regional integration and ensure clarity for economic operators, the Central Africa Party agrees to introduce, not later than 1 January 2013, standardised provisions relating to the area covered by this Article.

Article 19 More favourable treatment on the basis of economic integration agreements
1. With regard to the areas covered by this Chapter, the EC Party shall grant the Central Africa Party any more favourable treatment which could result from the EC Party becoming party to an economic integration agreement with third parties after this Agreement has been signed.
2. With regard to the areas covered by this Chapter, the EC Party shall grant the Central Africa Party any more favourable treatment which could result from the EC Party becoming party to an economic integration agreement with a major trading partner after this Agreement has been signed.
3. If the Central Africa Party has received substantially more favourable treatment from a major trading partner than that provided by the EC Party in an economic integration agreement concluded by the Central Africa Party with that same partner, the Parties shall enter into consultations and decide together on the implementation of the provisions of paragraph 2.
4. For the purposes of this Article, "economic integration agreement" shall mean an agreement which substantially liberalizes trade and abolishes or eliminates discrimination between the Parties by eliminating existing discriminatory measures and/or prohibiting new or more discriminatory measures, either upon entry into force of this Agreement or on the basis of a reasonable time-frame.
5. For the purposes of this Article, "major trading partner" shall signify any developed country or any country accounting for more than 1 % of world trade in the year before the entry into force of the economic integration agreement referred to in paragraph 2, or any group of countries acting individually, collectively or through an economic integration agreement accounting collectively for more than 1,5 % of world trade in the year before the entry into force of the economic integration agreement referred to in paragraph 2 [2].
6. The provisions of this Chapter shall not be so construed as to oblige the Parties to extend reciprocally any preferential treatment applicable as a result of one of the Parties being party to a regional economic integration agreement with a third party on the date of signature of this Agreement.

Article 20 Customs duties on products originating in the signatory Central African States
1. Products originating from the Central Africa Party shall be imported into the EC Party free of customs duties, with the exception of the products indicated, and under the conditions set out in Annex II.
2. No new customs duties shall be introduced in trade between the Parties, nor shall those already applied be increased.

Article 21 Customs duties on products originating in the European Community
1. For each product, the basic customs duty shall be that specified in Annex III.
2. No new customs duties shall be introduced in trade between the Parties, nor shall those specified in Annex III be increased.
3. Notwithstanding paragraph 2, in the context of introducing a common external tariff as of 1 January 2013 at the latest, and insofar as the general incidence of these duties is no higher than that of the duties specified in Annex III, Central Africa may revise the basic customs duties

specified in Annex III which are applicable to products originating in the European Community. In that case, the EPA Committee shall modify Annex III accordingly.

4. Customs duties on imports of products defined as originating in the European Community and listed in Annex III under categories "1", "2" and "3" shall be definitively eliminated as per the table below. The tariff reduction percentages set out in the table below shall be applied either to the tariffs laid down in paragraph 1 or to any new tariffs laid down under the conditions of paragraph 3.

Category	1/01/2008	1/01/2009	1/01/2010	1/01/2011	1/01/2012	1/02/2013	1/01/2014	Category	1/01/2015	1/01/2016	1/01/2017	1/01/2018	1/01/2019	1/01/2020	1/01/2021
1	0 %	0 %	25 %	50 %	75 %	100 %		1							
2	0 %	0 %	0 %	15 %	30 %	45 %	60 %	2	75 %	90 %	100 %				
3	0 %	0 %	0 %	0 %	0 %	0 %	10 %	3	20 %	30 %	40 %	50 %	60 %	70 %	80 %

Category	1/01/2022	1/01/2023
1		
2		
3		

5. Imports of products originating in the European Community and listed in Annex III under category "5" shall comprise products for which customs duties are determined in accordance with the provisions of paragraphs 1 and 3 above; customs duties in this category shall be neither reduced nor eliminated.

6. In the event of serious difficulties in respect of imports of a given product, the schedule for tariff reduction and dismantling may be reviewed by the EPA Committee by common accord with a view to possibly extending the period of reduction or elimination. During a review of this kind, the calendar period for which the review has been requested may not be extended, for the product concerned, beyond the maximum transitional period for the reduction or elimination of tariffs provided for this same product. If the EPA Committee has not made a decision within 30 days of an application to review the timetable, the Central Africa Party may suspend the timetable provisionally for a period which may not exceed one year.

Article 22 Prohibition of quantitative restrictions

Upon entry into force of this Agreement, all prohibitions or restrictions on imports or exports affecting trade between the two Parties shall be eliminated, apart from the customs duties, taxes, fees and other charges referred to under Article 18 of this Chapter, whether made effective through quotas, import or export licenses or other measures. No new measures may be introduced. The provisions of this Article shall apply without prejudice to the provisions of the Chapter of this Agreement on trade defence instruments.

Article 23 National treatment on internal regulations and taxation

1. Imported products originating in the territory of the other Party shall not be subject, either directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like national products. Moreover, the Parties shall not

otherwise apply internal taxes or other internal charges so as to afford protection to national production.
2. Imported products originating in the territory of the other Party shall be accorded treatment no less favourable than that accorded to like national products in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the origin of the product.
3. Neither Party shall establish or maintain any internal regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from national sources. Moreover, neither Party shall otherwise apply internal quantitative regulations so as to afford protection to national production.
No internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions shall be applied in such a manner as to allocate any such amount or proportion among external sources of supply.
4. In accordance with Article III.8 (b) of the General Agreement on Trade and Tariffs of 1994 (GATT 1994), the provisions of this Article shall not prevent the payment of subsidies exclusively to national producers, including payments derived from the proceeds of internal taxes or charges applied consistently with the provisions of this Article and subsidies effected through governmental purchases of national products.
5. The provisions of this Article shall not apply to laws, regulations, procedures or practices governing public procurement.
6. The provisions of this Article shall apply without prejudice to the provisions of the Chapter of this Agreement on trade defence instruments.

Article 24 Agricultural export subsidies
1. No Party or signatory Central African State may introduce new export subsidies or increase any existing subsidy of this nature on agricultural products destined for the territory of the other Party. With regard to existing subsidies, this paragraph shall not prohibit increases due to variations in the world prices of the products in question.
2. For any group of products, as defined in paragraph 3, which receive an export refund under EC legislation for the same basic product for which the Central Africa Party has undertaken to eliminate its tariffs, the EC Party undertakes to dismantle all existing subsidies for exports of this group of products — corresponding to the same basic product — to the territory of the Central Africa Party. In the context of this paragraph, the Parties shall hold consultations by 31 December 2008 in order to establish the details of this dismantling process.
3. This Article shall apply to products covered by Annex I of the WTO Agreement on Agriculture.
4. This Article shall be without prejudice to the application by the Central Africa Party of Article 9.4 of the WTO Agreement on Agriculture and Article 27 of WTO Agreement on Subsidies and Countervailing Measures.

Article 25 Food security
Should the implementation of this Agreement lead to problems with the availability of, or access to, the foodstuffs necessary to ensure food security, and where this situation gives rise or is likely to give rise to major difficulties for the Central Africa Party or a signatory Central African State, the Central Africa Party or this signatory Central African State may take appropriate measures in accordance with the procedures laid down in Article 31.

Article 26 Special provisions on administrative cooperation

1. The Parties agree that administrative cooperation is essential for the implementation and control of the preferential treatment granted under this Title and underline their commitment to tackle irregularities and fraud in customs and related matters.

2. Where one party obtains proof, based on objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud, the Party concerned may temporarily suspend the preferential treatment of the product(s) concerned in accordance with this Article.

3. For the purposes of this Article, a failure to provide administrative cooperation shall be defined, inter alia, as:

(a) a recurrent failure to respect the obligation to verify the originating status of the product(s) concerned;

(b) a repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin;

(c) a repeated refusal or undue delay in granting authorisation to conduct a cooperation mission to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question.

4. The application of a temporary suspension shall be subject to the following conditions:

(a) The Party which obtains proof, based on objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud shall without undue delay notify the EPA Committee of this proof together with the objective information and enter into consultations within the EPA Committee with a view to reaching a solution acceptable to both Parties, on the basis of all relevant information and objective findings.

(b) Where the Parties have entered into consultations in the EPA Committee as provided for above and have not been able to agree on an acceptable solution within three months of notification, the Party concerned may temporarily suspend the preferential treatment of the product(s) concerned. A temporary suspension shall be notified to the EPA Committee without undue delay.

(c) Temporary suspensions under this Article shall be limited to that necessary to protect the financial interests of the Party concerned. They shall not exceed a period of six months, which may be renewed. The EPA Committee shall be notified of temporary suspensions immediately after their adoption. Such suspensions shall be the subject of periodic consultations within the EPA Committee, particularly with a view to their termination as soon as the conditions for their application no longer exist.

5. At the same time as the notification of the EPA Committee provided for in paragraph 4(a) of this Article, the Party concerned shall publish a notice to importers in its Official Journal or Gazette. This notice to importers shall indicate that, for the product concerned, proof has been obtained, based on objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud.

Article 27 Management of administrative errors

In case of error by the competent authorities in the management of preferential systems for exports, and in particular in the application of rules defining the concept of "originating" products and methods of administrative cooperation, where this error leads to consequences in terms of imports and exports the Party facing such consequences may request the EPA Committee to examine the possibility of adopting all appropriate measures with a view to resolving the situation.

Article 28 Cooperation

In accordance with the provisions of Article 7, the Parties agree to cooperate in the following areas inter alia:

- supporting the implementation of trade policy commitments arising from this Agreement;
- training/support in the interpretation and application of these rules.

CHAPTER 2
TRADE DEFENCE INSTRUMENTS

Article 29 Anti-dumping and countervailing measures

1. Subject to the provisions of this Article, nothing in this Agreement shall be construed to prevent the EC Party or the signatory Central African States, individually or collectively, from adopting anti-dumping or countervailing measures in accordance with the relevant WTO Agreements. For the purposes of this Article, origin shall be determined in accordance with the Parties' non-preferential rules of origin.

2. Before imposing definitive anti-dumping or countervailing duties in respect of products from signatory Central African States, the EC Party shall consider the possibility of constructive remedies as provided for in the relevant WTO Agreements.

3. Where an anti-dumping or countervailing measure has been imposed on two signatory Central African States at least by a regional or sub-regional authority, there shall be one single instance of judicial review, including the stage of appeals.

4. Where anti-dumping or countervailing measures may be imposed on a regional or sub-regional basis and on a national basis, the Parties guarantee that these measures shall not be applied simultaneously to the same product by the regional or sub-regional authorities and the national authorities.

5. The EC Party shall notify the signatory Central African States of the receipt of a properly documented complaint before initiating any investigation.

6. The provisions of this Article shall be applicable in all investigations initiated after this Agreement enters into force.

7. The provisions of this Article shall not be subject to the dispute settlement provisions of this Agreement.

Article 30 Multilateral safeguard measures

1. Subject to the provisions of this Article, nothing in this Agreement shall be construed to prevent the signatory Central African States or the EC Party from adopting measures in accordance with Article XIX of the GATT 1994, the WTO Agreement on Safeguards and Article 5 of the WTO Agreement on Agriculture. For the purposes of this Article, origin shall be determined in accordance with the Parties' non-preferential rules of origin.

2. Without prejudice to the provisions of paragraph 1, in the light of the overall development objectives of this Agreement and the small size of the economies of the signatory Central African States, the EC Party shall exclude imports from signatory Central African States from any measures taken pursuant to Article XIX of GATT 1994, the WTO Agreement on Safeguards and Article 5 of the WTO Agreement on Agriculture.

3. The provisions of paragraph 2 shall apply for a period of five years, beginning on the date on which this Agreement enters into force. Not later than 120 days before the end of this period, the EPA Committee shall review the implementation of these provisions in the light of the development needs of the signatory Central African States, with a view to determining whether to extend their application for a further period.

4. The provisions of paragraph 1 shall not be subject to the dispute settlement provisions of this Agreement.

Article 31 Bilateral safeguard measures

1. Without prejudice to the provisions of Article 30, after having examined alternative solutions,

a Party may apply safeguard measures of limited duration which derogate from the provisions of Articles 20 and 21, under the conditions and in accordance with the procedures laid down in this Article.

2. Safeguard measures as referred to in paragraph 1 may be taken where a product originating in the territory of one Party is being imported into the territory of the other Party in such increased quantities and under such conditions as to cause or threaten to cause:

(a) serious damage to the domestic industry producing like or directly competitive products in the territory of the importing Party, or

(b) disruption in a sector of the economy, particularly where this disruption gives rise to major social problems or difficulties which could seriously jeopardise the economic situation of the importing Party, or

(c) disruption in the markets of like or directly competitive agricultural products [3] or in the mechanisms regulating those markets.

3. The safeguard measures referred to in this Article shall not exceed what is necessary to remedy or prevent the serious damage or disruption, as defined in paragraphs 2 and 5(b). Those safeguard measures of the importing Party may only consist of one or more of the following:

(a) the suspension of any further reduction of the applicable import duty provided for under this Agreement for the product concerned,

(**b)** an increase in the customs duty on the product concerned to a level which does not exceed the customs duty applied to other WTO Members, and

(c) the introduction of tariff quotas on the product concerned.

4. Without prejudice to the provisions of paragraphs 1, 2 and 3, where a product originating in one or more signatory Central African States is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under paragraph 2(a), (b) and (c) to one or more of the EC Party's outermost regions, the EC Party may take surveillance or safeguard measures limited to the region or regions concerned in accordance with the procedures laid down in paragraphs 6 to 9.

5. (a) Without prejudice to the provisions of paragraphs 1, 2 and 3, where a product originating in the EC Party is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under paragraph 2(a), (b) and (c) above to a signatory Central African State, this signatory Central African State may take surveillance or safeguard measures limited to its territory in accordance with the procedures laid down in paragraphs 6 to 9.

(b) A signatory Central African State may take safeguard measures where a product originating in the EC Party, following the reduction of customs duties, is being imported into its territory in such increased quantities and under such conditions as to cause or threaten to cause disruption to an infant industry producing like or directly competitive products. This clause shall be applicable for a period of fifteen years from the date on which this Agreement enters into force. Measures must be taken in accordance with the provisions of paragraphs 6 to 9.

6. (a) The safeguard measures referred to in this Article shall be maintained only for such time as is necessary to prevent or remedy the serious damage or disruption as defined in paragraphs 2, 4 and 5 above.

(b) The safeguard measures referred to in this Article shall be applied for a period not exceeding two years. Where the circumstances warranting the imposition of safeguard measures continue to exist, such measures may be extended for a further period of no more than two years. Where the signatory Central African States or a signatory Central African State applies a safeguard measure, or where the EC Party takes safeguard measures limited to the territory of one or more of its outermost regions, such measures may nevertheless be applied for a period not exceeding four years and, where the circumstances warranting the imposition

of safeguard measures continue to exist, be extended for a further maximum period of four years.
(c) The safeguard measures referred to in this Article which exceed one year shall have a clear timetable for being phased out by the end of the set period, at the latest.
(d) No safeguard measure referred to in this Article shall be applied to a product that has previously been subject to such a measure for a period of at least one year since the expiry of the measure.
7. For the implementation of paragraph 1 to 6, the following provisions shall apply:
(a) Where a Party is of the opinion that one of the circumstances referred to in paragraphs 2, 4 and/or 5 exists, it shall immediately refer the matter to the EPA Committee.
(b) The EPA Committee may make recommendations to remedy the circumstances which have arisen. If the EPA Committee has not made recommendations to remedy the circumstances, or if a satisfactory solution has not been reached within 30 days of the matter being referred, the importing Party may adopt the appropriate measures to remedy the situation in accordance with this Article.
(c) Before taking any measure provided for in this Article or, in the cases to which paragraph 8 applies, the Party concerned shall, as soon as possible, supply the EPA Committee with all information required for a thorough examination of the situation, with a view to seeking a solution acceptable to the Parties concerned.
(d) In selecting safeguard measures, priority must be given to those which solve the problem rapidly and effectively and disturb the functioning of this Agreement as little as possible.
(e) All safeguard measures taken in accordance with this Article shall be notified immediately to the EPA Committee and shall be the subject of periodic consultations within that body, particularly with a view to establishing a timetable for their termination as soon as circumstances permit.
8. Where exceptional circumstances require immediate measures, the importing Party concerned, whether the EC Party, the signatory Central African States or a signatory Central African State, may take the measures provided for in paragraphs 3, 4 and/or 5 on a provisional basis without complying with the requirements of paragraph 7. Such action may be taken for a maximum period of 180 days where measures are taken by the EC Party and 200 days where measures are taken by the signatory Central African States or a signatory Central African State, or where measures taken by the EC Party are limited to the territory of one or more of its outermost regions. The duration of any such provisional measure shall be counted as part of the period of duration of the measures and of any extension as referred to in paragraph 6. When taking such provisional measures, the interests of all stakeholders shall be taken into account. The importing Party concerned shall inform the other Party and shall refer the matter to the EPA Committee for examination.
9. If an importing Party subjects imports of a product to an administrative procedure having as its purpose the rapid provision of information on the trend of trade flows liable to give rise to the problems referred to in this Article, it shall inform the EPA Committee without delay.
10. The WTO Agreement shall not be invoked to prevent a Party from adopting safeguard measures in accordance with the provisions of this Article.

CHAPTER 3
CUSTOMS AND TRADE FACILITATION

Article 32 Objectives
1. The Parties acknowledge the importance of customs and of trade facilitation in the evolving global trading environment. The Parties agree to increase cooperation in this area with a view to ensuring that the relevant legislation and procedures, as well as the administrative capacity of the relevant administrations, fulfil the objectives of effective controls and facilitation of trade,

and help promote the development and regional integration of the EPA signatory countries.
2. The Parties agree that legitimate public policy objectives, including those relating to security and the prevention of fraud, shall not be compromised in any way.

Article 33 Customs and administrative cooperation
1. In order to ensure compliance with the provisions of this Agreement and effectively respond to the objectives laid down in Article 32, the Parties shall:
(a) exchange information concerning customs legislation, regulations and procedures;
(b) develop joint initiatives relating to import, export and transit procedures, and initiatives designed to provide an effective service for the business community;
(c) cooperate on the automation of customs and trade procedures, and adopt, for the purpose of information exchange, the Customs Data Model of the World Customs Organisation (WCO);
(d) cooperate in the planning and implementation of assistance with a view to facilitating customs reforms and implementing trade facilitation; and
(e) encourage consultations and cooperation between all bodies concerned with international trade.
2. Notwithstanding paragraph 1, the Parties' customs administrations shall provide mutual administrative assistance in accordance with the provisions of the Protocol on Mutual Administrative Assistance in Customs Matters. As of 2008, the EPA Committee shall make any amendments which it considers necessary to Protocol 1 by consensus.

Article 34 Terms of cooperation
1. The Parties recognise the importance of cooperation as regards customs and trade facilitation measures for the implementation of this Agreement.
2. In accordance with the provisions of Article 7, the Parties agree to cooperate in the following areas, inter alia:
(a) the application of modern customs techniques, including risk analysis and risk management, binding information, simplified procedures for imports and exports of products, subsequent verifications and company audit methods;
(b) the introduction of procedures which reflect where possible the international instruments and standards applicable in the field of customs and trade, including WTO rules on customs valuation and WCO instruments and standards, inter alia the International Convention on the Simplification and Harmonisation of Customs Procedures, concluded at Kyoto on 18 May 1973, and revised at Brussels on 26 June 1999 (the "revised Kyoto Convention") and the WCO Framework of Standards to Secure and Facilitate Global Trade; and
(c) the computerisation of customs and trade procedures.

Article 35 Customs and trade standards
1. The Parties agree that their legislation, regulations and procedures, in the fields of customs and international trade, shall be based on:
(a) international standards and instruments, including the revised Kyoto Convention, the WCO Framework of Standards to Secure and Facilitate Global Trade, the WCO Customs Data Model and the International Convention on the Harmonised Commodity Description and Coding System ("HS");
(b) the introduction of a single administrative document, or an electronic equivalent, for the purpose of establishing customs declarations at the import and export stages;
(c) modern customs techniques, including risk analysis and risk management, simplified procedures for imports and exports of products, subsequent verifications and company audit methods. Procedures should be transparent, efficient and simplified, in order to reduce costs and increase predictability for economic operators, including small and medium-sized enterprises;

(d) non-discrimination in terms of requirements and procedures concerning imports, exports and products in transit, although it shall be accepted that consignments may be treated differently in accordance with objective risk management criteria;
(e) regulations and procedures containing binding information, particularly on tariff classification, and origin;
(f) simplified procedures for authorised traders;
(g) the gradual development of information systems to facilitate the electronic exchange of data between traders, customs administrations and other bodies involved;
(h) the facilitation of transit movements;
(i) rules ensuring that penalties imposed for minor breaches of customs regulations or the requirements of international trade procedures are proportionate and non-discriminatory and that their application does not result in unwarranted delays;
(j) regular evaluation of the system of mandatory use of customs brokers in order to improve performance and efficiency, and if necessary move towards the elimination of this system;
2. The system of mandatory pre-shipment inspections of products shall be the subject of negotiations within the negotiations on a full EPA.
3. In order to improve working methods, as well as to ensure non-discrimination, transparency, efficiency, integrity and accountability of operations, the Parties shall:
(a) take the necessary measures, based on the relevant international recommendations, to simplify and standardise the data and documentation required by customs and the other institutions involved with international trade;
(b) simplify administrative formalities and requirements wherever possible in order to reduce the time needed for clearance, release and removal of products;
(c) implement effective, prompt and non-discriminatory procedures enabling the right of appeal against rulings, decisions and actions by customs and other administrations which affect imports, exports or goods in transit. Procedures for appeal shall be easily accessible and any costs shall be reasonable and not in excess of the costs necessary to process them;
(d) ensure that the highest standards of integrity are maintained by applying measures in line with the principles of the relevant international instruments and conventions.

Article 36 Transit of products
1. The Parties shall ensure freedom of transit through their territory via the route most convenient for transit. Any restrictions, controls or requirements must be non-discriminatory, proportionate and applied uniformly.
2. Without prejudice to legitimate customs control, the Parties shall accord to products in transit from the territory of one Party treatment not less favourable than that accorded to domestic products, in particular with respect to exports and imports and their movement.
3. The Parties shall operate bonded transport regimes that allow the transit of products without payment of duties or other charges, subject to the provision of an appropriate guarantee.
4. The Parties shall promote and implement regional transit arrangements.
5. The Parties shall use international standards and instruments relevant to transit.
6. The Parties shall ensure cooperation and coordination across all relevant agencies in their territories to facilitate traffic in transit and promote cross-border cooperation.

Article 37 Relations with the business community
The Parties agree:
(a) to ensure that all information on legislation, regulations, procedures and required documents, duties and taxes, fees and other charges may be made publicly available, where possible electronically;
(b) on the need for regular consultations with the business community on the drafting of texts related to customs and international trade issues. To this end, appropriate mechanisms for

regular consultation shall be put in place by the Parties;
(c) that a sufficient period of time must elapse between the publication and entry into force of any legislation, procedure, duty or charge, whether new or amended.
The Parties shall make publicly available relevant notices of an administrative nature, including agency requirements, procedures, opening hours and operating procedures for customs offices at entry and/or exit points, and contact or information points;
(d) to foster cooperation between operators and relevant administrations via the use of non-arbitrary and accessible procedures, such as memoranda of understanding based on the protocols promulgated by the WCO;
(e) to ensure that administrations' requirements in terms of international trade continue to meet the needs of the business community, follow best practices, and remain as unrestrictive to trade as possible.

Article 38 Customs valuation
1. Article VII of the GATT (1994) and the WTO Agreement on the implementation of Article VII of the GATT (1994) shall govern customs valuation rules applied to reciprocal trade between the Parties.
2. The Parties shall cooperate with a view to achieving a common approach to issues relating to customs valuation, including problems relating to transfer pricing.

Article 39 Regional integration in Central Africa
In taking forward customs reforms, and in order to facilitate trade, the Parties shall promote regional integration, including in terms of developing standardised:
- requirements,
- documentation,
- data requirements,
- procedures,
- authorised trader schemes,
- border procedures and opening hours,
- transit requirements, bonded transport and guarantee schemes.

This should involve close cooperation between all relevant agencies and be based, wherever possible, on the use of relevant international standards.

CHAPTER 4
TECHNICAL BARRIERS TO TRADE, AND SANITARY AND PHYTOSANITARY MEASURES

Article 40 Objectives
The objectives of this Chapter are to facilitate trade in products between the Parties while increasing the capacity of the Parties to identify, prevent and eliminate obstacles to trade as a result of technical regulations, standards and conformity assessment procedures applied by either Party, and increasing the capacity of the Parties to protect plants, animals and public health.

Article 41 Multilateral obligations and general background
1. The Parties reaffirm their rights and obligations under the WTO Agreement, and in particular the WTO Agreements on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and on Technical Barriers to Trade (TBT Agreement). The Parties which are not members of the WTO also confirm their commitment to comply with the obligations set out in the SPS and TBT Agreements with regard to all matters concerning relations between the Parties.

2. The Parties reaffirm their commitment to improve public health in the territories of the signatory Central African States, in particular by strengthening their capacity to identify unsafe products, pursuant to Article 47.
3. These commitments, rights and obligations shall inform the activities of the Parties under this Chapter.

Article 42 Scope and definitions
1. This Chapter shall apply to those measures within the scope of the WTO TBT and SPS Agreements.
2. Unless specified otherwise, for the purposes of this Chapter, the definitions of the SPS and TBT Agreements, CODEX Alimentarius, the International Plant Protection Convention and the World Organisation for Animal Health shall apply, also for all references to "products" in this Chapter.

Article 43 Competent authorities
With regard to SPS measures, the authorities in the EC Party and the signatory Central African States which are responsible for the implementation of the measures referred to in this Chapter are described in Appendix II.
The Parties shall inform each other in a timely manner of any significant changes to the competent authorities listed in Appendix II. The EPA Committee shall adopt any necessary amendment of Appendix II.

Article 44 Zoning
When defining import conditions, the Parties may, on a case-by-case basis, propose and identify zones with a defined sanitary or phytosanitary status, taking account of international standards.

Article 45 Transparency of trade conditions and information exchange
1. The Parties shall inform each other of any changes to their legal and administrative import requirements for products (including products of animals and/or vegetable origin).
2. The Parties reconfirm their obligations under the WTO SPS and TBT Agreements to inform each other of changes to the relevant standards or technical regulations through the mechanisms established under those Agreements.
3. The Parties shall also directly exchange information on other topics agreed by both Parties to be of potential importance for their trade relations, as and when necessary.
4. The Parties agree to collaborate in epidemiological surveillance on animal disease. Also in the domain of plant health, the Parties shall exchange information on the occurrence of pests of known and immediate danger to the other Party.

Article 46 Regional integration
1. The Central Africa Party undertakes to harmonise the standards and other measures within the scope of this Chapter at regional level within four years of this Agreement's entry into force.
2. With a view to facilitating trade between the Parties and in conformity with Article 40, the signatory Central African States agree on the need to harmonise import conditions applicable to products originating in the territory of the EC Party when these products enter a signatory Central African State. Where national import conditions already exist at the time of this Agreement's entry into force, and pending the introduction of harmonised import conditions, the existing import conditions shall be implemented by the signatory Central African States on the basis that a product from the EC Party legally placed on the market of a signatory Central African State may also be legally placed on the market of all other signatory Central African States without any further restriction or administrative requirement.

Article 47 Capacity-building and technical assistance
In accordance with the provisions of Article 7, the Parties agree to cooperate in the following areas inter alia:
(a) For products referred to in Appendix IA, the Parties agree to cooperate with a view to strengthening both regional integration within the signatory Central African States and control capacity in accordance with the objectives of this Agreement, and in such a manner as to facilitate trade between the signatory Central African States.
(b) For the products referred to in Appendix IB, the Parties agree to cooperate with a view to improving the competitiveness and quality of their products.

CHAPTER 5
FORESTRY GOVERNANCE AND TRADE IN TIMBER AND FOREST PRODUCTS

Article 48 Definitions
Unless specified otherwise, for the purposes of this Chapter the description "forest products" shall also include non-timber forest products and their derivatives.

Article 49 Scope
The provisions of this Chapter shall apply to trade in timber and forest products originating in Central Africa and to the sustainable management of the forests from which these products are extracted.

Article 50 Trade in timber, non-timber forest products and derivatives
1. The Parties shall work together to facilitate trade between the EC Party and the Central Africa Party in timber and forest products which come from objectively verifiable legal sources and help to achieve sustainable development. The Parties agree to:
(a) implement measures to increase market confidence regarding the origin of forest products, particularly their legal and/or sustainable origin. These measures may include systems to improve the traceability of timber and forest products sold both within Central Africa and between the Central Africa Party and the EC Party;
(b) put in place an audit and surveillance system that is independent of the control chain.
2. The Parties shall explore possible ways of improving commercial opportunities for timber and forest products with a legal or sustainable origin in Central Africa on the market of the EC Party. These measures may include, inter alia, stronger public procurement policies, measures to raise consumer awareness, measures to promote the processing of forest products in Central Africa, and activities and initiatives in association with private-sector operators.
3. The Parties undertake to develop non-discriminatory policies and/or legislation within the scope of this Chapter; they also undertake to ensure the effective and non-discriminatory implementation of these policies and/or legislation, in accordance with WTO provisions.

Article 51 Regional integration
1. The Central Africa Party undertakes to build and implement a regional framework to govern trade in timber and forest products originating in Central Africa, including the appropriate cooperation mechanisms and legislation to ensure that it is applied and implemented effectively.
2. The Central Africa Party shall develop protocols and/or guidelines for cooperation between the competent authorities in Central Africa which are responsible for implementation, to ensure that intra-regional trade in timber and forest products from Central Africa come from objectively verifiable legal sources.

Article 52 Capacity-building and technical assistance
In accordance with the provisions of Article 7, the Parties agree to cooperate in the following areas inter alia:
(a) facilitating assistance with a view to strengthening regional integration, for example the implementation of the Treaty on the Conservation and Sustainable Management of Forests in Central Africa (COMIFAC) and the Sub-regional Convergence Plan, and with a view to building capacity in order to fulfil the commitments set out in this Chapter;
(b) supporting public and private commercial initiatives, particularly in terms of exports to the market of the EC Party, for local processing of timber and forest products originating in Central Africa which come from objectively verifiable legal sources and help to achieve sustainable development.

Article 53 Other agreements
Without prejudice to the provisions of this Chapter, trade in timber and forest products shall be governed in line with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and any voluntary partnership agreements to which signatory Central African States might adhere individually or collectively with the European Community under the European Union's action plan on forest law enforcement, governance and trade (FLEGT).

TITLE IV
ESTABLISHMENT, TRADE IN SERVICES AND E-COMMERCE

Article 54 Framework
1. The Parties reaffirm their respective commitments under the General Agreement on Trade in Services.
2. The Parties undertake to extend the scope of this Agreement, not later than 1 January 2009, by negotiating the necessary provisions for the gradual, asymmetrical and reciprocal liberalisation of establishment and trade in services.

Article 55 Cooperation
The Parties, recognising that strengthening trade capacity can support the development of economic activities, particularly in the services sectors, and strengthen their regulatory framework, reaffirm their respective obligations arising from the Cotonou Agreement, in particular Articles 34 to 39, 41 to 43, 45 and 74 to 78.

TITLE V
TRADE-RELATED RULES

CHAPTER 1
CURRENT PAYMENTS AND CAPITAL MOVEMENTS

Article 56 Continuation of negotiations on current payments and movement of capital
1. The Parties recognise the need to guarantee that cross-border flows of the funds necessary for the liberalisation of trade in products and services, and for investments by one of the Parties in the region of the other Party, cannot be restricted or prevented by one of the Parties. Any obstacle to these flows would be contrary to the objectives of liberalisation, given that trade or investment, although itself permissible, could not give rise to payment or financing from abroad.
2. To achieve this objective, the Parties undertake to conclude negotiations by 1 January 2009 on a series of issues related to the following:

(a) liberalisation of flows of funds relating to trade in products and services, known as "current payments";
(b) liberalisation of flows of funds relating to "investments", known as "movements of capital relating to investments", including repatriation of investments and profits;
(c) a safeguard clause, granting a short-term derogation from freedom of capital movement, on grounds of serious difficulties as regards monetary situation or balance of payments;
(d) a development clause, providing for the liberalisation of other types of capital movements not related to investment.

CHAPTER 2
COMPETITION

Article 57 Continuation of Negotiations On Competition
1. The Parties recognise the importance of free and undistorted competition in their trade relations and the fact that certain anti-competitive practices may restrict trade between the Parties and thus hinder the achievement of the objectives of this Agreement.
2. The Parties therefore agree to take part in the negotiations on a chapter on competition in the EPA, which will include the following in particular:
(a) anti-competitive practices which are considered incompatible with the proper functioning of this Agreement, insofar as they can affect trade between the Parties;
(b) provisions on the effective implementation of competition rules and policies and of regional policies in Central Africa which govern the anti-competitive practices identified in accordance with paragraph 2(a);
(c) provisions on technical assistance by independent experts to ensure that the Chapter's objectives are achieved and that Central Africa's competition policies are properly implemented at regional level.
3. The negotiations shall be based on a two-step approach, first applying the rules in the context of regional integration in Central Africa and, after a transition period to be determined jointly, applying the rules bilaterally.
4. The negotiations on the competition chapter shall be concluded by 1 January 2009.

CHAPTER 3
INTELLECTUAL PROPERTY

Article 58
Continuation of negotiations on intellectual property
1. The Parties reaffirm their rights and obligations arising from the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), and recognise the need to ensure an adequate and effective level of protection of intellectual, industrial and commercial property rights, and other rights covered by the TRIPS Agreement, in line with international standards and with a view to reducing distortions and impediments to bilateral trade.
2. With due regard for the powers transferred to the African Intellectual Property Organisation (OAPI), the Parties undertake to conclude negotiations by 1 January 2009 on a series of commitments regarding intellectual property rights.
3. The Parties also agree to strengthen their cooperation in the area of intellectual property rights. Such cooperation shall be directed at supporting the implementation of each Party's commitments and shall extend to the following areas inter alia:
(a) reinforcement of regional integration initiatives in Central Africa with a view to improving regional regulatory capacity, regional laws and regulations;
(b) prevention of the abuse of such rights by right-holders and the infringement of such rights by competitors;

(c) support in the preparation of national laws and regulations in Central Africa for the protection and enforcement of intellectual property rights.
4. The negotiations shall be based on a two-step approach, first applying the rules in the context of regional integration in Central Africa and, after a transition period to be determined jointly, applying the rules bilaterally.
5. In conducting the negotiations, the different levels of development in the signatory Central African States should be taken into account.

CHAPTER 4
PUBLIC PROCUREMENT

Article 59 Continuation of negotiations on public procurement
1. The Parties recognise the contribution of transparent and competitive tendering to economic development. They therefore agree to negotiate the gradual and mutual opening of their public procurement markets, while recognising their different levels of development, under the conditions set out in paragraph 3.
2. To achieve this objective, the Parties shall conclude negotiations by 1 January 2009 on a set of potential commitments on procurement, which shall include in particular the following:
(a) transparent and non-discriminatory rules, procedures and principles to be applied;
(b) lists of the products covered and the thresholds applied;
(c) effective challenge procedures;
(d) measures to support capacities to implement these commitments, including making use of opportunities created by information technologies.
3. The negotiations shall be based on a two-step approach, first applying the rules in the context of regional integration in Central Africa and, after a transition period to be determined jointly, applying the rules bilaterally.
4. In conducting the negotiations, the EC Party shall take into account the development, financial and trade needs of the signatory Central African States, which may take the form of the following measures in the interest of special and differential treatment:
(a) appropriate implementation periods, where required, to bring government procurement measures into line with any specific procedural requirements;
(b) adoption or retention of transitional measures such as a price preference programme or offset, in accordance with a phasing-out schedule.

CHAPTER 5
SUSTAINABLE DEVELOPMENT

Article 60 Continuation of negotiations on sustainable development
1. The Parties recognise that sustainable development is an overall objective of the EPA. They therefore agree to ensure that sustainability considerations are reflected in all titles of the EPA and to draft specific chapters covering environmental and social issues.
2. To achieve this objective, the Parties shall conclude negotiations by 1 January 2009 on a set of potential commitments on sustainable development, which shall include in particular the following:
(a) level of protection and right to regulate;
(b) regional integration in Central Africa, use of international environmental standards and of the International Labour Organisation and promotion of decent work;
(c) upholding levels of protection;
(d) consultation and monitoring procedures.
3. In conducting the negotiations, the EC Party shall take into account the development needs of the signatory Central African States, which may take the form of provisions on cooperation

in this field.

CHAPTER 6
PROTECTION OF PERSONAL DATA

Article 61 Overall objective
The Parties, recognising:
(a) their common interest in protecting the fundamental rights and freedoms of natural persons, and in particular their right to privacy, with respect to the processing of personal data;
(b) the importance of maintaining effective data protection regimes as a means of protecting the interests of consumers, stimulating investor confidence and facilitating cross-border flows of personal data;
(c) the need to collect and process personal data in a transparent and fair manner, with due respect accorded to the data subject, agree to establish appropriate legal and regulatory regimes, and the appropriate administrative capacity to implement them, including independent supervisory authorities, in order to ensure an adequate level of protection of individuals with regard to the processing of personal data, in line with the highest international standards [4].

Article 62 Definitions
For the purposes of this Chapter:
(a) "personal data" shall mean any information relating to an identified or identifiable natural person (data subject);
(b) "processing of personal data" shall mean any operation or set of operations which is performed upon personal data, such as collection, recording, organisation, storage, alteration, retrieval, consultation, use, disclosure, combination, blocking, erasure or destruction, as well as transfers of personal data across national borders;
(c) "data controller" shall mean the natural or legal person, authority or any other body which determines the purposes and means of the processing of personal data.

Article 63 Principles and general rules
The Parties agree that the legal and regulatory regimes and administrative capacity to be established shall, at a minimum, include the following content principles and enforcement mechanisms:
(a) Content principles
(i) The purpose limitation principle — data should be processed for a specific purpose and subsequently used or further communicated only insofar as this is not incompatible with the purpose of the transfer. The only exemptions to these rights should be those provided for in legislation and necessary in a democratic society for the protection of important public interests.
(ii) The data quality and proportionality principle — data should be accurate and, where necessary, kept up to date. The data should be adequate, relevant and not excessive in relation to the purposes for which they are transferred or further processed.
(iii) The transparency principle — individuals should be provided with information as to the purpose of the processing and the identity of the data controller in the third country, and other information insofar as this is necessary to ensure fairness. The only exemptions to these rights should be those provided for in legislation and necessary in a democratic society for the protection of important public interests.
(iv) The security principle — the data controller should take technical and organisational security measures that are appropriate to the risks presented by the processing. Any person acting under the authority of the data controller, including a processor, must not process data

except on instructions from the controller.
(v) The rights of access, rectification and opposition — the data subject should have the right to obtain a copy of all data relating to him/her that are processed, and the right to rectify those data where they are shown to be inaccurate. In certain situations he/she should also be able to object to the processing of the data relating to him/her. The only exemptions to these rights should be those provided for in legislation and necessary in a democratic society for the protection of important public interests.
(vi) Restrictions on onward transfers — as a matter of principle, further transfers of the personal data by the recipient of the original data transfer should be permitted only where the second recipient (i.e. the recipient of the onward transfer) is also subject to rules affording an adequate level of protection.
(vii) Sensitive data — where special categories of data are involved, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership, data concerning health and sex, and data relating to offences, criminal convictions or security measures, additional safeguards should be in place.
(b) Enforcement mechanisms
Appropriate mechanisms should be in place to ensure that the following objectives are achieved:
(i) to ensure a good level of compliance with the rules, including a high degree of awareness among data controllers of their obligations, and among data subjects of their rights and the means of exercising them; the existence of effective and dissuasive sanctions; and systems of verification by authorities, auditors or independent data protection officials;
(ii) to provide support and help to individual data subjects in the exercise of their rights, which they must be able to enforce rapidly and effectively, and without prohibitive cost, including through an appropriate institutional mechanism allowing independent investigation of complaints;
(iii) to provide appropriate redress to the injured party where rules are not complied with, allowing compensation to be paid and sanctions imposed where appropriate.

Article 64 Consistency with international commitments
1. The Parties shall keep each other informed, via the EPA Committee, of the multilateral commitments and agreements with third countries in which they may participate, or of any obligation by which they may be bound and which could be relevant to the application of this Chapter, and in particular of any agreement providing for the processing of personal data, such as personal data being collected, stored or accessed by third parties or transferred to third parties.
2. The Parties may request consultations to discuss any matter which may arise.

Article 65 Cooperation
The Parties acknowledge the importance of cooperation in order to facilitate the development of appropriate legislative, judicial and institutional frameworks and to ensure an adequate level of protection of personal data that is consistent with the objectives and principles contained in this Chapter.

TITLE VI
DISPUTE AVOIDANCE AND SETTLEMENT

CHAPTER 1
OBJECTIVE AND SCOPE

Article 66 Objective
The objective of this Title is to avoid and settle any dispute between the Parties with a view to arriving, where possible, at a mutually agreed solution.

Article 67 Scope
1. This Title shall apply to any dispute relating to the interpretation or application of this Agreement, except where specifically provided otherwise.
2. Notwithstanding paragraph 1, the procedure provided for in Article 98 of the Cotonou Agreement shall be applicable in the case of disputes relating to development finance cooperation as defined in the Cotonou Agreement.

CHAPTER 2
CONSULTATIONS AND MEDIATION

Article 68 Consultations
1. The Parties shall endeavour to resolve disputes under this Agreement by entering into good faith consultations with the aim of reaching a mutually acceptable solution.
2. A Party seeking consultations shall do so by means of a written request to the other Party, copied to the EPA Committee, identifying the measure at issue and the provisions of the Agreement with which it considers the measure not to be in conformity.
3. The consultations shall be held within 40 days of the date on which the request is submitted. The consultations shall be deemed concluded within 60 days of the date of submission of the request unless both Parties agree to continue. All information disclosed during the consultations shall remain confidential.
4. Consultations on matters of urgency, including those regarding perishable or seasonal goods, shall be held within 15 days of the date of submission of the request, and shall be deemed concluded within 30 days of the date of submission of the request.
5. If consultations are not held within the time limits laid down in paragraph 3 or paragraph 4 respectively, or if consultations have been concluded and no agreement has been reached on a mutually agreed solution, the complaining Party may request that an arbitration panel be established in accordance with Article 70.

Article 69 Mediation
1. If consultations fail to produce a mutually agreed solution, the Parties may, by agreement, seek recourse to a mediator. Unless the Parties agree otherwise, the terms of reference for the mediation shall be the matter referred to in the request for consultations.
2. Unless the Parties agree on a mediator within 15 days of submission of the mediation request, the EPA Committee shall select by lot a mediator from the pool of individuals who are on the list referred to in Article 85 and are not nationals of either Party. The selection shall be made within 20 days of submission of the mediation request and in the presence of a representative of each Party. The mediator shall convene a meeting with the Parties no later than 30 days after being selected. The mediator shall receive the submissions of each Party no later than 15 days before the meeting and communicate an opinion no later than 45 days after having been selected.
3. The mediator's opinion may include recommendations on how to resolve the dispute in accordance with the provisions of this Agreement. The mediator's opinion is non-binding.
4. The Parties may agree to amend the time limits referred to in paragraph 2. The mediator may also decide to amend these time limits at the request of any of the Parties or on his own initiative, based on the particular difficulties experienced by the Party concerned or the complexity of the case.
5. The mediation proceedings, and in particular all information disclosed and positions taken

by the Parties during these proceedings, shall remain confidential.

CHAPTER 3
PROCEDURES FOR THE SETTLEMENT OF DISPUTES

SECTION I
ARBITRATION PROCEDURE

Article 70 Initiation of the arbitration procedure

1. Where the Parties have failed to resolve the dispute by recourse to consultations as provided for in Article 68, or by recourse to mediation as provided for in Article 69, the complaining Party may request that an arbitration panel be established.

2. A request for the establishment of an arbitration panel shall be addressed in writing to the Party which is the subject of the complaint and to the EPA Committee. The complaining Party shall identify in its request the specific measures at issue, and it shall explain how such measures constitute a breach of the provisions referred to in Article 67.

Article 71 Establishment of an arbitration panel

1. An arbitration panel shall be composed of three arbitrators.

2. Within 10 days of the date on which the request for the establishment of an arbitration panel is submitted, the Parties shall consult each other in order to reach an agreement on the composition of the arbitration panel.

3. In the event that the Parties are unable to agree on the panel's composition within the time limit laid down in paragraph 2, either Party may request that the chairperson of the EPA Committee, or his or her delegate, select all three members by lot from the list drawn up under Article 85: one from among the individuals proposed by the complaining Party, one from among the individuals proposed by the Party complained against and one from among the individuals selected by both Parties to act as chairperson. Where the Parties agree on one or more of the members of the arbitration panel, any remaining members shall be selected by the same procedure.

4. The chairperson of the EPA Committee, or his or her delegate, shall select the arbitrators within five days of the request referred to in paragraph 3 being submitted by either Party and in the presence of a representative of each Party.

5. The date of establishment of the arbitration panel shall be the date on which the three arbitrators are selected.

Article 72 Interim report by the panel

The arbitration panel shall submit to the Parties an interim report containing both the descriptive sections and the panel's findings and conclusions, as a general rule not later than 120 days from the date of establishment of the arbitration panel. Any Party may submit written comments to the arbitration panel on specific aspects of its interim report within 15 days of submission of the report.

Article 73 Arbitration panel ruling

1. The arbitration panel shall notify the Parties and the EPA Committee of its ruling within 150 days from the date on which the arbitration panel is established. Where it considers that this deadline cannot be met, the chairperson of the arbitration panel shall notify the Parties and the EPA Committee in writing, stating the reasons for the delay and the date on which the panel plans to conclude its work. Under no circumstances should the ruling be notified later than 180 days from the date of establishment of the arbitration panel.

2. In urgent cases, including those involving perishable or seasonal goods, the arbitration

panel shall make every effort to issue its ruling within 75 days of the date of its establishment. Under no circumstance should it take longer than 90 days from the date of its establishment to issue the ruling. The arbitration panel may give a preliminary ruling within ten days of its establishment on whether it deems the case to be urgent.
3. Either Party may ask an arbitration panel to make recommendations on how the Party complained against could comply.

SECTION II
COMPLIANCE

Article 74 Compliance with the arbitration panel ruling
Each Party or, as appropriate, the signatory Central African States, shall take any measure necessary to implement the arbitration panel ruling, and the Parties shall endeavour to agree on a deadline for compliance with the ruling.

Article 75 Reasonable period of time for compliance
1. No later than 30 days after the Parties have been notified of the arbitration panel ruling, the Party complained against shall notify the complaining Party and the EPA Committee of the time it will require for compliance (reasonable period of time).
2. In the event of disagreement between the Parties on the reasonable period of time to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the notification made under paragraph 1 by the Party complained against, request in writing that the arbitration panel determine the length of the reasonable period of time. This request shall be communicated simultaneously to the other Party and to the EPA Committee. The arbitration panel shall notify the Parties and the EPA Committee of its ruling within 30 days of the date of submission of the request.
3. In determining the length of the reasonable period of time, the arbitration panel shall take into consideration the length of time that it should take the Party complained against or, as appropriate, the signatory Central African States, to adopt comparable legislative or administrative measures to those identified by the Party complained against or, as appropriate, the signatory Central African States, as being necessary to ensure compliance. The arbitration panel may also take into consideration demonstrable capacity constraints which may affect the adoption of the necessary measures by the Party complained against.
4. In the event of the original arbitration panel, or some of its members, being unable to reconvene, the procedures set out in Article 71 shall apply. The deadline for issuing a ruling shall be 45 days from the date of submission of the request referred to in paragraph 2 of this Article.
5. The reasonable period may be extended by mutual agreement of the Parties.

Article 76 Review of measures taken to comply with the arbitration panel ruling
1. The Party complained against shall notify the other Party and the EPA Committee, before the end of the reasonable period of time, of any measure that it has taken to comply with the arbitration panel ruling.
2. In the event of disagreement between the Parties concerning the compatibility of any measure notified under paragraph 1 with the provisions of this Agreement, the complaining Party may request in writing that the arbitration panel rule on the matter. Such request shall identify the specific measure at issue and explain how such measure is incompatible with the provisions of this Agreement. The arbitration panel shall issue its ruling within 90 days of the date of submission of the request. In urgent cases, including those involving perishable or seasonal goods, the arbitration panel shall issue its ruling within 45 days of the date of

submission of the request.
3. In the event of the original arbitration panel, or some of its members, being unable to reconvene, the procedures set out in Article 71 shall apply. The period for issuing the ruling shall be 105 days from the date of submission of the request referred to in paragraph 2 of this Article.

Article 77 Temporary provisions in case of non-compliance
1. If the Party complained against fails to give notification of any measure taken to comply with the arbitration panel ruling before the expiry of the reasonable period of time, or if the arbitration panel rules that the measures notified under Article 76(1) are not compatible with that Party's obligations under the provisions of this Agreement, the Party complained against or, as appropriate, the signatory Central African State concerned shall, if so requested by the complaining Party, present an offer for temporary compensation. This compensation may include or consist of financial compensation. However, nothing in this Agreement shall oblige the Party complained against or, as appropriate, the signatory Central African State concerned, to offer such financial compensation.
2. If no agreement on compensation is reached within 30 days of the end of the reasonable period of time or of the arbitration panel's ruling under Article 76 that a measure taken to comply is not compatible with the provisions of this Agreement, the complaining Party shall be entitled, after notifying the other Party, to adopt appropriate measures. These measures may be adopted by the complaining Party or, as appropriate, the signatory Central African State concerned.
3. In adopting these measures, the complaining Party or, as appropriate, the signatory Central African State concerned, shall aim to select measures proportionate to the infringement which least affect the achievement of this Agreement's objectives and take into consideration their impact on the economy of the Party complained against and on the various signatory Central African States.
4. The EC Party shall show restraint when asking for compensation or adopting appropriate measures in accordance with paragraph 1 or 2 of this Article.
5. The compensation or appropriate measures shall be temporary and shall be applied only until any measure found to violate the provisions of this Agreement has been withdrawn or amended so as to bring it into conformity with those provisions or until the Parties have agreed to settle the dispute.

Article 78 Review of measures taken to comply following the adoption of appropriate measures
1. The Party complained against shall notify the other Party and the EPA Committee of any measure it has taken to comply with the arbitration panel ruling and, in that notification, request an end to the application of appropriate measures by the complaining Party or, as appropriate, the signatory Central African State concerned.
2. If the Parties do not reach an agreement, within 30 days of the date of submission of the notification, on the compatibility of the notified measures with the provisions of this Agreement, the complaining Party shall request in writing that the arbitration panel rule on the matter. The other Party and the EPA Committee shall be notified of the request. The Parties and the EPA Committee shall be notified of the arbitration panel ruling within 45 days of submission of the request. If the arbitration panel rules that any measure taken to comply is not in conformity with the relevant provisions of this Agreement, the arbitration panel shall determine whether the complaining Party or, as appropriate, the signatory Central African State concerned may continue to apply appropriate measures. If the arbitration panel rules that any measure taken to comply is in conformity with the provisions referred to in Article 67, the appropriate measures shall be terminated.

3. In the event of the original arbitration panel, or some of its members, being unable to reconvene, the procedures laid down in Article 71 shall apply. The period for issuing the ruling shall be 60 days from the date of submission of the request referred to in paragraph 2 of this Article.

SECTION III
COMMON PROVISIONS

Article 79 Mutually agreed solution
Under this Title the Parties may at any time reach a mutually agreed solution to a dispute. They shall notify the EPA Committee of any such solution. When a mutually agreed solution is adopted, the procedure must be terminated.

Article 80 Rules of procedure and code of conduct
1. Dispute settlement procedures under Chapter 3 shall be governed by the rules of procedure and code of conduct to be adopted by the EPA Committee.
2. Meetings of the arbitration panel shall be open to the public in accordance with the rules of procedure, which also provide for the protection of confidential business information.

Article 81 Information and technical advice
At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, which it deems appropriate for the arbitration procedure. The arbitration panel also has the right to seek the opinion of experts as it deems appropriate. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Interested parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the rules of procedure.

Article 82 Languages for communications
The written and oral submissions of the Central Africa Party shall be made in French and English, and those of the European Communities in any of the official languages of the institutions of the European Union.

Article 83 Rules of interpretation
Any arbitration panel shall interpret the provisions of this Agreement in accordance with customary rules of interpretation of public international law, including the Vienna Convention on the Law of Treaties. The rulings of the arbitration panel cannot add to or diminish the rights and obligations provided for in this Agreement.

Article 84 Arbitration panel rulings
1. The arbitration panel shall make every effort to reach its decisions by consensus. Where, nevertheless, a decision cannot be arrived at by consensus, the matter at issue shall be decided by majority vote. However, under no circumstances shall the dissenting opinions of arbitrators be published.
2. The ruling shall set out the findings of fact, the applicability of the relevant provisions of this Agreement and the basic rationale behind any findings and conclusions of the arbitration panel. The EPA Committee shall make the arbitration panel ruling publicly available unless it decides not to do so.

CHAPTER 4
GENERAL PROVISIONS

Article 85 List of arbitrators

1. The EPA Committee shall, no later than six months after this Agreement's entry into force, establish a list of 15 individuals who are willing and able to serve as arbitrators. Each of the Parties shall select five individuals to serve as arbitrators. The two Parties shall also agree on five individuals who are not nationals of either Party and who may be called upon to act as chairperson to the arbitration panel. The EPA Committee shall ensure that a full list is always maintained.

2. Arbitrators shall have specialised knowledge or experience of law and international trade. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government or be affiliated with the government of any of the Parties, and shall comply with the code of conduct adopted by the EPA Committee.

3. The EPA Committee may draw up an additional list of 15 individuals with sectoral expertise in specific matters covered by the Agreement. Where recourse is made to the selection procedure under Article 71(2), the chairperson of the EPA Committee may use this type of sectoral list with the agreement of both Parties.

Article 86 Relationship to WTO obligations

1. Arbitration bodies set up under this Agreement shall not adjudicate disputes concerning each Party's rights and obligations under the Agreement establishing the WTO.

2. Recourse to the dispute settlement provisions of this Agreement shall be without prejudice to any action in the WTO framework, including dispute settlement action. However, where a Party or, as appropriate, the signatory Central African States has/have instituted a dispute settlement proceeding with regard to a particular measure, either under Article 70(1) or under the WTO Agreement, it/they may not institute a dispute settlement proceeding with regard to the same measure in the other forum until the first proceeding has ended. For the purposes of this paragraph, dispute settlement proceedings under the WTO Agreement shall be deemed to be initiated by the request of a Party or, as appropriate, of the signatory Central African States for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO.

3. Nothing in this Agreement shall preclude a Party or, as appropriate, the signatory Central African States from implementing the suspension of obligations authorised by the Dispute Settlement Body of the WTO.

Article 87 Time limits

1. All time limits laid down in this Title, including the deadlines for the arbitration panels to issue their rulings, shall be counted in calendar days from the day following the act or fact to which they refer.

2. Any time limit provided for in this Title may be extended by mutual agreement of the Parties.

Article 88 Amendment of Title VI

The EPA Committee may decide to amend this Title and its Annexes.

TITLE VII
GENERAL EXCEPTIONS

Article 89 General exception clause

Subject to the requirement that such measures are not to be applied in a manner which would

constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions must prevail, or a disguised restriction on trade in goods, services or establishment, nothing in this Agreement shall be construed to prevent the adoption or enforcement by the Parties of measures which:
(a) are necessary to protect public security or public morality or to maintain public order;
(b) are necessary to protect the health or life of humans, animals or plants;
(c) are necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to:
(i) prevention of deceptive and fraudulent practices or ways of dealing with the effects of a default on contracts;
(ii) protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
(iii) security;
(iv) the application of customs regulations and procedures; or
(v) protection of intellectual property rights;
(d) relate to imports or exports of gold or silver;
(e) are necessary to protect national treasures of artistic, historical or archaeological value;
(f) relate to the conservation of exhaustible natural resources if such measures involve restrictions on domestic production or consumption of goods or the provision or consumption of domestic services, and on domestic investors;
(g) relate to the products of prison labour; or
(h) are inconsistent with the articles of this Agreement on national treatment, provided that the difference in treatment is intended to ensure the effective or equitable imposition or collection of direct taxes in respect of the economic activities of investors or of service providers of the other Party [5].

Article 90 Security exceptions
1. Nothing in this Agreement shall be construed:
(a) to require the Parties to furnish any information the disclosure of which they consider contrary to their essential security interests;
(b) to prevent the Parties from taking any action which they consider necessary for the protection of their essential security interests:
(i) relating to fissionable and fusionable materials or the materials from which they are derived;
(ii) relating to economic activities carried out directly or indirectly for the purpose of supplying or provisioning a military establishment;
(iii) relating to the production of, or trade in, arms, munitions or war materials;
(iv) relating to government procurement indispensable for national security or for national defence purposes; or
(v) taken in time of war or other emergency in international relations; or
(c) to prevent the Parties from taking any action in pursuance of the obligations they accepted in order to maintain international peace and security.
2. The EPA Committee shall be informed to the fullest extent possible of measures taken under paragraphs 1(b) and 1(c) and of their termination.

Article 91 Taxation
1. Nothing in this Agreement or in any agreement adopted in implementation of this Agreement shall be construed to prevent the Parties from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in the same situation, in particular with regard to their place of residence or with regard to the place where their capital is invested.
2. Nothing in this Agreement or in any agreement adopted in implementation of this Agreement

shall be construed to prevent the adoption or enforcement of any measure intended to prevent the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation or other tax agreements or domestic fiscal legislation.
3. Nothing in this Agreement shall affect the rights and obligations of the Parties under any tax convention. In the event of any inconsistency between this Agreement and any such convention, that convention shall prevail to the extent of the inconsistency.

TITLE VIII
GENERAL AND FINAL PROVISIONS

Article 92 EPA Committee
1. To implement this Agreement, an EPA Committee shall be set up within three months of the signature of this Agreement.
2. The Parties agree on the composition, organisation and functioning of the EPA Committee.
3. The EPA Committee shall be responsible for the administration of all areas covered by this Agreement and for the completion of all tasks referred to in this Agreement.
4. The EPA Committee shall reach its decisions by consensus.
5. In order to facilitate communication and ensure the effective implementation of this Agreement, each Party shall designate a focal point.

Article 93 Regional organisations
The Commission of the Economic and Monetary Community of Central Africa (CEMAC) and the General Secretariat of the Economic Community of Central African States (CEEAC) shall be invited to attend all meetings of the EPA Committee.

Article 94 Continuation of negotiations and implementation of the Agreement
1. The Parties shall continue the negotiations in accordance with the schedule set out in this Agreement, within the existing negotiation structures.
2. When the negotiations are concluded, the resulting draft amendments shall be submitted to the relevant national authorities for approval.
3. Pending the establishment of the EPA Committee and of other institutions and committees of relevance for the full EPA referred to in Article 1, the Parties shall take the necessary measures for the administration and implementation of this Agreement and carry out the tasks of the EPA Committee each time reference is made to this Committee in this Agreement.

Article 95 Definition of the Parties and fulfilment of obligations
1. The Contracting Parties to this Agreement shall be the Republic of Cameroon [hereinafter "Central Africa Party"], of the one part, and the European Community or its Member States or the European Community and its Member States, within their respective areas of competence as derived from the Treaty establishing the European Community [hereinafter "EC Party"], of the other part.
2. For the purposes of this Agreement, the Central Africa Party agrees to act collectively.
3. For the purposes of this Agreement, "Party" shall refer to the Central African States acting collectively or the EC Party, as appropriate. "Parties" shall refer to the Central African States acting collectively and the EC Party.
4. In cases where individual action is provided for or required to exercise rights or comply with obligations under this Agreement, reference is made to the "signatory Central African States".
5. The Parties or the signatory Central African States, as appropriate, shall adopt any general or specific measures required for them to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in this Agreement.

Article 96 Coordinators and exchange of information

1. In order to facilitate communication and ensure the effective implementation of this Agreement, each Party shall designate a coordinator upon this Agreement's entry into force. The designation of coordinators shall be without prejudice to the specific designation of competent authorities under specific titles or chapters of this Agreement.

2. At the request of either Party, the coordinator of the other Party shall indicate the office or official responsible for any matter pertaining to the implementation of the Agreement and provide the support necessary to facilitate communication with the requesting Party.

3. At the request of either Party, and to the extent legally possible, each Party through its coordinator shall provide information and reply promptly to any question from the other Party relating to an actual or proposed measure or an international agreement that might affect trade between the Parties.

4. Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application relating to any trade matter covered by this Agreement are promptly published or made publicly available and brought to the attention of the other Party.

5. Without prejudice to specific transparency provisions in this Agreement, the information referred to under this Article shall be considered to have been provided when the information has been made available by appropriate notification to the WTO or when the information has been made available on the official, public and fee-free website of the Party concerned.

Article 97 Regional preference

1. Nothing in this Agreement shall oblige a Party to extend to the other Party to this Agreement any more favourable treatment than that applied within each of the Parties as part of its respective regional integration process.

2. Any more favourable treatment or advantage that may be granted under this Agreement by any signatory Central African State to the European Community shall immediately and unconditionally also be enjoyed by each signatory Central African State.

Article 98 Entry into force

1. This Agreement shall be signed, ratified or approved in accordance with constitutional or domestic rules and applicable procedures.

2. This Agreement shall enter into force on the first day of the month following that in which the depositories of the Agreement have been notified of the last instrument of ratification, acceptance or approval.

3. Notifications shall be sent to the Secretary-General of the Council of the European Union and the President of the Commission of the Economic and Monetary Community of Central Africa, who shall be the depositories of this Agreement.

4. Pending this Agreement's entry into force, the EC Party and the Central Africa Party agree to apply the provisions of this Agreement in accordance with their respective powers ("provisional application"). This may be done either by provisional application, where such application is possible, or via ratification of the Agreement.

5. The depositories of the Agreement shall be notified of such provisional application. The Agreement shall be applied provisionally 10 days after receipt of this notification of provisional application by the European Community and after receipt of the notification, either by ratification or by provisional application, by all signatory Central African States.

6. Notwithstanding paragraph 4, the EC Party and the signatory Central African States may unilaterally take measures to apply the Agreement, before provisional application, to the extent that this is possible.

Article 99 Duration

1. This Agreement is concluded for an unlimited period.

2. Either Party, or a signatory Central African State, may give written notice to the other Party of its intention to denounce this Agreement.
3. Denunciation shall take effect six months after the other Party has been notified.

Article 100 Territorial application
This Agreement shall apply to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and to the territories of the signatory Central African States.

Article 101 Accession of States or of regional organisations in Central Africa
1. This Agreement shall be open to accession by any State or regional organisation in Central Africa. A request for accession shall be submitted to the EPA Committee. Any State which submits a request for accession shall attend the meetings of the EPA Committee as an observer.
2. The request shall be examined and negotiations begun in order to propose the necessary amendments to this Agreement. The accession protocol shall be submitted to the competent authorities for approval.
3. The Parties shall examine the effects of the accession on this Agreement. The EPA Committee may rule on the transitional measures or the necessary amendments.

Article 102 Accession of new Member States to the European Union
1. The EPA Committee shall be informed of any application from a third country to join the European Union. During the negotiations between the European Union and the candidate country, the EC Party shall provide the Central Africa Party with any relevant information, and the Central Africa Party shall inform the EC Party of its concerns so that they can be taken fully into account. The Central Africa Party shall be notified of any accession to the European Union (EU).
2. Any new Member State of the European Union shall accede to this Agreement as of the date of its accession to the European Union by means of a clause to this effect in the Act of Accession. If the act of accession to the European Union does not provide for such automatic accession of the new EU Member State to this Agreement, the Member State concerned shall accede to this Agreement by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send certified copies to the Central Africa Party.
3. The Parties shall review the effects of the accession of new Member States of the European Union on this Agreement. The EPA Committee may rule on any transitional measures or amendments necessary.

Article 103 Outermost regions of the European Community
Nothing in this Agreement shall prevent the EC Party from applying existing measures to improve the structural, social and economic situation of the outermost regions in accordance with Article 299(2) of the Treaty establishing the European Community.

Article 104 Dialogue on financial matters
The Parties and the signatory Central African States agree to promote dialogue and transparency and to share best practice on tax policy and administration.

Article 105 Collaboration in tackling illegal financial activities
The Parties undertake to prevent and tackle fraudulent and corrupt illegal activities, money laundering and the financing of terrorism, and shall take the necessary legislative and administrative measures to comply with international standards, including those set out in the

United Nations Convention against Corruption, the United Nations Convention against Transnational Organised Crime and its Protocols, the United Nations Convention for the Suppression of the Financing of Terrorism and the recommendations of the Financial Action Task Force. The Parties agree to exchange information and to cooperate in these areas.

Article 106 Relationship to other agreements

1. With the exception of the Articles on development cooperation provided for in Part III, Title II, of the Cotonou Agreement, in the event of inconsistency between the provisions of this Agreement and the provisions of Part III, Title II, of the Cotonou Agreement, the provisions of this Agreement shall take precedence.

2. Nothing in this Agreement shall be construed so as to prevent the adoption by the European Community or by one of the signatory Central African States of any measures, including trade measures, deemed appropriate as provided for under Articles 11b, 96 and 97 of the Cotonou Agreement.

3. The Parties agree that nothing in this Agreement requires them to act in a manner inconsistent with their WTO obligations.

4. The Parties agree to examine, in 2008, whether the provisions of this Agreement are consistent with the customs unions to which the signatories to this Agreement belong.

Article 107 Authentic texts

This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Article 108 Annexes and Protocol

The Annexes and the Protocol to this Agreement shall form an integral part thereof.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

AFRICAN CHARTER ON STATISTICS

PREAMBLE

We, Member States of the African Union,

CONSIDERING the Constitutive Act of the African Union (AU) adopted in Lomé, Togo, on 11 July 2000;
GUIDED by Member States' unambiguous and shared vision on the Treaty Establishing the African Economic Community adopted in Abuja, Nigeria, in 1991, with the aim of promoting economic, social, cultural and self-sustained development, as well as integration of African economies;
CONVINCED of the need to speed up the process of implementation of the aforesaid Treaty;
AWARE that the decisions and new policy guidelines of the African Union for accelerating Africa's integration process, and the commitments to implement development programmes and combat poverty should be based on clear evidence and therefore require a robust statistical data system which provides reliable, comprehensive and harmonized statistical information on the continent;
CONSIDERING that statistical information is vital for decision-making by all components of the society, particularly policy makers as well as economic and social stakeholders, and is therefore essential for the continent's integration and sustainable development;
AWARE of the need to enhance coordination of statistical activities in the continent; **NOTING** that public confidence in official statistical information is premised, to a large extent, on respect for basic democratic values and principles;
NOTING ALSO that the quality of the official statistical information available to public administrations and other activity areas largely depends to a large extend on effective collaboration between statistical data providers, producers and users; AFRICAN CHARTER on Statistics
NOTING FURTHER that the professional and social responsibility as well as the credibility of African statisticians demand not only technical skills and capacities, but also respect for the fundamental principles of official statistics, professional ethics and good practices;
RECALLING the adoption of the Addis Ababa Plan of Action for Statistical Development in Africa by the Conference of Ministers in charge of Social and Economic Development in Addis Ababa, Ethiopia, in May 1990;
RECALLING ALSO the United Nations Statistical Commission's Resolution on the Fundamental Principles of Official Statistics adopted in April 1994;
REFERRING to the professional code of ethics adopted by the International Statistics Institute (ISI) at its 45th session in August 1985;
RECALLING that adoption and the implementation of international standards, norms and concepts are essential for making comparisons between countries, and thus constitute a prerequisite for the production of comparable statistics at continental level;
RECALLING ALSO that the majority of countries have acceded to the International Monetary Fund (IMF) General Data Dissemination System (GODS) or to the Special Data Dissemination Standard (SODS), and the standards regarding the Data Quality Assessment Framework (DQAF) as defined by the IMF;
RECALLING FURTHER the Declaration on good practices in technical cooperation in statistical matters adopted by the United Nations Commission for Statistics during its session of March 1999;
REFERRING to the Paris Declaration on development aid effectiveness adopted in March 2005;
APPRECIATING the initiatives already undertaken by various concerned statistics organizations at national, regional and international levels for statistics development, particularly the strengthening of national AFRICAN CHARTER on Statistics legislations; adoption and implementation of National Strategies for Development of Statistics (NSDS) for

the conduct of statistical activities; the development of harmonized statistical tools by the Regional Economic Communities (RECs); the adoption in 2007 of the Regional Strategic Reference Framework for Statistical Capacity Building in Africa (RRSF) by the Conference of African Ministers of Finance, Planning and Economic Development and the establishment of the Statistical Commission for Africa (STATCOM-Africa) in 2007;

APPRECIATING ALSO the efforts undertaken to enhance the independence and status of statistics institutes and to secure appropriate stable financing for statistical activities according to the Third Edition of the United Nations Handbook of Statistics Organizations adopted in 2003;

RECALLING the resolutions of the African Symposium for Statistics Development held, respectively, in Cape Town in January 2006, and in Kigali in January 2007; RECALLING the Decision adopted by the Executive Council of the African Union in Addis Ababa, Ethiopia, in January 2007 on elaboration of an African Charter on Statistics;
COMMITTED to promoting decision-making based on statistical information and to fostering statistical capacities on the continent;

RESOLVED to put in place a common legal framework for statistics development on the African continent.

HAVE AGREED AS FOLLOWS:

PART I
GENERAL PROVISIONS

CHAPTER 1
DEFINITIONS

Article 1: Definitions
For the purposes of this Charter, the following definitions shall mean:
"**Assembly**", the Assembly of Heads of State and Government of the African Union;

"African Statistical System (ASS)", the partnership composed of national statistical systems (data providers, producers and users, statistics research and training institutes and statistics coordination bodies, etc.), statistics units in the Regional Economic Communities (RECs), regional statistics organizations, regional training centres, statistics units of continental organizations and coordination bodies at continental level;
"African Statistician", any statistics professional or researcher involved in the collection, production, analysis and dissemination of statistical data within the African Statistical System;
"African Statistics", all statistical information required to formulate monitor and evaluate development policies and programmes in Africa at national, regional and continental levels;
"**Charter**", the African Charter on Statistics;
"**Commission**", the African Union Commission;
"**Court**", the Court of Justice and Human Rights of the African Union;
"**Member States**", Member States of the African Union;
"Metadata", the range of information, generally textual, that fosters understanding of the context in which statistical data have been collected, processed and analysed with the objective of creating 8 AFRICAN CHARTER on Statistics statistical information (legal and regulatory texts, methods and concepts used at all levels of information processing, definitions and nomenclatures, etc.);
"Official Statistics", the body of statistical information produced, validated, compiled and disseminated by Statistics Authorities;
"**Regional Organisations**", Regional Economic Communities, Regional Statistical

Organisations and Regional Training Centres;
"**State Parties**", Member States, which have ratified this Charter;
"Statistical Information", any organized quantitative and/or qualitative information obtained from statistical data that facilitate understanding of economic, political, demographic, social, environmental and cultural trends, and of gender and governance etc-related issues;
"**Statistics**", data required for production of organized statistical information, obtained from censuses and statistical surveys or administrative records;
"**Statistics Authorities**", national statistics institutes and/or other statistics organizations in charge of official statistics production and dissemination at national, regional and continental levels.

CHAPTER 2
OBJECTIVES

Article 2: Objectives
The objectives of this Charter are as follows:
1. To serve as policy framework for statistics development in Africa, especially the production, management and dissemination of statistical data and information at national, regional and continental levels;
2. To serve as advocacy tool and instrument for statistics development in the continent;
3. To ensure improved quality and comparability of the statistics required to monitor the economic and social integration process in 9 AFRICAN CHARTER on Statistics the continent;
4. To promote adherence to fundamental principles of production, storage, management, dissemination and use of statistical information in the African continent;
5. To contribute to enhancing coordination of statistical activities and statistics institutions in Africa, including coordination of partners' interventions at national, regional and continental levels;
6. To build institutional capacity of Statistics authorities in Africa thus ensuring their autonomy in operations, while paying particular attention to adequacy of human, material and financial resources;
7. To serve as reference framework for the exercise of African statistician profession, professional code of ethics and best practices;
8. To promote a culture of evidence-based policy formulation, monitoring and evaluation;
9. To contribute to improved and effective functioning of the African statistics system and experience sharing; and
10. To ensure that there is no duplication in the implementation of statistics programmes.

CHAPTER 3
CHARTER PRINCIPLES

Article 3: Principles
The African Statistics System (ASS) organizations, African statisticians and all those operating in the field of statistics at the national, regional and continental levels shall respect the principles enshrined in the Resolution on the fundamental principles of official statistics adopted by the United Nations Commission for Statistics in April 1994. They shall also apply the best practices principles hereunder defined:

Principle 1: Professional independence
• **Scientific independence:** Statistics authorities must be able to carry out their activities according to the principle of scientific independence, particularly vis-a-vis the political authorities or any interest group; this means that the methods, concepts and nomenclatures used in statistical operation shall be selected only by the Statistics authorities without any interference whatsoever and in accordance with the rules of ethics and good practice.

• **Impartiality:** Statistics authorities shall produce, analyse, disseminate, and comment on African statistics in line with the principle of scientific independence, and in an objective, professional and transparent manner;

• **Responsibility**: Statistics authorities and African statisticians shall employ unambiguous and relevant methods in the collection, processing, analysis and presentation of statistical data. Statistical authorities shall also have the right and duty to make observations on erroneous interpretation and improper use of the statistical information that they disseminate.

• **Transparency**: To facilitate proper interpretation of data, Statistics authorities shall provide information on their sources, methods and procedures that have been used in line with scientific standards. The domestic law governing operation of the statistical systems must be made available to the public.

Principle 2: Quality

• **Relevance**: African statistics shall meet the needs of users.

• **Sustainability**: African statistics shall be conserved in as detailed as possible a form to ensure their use by future generations, while preserving the principles of confidentiality and protection of respondents.

• **Data sources**: Data used for statistical purposes may be collected from diverse sources such as censuses, statistics surveys and/ or administrative records. The statistics Organizations shall choose their sources in consideration of the quality of data offered by such sources and their topicality, particularly the costs incurred by the respondents and sponsors. The use by statistics authorities of 11 AFRICAN CHARTER on Statistics administrative records for statistical purposes shall be guaranteed by domestic law, provided that confidentiality is preserved.

• **Accuracy and reliability:** African statistics shall be an accurate and reliable reflection of the reality.

• **Continuity:** Statistics authorities shall ensure continuity and comparability of statistical information over time.

• **Coherence and comparability:** African statistics shall be internally coherent over time and allow for comparison between regions and countries. To this end, these statistics shall make combined use of related data derived from different sources. It shall employ internationally recognized and accepted concepts, classifications, terminologies and methods.

• **Timeliness**: African statistics shall be disseminated in good time and, as far as possible, according to pre-determined calendar.

• **Topicality**: African statistics shall reflect current and topical events and trends.

• **Specificities**: Statistical data production and analytical methods shall take into account African peculiarities.

• **Awareness-building:** State Parties shall sensitize the public, particularly statistical data providers, on the importance of statistics.

Principle 3: Mandate for data collection and resources

• **Mandate**: Statistics authorities shall be endowed with a clear legal mandate empowering them to collect data for production of African statistics. At the request of statistics authorities, public administrations, business establishments, households and the general public may be compelled by domestic law to allow access to the data in their possession or provide data for the purpose of compilation of African statistics.

• **Resource Adequacy:** As far as possible, the resources available to Statistics authorities shall be adequate and stable to enable them to meet statistics needs at national, regional and continental levels. Governments of States Parties shall have the primary responsibility to provide such resources. • **Cost-effectiveness:** Statistics authorities shall use the resources so provided effectively and efficiently. This presupposes, in particular, that operations shall as far as possible, be programmed in an optimal manner. Every effort shall be made to achieve improved production and use of the statistics derived from administrative records, to reduce the costs incurred by respondents and, as far as possible, avoid expensive direct statistical

surveys.

Principle 4: Dissemination

• **Accessibility:** African statistics shall not be made inaccessible in any way whatsoever. This concomitant right of access for all users without restriction shall be guaranteed by domestic law. Micro-data may be made available to users on condition that the pertinent laws and procedures are respected and confidentiality is maintained.

• **Dialogue with users:** Mechanisms for consultation with all African statistics users without discrimination shall be put in place with a view to ensuring that the statistical information offered are commensurate with their needs.

• **Clarity and understanding:** Statistics shall be presented in a clear and comprehensible form. They shall be disseminated in a practical and appropriate manner, be available and accessible to all and accompanied by the requisite metadata and analytical commentaries. • Simultaneity: African Statistics shall be disseminated in a manner that ensures that all users are able to use them simultaneously. Where certain authorities receive advance information under embargo, to allow them time to respond to possible questions, public announcement shall be made indicating the nature of such information, the identity of the recipients and the set timeframe before its public dissemination.

• **Correction:** Statistics authorities shall correct publications containing significant errors using standard statistical practices or, for very serious cases, suspend dissemination of such statistics. In that event, the users shall be informed in clear terms of the reasons for such corrections or suspension.

Principle 5: Protection of individual data, information sources and respondents

• **Confidentiality:** National Statistics authorities, African statisticians and all those operating in the field of statistics in Africa shall absolutely guarantee the protection of the private life and business secrets of data providers (households, companies, public institutions and other respondents), the confidentiality of the information so provided and the use of such information for strictly statistical purposes.

• **Giving assurances to Data providers**: Persons or entities interviewed during statistical surveys shall be informed of the objective of such interviews and of the measures put in place to protect the data provided.

• **Objective:** Data concerning individuals or entities collected for statistical purposes shall in no circumstance be used for judicial proceedings or punitive measures or for the purpose of taking administrative decisions against such individuals or entities.

• **Rationality:** Statistics authorities shall not embark upon statistical surveys except where pertinent information is unavailable from administrative records or the quality of such information is inadequate in relation to the quality requirements of statistical information.

Principle 6: Coordination and Cooperation

• **Coordination:** Coordination and collaboration amongst Statistics authorities in a given country are essential in ensuring quality and harmonious statistical information. Similarly, coordination and dialogue amongst all Members of the African Statistical System are vital for harmonization, production and use of African statistics.

• **Co-operation:** Bilateral and multilateral statistics cooperation shall be encouraged with a view to upgrading African statistics production 14 AFRICAN CHARTER on Statistics systems.

CHAPTER 4
COMMITMENT OF STATES PARTIES

Article 4: Commitment of the States Parties

States Parties accept the objectives and principles enshrined in this Charter to reinforce their national statistical policies and systems and undertake to institute appropriate measures, especially legislative, regulatory and administrative to ensure that their laws and regulations

are in conformity with this Charter.

CHAPTER 5
IMPLEMENTATION, MONITORING AND EVALUATION MECHANISMS, AND SCOPE OF THE CHARTER

Article 5: At National Level
States Parties shall ensure the implementation of this Charter in their respective countries.

Article 6: At Regional Level
States Parties shall ensure that the objectives and principles governing statistics at regional level are in conformity with this Charter. To this end, they shall monitor the activities of regional statistics organizations.

Article 7: At Continental Level
1. The Commission shall, in collaboration with all members of the African statistical system, institute an appropriate mechanism for 15 AFRICAN CHARTER on Statistics implementation, monitoring and evaluation of this Charter.
2. The Commission shall be the central coordination organ for implementation of this Charter in conformity with Article 8 hereunder, and shall carry out the following activities:
a) assisting States Parties in implementation of this Charter;
b) coordinating measures geared to evaluating implementation of this Charter;
c) undertaking robust advocacy for the development of statistics in Africa as a key infrastructure for Africa's renaissance;
d) ensuring that States Parties establish national funds for statistics development;
and e) contributing to the promotion of a culture of statistics in cooperation with the entire membership of African statistics system.

Article 8: Relation Between the Members of African Statistics System
1. The African Statistics System is a partnership which functions as a network in conformity with the subsidiarity principle. This principle consists in taking the measures needed for the systems to function to such levels as would enable it achieve maximum effectiveness. Each Member, in the area that concerns it, shall ensure proper coordination of the system.
2. The Implementation of this Charter should enable sub-regional, regional and continental organizations to fully play their role in Africa's development in compliance with the principle of subsidiarity. It should also lead to provision of reliable statistical data for Africans and development partners, for clearer insights on the situation in the continent.

Article 9: Cooperation Between the African Statistical System and Third Parties
1. The African Statistical System may conclude cooperation agreements with third parties.
2. In the implementation of this Charter, the African Statistical System shall enter into cooperative relations with the global statistics system, particularly the Specialized Institutions of the United Nations and any other international organization.
3. Information on cooperation agreements concluded with Third Parties shall be communicated to the Policy Organs of the Union and Member States.

Article 10: Scope
This Charter shall be applicable to all activities relating to statistics development, including its institutional environment, statistics production process and statistics products. It shall, in particular, apply to the following activities:
• statistical legislation;
• statistics advocacy actions;
• harmonization of statistical information gathering, production and dissemination methods;
• human and financial resource mobilization for statistics activities development and for

effective operation of the African statistics system;
• establishing and updating definitions and concepts, norms and standards, nomenclatures and methodologies;
• coordination of statistical activities;
• data gathering, processing, management and archiving;
• dissemination and use of statistical information; 17 AFRICAN CHARTER on Statistics
• statistical analysis and research;
and • statistics training and human resource development.

Article 11: Popularization of the Charter
States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Charter in accordance with the relevant provisions and procedures of their respective constitutions.

PART II FINAL PROVISIONS
Article 12: Safeguard Clause
No provision in the present Charter shall be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of statistics development in Africa.

ARTICLE 13: Interpretation
The Court shall be seized with matters of interpretation arising from the application or implementation of this Charter. Pending the establishment of the Court, such matters shall be submitted to the Assembly.

Article 14: Signature, Ratification and Accession
1. This Charter shall be open for signature, ratification and accession by all Member States, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission.

Article 15: Entry into Force
1. This Charter shall enter into force thirty (30) days after the deposit of the instruments of ratification by fifteen (15) Member States.
2. For each Member State that accedes to this Charter after its entry into force, the Charter shall become effective on the date the State deposits its instrument of accession with the Chairperson of the Commission.
3. The Chairperson of the Commission shall notify Member States of the entry into force of this Charter.

Article 16: Amendment and Revision
1. Any State Party may submit proposals for amendment or revision of this Charter;
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission who shall transmit copies thereof to the State Parties within thirty (30) days following the date of receipt of such proposals;
3. The Assembly shall, on the recommendation of the Executive Council, consider such proposals within one (1) year following the notification of State Parties, in keeping with the provisions of paragraph 2 of this Article.
4. Amendments or revision shall be adopted by the Assembly and then submitted for ratification by all Member States in accordance with their respective constitutional procedures. Such amendments or revision shall become effective following the deposit of instruments of ratification by fifteen (15) States Parties.
Article 17: Depository
This Charter, drawn up in four (4) original texts in the Arabic, English, French and Portuguese

languages, all four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit certified copies thereof to each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession. The Chairperson shall, upon its entry into force, register this Charter with the Secretary General of the United Nations.

Adopted by the 12th Ordinary Session of the Assembly
held in Addis Ababa (Ethiopia),
on 4th February 2009.

Law No. 2000/06 of 17 April 2000
To Authorize the President of the Republic to ratify the Protocol relating to the Peace and Security Council of Central Africa (COPAX)

The National Assembly deliberated and adopted,

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

Article 1er. – The President of the Republic is authorized to ratify the Protocol relating to the Peace and Security Council for Central Africa (COPAX), signed on 24 February 2000 in Malabo.

Article 2. – This Law shall be registered, published in accordance with the procedure of urgency, and then inserted in the Official Gazette in French and English.

Yaounde, 17 April 2000

(signed) Paul Biya

President of the Republic

Economic and Monetary Community of Central Africa
Economic Union of Central Africa
Council of Ministers

Regulation No.12/07/UEAC/186/CM/15 on the reference framework of public debt and national debt management policy in CEMAC Member States

The Council of Ministers

Mindful of the Treaty establishing the Economic and Monetary Community of Central Africa (CEMAC) of 16 March 1994 and its Addendum dated 5 July 1996 on the institutional and legal systems of the Community;
Mindful of the Convention governing the Central African Economic Union (UEAC)
Mindful of the convention governing the Central African Monetary Union (CAMU)
Mindful of Regulation No. 11/99-UEAC-025-CM-02 laying down rules for the organisation and functioning of the Council of Ministers
Mindful of the Act of 06 November 200 to set up the management and control organs of the Debt Management Training Project in Central and West Africa (debt pole).
Mindful of the mandate given to the debt-pole by the Executive Committee of the Debt-Pole at its meeting of 15 February 2006 in Douala, to set up an Ad Hoc Committee charged with reflecting on an appropriate public debt policy reference framework for the countries covered by its capacity building programme;
Mindful of the favourable opinion of the Executive Committee of the Debt Unit issued at its meeting of 26 July 2006 in Dakar on the draft regulation establishing a reference framework for public debt policy and public debt management in the Member States of the Franc area.
Whereas there is a need to provide CEMAC Member States with a modern, harmonised legal corpus, incorporating the best international practices in public debt management.
Aware that such an instrument is likely to contribute to the viability and sustainability of the debt of Member States while strengthening regional integration upon the proposal of the Executive Secretary.
Following the opinion of the present Inter-State committee during its meeting of 11 March 2007,

Hereby adopts the following Regulation:

Part I General provisions

Article 1: Purpose of the Regulation

This Regulation lays down the rules applicable to public debt policy and public debt management of the CEMAC Member States.

Article 2: Definitions

For the purpose of this Regulation, the following definitions shall apply:
Treasury bonds: borrowings with a maturity of less than two years permanently issued by the State to finance its cash requirements.
CEMAC: the Economic and Monetary Community of Central Africa.
Centre of economic interest: the place from which a natural or legal person engages in economic activities or operations on a significant scale, indefinitely or for a defined but prolonged period.
Local and regional authorities: entities of public law which have been granted legal personality and powers by the State to be administered by elected authorities.
Cost: the cost of servicing the debt and the potential cost of actual economic losses resulting from a financial crisis if the State is unable to finance or repay its debt.
Dismemberments of the state: public bodies and decentralised local or regional authorities.
Domestic debt: the amount at a given date of the outstanding effective, unconditional current liabilities, which includes the obligation of the debtor to make one or more payments to repay the principal and/or pay interest. At one or more future points in time, and which are owed to

residents of an economy by other residents. Domestic debt also includes the stock of unpaid debts accumulated by the debtor.
Public debt: debt resulting from loans incurred by the State, public entities and decentralised public authorities from resident entities and/or other States.
Public bodies and decentralised non-resident public authorities. Non-resident public bodies and decentralised public authorities. Public debt also includes the stock of unpaid debts accumulated by the State, public bodies and decentralised public authorities.
Donations: contract whereby a person obtains the use of a sum of money or a service on a permanent basis and without repayment.
Loan: an agreement where a person obtains, on a temporary basis, the use of a sum of money.
External loan: A loan taken out by residents of an economy from non-residents.
Secured loan: A loan that is backed by a contractual commitment by a third party to be liable for the debtor's default.
Domestic loan: a loan taken out by residents of an economy from other residents of the same economy.
Commitment: the firm obligation expressed in an agreement or contract or any other equivalent act.
Private borrowing: borrowing contacted by resident private entities from other resident and/or non-resident entities.
Public loan: the loan contacted by the State or its branches from other resident and/or non-resident entities.
Guarantee: the legal means by which the creditor is guaranteed against the risk of insolvency of the debtor. Guarantees shall mean a form of security.
Public guarantee: the guarantee granted by the State and/or its branches.
Treasury bond: a debt security issued by a government with a maturity of more than 2 years.
Public entity: entities where the State holds more than 50% of the share capital.
Debt ceiling: the annual level of indebtedness set by the Finance Law, above which no decision to borrow may be taken.
Principal: the fraction of the outstanding debt repaid or to be repaid during a given period.
Residence: the place where a natural or legal person has his or her economic interests
Risk: the element of uncertainty that may affect the loan.
Debt service: liabilities for the repayment of the principal of a loan and/or the payment of interest and other charges and commissions during a given period.
Borrowing strategy: all the decisions taken to implement the debt policy.
Debt sustainability: the situation whereby the country is able to meet its current and future debt service liabilities. Without resorting to exceptional financing (accumulation of arrears and/or rescheduling) and without compromising the stability of its economy.
Article 3: Scope of application

(1) The provisions of this Regulation shall apply:
- To domestic and external loans incurred by government departments;
- Public and private loans guaranteed by the State or its departments.

(2) Private loans not guaranteed by the State or its departments, donations and direct foreign investments are not subject to this Regulation.

(3) The loans referred to in paragraph 1 above may take different forms, in particular public offerings and loan agreements.

PART II
PUBLIC DEBT POLICY

CHAPTER 1
PREPARATION, OBJECTIVES AND PRINCIPLES OF THE PUBLIC DEBT POLICY

Article 4: Requirements for the preparation of a public debt policy

(1) Each Member State shall put in place a debt policy setting out overall guidelines

for domestic and external public borrowing and debt management. These guidelines shall determine a strategy to ensure that:

- The level and pace of debt growth are sustainable,
- The public debt service will be paid regularly in the short, medium and long term,
- The State's cost and risk objectives will be achieved.

(2) the public debt strategy is set out in a document appended to the Finance Law and containing the following minimum information:

- Justification of the loan;
- Debt and guarantee ceilings;
- Structure of the portfolio of new loans;
- Indicative terms of new loans;
- Public debt sustainability profile for the next fifteen years.

(3) The appendix referred to in paragraph 2 above is an integral part of the Finance Law.

Article 5 Definition of competences and responsibilities

Each Member State shall define and ensure that the competences of the administrations and bodies involved in the formulation, implementation and follow-up of debt and indebtedness policy are respected in order to avoid duplication of functions and conflicts of competence

Article 6: Information

Each Member State shall take the necessary measures to ensure the transparency of the debt process and public debt management. To this end, it shall publish at least once a year a report covering:

– The orientations and objectives of public debt policy ;

– The outstanding amount and composition of public debt, in particular its breakdown by currency, maturity structure and interest rate structure.

– The results of the public debt policy and, notably, the sustainability of the debt and the use of the resources mobilised.

Article 7: Availability, accessibility, quality and conservation of data and information

Each Member State shall ensure the availability, accessibility, quality and preservation of data and information relating to public debt.

CHAPTER 2
COORDINATION AND FOLLOW-UP OF PUBLIC DEBT POLICY

Article 8: Coordination

Each Member State shall take the necessary measures to organise the coordination of debt policy and public debt management with budgetary and monetary policies. To this end, it shall set up a coordination structure.

Article 9: Assignment of the coordination structure

(1) The coordination structure referred to in Article 8 above shall be responsible in particular for:

- following-up the implementation of the national debt strategy and public debt management;
- ensuring the coordination of the actions of administrations and organisations involved in the debt and public debt management process;
- ensuring compliance with the government's guidelines and objectives with regard to the sustainability of public finances and public debt;
- ensuring compliance with public debt management regulations;
- issuing a reasoned opinion on any domestic and external borrowing project and requesting a guarantee granted by the State or its departments;
- sharing and circulating information between the structures and all other administrations

and bodies involved in the debt process and public debt management.

(2) Referral to the coordination structure for an opinion is mandatory for all domestic and external borrowing projects and requests for public guarantees.

(3) The reasoned opinion referred to in paragraph 1 above shall in particular take into account the following elements:

- The interest of the loan for the Member State ;
- The impact of the new indebtedness on the servicing and sustainability of the public debt ;
- The consistency with the public debt strategy.

Article 10: Composition of the coordination structure

(1) Chaired by the Minister of Finance, the coordination structure includes representatives of the administrations and bodies involved in the process of indebtedness and public debt management.

(2) It may call upon any competent persons or structures it deems useful for the accomplishment of its missions.

PART III
PUBLIC BORROWING AND GUARANTEE PROCESS AND PROCEDURES

Article 11: Responsibilities relating to borrowing and State guarantees

(1) Each Member State shall designate a single Authority which shall have sole competence to conduct negotiations and sign loan agreements and any other agreements relating to the State's debt.

(2) The Authority referred to in the above paragraph shall also have sole authority to sign the guarantee agreements granted by the State to its members or to third parties.

Articles 12: Conditions for granting the guarantee

Each Member State shall refrain from providing its guarantee for loans whose terms are more burdensome than those of its own borrowings.

Article 13: Procedures Manual

Each Member State shall prepare and execute a procedures manual relating to the functions, activities and operations of borrowing and debt management.

Article 14: Role of the lawyer regarding public borrowing and debt management

(1) Each Member State shall involve lawyers in all phases of the public debt process and public debt management. Especially in the phases of negotiation of loans and guarantees, renegotiation of the debt and drafting of the related deeds and documents.

(2) The lawyer's role shall mainly consist in ensuring compliance with the laws and regulations in force and the preservation of the State's interests.

PART IV
CONTROL

Article 15: Audit of public debt management

Independent audits may be carried out at intervals determined by each Member State, without prejudice to the prerogatives of the control bodies provided for by the laws and regulations in force, on the structures responsible for debt management or the use of resources deriving from borrowings.

Article 16: Bodies entitled to mandate audits

Audits are mandated by the competent entities of the structures referred to in Article 15 above or by the Minister in charge of Finance.

PART V
MISCELLANEOUS PROVISIONS

Article 17: Setting up the coordination structure
Each Member State shall, within twelve months following the signature of this Regulation, put in place, the coordination structure referred to in Article 8 above.

Article 18: Enforcement procedures and follow-up
The Executive Secretary of CEMAC shall ensure the enforcement of this Regulation and shall, where necessary, specify its enforcement procedures.

Article 19: Amendment
This Regulation may be amended under the same conditions as those governing its adoption.

Article 20: Entry into force
This Regulation shall enter into force from the date of its signature and shall be published in the Official Gazette of the Community.

N'djamena, 19 March 2007
(signed) Abbas Mahamat Tolli
President

AGREEMENT ON ECONOMIC, SCIENTIFIC AND TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA AND THE GOVERNMENT OF THE UNITED REPUBLIC OF CAMEROON

The Government of the Federal Republic of Nigeria and the Government of the United Republic of Cameroon (hereinafter referred to as the Contracting Parties);
Desiring to promote and extend as far as possible economic, scientific and technical cooperation between their two countries;
Aware of the mutual benefits of such cooperation;

HAVE AGREED AS FOLLOWS:

Article 1 - Within the limits of their possibilities and resources, the Contracting Parties undertake to cooperate and assist each other in the search for solutions to their economic, scientific and technical problems on a basis of equality and mutual benefit, through the most recent discoveries in science and technology and with a view to promoting the economic development of their respective countries.

Article 2-1- The cooperation referred to in Article 1 above shall cover, inter alia, the following areas:

a)- Agriculture, development of water resources, irrigation, forestry, animal husbandry and fisheries;
b)- Transport and communications;
c)- education, culture, science and technology;
d)- Health and environmental protection;
e)- Energy, mining and quarrying;
f)- Manufacturing industry and crafts;
g)- Trade and finance.

2- It shall take place in the various fields as follows:

a)- Creation and management of joint ventures in the fields of industry, trade and technology
b)- Sharing of advisers, experts and professionals, including teachers;
c)- Granting of scholarships and organisation of study courses and seminars;
d)- Organisation of exhibitions;
e)- Development and exploitation of water resources;
f)- Exchange of economic, scientific and technical data;
g)- All other forms of cooperation adopted by the Contracting Parties.

Article 3 - The principal projects envisaged in Article II above shall be carried out under separate programmes, treaties and contracts, subject to the approval of the competent authorities of each of the Contracting Parties.

Article 4- 1 For the implementation of this Agreement, a Joint Committee shall be set up consisting of representatives of both parties. This Committee shall meet at least once a year or at the request of either party, and alternately in the two countries.

2- The Joint Committee shall be responsible for:

a)- Promoting and coordinating economic, scientific and technical cooperation between the contracting parties ;
b)- Examining all proposals aimed at ensuring the effective implementation of this Agreement;
c)- Making proposals for the removal of obstacles that may hinder the execution of any projects designed under this Agreement or any separate Memorandum of Understanding or contract related to this Agreement.

Article 5 -**1** The Federal Ministry of National Planning and the Ministry of Planning and Industries shall be designated respectively by the Government of the Federal Republic of Nigeria and the Government of the United Republic of Cameroon as the competent body to deal with the implementation of the Agreement and all other related matters. The bodies so designated shall maintain contacts either directly or through diplomatic channels.

2- Each of the Contracting Parties shall reserve the right at any time to designate in writing any other organisation or ministry to take the place of the bodies mentioned in the previous paragraph.

Article 6- Any person mandated by one of the contracting parties to carry out a mission on the territory of the other party within the framework of this Agreement or any other related Memorandum of Understanding, treaty or contract shall be required to restrict his or her activities on the said territory to matters related to the said Memorandum of Understanding, treaty or contract, and to submit to the laws and regulations in force in the host country.

Article 7 - Each Contracting Party shall undertake to keep confidential all documents, information or data of which it becomes aware in any way whatsoever in the course of the implementation of this Agreement and shall refrain from communicating them in any form whatsoever to a third party without the prior written approval of the other Contracting Party.

Article 8- Any problems or disputes arising from the implementation of this Agreement shall be settled amicably between the two parties.

Article 9 - Any amendment or revision of this Agreement shall be made in writing and shall take effect after approval by both Contracting Parties.

Article 10- Nothing in this Agreement shall be interpreted in such a way as to prejudice other existing cooperative arrangements between the two parties, nor to permit derogation from any previous international obligations of either contracting party.

Article 11- 1- This Agreement shall enter into force provisionally on the date of its signature and definitively on the date of the exchange of notes confirming the ratification of the Agreement in accordance with the constitutional procedure or the laws and regulations of the Contracting Parties and shall remain in force for a period of five years, unless one of the Parties notifies the other in writing and with six months' notice before the expiry date, of its intention to denounce the Agreement.

2 This Agreement shall be deemed to be tacitly renewed for a further period on each occasion of five years, unless one of the Parties notifies its intention to denounce it to the other Party within ninety days before the expiry of each five-year period.

3 Upon expiry or following the denunciation of this Agreement, its provisions or those of any related Memorandum of Understanding, treaty or contract shall continue to govern all ongoing obligations and projects under the Agreement.

in two originals, in English and French, both texts being equally authentic.

BY AND FOR THE GOVERNMENT OF THE UNITED REPUBLIC CAMEROON

BY AND FOR THE GOVERNMENT OF THE FEDERAL REPUBLIC NIGERIA

Law No. 90/008 of 10 August 1990
To Authorise the President of the Republic to Ratify the Revised Convention Establishing the Niger Basin Authority

The National Assembly has deliberated and adopted,

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

Article 1 - The President of the Republic shall be authorised to ratify the revised Convention establishing the Niger Basin Authority, signed on 27 October 1987 in N'Djamena.

Article 2 - This law shall be registered, published according to the emergency procedure and inserted in the Official Gazette in English and French.

Yaounde, 10 August 1990

(signed) Paul Biya
President of the Republic

Decree No. 2011 /1116/ PM of 26 April 2011 to lay down the Terms and Conditions for Decentralized Cooperation

The Prime Minister, Head of Government

Mindful of the Constitution;
Mindful of the law No. 2004/017 of 22 July 2004 on the orientation of Decentralisation;
Mindful of law No. 2004/018 of 22 July 2004 to lay down rules applicable to councils;
Mindful of law No. 2004/019 of 22 July 2004 to lay down rules applicable to Regions;
Mindful of law No. 2009/011 of 10 July 2009 on the Fiscal Regime of Local and Regional Authorities;
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.2004/320 of 08 December 2004 to organise the Government, as amended and supplemented by Decree No.2007/268 of 07 September 2007;
Mindful of Decree No. 2005/104 of 13 April 2005 to organise the Ministry of Territorial Administration and Decentralisation;
Mindful of Decree No. 2009 /222 of 30 June 2009 to appoint a Prime Minister, Head of Government;

Hereby decrees as follows:

CHAPTER 1
GENERAL PROVISIONS

Section 1: This Decree lays down the conditions for decentralised cooperation.

Section 2: (**1**) For the purposes of this Decree, decentralised cooperation shall be understood as any partnership relationship between two (02) or more regional authorities or their groupings, with a view to achieving common objectives.

(2) Decentralised cooperation may take place between Cameroon local authorities or their groupings on the one hand or between them and foreign local authorities on the other.

(3) It shall take the form of an agreement freely concluded between the regional authorities or their groupings concerned.

Section 3: The scope of application of this Decree shall not include partnership contracts or solidarity relations that may be maintained by regional authorities within the framework of regional authority unions.

Section 4: Decentralised cooperation shall in particular, seek to:
- promote sharing of experience and know-how between regional authorities;
- contribute to the promotion of the Cameroon model of decentralisation externally;
- meet the essential needs and priorities expressed by the populations concerned;
- boost and support economic, social, health, educational, cultural and sports development momentum at the local and regional level,

Section 5: Decentralised cooperation initiatives between Cameroon regional authorities or their groupings must be carried out within the limits of the existing laws and regulations. and of the competences devolved to each of them by these laws.

CHAPTER 2
NEGOTIATION AND CONCLUSION OF DECENTRALISED COOPERATION AGREEMENTS

Section 6: Any regional authority shall have the capacity to conclude decentralised cooperation agreements.

Section 7: (1) the negotiation of a decentralised cooperation agreement shall be initiated, as the case may be, by the heads of the executives of regional authorities or their groupings.

(3) It must be authorised in advance by the deliberative bodies of the said regional authorities or their groupings.

Section 8: A person shall be considered as a representative of a local authority in the negotiation of a decentralised cooperation agreement;
- If he/she is duly authorised by the relevant regional authority;
- If it emerges from the practice of the relevant regional authorities concerned that they intended to consider that person as their representative for that purpose.

Section 9: An act relating to the conclusion of a decentralised cooperation agreement carried out by a person who, under Section 8 above cannot be considered as authorised to represent the regional authority for this purpose, shall be without legal effect, unless it is subsequently confirmed by the relevant regional authority.

Section 10: Any decentralised cooperation agreement shall:
- result from an agreement of will between the regional authorities or their respective groupings,
- work for the common interest while respecting the identity of each of the parties;
- contribute to the development of the relevant regional authority.

Section 11: The conclusion of a decentralised cooperation agreement must comply with the principles of equality, solidarity, reciprocity and continuity of the legal personality of the parties.

Section 12: Within the framework of a decentralised cooperation agreement, the regional authorities or their groupings shall in particular:
- respecting in good faith all the commitments entered into under the agreement
- implementing planned projects;
- regularly communicating on the implementation status of the partnership.

Section 13: Draft decentralised cooperation agreements must clearly specify:
- the purpose of the envisaged partnership relationship;
- objectives pursued by the parties;
- methods of implementation of the actions to be carried out;
- the schedule of the envisaged achievements;
- the scope of the rights, duties and responsibilities of the parties;

- estimated amount of the financial commitments of each party;
- terms and conditions of control, follow-up and evaluation of the projects;
- terms and conditions of settlement of disputes;
- the duration of the agreement.

Section 14: Any draft decentralised cooperation agreement shall, after negotiation, be submitted for validation by the deliberative body of the regional authorities or their groupings concerned.

Section 15: decentralised cooperation agreements shall come into force according to the terms and on the date agreed between the parties at the time of negotiation.

Section 16: (**1**) Any cooperation agreement in force shall be binding on the parties and shall be executed by them and in good faith.

(**3**) It must be posted at the premises of the local authority concerned in a space provided for information for the general public and at the relevant D.O's office.

Section 17: The head of the executive of the local authority or grouping concerned shall submit an annual report to the representative of the competent State on the implementation status of projects envisaged, subject to the duration laid down for execution in the decentralised cooperation agreement.

Section 18: (**1**) The Minister in charge of regional authorities may, on a reasoned proposal from the representative of the competent State and upon the opinion of the commission provided for in Section 34 hereafter. Decide on the suspension of an ongoing decentralised cooperation agreement.

(**2**) He/she may, following the same procedure, terminate any decentralised cooperation agreement whose object and purpose have been misappropriated in the course of its implementation, or in the event of violation of the legal and regulatory provisions in force.

Section 19: A decentralised cooperation agreement may be amended by agreement between the parties.

Section 20: Disputes relating to the interpretation and execution of decentralised cooperation agreements shall be settled in accordance with the terms laid down by agreement between the parties.

(**2**) Where such disputes cannot be settled by agreement between the parties, they shall be submitted to an arbitration committee set up by the territorial authorities concerned.

Section 21: (**1**) The arbitration committee referred to in Section 20 above shall, at the end of its work, render a decision which shall be binding on the parties and which must be executed in good faith.

(**2**) The said decision shall be transmitted within 15 days for information to the Minister in charge of local and regional authorities through the representative of the competent State.

CHAPTER 3
COOPERATION BETWEEN CAMEROON REGIONAL AUTHORITIES

Section 22: Cameroon regional authorities may freely maintain among themselves, relations of cooperation with a view to pursuing the objectives referred to in Section 4 above.

Section 23: Cameroon regional authorities may form groupings within the limits of their

powers because of the characteristics they share, notably:
- geographical characteristics,
- a common theme;
- converging economic interests;
- environmental, mining, tourism, agro-pastoral and cultural issues among others.

Section 24: Decentralised cooperation agreements between Cameroon regional authorities or their groupings must be notified to the Minister in charge of regional authorities via the competent State's representative

Section 25: The Minister in charge of Regional Authorities shall have a period of thirty (30) days from the date of receipt of the file to examine the said agreements. After this period, these agreements shall be fully enforceable.

CHAPTER 4
COOPERATION BETWEEN REGIONAL AUTHORITIES IN CAMEROON AND ABROAD

Section 26: (**1**) Cameroon regional authorities or their groupings may conclude decentralised cooperation agreements with regional authorities of foreign countries.

(**2**) They may also accede, by convention, to international organisations of twin towns or other international organisations of towns, with a view to carrying out cooperation activities in specific fields.

Section 27: No convention may be concluded between Cameroon regional authorities or their groupings with a foreign State.

Section 28: Any decentralised cooperation agreement concluded by Cameroon regional authorities or their groupings with foreign authorities whose object and purpose are likely to undermine the territorial security and integrity of the State shall be null and void.

Section 29: Decentralised cooperation agreements concluded by Cameroon regional authorities or their groupings with foreign regional authorities must not include provisions that could bind another existing legal entity. Without the explicit agreement of the latter.

Section 30: (**1**) Any draft decentralised cooperation agreement between Cameroon regional authorities or their groupings and foreign regional authorities shall be subject to the prior approval of the Minister in charge of regional and local authorities after the opinion of the Committee provided for in Section 34 below.

(**2**) The said draft convention shall be accompanied by a file consisting of the following:
- proceedings authorising the negotiation;
- deliberation validating the draft agreement,
- report outlining the results of the negotiations and the identity of the partner;
- complete technical file of the projects envisaged;
- funding plan indicating the various resources,

Section 31: The Minister in charge of regional authorities has a period of (30) days, from the date of receipt of the file, to approve the draft decentralised cooperation agreement which shall be submitted to him for final approval.

Section 32: (**1**) Any refusal of approval must be duly notified to the authorities or their groupings concerned, together with the reasons for such refusal.

(**2**) The regional authorities or their groupings concerned must make the necessary

adjustments in the light of the irregularities noted in the file and forward it again, in accordance with the forms provided for in Section 30 above, to the Minister responsible for regional and local authorities for approval of the draft agreement.

Section 33: (**1**) After approval, the parties shall express their final consent to be bound by the signature and exchange of the instrument constituting the convention.

(**2**) A copy of the signed convention shall be transmitted to the Minister in charge of local and regional authorities within a period of (10) days by the representative of the competent State.

CHAPTER 5
FOLLOW-UP AND EVALUATION OF DECENTRALISED COOPERATION

Section 34: (**1**) The Government shall ensure the follow-up and evaluation of decentralised cooperation through the Inter-Ministerial Committee on Decentralised Cooperation, in short "CICOD", hereinafter referred to as "the Committee"

(2) In this capacity, it shall particularly be charged with;

- ensuring action synergy between the administrations involved in the implementation of decentralised cooperation;
- establishing and keeping up to date a national file of local and regional authorities or their groupings which have concluded decentralised cooperation agreements;
- encouraging consultation between the various decentralised cooperation actors;
- ensuring consistency in the interventions of the local authority or grouping in partnership relations;
- conducting studies with a view to implementing decentralised cooperation;
- issuing opinions on draft decentralised cooperation agreements between regional authorities in Cameroon or their groupings and foreign regional authorities, subject to the prior approval of the Minister in charge of decentralised regional and local authorities;
- ensuring the conformity of decentralised cooperation agreements with the Constitution, as well as the legal and regulatory provisions in force;
- following up the implementation of programmes and projects envisaged in decentralised cooperation agreements;
- ensuring that the decentralised cooperation agreement has been authorised beforehand by a decision of the council of the local authority or the signatory Cameroonian grouping;
- formulating any proposal aimed at strengthening decentralised cooperation and improving its implementation procedures.

(3) It shall draw up an annual report on the decentralised cooperation status, addressed to the Prime Minister, Head of Government, together with suggestions.

Section 35: (1) Placed under the authority of the Minister in charge of local and regional authorities, the Committee shall be composed as follows;

Chairperson: The Minister in Charge of regional authorities;

Members:

- one representative of the Prime Minister's Office
- a Permanent Secretary of the National Decentralisation Board;
- two representatives of the Ministry in Charge of regional authorities;
- a representative of the Ministry in charge of External Relations;
- a representative of the Ministry in charge Finance;
- a representative of Ministry of the Economy, Planning and Regional development;
- The General Manager of the Special fund of equipment and inter-communal intervention (FEICOM) or his representative;
- three councils representatives;
- two regions representatives;

(2) The Chairperson may call upon any other natural or legal persons in an advisory

capacity on account of their expertise or competence to consider the items on the agenda.

(3) Members of the Committee shall be appointed by the administrations and bodies to which they belong.

(4) The composition of the Committee shall be notified by an Order of the Minister in charge of regional authorities.

Section 36: The secretariat of the Committee shall be managed by the Department of Local and Regional Authorities at the Ministry in charge of Local and Regional Authorities.

Section 37: (**1**) The Committee shall meet as necessary and at least once per quarter upon invitation by its Chairperson.

(**2**) Convening notices must reach the members of the Committee, together with the draft agenda and working documents, at least seven (07) days before the date of the meeting, except in case of emergency.

Section 38: (**1**) The offices of chairperson, members and secretariat of the Committee, as well as the persons invited in an advisory capacity, shall be free of charge.

(**2**) However, they may benefit from certain working facilities in accordance with the terms and conditions laid down by Decision of the Minister in charge of regional authorities.

Section 39: Necessary operating expenses of the Committee shall be borne by the budget of the Minister in charge of Local and Regional Authorities, by the budget of the Minister in charge of Local and Regional Authorities and by any other contributions granted by development partners interested in decentralised cooperation.

CHAPTER 6
TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

Section 40: - Regional authorities having concluded decentralised cooperation agreements before the entry into force of this decree shall have a period of six (06) months to send copies of the said agreements to the Minister in charge of regional authorities

Section 41: - Funds earmarked for decentralised cooperation projects come mainly from:
- own resources of the concerned regional authorities;
- State resources;
- resources directly resulting from decentralised cooperation,
- financial support from development partners;
- any other resources provided for by law;
- resources from FEICOM.

Section 42: (1) the funds referred to in Article 41 above are last public.

(**2**) They shall be managed in accordance with the rules of public accounting.
In accordance with the financial regime of the decentralised territorial authorities, subject to the specific and particular rules laid down for this purpose.

Section 43: - Where a local authority must provide financial compensation for the implementation of a project envisaged in the framework of decentralised cooperation, this must be entered under the heading of compulsory expenditure in its budget.

Section 44: This Decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 26 April 2011
The Prime Minister Minister, Head of Government

Decree No. 2016/367 of 03 August 2016 Concerning the Rules of Origin and the Methods of Administrative Cooperation Applicable to Goods of the European Union within the Framework of the Interim Agreement with a view to an Economic Partnership Agreement.

The President of the Republic,

Mindful of the Constitution;

Mindful of the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States and the Central Africa Party, signed in January 2009;

Mindful of Law No. 2009/018 of 15 December 2009 on the Finance Law of the Republic of Cameroon for the year 2010;

Mindful of Law No. 2014/014 of 18 July 2014 to Authorise the President of the Republic to ratify the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States and the Central Africa Party;

Mindful of Decree No. 2014/267 of 22 July 2014 to Ratify the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States and the Central Africa Party;

Hereby decrees as follows:

CHAPTER 1
GENERAL PROVISIONS

Article 1: This Decree determines the rules of origin and the methods of administrative cooperation applicable to goods of the European Union within the framework of the Interim Agreement with a view to an Economic Partnership Agreement.

Article 2: For the purposes of this Decree, the following definitions are applicable:
- '**chapters**' and '**headings**': the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonised Commodity Description and Coding System, referred to in this Decree as 'the Harmonised System' or 'HS';
- '**classified**': the classification of a product or material under a particular heading;

CHAPTER 2
DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS

Article 3: 1. For the purpose of the definition of the notion of originating products under this Decree:
- the territory of Central African States is made up of Cameroon only, hereinafter referred to as "Cameroon";
- The territories of the Member States of the European Community are considered as one territory, hereinafter referred to as "the European Union".

2. The following products shall be considered as originating in the European Union, for the purpose of this Decree:

a) products wholly obtained in the European Union within the meaning of Article 4 of this Decree;

b) products obtained in the European Union incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the European Union within the meaning of Article 6 of this Decree.

Article 4: 1. The following shall be considered as wholly obtained in the European Union:

a) (a) live animals born and raised there;

b) (b) mineral products extracted from their soil or from their sea or ocean bed;

c) (c) vegetable products harvested there;

d) (d) products from live animals raised there;

e) (e) products obtained by hunting or fishing conducted there, as well as products of aquaculture, including mariculture, where the fish are born and raised there from fresh eggs, larvae or alevin;

f) (f) products of sea fishing and other products taken from the sea outside the territorial waters of the European Union or Cameroon by their vessels;

g) (g) products made aboard their factory ships exclusively from products covered by point (f);

h) (h) used articles collected there fit only for the recovery of raw materials;

i) (i) waste and scrap resulting from manufacturing operations conducted there;

j) (j) products extracted from the soil or subsoil;

k) (k) goods produced there exclusively from the products specified in points (a) to (j).

(a) which are matriculated or registered in a Member State of the European Union or in

Cameroon;2. The terms 'their vessels' and 'their factory ships' shall apply only to vessels and factory ships:(b) which sail under the flag of a Member State of the European Union or of Cameroon; (c) which are at least fifty percent (50 %) owned by nationals of the European Union or thirty

percent (30%) of Cameroon; or are owned by companies:

□ which have their head offices and their main places of business in a Member State of the European Union or in Cameroon; and□ which are at least fifty percent (50 %) by one of the Member States of the European Union or thirty percent by the State of Cameroon, by public entities or nationals of a Member State of the European Union.

(d) and the crew satisfies the requirements specified in paragraph 3 below. 3. The crew must be made up of at least ten percent (10%) of the nationals of Cameroon or the European Union.

Article 5

1.For the purposes of Article 3 above, products which are not wholly obtained shall be considered to be sufficiently worked or processed when the conditions set out in the list in Appendix II are fulfilled.

2.The conditions referred to above indicate, for all products covered by this Decree, the working or processing which must be carried out on non-originating materials used in manufacturing these products and apply only in relation to such materials.

3. If a product, which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

4. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in Appendix II, should not be used in the manufacture of a given product may nevertheless be used, provided that:

(a) their total value does not exceed 10 per cent of the ex-works price of the product for products from the European Union;
(b) the application of paragraph (a) above does not result in the exceeding of the percentages given in the list for the maximum value of non-originating materials.
5.The provisions of paragraph 4 above shall not apply to products falling within chapters 50 to 63 of the Harmonised System.

Article 6: 1. The following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 5 are satisfied:
(a) operations to ensure the preservation of products in good condition during transport and storage;
(b) breaking up and assembly of packages;
(c) the washing, the cleaning, the removal of dust, the elimination of oxide, oil, paint or other coating;
(d) the ironing or pressing of textiles;
(e) simple operations of painting or polishing;
(f) husking, partial or total bleaching, polishing and glazing of cereals and rice;
(g) operations to colour sugar or form sugar lumps; partial or total milling of crystallised sugar;
(h) peeling, stoning and peeling of fruits and vegetables;
(i) the sharpening, simple crushing or simple cutting;
(j) the riddling, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles);
(k) simple placing in bottles, cans, flasks, bags in simple packaging operations;
(l) affixing or printing of marks, labels, logos and other like distinguishing signs on products or their packaging;
(m) simple mixing of products, whether or not of different kinds; mixing of sugar with any other material;
(n) simple assembly of parts to constitute a complete product or the disassemble of products into parts;
(o) a combination of two or more of the operations specified in points (a) to (n);
(p) slaughter of animals. 2. All the operations carried out in either the European Union or in Cameroon on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

Article 7 : Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle, which are part of the normal equipment and included in the price thereof or which are not separately invoiced shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

Article 8 : Sets, as defined in General Rule 3 of the Harmonised System, shall be regarded as originating when all the component products are originating. Nevertheless when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of the non-originating products does not exceed 10 per cent, for the European Union, of the ex-works price of the set.

Article 9 : In order to determine whether a product originates, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

(a) energy and fuel;
(b) plant and equipment;
(c) machines and tools;
(d) goods which do not enter and which are not intended to enter into the final composition of the product.

CHAPTER 3
TERRITORIAL REQUIREMENTS

Article 10 : 1. The conditions set out in Chapter II relating to the acquisition of originating status must be fulfilled without interruption in Cameroon or in the European Union, save as provided in Article 7.

2. If originating goods exported from Cameroon or the European Union to another country are returned, they shall be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:
(a) the goods returned are the same goods as those exported; and
(b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

Article 13: 1. The preferential treatment provided for in this Decree shall apply only to products that satisfy the requirements of this Decree and are transported directly between the territory of Cameroon, the European Union and the OCT for the purposes of Article 7 without entering any other territory.

However, products constituting one single consignment may be transported through other territories with, should the occasion arise, transhipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition. Originating products may be transported by pipeline across territory other than that of Cameroon or the European Union.

2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:
(a) a single transport document covering the passage from the exporting country through the country of transit; or
(b) a certificate issued by the customs authorities of the country of transit:
(i) giving an exact description of the products;
(ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships or the other means of transport used; and
(iii) certifying the conditions under which the products remained in the transit country; or
(c) failing those, any substantiating documents.

CHAPTER 4
PROOF OF ORIGIN

Article 15: 1. Products originating in the European Union shall, on importation into Cameroon, benefit from the provisions of this Decree upon submission of either:

a) (a) a movement certificate EUR.1-CMR a specimen of which appears in Appendix III; or

b) (b) in the cases specified in Article 20 paragraph 1 below, a declaration, hereinafter referred to as the 'origin declaration', given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified. The text of the origin declaration appears in Appendix IV.

2. Notwithstanding paragraph1, originating products within the meaning of this Decree shall, in the cases specified in Article 25 below, benefit from the provisions of this Decree

without it being necessary to submit any of the documents referred to above.

Article 16: 1. A movement certificate EUR. 1-CMR shall be issued by the customs authorities or any other empowered authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorised representative.

2. For that purpose, the exporter or his authorised representative shall fill out both the movement certificate EUR. 1-CMR and the application form, specimens of which are given in Appendix III. Those forms shall be completed in French or in English in accordance with the provisions of this Decree. If they are handwritten, they shall be completed in ink in printed characters. The description of the products shall be given in the box reserved for that purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line shall be drawn below the last line of the description, the empty space being crossed through.

3.The exporter applying for the issue of a movement certificate EUR.1 -CMR shall at any time, at the request of the customs authorities of the exporting country where the movement certificate EUR.1 -CMR is issued, produce all appropriate documents proving the originating status of the products concerned as well as fulfilment of the other requirements of this Decree.

4. A movement certificate EUR.1-CMR shall be issued by the customs authorities of a Member State or of Cameroon if the products concerned can be considered as products originating in the European Union or in Cameroon or in one of the other countries referred to in Article 7 above and fulfil the other requirements of this Decree.

5.The customs authorities issuing the movement certificate EUR.1-CMR shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Decree. For that purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The customs authorities issuing the movement certificate EUR.1-CMR shall also ensure that the forms referred to in paragraph 2 above are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

6**.** The date of issue of the movement certificate EUR.1-CMR shall be indicated in Box 11 of the certificate.

7**.** A movement certificate EUR.1-CMR shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

Article 17-1. Notwithstanding the provisions of Article 16 above, a movement certificate EUR.1-CMR may exceptionally be issued after exportation of the products to which it relates if:

(a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or (b) it is demonstrated to the satisfaction of the customs authorities that a movement certificate EUR.1-CMR was issued but was not accepted at importation for technical reasons.

2. The exporter shall indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1-CMR relates, and state the reasons for his request.

3. The customs authorities may issue a movement certificate EUR.1-CMR retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

4. Movement certificates EUR.1-CMR issued retrospectively shall be endorsed with the following phrase:

* In French ‘DELIVRE A POSTERIORI’ or
* In English ‘ISSUED RETROSPECTIVELY’

5. The endorsement referred to in paragraph 4 above shall be inserted in the ‘Remarks’ box of the movement certificate EUR. 1-CMR.

Article 18: 1. In the event of the theft, loss or destruction of a movement certificate EUR. 1-CMR, the exporter may apply to the customs authorities that issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way shall be endorsed with the following word:

* In French 'DUPLICATA'

* In English 'DUPLICATE'

3. The endorsement referred to in paragraph 2 above shall be inserted in the 'Remarks' box of the duplicate movement certificate EUR.1-CMR. 4. The duplicate, which shall bear the date of issue of the original movement certificate EUR. 1-CMR, shall take effect as from that date.

Article 19: 1. When originating products are placed under the control of a customs office in Cameroon or in the European Union, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.

1-CMR for the purpose of sending all or some of those products elsewhere within the ACP States or within Cameroon or the European Union. The replacement movement certificate(s) EUR. 1-CMR shall be issued by the customs office under the control of which the products are placed.

2. The issue of the replacement movement certificate(s) EUR.1-CMR shall be endorsed with the following words in French 'CERTIFICAT DE REMPLACEMENT' or in English
'REPLACEMENT CERTIFICATE'

3. The endorsement referred to in paragraph 2 above shall be inserted in the 'Remarks' box of the duplicate movement certificate EUR. 1-CMR.

Article 20: 1. An origin declaration may be made out:

a) by an approved exporter within the meaning of Article 21 below, or

b) by any exporter for any consignment consisting of one or more packages containing originating products the total value of which does not exceed six thousand Euros (EUR 6 000).

2. An origin declaration may be made out if the products concerned can be considered as products originating in in Cameroon, in the European Union or in one of the other countries referred to in Article 7 and fulfil the other requirements of this Decree.

3. The exporter making out an origin declaration shall at any time, at the request of the customs authorities of the exporting country, produce all appropriate documents proving the originating status of the products concerned as well as fulfilment of the other requirements of this Decree.

4. An origin declaration shall be made out by the exporter by typing, stamping or printing on the invoice the delivery note or another commercial document, the declaration the text of which appears in Appendix IV of this Decree using one of the linguistic versions set out in that Appendix and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink in printed characters.

5. Origin declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 21 below shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any origin declaration which identifies him as if it had been signed in manuscript by him.

6. An origin declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two (02) years after the importation of the products to

which it relates.

Article 21-1. The customs authorities of the exporting country may authorise any exporter who makes frequent shipments of products under the provisions of the commercial cooperation of the Agreement to make out origin declarations irrespective of the value of the products concerned. An exporter seeking such authorisation shall offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as fulfilment of the other requirements of this Decree.

2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.

3. The customs authorities shall grant to the approved exporter a customs authorisation number which shall appear on the origin declaration.

4. The customs authorities shall monitor the use of the authorisation by the approved exporter.

5. The customs authorities may withdraw the authorisation at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1 above, does not fulfil the conditions referred to in paragraph 2 or otherwise makes incorrect use of the authorisation.

Article 22: 1. A proof of origin shall be valid for ten (10) months from the date of issue in the exporting country, and must be submitted within that period to the customs authorities of the importing country.

2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph1 above may be accepted for the purpose of applying preferential treatment where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of late presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the final date.

Article 23: Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. Those authorities may require a translation of a proof of origin. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the application of the provisions of this Decree.

Article 24: Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or on-assembled products within the meaning of General Rule 2(a) of the Harmonised System falling within Sections XVI and XVII or heading Nos 7308 and 9406 of the Harmonised System are imported by instalments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first instalment.

Article 25: 1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Decree and where there is no doubt as to the veracity of such a declaration.

In the case of products sent by post, that declaration can be made on the customs declaration CN22/CN23 or on a sheet of paper annexed to that document.

2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

3. Furthermore, the total value of those products may not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of travellers' personal luggage.

Article 26 - **1**. Evidence of the originating status within the meaning of this Decree of the materials coming from the European Union or Cameroon or the OCT shall be given by a movement certificate EUR.1-CMR or by the supplier's declaration, a specimen of which is given in Appendix V.A, given by the exporter in the State or OCT from which the materials came.

2. Evidence of the working or processing carried out in the European Union or in Cameroon or in the OCT shall be given by the supplier's declaration, a specimen of which appears in Appendix V.B, given by the exporter in the State or the European Union from which the materials came.

3. A separate supplier's declaration shall be given by the supplier for each consignment of material on the commercial invoice relating to that shipment or in an annex to that invoice, or on a delivery note or other commercial document relating to that shipment which describes the materials concerned in sufficient detail for them to be identified.

4. The supplier's declaration may be made out on a pre-printed form.

5. The suppliers' declarations shall be signed in manuscript. However, where the invoice and the supplier's declaration are established using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the State where the suppliers' declarations are drawn up. Those customs authorities may lay down conditions for the implementation of this paragraph.

6. The supplier's declarations shall be submitted to the competent customs office in the exporting State that has been requested to issue the movement certificate EUR.1-CMR.

7. The supplier making out a declaration shall be expected to present at any moment, at the request of the customs authorities of the country where the declaration was made, all necessary documents establishing that the information in the said declaration are is correct.

8. Suppliers' declarations made and information certificates issued before the date of entry into force of this Decree in accordance with Article 27 of Protocol 1 to the Cotonou Agreement shall remain valid.

Article 27: The documents used for the purpose of proving that products covered by a movement certificate EUR. 1-CMR or an origin declaration can be considered as products originating in Cameroon, the European Union or in one of the other countries or territories referred to above and fulfil the other requirements of this Decree may consist inter alia of the following:

a) (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained, for example, in his accounts or internal bookkeeping;

b) documents proving the originating status of materials used, issued or made out in Cameroon, the European Union or in one of the other countries or territories referred to in Article 7 above where those documents are used in accordance with domestic law;

c) documents proving the working or processing of materials in Cameroon, the European Union or in one of the other countries or territories referred to in Article 7 above, issued or made out in Cameroon, the European Union or in one of the other countries or territories referred to in Article 7 above where those documents are used in accordance with domestic law;

d) movement certificates EUR. 1-CMR or origin declarations proving the originating status of materials used, issued or made out in Cameroon, the European Union or in one of the other countries or territories referred to in Article 7 above and in accordance with this Decree.

Article 28: 1. The exporter applying for the issue of a movement certificate EUR. 1-CMR shall keep the documents referred to in Article 16 paragraph 3 above for at least three (3) years.

The exporter making out an origin declaration shall keep a copy of this origin declaration as well as the documents referred to in Article 20 paragraph 3 above for at least three (3) years.

(3) The supplier making out a declaration shall keep a copy of this declaration as well as the invoice, delivery note or other commercial document relating to that declaration and the documents referred to in Article 26 paragraph 7 above for at least three (03) years.

(4) The customs authorities of the exporting country issuing a movement certificate EUR. 1-CMR shall keep the application form referred to in Article16 paragraph 2 above for at least three (3) years.

CHAPTER 5
ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

Article 31: 1. In order to ensure proper application, Cameroon and the European Union commit themselves to put in place:

a) National measures necessary for the implementation and the respect of the rules and procedures established by this Decree, including where need arises, the necessary measures in application of Article 7 above;

b) The bodies and administrative systems needed for the management and for adequate control of the origin of products, and the respect of all other conditions provided for by this Decree.

2. The actions provided for in paragraph 1 above shall be notified to the respective Parties.

Article 32: 1. The European Union States shall communicate to the Cameroonian authorities through the Commission of the European Communities the addresses of the customs authorities and other competent bodies authorised to issue and/or carry out the subsequent verification of movement certificates EUR. 1-CMR, origin declarations and suppliers' declarations, together with the specimens of the stamps used for the issuing of the said certificates and declarations.

2. Movement certificates EUR. 1-CMR as well as origin declarations and suppliers' declarations shall be accepted for the purpose of applying preferential treatment from the date the information is received by the Cameroonian authorities.

3. Cameroon and the Member States of the European Union shall mutually inform each other, with immediate effect, through the Commission of the European Communities and the Cameroon Customs Administration, of any changes in the information mentioned in paragraph 1 above.

Article 33: 1. In order to ensure proper application of this Decree, the European Union, Cameroon and the other countries concerned shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR.1-CMR, origin declarations or supplier's declarations and the correctness of the information given in those documents.

(2) In addition, Cameroon and the Member States of the European Union:

a) Shall mutually provide the assistance necessary in case of a request for the follow up of the proper management and control of this Decree in the country concerned, including site visits;

b) Shall verify the originating status of products and the respect of other conditions provided for in this Decree.

(3) The authorities consulted shall provide the relevant information concerning the conditions under which a product has been made, indicating in particular the conditions in which the rules of origin have been complied with in Cameroon, the European Union and the other countries concerned.

Article 34 **-1.** Subsequent verifications of proofs of origin shall be carried out based on risk

analysis, at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Decree.

2. The customs authorities of the importing country shall return the movement certificate EUR.1-CMR and the invoice, if it has been submitted, the origin declaration, or copies of those documents to the customs authorities of the exporting country giving, where appropriate, the substantive or formal reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof or origin is incorrect shall be forwarded in support of the request for verification.

3. Verification shall be carried out by the customs authorities of the exporting country. For that purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.

4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

5. The customs authorities requesting verification shall be informed of the results of that verification as soon as possible. Those results shall indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating of Cameroon, the European Union or one of the countries referred to in Article 7 above and fulfil the other requirements of this Decree.

6. If in cases of reasonable doubt there is no reply within six (06) months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

7. Where the verification procedure or any other information available appears to indicate that the provisions of this Decree are being contravened, the exporting country, acting on its initiative or upon request of the importing country, shall carry out appropriate enquires, or take necessary measures for such enquiries to be carried out, with due urgency to identify and prevent such contraventions. The exporting country may, in this light, invite the importing country to participate in the said controls.

Article 35 1. Verification of suppliers' declaration may be carried out on the basis of risk analysis, at random or whenever the customs authorities of the State where such declarations have been used to issue a movement certificate EUR. 1-CMR or origin declaration, have reasonable doubts as to the authenticity of the document or the accuracy or completeness of the information contained in the said documents.

2. The customs authorities to which a supplier's declaration is submitted may request the customs authorities of the State where the declaration was made to issue an information certificate, a specimen of which is given in Appendix VI. Alternatively, the customs authorities to which a supplier's declaration is submitted may request the exporter to produce an information certificate issued by the customs authorities of the State where the declaration was made.

A copy of the information certificate shall be preserved by the office which has issued it for at least three (03) years.

3. The requesting customs authorities shall be informed of the results of the verification as soon as possible, and no later than six (06) months. The results shall be such as to indicate positively whether the declaration concerning the supplier’s declaration are correct and enable the determination whether, and in what measure, the information in the supplier’s declaration may be taken into account to issue a movement certificate EUR.1-CMR or origin declaration.

4. The customs authorities of the exporting country shall who issue a movement certificate EUR. 1-CMR shall keep the application form mentioned above for not less than

three (03) years.

5 The verification shall be carried out by customs authorities in the State where the supplier's declaration is drawn up. In this regard, they shall have the right to call for any evidence or to carry out any check on the accounts of the supplier or any other control which they consider appropriate in order to verify the correctness of any supplier's declaration.

6 Any movement certificate EUR.1-CMR or origin declaration issued or made out on the basis of an incorrect supplier's declaration shall be considered null and void.

Article 36

1. Whenever a dispute arises from the above-mentioned controls and it cannot be resolved between the customs authorities that requested the control and those responsible for conducting it, or raises a question of interpretation of this Decree, the said dispute shall be submitted to the EPA Committee.

2. For all intends and purposes, disputes between the importer and the Customs authorities of the country of importation shall be resolved in accordance with the legislation of the said country.

Article 37 Penalties provided for by the legislation of each party shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining preferential treatment for products.

Article 38 Cameroon and the European Union shall take all necessary steps to ensure that products traded under cover of a proof of origin or a supplier's declaration and which in the course of transport use a free zone situated in their territory are not replaced by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.

CHAPTER 6
CEUTA AND MELILLA

Article 39 1. The term 'European Union' used in this Decree shall not cover Ceuta and Melilla, which are considered to be a single territory.

(2) The provisions of this Decree shall apply mutatis mutandis in determining whether products may be deemed as originating in Ceuta and Melilla when imported into Cameroon.

(3) Where products wholly obtained in Cameroon undergo working and processing in Ceuta and Melilla, they shall be considered as having been wholly obtained in Ceuta and Melilla.

(4) Working or processing carried out in Cameroon shall be considered as having been carried out in Ceuta and Melilla, when materials undergo further working or processing in Ceuta and Melilla.

CHAPTER 7
TRANSITIONAL AND FINAL PROVISIONS

Article 40 This Decree and its Appendices shall be replace by a common reciprocal regime governing the rules of origin, adopted by the EPA Committee in accordance with Article 13.2 of the Agreement.

Article 41 Goods which comply with the provisions of this Decree and which on the date of its entry into force are either in transit or are in temporary storage in customs warehouses or in free zones, in Cameroon or the European Union, may benefit from the provisions of this Decree, subject to the submission to the customs authorities of the importing country, within ten (10) months of that date, of a movement certificate EUR. 1-CMR issued retrospectively by the customs authorities of the exporting country, together with the documents showing that

the goods have been transported directly.

Article 42 The Appendices to this Decree shall form an integral part thereof.

Article 43 This Decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 3 August 2016
(Signed) Paul Biya
President of the Republic

Decree No. 2004/0134/PM of 9 January 2004
To Authorise the use of classifications of activities and products of Member States of the Economic and Statistical Observatory of Sub-Saharan Africa (AFRISTAT)

The Prime Minister, Head of Government,

Mindful of the Constitution;
Mindful of the Treaty of 21 September 1993 to set up the Economic and Statistical Observatory of Sub-Saharan Africa (AFRISTAT);
Mindful of Law No. 91/023 of 16 December 1991 relating to Censuses and Statistical Surveys
Mindful of Decree No. 92/089 of 4 May 1992 to specify the Powers of the Prime Minister, as amended and supplemented by Decree No. 95/145 of 4 August 1995;
Mindful of Decree No. 97/206 of 7 December 1997 to Appoint a Prime Minister;
Mindful of Decree No 2001/100 of 20 April 2001 to Establish the National Institute of Statistics;
Mindful of Decree No. 2002/216 of 24 August 2002 to re-organise the Government;
Mindful of Decree No. 93/407/PM of 7 May 1993 to lay down the Conditions for the Implementation of Law No. 91/023 of 16 December 1991 relating to Censuses and Statistical Surveys;

Hereby decrees as follows:

Article 1: This Decree shall compel the use of the nomenclature of activities and products of Member States of the Economic and Statistical Observatory of Sub-Saharan Africa, abbreviated as AFRISTAT, by Cameroonian economic agents when compiling statistics by economic activity or products.

Article 2: The Cameroonian Classifications of Activities and Products are adaptations of the Nomenclature of Activities of AFRISTAT Member States, abbreviated " NAEMA ", and the Nomenclature of Products of AFRISTAT Member States, abbreviated " NOPEMA "

Article 3: (**1**) The nomenclature of products shall be linked to that of activities. The codes of the corresponding headings are identical and articulated.

(**2**) The nomenclatures and any adaptations thereof shall be used in official texts, documents, works and studies as well as in the computer systems of administrations and public establishments and in work carried out in private organisations at the request of administrations.

Article 4: The National Institute of Statistics shall be responsible for keeping the nomenclatures approved pursuant to this decree up to date and ensuring their popularisation.

Article 5: The Minister in charge of Statistics shall be responsible for the enforcement of this Decree which will be registered, published according to the emergency procedure, and inserted in the Official Gazette in English and French.

Yaounde, 09 January 2004

(signed) Peter Mafany Musonge
Prime Minister, Head of Government

Circular No. 002/PM of 24 October 2003 Bearing on the Signing of Conventions, Agreements and Memoranda of Understanding by Ministers

The Prime Minister, Head of Government,

To:

- Ministers of State
- Ministers
- Ministers Delegate

I have noticed that a good number of ministers are increasingly inclined to sign, sometimes with great solemnity, conventions, agreements and memoranda of understanding without having obtained prior authorisation.

While recalling the fact that the external commitment of the State is constitutionally the exclusive prerogative of the Head of State, I urge you, with regard to the economic, technical, social and cultural cooperation agreements usually executed within ministries, to observe a minimum of prior formalities.

The initiative for the negotiation lies with the Minister who may appoint one or two qualified experts for this purpose.

At this stage, it is highly recommended to seek the assistance of professionals from the Ministry of Foreign Affairs, formally requested from their Minister, and, if the negotiation involves financing or tax benefits, from the Ministries of Finance and the Budget, and of Economic Affairs, Planning and Regional Development, requested under the same conditions.

Overall, for the signing of any Convention, Agreement and Memorandum of Understanding on behalf of the Government of Cameroon, apart from the necessary financing agreements and conventions, Full Powers are issued by the Head of State.

Pursuant to Article 7 of the 1969 Vienna Convention on the Law of Treaties, only the President of the Republic, the Prime Minister, Head of Government and the Minister of External Relations shall be exempted from this requirement.

It is therefore incumbent on the Head of the negotiating ministry to submit in due time to the Minister in charge of External Relations, who shall prepare a draft Full Powers document on solemn paper and submit it for the Head of State's signature.

The negotiations result in preparing a draft agreement which may, depending on the needs of the case, be publicly or privately initialled with a reservation for prior approval.

The entire file is then submitted to the hierarchy for high level approval, accompanied by supporting documents or an explanatory statement to the instrument, its benefits and cost, as well as information on the political, economic, social and cultural environment of the area of cooperation in question.

With particular regard to financing agreements or grants in kind, the prior agreement of the Ministers responsible for the Budget and Programming respectively is required, and the latter must constantly ensure that the resulting loans respect the ceilings of the country's external commitments.

For this reason, I attach utmost importance to the strict compliance with the provisions of this Circular.

Yaounde, 24 October 2003

Peter Mafany Musonge
Prime Minister, Head of Government

Circular No. 004/CAB/PM of 09 September 1999 on the Coordination of Government Action with regard to the External Financing of Projects

The Prime Minister, Head of Government,

To: The Ministers of State;
- The Ministers;
- The Ministers Delegate;
- The Secretaries of State;

The International Community provides assistance to the efforts of public authorities in the field of economic, social and cultural development through financial and technical assistance resulting from conventions concerning in particular:

- project loans,
- programme loans,
- donations, grants and legacies for various projects,
- sovereign debt conversions to projects,
- multifaceted technical assistance,
- institutional support.

This circular aims at ensuring better coordination of Government action in the execution of projects benefiting from external funding, among other things, in order to guarantee the effectiveness of official development assistance, both in terms of its mobilisation and its use.

To this end, I hereby urge you to inform me henceforth, of any project position at the stage of fundraising or before requesting external technical support, and to report to me on all agreements signed in this respect.

I attach utmost importance to the strict observance of the provisions of this Circular.

Yaounde, 09 September 1999

Peter Mafany Musonge
Prime Minister, Head of Government