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DECREE N° 2022/8001 CAB/PM OF 16 SEPT 2022  
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**ESTABLISHING THE GENERAL FRAMEWORK FOR FINANCIAL OPERATIONS  
OF THE STATE AND OTHER PUBLIC ENTITIES BY ELECTRONIC MEANS. -**

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

**Mindful of** the Constitution;

**Mindful of** Regulation n°04/18/CEMAC/UMAC/COBAC of 21 December 2018 on payment services in CEMAC;

**Mindful of** Law 11 n°74/18 of 5 December 1974 relating to the control of authorizing officers, managers and managers of public credits and State enterprises, as amended by Law No. 76/4 of 8 July 1976;

**Mindful of** law n°2003/005 of April 21, 2003 to lay down the jurisdiction, organization and functioning of the Audit Bench of the Supreme Court;

**Mindful of** Law n°2006/016 of 29 December 2006 on the organization and functioning of the Supreme Court;

**Mindful of** Law n°2006/012 of 29 December 2006 establishing the General Regime for Partnership Contracts;

**Mindful of** Law n°2006/017 of 29 December 2006 on the organization, jurisdiction and functioning of regional audit courts;

**Mindful of** Law n°2010/013 of 21 December 2010 governing electronic communications in Cameroon

**Mindful of** Law n°2010/021 of 21 December 2010 regulating electronic trade in Cameroon;

**Mindful of** Law n°2017/010 of July 2017 on the general status of public establishments;

**Mindful of** law n°2017/011 of 12 July 2017 on the general status of public enterprises;

**Mindful of** Law n°019 of 21 December 2015 to lay down the financial law of the Republic of Cameroon for the 2016 financial year;

**Mindful of** Law n°2018/011 of 11 July 2018 on the Code of Transparency and Good Governance in the management of public finances in Cameroon;

**Mindful of** Law No. 2018/012 of 11 July 2018 relating to the Fiscal Regime of the State and other public entities;

**Mindful of** Law n°2019/024 of 24 December 2019 on the General Code of Regional and Regional Authorities;

**Mindful of** Law n°2020/012 of 12 December 2020 on cybersecurity and cybercrime in Cameroon;

**Mindful of** Law n°2021/026 of 16 December 2021 to lay down the finance law of the Republic of Cameroon for the 2022 financial year;

**Mindful of** Decree n°92/089 of 4 May 1992 specifying the attributions of the Prime Minister modified and supplemented by decree n°95/145bis of 4 august 1995;

**Mindful of** Decree n°2011/408 of 9 December 2011 to organize the Government, amended and supplemented by Decree n°2018/190 of 2 March 2018;

**Mindful of** Decree n°2013/066 of 28 February 2013 to organize the Ministry of Finance;

**Mindful of** Decree n°2019/001 of 4 January 2019 to appointing de Prime Minister Head of Government;

**Mindful of** Decree n°2020/375 of 7 July 2020 on the General Regulations of Public Accounting,

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## **HEREBY DECREES AS FOLLOWS:**

### **CHAPTER I: GENERAL PROVISIONS**

#### **SECTION 1 :**

#### **SUBJECT AND FIELD**

**SECTION 1.-** (1) This decree lays down the general framework for the financial operations of the State and other public entities by electronic means.

(2) It shall apply to all electronic filing services concerning taxes, fiscal and parafiscal levies or any other service giving rise to payment to the State or any other public entity.

(3) In addition, it shall deal with all collections and disbursements made by electronic means in fulfilment of an obligation for which the State, its entities, or any other independent, decentralized or devolved administrative structure are involved as creditors or debtors.

**SECTION 2.-** Filing by electronic means shall concern in particular direct taxes, indirect taxes, customs duties and levies, other taxes and fees due to the State or any other public entity in return for a service.

**SECTION 3. -** All exchanges of information relating to administrative documents or acts concerning tax returns or other returns may be exchanged electronically with the competent services.

#### **SECTION 2 :**

#### **DEFINITIONS**

**SECTION 4.-** For the purposes of this Decree, the following definitions shall be accepted:

- ❖ **Beneficiary of the payment (or creditor of the payment obligation):** the person who is the beneficiary of the payment order and the recipient of the amounts paid by an electronic payment instrument. It may be the State for the settlement of its claims in respect of, inter alia, taxes, duties, fees, penalties, contributions, fines and default interest owed by individuals and companies. It may also be State officials or the various entities linked to the State, their service providers or users, natural or legal persons, for the payment of their claims, in particular, for salaries, pensions, allowances, benefits, grants or social assistance or other contractual compensation;
- ❖ **Biometrics:** Principle based on the recognition of the physical and/or biological characteristics of a natural person, in particular the characteristics of his/her fingers, face, eyes, voice, DNA, in order to obtain irrefutable proof of the uniqueness of his/her identity;

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- ❖ **Payment account:** An account held in the name of one or more customers, in the books of a payment service provider, for the purpose of executing payment transactions;
- ❖ **Bank account:** An account opened and kept in its books by a bank, microfinance institution or Public Treasury in the name of a natural person or corporate body for the purpose of carrying out banking transactions;
- ❖ **Personal data:** any information relating to a natural person identified or identifiable directly or indirectly, by reference to an identification number or to one or more elements specific to his physical, physiological, genetic, psychic, cultural, social or economic identity;
- ❖ **Payment originator (or debtor of the payment obligation):** person who initiated the payment order. This may be the State and entities linked to the State, for the payment, in particular, of salaries, pensions, allowances, advantages or other contractual consideration for the benefit of their staff or their service providers or users, natural persons or corporate bodies. It may also be taxpayers and other debtors of the State or entities linked to the State for the settlement, in particular, of taxes, duties, taxes, fees, penalties, contributions, fines and lateness interest;
- ❖ **Writing:** any sequence of letters, characters, numbers or any other signs or symbols which have an intelligible meaning, regardless of their medium or method of transmission;
- ❖ **Electronic writing:** transposition of paper-based writing into the digital world, provided that the person from whom it emanates can be duly identified and that it is drawn up and stored under conditions that guarantee its integrity;
- ❖ **Public entities:** corporate bodies governed by public law other than the State and entrusted with a public service mission;
- ❖ **Force majeure:** exceptional circumstance, foreign to the person experiencing it, which resulted in preventing him from performing the services he owed to his creditor;
- ❖ **Payment order:** an instruction from a payer to its payment service provider requesting the execution of a payment transaction;
- ❖ **Electronic payment:** a technical process that allows a payment order to be transferred remotely through the use of instruments or mechanisms for issuing orders without physical contact between the various parties;

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- ❖ **Technical partner:** any corporate body who provides the electronic payment service provider with the technical services as well as the hardware and software conditions for the processing of electronic payment transactions;
- ❖ **Qualified electronic payment service provider:** financial institutions, financial institutions of a banking nature, microfinance institutions, postal services, electronic money issuers offering payment solutions that guarantee compliance with the requirements of interoperability and security. They shall also be considered as qualified service provider, money transfer companies, and any other type of existing or future electronic payment service provider that falls within the scope of this definition provided that it meets the compliance requirements set. by the regulations in force within the CEMAC to offer electronic payment services and/or to issue electronic money;
- ❖ **Information system:** any set of means intended to develop, process, store or transmit information that is the subject of exchanges by electronic means between administrative authorities and users as well as between administrative authorities;
- ❖ **e-service:** any information system enabling users to carry out administrative procedures or formalities electronically;

## **CHAPTER II :**

### **GENERAL PRINCIPLES AND RULES FOR ELECTRONIC PAYMENTS**

**SECTION 5.-** (1) Payment transactions shall be carried out electronically on behalf of the Public Treasury with the assistance of a payment service provider or technical partner.

(2) The payment service provider or technical partner shall provide, as the case may be, guarantees of transparency, neutrality, security, availability, reliability and interoperability, in accordance with the regulations in force.

**SECTION 6.-** The State or public entity shall ensure that electronic payment can be made in compliance with the principles of transparency, neutrality, security, availability, reliability and interoperability.

**SECTION 7.-** The State or public entity shall ensure that the platforms offer the most complete range of electronic payment solutions and means offered by electronic payment service providers authorized to carry out electronic payment transactions.

**SECTION 8.-** The State or public entity shall ensure that new services and means of payment offered by electronic payment service providers authorized to carry out electronic payment transactions are regularly integrated into the platform.

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**SECTION 9.-** Any public body or corporate body linked to the State or any other public entity, authorized to collect revenue for the benefit of the Public Treasury or to execute expenditure on behalf of the State or any other public entity may use one of the following electronic payment services:

- card payment service;
- payment service via mobile phone;
- online payment service via the Internet;
- payment service via the Electronic Payment Terminal.

**SECTION 10.-** The following shall be authorized to use an electronic payment service

- Treasury department;
- Taxation department;
- Customs department;
- public bodies in charge of the lands and surveys;
- entities and other similar administrative structures;
- any other public body which, within the scope of the exercise of its mission and the provision of electronic services, directly or indirectly collects or makes payments for the benefit or at the expense of the Public Treasury.

**SECTION 11.-** Electronic payment shall be made by the State designating the Ministry in charge of finance or any other public entity, for merchant and non-merchant payments. These include the payment of salaries, pensions, allowances, subsidies, aid and social grants, invoices for services, allowances or benefits for their officials or their service providers or users, whether natural persons or corporate bodies.

**SECTION 12.-** Payment shall be made in favour of the State or a public entity for the settlement, in particular, of taxes, parafiscal levies and other fees, as well as for the payment of all administrative acts whose issuance process is dematerialised.

### **CHAPTER III :**

#### **TERMS AND PROCEDURES OF EXECUTION OF PAYMENT TRANSACTION BY ELECTRONIC MEANS**

**SECTION 13.- (1)** Payment shall be made by any electronic process regardless of the channel, by bank transfer, payment card, electronic money or by any other electronic payment process or service in accordance with the regulations in force.

**(2)** However, payments due to a beneficiary with a bank account shall be made to the bank account indicated by the latter.

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(3) The payee may only modify his payment bank account on presentation of a certificate of non-commitment or any other document certifying that he is released from any commitment vis-à-vis the domiciliary bank of the account.

**SECTION 14.-** (1) The originator shall send to the payment service provider or technical partner, via a platform made available by the public administration to the users of the service, the payment order for the amount of the commitment referred to in SECTION 1 of this Decree.

(2) The payment of fees for a given file may not be split. If a single payment order is issued for a file subject to different fees, the corresponding funds shall be notified to the competent accounting officer who shall, where appropriate, distribute the sums thus collected among the beneficiary entities.

(3) The payment order issued by the administration, via the same platform to the beneficiary of the disbursement shall be carried out in accordance with the electronic payment instruments previously selected by the beneficiary according to the list of available electronic payment instruments registered in the platform.

**SECTION 15.-** The notification of a payment order settled by the approved electronic payment service provider on behalf of the payer shall be irrevocable.

**SECTION 16.-** (1) On the day of acceptance of the payment order, the designated electronic payment service provider shall notify the beneficiary of the payment order received from the payer and settled in accordance with the terms and conditions defined in the agreement between the State and the selected provider.

(2) The notification of the payment order shall include the following information:

- **For natural persons:**

- Names in full;
- address;
- occupation ;
- number of the payment order issued by the public body concerned by the payment;
- amount payable;
- type of the currency;
- date and time of payment;
- electronic payment instrument used;
- identification number and/or code.

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- **For corporate bodies :**

- name of the company ;
- address of the registered office or place of business;
- identification number of the taxpayer;



number of the payment voucher issued by the public body concerned by the payment;

- amount payable;
- date and time of payment;
- electronic payment instrument used.

**SECTION 17.-** A payment order issued after the expiry of the legal deadline for payment by the user of the service shall give rise to the application of penalties and interest for late payment in accordance with the provisions enshrining the debt due to the State. For the assessment of the delay in issuing the payment order, the day and time of issue of the payment order shall be taken into account.

**SECTION 18.-** The payment service provider or technical partner shall pay electronically the amounts referred to in the accepted payment order in accordance with the terms and conditions set out in the agreement between the State and the selected provider, at the latest on the working day following that on which the beneficiary was notified of the order, specifying the amount and the competent service.

**SECTION 19.-** Receipt by the beneficiary of the notification of the settled payment order shall constitute discharge for the payment service provider.

**SECTION 20.-** The public body concerned shall send to the competent accountant of the Treasury, on the day following that of the receipt of the notification of the settled payment orders, a report indicating, per competent service and per type of payment, the payments made according to the electronic payment instrument used for their charge.

**SECTION 21.-** The assignee accountants alone shall be charged with the payment of authorizations and orders, after the controls provided for by the regulations in force.

**SECTION 22.- (1)** In the event of irregularities found during the checks provided for in respect of expenditure, the accountants shall not approve the expenditure. The same shall apply where they have been able to establish that the certifications issued by the authorizing officers are inaccurate.

**(2)** Accountants shall send authorising officers a written statement setting out the reasons for their refusal, together with the rejected documents.

**(3)** If, in spite of this rejection, the authorising officer gives the accountant a written order to effect the payment, the latter shall do so and shall attach to the order, the original of the requisition note which he has received, together with a copy of his declaration. The requisition notes issued by the authorising officers shall be forwarded to the Audit Jurisdiction and shall be attached to the management accounts of the accountants concerned.

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**SECTION 23.-** (1) Accountants may not comply with the requisition of the authorising officer if the refusal is based on:

- unavailability of appropriations;
- absence of justification of the service rendered, except for advances and subsidies;
- non-discharge of the payment;
- absence of endorsement by the financial controller when such an endorsement is compulsory.

(2) When the accountant pays the expenditure at the requisition of the authorizing officer, the authorizing officer shall be held liable in the place of the accountant.

#### **CHAPTER IV :**

### **SELECTION METHODS OF ELECTRONIC PAYMENT SERVICE PROVIDER AND ELECTRONIC PAYMENT TECHNICAL PARTNER**

#### **SECTION I:**

### **SELECTION OF ELECTRONIC PAYMENT SERVICE PROVIDER**

**SECTION 24.-** (1) The provision of payment services by electronic means shall be subject to obtaining an authorization to operate issued by the national monetary authority, in accordance with the procedures specified by an order of the Minister of Finance.

(2) The authorization referred to in (1) above shall be accompanied by a set of specifications drawn up by agreement between the parties.

**SECTION 25.-** (1) The authorization to operate as an electronic payment service provider shall give the corporate body providing the service the right to access the electronic payment platforms of the entity concerned and the authorization to serve as a channel for the payment of its duties and taxes.

(2) The technical and financial terms and conditions for exercising the rights conferred by the authorization referred to in (1) above shall be provided for in a tripartite agreement binding the national monetary authority, service providers, guaranteeing banks and the entity concerned.

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**SECTION 26.-** The cessation of activities of the payment service provider shall be done in accordance with the procedures specified by an order of the Minister of Finance.

## **SECTION II :**

### **SELECTION PROCESS OF THE TECHNICAL PARTNER**

**SECTION 27.-** The technical partner is selected according to the rules governing the award of public contracts and those provided for by the general regime of partnership contracts.

**SECTION 28.- (1)** Subject to the provisions of the Public Procurement Code and the legislation in force on partnership contracts, the technical partner's selection file shall include in particular, on pain of rejection:

- instructions to the bidder;
- specific selection data;
- technical specifications relating to payment and data exchange;
- in particular the requirements for interoperability and security and for the re-use of data;
- general and specific administrative clauses;
- model agreement between the State and the selected service provider
- sample forms, where applicable;
- authorization of the national regulator in charge of information and communication technologies certifying after a security audit of the Technical Partner's information system that its infrastructure is secure and can be connected without risk to those of the other stakeholders.

**(2)** The State may be accompanied throughout the process of selecting service providers and implementing electronic payment service platforms by project management assistance.

**(3)** To be authorised to carry out electronic payment operations, the technical partner shall sign an agreement with the Ministry of Finance which organizes the relationship between the State and the partner.

**(4)** The said agreement shall include, under penalty of nullity, the scope of their rights, obligations and responsibilities.

**(5)** The termination of the activities of the technical partner shall be in accordance with the regulations in force.

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## **CHAPTER V :**

### **OBLIGATIONS AND RESPONSIBILITIES OF THE STATE AND OTHER PUBLIC ENTITIES**

**SECTION 29.-** (1) Unless otherwise provided for, the State or other public entities shall be bound by an obligation to provide information to users of electronic payment services.

(2) The commitment referred to in (1) above shall be implemented respectively by all the bodies concerned, which shall secure, by any means, the information of users on the possibility and conditions of use of the electronic payment system.

**SECTION 30.-** Transaction costs related to the service shall be borne by the payee, for State disbursements, and by the originator for State collections, who shall be responsible for their settlement.

**SECTION 31.-** (1) The State or other public entities shall be fully responsible to the users of the service for the proper performance of the electronic payment service, whether these services are to be performed by itself or by the service providers, without prejudice to its right of recourse against the latter.

(2) However, the State may, by agreement, transfer this responsibility to its payment service providers or technical partners.

(3) The payment service providers or technical partners referred to in (2) above shall incur the sanctions provided for by the regulations in force in case of non-compliance with the tripartite agreement.

**SECTION 32.-** The State or any other public entity may, moreover, exonerate itself from all or part of its liability by providing proof that the non-performance or poor performance of the electronic payment service is attributable either to the service user, the electronic payment service provider, the technical partner or to a case of force majeure.

**SECTION 33.-** Security audits may be carried out either by the regulator or by any approved operator at the request of the Minister in charge of finance

## **CHAPTER VI :**

### **OBLIGATIONS AND RESPONSIBILITIES OF THE ELECTRONIC PAYMENT SERVICE PROVIDER**

**SECTION 34.-** The electronic payment service provider shall be required to follow up the payment order. In this regard, it shall be bound by a general obligation of security and shall execute the payment order received in accordance with the instructions contained in the data message.

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**SECTION 35.**- The electronic payment service provider shall ensure, in particular, that the data transmitted is properly stored and kept confidential.

**SECTION 36.**- The payment service provider shall be liable in the event of error, late payment, incomplete payment, difference between the amounts paid and the amounts issued resulting from irregular functioning of the system or a technical breakdown making it impossible to carry out the operations.

## **CHAPTER VII:**

### **COMPLIANCE WITH THE PERSONAL INFORMATION PROTECTION SYSTEM**

**SECTION 37.**- The State shall be responsible for the compliance of electronic payment systems with the regulatory framework for personal data in accordance with the instruments in force.

**SECTION 38.**- The personal data of beneficiaries of electronic payment services must under no circumstances be stored in databases located outside the CEMAC zone.

**SECTION 39.**- In this respect, the agreements governing relations between the State or any other public entity and its partners within the implementation context of electronic payment systems shall include stipulations relating to the protection of personal data.

## **CHAPTER VIII :**

### **MISCELLANEOUS AND FINAL PROVISIONS**

**SECTION 40.**- Any breach observed in the application of the provisions of this Decree shall be subject to the sanctions provided for by the regulations in force.

**SECTION 41.**- The Minister of Finance shall be charged with the execution of this Decree which shall be registered, published according to the procedure of urgency, then inserted in the Official Gazette in English and French. /-

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YAOUNDE, the 16 SEPT 2022



**Joseph DION NGUTE,**  
**THE PRIME MINISTER, HEAD OF GOVERNMENT,**