

DECREE No 2021/7341 /PM OF 13 OCT 2021
TO ESTABLISH THE RULES GOVERNING THE CREATION, ORGANISATION AND
FUNCTIONING OF DEVELOPMENT PROGRAMMES AND PROJECTS.

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No. 92/007 of 14 August 1992 on the Labour Code;

Mindful of Law No. 2018/011 of 11 July 2018 to lay down the the Cameroon Code of
Transparency and Good Governance in Public Finance Management;

Mindful of Law No. 2018/012 of 11 July 2018 relating to the fiscal regime of the State and
other public entities;

Mindful of Decree No. 94/199 of 7 October 1994 on the General Rules and Regulations of
the Public Service, as amended and supplemented by Decree No: 2000/287of 12
October 2000.

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 organise the Government, as
amended and supplemented by Decree No.2018/190 of 2 March 2018;

Mindful of Decree No. 2018/366 of 20 June 2018 to institute the Public Contracts Code and
Regulations;

Mindful of Decree No. 2018/4992/PM of 21 June 2018 laying down the rules governing the
maturation process of public investment projects;

Mindful of Decree No. 2018/9387/PM of 30 November 2018 to lay down conditions for the
creation, organisation and functioning of Inter-ministerial and Ministerial Committees
and Work Groups, as amended and supplemented by Decree No.
2020/0998/CAB/PM of 13 March 2020;

Mindful of Decree No. 2019 /001 of 04 January 2019 to appoint a Prime Minister, Head of
Government;

Mindful of Order No. 025/CAB/PM of 5 February 2019 to fix the amount of sitting
allowances paid to members during the deliberations of Inter-ministerial and
Ministerial Committees and Working Groups;

HEREBY DECREES AS FOLLOWS:

CHAPTER I
GENERAL PROVISIONS

SECTION I
PURPOSE, SCOPE AND DEFINITIONS

SERVICES DU PREMIER MINISTRE
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ARTICLE 1. - (1) This decree lays down the rules governing the terms and conditions for
the creation, organisation and functioning of development programmes and projects.

(2) It also specifies the terms of follow-up and evaluation, as well as the related measures applicable to their implementing bodies.

ARTICLE 2.- (1) This decree shall apply to all development Programmes and Projects, whether they are Entities or Administrations of Development Authorities, beneficiaries of external and/or internal Government financing.

(2) However, due to their special character, some Programmes and Projects may derogate from the provisions of this Decree, in particular when they:

- are created by the President of the Republic or the Prime Minister, Head of Government;
- or are subject to reciprocity, to a community or international regulation.

ARTICLE 3. - For the purposes of this decree and the subsequent instruments, the following definitions shall apply:

- **Entity or Authority administration:** Temporary and inter-ministerial entity with a simple organisation, in charge of achieving a particular objective, by organising and coordinating the actions of various services;
- **Performance:** Capacity to carry out an activity or activities to achieve operational results, in accordance with pre-set objectives, minimising or making profitable use of resources and implementation processes;
- **Development project:** A body or entity created and attached to the authority of one or more ministries or a public establishment and which may have sector-based or cross-cutting competence, particularly with regard to the multi-sector nature of its underlying activities.
- **Development program:** A set of interrelated projects whose different components are attached to the authority of one or more Ministries or a public institution and which may have a sector or cross-cutting competence, particularly with regard to the multi-sector nature of the activities on which it is based.
- **Internally- funded programme/project:** Programme or project funded by internal Government resources;
- **Externally- funded Programme/Project:** Programme or Project, whose activities are implemented with the financial support of Technical and Financial Partners through Funding Agreements/Conventions, or by resorting to resources from foreign capital markets.
- **Performance Contract:** Contract document which is part of the management dialogue between the Project or Programme Management Unit, the Committee and the Ministry to which it is attached, each in their area of competence. It sets the strategic guidelines, the framework for assessing the results of a PMU, as well as the performance incentives for a given period, and defines the terms of implementation.

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SECTION II
CREATION OF PROGRAMS AND PROJECTS

ARTICLE 4. - (1) The initiative of creating a Development Programme or Project shall be motivated by:

- the fulfilment of objectives that extend across several administrations and/or several entities under public law;
 - the strategic, operational, structural or cyclical nature of the public policy thrusts to be pursued, in accordance with the relevant sector strategy;
 - the need to carry out several interconnected projects, each contributing to the overall objective of a Program;
 - the execution of a complex mission which goes beyond the competence of an internal structure of the relevant Ministry(ies);
- the high cost of the Programme or Project, requiring the provision of specific funding within a dedicated framework.

(2) The completion of a preliminary impact assessment, including an opinion of the Minister in charge of Public Investments addressed to the Prime Minister and stating the relevance of the criteria mentioned in paragraph 1 above.

ARTICLE 5. - (1) Public Administration Development Programmes and Projects submitted to the Prime Minister for approval shall be created by Decree or Order depending on the significant importance of the said entities;

(2) Projects may be created, where necessary, by Orders of the Heads of the relevant Ministries, after express authorisation by the Prime Minister.

(3) Development programmes and projects of other public law entities shall be created in accordance with the regulations in force, by decisions of their governing bodies, after approval by the technical and financial supervisory bodies, particularly for those backed by publicly guaranteed loans or retroceded by the State.

(4) The authorisation or assent referred to in paragraphs 2 and 3 above shall take the form of a written agreement following a formal request made by the Head of the ministries or public entity concerned. This request shall be supported by the following items notably:

- Terms of Reference (TORs) of the Programme/Project providing information on the expected outcomes and the time-frame for its implementation;
 - Draft of the creation instrument;
 - Project document with maturity visa;
 - Resources and funding plan;
 - Organisational chart and implementation timetable.
- Provisional report on the Programme or Project impact assessment.

ARTICLE 6. -The instrument establishing a Programme or Project shall in particular specify:

- its full name, abbreviation and acronym, if any;
- its authority and line Ministry;
- its main objective and missions;

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- its management bodies, their respective powers and organisations;
- the provisions relating to its assets, human and financial resources
- the conditions for the appointment of its officials;
- the recruitment terms and the legal nature of the commitments inside it;
- the number of members of the Steering Committee;
- the follow-up, evaluation and winding-up procedures.

ARTICLE 7. - Subject to the provisions of funding agreements, the creation of an internally and/or externally funded Programme or Project shall be conditional upon the completion of a process which includes, among others, the following steps:

- gathering the aspirations of the population at the grassroots level or identifying needs, as well as including them in the Government's Investment Projects Bank, in accordance with the strategic guidelines contained in the National Development Strategy;
- conducting studies on the volume of the mission and its complexity, which justifies its implementation outside the traditional services of the sector-based public administrations;
- identifying the Technical and Financial Partners, if necessary;
- signing a set of specifications, instruments or a financing agreement;
- enacting the terms of reference, if any, the instrument or the financing agreement.

ARTICLE 8. - (1) Any Programme or Project receiving external funding shall have at least one specific Financing Agreement which governs the management terms of the said funding.

(2) The financing agreement referred to in paragraph 1 above shall be signed between the State and one or more Technical and Financial Partner(s), after a financing agreement duly authorised by the President of the Republic.

(3) Commitments on external financing shall comply with the procedures laid down in the agreements, subject to reciprocity.

(4) Any institutional arrangement envisaged within the framework of a convention shall be subject to approval of its founding instrument by the competent authority, before joint approval and signature of the convention by the partner.

(5) The acts of approval of the investment projects referred to in paragraph 4 above shall be included in the maturity files submitted by the project owners, with a view to obtaining the maturity visa from the Minister in charge of Public Investments.

SECTION III

ROLE OF THE RELEVANT MINISTRIES

PART I

ROLE OF THE LINE MINISTRIES

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ARTICLE 9 - Development programmes and projects shall be attached to one or more Ministry (ies) of the sector concerned and/or to Public Establishments, whose Ministers or General Managers shall ensure the Project Management and the follow-up of their implementation.

ARTICLE 10.- the Ministries to which development Programmes and Projects are attached shall ensure the consistency of activities conducted under the said Programmes and Projects with the strategic, technical and operational guidelines of the Government's policy in the sector of activities concerned, subject to the prerogatives of their steering bodies, if any.

ARTICLE 11.- (1) The line Ministries, in conjunction with the Steering Committees, if any, shall contribute to following up the performance of the Programs/Projects.

(2) Development Programmes and Projects shall forward to the line Ministry all documents and information relating to their execution.

(3) The documents and information referred to in paragraph 2 above shall include: the Action Plan, the Annual Performance Report (APR), the administrative and management accounts or any other document and information requested.

(4) The performance of the Programmes and Projects under the responsibility of a line Ministry, as well as resources made available to them, shall be fully integrated into the Annual Performance Draft (APD) and the Annual Performance Report (APR) of the said Ministry by the Programmes Managers designated to this effect for the purposes of continuing the procedure for certification of public accounts and reporting to the Parliament.

(5) The supervising Ministers shall forward to the Minister in charge of public investments, with a copy to the Prime Minister's Office and the Minister of Finance, no later than sixty (60) days after the end of each semester, a report on the progress of implementation of the Program or Project.

PART II ROLE OF THE MINISTRY IN CHARGE OF PUBLIC INVESTMENTS

ARTICLE 12.- (1) The Ministry in charge of Public Investments shall be responsible for:

- ensuring the follow-up of commitments made by the Government as part of the implementation of the Programme or Project, in liaison with the Project Owner;
- following up on the execution of loan agreements and conventions, in liaison with the Ministry in charge of external relations and the project owner;
- reviewing and validating or not, requests for extension of the execution period of Programmes or Projects;
- following up the implementation schedules of Programmes and Projects, in collaboration with the competent State engineers;

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- following up and controlling the implementation of Programmes and Projects in their programming, budgeting and execution phases, in liaison with the Ministry in charge of finance and the Project Owner;
- co-signing the performance contracts of the Programmes or Projects with the relevant officials;
- ensuring the follow-up and evaluation of the execution of the performance contract, in liaison with the Ministry in charge of finance and the Project Owner
- supervising the enforcement of any sanction resulting from the performance contract, in liaison with the Ministry in charge of finance and the Project Owner.

(2) The Minister in charge of Public Investments shall submit to the Prime Minister, Head of Government, with a copy to the Presidency of the Republic, a consolidated annual report on the execution of Programmes and projects in the State portfolio.

PART III THE ROLE OF THE MINISTRY IN CHARGE OF FINANCE

ARTICLE 13.- The Ministry in charge of finance shall be charged with:

- liaising with the Ministry in charge of public investments to monitor the implementation schedules of the running budgets of the Programs/Projects;
- assisting the Ministry in charge of public investments in the programming, budgeting, execution, monitoring and control phases of the execution of Programmes and Projects, in liaison with the line ministries;
- liaising with the Ministry in charge of public investments to ensure coordination between the commitment plans and the disbursement plans for funds lent on foreign capital markets as part of the implementation of the State's cash flow plan;
- participating in the performance evaluation of the financial execution of Programmes and Projects
- ensuring the application of financial sanctions resulting from the poor execution of performance contracts;
- consolidating statistical data provided by MINEPAT on the budgetary performance of Programmes and Projects within the framework of the preparation and execution of the State budget.

CHAPTER II

MANAGEMENT OF PROGRAMMES AND PROJECTS

SECTION I MANAGEMENT BODIES

PART I

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TERMS AND CONDITIONS FOR THE CREATION OF MANAGEMENT BODIES FOR PROJECTS AND PROGRAMMES

ARTICLE 14. - Programmes and projects may be operated by the following two (2) types of bodies:

- a Steering Committee, hereinafter referred to as the "**Committee**", or any other body in lieu thereof;
- a Project or Program Management Unit, hereinafter referred to as "**PMU**" or any other body in lieu thereof.

ARTICLE 15. - (1) When the criteria and the impact study referred to in Section 4, paragraphs 1 and 2 above do not provide for the creation of external management bodies for a Programme or Project, the related activities shall be transferred to the competent administrative structures of the Ministry to which the Programme or Project is attached.

(2) Notwithstanding the cases provided for in paragraph 1 above, the evaluation criteria according to the typology of the Projects and Programmes that can be supported by internal or external management bodies must provide information on:

- the transversal, multi-sector or inter-ministerial nature of the Programme or Project
- the socio-economic impact;
- the capacity to repay the loan through the operation of the Programme or Project;
- the type of funding (grant and/or loan) and the level of concessionality;
- the cost of the Programme or Project;
- the complexity or sophistication of the Programme or Project in relation to the capacity of the public administration to carry it out;
- the life span of the Programme or Project.

(3) a rating grid published by order of the Minister in charge of Public Investments, after prior approval by the Prime Minister, shall fix for each criterion proposed in paragraph 2 above, the scores attributed to the Programmes and Projects requiring the establishment of internal or external management bodies in public administrations.

PART II

STEERING COMMITTEE

ARTICLE 16. - The Committee shall be set up by the act of creation of the Programme or the Project.

SECTION 17. - (1) The Committee shall be composed of a minimum of four (4) members and a maximum of fifteen (15) members.

(2) The act of creation of a Programme or a Project shall specify the exact number of Members of the Committee.

(3) The Committee shall be composed of the designated Representatives of the administrations and bodies concerned by the execution of the Programme or Project considered. It shall necessarily include, subject to specific provisions of the financing agreements:

- one (1) representative of the Ministry in charge of finance;

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- one (1) representative of the Ministry in charge of public investments;
- one (1) representative of supervising Ministry;
- one (1) representative of the Project or Program beneficiaries.

(4) According to its specificity, the instrument establishing the Programme/Project shall fix and distribute the number of representatives of each administration concerned.

ARTICLE 18.- (1) The Committee Members shall be appointed by the administrations and bodies to which they belong for a three-year term, renewable once.

(2) A Committee Member's term of office shall end:

- upon death or resignation;
- following loss of the capacity which motivated his appointment;
- by dismissal for serious misconduct or conduct incompatible with the function of a Committee member;
- at normal expiry of the term of office.

(3) In the cases provided for in paragraph 2 above, the member shall be replaced under the same conditions as the appointment.

(4) However, regarding the normal expiry of the term of office, as the case may be, the Chairperson of the Committee or any other authority acting in his or her stead, or the Minister to whom the Member is attached, shall inform the Member's structure or the appointing authority, respectively, at least three (3) months before the expiry of the term of office, with a view to his or her replacement. No member of the Committee may sit once his or her mandate has expired.

ARTICLE 19.- (1) The Chairperson of the Steering Committee of a Programme or a Project shall be the Head of the relevant Ministry, or for any other authority in lieu thereof, a person appointed, as the case may be the competent authority, on the proposal of the relevant Minister.

(2) In case the Chairperson of the Committee is a person other than a Member of the Government in office, his or her term of office shall be three (3) years renewable once .

(3) The Chairperson of the Steering Committee of Programmes and Projects of other public entities, or any other authority in its stead, shall be appointed in accordance with the conditions defined in the creation act adopted by the Legislative Body.

ARTICLE 20.- (1) The Chairperson of the Committee or any other authority in its stead shall convene and chair the sessions of the Committee. He shall ensure that the resolutions of the Committee are implemented.

(2) The Chairperson of the Committee or any other authority acting in its stead may invite any natural or legal person to take part in the deliberations of the Committee, based on their expertise or experience subject matter.

ARTICLE 21.- (1) The composition of the Committee shall be established by an order or a joint order of the Head(s) of Ministry (ies) to which the Project or Programme concerned is attached.

(2) The Chairperson and Members of the Committee shall receive a sitting allowance, in accordance with the regulations in force

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ARTICLE 22.- (1) The Committee shall be responsible for defining, guiding the general policy and evaluating the Program or Project, within the scope of its purpose, in accordance with the laws and regulations in force. In this respect, the Committee shall be responsible for:

- approving the periodic performance drafts of the Programme/Project, in accordance with its objectives and in coherence with the National Development Strategy;
- adopting the budget along with the Annual Performance Draft (APD) and finalising the accounts;
- approving the Periodic Reports;
- authorising the recruitment of all staff, in accordance with the recruitment plan proposed by the PMU and endorsed by the Committee;
- authorising the dismissal of staff, on the proposal of the head of the PMU;
- accepting all donations, legacies and subsidies;
- preparing draft performance contracts or any other agreements, including loans, prepared by the PMU;
- ensuring compliance with the rules of governance and, if necessary, carrying out audits in order to guarantee sound management of the Programme/Project;
- determining the remuneration and benefits of the PMU staff, in accordance with the regulations in force.

(2) The secretariat of the Committee sessions shall be ensured by the head of the PMU.

ARTICLE 23. - (1) The Committee shall meet once every six months in ordinary session. When circumstances so require, the Committee may meet in extraordinary session upon notification by the supervising minister, the Chairperson or on the initiative of one third (1/3) of its Members.

(2) The notifications, together with the working documents, shall specify the date, time, place and agenda of the meeting and shall be sent to the members at least fifteen (15) days prior to the date of the meeting.

(3) Each Member of the Committee duly convened must take part in the deliberations personally or, failing that, be represented by another Member of the Committee, mandated for that purpose. No Member may represent more than one Member of the Committee.

ARTICLE 24. - (1) The Committee may validly deliberate only when two thirds (2/3) of its Members are present. However, when the quorum is not reached at the end of the first meeting, the Chair shall convene the Members of the Committee again within a maximum period of seven (7) days. In this case, the Committee shall deliberate without a quorum.

(2) Decisions of the Committee shall be taken by a simple majority of votes. In the event of a tie, the vote of the Chair shall be decisive.

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(3) Minutes shall be taken of the Committee's proceedings and signed by all members present. These minutes shall also mention the names of persons invited in an advisory capacity, without voting rights.

(4) The minutes shall be prepared after each meeting and sent to the supervising Minister, the Minister in charge of public investments and the Minister in charge of finance, not later than fifteen (15) days after the end of the session.

(5) Resolutions of the Committee shall be registered in a special book signed by the Chairperson of the Committee together with the minutes.

ARTICLE 25. - The Committee shall prepare a half-yearly report on the implementation status of the Programme or Project, which shall be sent to the Minister in charge of the project for further action.

PART III THE MANAGEMENT UNIT

ARTICLE 26. - (1) The PMU shall be headed by an official, hereinafter referred to as "Coordinator or Manager", and possibly assisted by a Deputy;

(2) The Coordinator or Manager and his or her Deputy, if any, shall be appointed by decree or order of the competent authority upon the proposal of the Minister in charge.

(3) Notwithstanding the cases referred to in paragraph 2 above, the Coordinator or the Manager and his/her Deputy may be appointed upon candidate's file assessment or after a call for applications, according to the skills required to achieve the objectives of the Programme or Project under consideration, for a term of three (3) years, possibly renewable once, taking into account the duration of the implementation of the said Programme or Project.

(4) The titles, job profiles and methods of appointing the heads of the Programme and Project Management Units created by public entities other than the Government, shall be defined by their creation acts at the discretion of the deliberative bodies of the said entities.

ARTICLE 27. - (1) Under the authority of the Committee, the PMU shall ensure the full time implementation, within the deadlines, of the activities of the Programme or the Project in all its components, in order to achieve the objectives assigned to it. In this capacity, it shall particularly be charged with:

- designing, coordinating and executing the action plan adopted by the Committee;
- proposing the schedule of meetings of the Committee and assuming the Secretariat;
- proposing the recruitment plan for the PMU staff;
- preparing the studies required to achieve the objectives of the Programme/Project and draw up their Terms of Reference;
- monitoring and evaluate the studies carried out on behalf of the Committee;
- preparing the technical files to be submitted to the Government and/or the Technical and Financial Partners
- prepare and disseminating the files to be submitted to the Committee for review;
- execute the budget;
- preparing periodic activity reports;
- preparing the budget of the Programme or Project.

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(2) The Committee may, in addition, transfer some of its powers to the Coordinator or the Manager, as the case may be.

SECTION II STAFFING OF THE PMU

ARTICLE 28.- The staff of the Programme/Project Management Unit may include the following:

- directly recruited staff;
- civil servants and government employees under labour code posted to the said Programme and Project by the end-user Ministers;
- informal, seasonal and short-term employees.

ARTICLE 29.- Subject to the provisions of the financing conventions, the staff of the Programs and Projects shall be recruited by the supervising Minister, as the case may be, either on the basis of a portfolio review or on the basis of a call for applications for a fixed term contract and according to a defined criteria of the needs of the Programme/Project, which shall be advertised in an official newspaper.

ARTICLE 30.- The contracts referred to in Section 29 above may not exceed the duration of the Programme or Project in question.

ARTICLE 31.- Civil servants and State employees covered by the Labour Code posted to the PMUs of Programmes/Projects shall be subject to labour legislation throughout the period of their employment, subject to the provisions of the General Rules and Regulations of the Public Service and Special Rules and Regulations.

ARTICLE 32.- Civil servants and State employees covered by the Labour Code posted to a programme or project, regardless of their original status, shall be covered by the relevant entity.

ARTICLE 33. - The Coordinator/Manager, his deputy, if need be, as well as the staff of the PMU shall be paid according to a categorisation and a salary scale determined by a special instrument of the Prime Minister, Head of Government, at the request of the Ministers in charge of the Economy and of Finance.

CHAPTER III FINANCIAL RESOURCES

ARTICLE 34.- (1) Resources of Programmes and Projects may come from:

- the State budget through internal resources and various contributions;
- external funding;
- donations and legacies;

(2) Programmes and projects resources are public funds managed in accordance with the regulations in force and the funding agreements.

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ARTICLE 35.- (1) The budgets of the Programmes and Projects shall be aligned with the key orientations of the National Development Strategy, while seeking intrasector and intersector consistency with those of the Programs of the Ministries to which they are attached and, where applicable, of the Sub-Programs of public establishments.

(2) The Programmes and Project accounts must be regular, truthful and reflect a faithful image of their assets and financial situation.

ARTICLE 36.- The founding instrument of the Committee or the PMU shall specify, where applicable, the management terms and conditions of its financial resources.

CHAPTER IV **FOLLOW-UP AND EVALUATION OF THE PROGRAMMES** **AND PROJECTS PERFORMANCE**

ARTICLE 37.- (1) The performance of PMUs shall be assessed through a framework contract.

(2) The outline of frameworks shall be appended to this Decree and shall form an integral part thereof.

SECTION I **PREPARATION OF FRAMEWORK CONTRACTS**

ARTICLE 38.- (1) The Framework Contract shall be drawn up in compliance with the provisions of Section 37, paragraph 2 above.

(2) The Framework Contract shall focus on the following elements:

- context and strategies for carrying out the Programme or Project;
- objectives set for the short, medium and long term;
- expected results for the duration of the Partnership Contract;
- PMU performance indicators;
- initial performance of the indicators, observed at the time of the preparation of the framework contract, defined over a set period, covering the duration of the Programme or Project;
- target for each indicator, expected at the end of the Programme or Project;
- assessment method for each indicator defined;
- various applicable penalties;
- termination procedures.

ARTICLE 39.- (1) The Minister in charge of public investments shall designate focal points who shall work with the technical services of the Ministries to which they are attached to prepare the Performance Contracts of the Programmes and Projects.

(2) The Framework Contract shall be co-signed by the PMU Coordinator, the supervising Minister and the Minister in charge of public investments.

(3) A copy of each Framework Contract shall be forwarded to the Prime Minister's Office, to the Minister in charge of finance and, where appropriate, to the Technical and Financial Partners involved.

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SECTION II
PERFORMANCE MONITORING AND EVALUATION PROCEDURE

ARTICLE 40.- An inter-ministerial Committee shall be set up under the Prime Minister, Head of Government, in charge of streamlining the creation of sector programmes and projects and their performance monitoring and evaluation.

ARTICLE 41.- (1) The follow-up and technical control of the implementation of a Programme or a Project shall be ensured, as the case may be, either by its PMU, in liaison with the Steering Committee, or by the Ministry to which it is attached, in liaison with the Minister in charge of Public Investments and the State Engineers, each in their respective fields.

(2) The follow-up and administrative control of the Programme or Project execution shall be carried out, as the case may be, either by its PMU, in liaison with the Steering Committee, or by the relevant Ministry in liaison with the Minister in charge of Public Investments and all the structures and State bodies in charge of the follow-up and control of the execution of the Public Investment Programmes and Projects.

(3) The follow-up and financial control of the execution of a Programme or Project shall be ensured, as the case may be, either by its PMU, in liaison with the Steering Committee, or by the relevant Ministry in liaison with the Minister in charge of Finance and all the structures and State bodies in charge of the follow-up and control of the execution of public investment Programmes and Projects.

ARTICLE 42.- (1) The assessment of the performance of Programmes and Projects for a reference period shall be based on the indicators set out in their Framework Contracts.

(2) The assessment referred to in paragraph 1 above shall be carried out using a composite indicator calculated on the basis of all three (3) main groups of indicators below:

- results indicators;
- indicators of the conduct of the PMU;
- Indicators for reporting on the implementation of the Programme or Project.

(3) The results indicators are those contained in the technical and legal documents of the Programme or Project. The PMU conduct and Programme/Project implementation reporting indicators are those contained in the appended Framework contract outline.

(4) Sector assessments or audits of the performance of Programmes and Projects are carried out within the framework of the sovereign missions of the Control Brigades of the Public Investment Budget of the Ministry in charge of public investments, as well as those of the Division of Budgetary Control, Audit and Quality of Expenditure of the Ministry in charge of finance, or the attributions of the General Inspectorates of the Programme or Project line Ministry and of the specialised auditing services of the Ministry in charge of Supreme State Audit.

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(5) Based on the periodic sector assessments referred to in paragraph 4 above, the Minister in charge of public investments may, if necessary, at each step of the implementation of the Programme or Project, submit to the Prime Minister, Head of Government, with a copy to the Presidency of the Republic, a specific assessment report with a special focus on the following aspects:

- physical and financial execution;
- achievement of the PMU's objectives;
- achievement of the Programme or Project objectives;
- efficient use of human, financial and material resources by the PMU;
- main obstacles and proposed solutions;
- compliance and/or conformity with the relevant provisions of the financing agreement, where applicable.

(6) The periodicity of the PMU performance evaluation shall be biannual. The first evaluation shall take place at least six (6) months after the start of the implementation of the Programme or Project.

7) For Programmes and Projects under implementation, an ex-ante evaluation shall be carried out before the signature of the Framework Contract.

SECTION III **PENALTIES**

ARTICLE 43.- (1) At the end of each assessment, failure to achieve at least 70% of the expected results shall give rise to penalties against the Coordinator, his/her Deputy, if any, and other officials of the Project or Programme Management Unit.

(2) These penalties shall affect the indexation of bonuses or salaries to the results or performance obtained as a result of the assessment.

(3) After two (2) successive unsatisfactory assessments, bonuses and benefits other than salaries paid to PMU managers and staff shall be automatically suspended at the discretion of the Minister to whom the PMU is attached.

(4) After three (3) unsatisfactory assessments, the performance of the Programme or Project Management Unit is deemed to be deficient and the contracts of the appointed or designated Management Unit officials shall be automatically cancelled at the behest of the supervising Minister.

(5) When Coordinators, Deputy Coordinators or PMU managers are appointed, the dismissal decision, taken under the report of the Minister in charge, shall be submitted to the Prime Minister for approval in the same form as the initial decision which led to the appointment or designation, at the request of the Minister in charge, with a copy to the Minister in charge of Public Investments.

(6) The specific terms and procedures for the implementation of administrative actions and financial penalties intended to Coordinators, Deputy Coordinators and PMU Managers shall be defined in the Framework Contract.

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CHAPITRE IV
PUBLIC CONTRACTS

ARTICLE 44.- (1) Programmes and projects shall, unless otherwise provided for, be subject to the provisions of the Public Contract Code.

(2) A Special Tender Board shall be set up, as necessary, for each Programme or Project, as a support body responsible for ensuring compliance with the principles of freedom of access to public procurement, equal treatment of candidates, transparency of procedures, efficiency and integrity.

CHAPTER V
CLOSURE

ARTICLE 45.- The winding up of a Programme or a Project shall be carried out in two (02) phases, namely:

- Administrative closure;
- Fiduciary closure;

SECTION I
ADMINISTRATIVE CLOSURE

ARTICLE 46.- (1) The administrative closure of a Programme or Project shall be done at the request of the Chairperson of the Steering Committee, the Head of the relevant Ministry or any other structure in its stead, with a copy to the Minister in charge of Public Investments, as soon as the implementation of the Programme or Project has been completed.

(2) Upon receipt of the request for closure initiated by the Chairperson of the Steering Committee, the Head of the supervising Ministry or any other structure in lieu thereof, the Prime Minister, Head of Government, shall set up an Administrative Closure Committee under the leadership of a senior official of the public administration chosen for his competence, neutrality and independence;

(3) The Administrative Closure Committee referred to in paragraph 2 above shall be composed of: one (1) representative of the Ministry concerned, one (1) representative of the Minister in charge of Public Investments, two (2) representatives of the Ministry in charge of Finance, including one (1) representative of the taxation authorities and one (1) representative of the customs authorities, one (1) representative of the Ministry in charge of State property.

(4) The request referred to in paragraph 2 above shall be accompanied by:

- the audit reports
- the last assessment report;
- the financial statement;
- the final report on the implementation of the Programme/Project;
- any other document containing useful information for the closure of the Programme/Project.

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ARTICLE 47.- (1) The administrative closure of a Programme or Project shall be materialised by a closure certificate co-signed by all the members of the closure committee duly appointed by their respective administrations.

(2) The closure certificate shall be a trigger for the pre-devolution operations of assets under Special Temporary Admission (STA) and Final Temporary Admission.

(3) The closure of a Project or a Programme set up as an autonomous public entity with legal and financial personality, may, with a view to perpetuating its achievements, be coupled with a devolution of the assets of the former Project or Programme, in accordance with the provisions of the regulations in force.

ARTICLE 48.- The deadline for closing a Programme or a Project shall be one month from the setting up of the administrative closure committee.

SECTION II **FIDUCIARY CLOSURE**

PART I **PAYMENT OF STAFF ENTITLEMENTS AND ALLOWANCES**

ARTICLE 49.- (1) At the end of the Programme or Project, the rights and allowances of the staff shall be paid before the validation of the Final Report of the Programme or Project.

(2) The State personnel seconded to the Project or Programme shall be reinserted into their original administration or structure by a similar act to that of their previous placement.

(3) The State Employee placed at the disposal of the Programme or Project Management Unit and transfer the assets to the technical departments or to any other public entity created, if necessary, to ensure their sustainability.

PART II **PROCEDURES FOR THE DISPOSAL OF FIXED ASSETS**

ARTICLE 50.- Assets used for the implementation of a Programme or Project shall remain the property of the State, if they were acquired with own resources or with the provider's own funds and if they are included in the overall amount of the Programme or Project financing agreement.

ARTICLE 51.- Once the Programme or Project is closed, consumables and materials such as equipment, machinery and vehicles acquired from the administration's co-contractors' own funds and for which duties and taxes are paid by the State and imported under the customs regime of Special Temporary Admission (STA), shall be cleared in accordance with the regulatory provisions .

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ARTICLE 52.- At the end of the Programme or Project, the goods owned by the State shall be returned to its assets. The Ministry to which the project is attached shall be the beneficiary, subject to the provisions of the regulations in force concerning the management of State assets.

CHAPTER VI
MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 53.- The Minister in charge of public investments, the Minister in charge of finance, the Heads of Ministries and Persons ranking as such, shall each in their respective fields be responsible for the application of this decree.

ARTICLE 54.- This Decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French. /-

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Yaounde, 13 OCT 2021

THE PRIME MINISTER,
HEAD OF GOVERNMENT,



Joseph DION NGUTE