
 DECREE No. 2024 / 05249 /PM OF 19 NOV 2024
 to specify certain obligations attached to the exercise of
 mining and quarry rights.-

THE PRIME MINISTER, HEAD OF GOVERNMENT,

- Mindful of** the Constitution;
- Mindful of** Act No. 8/65-UDEAC-37 of 14 December 1965 relating to the CEMAC Customs Code and its subsequent amendments;
- Mindful of** Law No. 92/007 of 14 August 1992 on the Labour Code;
- Mindful of** Law No. 96/12 of 5 August 1996 on the framework law relating to environmental management;
- Mindful of** Law No. 98/015 of 14 July 1998 regulating to establishments classified as dangerous, unhealthy and inconvenient;
- Mindful of** Law No. 2002/003 of 19 April 2002 on the general tax code and its subsequent amendments;
- Mindful of** Law No. 2013/003 of 18 April 2013 governing cultural heritage in Cameroon;
- Mindful of** Law No. 2018/010 of 11 July 2018 governing Vocational Training in Cameroon;
- Mindful of** Law No. 2023/014 of 19 December 2023 relating to the Mining Code;
- Mindful of** Ordinance No. 74/2 of 6 July 1974 to establish rules governing land tenure;
- Mindful of** Ordinance No. 74/2 of 6 July 1974 to establish rules governing State lands;
- Mindful of** Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, as amended and supplemented by Decree No. 95/145 of 4 August 1995;
- Mindful of** Decree No. 2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No. 2018/190 of 2 March 2018;
- Mindful of** Decree No. 2019/001 of 4 January 2019 to appoint a Prime Minister, Head of Government,

HEREBY DECREES AS FOLLOWS:

CHAPTER I
GENERAL PROVISIONS

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ARTICLE 1.- This decree specifies certain obligations attached to the exercise of mining and quarry rights.

ARTICLE 2.- For the purpose of this decree, the following definitions shall apply:

Address: Complete contact details, residence, post office box number, telephone number, fax number and e-mail address belonging to a person, who provides them to the Ministry in charge of mines, and through which any official communication may be channelled to him/her.

Licence: Legal instrument which confers on its holder or beneficiary, the exclusive right to carry out the work or activities for which it is issued within the assigned perimeter.

Competent authority: Public authority vested with the authority to award, renew and approve mining titles and other licences granted in the sector.

Permit: A legal instrument that confers on its holder or beneficiary the exclusive or non-exclusive right, where appropriate, to carry out the mining activities or works for which it is issued, within the allotted perimeter, whose following four categories are defined in the Mining Code.

CHAPTER II

HEALTH, SAFETY AND SANITATION IN MINES AND QUARRIES

ARTICLE 3.- The holder of a mining title, permit or license shall be required to draft his own sanitation and safety regulations and have it jointly approved by the Ministers in charge of mines, labour and health.

ARTICLE 4.- (1) The provisions of this Decree shall constitute the general framework for each specific regulation.

(2) The technical department of each mining and quarry site, as well as their annex structures shall be headed by a Mining Director or by a unique Site Manager, whose name shall be communicated to the Ministry in charge of mines.

(3) The Mining Director or the Site Manager shall ensure strict compliance with regulations governing work sites and facilities under his responsibility. He shall have full authority over the staff in order to carry out his duties.

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ARTICLE 5.- (1) Wearing of helmets shall be compulsory for everyone visiting or working at a mining or quarry site.

(2) All work sites must be equipped with quality and sufficient medication, wound dressing equipment and first aid kits, as provided for by the regulations relating to industrial health service.

(3) Any drunk person shall immediately be expelled from the work site and its outbuildings.

(4) No one shall be assigned to underground works without prior examination and endorsement by a labour medical practitioner.

ARTICLE 6.- (1) All necessary measures shall be taken to protect workers against dust and silicosis risks. Protection against dust shall be done by:

- installing a water injection system to mechanical perforation machines;
- dampening excavated earth and tracks for the handling and transportation of products;
- any other adequate system or method.

(2) Effective ventilation shall be performed during product packaging and handling operations, especially around blowers, and at the various stations for crushing, screening, stockpiling, re-classification, loading and transportation of products.

(3) In case the above-mentioned measures are not effectively applied, the wearing of protective goggles and dust masks shall be compulsory. The danger threshold of the respiratory absorption of silica particles must never be reached in any case whatsoever.

(4) In work sites where workers are exposed to water, they shall be provided with waterproof clothing, shoes or boots and helmets. All necessary measures shall be taken to avoid the stagnation of water, the accumulation of mud in work sites and work pollution caused by droppings.

ARTICLE 7.- (1) The edges of excavations or excavations for open-cast mines or quarries shall be set and kept at a distance of more than five hundred (500) meters from public or private buildings or constructions, roads, railways, water pipes, graves, religious sites, or engineering structures and classified forests.

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(2) This distance shall be extended to seven hundred (700) meters on both sides of some infrastructure particularly tarred roads, railways and water pipes and pipelines for the exploitation of sand dunes.

(3) A Decision of the Minister in charge of Mines may extend the distances provided for in paragraphs (1) and (2) above, for excavation works carried out near springs and boreholes used for the general supply of potable water.

ARTICLE 8.- (1) The edges of all open-cast mines situated in an open field must be protected at the dangerous points by a marked ditch dug around the perimeter and the overburden disposed of on the side of the works to form a bank, or by any other manner of fencing that provides adequate safety conditions.

(2) The provisions of paragraph 1 above, shall be applicable to all abandoned mining sites. The fencing works in this case, shall be the responsibility of the operator concerned. They shall equally apply to wells, slopes or gallery entrances leading to underground mining.

ARTICLE 9.- (1) The quarry faces and walls overlooking the work sites shall be monitored regularly by a specially commissioned worker. These must be cleared whenever surveillance recommends the need.

(2) The monitoring and clearing of the quarry faces and walls shall particularly be done after each blast, before work resumes during the rainy season and after any long-term shut down of the mine.

(3) In case the Ministry in charge of mines deems it necessary, inspection visits and clean-up operations shall be determined by an instruction submitted for approval.

(4) Under caving shall be prohibited.

(5) Cutting may only be carried out following an authorisation of the Minister in charge of mines and as part of a mining method determined by instructions specifying, in particular, safety measures to be observed right up to the time of felling in order to ensure that the chopped mass is properly handled.

ARTICLE 10.- (1) Mining shall be conducted in a way that the mine or quarry presents no danger to the workers. In this respect, the exposed surface and pit slopes as well as walls overlooking work sites must be effectively monitored and cleared; they should not contain overhanging load.

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(2) The height of mining terraces must not exceed fifteen (15) meters. A horizontal platform of sufficient width shall be designed at the foot of each terrace to allow staff to work and move safely. The width may not be of less than 2 (two) meters.

(3) In case of blasting, the general arrangement, the depth and blast hole charge shall be set in accordance with the provisions of paragraphs (1) and (2) above.

ARTICLE 11.- (1) In addition to the provisions of Articles 8, 9 and 10 above, mining activities in loose or low cohesion masses, in particular quarries of loose materials or uncemented blocks, shall be subjected to the following rules:

- the mass profile shall not include a high slope of 450 in case mining is carried out without terraces;
- the platform designed at the foot of each terrace must be at least equal to the height of the tallest of the two terraces which it separates, in case mining is carried out using terraces;
- the height of the terrace may not exceed 2 (two) meters in case the mining method naturally requires the presence of workers at the foot of the terrace.

ARTICLE 12.- Where felling is carried out through blasting and where heavy mechanical machines are used for undercutting or loading, the operator must submit the following to the Ministry in charge of Mines for prior approval:

a) Instructions defining the mining method and clearly stating the following:

- the height of the felling faces;
- the width of the benches;
- the nature, importance, arrangement of explosive charges and, more broadly, blasting conditions;
- the arrangement of heavy undercutting machines or loading with regard to the felling face and the conditions for their displacement;
- the conditions for the movement of machines used for the evacuation of products;
- the conditions for the protection and movement of workers.

b) A specific safety regulation for work covered by the permit or license, taking into account the activities and the nature of mined substances.

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ARTICLE 13.- The performance of works in underground tunnels shall be subjected, based on prior approval by the Ministry in charge of Mines, to the general safety rules laid down by the operator. These rules shall consider:

- the necessary safety provisions for workers carrying out underground works, and especially the means for the strengthening of boreholes, tunnels and other excavations, as well as the arrangement and dimensions of mass pillars;
- where applicable, specific safety measures for workers in boreholes, inclined planes, tunnels and work sites of all types, the use of machines and cables, electric systems, ventilation, lighting, firefighting, and aggregates evacuation methods.

ARTICLE 14.- Where the Ministry in charge of mines shall deem it necessary to develop or to complete the work plan of a mine or quarry, it may request the operator to draw up or complete the plan within a specific time limit. Failure by the operator to do so within the set deadline, shall result in plan being drawn up automatically with charges borne by the operator.

ARTICLE 15.- (1) In the event that a mine or quarry is abandoned, the Ministry in charge of mines shall identify the areas and prescribe the necessary public safety measures.

(2) These measures shall automatically be implemented with charges to be borne by the operator when the latter fails to implement them.

ARTICLE 16.- (1) When, for whatsoever reason, the safety of workers and neighbouring populations, the safety of the soil, public utility works or dwellings is compromised, the operator shall be required to immediately inform the Ministry in charge of mines.

(2) A report, accompanied by proposals on specific measures to curb the danger, shall be submitted to the Minister in charge of mines.

(3) In case of imminent life threat, the Ministry in charge of mines, in collaboration with other administrative bodies, shall immediately take the necessary measures to dispel the danger.

ARTICLE 17.- (1) In case an accident occurs on a mine or quarry or outbuildings, or in case of identified danger, the holder of the mining title, license or permit shall take all necessary measures to isolate or prevent the disaster and/or inform the competent authorities for compensation.

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(2) Any accident that occurs or danger that is identified on a work site, a mine, a quarry or in outbuildings shall be brought to the attention of Ministries in charge of mine, health and labour within the time frame stipulated by laws and regulations in force.

(3) The administrative bodies referred to in paragraph (2) above shall jointly carry out an investigation to determine the causes of the accident and draw up a report with proposals to prevent further accidents.

ARTICLE 18.- (1) In case of an accident on the work site or its outbuildings, irrespective of the cause, and which may have resulted in the death of or serious injuries on one or several workers, the Mining Director or the Site Manager shall be required to immediately inform the nearest administrative authority. The latter shall then inform the Ministers in charge of mines, health and labour.

(2) The information referred to in paragraph (1) above shall be forwarded through the fastest means and shall be followed by a complete report forwarded to the same administrative bodies within the next forty-eight (48) hours. This report shall provide all necessary information; particularly, the identity of the victim(s), the nature of injuries, the circumstances and alleged causes of the accident.

(3) Notwithstanding, the report referred to in paragraph (2) above, the operator shall be required to provide the documents prescribed by the regulations in force relating to the declaration of work accidents and occupational illnesses.

ARTICLE 19.- (1) Following any serious, fatal or collective accident, the operator shall not undertake any activity that can alter the nature of the sites where the accident occurred, which need to be left untouched.

(2) The administrative authority may authorise the resumption of works upon receipt of the opinion of the local representative of the Ministry in charge of mines.

(3) The provisions of paragraphs (1) and (2) above shall not apply if, after an accident has occurred, keeping the accident site untouched is likely to jeopardize the life and safety of workers or important facilities of the mine. In this case, the operator shall be responsible for taking specific measures to discard all forms of danger and shall report on these measures in the accident report provided for in Article 18 (3) above or in a separate report.

(4) Investigation reports shall be submitted to the Minister in charge of mines and the territorially competent State Prosecutor.

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(5) In case legal proceedings ensue following an accident, a copy of the ruling shall be submitted to the Ministry in charge of mines.

ARTICLE 20.- (1) Holders of mining titles, quarry titles or any other licence obtained by virtue of the application of the Mining Code, shall be required to identify all health risks related to the development of their projects through:

- the production of impact studies on the health of neighbouring populations and workers;
- the drawing up of action plans to tackle identified risks and the allocation of resources for the implementation of these plans;
- the prevention of risks and the management of public health threats that may result from their activities.

(2) The Ministries in charge of mines, health and environment shall ensure the implementation of measures provided for in paragraph (1) above.

ARTICLE 21.- The provisions of Articles 17 to 20 above shall not prevent the Minister in charge of labour from taking necessary actions, in accordance the current labour laws.

ARTICLE 22.- (1) All holders of mining titles, licences and permits, except for artisanal miners, domestic and artisanal quarry operators as well as their subcontractors, shall subscribe to insurance policies for the conduct of their activities, the coverage and amount of which shall be in accordance with the insurance law and regulations in force, international standards and generally accepted practices in the mining industry.

(2) The operators referred to in paragraph (1) above shall provide the Minister in charge of mines and the Minister in charge of insurance with supporting documents attesting to the regularity of the subscription to insurance policies and their validity.

ARTICLE 23.- Without prejudice to legal and regulatory provisions in force regarding insurance, insurance policies referred to in Article 22 above, shall cover at least the following risks:

a) for semi-mechanised artisanal mining:

- injuries, losses and damages suffered by third parties when carrying out activities;
- damages to the environment caused within the contractual perimeter as a result of semi-mechanised artisanal mining activities;
- the civil liability of the holder of the title, licence or permit for injuries or damages suffered by the personnel and authorised agents mandated and

acting within the framework of administrative supervision and technical controls of these activities.

b) for industrial mining:

- losses or damage to facilities, equipment and other items used for activities governed by the Mining Code;
- damages to the environment caused within the contractual perimeter while carrying out of activities governed by the Mining Code;
- injuries, losses and damages suffered by third parties while carrying out the activities governed by the Mining Code;
- the civil liability of the holder of the title, licence or permit for injuries or damages suffered by their personnel and authorised agents mandated and acting within the framework of administrative supervision and technical controls of these activities.

CHAPTER III **ENVIRONMENTAL PROTECTION**

ARTICLE 24.- (1) Save for artisanal mining licence, exploration permit and the artisanal quarry mining licence for domestic use, the granting of mining titles and quarry licenses and permits shall be subject to the prior conduct of an Environmental and Social Impact Assessment (ESIA), the production of a hazard and risks study, the presentation of an environmental and social management plan and an emergency plan.

(2) The environmental and social management plan following an environmental and social impact study shall be subject to a periodic operational planning to take into account the evolution of the various activities planned as the mining and quarry mining activities develop. This plan shall provide a description of the program of restoration, rehabilitation and closure of sites as operation goes on.

(3) Projected costs for environmental management operations, including site rehabilitation and closure programme, shall be presented in the environmental and social management plan.

ARTICLE 25.- (1) The programme for the restoration, rehabilitation and closure of mining and quarry mining sites provided for in Article 24 (2) above shall take into account:

- the description of the mining or quarry activity;
- the description and timetable for restoration, rehabilitation and progressive closure;
- details on the methodology to be used by the operating company for the restoration, rehabilitation and closure of the site;
- the schedule for restoration, rehabilitation and closure;

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- the estimates of works based on the phases identified;
- the description of financing mechanisms for restoration, rehabilitation and closure;

(2) The restoration, rehabilitation and closure of mines and quarry sites once the mining of the deposit must have come to an end shall comprise the following works:

- decommissioning and dismantling of processing facilities and equipment, drainage of pipelines, cleaning and possible sale of equipment, demolition of buildings or assigning for other purposes;
- cleaning of the contaminated zone to safe levels by eliminating or isolating contaminants, physical consolidation of the land, reshaping of the soil, landscape development and land restitution for useful purposes;
- implementation of surveillance programmes to assess the efficiency of land rehabilitation measures and identify corrective measures;
- continuous treatment of waste water from the mining site, periodic monitoring and maintenance of waste containment structures.

ARTICLE 26.- Any applicant for a mining title, quarry license or permit must develop an emergency plan in accordance with the law governing establishments classified as dangerous, unhealthy, and inconvenient.

ARTICLE 27.- The plan for the rehabilitation, restoration and closure of mining and quarry sites shall be approved by a joint order signed by the Minister in charge of mines and the Minister in charge of the environment.

CHAPTER IV **INFRASTRUCTURE SHARING**

ARTICLE 28.- (1) Roads and various networks, as well as social infrastructure built by one or more operator(s) and likely to be shared, shall be used by the neighbouring populations and opened for public use, provided that this does not cause any damage to the operator and subject, where applicable, to the payment of a contribution.

(2) The conditions for accessing roads, various networks and infrastructure, by the neighbouring populations as well as the contribution provided for in paragraph (1) above, shall be agreed upon between the operator and competent line ministries.

(3) Where the conditions provided for in paragraphs (1) and (2) above seem not to be met, the operator may deny the applicant access to the facilities he has built. In this case, the operator shall notify the applicant stating the reasons for

the refusal, with a copy forwarded to the Minister in charge of mines and other competent line ministries.

ARTICLE 29.- (1) In the event of refusal by an operator to allow a third party to use the roads and other networks he has built under the conditions stipulated in Article 28 above, the third party who considers himself to be aggrieved may refer the matter to the Ministry in charge of mines, or, as the case may be, to other competent line ministries, by simple reasoned request, with a copy to the operator.

(2) In the case referred to above, arbitration shall be carried out by the Minister in charge of mines or, where appropriate, the other competent line ministries, who shall notify both parties of their reasoned decision.

ARTICLE 30.- (1) In case the disagreement over the amount of the contribution to be allocated to the road and network operator persists, the Minister in charge of mines, or, as the case may be, any other competent line ministry to which the matter has been referred, shall resort to expert appraisal to take a decision.

(2) The cost for the expert appraisal referred to in (1) above shall be borne by the applicant.

(3) The competent administrative body to which the matter has been referred shall take its decision within ten (10) days upon receipt of the expert's report.

CHAPTER V **LOCAL CONTENT**

PART I **DEVELOPMENT OF LOCAL CAPACITIES**

ARTICLE 31.- (1) Mining and quarry companies having signed a mining agreement or specifications, shall be required to pay an annual contribution to the special account for local capacity development for the populations identified as having been affected by the project.

(2) The contributions referred to in Paragraph 1 above shall be meant for:

- the development of local human resources, namely upgrading, adapting or creating local establishments for the training of mining professionals;
- the development and upgrading of local companies likely to operate in the mining sector, as service providers, subcontractors or mining companies;
- social programmes aimed at promoting indigenous and neighbouring populations of mining operations;

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- programmes of projects for the fight against the worst forms of child labour in the mines;
- the programme for the protection of vulnerable populations in the mines;
- the follow-up on the implementation by mining companies of their local content commitments.

(3) The amount of the contribution provided for in (1) above, in CFA francs, shall be between zero-point five (0.5) and one (1) percent of the total amount of the turnover, excluding taxes, of the industrial mining or quarry company. This rate shall be agreed upon during negotiations of the mining convention or specifications between the parties.

ARTICLE 32.- The conditions for the collection and management of contributions provided for in the Article 31 above, shall be agreed between the State, the representatives of the populations and the mining or quarry companies, where applicable, local representatives and contributing mining or quarry mining companies.

PART II **EMPLOYMENT AND VOCATIONAL TRAINING**

ARTICLE 33.- (1) All mining and quarry companies shall be free to employ staff without distinction of gender, religion or nationality, and to dismiss them in accordance with the law in force in Cameroon.

(2) Where skills are equal, priority must be given to staff of Cameroonian nationality.

(3) Ninety-five percent (95%) of positions that do not require special qualifications shall be reserved for Cameroonians.

ARTICLE 34.- Throughout the lifespan of the project, any mining or quarry company having signed a mining agreement or specifications with the State shall contribute to the vocational training of Cameroonians following the conditions defined in the mining agreement or specifications.

(2) The quota of Cameroonians to be trained under small-scale and industrial mining permits shall be stated in the Mining Agreement or Specifications.

ARTICLE 35.- An annual report indicating the number of employees who have worked during the previous year, those likely to be recruited in the following year, as well as vocational training programmes implemented or planned, shall be forwarded to the Minister in charge of mines, with a copy to the Minister in charge of Vocational Training, not later than 31 March of each year.

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ARTICLE 36.- The obligations set out in Articles 33 to 35 above shall also apply to subcontractors of mining and quarry companies that have signed a mining agreement or specifications.

SECTION III **SUB-CONTRACTING**

ARTICLE 37.- Mining and quarry companies and their subcontractors shall be required to give preference to companies under Cameroonian law that meet recognised international standards, for contracts related to the construction, supply and provision of services, materials, equipment and products for mining and quarry operations, in accordance with laws and regulations in force on subcontracting to local companies.

ARTICLE 38.- The holder of a mining or quarry permit shall be required to implement a capacity-building plan for small and medium-sized national enterprises identified for its needs, with a view to increasing their participation in the supply of goods and services to mining or quarry projects.

ARTICLE 39.- The holder of a mining or quarry permit shall be required to submit, at the Ministry in charge of mines, or any other competent line ministry, bi-annual and annual reports on subcontracting contracts with local companies, in the forms set out below:

1) Bi-annual report: shall briefly provide the following information:

a) Personnel per activity:

- the number of days work was done;
- the number of working days per category;
- statistics of positions reserved for Cameroonians.

b) Statistical situation of contracts indicating subcontracting quotas for local companies, particularly in the following areas:

- construction;
- provision of services, material and equipment;
- products related to mining operations.

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2) Annual report: Before the end of each year, the holder shall present an overview of the whole activity carried out over the past year. This annual report shall contain the following information:

a) General information on the company holding the title:

- brief summary of the Company's constituent elements and changes that occurred during the year, including the share capital, the Board of

Directors, etc;

- detailed nominative chart of the company's organisation.

b) Situation of the personnel:

- nominative list of managerial staff and supervisors per category;
- days during which work was done;
- wages of the workforce;
- average number of workers per day, including staff working for the contractor and belonging to subcontracting companies;
- statistics of positions reserved for Cameroonians;
- summary report of occupational accidents that occurred during the year ended.

c) Statistical situation of contracts indicating subcontracting quotas for local companies, particularly in the following areas:

- construction;
- provision of services, material and equipment;
- products related to mining operations.

CHAPTER VI
MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 40.- Failure to comply with the obligations set out in this Decree shall lead to penalties provided for by the regulations in force.

ARTICLE 41.- Specific instruments of the Minister in charge of mines shall, where necessary, lay down the terms and conditions for the implementation of this Decree.

ARTICLE 42.- All previous contrary provisions are hereby repealed.

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

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Yaounde, 19 NOV 2024

**THE PRIME MINISTER,
HEAD OF GOVERNMENT,**



Joseph DION NGUTE