

DECREE No 2024/05252 /PM OF 19 NOV 2024
to lay down the terms and conditions for the tapping of spring
water, mineral and thermo-mineral water and geothermal deposits.-

THE PRIME MINISTER, HEAD OF GOVERNMENT,

- Mindful of** the Constitution;
- Mindful of** Act No. 8/65-UDEAC-37 of 14 December 1965 relating to the CEMAC Customs Code and its subsequent amendments;
- Mindful of** Law No. 96/12 of 5 August 1996 on the framework law relating to environmental management;
- Mindful of** Law No. 98/015 of 14 July 1998 to regulate establishments classified as dangerous, unhealthy, and inconvenient;
- Mindful of** Law No. 2002/003 of 19 April 2002 on the General Tax Code and its subsequent amendments;
- Mindful of** Law No. 2023/014 of 19 December 2023 relating to the Mining Code;
- 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-a of 4 August 1995;
- Mindful of** Decree No.2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No.2018/190 of 8 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.- This decree lays down the terms and conditions for the tapping of spring water, mineral and thermo-mineral water and geothermal deposits.

LE MINISTRE DU PREMIER MINISTRE
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ARTICLE 2.- (1) Spring water, mineral and thermo-mineral water and geothermal deposits shall be part of the public property of the State.

(2) Spring water, mineral and thermo-mineral water must be derived from a direct catchment extracted, either from a natural water source, or from an artificial structure such as a well or borehole.

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

Address: Complete contact details, including 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 communications may be channelled to him/her;

Mining Licence: An administrative instrument that confers on its holder or beneficiary the exclusive right to carry out mining works or activities for which it has been issued within the assigned perimeter;

Packaging licence: Legal instrument that confers on its beneficiary the exclusive right to package spring water, mineral and thermo-mineral water or the product of geothermal deposits intended for public consumption;

Competent authority: Public authority empowered to issue, renew or approve mining titles and licences granted in the sector;

Registration: Entry of data in the Mining Titles Register;

Water protection perimeter: Area limiting the catchment point for spring water, mineral and thermo-mineral water;

Permit: A legal instrument that confers on its holder or beneficiary the exclusive or non-exclusive right, where appropriate, to carry out activities or works for which it is issued within the allotted perimeter;

Mineral substances: Amorphous or crystalline, solid, liquid or gaseous natural substances, as well as fossilized organic substances and geothermal deposits;

Strategic mineral substances: Mineral substances whose scarcity, value or importance warrant special measures for their exploration, mining and/or preservation.

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CHAPTER II
TAPPING OF SPRING WATER, MINERAL AND THERMO-MINERAL WATER
AND GEOTHERMAL DEPOSITS

ARTICLE 4.- The tapping of spring water, mineral and thermo-mineral water and geothermal deposits shall be subject to the cumulative and successive issuance of:

- a reconnaissance permit;
- a mining permit.

SECTION I
RECONNAISSANCE PERMIT

ARTICLE 5.- A reconnaissance permit is a legal instrument that confers on its holder the right to carry out work, resulting in the production especially of:

- a technical report on the catchment point showing the lithological or litho-stratigraphic section of the reconnaissance boreholes, and the results of pumping tests, where applicable;
- an analysis report specifying the physical, chemical and bacteriological characteristics of the water sampled.

ARTICLE 6.- (1) The possession of a reconnaissance permit for mineral and thermo-mineral water and geothermal deposits shall be a prerequisite for the issuance of tapping permit.

(2) The reconnaissance permit shall be issued by an order of the Minister in charge of mines.

(3) Conditions for the granting of the reconnaissance permit for mineral and thermo-mineral water and geothermal deposits shall be those laid down by the regulations in force.

SECTION II
TAPPING PERMIT

ARTICLE 7.- The granting of a permit for tapping spring water, mineral and thermo-mineral water for industrial or commercial purposes shall be opened to any legal entity under Cameroonian law in accordance with the provisions of this Decree. The same shall apply to its renewal.

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ARTICLE 8.- (1) The permit for tapping spring water, mineral and thermo-mineral water and geothermal deposits shall be granted when reconnaissance work has proven the existence of a usable water table within the perimeter applied for.

(2) The catchment planned by the operator must offer the required hygiene guarantees.

ARTICLE 9.- (1) Any applicant for spring water, mineral and thermo-mineral water or geothermal deposit tapping permit must submit an application to the Minister in charge of mines in three (3) copies, the original of which shall be stamped at the current rate.

(2) The application referred to in paragraph one (1) above shall include, in addition to documents required by the regulations in force, the following documents:

- a technical report on the catchment point showing lithological or litho-stratigraphic sections and pumping tests;
- an extract from a 1:50,000 scale map approved by the National Institute of Cartography, specifying the location of the spring or deposit in geographical or planimetric coordinates, with certificates of surface area measurements;
- a plan on a scale of 1:1,000, defining the boundaries of the tapping perimeter and ancillary facilities, signed by a sworn official of the Land Registry;
- a lithological and litho-stratigraphic log on a scale of between 1:50 and 1:500 of the borehole or extraction point;
- a description of works to be carried out and a programme of planned catchment operations and development works;
- documents establishing the applicant's capabilities to ensure the sanitary protection of the spring;
- a report on the hydrogeological, geophysical, bacteriological and physico-chemical studies defining the tapping conditions, where applicable;
- a report on groundwater vulnerability studies to determine the protection and safety perimeter;
- an expert report drawn up by a joint body of the Ministry in charge of mines and the Ministry in charge of public health, to which the results of analyses specifying the physico-chemical and bacteriological characteristics of the sample water shall be attached, where applicable;
- proof of the applicant's experience in tapping spring water, mineral and thermo-mineral water and geothermal deposits, where applicable;

- an undertaking by the promoter not to subject the water to any operation likely to alter the characteristics set out in the expert reports;
- an industrial site licence accompanied by a hazard study;
- an instrument justifying land rights over a surface area equal to or greater than one thousand (1000) m².

(3) Terms and conditions for carrying out of the expertise shall be specified by a joint order of the Ministers in charge of mines and public health.

ARTICLE 10.- (1) An application for the granting or renewal of a permit for tapping spring water, mineral and thermo-mineral water or a geothermal deposit shall be examined within sixty (60) days from the date of registration.

(2) When the period referred to in paragraph 1 above shall expire and in the absence of an express extension of the deadlines, the operator may refer the matter to the Prime Minister for arbitration.

ARTICLE 11.- (1) The tapping permit, alongside specifications, shall be granted by order of the Minister in charge of mines, for a period of five (5) years, renewable by periods of three (3) years. The beneficiary shall be notified in accordance with the regulations in force.

(2) The granting instrument shall specify particularly protection and safety perimeters, surrounded by a buffer area prohibited to any polluting activity.

CHAPTER III

PACKAGING OF SPRING WATER, MINERAL AND THERMOMINERAL WATER

SECTION I **PACKAGING LICENCE**

ARTICLE 12.- The packaging of spring water, mineral water or thermo-mineral water intended for the public shall be opened to any natural or legal person under Cameroonian law holder of a packaging licence issued by the Minister in charge of mines.

ARTICLE 13.- (1) The issuance of a licence for packaging spring water, mineral or thermo-mineral water shall be subject to prior acquisition of a packaging permit.

(2) The permit for packaging spring water, mineral or thermo-mineral water may only give rise to a licence for packaging water with the same mineral composition.

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ARTICLE 14.- (1) The application for a licence to package spring water, mineral or thermo-mineral water shall be sent to the Minister in charge of mines in three (3) copies, the original of which shall be stamped at the current rate.

(2) In addition to documents required by the regulations in force, the application referred to in paragraph 1 above must include the following documents:

- a) a copy of the tapping permit;
- b) an extract from a 1:50000 scale map approved by the National Institute of Cartography indicating the area covered by the catchment permit and showing the catchment point;
- c) a site plan on a scale of 1:1000, signed by a sworn topographical engineer, showing:
 - the location of all the buildings and ancillary installations of the operating facility;
 - control points for mineral and rinsing water;
 - water and gas networks;
- d) a detailed 1:200 scale plan of the various sections of the production plant, signed by a sworn civil engineer;
- e) an explanatory note on:
 - treatment processes and packaging materials;
 - the maximum production capacity per hour of each unit;
 - storage methods and means of transport used;
 - the maximum annual production forecast for each category of water to be packaged;
- f) a description of the internal water quality control laboratory and the qualifications of the person in charge and staff assigned to it;
- g) proof of payment of the prescribed fees;
- h) the mineral composition of the water to be packaged;
- i) a health and hygiene certificate;
- j) the protection logo registered with OAPI to be used on the packages;
- k) a waste management plan;
- l) internal regulations;
- m) a letter of undertaking and certifications;

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n) the expert report from the Ministry of Health;

o) any other information on the planned self-monitoring systems.

ARTICLE 15.- (1) The packaging licence shall be granted by order of the Minister in charge of mines, for a period of five (5) years, renewable by periods of three (3) years. The packaging licence shall be granted by Order of the Minister in charge of Mines, for a period of five (5) years, renewable by periods of three (3) years. The beneficiary shall be notified in accordance with the regulations in force.

(2) The packaging licence shall specify the mineral composition of the water.

ARTICLE 16.- (1) The Ministries in charge of mines and public health shall control the facilities and carry out a complete analysis of the water to be packaged, before and after the packaging licence is issued.

(2) The costs of controls and analyses referred to in paragraph 1 above shall be borne by the operator.

(3) A joint order by the Ministers in charge of mines and public health shall lay down terms and conditions for the control of facilities and the complete analysis of the water.

ARTICLE 17.- (1) Physico-chemical and mineralogical characterization and microbiological analysis shall be carried out by the laboratory of the Ministry in charge of mines or any other laboratory approved by the Minister in charge of public health.

(2) The Minister in charge of mines or the Minister in charge of public health may prescribe a bacteriological analysis of the rinsing water, to be carried out by a laboratory approved by the Minister in charge of public health.

SECTION II

RULES SPECIFIC TO THE CONSTRUCTION AND OPERATION

OF PACKAGING UNITS

ARTICLE 18.- Packaging companies must:

- build packaging units with permanent materials, covering the floors with an impermeable material, arranged in such a way as to allow easy and rapid drainage of water;

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- isolate packaging units from premises used for receiving and/or manufacturing packages, as well as from those used for storage and dispatch;
- build tanks and pipes for water packaging in stable materials that do not react when in contact with the water;
- comply with food standards for these materials;
- use approved packages for water packaging;
- carry out washing, rinsing, filling, capping and/or sealing operations without manual intervention;
- wash, disinfect and rinse containers with the water to be bottled before filling, even when production guarantees cleanliness and sterility;
- use approved products and processes for washing, disinfecting and sterilizing containers;
- candle cylinders before and after filling, and ensure that their closures are airtight and healthy;
- preserve the gas without alteration or addition of foreign gas to the licenced sources, ensured by the equipment intended for degassing and/or reincorporation of gases, where applicable.

ARTICLE 19.- Spring water, mineral and thermo-mineral water shall be packaged in suitable containers, in accordance with the standards in force, naturally and geologically protected from contaminants coming from the surface and resulting from natural biological activity or risks of man-made contamination.

ARTICLE 20.- (1) Facilities, equipment, pipes, pumps or any other device used for extraction and coming into contact with water to be packaged must be made exclusively of materials which cannot modify the original qualities of the water.

(2) The catchment must be inaccessible to unauthorized persons by the installation of appropriate devices. The state of extraction plants and the quality of the water must be checked periodically and continuously.

ARTICLE 21.- (1) The operator shall be required to measure and record automatically and regularly the characteristic parameters of water or carry out partial and frequent analyses, carried out by himself and by approved laboratories, to check the consistency of the chemical and physical properties of the water extracted.

(2) The results of the analyses provided for in paragraph 1 above shall be forwarded by the holder of the packaging licence every three (3) months to the Ministry in charge of mines for evaluation.

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ARTICLE 22.- (1) The Ministry in charge of mines may carry out a counter-expertise of the results obtained.

(2) Any unsatisfactory analysis results and any failure to comply with the provisions of article 21 above shall expose the holder of the packing licence to penalties provided for by the Mining Code.

ARTICLE 23.- (1) The water collection shall be done in such a way that no water other than that designated as the water to be packaged reaches it.

(2) Water leaving the catchment shall be protected in such a way as to avoid any natural or artificial pollution.

ARTICLE 24.- (1) The water packaging unit must be set up as close as possible to the catchment point of the water used, so that its installation may not constitute a potential cause of immediate or future pollution of the aquifer tapped.

(2) The water packaging unit must be located in an area free from unpleasant odours, smoke, dust or any other contaminant. It must not be subject to flooding.

ARTICLE 25.- Any transport system or pipe used to convey water from the catchment point to the bottle filling plants or to tanks must be constructed and executed with inert materials, preventing any alteration either by the water, or during processing, maintenance or disinfection. It must be easy to clean.

ARTICLE 26.- (1) The storing and warehousing premises for raw material for packaging, as well as the premises for sorting and cleaning of containers and bottles collected, must be separated from the bottling premises in such a way as to avoid any contamination of the finished product.

(2) Packaging areas must comply with health and hygiene requirements.

(3) The Ministries in charge of mines and public health shall carry out regular controls of finished product storage areas outside the production plant.

ARTICLE 27.- (1) The production room where rinsing, filling and capping operations are carried out must be totally isolated under a controlled and over-pressurized atmosphere.

(2) A disinfectant foot bath must be installed in front of the access door, in addition to adequate and convenient facilities.

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ARTICLE 28.- Living quarters, toilets, changing rooms and canteens must be entirely separated and far from production areas.

ARTICLE 29.- Any depot and tanks intended for the conservation of fuels and combustibles must be designed, protected, controlled and maintained in such a way as not to present, during storage and handling, any danger of pollution for aquifers and water sources.

ARTICLE 30.- (1) Packaging units must have an effective system for the disposal of effluents and waste, always maintained in a good condition.

(2) Pipes and effluent discharge conduits of the discharge system provided for in paragraph 1 above, as well as waste storage areas located within protection perimeters, must be constructed and maintained in such a way as not to present any pollution risk for the aquifers, boreholes or water sources.

ARTICLE 31.- (1) All equipment and utensils used in the areas where the water to be packaged is handled and which may come into contact with it, must be made of materials which are not likely to transmit harmful substances, odours or flavours to the water, which are non-absorbent, corrosion resistant and capable of withstanding repeated cleaning and disinfection operations.

(2) The use of wood and materials which are difficult to clean and disinfect and which may give rise to contact corrosion shall be prohibited.

ARTICLE 32.- (1) Necessary precautions must be taken to prevent contamination of the water to be packaged during the cleaning or disinfection of rooms, equipment or utensils.

(2) Detergents and disinfectants must be suitable for their intended use.

(3) Any residue left by these substances on a surface likely to come into contact with the water to be packaged must be eliminated by rinsing thoroughly with drinking water, then with water to be packaged before the surface or equipment is reused for handling drinking water.

ARTICLE 33.- Each packaging unit must have a permanent cleaning and disinfection programme, in order to guarantee that all areas are cleaned regularly and in accordance with good practice.

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ARTICLE 34.- (1) The cleanliness of the packaging unit shall be entrusted to an official, attached to the management of the company and whose duties shall not be related to production.

(2) The official referred to in paragraph 1 above must be fully aware of the risks associated with contamination. He/she shall draft reports and propose appropriate measures in the event of incidents affecting the cleanliness and hygiene of the packaging unit.

ARTICLE 35.- (1) All staff in charge of cleaning the facility must be well trained in sanitary techniques.

(2) Officials in charge of the packaging units must organize, for the people in charge of handling the water to be packaged, permanent training courses on hygienic practices for handling food, packaged water and personal hygiene as well as all the necessary precautions to avoid the contamination of water.

ARTICLE 36.- (1) Officials in charge of the packaging units shall take all useful and necessary measures to ensure that no person recognized or suspected of being affected by a contagious disease, having infected wounds or skin infections or suffering from water-borne diseases, is authorized to work or have access to the packaging unit.

(2) An infirmary, equipped with all the equipment and medicines necessary for first aid, must be provided at the bottling or packaging unit.

ARTICLE 37.- (1) Precautions provided for in articles 34 to 36 above shall be taken to ensure that any person having access to the areas where packaged water is produced does not contaminate it in any way whatsoever.

(2) Precautions referred to above shall concern especially:

- the wearing of protective clothing and equipment;
- compliance with hygiene rules;
- compliance with any relevant requirements laid down in the specifications.

ARTICLE 38.- (1) In order to constantly guarantee the good quality of packaged water, the following parameters must be monitored regularly:

- the flow rate from the source or the licenced operating flow rate;
- the temperature of the water in degrees Celsius;

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- the appearance, odour, taste, conductance and other specific parameters of the water to be packaged;
- the microbiological flora.

(2) Any significant difference between the water to be packaged and the requirements set shall be corrected at the request of the Minister in charge of mines.

ARTICLE 39.- (1) The operator shall be required to store all packaging materials in optimal conditions of cleanliness and hygiene.

(2) The packaging materials used by the operator must be suitable for the type of product and the intended storage conditions. They must not transmit inadmissible substances to the product beyond acceptable and tolerated limits.

(3) The packaging materials used by the operator must offer guarantees of safety, security and effective protection of the product against any form of contamination.

(4) The packaging materials and the resulting waste management must comply with the regulations in force on health and environmental protection.

ARTICLE 40.- (1) A technical guide, approved by Ministries in charge of mines and public health, shall specify the hygiene and sanitation conditions to be observed in the premises, as well as the equipment made available to the personnel for this purpose.

(2) The technical guide provided for in paragraph 1 above shall be displayed in a visible and legible manner in all sections of the packaging unit.

CHAPTER IV

PROCEDURES FOR PREVENTING, MANAGING AND RESOLVING CASES OF POLLUTION

ARTICLE 41.- The holder of a permit for tapping spring water, mineral and thermo-mineral water, a geothermal deposit, or a packaging licence shall be required to take all necessary measures in the design, building and operation of plants to limit the risks of accidental pollution of the air, water or soil.

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SECTION I
PROTECTION AREAS

ARTICLE 42.- The holder of a permit for tapping mineral and thermo-mineral water or geothermal deposits shall ensure that the perimeter of the catchment point and the water table is respected and protected.

ARTICLE 43.- (1) The operator shall be required to develop the catchment area in accordance with the directives of the Ministries in charge of mines and public health.

(2) The method of capture chosen and the building and operating characteristics of the groundwater catchment or extraction plants must protect the water captured or extracted from any risk of contamination.

(3) Any modification to the development of a source, planned for the catchment, tapping plants, treatment plants and packaging plants or storage units must, prior to its execution, be approved by the Minister in charge of mines.

ARTICLE 44.- The protection areas of the catchment and the water table shall be demarcated, as appropriate, by a joint study by the Ministries in charge of mines, water, public hygiene and environmental protection, or by natural or legal persons approved for this purpose by the Minister in charge of mines, public hygiene and environmental protection.

ARTICLE 45.- (1) The operator shall be required to carry out, before and during tapping, the necessary studies to prevent pollution risks, namely:

- a hydrogeological study, carried out by a specialized structure or firm in accordance with the technical terms of reference defined by the regulations in force;
- a water quality study based on the results of bacteriological, physico-chemical and geochemical analyses obtained from an approved analysis laboratory.

(2) The hydrogeological study provided for in paragraph 1 above must lead to the demarcation of the immediate and close protection areas.

(3) The delimitation of areas provided for in paragraph 2 above shall be fixed by order of the Minister in charge of mines, in accordance with the legislation in force on the subject, after approval of the hydrogeological study of the water point concerned.

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ARTICLE 46.- (1) The immediate protection area shall cover an area with a radius of two hundred (200) meters from the catchment point.

(2) All activities shall be prohibited therein, except those relating to the operation and maintenance of equipment. The immediate protection area shall be fenced. It shall prevent damage to the structures or the direct introduction of polluting substances into the water

ARTICLE 47.- (1) The close protection area shall cover an area with a radius of two hundred (500) meters from the catchment point. It shall protect the catchment from the migration of polluting substances.

(2) All activities, installations and deposits likely to directly or indirectly harm the quality of the water shall be regulated or prohibited, in particular with regard to:

- the drilling of boreholes and wells other than those required to extend or monitor the catchment area;
- quarry operations and backfilling of excavations;
- the dumping of waste and all products and materials likely to alter the water quality;
- the installation of pipes, tanks or deposits of hydrocarbons, chemical products and waste water;
- the spreading or infiltration of liquid manure and domestic or industrial waste water.

ARTICLE 48.- A buffer zone of at least five hundred (500) meters shall be delimited between two (2) mineral water catchment perimeters.

ARTICLE 49.- (1) The delimitation of perimeters referred to in Article 48 above shall be laid down by the Minister in charge of mines in accordance with the provisions governing water, after approval of the hydrogeological study of the water point concerned.

(2) The hydrogeological study referred to in paragraph 1 above shall be validated by an approved firm.

ARTICLE 50.- The permit for tapping geothermal deposits shall determine the perimeter and the two (2) depths at which the water table is located, namely the roof and the wall, as well as the volume that may be tapped. It may limit the heat output to consider and specify the conditions for tapping the deposit.

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SECTION II
PREVENTION OF CASES OF POLLUTION

ARTICLE 51.- (1) The holder of a permit for tapping mineral and thermo-mineral water or a geothermal deposit shall submit analysis and quality control reports every six months to the Ministries in charge of mines, health, water and environment.

(2) Failure to produce the report referred to in paragraph 1 above within the time limit shall render the offender liable to the penalties provided for by the legislation and regulations in force.

(3) The Ministries mentioned in paragraph 1 above shall carry out periodic and unannounced controls on the sites in order to ensure the conformity of the installations and the quality of the water, as well as the tapping conditions.

ARTICLE 52.- The operator shall be required to submit to the competent administrations, a monitoring programme and the implementation of a quality assurance and quality control plan, for sampling, packaging, storage and transport.

SECTION III
PROCEDURES FOR MANAGING AND RESOLVING CASES OF POLLUTION

ARTICLE 53.- When it shall be noticed during tapping that the water to be packaged is polluted, the packaging shall immediately be suspended by an instrument of the Minister in charge of mines until the cause of the pollution is eliminated.

ARTICLE 54.- (1) In the event of pollution or modification of the physical, chemical or bacteriological composition of the water to be packaged in the course of tapping, improvement measures shall be taken by the producer prior to the enactment of protective measures provided for by the legislation in force.

(2) The improvement measures provided for in paragraph 1 above shall include:

- decantation;
- filtration;
- aeration;
- addition or subtraction of carbon dioxide;
- any other authorized process, in accordance with the laws and regulations in force.

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ARTICLE 55.- When the run-off of rainwater from storage areas, communication routes, parking areas and other impermeable surfaces shall be likely to present a

particular risk of pollution by leaching, or when the natural environment is particularly sensitive, a rainwater collection network shall be built and connected to one or more containment basins capable of collecting the first flow of rainwater.

ARTICLE 56.- (1) The processes for decontaminating polluted water table shall consist of:

- physical methods, through pumping of water, skimming of the supernatant pollutant, ventilation by bubbling in the water table and membrane filtration;
- chemical methods, through oxidation reactions by ozone, heavy water with ultra-violet light or reduction using iron oxides;
- biological methods involving the use of soil micro-organisms whose activity is stimulated by the addition of nutrients and oxygen.

(2) The different methods referred to in paragraph 1 above may be combined and used concomitantly.

ARTICLE 57.- Decontamination treatments may be carried out:

- *in situ*: the pollutant is treated on site, in saturated and non-saturated areas;
- *ex situ*: the water is pumped and treated at the surface, then re-injected into the aquifer.

CHAPTER V **MISCELLANEOUS AND FINAL PROVISIONS**

ARTICLE 58.- All previous contrary provisions are hereby repealed.

ARTICLE 59.- 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, 19 NOV 2024

THE PRIME MINISTER,
HEAD OF GOVERNMENT,



Joseph DION NGUTE