

DECREE No. 2024 / 05251 /PM OF 19 NOV 2024

to lay down the terms and conditions for the possession, marketing, export, import and transit of mineral substances.-

THE PRIME MINISTER, HEAD OF GOVERNMENT,

- Mindful of the Constitution;
- Mindful of Act No. 8/65-UDEAC-37 of 14 December 1965 on the CEMAC Customs Code and its subsequent amendments;
- 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 relating 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 Ordinance No. 74/1 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 Law No. 2023/014 of 19 December 2023 relating to the Mining Code;
- 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

ARTICLE 1.- (1) This decree lays down the terms and conditions for the possession, marketing, export, import and transit of mineral substances.

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(2) It aims to ensure traceability and transparency in the transportation and marketing of mineral substances in Cameroon.

ARTICLE 2.- For the purposes 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.

Sample export licence: A legal document that confers on a natural or legal person the necessary licence to export samples of products or raw materials.

Transit licence: An instrument that confers on a natural or legal person the right to transport a mineral substance across the Cameroonian territory.

Sample shipment licence: A legal document that confers on a natural or legal person the necessary licence to ship samples of products, raw materials or other substances for analysis, testing, research or commercial purposes;

Operating licence: An administrative document that confers on its holder, who has been duly authorised to carry out the activity applied for, the right to open a mineral processing plant;

Purchasing office: A legal entity under Cameroonian law approved by the Minister in charge of mines, specialised in the purchase and marketing of mineral substances other than precious and semi-precious stones;

Marketing office: A natural or legal person under Cameroonian law specialised in the sale, purchase, import and export of mineral substances;

Single marketing office: A public entity responsible for ensuring and carrying out, on behalf of the State or on its own account, the purchase, sale, import and export of precious and semi-precious substances on an exclusive basis throughout the national territory;

Kimberley Process Certificate: A secure, tamper-proof document issued by a competent authority of a member country of the Kimberley Process attesting that a consignment of raw diamond meets the requirements of the Kimberley Process Certification Scheme;

Export Certificate: Document issued by the Ministry in charge of mines authorising a natural or legal person to export precious or semi-precious mineral substances;

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Collector: A natural person of Cameroonian nationality authorised to buy non-industrial mining mineral substance and sell same to owners of approved purchasing offices;

Private Collector: A natural person who possesses precious and semi-precious substances for personal collection purposes;

Pre-emptive Right: The privilege of the State to acquire, before any other person, a tangible or intangible asset that its owner intends to sell;

Stamp: Instrument used to mark gold with a fineness equal to or greater than eighteen carats;

Representation: Complete contact details that enable the Administration to contact the holder of a mining title, permit or licence through a third party;

Precautionary Seizure: A legal procedure under common law that allows any creditor to make certain property and assets of its debtor unavailable in order to ensure the recovery of its debt or to prevent the dissipation of its debtor's assets;

Writ of seizure and sale: A legal procedure under common law whereby a creditor holding an enforceable title has assets held by the debtor or by a third party seized under the authority of the law with a view to selling them and receiving payment from the proceeds;

Strategic mineral substance: Classification of a mineral which, in the opinion of the Government, warrants exceptional measures of conservation, research or exploitation because of its rarity, value or importance in economic, environmental, cultural, national defence or public order terms;

Transit: The physical passage through Cameroonian territory, with or without transshipment or change of mode of transport, where such passage constitutes only a stage of a journey which began and ended outside the frontiers of the Republic of Cameroon.

CHAPTER II **POSSESSION OF MINERAL SUBSTANCES**

ARTICLE 3.- (1) Holders of mining titles, permits and licences may possess mineral substances under the conditions set out in their respective titles, permits and licences.

(2) Natural persons may possess precious and semi-precious mineral substances for personal collection purposes.

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ARTICLE 4.- (1) The possession of precious and semi-precious mineral substances for personal collection purposes shall be subject to the licence of the Minister in charge of mines.

(2) Any natural person wishing to possess precious and semi-precious mineral substances for personal collection purposes must submit a stamped application, stating the applicant's name and surname, place of residence and address, and the quantities of the substance(s) to be collected.

(3) The application for the licence shall be submitted at the Divisional Delegation of the Ministry in charge of mines of the applicant's place of residence. The following documents shall be enclosed to the application:

- a certified photocopy of the national identity card or passport;
- a passport size photo;
- the origin of the desired mineral substance;
- a site plan of the place where the substances are stored;
- a certificate of non-conviction less than three (3) months old;
- a certificate of expertise issued by the competent authority of the Ministry in charge of mines;
- an affidavit stating that the minerals are for personal collection only;
- a stamping certificate issued by the National Mining Corporation, where applicable.

(4) As soon as the application has been registered, the competent Divisional Delegate of the Ministry in charge of mines shall issue a receipt to the applicant stating the specifications and quantities of the mineral substance(s) in question.

(5) The licence to possess precious and semi-precious mineral substances for personal collection purposes shall be granted by decision of the Minister in charge of mines.

ARTICLE 5.- Precious and semi-precious substances in the possession of natural persons for the purpose of collection shall be intended exclusively for personal use and may not be sold.

ARTICLE 6.- (1) The holder of a licence to possess precious and semi-precious substances who wishes to dispose of all or part of his collection must inform the Ministry in charge of mines and the National Mining Corporation.

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(2) The Ministry in charge of mines shall authorise the total or partial transfer.

(3) The National Mining Corporation shall be required to purchase the collection thus declared at the market price.

ARTICLE 7.- The holder of a licence to possess precious and semi-precious substances who conducts an illegal sale of the substances shall be liable to the penalties provided for by the legislation in force.

ARTICLE 8.- (1) Holders of precious and semi-precious substances for personal collection purposes shall declare the quantities of precious and semi-precious substances in their possession to the Ministry in charge of mines. A copy of the declaration shall be submitted to the National Mining Corporation.

(2) The declaration referred to in (1) above shall be renewed in the event of a change in the stock of the collection.

(3) The Ministry in charge of mines and the National Mining Corporation shall monitor, on an annual basis, the quantities of precious and semi-precious substances held by private collectors.

CHAPTER III **MARKETING OF MINERAL SUBSTANCES**

SECTION I **GENERAL PROVISIONS**

ARTICLE 9.- (1) The purchase and marketing of precious and semi-precious substances from artisanal and semi-mechanized artisanal mining shall be carried out by the National Mining Corporation, collectors and approved marketing offices.

(2) A holder of an artisanal or semi-mechanized artisanal mining licence shall sell his products to collectors, approved marketing offices or the National Mining Corporation.

(3) Collectors shall sell only to the National Mining Corporation.

ARTICLE 10.- (1) The prices of gold and diamond shall be fixed at the international market with a discount fixed by mutual agreement.

(2) The prices of other substances shall be freely fixed.

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SECTION II
COLLECTION OF PRECIOUS AND
SEMI-PRECIOUS MINERAL SUBSTANCES

ARTICLE 11.- (1) The collection of precious and semi-precious substances derived from artisanal and semi-mechanized artisanal mining by licence holders shall be subject to the issuance of a collector's card.

(2) The collector's card shall be valid for a period of two (2) years. It shall be renewable for the same period.

ARTICLE 12.- The collector's card shall contain the following information:

- the name, address and date of birth of the collector;
- a passport size photograph;
- the dates of signature and expiry of the card;
- the substance(s) to be collected;
- the name, capacity and signature of the authority issuing the card.

ARTICLE 13.- The National Mining Corporation shall keep registers in which the names of holders of collectors' cards, their dates of issue and any renewals are recorded.

ARTICLE 14.- (1) Each holder of a collector's card shall keep an up-to-date register in which he shall record the following information for each transaction:

- the date, place and name of the seller;
- the references of the artisanal or semi-mechanized artisanal mining;
- the date, place and references of the marketing office;
- the quantity, quality and price of the products bought or sold.

(2) The holder of a collector's card shall be required to submit an activity report to the National Mining Corporation every six (6) months, from the date of issuance of the collector's card.

(3) The report referred to in paragraph 2 above shall include:

- the name and address of the collector;
- the number of purchases and sales made each month during the previous six (6) months, together with the turnover;
- for each type of ore, the quantity of ore purchased and the value paid, the quantity of ore sold and the value received, and the quantity in stock on the last day of each month.

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(4) The collector who fails to submit his report according to the procedures referred to in (2) above shall be liable to suspension from activity for a period of three (3) months, renewable. The suspension shall be recorded in the appropriate registers. This suspension may be lifted once this obligation has been fulfilled.

(6) The suspension of activity referred to in (5) above shall be effected by the Director General of the National Mining Corporation.

SECTION III **MARKETING OFFICES**

ARTICLE 15.- The marketing of precious and semi-precious substances derived from artisanal and semi-mechanized artisanal mining shall be open to any legal entity under Cameroonian law that holds a licence to operate a marketing office.

ARTICLE 16.- (1) The application for licence to operate a marketing office shall be made in three (3) copies, according to the sample form provided by the National Mining Corporation.

(2) The form referred to in (1) above shall contain the applicant's name, surname, place of residence and the type of substances in question.

(3) The following documents shall be enclosed in the application:

- a copy of the manager's national identity card, residence permit or any document in lieu thereof;
- a certificate of non-conviction of the manager less than three (3) months old;
- a passport size photograph of the manager;
- type of the substances concerned;
- articles of association and all documents proving its legal existence;
- a facilities inspection report on the legal entity, prepared by an official of the National Mining Corporation appointed for this purpose;
- the unique identification number;
- tax compliance certificate;
- a receipt for the payment of fixed charges to the Ministry in charge of finance in the amount prescribed by law;
- a site plan of the head office.

ARTICLE 17.- (1) The application for licence shall be submitted to the National Mining Corporation against a receipt.

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(2) The National Mining Corporation shall issue its decision within 15 days of the date of receipt of the application.

ARTICLE 18.- (1) The licence to operate a marketing office for precious and semi-precious substances shall be granted by the Director General of the National Mining Corporation.

(2) The licence referred to in (1) above shall be valid for four (4) years, renewable, from the date of notification of the licence.

ARTICLE 19.- (1) The application for the renewal of a licence to operate a precious and semi-precious substances marketing office shall be submitted, against a receipt, three (3) months before its expiry, following the same procedure as for its issuance.

(2) It shall be submitted in three (3) copies, with the original bearing a stamp at the current rate, and shall also include:

- an activity report for the previous period, providing marketing statistics;
- any document proving payment of the taxes and levies applicable for the previous period.

ARTICLE 20.- A register shall be opened at the National Mining Corporation, in which the references of the licence to operate marketing offices for mineral substances, the identity of the holders and the place where the activity is carried out shall be recorded.

ARTICLE 21.- The holder of a licence to operate a marketing office for precious and semi-precious substances shall submit a quarterly activity report to the National Mining Corporation. A copy of the report shall be forwarded to the Ministry in charge of mines.

SECTION IV **PURCHASING OFFICES**

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ARTICLE 22.- (1) The marketing of precious and semi-precious mineral substances derived from artisanal and semi-mechanized artisanal mining shall be open to any legal entity under Cameroonian law that holds a licence to operate a marketing office.

(2) Purchasing offices shall be authorised to market mineral substances with the exception of precious and semi-precious substances.

(2) The National Mining Corporation shall issue its decision within 15 days of the date of receipt of the application.

ARTICLE 18.- (1) The licence to operate a marketing office for precious and semi-precious substances shall be granted by the Director General of the National Mining Corporation.

(2) The licence referred to in (1) above shall be valid for four (4) years, renewable, from the date of notification of the licence.

ARTICLE 19.- (1) The application for the renewal of a licence to operate a precious and semi-precious substances marketing office shall be submitted, against a receipt, three (3) months before its expiry, following the same procedure as for its issuance.

(2) It shall be submitted in three (3) copies, with the original bearing a stamp at the current rate, and shall also include:

- an activity report for the previous period, providing marketing statistics;
- any document proving payment of the taxes and levies applicable for the previous period.

ARTICLE 20.- A register shall be opened at the National Mining Corporation, in which the references of the licence to operate marketing offices for mineral substances, the identity of the holders and the place where the activity is carried out shall be recorded.

ARTICLE 21.- The holder of a licence to operate a marketing office for precious and semi-precious substances shall submit a quarterly activity report to the National Mining Corporation. A copy of the report shall be forwarded to the Ministry in charge of mines.

SECTION IV **PURCHASING OFFICES**

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ARTICLE 22.- (1) The marketing of precious and semi-precious mineral substances derived from artisanal and semi-mechanized artisanal mining shall be open to any legal entity under Cameroonian law that holds a licence to operate a marketing office.

(2) Purchasing offices shall be authorised to market mineral substances with the exception of precious and semi-precious substances.

(3) The licence to operate a purchasing office for mineral substances shall be granted by Order of the Minister in charge of Mines for a renewable period of four (4) years.

(4) The licence shall particularly specify:

- the identity of the holder;
- the validity;
- the place of establishment or chosen residence of the office;
- the terms and conditions governing the marketing of the mineral substances.

ARTICLE 23.- (1) The application for licence to operate a purchasing office shall be made in three (3) copies, according to the sample form provided by the Ministry in charge of mines. It shall bear the applicant's name, surname, place of residence and the type of the substances concerned.

(2) The following documents shall be enclosed in the application referred to in (1) above:

- a notarised copy of the company's updated Memorandum and articles of association;
- the unique identification number;
- a certificate of residence;
- a certified list of the persons authorised to sign on behalf of the company, their nationalities and respective addresses;
- a valid tax compliance certificate or any other document in lieu thereof;
- a non-bankruptcy certificate issued by the competent court where the head office is located or by another authorised body;
- a facilities inspection report on the legal entity, prepared by an official of the Ministry in charge of mines appointed for this purpose;
- proof of payment of fixed taxes and royalties to the Treasury.

ARTICLE 24.- (1) The application for licence shall be submitted to the competent Divisional Delegation of the Ministry in charge of mines against a receipt. The Divisional Delegate shall ensure that the application meets all formal requirements and forward it to the competent Regional Delegate of the Ministry in charge of mines. The file must be forwarded to the Minister in charge of mines within fifteen (15) days from the date of submission.

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(2) The Minister in charge of mines shall have thirty (30) days from the date of submission of the application to issue a decision. Beyond this period, the application shall be considered approved, if there is no reply from the Ministry in charge of mines. The certificate shall be issued and the applicant entitled to commence operations.

ARTICLE 25.- A register shall be opened in the Ministry in charge of mines in which the references of the licences to operate the marketing offices, their holders and their administrative jurisdictions shall be recorded.

ARTICLE 26.- (1) The application to renew the licence to operate a purchasing office shall be submitted three (3) months before the expiry of the current licence and shall be processed in the same manner.

(2) It shall be submitted in three (3) copies, with the original bearing a stamp at the current rate, and shall include:

- an activity report for the previous period, providing marketing statistics;
- proof of payment of the relevant fixed taxes and royalties.

The Minister in charge of mines may order any necessary investigation. The cost of such an investigation shall be borne by the applicant.

ARTICLE 27.- The applicant shall be required to submit a quarterly activity report to the competent Divisional Delegate of the Ministry in charge of mines, with a copy forwarded to the Minister in charge of mines.

CHAPTER IV

EXPORT OF MINERAL SUBSTANCES

SECTION I

CERTIFICATE OF ORIGIN AND CERTIFICATE OF AUTHENTICITY

ARTICLE 28.- Any mineral substance extracted from Cameroon's subsoil and destined for export must undergo expert valuation by the laboratory of the Ministry in charge of Mines or any other laboratory or body approved by the Ministry in charge of mines.

ARTICLE 29.- (1) At the end of each valuation, the laboratory carrying out the exercise shall draw up a report.

(2) On the basis of the report referred to in (1) above, the National Consular Chamber in charge of mines shall issue a certificate of origin, specifying the type of substance and its weight.

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(3) A certificate of authenticity, issued by the Ministry in charge of mines at the request of the National Mining Corporation, shall also be required for precious stones and metals, as well as precious and semi-precious stones leaving the national territory.

(4) The issuance of the certificates referred to in (1) and (2) above shall be subject to payment by the applicant of the valuation fees established by the finance law.

SECTION II

EXPORT LICENCE

ARTICLE 30.- (1) The export of mineral substances produced in Cameroon shall be subject to the ownership of an export licence.

(2) The application for export licence shall be made in one (1) copy, stamped at the current rate, and submitted at the Ministry in charge of mines, the National Mining Corporation or the Permanent National Secretariat of the Kimberley Process, as the case may be.

(3) The following documents shall be enclosed in the application referred to in (2) above:

- a copy of the valid mining title, mining licence or quarrying permit;
- a copy of the extract from the production or marketing register for the consignments concerned;
- a certificate of origin;
- a certificate of authenticity, where applicable;
- a refining report drawn up by a refining plant approved by the Ministry in charge of mines, where applicable;
- a stamping report, where applicable;
- proof of payment of the various duties and taxes required;
- traceability documents, especially the electronic cargo tracking form issued by the competent national authority, where applicable;
- a tax compliance certificate issued by the taxation department in accordance with the regulations in force;
- a transporter's licence;
- address of the consignee;
- itinerary of the parcel conveyor.

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ARTICLE 31.- (1) The Minister in charge of mines and the Director General of the National Mining Corporation shall have fifteen (15) days from the date of receipt of the application to issue or decline to issue the export certificate for gold from semi-mechanized artisanal mining.

(2) The Minister in charge of mines and the Permanent National Secretary of the Kimberley Process shall have fifteen (15) days from the date of receipt of the application file to issue or decline to issue the export certificate for diamonds.

(3) The Minister in charge of mines shall have five (5) days from the date of receipt of the application to issue or decline to issue an export licence for other substances.

(4) The export licence shall specify the period and quantities of shipments for which it is granted.

ARTICLE 32.- (1) The export licence for quarry products shall be issued following an inspection by inspectors from the Ministry in charge of mines, who shall assess the quantities, identify the substances and draw up a report.

(2) The costs of the inspection shall be borne by the operator.

ARTICLE 33.- (1) Gold produced in Cameroon and destined for export shall be refined and stamped.

(2) Refining shall be carried out by the National Mining Corporation or by any other structure approved by the Minister in charge of mines.

SECTION III
SHIPMENT OF SAMPLES
OF MINERAL SUBSTANCES

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ARTICLE 34.- (1) The holder of a reconnaissance permit or exploration permit may ship non-commercial value samples of mineral substances for analysis or industrial testing.

(2) Natural or legal persons under Cameroonian law who can prove the quality of the work to be carried out may also ship samples of mineral substances for scientific or health research purposes or for civil engineering works.

(3) The shipment of samples of mineral substances shall be subject to the issuance of a shipment licence by the Minister in charge of mines.

ARTICLE 35.- (1) The applicant shall submit to the Ministry in charge of mines an application, stamped at the current rate, containing the following information:

- the name and address of the applicant;
- the references of the mining title, licence or permit, where applicable;
- a list of samples to be sent, specifying in particular the sampling location, the number of samples, their serial numbers and the coordinates of the sampling location obtained from a tracking device;
- the sample collection card;
- the nature, weight, volume and type of packaging of the samples;
- the full address of the laboratory to carry out the analyses;
- the type of analyses to be carried out.

(2) The samples referred to in paragraph 1 shall be subject to the control of the Ministry in charge of mines.

ARTICLE 36.- (1) Before shipment, the Ministry in charge of mines shall control the samples at the packaging site.

(2) The control referred to in (1) above shall consist of checking:

- that the information on the list of samples to be shipped is correct;
- the type, quantity, weight and volume of the samples declared.

(3) The sample control shall be carried out at the expense of the applicant at the rates laid down by the regulations in force.

ARTICLE 37.- Four (4) copies of the shipment licence for sample shall be issued. One shall be issued to the applicant, one to the Customs Administration, one to the National Mining Corporation and one to the Ministry in charge of mines.

ARTICLE 38.- (1) The holder of an exploration permit or a reconnaissance permit who has shipped samples shall, within six (6) months of the date of issue of the shipment licence, submit the results of the analysis of the samples to the Minister in charge of mines and to the National Mining Corporation.

(2) The holder of an exploration or reconnaissance permit who has not submitted the results of the analysis within the time limits referred to in (1) above shall not be granted a new shipment licence, except in cases of absolute necessity notified in advance to the Minister in charge of mines.

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CHAPTER V
IMPORT AND TRANSIT
OF MINERAL SUBSTANCES

ARTICLE 39.- (1) Apart from the State's international commitments, the import of mineral substances shall be subject to the issuance of an import licence by the Minister in charge of mines.

(2) The application for an import licence for mineral substances, stamped at the current rate, shall be submitted to the Ministry in charge of mines. It shall contain the following information:

- the name and address of the applicant;
- the type, weight and content of the mineral substances concerned;
- the address of the country of origin;
- the address of the consignee of the substance(s);
- the use of the mineral substance to be imported;
- the place of extraction, where applicable;
- the export licence from the country of origin.

(3) The following shall be enclosed in the application referred to in (2) above:

- a certificate of authenticity issued by the country of origin, or any document in lieu thereof, stating the type, weight and content of the mineral substances concerned;
- the export licence from the country of origin;
- a contract between the consignor and the consignee;
- address of the consignee in Cameroon.

(4) The Minister in charge of mines shall have fifteen (15) working days from the date of receipt of the application file to grant or decline to grant a licence to the applicant.

(5) Imported mineral substances shall be unloaded under the supervision of sworn inspectors of the Ministry in charge of mines in liaison with the competent authorities.

ARTICLE 40.- (1) The transit of mineral substances through Cameroon shall be subject to a transit licence issued by the Minister in charge of mines.

MINISTRE DES MINES, PREMIER MINISTRE
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(2) The application for transit licence for mineral substances shall be stamped at the current rate and submitted to the Ministry in charge of mines. It shall contain the following information:

- the names and addresses of the applicant and the consignee;
- the place of extraction of the mineral substance in question, where applicable;
- the countries of origin and destination;
- the means of transit used.

(3) The following shall be enclosed in the application referred to in (2) above:

- a certificate of authenticity or any document in lieu thereof, stating the type, weight and content of the mineral substances concerned;
- the export licence from the country of origin;
- the import licence of the country of destination;
- proof of payment of the duties and taxes required;
- the address of the consignee in the country of destination.

(4) The Minister in charge of mines shall have fifteen (15) days from the date of receipt of the application file to grant or decline to grant a licence to the applicant.

ARTICLE 41.- (1) The Minister in charge of mines shall reserve the right to require an expert's valuation of the mineral substances imported into or transiting through Cameroon.

(2) The Minister in charge of mines may check the authenticity of the export licence and the Certificate of Authenticity referred to in Articles 39 and 40 above.

CHAPTER VI

MISCELLANEOUS AND FINAL PROVISIONS

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ARTICLE 42.- The export, import and transit of radioactive substances shall be governed by separate instruments.

ARTICLE 43.- All previous provisions repugnant to this decree are hereby repealed.

ARTICLE 44.- This decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French. /-

Yaounde, 19 NOV 2024

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

SERVICES DU PREMIER MINISTRE
SECRETARIAT GENERAL
DIRECTION DES AFFAIRES ADMINISTRATIVES
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MP
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