The Prime Minister, Head of Government

Mindful of the Constitution;

Mindful of the Framework Law No. 96/12 of 5th August 1996 relating to Environmental Management;

Mindful of Law No. 98/15 of 14th July 1998 governing Establishments Classified as Dangerous, Unhealthy or Obnoxious;

Mindful of Law No. 1 of 16th April 2001 to establish the Mining Code;

Mindful of Ordinance No. 74/2 of 6th July 1974 to lay down the Cameroon Land Tenure System;

Mindful of Decree No. 92/89 of 4th May 1992 to specify the powers and duties of the Prime Minister and all subsequent amendments;

Mindful of Decree No. 96/227 of 1st October 1996 to organize the Ministry of Mines, Water Resources and Power;

Mindful of Decree No. 97/205 of 7th December 1997 to organize the Government, and all subsequent amendments;

Mindful of Decree No. 97/206 of 7th December 1997 to appoint the Prime Minister, Head of Government;

Hereby decrees as follows:

PART I GENERAL PROVISIONS
Article 1.- The purpose of this Decree is to lay down the modalities for the implementation of Law No. 1 of 16th April 2001 establishing the Mining Code of the Republic of Cameroon.

Article 2.- In this Decree, the following terms shall mean:

a) Address: complete address, residence, post office box number, telephone number, fax number and e-mail address of the holder of a Mining title, permit or authorization enabling the Administration to contact him directly at any time.

b) Article: reference to a provision.

c) Brokers: an individual or corporate body registered under the Cameroonian Law who buys from artisanal prospectors, or holders of artisanal Mining authorizations, mineral substances or ore extracted from Cameroon sub-soil, and sells them on directly.

d) Spring water: water, slightly mineralised or not, gaseous or not, without any therapeutic value.

e) Mineral Water: natural water containing in solution either mineral salts, gases or both, with therapeutic values.

f) Thermo mineral water: mineral water with a high temperature at the point of resurgence.

g) Law: the Law establishing the Mining Code of the Republic of Cameroon.

h) Artisanal Prospector: individual of Cameroonian nationality and holder of an individual prospectors card issued in accordance with the provision of this Decree.

i) Representation: complete address that enables the Administration to contact the holder of a Mining title, permit or authorization through a third party.

j) Extraction site: place where mineral substances are extracted and possibly treated.

PART II COMMUN PROVISIONS FOR MINING TITLES, PERMITS AND AUTHORIZATIONS

CHAPTER ONE NOTIFICATION OF DOCUMENTS

Article 3.- (1) Every applicant for a Mining title, a permit or an authorization shall be bound to have an address or a representation in the Republic of Cameroon. This address or representation shall be made known to the Minister in charge of Mines.

(2) Notification of administrative deeds, instructions or documents, shall be done exclusively at this address or representation.

(3) Any change of address or representation shall be made known to the Minister in charge of Mines within a period not exceeding thirty (30) clear days.

Article 4.- (1) All applications or any other document lodged by an applicant or a holder of a Mining title, permit or authorization shall be written in one of the two official languages,
namely, French or English. They shall be dated, signed and bear a fiscal stamp at the current official rate.

(2) Where the Law requires that an application be lodged in several copies, the attached documents shall be submitted in the corresponding number of copies.

(3) A representative who submits an application on behalf of an applicant, a holder of a Mining title, permit or authorization shall give evidence of his identity, rank, address and deed of attorney.

CHAPTER TWO APPLICATIONS

Article 5.- (1) Any application for a Mining title, permit, authorization or approval of a transaction shall be addressed to the Minister in charge of Mines in triplicate with the original copy bearing a fiscal stamp at the current official rate. The following documents shall be attached thereto:

a) for an individual:

i) his address and nationality;

ii) evidence of his identity.

b) for corporate bodies:

i) the Articles of Incorporation, the last annual report, or in default, a bank statement of financial assets;

ii) the list of the Management Board Members, the list of persons who have the power of attorney to sign on behalf of the company, their nationalities and respective addresses.

(2) Where the information required for the award of a Mining title, permit, authorization or for the approval of a transaction were given in a previous application, they shall no longer be required for the same title, permit, or authorization unless for those which have been modified, and in such case, they shall be updated.

Article 6.- Every holder of a Mining title, permit, or authorization shall within a period not exceeding thirty (30) clear days, inform the Minister in charge of Mines of all changes relating to their Articles of Incorporation, the structure of their capital or the entities referred to in Article 5, paragraph 1 above. Besides, the holder shall annually send a progress report and a financial statement to the Minister in charge of Mines.

Article 7.- (1) Every individual who applies for either a Mining title, permit, authorization in accordance with the Law, or for the approval of a transaction in accordance with Section 20 of the Law, shall provide information on his identity.

(2) Where the information referred to in paragraph 1 above were given in a previous application, this shall not be required for the same title, permit, or authorization unless they have been modified and in such case, they shall be updated.
**Article 8.**- Any application for the award or renewal of a Mining title, permit, authorization or any other application required by virtue of the Law or this Decree, shall be drafted following the sample format attached to this Decree. The original copy shall bear a fiscal stamp at the current official rate.

**Article 9.**

(1) Any transaction on a right relating to a Mining title shall be enforceable only after approval by the Minister in charge of Mines and the registration of the deed by the Mining Title Registrar.

(2) The application for the approval of the transaction shall be drafted following the sample format attached to this Decree. Such application shall be submitted to the Minister in charge of Mines, together with an explanatory statement clearly presenting the reasons of the transaction, the address and the Mining experience of the new purchaser, and the financial statements for the past two financial years.

(3) The Minister in charge of Mines shall notify the purchaser within forty-five (45) calendar days as from the date of submission of the application. A lack of response from the Administration after this deadline shall be considered as approval.

**CHAPTER THREE DEFINITION OF PERIMETER**

**Article 10.**- Within the framework of this Decree, the land surface is divided into squared sections:

a) by the Greenwich meridian and meridians which are one (1) minute away from it, or a multiple of one (1) minute of longitude; and

b) by the equator and parallels which are one (1) minute away from it, or a multiple of one (1) minute of latitude.

**Article 11.**- (1) The marking out of a perimeter shall be done as follows:

a) a landmark post with a square top of at least 10 centimeters per side shall be placed at each corner of the perimeter of a permit or an authorization;

b) each landmark post shall bear a metallic plate or label of at least 10 centimeters square indicating the number of the landmark post, the name of the holder of the permit or authorization and the number of the permit or authorization, as the case may be;

c) The landmark posts shall be numbered in such a way that landmark post number 1 shall be at the south-west corner and the rest shall be numbered in a clockwise direction as from landmark post number 1.

(2) Where the perimeter of an artisanal Mining authorization is marked out beyond 100 metres by 100 metres, the competent Divisional Delegate of Mines shall revert the dimensions to the maximum authorized.
(3) During the registration of a permit, the Mining Title Registrar shall assign it a number as provided by Article 13 of this Decree.

(4) The holder of a permit shall inscribe the registration number on landmark post No. 1, within thirty (30) clear days following registration.

(5) Where it is impossible to establish a landmark post at a given permit corner due to the terrain, the presence of water, or it is likely to damage cultivated land or to trespass on private land, the corner concerned may be marked by pegging a boundary marker as close as possible along the perimeter and by placing a metallic plate on each boundary marker, indicating the number of the landmark post, the name of the permit holder and the permit number as well as the direction and distance in relation to the corner.

(6) A landmark post shall be in stone or in concrete.

(7) Landmark posts shall be maintained in good condition, and void of vegetation. They shall always bear the metallic plate or label provided in, paragraph 1.b above.

**Article 12.-** (1) Any applicant for an exploration or Mining permit shall carry out a land survey of the perimeter applied for.

(2) The Minister in charge of Mines may, at any time, assign a person, in accordance with the Law, to survey the perimeter of the exploration or Mining permit following the provisions of this Article.

(3) The survey of the perimeter shall:

a) be carried out by an approved surveyor or under the supervision of an approved surveyor;

b) be at the expense of the applicant;

c) include an attachment describing the perimeter on a topographic chart in latitude and longitude as well as the surface area in km²

(4) For artisanal Mining authorizations, demarcation shall be done following the customary boundary marking procedures.

(5) Where a survey is submitted to the Mining Title Registrar, he shall register it immediately and have a copy of the attachment of land survey published in the Official Gazette in case all the land is available.

(6) In case only part of the land is available:

a) he shall prepare an attachment describing the perimeter available within the permit to replace the one that was submitted with the land survey;

b) he shall send a copy of the amended attachment to the applicant for approbation;
c) he shall have a copy of the amended attachment published in the Official Gazette after approval by the applicant.

(7) Where the applicant does not submit a land survey, or the land survey indicates that no land is available, the application shall not be received.

(8) Where there is a dispute on the location of the perimeter of a Mining title, the Mining Title Registrar shall without prejudice to legal action, organize a survey of the disputed perimeter. The attendant expenses shall be borne by the party which is claiming a different perimeter than the one previously surveyed.

(9) In case the Registrar deems that the party claiming a different perimeter may not be able to pay for the survey provided by paragraph (8) above, he may require that the party gives a guarantee to cover related expenses.

CHAPTER FOUR MINING TITLE REGISTER

Article 13.- (1) All deeds concerning Mining titles shall be recorded in a register referred to as Mining Title Register.

(2) The Register shall be numbered and signed by the Director in charge of Mines.

(3) It shall mention all registered applications for Mining titles, all subsequent decisions of award, renewal, renunciation, withdrawal, expiration and any other information deemed important by the Mining Title Registrar.

(4) Information contained in the Register shall be valid till further notice.

Article 14.- The Register shall be established and kept by the Mining Title Registrar.

Article 15.- (1) The Mining Title Registrar shall be an official of the Department of Mines and Geology.

(2) The functions, duties and powers of the Registrar shall be laid down by this Decree.

Article 16.- (1) Documents addressed to the Minister in charge of Mines shall be lodged with the Mining Title Registrar following the format defined by this Decree.

They shall be submitted together where applicable with receipts certifying that fees provided for have been paid.

(2) Where the Registrar finds that a document submitted for registration is not in conformity with the law, he shall not receive it except where the error or default can be corrected directly. In the case of rejection, he shall:

a) record in the Mining title register marked Provisionary besides the entry, the time and date of submission as well as the reasons for rejecting the document;
b) promptly send a formal notice to the initiator of the document requesting him to regularise it within five (5) clear days from the date of rejection.

(3) After regularisation, the document shall be deemed registered at the initial time and date of submission and the term Provisionary cancelled in the register.

Where the document is not regularised before the deadline provided under paragraph (2.b) above, the Registrar shall mark Cancelled at the margin.

**Article 17.** (1) Where the Mining Title Registrar or any other person discovers an omission in an entry, an unjustified entry, an erroneous entry, an error or a default in an entry in the Mining title register, the Registrar or the party concerned may submit an application for rectification to the Director in charge of Mines.

(2) On receipt of the application for rectification, the Director in charge of Mines shall verify and instruct, where applicable, the Registrar to effect the rectification applied for.

(3) The decision of the Director may be challenged before the Minister in charge of Mines.

**Article 18.** (1) Where an assignment of rights on a Mining title is made known to the Mining Title Registrar, he shall, subject to the presentation of evidence of payment of the fees provided for by this Decree, record the name of the purchaser in the Mining title register as the new holder of the Mining title.

(2) After registration, the assignment shall entail the transfer of rights and obligations relating to the title.

**CHAPTER FIVE AWARD AND RENEWAL OF MINING TITLES**

**Article 19.** (1) The applicant or his representative shall lodge an application for the award or renewal of a Mining title with the Mining Title Registrar.

(2) Applications for the renewal of Mining titles shall be submitted within ninety (90) clear days, and one year before their end of term, respectively for exploration and Mining permits. After this period, holders may run the risk of loosing their right to a renewal.

(3) The Registrar shall, within fifteen (15) clear days after the registration of the application for the award or renewal of the Mining title, place a copy of the application posted at the Department in charge of Mines while the file is being processed.

(4) On receipt of the application for the award or renewal of a Mining title, the Director in charge of Mines may conduct, at the expense of the applicant, any inquiry deemed necessary for the processing of the file.

**Article 20.** Where two or more applications are submitted for the award of a Mining title for part or all of the same land, the first applicant to submit his application to the Mining Title Registrar shall have a priority right over the other applicants, to have his file processed and answered.
Article 21.- (1) On receipt of applications for the award or renewal of Mining titles, the Mining Title Registrar shall, in the presence of the applicant or his representative, verify that:

a) the land applied for is available for the award of a Mining title;

b) the application is drafted following the sample format provided for to that effect;

c) the application is submitted in triplicate, with the original bearing a fiscal stamp at the current official rate and signed by the applicant or his representative;

d) the documents provided for by this Decree are attached;

e) the fees provided for and, if applicable, penalties for delay, are paid;

f) the guarantee provided by this Decree is effective.

(2) Where, after a brief perusal, the Registrar notices that these elements are lacking, he shall, subject to Article 16 above:

- register the application with the mark Rejected,

- return all the documents immediately to the applicant; or his representative

- issue a form duly justifying the refusal.

3) Where, after a brief perusal, the Registrar discovers that the file is complete, he shall:

a) immediately:

- register the application;

- write the registration number on the application form;

- write the date and hour of registration of the application;

- sign the form;

- give a copy of the application to the applicant or his representative;

(b) within two (2) clear days, send the document to the official responsible for processing the file.

Article 22.-

(1) Applications for prospecting permits or Mining titles shall be processed within the following time limits:
(a) applications for prospecting permits, within thirty (30) clear days as from the date of registration of the application;

(b) applications for exploration permits, within forty-five (45) clear days as from the date of registration of the application;

(c) applications for Mining permits, within ninety (90) clear days as from the date of registration of the application.

(2) The Mining title shall be deemed awarded in case the application for a Mining title is not processed within the periods laid down in paragraph (1) of this Article, unless the Administration in charge of Mines has sent a written notice to the applicant, specifying the reasons for the extension of the period of processing. This extension shall not be longer than the initial period.

(3) Where an application for renewal of a Mining title is not processed before the end of the term of the Mining title, the Mining title shall remain valid for the land for which the renewal is requested up to the notification of the renewal or rejection.

**Article 23.-** (1) Any award of exploration or Mining permit shall be subject to the payment of a caution fee laid down by this decree.

(2) Any applicant for exploration or Mining permit who has to pay the caution fee required by virtue of this Decree shall within thirty (30) clear days following the award of the permit submit to the Mining Title Registrar a certificate of surety guaranteeing the execution of his obligations.

(3) The guarantee shall be provided through bank surety, guarantee letter from an insurance company, cash payment into a local bank or any other means provided by the appropriate Cameroonian legislation.

**Article 24.-** Following the award or renewal of the period of validity of a Mining title or a prospecting permit, the Mining Title Registrar shall:

(a) notify the applicant, in writing, of the decisions to award or renew such Mining title or permit within fifteen (15) clear days;

(b) give the instrument of award or renewal to the applicant;

(c) have the instrument of award or renewal published in the Official Gazette in the case of exploration and Mining permits.

**Article 25.-** The period of validity of a Mining title shall be as from the date of notification of the decision to award such Mining title.

**Article 26.-** (1) The Minister in charge of Mines may in the best interest of the State, exclude any land or mineral substance(s) from exploration, industrial or artisanal Mining.

(2) Such decision shall be published in the Official Gazette. It shall specify the land or mineral substance(s) concerned and the reason for exclusion.
(3) Exclusion shall not concern land for which a Mining title has been awarded until its period of validity elapses.

(4) Lifting of the exclusion decision shall be done under the same conditions as the exclusion.

(5) Processing of applications for a Mining title on an excluded land, registered before the publication of the decision shall be suspended. They shall be processed as a matter of priority, in case the exclusion decision is lifted.

CHAPTER SIX DEALINGS IN MINING TITLES

**Article 27.**-(1) Any transaction relating to the rights of a Mining title shall be valid only after approval by the Minister in charge of Mines.

(2) Applications for approval of a transaction shall be written, addressed to the Minister in charge of Mines in accordance with the provisions of Article 5 of this Decree and lodged with the Mining Title Registrar.

(3) The decision of approval shall be recorded by the Registrar.

**Article 28.**-(1) Mining titles of the same category may be consolidated in one or several titles of such category.

(2) Applications for consolidation addressed to the Minister in charge of Mines shall:

(a) be in triplicate with the original bearing a fiscal stamp at the current official rate on a form following the format attached to this Decree. A plan showing the corners of the consolidated limits in latitude and longitude and sketch showing the limits of the consolidated perimeter and any other natural landmark that can help to localise the consolidated perimeter shall be attached to this form ;

(b) be submitted together with a work programme or, if applicable, work proposals on the consolidated Mining title.

**Article 29.**- The period of validity of a consolidated Mining title shall be either :

(a) The unexpired period of validity, in case the terms of the titles are the same when the consolidated title is awarded; or

(b) the shortest unexpired period of validity in case the terms of the titles are not the same when the consolidated title is awarded.

**Article 30.**- The surface area of a consolidated Mining title shall not exceed the maximum surface area provided for by the law for the category of Mining titles considered.

**Article 31.**- (1) The provisions of the law applicable to the type of Mining titles awarded before consolidation shall also applicable to consolidated Mining titles of the same category.
(2) All the rights relating to Mining titles to be consolidated shall be transferred to the consolidated Mining title.

(3) In case an existing Mining title is consolidated, its owner shall be bound by previous obligations, especially and if applicable:

(a) to pay rents fees, royalties, penalties and any other amount required;

(b) to be liable for any act or fault.

CHAPTER SEVEN TERMINATION OF MINING TITLES

Article 32. - (1) Any holder of a Mining title who wishes to renounce all or part of it shall inform the Minister in charge of Mines through the Mining Title Registrar by written note stating the reasons for renunciation and if applicable, an acknowledgement of receipt of documents showing that the holder has fulfilled the obligations related to the Mining title and has rehabilitated the site.

(2) Where the renunciation concerns only part of a Mining title, the note shall be submitted together with:

(a) in the case of an exploration permit, a plan describing the outline of the perimeter retained, provided for under Part II Chapter Three of this Decree;

(b) in the case of any other Mining title, a land survey of the retained land carried out in accordance with Part II Chapter Three of this Decree.

Article 33. - The Mining Title Registrar shall, within fifteen (15) clear days following the submission of the renunciation file, make sure that the file is in conformity with the appropriate provisions of this Decree. He shall then:

(a) register the renunciation in the Mining title register;

(b) certify the registration of renunciation on the acknowledgement of receipt;

(c) in the case of partial renunciation, record the renunciation in the register;

(d) have the renunciation notice published in the Official Gazette;

(e) post a copy of such notice for thirty (30) clear days in the Ministry in charge of Mines;

(f) send a copy of such notice to the holder of the Mining title.

Article 34. - (1) In case of total renunciation, the Mining Title Registrar shall issue a band to release the security if applicable, to the former holder of the Mining title. The amount owed shall be deducted, if applicable, especially;
(a) all fees, royalties, allowances, penalties, land rentals or any amount owed at the date of renunciation;

(b) any expenses incurred by the Administration in charge of Mines on behalf of the holder of the Mining title to meet the latter’s obligations.

(2) Total or partial renunciation shall entail the total or partial loss of the rights conferred by the Mining title with effect from the date of registration. However, the holder of such Mining title shall still be bound by any ensuing commitments.

Article 35.- (1) Any Mining title may be withdrawn by the issuing Authority in case of violation of a provision of the Law or in case the holder of the Mining title fails to meet his obligations.

(2) Prior to any such decision, the Administration in charge of Mines shall formally notify the holder of the Mining title to remedy his default within sixty (60) clear days as from the date of notification of his default.

(3) In case of a Mining title subject to a Mining convention is definitely withdrawn, the attending convention shall become null and void.

Article 36.- (1) Any withdrawal or expiration of Mining title shall:

(a) be recorded in the register by the Mining Title Registrar;

(b) be published in the Official Gazette by the Registrar;

(c) be posted on the notice board at the Ministry in charge of Mines for a period of thirty (30) clear days;

(d) be notified to the former holder of the Mining title.

(2) If need be, the Registrar shall issue an attestation for repayment of caution fee to the former holder of the Mining title. The amount due shall be deducted, if applicable, especially:

(a) all fees, royalties, allowances, penalties, land rentals or any other amount due at the date of withdrawal or expiration;

(b) all expenses incurred by the Administration in charge of Mines on behalf of the holder to meet the latter’s obligations.

(3) Expiration of the period of validity of a Mining title shall entail the loss of rights conferred on the holder of such title with effect from the date of expiry. However, the holder of such invalidated Mining title shall still be bound by any ensuing commitments.

PART III SPECIFIC PROVISIONS TO SOME MINING TITLES, CARDS AND AUTHORIZATIONS

CHAPTER ONE ARTISANAL MINING OPERATIONS
Section 1: Individual Prospector’s Card

Article 37. - (1) Applications for an individual prospector’s card shall be addressed to the competent Divisional Delegate of Mines in triplicate with the original bearing a fiscal stamp at the current official rate. It shall be drafted on a form the format of which is attached to this Decree.

(2) On submission of the application for the award of an individual prospector’s card, the applicant shall present a certified true copy of his national identity card or any other document certifying his identity and Cameroonian nationality.

(3) In addition, applications for individual prospector’s cards shall be submitted together with:

(a) the name of the division in which the applicant intends to operate;

(b) an indication of the mineral substance or ore to be prospected;

(c) receipt of payment of the fees provided for by this Decree;

(d) two (2) passport-sized photographs;

(e) a certificate of choice of residence.

(4) Documents to be attached to an application for renewal shall only be those that have changed since the initial application, a receipt of payment of required fees and a progress report of the previous period.

Article 38. - (1) The individual prospector’s card shall be issued by the competent Divisional Delegate of Mines and shall be valid for a period of twelve (12) months, renewable. The holder may neither assign, give up nor transfer, any right conferred by such card and no person may be associated as joint holder.

(2) An individual prospector’s card shall not confer to the holder an exclusive right over the division considered.

Article 39. - (1) The holder of an individual prospector’s card shall freely dispose of samples resulting from the activity. He may carry out transactions with authorized individuals or corporate bodies provided that his activity is not transformed into artisanal Mining.

(2) The holder of individual prospector’s cards may not be involved in prospecting activities in the perimeter of a valid exploration permit, Mining permits or artisanal Mining authorization.

Section 2: Artisanal Mining Authorization

Article 40. - An application for the award of an artisanal Mining authorization shall be drafted on a form the format of which is attached to this Decree. It shall be lodged in triplicate, with the original bearing a fiscal stamp at the current official rate, with the
competent Divisional Delegate in charge of Mines who shall forward the complete file to the competent Provincial Delegate in charge of Mines within a week or so.

The following documents shall be attached to the application:

(a) evidence of Cameroonian nationality established in accordance with statutory provisions in force;

(b) a land survey clearly showing the limits of the perimeter considered in accordance with Part II of this Decree;

(c) a declaration of the mineral substances or ore (s) to be exploited, description of excavation methods, technology and, possibly machines used;

(d) a declaration of available financial resources necessary to undertake Mining activities;

(e) a receipt of payment of fees provided for by this Decree;

(f) a written commitment in conformity with the provisions of the specifications spelling out preventive actions to be taken to guarantee the protection of the environment as well as safety and sanitation measures provided for by this Decree.

Article 41. - (1) Artisanal Mining authorization shall be granted by the competent Provincial Delegate in charge of Mines after verification of the perimeter coordinates with the Mining Title Registrar. He shall react within fifteen (15) clear days as from the date of receipt of the file. After this date limit, the artisanal Mining authorization shall be deemed granted and the applicant may start work.

(2) Artisanal Mining authorization shall be valid for a period of two (2) years with effect from the date of registration in the Mining title register. It shall be renewable. Its renewal shall be subject to the submission of an annual progress report and the strict compliance with the provisions of the specifications provided for under Article 40 (f ) above.

40 (f ) above.

Article 42. - (1) An artisanal Mining site shall have the shape of a quadrilateral whose sides shall not exceed one hundred (100) metres.

(2) Mining shall be done at a maximum depth of thirty (30) metres. It shall be carried out in conformity with reasonable Mining conduct and shall be subject to the observance of adequate safety rules for the soil concerned.

Article 43. - (1) Holders of artisanal Mining authorizations shall be liable for damages or trespassing caused within the perimeter of such authorizations.

(2) Holders of artisanal Mining authorizations shall submit an annual progress report to the competent Provincial Delegate in charge of Mines, describing their activities especially their output in tons or kilogrammes, the market value of the mineral substances or ores and the number of persons employed.
Article 44. - (1) Where there is an encroachment of an artisanal Mining authorization on all or part of another artisanal Mining authorization, the perimeter of the preceding authorization shall take precedence.

(2) In case the dispute persists, the Provincial Delegate in charge of Mines shall order a survey in accordance with paragraphs 8 and 9 of Article 12 above.

(3) Where an exploration or Mining permit is granted within a perimeter of an artisanal Mining authorization, the area of the artisanal Mining authorization shall not be part of the permit granted. Holders of such permits shall respect the perimeter as well as the rights of the holder of the artisanal Mining authorization.

Section 3: Marketing of Mineral Substances from Artisanal Mining

Article 45. - (1) Any individual or corporate body registered under Cameroonian Law shall be free to sell mineral substances derived from artisanal Mining. This activity shall be subject to the grant of a licence by the Minister in charge of Mines.

To that effect, holders of such licences shall open a sales office and establish as Brokers.

(2) Applications for a licence to open such office shall be drafted in triplicate on a form following the format attached to this Decree. They shall bear the names, first names, residence of the applicant and the nature of the substances concerned. Such applications shall include the following:

For individuals:

- a copy of the applicant’s national identity card;
- a certificate of non-conviction not more than three (3) months old;
- one passport-sized photograph;
- the nature of the substances concerned;
- a report of the inspection of installations established by an official of the Ministry in charge of Mines appointed to that effect;
- a business licence;
- an attestation of payment of a fixed fee of two hundred (200,000) thousand francs to the Revenue Collector of the Ministry in charge of Mines.

For corporate bodies:

- a photocopy of the manager’s national identity card;
- the Manager’s certificate of non-conviction not more than three (3) months old;
- a passport-sized photograph of the manager;
- the nature of the substances concerned;
- the Articles of Incorporation and all deeds establishing its legal existence;
- a report of the inspection of the installations of the corporate body established by an official of the Ministry in charge of Mines appointed to that effect;
- a business licence;
- an attestation of payment of a fixed fee of two hundred (200,000) thousand francs to the Revenue Collector of the Ministry in charge of Mines.

Article 46. - (1) The application file for a licence shall be lodged in exchange for an acknowledgement of receipt, with the competent Divisional Delegate in charge of Mines. The Divisional Delegate shall verify the regularity of the application before forwarding it to his Provincial Delegate in charge of Mines. The file shall be forwarded within fifteen (15) clear days from the date of submission, to the Minister in charge of Mines.

(2) The Minister in charge of Mines shall decide to grant the licence within thirty (30) clear days following receipt of the file. After a period of sixty (60) clear days from the date of submission of the file to the Divisional Delegate, a lack of response on the part of the Administration in charge of Mines shall mean approval and the applicant shall have the right to carry out his activities.

Article 47. - (1) Licences to open a sales office for mineral substances shall be granted by Order of the Minister in charge of Mines. A licence shall be valid for a renewable period of four (4) years as from the date of notification.

(2) The deed of the licence shall spell out:
- conditions under which the marketing shall be conducted;
- modalities for marketing of mineral substances

Article 48. - A register on which references of licence for the setting up of sales offices for mineral substances, the identity of licence holders and their administrative units are mentioned, shall be opened in the Department in charge of Mines.

Article 49. - (1) The application file for the renewal of a licence for the setting up of sales offices for mineral substances shall be forwarded to the Ministry in charge of Mines three (3) months prior to its expiry, in compliance with the procedure for its issue.

(2) It shall be submitted in triplicate with the original bearing a fiscal stamp at the current official rate and shall comprise amongst others:
- a progress report of the previous period mentioning
- marketing statistics;
all documents showing the payment of duties and taxes in force for the previous period.

(3) The Minister in charge of Mines may order the conduct of any necessary investigation. Fees for such inquiry shall be paid by the Broker.

**Article 50.** - The Broker shall be bound to submit a quarterly progress report to the competent Divisional Delegate in charge of Mines, with a copy to the Minister in charge of Mines.

**Article 51.** - (1) Any mineral substance extracted from the Cameroonian subsoil and meant for export shall be subject to an expert appraisal by the laboratory of the Ministry in charge of Mines or any other laboratory approved by the Minister in charge of Mines.

(2) An attestation of authenticity mentioning the type and weight of the substance shall be issued after each expert appraisal. The issue of this attestation shall be subject to the payment, by the applicant, of expert appraisal fees, in compliance with the procedure laid down by an order of the Minister in charge of Mines.

(3) In the case of gold, all export transactions, except those carried out on the artisanal Mining site, shall be done using smelted gold. These smelting operations shall be carried out in the laboratory mentioned in Article 51 (1), in one of its annex structures or any other unit approved by the Minister in charge of Mines. Fees for smelting shall be paid by the bearer of the substance.

(4) Expert appraisal and smelting fees provided for in Article 51 (2) and (3) mentioned above shall be payable to the Revenue Collector of the Ministry in charge of Mines or the approved laboratory as the case may be.

**Article 52.** - The Brokers must keep transaction registers. These registers shall be numbered and initialed by the Director in charge of Mines. They shall be presented, on demand, to the Mines officials in charge of controlling mineral substances.

**Article 53.** - (1) The Department in charge of Mines may buy mineral substances from individual or corporate bodies approved by the Minister in charge of Mines.

(2) A register, numbered and initialed by the Minister in charge of Mines, intended to record the storage of acquired mineral substances, shall be opened in this Department.

(3) Substances obtained in compliance with the provisions of Article 53 (1) shall be State property. They may be sold according to procedures laid down by a joint Order of the Ministers in charge of Finance and of Mines.

**Article 54.** - (1) Any individual or corporate body may be approved to open a unit for the smelting of metals and/or the cutting of ornamental or fine precious stones.

(2) Approval shall be granted by order of the Minister in charge of Mines, for a period of four (4) years renewable on presentation of a file comprising the following documents:

-an application in triplicate with the original bearing a fiscal
- stamp at the current official rate;
- a copy of the applicant’s national identity card or the manager’s national identity card in the case of a corporate body;
- a certificate of non-conviction for individuals or a copy of the Articles of Incorporation for corporate bodies;
- a fiscal stamp of one hundred thousand (100,000) francs to be appended to the approval;
- a certificate of choice of residence;
- a report on the inspection of the unit carried out by an official of the Ministry in charge of Mines, appointed to that effect.

Article 55. - The holder of the approval mentioned in Article 54 above shall pay, for the State, a smelting and/or cutting fee to the Revenue Collector of the Ministry in charge of Mines, in compliance with the statement of payment established by the Director in charge of Mines in conformity with the rules and regulations in force.

Article 56. - Without prejudice to civil and/or penal sanctions provided for by the Law in force, in case of non-compliance with a formal notice, the Minister in charge of Mines may order:

(a) the suspension of the licence or the approval for a period not exceeding six (6) months in the case of:
   - non-payment of fees and taxes;
   - inactivity for a period of six (6) months not justified by a reasoned answer within thirty (30) days after the formal notice;
   - incorrect, late or no declaration;
   - possession of stolen mineral substances;
   - fraud in the sale of mineral substances.

(b) the withdrawal of the licence or the approval as a result of a repeat of one of the offences mentioned in (a).

CHAPTER TWO INDUSTRIAL MINING OPERATIONS

Section 1. : Prospecting Permit

Article 57. - (1) The application for the award or renewal of a prospecting permit shall be addressed to the Minister in charge of Mines in triplicate. The sample format of such
application is attached to this Decree. The original shall bear a fiscal stamp at the current official rate. It shall be submitted to the Mining Title Registrar in exchange for a receipt.

(2) In addition to the information required in Article 5 of this Decree, the application for a prospecting permit shall be accompanied by:

(a) a map at 1:200,000 scale specifying the boundaries of the area concerned;
(b) a written document on the aim of the envisaged prospection;
(c) a work schedule and the name of the official in charge of the works;
(d) a receipt for the payment of the required fees;
(e) a proof of the availability of financial resources required to undertake the works.

(3) Renewal of prospecting permit shall necessitate only the presentation of amended documents after obtaining the initial application and the receipt for the payment of the fees required as well as the report on the work undertaken for the just-ending period.

Article 58.- During the first validity period or the validity periods resulting from subsequent renewals, the holder of the prospecting permit shall submit, every six (6) months to the Minister in charge of Mines, a detail report of the works done, expenditures incurred and all data concerning geological and mineral resources discovered. Moreover, he shall submit a final report within at most sixty (60) clear days after the expiry of the permit.

Article 59.- (1) Any conduct of prospecting work in the field in conformity with Section 12 of the Law, must be subject to prior approval by the Minister in charge of Mines. The application for such approval shall especially indicate the scientific references of the applicant, the nature of the work to be undertaken and the identity of the official in charge of fieldwork.

(2) The holder shall be bound, under the terms of the approval, to forward to the Minister in charge of Mines, a copy of any publication, map or finding resulting from the work undertaken.

Section 2 : Exploration Permit

Article 60.- (1) The application for an exploration permit shall be addressed to the Minister in charge of Mines following the sample format provided for in the appendix of this Decree.

It shall be submitted to the Mining Title Registrar in triplicate with the original bearing a fiscal stamp at the current official rate, in exchange for a receipt.

In addition to the information provided in Article 5 mentioned above, the following shall be specified:

(a) the marking and surface area of the area applied for;
(b) the administrative units concerned.
(2) The application for an exploration permit must be accompanied by the following documents:

(a) a topographical map at 1:200,000 scale of the region concerned specifying the corners and boundaries of the area applied for, and the geographical landmarks describing the perimeter according to the established method in articles 11 and 12 of this decree;

(b) the schedule and spacing out of work that the applicant intends to carry out within the period of validity of the permit;

(c) a receipt for the payment of the required fees;

(d) a concrete proof of the availability of financial resources necessary for the realization of the work;

(e) a written commitment to carry out the work provided for in the schedule.

(3) Renewal of an exploration permit shall require only documents amended after initial application for an exploration permit. However, it shall comprise the report of previous work and the receipt of payment of the required fees as well as the map specifying the area subject to renunciation in conformity with Section 39 of the Law.

Article 61.- The holder of an exploration permit shall be bound to carry out the entire work provided for on the submitted and approved schedule or the work provided on the schedule amended and approved by the Minister in charge of Mines, except in case of a dispensation possibly granted during annual assessments.

Article 62.- (1) Minimum expenditures to be incurred annually in relation to an approved work schedule shall be those meant for activities mentioned on the schedule of the approved activities for each year. They shall, on no account, be less than 100,000 (one hundred thousand) CFA francs per km² per year.

(2) For the purpose of paragraph (1) mentioned above, expenditures may be authorized if they are directly linked to the acquisition and interpretation of research data for the area covered by the exploration permit including those linked to laboratory activities as well as to feasibility studies.

(3) Without prejudice to the provisions of paragraph (2) mentioned above, expenditures shall not be authorized within the framework of this Article for:

(a) the purchase of a Mining title;

(b) the purchase of land or buildings.

Article 63.- (1) The holder of an exploration permit shall be obliged to inform the Minister in charge of Mines of the progress of activities. In this connection, he shall forward within the following periods and deadlines, the following reports:
(a) with effect from the date of notification of the award of the permit, or in case of withdrawal, renunciation or renewal, a mid-year report summarizing all the works undertaken within or in relation to the exploration permit since the drafting of the previous report;

(b) for the same deadlines, a report summarizing all acceptable expenditures incurred under Article 62 (2) mentioned above engendered by or in relation to the exploration permit, since the submission of the previous report;

(c) at the end of each year reckoned as from the date of notification of the grant of the permit, a detail report of the entire work undertaken within or in relation to the exploration permit so as to assess the aims, procedures adopted and relating conclusions. This report shall contain especially geological and mineral related data;

(d) in case of renunciation of all or part of an exploration permit or in case of expiry, a report summarizing all the work undertaken within the framework or in relation to all or part of the corresponding exploration permit from the date of award. This report shall also contain the items mentioned in 1 (c) of this Article concerning the elapsed period starting from the submission of the previous report.

(2) Reports mentioned in:

(i) paragraph 1 (a) or (b) above must be submitted within thirty (30) clear days reckoned from the end of the period covered by the report;

(j) paragraph 1 (c) or (d) above must be submitted within sixty (60) clear days reckoned from the end of the period covered by the report.

Article 64.- (1) Any application for change of an initially approved work schedule must be based on at least one of the following:

a) cases of force majeure which prevent the holder of an exploration permit from smoothly realizing the approved work schedule;

b) the holder of an exploration permit wishes to carry out exploration in a manner different from the initially proposed one;

(2) Any application for change of an initially approved work schedule must be accompanied by the revised work schedule.

(3) The Minister in charge of Mines may:

(a) request the applicant to furnish additional information or amend the revised schedule;

(b) approve the requested change, which thereby replaces the previously approved work schedule; or

(c) reject the change.
(4) Any rejection must be duly justified.

**Section 3: Mining Permit**

**Article 65.**- (1) Any application for a Mining permit must be drafted based on a sample format attached to this Decree. The said sample format, submitted in triplicate with the original bearing a fiscal stamp at the current official rate, shall include especially a description of the corners of the Mining perimeter in terms of latitude and longitude, a sketch plan showing the boundaries of the perimeter and any other natural landmarks enabling its exact localization.

(2) The application for the award of a Mining permit shall be submitted to the Minister in charge of Mines prior to the expiry date of the exploration permit from which the requested Mining permit is derived.

It shall mention:

(1) the references of the exploration permit from which the requested Mining permit is derived;

(2) the geographical coordinates of the corners of the perimeter marking the required surface area;

(3) the period for which the Mining permit is requested.

It shall be accompanied by:

(1) an extract of the map of the region at 1:50,000 scale showing the perimeter of the requested permit;

(2) a detailed plan at a convenient scale where the coordinates of the corners of the requested perimeter shall be linked at noticeable points; invariably at ground level and well defined, or possibly a plan drawn in accordance with rules and regulations in force.

(3) the Articles of Incorporation of the Mining company;

(4) a feasibility studies comprising especially:

(a) the statistical assessment of the quantity and quality of the exploitable mineral ore(s) reserves;

(b) the determination of the process of metallurgical treatment of the mineral or(s);

(c) the planning of Mining activities backed up by a production profile;

(d) the presentation of a schedule for the construction of the mine, giving details of the work, equipment, installations and supplies required for the marketable production of the resources, or deposits, as well as related estimates accompanied by the expenditures to be incurred annually;
(e) the declaration describing the conditions of the expected infrastructure;

(f) a notice of the socio-economic impact of the project, especially on the local population;

(g) an environmental impact assessment of the project (land, water, fauna, flora, human settlements) including appropriate recommendations;

(h) the drafting of a plan relating to the marketing of products, comprising envisaged sale points, clients, sale conditions and prices;

(i) elaborate clear and complete financial projections for the Mining period;

(j) the conclusions and recommendations concerning the economic feasibility and the schedule for the sale of marketable production, taking into account points (a), (c) and (i) mentioned above;

(k) the applicant’s proposal’s concerning the recruitment and training of Cameroonians;

(l) a draft Mining Agreement;

(m) any other information that the party undertaking the said feasibility studies deems necessary to prompt financial or banking institutions to commit themselves to lend funds necessary for Mining the deposit, especially:

(i) a development and Mining plan of the deposit;

(ii) an environmental protection and management plan comprising, among others, a rehabilitation plan of Mining sites;

(iii) the receipt for payment of the fixed fee;

(n) any application for a Mining permit submitted by a person, non-holder of a Mining title must, in addition to the items specified in paragraph 2 above, comprise items justifying his reasons as well as his technical and financial ability to undertake Mining operations.

Article 66.- In case an application for the renewal of a Mining permit is drafted, the applicant shall be bound to furnish any other information relating to conditions provided for in Article 65 mentioned above.

Article 67.- Every application for the renewal of a Mining permit must be addressed to the Minister in charge of Mines at least two (2) years prior to the expiry of the said permit; after this deadline, Mining is deemed to have ceased and rehabilitation operations embarked upon on the site.

Article 68.- (1) The application for the amendment of work proposals initially approved by the Minister in charge of Mines shall specify the permit holders reason(s) for amending the
said proposals. This application, addressed to the Minister in charge of Mines, shall be accompanied by a revised work schedule.

(2) The requested amendment may include an extension of the validity of the permit to substances other than those mentioned in the application for a permit drafted in compliance with Article 65 mentioned above. In this case, the application must be accompanied by items of the feasibility study as specified in Article 65 (4).

(3) The Minister in charge of Mines may, after examining the application:

(a) request the applicant to furnish additional information or amend the revised work schedule;
(b) approve the requested change which replaces the previously approved work schedule; or
(c) reject the change by a reasoned notification;

Article 69.- In conformity with the provisions of Section 11 of the Law, the Minister in charge of Mines shall be responsible for State’s share in a Mining permit.

PART IV PROVISIONS APPLICABLE TO GEOTHERMAL DEPOSITS, SPRING WATER, MINERAL AND THERMOMINERAL WATER

CHAPTER ONE GENERALITIES

Article 70.- Geothermal deposits, spring water, mineral and thermomineral water are part of State property. As concerns spring water, mineral and thermomineral water, they must come from a direct catchment point of either a natural source or an artificial source in the form of a well or borehole.

Article 71.- (1) Prospecting and exploration activities of geothermal deposits, spring water, mineral and thermomineral water shall be open to any individual or corporate body in compliance with the provisions of Chapter II of Part IV of this Decree.

(2) The exploitation of geothermal deposits, spring water, mineral and thermomineral water shall be open to any individual or corporate body operating under Cameroonian Law, holder of a Mining permit issued under conditions provided for by this Decree.

(3) Bottling activities of spring water, mineral and thermomineral water shall be open to any individual or corporate body operating under Cameroonian Law, holder of a bottling licence issued in accordance with the provisions of this Decree.

CHAPTER TWO MINING PERMIT FOR GEOTHERMAL RESOURCES, SPRING WATER, MINERAL AND THERMOMINERAL WATER

Section 1: Common Provisions
Article 72.- Mining permits for geothermal deposits, spring water, mineral and thermomineral water shall be granted automatically when exploration activities have revealed the existence of an exploitable aquifer within the perimeter requested.

The catchment point envisaged by the operator must present the necessary sanitation guarantees. A protection perimeter shall be defined round the catchment point.

Article 73.- (1) The protection perimeter of the catchment and of the aquifer shall be marked, in each case, by a joint study of the Administrations in charge of Mines and of Public Sanitation, or individual or corporate bodies approved to that effect by the Minister in charge of Mines.

(2) The permit holder shall have exclusive rights over the land covered by the Mining permit. He must ensure, together with riparian residents, the respect and protection of the aquifer perimeter.

(3) The operator shall be responsible for the development of the perimeter of catchment according to the directives of the Administrations in charge of Mines as well as that of Public Sanitation.

Article 74.- Any change envisaged at the catchment in the development of a spring or in the exploitation installations shall prior to its execution, be reported to the Minister in charge of Mines for approval.

Article 75.- (1) Applications for permits shall be addressed to the Minister in charge of Mines. The Director in charge of Mines shall ensure that they are regular in form, request amendments or completion, if the need arises, and shall order any necessary inquiry.

(2) The permit shall be granted by order of the Minister in charge of Mines, notified to the applicant and published in the Official Gazette in English and French.

(3) The reasoned rejection of the application for an exploitation permit for geothermal deposits, spring water, mineral and thermomineral water, shall be notified to the applicant.

Section 2: Geothermal deposit, Spring Water, Mineral and Thermomineral Water Mining Authorization

Article 76.- The Mining permits for spring water, mineral water, thermomineral water or geothermal deposits shall be granted by order of the Minister in charge of Mines.

Article 77.- The Mining permit for geothermal deposits shall define, the perimeter and two depths, namely, the roof and the floor as well as the amount which may be exploited. It may equally limit the calorific output which shall be collected and specify conditions for exploiting the deposit.

Article 78.- Every applicant for a Mining permit for spring water, mineral water, thermomineral water or geothermal deposits must address to the Minister in charge of Mines, an application in triplicate with the original bearing a fiscal stamp at the current official rate and mentioning:
(a) the name and first name of the applicant;

(b) the administrative unit concerned, and

(c) experience acquired in the domain if possible.

The following documents shall be attached to the application:

a) an extract of a map at 1:50,000 scale specifying the location of the water point or the resources;

b) a description of the works undertaken or to be realized, and a schedule for the catchment and development work envisaged;

c) documents showing the ability of the applicant to ensure the sanitary protection of the spring;

d) as concerns water, a note specifying the physico-chemical and bacteriological characteristics as well as a commitment not to carry out any operation that may alter the characteristics of the water mentioned on the deed of the permit;

e) the logo to feature on the bottles.

**Article 79.** If the applicant wishes to carry out any treatment whatsoever on the spring water or mineral water, the application file provided for in the form indicated in Article 78 mentioned above shall comprise a note specifying:

a) the water treatment (s) that the applicant wishes to carry out, and possibly gas treatment, prior to public supply;

b) the physical, chemical and bacteriological characteristics of the water emanating from the treatment (s).

**Article 80.** Where an applicant intends to mix mineral water or spring water, and possibly, gas from several sources of various or identical therapeutical qualities, the application shall comprise the following documents:

- the list of springs whose water or gas is included in the mixture;

- copies of documents authorizing the supply of water from these springs to the public;

- an extract of map to the scale of 1:50,000 with the exact location of each water point;

- the description of work already undertaken, and catchment and development works envisaged for the exploitation of both the water point and the mixture of their gases;
-a note showing:

a) the conditions under which the mixture shall be done;

b) should the occasion arise, the treatment that the applicant wishes to carry out either on the water or on the gas of each spring before ushering it into the mixture, or on the mixture itself;

c) the physical and chemical characteristics which shall result from the treatment of the said mixture.

The note shall propose information to be mentioned on the label, if the water has to be bottled; the commitment not to carry out on the water of each spring and the mixture, any treatment other than the one which shall be authorized by the permit document; if need be, a copy of any document stating the capability of the applicant to ensure the sanitary protection of water points and installations envisaged.

**Article 81.** (1) The complete application file for a spring water, mineral water, thermomineral water or geothermal deposits, exploitation permit shall be submitted to the competent Divisional Delegate in charge of Mines who shall, after making sure that the form of the application is correct forward it to the relevant Provincial Delegate in charge of Mines. The file must be forwarded to the Minister in charge of Mines within fifteen (15) clear days.

(2) After a period of sixty (60) clear days without response from the Administration in charge of Mines, silence shall be considered as approval. The permit shall be deemed acquired and the applicant may start his activities.

**CHAPTER THREE BOTTLING**

**Section 1: Bottling Licence**

**Article 82.** The bottling of spring water or mineral water meant for the public shall be subject to the prior obtention of a licence granted by the Minister in charge of Mines.

Only water which has been exploited following conditions stipulated in Article 73 mentioned above may be bottled as spring water or mineral water.

**Article 83.** Before and after the granting of the bottling licence, the Administrations in charge of Mines and of Public Sanitation shall undertake the control of installations as well as the complete analysis of water to be bottled and of water bottled within the installations. A laboratory approved by the Minister in charge of Public Sanitation may be ordered to conduct a bacteriological analysis of rinsing water, if need be.

**Article 84.** Fees for the control and the analysis provided for in Article 83 above shall be borne by the operator.

**Article 85.** The application file for a licence for bottling spring water or mineral water must be addressed to the Minister in charge of Mines in triplicate with the original bearing a fiscal stamp at the current official rate. It shall be examined in conformity with the provisions of Article 81 referred to above and shall include the following documents:
(1) a copy of the Mining permit;

(2) an extract of the map at 1:50,000 scale showing the area covered by the Mining permit and defining the catchment point;

(3) a site plan at 1:1,000 scale specifying the location of all buildings and subsidiary installations of the exploitation, the control point for mineral water and rinsing water, water and gas networks;

(4) a detailed mass plan at 1:200 scale of various sections;

(5) an explanatory note on the bottling processes, transport means used as well as the annual maximum production envisaged for each category of water to be bottled.

(6) any precision on the means of self-surveillance envisaged.

Section 2: Rules for Constructing and Operating Bottling Units

Article 86.- Bottling companies must fulfil the following conditions:

(a) bottling units must be constructed with finished material, the floors covered with impervious material and arranged in a way to enable the easy and quick flow of water. The bottling unit must be isolated from the premises meant for the reception and/or manufacture of bottles and those meant for storage and forwarding.

(b) the reservoirs and pipes meant for bottled water must be constructed with durable material and should not be sensitive to contact with this water.

Moreover, this material must respect nutrition norms;

(c) bottles used in bottling must be made of material approved by the Minister in charge of Mines;

(d) washing, filling and corking operations must be carried out without manual effort;

(e) prior to filling, bottles must be washed and disinfected even if the manner in which they are manufactured guarantees their cleanliness and sterility. They must then be rinsed with water to be bottled.

(f) products used for washing and disinfection as well as the modes of sterilization of bottles must be approved by the Minister in charge of Mines following the advice of the Minister in charge of Public Health. The bottles must be examined before and after filling. The obturation of bottles must present all guarantees of imperviousness and sanitation;

(g) devices meant for degassing and/or the re-incorporation of gases must ensure that gas is conserved without alteration nor addition of a foreign gas to approved springs.

Article 87.- (1) The internal rules and regulations approved by the services in charge of Mines and of Public Health shall specify the hygienic and sanitation conditions to be
observed within the premises of the company, as well as the equipment placed, to this effect, at the disposal of the personnel.

(2) The said rules and regulations must be openly posted in all the Sections of the bottling unit.

PART VI PROVISIONS APPLICABLE TO QUARRY PRODUCTS

CHAPTER ONE LICENCE AND PERMIT FOR MINING QUARRY PRODUCTS

Article 88.- For purposes of the implementation of this Decree:

(1) shall be considered as short-term quarry, any Mining of quarry products within a period not exceeding two (2) years.

(2) shall be considered as long-term quarry, any Mining of quarry products within a period exceeding two (2) years.

(3) shall be considered as domestic quarry, any Mining of quarry products by the Landowner for exclusively personal and not business purposes;

(4) shall be considered as artisanal quarry, any Mining of quarry products using unmechanized and manual methods and processes which do not require the use of explosives.

Article 89.- (1) The exploration of deposits of quarry products shall be subject to the obtention of a prospecting permit issued by the Minister in charge of Mines.

(2) Access to a former quarry for studies and/or assessment of the reserves shall be subject to a declaration.

(3) The receipt of declaration shall be issued by the competent Provincial Delegate in charge of Mines. The latter shall have fifteen (15) clear days, with effect from the date of submission of the declaration with the Divisional Delegate in charge of Mines, to issue a receipt granting access rights to the former quarry.

If silence is observed by the Administration above these fifteen (15) clear days with effect from the date of submission of the file, the receipt shall be deemed issued.

(4) Any decision of refusal to grant a receipt must be justified and notified to the applicant.

Article 90.- (1) The Mining of any product in a temporary quarry shall be subject to the obtention of a licence granted by decision of the Minister in charge of Mines.

(2) The Mining of any product in a permanent quarry shall be subject to the obtention of a Mining permit granted by order of the Minister in charge of Mines.

Article 91.- (1) The application for an authorization or a permit to mine quarry products shall be drafted on a form whose format is appended to this Decree.
The application shall be submitted to the competent Divisional Delegate in charge of Mines in triplicate with the original bearing a fiscal stamp at the current official rate.

The application shall mention:

(a) the references of the prospecting permit or declaration receipt;

(b) the identity of the applicant: name, first name, residence and nationality of the applicant, and in the case of a corporate body, its Articles of Incorporation;

(c) the target Mining zone as well as the exact location of subsidiary installations in relation to settlements, buildings, communication means, springs, water works, constructive works, or nearest outstanding points;

(d) the surface area of land necessary for extraction and subsidiary activities;

(e) the type and quantity of materials to be extracted;

(f) the projected duration of Mining.

(2) It shall be accompanied by:

(a) a map in triplicate at 1:50,000 scale locating the boundaries of the Mining area;

(b) a plan in triplicate at 1:500 scale specifying the perimeters necessary for extraction and subsidiary activities;

(c) an environmental impact assessment and an environmental protection and management plan realized in conformity with the provisions of this Decree;

(d) the ownership title or a lease agreement covering the validity period of the authorization or permit and obtained in conformity with the laws in force;

(e) receipts for payment of required fees;

(f) specifications signed by the applicant as well as the Provincial Delegates in charge of Mines and of Lands;

(g) a waybill in conformity with the format appended to this Decree;

(h) besides, as concerns a Mining permit, an economic and technical study showing the geotechnical features of the deposit, the mode and pace of Mining envisaged as well as the estimated operations account or the market value of the material extracted shall be required.

(3) On receipt of the file, the Divisional Delegate in charge of Mines shall verify its regularity, especially the regularity of the ownership title or any such document. He shall then forward the file to the competent Provincial Delegate in charge of Mines. The competent Provincial Delegate in charge of Mines shall conduct the necessary enquiries and inspections.
He shall have thirty (30) clear days to treat and forward the file to the Minister. The Minister in charge of Mines shall, with effect from the date of receipt of the file, have a period of fifteen (15) clear days to take a decision.

(4) A lack of response by the Administration, beyond a period of sixty (60) clear days, with effect from the date of submission of the file, shall imply the grant of the authorization or permit.

Article 92.- (1) The beneficiary of an authorization or permit for quarry Mining shall be bound to respect:

- the provisions of the specifications mentioned in Article 91;
- the rate and mode of payment of proportional rental fees and royalties;
- the obligation to submit quarterly progress reports of works to the Director in charge of Mines;
- the statutory provisions in force concerning security and sanitation for envisaged works or, if need be design rules and regulations in conformity to internationally agreed norms;
- the obligation to start Mining within a period of twelve (12) months with effect from the date of signature of the granting instrument.

(2) The signing of the licence deed shall be equivalent to a notification.

(3) After a period of fifteen (15) clear days, the Registrar shall notify the licence deed.

Article 93.- The application for renewal of a Mining permit for quarry products must be sent to the Minister in charge of Mines three (3) months at least, prior to its expiry. The application, submitted in triplicate with the original bearing a fiscal stamp at the current official rate shall comprise:

- a receipt justifying payment of fees and taxes for the previous period;
- an inspection report on the quarry site written by the Provincial
- Technical Official in charge of Mines and the competent Divisional Delegate;
- three (3) updated plans of the quarry to a scale of 1:500;
- a receipt showing the complete payment of fees required for the renewal period;
- a working report indicating the cubic content, the type and quality of extracted products; mining and rehabilitation methods, the quantity of explosives used during the previous period, occupational accidents recorded, newly constructed installations, the number of permanent workers and senior staff employed, projects to be realized during the new Mining period and all necessary technical remarks.
Article 94.- At the closure of the quarry, products still available at the pithead shall belong to the landowner pending payment of extraction tax. If the landowner is the State, it shall be exempted from the payment of extraction tax and the product concerned shall be managed by the Minister in charge of Mines.

CHAPTER TWO PROVISIONS APPLICABLE TO ARTISANAL AND DOMESTIC QUARRIES

Article 95.- (1) Artisanal Mining of quarry products shall be free, subject to the following provisions:

(a) after consultation with the administrative and land officials concerned, the Divisional Delegate of Mines shall define, in collaboration with the local council official, areas suitable for artisanal Mining activities as well as environmental protection rules. He shall post them and inform the hierarchy;

(b) local council officials shall define locally the rate and mode of recovery of council taxes from artisans in accordance with the rules and regulations in force;

(c) any individual established within the defined areas shall furnish a copy of his national identity card in view of recording his name in the appropriate register;

(2) Fees required by the Divisional Delegate in charge of Mines for defining artisanal Mining areas, as well as fees for the follow-up and control of such activity, shall be borne by the local council authority.

Article 96.- Where the Divisional Delegate in charge of Mines establishes that an artisanal Mining area or an area meant for domestic use presents a risk, he shall close up the said area.

Article 97.- (1) Quarrying for domestic use shall be subject to declaration to the competent Divisional Delegate in charge of Mines. The declaration shall indicate the extraction area, the quantities to be extracted and their use. The declaration shall be submitted together with a copy of the national identity card of the person concerned.

(2) As from the date of submission of such declaration, the Divisional Delegate shall, within fifteen (15) days, issue a receipt authorizing the Mining and inform the Minister in charge of Mines.

PART VII EXPORT, IMPORT AND TRANSIT OF MINERAL SUBSTANCES

CHAPTER ONE GENERALITIES

Article 98.- Without prejudice to the implementation of the laws and specific regulations relating to import, export and transit, and subject to benefits granted by the Mining Code and the implementation instruments thereof, the import, export and transit of raw or treated mineral substances shall be subject to the licence issued by the Minister in charge of Mines.

Article 99.- No import, export or transit of mineral substances shall be done in violation of the provisions of International Conventions ratified by the Republic of Cameroon.
**Article 100.** Finished products resulting from physico-chemical transformations of mineral substances, finely worked precious metals, cut precious stones or stones definitely fitted on jewels or objets d’amour as well as materials which have been transformed into objets d’art or ornamental objects, shall be governed by specific instruments.

**Article 101.** The export, import and transit of mineral substances resulting from artisanal Mining or quarrying shall be subject to a tax in conformity with the regulations in force.

**CHAPTER TWO EXPORT, IMPORT AND TRANSIT LICENCES**

**Article 102.** (1) The delivery of an export licence shall be done within fifteen (15) days at most, subject to the presentation of the following documents:

(a) a copy of the Mining title, the licence to open a sales office for mineral substances and possibly, the deed signed by the Minister in charge of Mines establishing the right to possess the mineral substances concerned;

(b) a certificate of authenticity issued by the laboratory of the Ministry in charge of Mines or any other laboratory approved by the Minister in charge of Mines;

(c) the weight and grade of the mineral substance(s) concerned;

(d) the address of the country for which it/they is/are destined;

(e) a receipt testifying the payment of required fees;

(f) a copy of an extract of the production or sales register relating to the batches concerned.

(2) The application for licence shall be submitted to the Minister in charge of Mines.

**Article 103.** The licence shall be established in 3 copies destined respectively to the applicant, the archives and the customs services.

**Article 104.** The State may, if the need arises, limit or ban the export of one or several mineral substance(s) derived from its soil or subsoil while safeguarding the interests of Mining operators.

**Article 105.** The delivery of import licences by the Minister in charge of Mines shall be subject to the presentation of the following documents:

(a) a certificate of origin;

(b) a certificate of authenticity;

(c) a proof of ownership or any official document justifying ownership or possession of the mineral substance concerned.

**Article 106.** The licence granted by the Minister in charge of Mines for the transit of mineral substances shall be subject to the presentation of the following documents including those referred to in paragraphs a, b and c of Article 105 above:
(i) a contract between the consignor and the consignee, both based outside Cameroon;

(ii) a receipt for payment of transit fees.

**Article 107.** In case of export, import or transit, the Minister in charge of Mines shall have the exclusive right to request an expert appraisal of the products concerned.

**Article 108.** (1) The export, import and transit of samples of the mineral substances meant for non-marketable purposes shall be authorized exclusively by the Minister in charge of Mines.

(2) The relating application shall be accompanied by supporting documents.

**PART VIII SAFETY AND HEALTH MEASURES**

**Article 109.** Safety measures shall be taken in any Mining operation, notably as concerns:

- the procedures for extracting the mass exploited; scraping of the top soil in open air quarries;
- the strengthening of wells, galleries or other underground structures or open-cast excavations;
- the placing and dimensioning of pillars in underground Mining areas;
- the use of explosives.

**Article 110.** (1) The provisions of the Labour Code relating to general health and safety measures in any establishments shall be applicable to Mining activities, quarries and related installations.

(2) Specific regulations on explosives, steam and pressure vessels, establishments classified as dangerous, unhealthy and obnoxious, establishments whose personnel is exposed to silicosis, shall be applicable to Mining activities, quarries and related installations.

**Article 111.** Where, for any reason, the safety of persons and property may be jeopardized, the operator must inform the competent Divisional Delegate in charge of Mines who shall inform his hierarchy in order to take appropriate measures to stop the risk. Such measures shall be notified to the operator. In case of refusal by the operator to comply with the prescribed measures within the set time-limit, the said measures shall be implemented automatically at his expense by the Administration.

**Article 112.** The Mining of mineral substances may be banned by the Minister in charge of Mines in the forbidden areas and/or areas recognized as danger zones.

**Article 113.** (1) At the end of the Mining operation or each period in the case of Mining according to fixed periods, the holder of the authorization or a quarry Mining permit shall carry out the works while ensuring the protection of interests as prescribed in the specifications, notably, he shall rehabilitate the sites as well as other places affected by the works and any installations constructed for the Mining operation.
(2) In default of the execution of the works referred to in paragraph 1 above, the operations prescribed shall be carried out automatically by the Administration at the expense of the holder of the authorization or permit.

Article 114.- (1) The Minister in charge of Mines may order the closure of any Mining operation whose state of dilapidation is a threat to the safety of workers and those of third parties as well as their property and the environment.

(2) The decision to close the operation shall specify conditions for re-opening.

Article 115.- Subject to the social legislation on the declaration of industrial accidents, accidents occurring as a result of a prospecting, exploration or Mining activity, shall be reported in writing to the Minister in charge of Mines, the competent Labour Inspectorate and the local administrative authorities.

Article 116.- (1) In case of fatal accident:

a) the operator shall take all measures of conservation to ensure the safety of workers on the site;

b) promptly contact the closest local administrative authority and/or the competent Divisional Delegate in charge of Mines. The latter shall prescribe protective measures to stop the danger and inform the hierarchy in writing within twenty-four (24) hours.

(2) Where the operator cannot report the matter to the authorities referred to in the previous paragraph, within the required time-limit, he shall act under his own responsibility.

Article 117.- (1) After a serious accident, the operator shall discontinue works and rehabilitate the premises where the resumption of works is likely to jeopardize the safety of individuals, property, the environment and Mining or quarry installations.

(2) In this case, work may resume and the state of the premises modified only following an investigation and the authorization of the Minister in charge of Mines.

PART VIII PROTECTION OF THE ENVIRONMENT

CHAPTER ONE GENERAL PROVISIONS

Article 118.- Any Mining or quarrying operation must comply with the regulations in force relating to environmental protection and management.

Article 119.-

Holders of Mining permits, licences, authorizations, and quarrying permits shall deploy all necessary efforts to protect the environment, using the best known techniques and methods. Holders of Mining titles shall, among other efforts:

- manage the use of the soil, water, the air as well as energy;

- prevent or minimize any dumping in the open;
-protect fauna and flora;

-promote or maintain the general health of the population;

-reduce waste and dust as much as possible;

-dispose of non-recyclable waste in such manner suitable for the environment, after informing and receiving the approval of the Administrations in charge of Mines and the Environment;

-restore damaged soils and sites to adequate stable conditions of safety, fertility and appearance acceptable to the Administrations in charge of Mines and the Environment.

**Article 120.** (1) In accordance with the provisions of Article 91 above, any person applying for an authorization, Mining or a quarrying permit shall be bound to present an environmental impact assessment accompanied by an Environmental Management Plan.

(2) During the Mining period, the Environmental Management Plan shall describe the management of impacts due to the soil, geotechnics, hydrogeology and surface waters, air quality and meteorological impacts, land use and infrastructure, socio-economic effects, community health and noise, the ecology, heritage and landscape.

(3) Such plan shall equally describe the programme for the gradual rehabilitation of the site during Mining. Projected costs of environmental management operations, including the rehabilitation programme shall be provided.

**Article 121.** Where the life span of the quarry is drawing to an end, the operator shall establish a closure plan and forward it to the Minister in charge of Mines.

**Article 122.** To guarantee the rehabilitation and closure of the site, each temporary or permanent quarry operator shall be bound to provide funds in an account open in a local bank in his name. The mode of operation of such account shall be defined in the specifications.

**Article 123.** Artisanal Mining operations shall comply with the provisions of Article 119 above but shall be excluded from the prescriptions of Chapter 2, 3 and 4 of this title. However, specifications defining preventive measures to be undertaken in order to ensure environmental protection shall be put in place in each area covered by one or several artisanal Mining licences. The said specifications shall be drafted by the authorities in charge of the Environment in collaboration with the authorities in charge of Mines.

**CHAPTER TWO ENVIRONMENTAL IMPACT ASSESSMENT**

**Article 124.** (1) Any applicant for a Mining or quarry permit shall be bound to present an environmental impact assessment as provided for by the Law and Articles 65 and 91 of this Decree. Such study shall be conducted in conformity with Law No. 96/12 of 5 August 1996 on the outline Law relating to environmental management and the implementation instruments thereof as well as any other mutually approved norm.

(2) The forms and content of such assessment shall be determined by the Ministry in charge of the Environment and the Ministry in charge of Mines.
**Article 125.-** The environmental impact assessment shall include the description and inventory of the ecosystem, fauna and flora, air quality, underground and surface water, soils and the topography prior to Mining and quarry operations.

Besides, it shall give a detailed account of the aspects that shall be affected qualitatively and quantitatively by Mining activities.

The impact assessment shall comprise, among others, the following elements:

- a description of the Mining project including its main objective;

- a full description of the environment and socio-economic aspects at the current state prior to the development of the Mining project, by defining aspects most likely to be damaged by the project;

- an analysis of obvious and probable interactions between the project and the environment;

- an analysis of a likely environmental impact following the execution of the project and, in particular, the impact on the fauna, flora, waters, air quality and the transformations of the morphology of the terrain and water courses;

- measures envisaged for protecting the environment, limiting or eliminating pollution and the envisaged effectiveness of such measures;

- a presentation of the negative and positive impacts on the environment and the socio-economic aspect including environmental improvement opportunities;

- a programme for sensitizing and informing the population concerned.

**CHAPTER THREE ENVIRONMENTAL MANAGEMENT PLAN**

**Article 126.-** An Environmental Management Plan shall be elaborated in order to define how the impacts identified in the above-mentioned assessment, in conformity with Chapter 2 above, shall be managed. Such plan shall be submitted, for approval, to the Administration in charge of the Environment in conservation with the Administration in charge of Mines. Once approved, the plan shall constitute a condition for awarding a Mining permit. Environmental management activities described in the Management Plan shall, in general, follow the principle of the Best Available Technology (tested) which does not entail Excessive Costs.

**Article 127.-** A description of the management of each impact defined shall be provided during the development and construction period. Such description shall include impact management during the establishment of the Mining or quarry site.

**Article 128.-** (1) During the Mining phase, the Management Plan shall describe the management of impacts due, among others, to the following aspects:

**Post Soils and Geotechnics**

**Aspects to be considered**
• Soil damage likely to favour erosion or affect socio-economic aspects;
• Risks of soil contamination (example: disposal of oils and lubricants);
• Remedy contamination due to previous activities;
• Risk of instability of the scree;
• Environmental hazards resulting from seismic events (ex: instability);
• Gaseous emissions emanating from combustion or from the treatment and smelting of minerals, vehicles, which could be harmful to health or contribute to greenhouse gases.

Land use and infrastructure

Socio-economic effects

• Displacement of soil users (e.g. farmers);
• Blockage or diversion of existing structures;
• Intensification of road traffic entailing higher risks of secondary impacts such as noise, dust or accidents;
• Possibly negative social impacts of the influx of workers into the region;
• Possibly positive social impacts such as jobs training opportunities and the availability of communication facilities and infrastructure.

Community health and noise

• Community health risks due to impacts on air and water quality;

Ecology/cultural heritage and landscape

• Potential impacts of noise during construction and Mining;
• Impact on areas, of ecological importance, or on protected species;
• Damage to historical or cultural sites;
• Effects on the nature of the landscape including the loss of outstanding features.

(2) The operator shall equally describe the rehabilitation programme of the site as Mining progresses. Projected costs of environmental management operations including the rehabilitation programme of the site shall be provided.

Article 129.- (1) When the holder of the Mining permit or authorization deems that the life span of the mine is coming to an end, he shall establish a management plan for the closure of the site. The said plan shall make provisions for costs and activities relating to the closure of the site. Such plan shall identify:

• the objectives of the closure;
• the rehabilitation of infrastructure zones (demolition of buildings, removal of foundations, rehabilitation of the surface);
• methods for closing waste areas;
• the plan for the closure of underground works and dangerous excavations.
(2) The plan shall include a maintenance programme of the closed areas until when a certificate of closure is issued.

CHAPTER FOUR ENVIRONMENTAL REHABILITATION ACCOUNT

Article 130.- (1) An environmental rehabilitation account shall be opened in a blocked account in a local bank or any other bank approved by the Administration. The said account shall be open for each mineral exploitation in the name of the holder of a Mining permit who is bound to credit it. It shall serve as guarantee for the rehabilitation and closure of the site, but in the event of shortage of funds for the final rehabilitation, supplementary work shall be at the expense of the operator.

(2) The mode of operation of the account shall be spelt out in the Mining Agreement.

Article 131.- (1) The account shall be credited according to the life span of the Mining based on an amount calculated from the projected rehabilitation budget as provided for by the environmental management study, divided by the projected life span of the Mining expressed in years.

(2) The projected rehabilitation budget may be re-evaluated at a frequency not more than five (5) years. Such re-evaluation may result in a reduction of funds if definite rehabilitation of part of the deposit is carried out after approval of the rehabilitation works by the Administrations in charge of Mines and the Environment.

(3) Where the level of knowledge does not permit clear evaluation of the rehabilitation costs, the sum of money to be paid annually, whose amount shall be situated between 0.3% and 1% of the gross turnover, shall be determined in the Mining Agreement in the light of data provided by the economic feasibility study. If the financial evaluation of the rehabilitation is defined in a precise manner, payments made shall be deducted from the total of the rehabilitation budget and the balance paid annually over the remaining period.

Article 132.- The management rules of the rehabilitation account shall be set in the Mining Agreement or in the specifications, notably as concerns the release of funds before the expiry of the Mining authorization or permit concerned, the disposal of funds and the ownership of the account in the event of liquidation of the Mining corporate body concerned.

Article 133.- At the expiry of the Mining authorization or permit in whatever circumstances and after complete rehabilitation to the satisfaction of the Administrations in charge of Mines and the Environment, which shall give rise to the delivery of a certificate of closure issued by the Minister in charge of Mines, the operator may withdraw the balance of the rehabilitation funds, if any, attached to his permit without further ado.

PART IX FINANCIAL PROVISIONS

CHAPTER ONE GENERAL PROVISIONS

Article 134.- (1) In implementation of the provisions of Section 19 of the Mining Code, any issue of an Exploration Permit shall be subject to the payment, by the holder, of the
exploration permit of a deposit, the amount of which is equivalent to three (3) months expenditures as approved within the framework of the minimum work schedule.

(2) In the case of a Mining permit, the said deposit shall be fixed in the Mining Agreement and its value may not exceed an amount equal to 2.5% of the total investment required before the First Commercial Production. However, an amount equal to the amount deposited in the rehabilitation account may be deducted from the deposit as provided for by Article 131 hereinafter.

(3) The deposit, whose form is defined in Article 23 hereinafter must enable the payments due by virtue of the Mining Code.

**Article 135.-** Fixed fees, surface rentals, tax on the extraction of quarry products and the *ad valorem* tax shall be fixed and recovered as indicated in this Part. These fees, royalties and taxes shall not exempt holders of Mining titles, authorizations and Mining permits from taxes imposed on all industrial or commercial activities.

**Article 136.-** Fees, royalties, taxes on extracted products and *ad valorem* taxes shall be recovered by the Public Treasury following a statement of payment made by the Operator. They shall be payable in a single instalment in exchange for a receipt issued by the Public Treasury.

**Article 137.-** (1) Proceeds from the *ad valorem* tax and tax on the extraction of mineral substances shall be described as follows:

- 25% to compensate the population affected by the Mining activity and allocated in the following manner:
- 10% for the benefit of the riparian population;
- 15% for the benefit of the relevant local council;
- 25% to support the follow-up and technical control of the said activities by engineers and agents commissioned by the Department in charge of Mines;
- 50% for the benefit of the Public Treasury.

(2) The method for allocating the quota of the riparian population and the local council shall be defined by a joint Order of the Minister in charge of Mines and the Minister in charge of the Economy and Finance. A Decision by the Minister in charge of Mines shall equally determine the method for allocating the quota meant for follow-up and technical control.

**CHAPTER TWO FIXED FEES AND SURFACE RENTALS**

**Article 138.-** According to the dispositions of Law No. 1 of 16th April 2001 to establish the Mining Code, any application for the grant, renewal or transfer of an authorization, permit or Mining title relating to the exploration and Mining of mineral substances or quarry products shall be subject to the payment of a fixed fee, the rate of which shall be fixed as follows:

**Authorization for Mining Quarry Products**
Grant CFAF 1,000,000

**Permit for Mining Quarry Products**
Grant CFAF 1,000,000
Renewal CFAF 1,500,000
Transfer CFAF 2,500,000

**Individual Prospector’s Card**
Grant CFAF 5,000
Renewal CFAF 10,000

**Authorization for Artisanal Mining**
Grant CFAF 30,000
Renewal CFAF 50,000
Transfer CFAF 100,000

**Licence to open a sales office for mineral substances**
Grant CFAF 200,000
Renewal CFAF 200,000

**Prospecting permit**
Grant CFAF 500,000
Renewal CFAF 1,000,000

**Exploration Permit**
Grant CFAF 2,000/km²
Renewal CFAF 3,000/km²
Transfer CFAF 5,000,000

**Mining permit**
Grant
Renewal
Transfer

CFAF 5,000,000

CFAF 10,000,000

CFAF 25,000,000

**Licence for Export and Transit**

CFAF 50,000

The amounts of the fixed fees for geothermal deposits, spring water, mineral and thermomineral water shall be as follows:

a) *Prospection*

- Institution CFAF 200,000
- Renewal CFAF 200,000

b) *Exploration*

- Institution CFAF 500,000
- Renewal CFAF 500,000
- Transfer CFAF 1,000,000

c) *Exploitation*

- Institution CFAF 1,000,000
- Renewal CFAF 1,500,000
- Transfer CFAF 3,000,000

**Article 139.** Holders of authorizations for artisanal Mining and quarry and Mining permits, prospecting, exploration and Mining permits shall be subject to the payment of an annual surface rental with the following rates:

- Authorization for artisanal Mining CFAF 5/m²/year
- Authorization and permit for Mining quarry product CFAF 10/m²/year
- Geothermal deposits and spring water, mineral and thermomineral water Mining CFAF 10/m²/year
- Mining permit: CFAF 50,000/km²/year
Exploration permit

1st validity period CFAF1,000/km²/year

2nd validity period CFAF1,500/km²/year

3rd validity period CFAF2,000/km²/year

4th validity period CFAF2,500/km²/year

5th validity period CFAF3,000/km²/year

Concerning geothermal deposits, spring water, mineral and thermomineral water, the amount of surface rental shall be as follows:

- Mining permit CFAF 500/km²/year

- Exploitation permit CFAF 10/m²/year

**Article 140** (1) Holders of authorizations for artisanal and quarry Mining, quarry prospecting and Mining permits; prospecting, exploration and Mining permits shall pay surface rentals to the treasury within a sixty (60) clear days time-limit with effect from the date of receipt of the statement established by the competent Services of the Department in charge of Mines.

(2) In the event of non-payment within the prescribed time-limit, the rental shall be increased by ten (10) percent daily. After a sixty (60) clear days time-limit and if they have not replied to a summons, the Mining titles shall be withdrawn without prejudice to any legal suit that may be lodged in order to recover the unpaid surface rentals.

**CHAPTER THREE PROPORTIONAL ROYALTIES**

**Article 141.** (1) Proportional royalties shall comprise taxes on the extraction of quarry products and *ad valorem* taxes on other minerals.

(2) It shall be payable monthly by holders of licences, quarry Mining authorizations or during the dispatch of batches by holders of Mining titles based on the statement of payment established by the competent Services of the Department in charge of Mines.

**Article 142.** The tax on the extraction of quarry products shall depend on the amount of materials extracted and shall be fixed as follows:

- soft materials (clays, pebbles, laterites, pozzolana, sand, etc.) CFAF 150/m³

- hard materials: CFAF 300/m³

**Article 143.** The holder of a quarry Mining authorization or permit shall be bound, before the tenth (10th) of each month to forward to the competent Divisional Delegate in charge of Mines a declaration of the quantity of products extracted the previous month. These declarations shall be consistent with the operation data contained in the production registers kept at the site.
**Article 144.** (1) Mineral substances extracted from the national soil or subsoil during Mining or exploration operations shall be subject to a tax proportional to the value of the products extracted referred to as *ad valorem* tax. Products subject to *ad valorem* tax are marketable extracted products that have or have not undergone treatment without any major modification of their chemical composition.

(2) The *ad valorem* tax shall be calculated from the taxable value of the products on the pit head of the mine, ready for shipment, based on information, agreements and supporting documents that each payer has to furnish to the competent Administration for the purpose of determining the said tax.

The *ad valorem* tax shall be fixed as follows:

- Precious metals (gold, platinum, etc.) 3%
- Precious stones (diamond, emerald, ruby, sapphire) 8%
- Parent metals and other mineral substances 2.5%
- Geothermal deposits, spring water, mineral and thermomineral water 2%

**Article 145.** (1) Before taking out the stock for each shipment of batches of marketable products, the operator of mineral substances shall forward a declaration to the competent services in charge of Mines.

(2) The competent services shall, on receipt of the declaration, liquidate the *ad valorem* tax by establishing a statement of sums due on the basis of ninety percent (90%) of the declaration when the contents are not definitely known, and one hundred percent (100 %) if they are known. The operator shall within thirty (30) clear days with effect from the date of notification pay the said tax which shall be recovered following the same modalities as provided for recovering fixed fees and surface rentals.

(3) After agreement between the operator and the purchaser on the contents of marketable products, the latter shall forward a statement of final bills to competent authorities for the payment the ten percent (10 %) that may be due. Operators shall be bound to forward to competent authorities any justifications that may be requested from them.

**Article 146.** (1) In case of non-payment within the prescribed time-limit, the *ad valorem* tax shall be increased by ten percent (10 %). Sixty (60) clear working days after the summons, should there be no reaction, the Mining title may be withdrawn without prejudice to legal proceedings that may be undertaken to recover the unpaid taxes.

(2) Where no declaration has been served or if the justifications requested are not submitted within thirty (30) clear days, the competent services may proceed automatically with the estimation or rectification of taxes. In this case, the operator shall be penalized with a surcharge of twenty five percent (25 %).

(3) Any incorrect declaration, in the case of established bad faith, shall entail the application of a surcharge of the fees equal to four (4) times the compromised fees without prejudice to legal proceedings.
Article 147.- Commissioned officials of the Department in charge of Mines, judicial police officers, customs officers and any public official designated to that effect may, for purposes of analysis and control, take samples of extracted products either on the pit head or when loading or unloading during transport.

PART X ADMINISTRATIVE SUPERVISION AND CONTROL

CHAPTER ONE GENERAL STATEMENT

Article 148.- (1) Engineers and officials authorized by the Department in charge of Mines shall ensure the administrative supervision and technical control of prospecting, exploration and Mining operators of mineral substances, quarry products, geothermal deposits, spring water, mineral and thermomineral water.

(2) Administrative supervision and technical control are intended to ensure the preservation of all deposits, the security and safety of property and persons, the preservation of buildings, houses and means of communication, the protection and rational use of springs, underground water and the environment. To that effect, engineers and agents empowered by the Department in charge of Mines shall have the right to:

- attain access to, and inspect at any time, the sites, buildings,

- installations, structures, vehicles, materials, machines and other equipment used for Mining operations;

- request and obtain any sample of minerals, water or other substances for analysis;

- consult, and ask for copies or excerpts of documents, reports and data related to Mining operations;

- undertake any examination and inquiry necessary to ensure compliance with the provisions of the Law, its implementation decrees and the Mining Agreement.

Article 149.- In the discharge of their duties stipulated in Article 148 above, the said engineers and authorized officials, shall comply with the rules and procedures in force during their stay at the sites provided that this obligation does not constitute a hindrance to their mission.

CHAPTER TWO MINES AND QUARRIES, GEOTHERMAL DEPOSITS, SPRING WATER, MINERAL AND THERMOMINERAL WATER

Article 150.- (1) Any holder shall update for each exploration and/or Mining permit:

(a) a plan of the works at the appropriate scale and, if necessary, a surface plan that can be superimposed on the work plan;

(b) a progress report register where all major events shall be mentioned monthly;

(c) a register for daily checks of workers at work;
(d) an extraction, storage, sales and shipment register.

(2) Only documents prescribed in paragraphs 1 (b) (c) and (d) shall be required from holders of authorization and permits for Mining quarry products.

(3) Models of registers provided for in paragraphs (b), (c) and (d) above shall be appended to the Decree.

**Article 151.**- (1) Any holder of a Mining permit or authorization for artisanal Mining shall be bound to forward, yearly on March thirty first (31st) latest to the Minister in charge of Mines, a statistical statement for each permit and authorization including:

(a) the number of the Mining permit or authorization ;

(b) the date of institution or renewal ;

(c) an analytical summary of the progress report register for work undertaken the previous year ;

(d) a geological and Mining analytical summary report backed by an adequate plan ;

(e) the number of staff working days ;

(f) the weight, nature and content of the raw minerals extracted ;

(g) the weight nature and content of marketable minerals obtained ;

(h) the weight, nature and content of different batches of minerals exported, mentioning the places and dates of shipment and delivery ;

(i) the statement of stock of raw products and marketable products on December 31st ;

(j) the list of accidents which have caused industrial disability for more than four (4) clear days ;

(k) the volume in f), (g) and (h) if it concerns geothermal deposits, spring water, mineral or thermomineral water.

(2) The information provided for in paragraphs 1 (f), (g), (h) and (i) above shall be supplied as concerns exploration permits.

**Article 152.**- The holder of a permit or authorization shall update and conserve any data relating to the perimeter concerned in the contract. The said data shall be kept in Cameroon and shall include any information relating to:

- the works carried out ;
- areas on which geological, geophysical and geochemical works have been carried out; 
- the exact maps and plans, geophysical archives, representative geological samples, the results of tests and their interpretations ;
Article 153.- (1) The Minister in charge of Mines shall preserve the confidentiality of all documents, reports, surveys, data, samples and any other information provided by the holder of a permit or authorization in accordance with the provisions of the Mining Code, the implementation instruments and the Mining Agreement. Such information may not be disclosed to a third party by the Administration before the renunciation or expiration of the area concerned or in the absence of the renunciation or expiration, before the end of Mining operations.

(2) If the documents, reports, surveys, data, samples and any other information referred to in the above paragraph are covered by the obligation of confidentiality in the Mining Agreement, the State shall be bound to comply with the said obligation.

Article 154.- Subject to provisions contrary to the Mining Agreement, the holder of a permit or authorization shall not disclose the reports, statements, data, samples and any other information referred to in Article 153 above, to third parties without the prior approval of the Minister in charge of Mines.

Article 155.- Notwithstanding the provisions of the above Articles: geological maps and their interpretations may be used by the State at any moment in order to update the national geological map; annual statistical information may be published by the State on condition that data from the Mining activities of a holder are not disclosed; the State may use the documents referred to in Article 153 above for exclusively internal purposes as soon as they are received without any restriction.

Article 156.- The confidentiality of documents, reports, surveys, data, samples and other information referred in Article 153 above shall be maintained for a period of:

- one (1) year after the expiry of the prospecting permit or the exploration permit concerned, where applicable, or,
- be extended to the period of validity of the Mining Agreement concerned unless there is a mutual agreement between the Minister in charge of Mines and the holder of the permit.

After this period, documents, reports, surveys, data, samples and information referred to in Article 153 above shall be considered as part of State property.

Article 157.-

Officials in charge of technical control shall inspect the quarry regularly during their missions and check the registers and waybills. They shall establish reports of their inspections and give, should the need arise, written instructions to operators for the conduct of works with respect to health, safety or sanitation.

Article 158.- The official in charge of the follow-up and control of works shall, in case he detects an impending danger while inspecting a mining area or quarry, promptly take the responsibility of instructing the technical officials of the said field or quarry, to act as he deems appropriate.
In this case, he shall, within the following forty-eight (48) hours, report the action taken to the competent Divisional Officer and to the Minister in charge of Mines.

**Article 159.** Any operator shall be bound to forward the following information to the Minister in charge of Mines before the 31st of March each year:

- the name and address of the operator;
- updated progress plan of Mining activities;
- references of the Mining authorization or permit;
- the nature and quantity of the extracted material. This quantity shall be consistent with the annual statistics of production registers and the waybills;
- the list of employees and their categories;
- the date of beginning, and, if possible, of end of extraction works.

**Article 160.** (1) The control of the quality of water shall be ensured during exploitation quarterly under the supervision of the Minister in charge of Mines, through the laboratory of the Ministry in charge of Mines or any other competent laboratory approved by the Minister in charge of Mines.

(2) However, within the framework of administrative self-monitoring of the business, the operator shall be bound to forward monthly to the Department in charge of Mines the results of the physico-chemical and bacteriological analysis of water.

(3) If necessary, the service responsible for control may prescribe additional analysis to the operator.

**PART XI PENALTIES**

**Article 161.** (1) On the strength of a detailed report of the competent Divisional Delegate in charge of Mines addressed to his Provincial Delegate, the Mining permit may be withdrawn by the issuing authority for one of the following reasons:

(a) when one of the conditions provided for by this Decree is no longer respected and the operator refuses to comply within the month following the summons for rectification issued by the Provincial Delegate in charge of Mines;

(b) when Mining operations have been stopped for more than twelve (12) months or when Mining operations have not started within a period of twelve (12) months as from the date of notification of the instrument granting the permit, and after an unhonoured summons, unless in case of established force majeure;

(c) in case of violation of the professional norms established by officials in charge of the follow-up and the technical supervision of activities.

**Article 162.** - Any violation of the provisions of this Decree shall be punishable in accordance with the provisions of the Law.

**TITLE XII MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS**
Article 163. - (1) Mining permits or permits for the Mining of quarries granted prior to the entry into force of this Decree shall remain valid until the expiry of their period of validity.

(2) Holders of Mining titles other than those mentioned in paragraph 163 (1) above granted prior to the entry into force of this Decree shall be bound to comply with its provisions within a period of two (2) years as from the date of enactment of the Law.

After this period, titles which do not comply with the Decree shall be automatically withdrawn.

Article 164. - Current applications for the authorization for the Mining of quarries shall be processed completely in accordance with previous provisions and shall be brought to a successful conclusion within a period of three (3) months after the entry into force of this Decree. After this period they shall be processed in accordance with provisions of this Decree.

Article 165. - The modalities of implementation of the provisions of this Decree shall, when necessary, be laid down by orders of the Minister in charge of Mines.

Article 166. - All previous provisions contrary hereto, in particular, those of Decrees No. 64/DF/163 of 26th May 1964 to lay down conditions for implementing Law No.64/LF/3 of 6/4/1964 referred to above, No. 74/372 of 19/4/1974 to establish conditions for implementation of Law No. 73/16 of 7/12/1973 to establish the rules governing spring water and mineral water, No. 74/411 of 24/04/1974 to regulate artisanal Mining of gold, No. 90/1477 of 9/11/1990 to regulate quarry Mining No. 90/1478 of 9/11/1990 to supplement some provisions of Decree No. 81/277 of 17/07/1981 to lay down the modalities of payment of the tax on extraction of quarry materials, No. 96/337/PM of 30/5/1996 to regulate artisanal and semi-industrial Mining, the collection and sale of precious substances, are hereby repealed.

Article 167. - The Ministers in charge of Mines, the Economy and Finance, Environment and Forestry, Housing and Town Planning, shall be responsible, each in his own sphere of responsibility, for the implementation of this decree which shall be recorded, and published according to the procedure of urgency in the Official Gazette in English and French.