

REPUBLIC OF CAMEROON

PEACE-WORK-FATHERLAND

LAW No. **96 / 11** OF 5 AOUT 1996
ON STANDARDIZATION

The National Assembly has deliberated and adopted,
The President of the Republic enacts the Law set out below.

CHAPTER 1

GENERAL PROVISIONS

SECTION 1: This bill and the statutory instruments in implementation thereof shall govern standardization in Cameroon.

SECTION 2: (1) Standardization is the setting out of requirements, specifications or technical rules to be applied to products, goods or services.

(2) Its purpose is to provide reference documents for national, subregional, regional or international use, comprising solutions to technical and commercial problems concerning products, goods and services which repeatedly arise in the relations among economic, scientific, technical and social partners in particular.

(3) Standardization consists in defining the characteristics or norms of a product, good or a service according to practices, customs and the technical and financial resources available, for the purpose of achieving precision, simplification, quality, reduced costs and competitiveness.

SECTION 3: (1) A standard is the reference data obtained from a set of reasoned information that can serve as a basis for solving a given problem.

(2) It is considered as a technical specification or any other document in lieu thereof, accessible to the public and based on the confirmed results of science, technology and experience.

(3) It defines the requirements for or the characteristics of a product, test, good or service.

(4) It covers the areas of terminology, metrology, symbols, tests, marking, labelling, packaging or services.

(5) It is determined with the collaboration and consent of all the parties concerned.

SECTION 4: The quality of a product, good or service lies in its ability to satisfy the needs of its users and consumers as well as its compliance with standard specifications and requirements.

CHAPTER II

NATIONAL STANDARDIZATION SYSTEM

SECTION 5: (1) The national standardization system shall include the following standards:

- product standards;
- service standards;
- test standards;
- terminology standards;
- safety standards;
- basic standards, and
- environmental protection standards.

(2) A decree to implement this law shall draw up a list of products, goods and services that shall be governed by the standards provided for under sub-section (1) above.

SECTION 6: The following operations shall be linked to standardization:

- certification of conformity with standards;
- promotion of the national mark of quality;
- approval of test laboratories, quality control bodies, as well as standardization bodies or bureaux;
- quality control and standardization.

SECTION 7: (1) The application of standards which are drawn up, tested, adopted, approved, revised and published shall be optional.

(2) However, the application of an approved and published standard may, for reasons of law and order, public security, national defence, health and environmental protection, protection of human life and animals or plants, protection of national treasures of artistic, historical or archaeological value, or the demands linked to customs and tax control efficiency, loyalty in trade transactions and consumer protection may, if necessary, be made compulsory by an order of the minister in charge of industry and, if the case

arises of the other ministers concerned, subject to the special waivers granted under the conditions stipulated in Section 9 below.

SECTION 8: The introduction or specific mention of the approved standards or other standards applicable in Cameroon by virtue of international agreements shall, subject to the waivers provided for in Section 9, be compulsory as concerns the clauses, specifications and schedule of conditions for public contracts as defined by special instruments.

SECTION 9: In case of difficulty in the application of a standard, waivers may be granted to the obligations set out in Sections 7 and 8 above, according to the modalities laid down by the decree to implement this law.

CHAPTER III NATIONAL MARK AND QUALITY CONTROL

SECTION 10: (1) Conformity to a standard shall, at the request of the producer or supplier of the service, be testified by a certificate of conformity issued by the State or, under State control, by one or several approved bodies according to the modalities laid down by the decree to implement this law.

(2) The certificate of conformity shall confer the right to affix the national mark granted according to the modalities laid down by the decree to implement this law.

SECTION 11: (1) The benefit of the national mark shall exclusively be reserved for products, goods or services complying with the provisions on the standardization.

(2) Non compliance with the provisions may entail of the withdrawal of the national mark.

SECTION 12: The use of the national mark of quality shall be optional.

However, such use may, where circumstances so require, especially for reasons of public law and order, economic interest, public security, health and environmental protection, be made compulsory by order of the minister in charge of industry.

SECTION 13: (1) The products, goods or services of any economic activity carried out in Cameroon may be subject to quality control.

(2) Quality control of a product, a good or service shall comprise all operations which consist in determining whether such product, good or service meets with the requirements and specifications of the standards in force.

CHAPTER IV OFFENCES AND PENALTIES

SECTION 14: The following shall constitute offences under this law or the statutory instruments in implementation thereof.

- failure to comply with compulsory standards,
- illegal use of the national mark;
- refusal to subject one's products, goods or services to quality control.

SECTION 15: (1) Offences against this law and the instruments in implementation thereof shall be established in accordance with the law on commercial activity by sworn agents appointed for this purpose, without prejudice to the prerogatives of the legal department and judicial police officers with general competence.

(2) The agents referred to in Section 15(2) above shall take an oath before the competent court at the request of the government service concerned.

SECTION 16: (1) The persons designated in Section 15 above may, upon presentation of their warrant and while the enterprise is open:

- (a) have free access, unexpectedly, to the production, storage, transit, transport, preparation and maintenance facilities;
- (b) ask for documents relating to the activity;
- (c) take samples necessary for tests or analyses;
- (d) ask for copies of documents they deem necessary for the accomplishment of their mission.

(2) The results of the control exercises shall be recorded in a report which shall be authoritative unless proof to the contrary is established.

Such proof may be established by a second expert valuation, in the presence of all the parties concerned, and at the expense of the plaintiff.

SECTION 17: The offences mentioned in Section 14 of this law shall be liable to the sanctions provided for in Sections 18 and 19 below, without prejudice to the right of the Legal Department to institute proceedings under the conditions provided for in Section 20(3) below.

SECTION 18: The circulation of goods which fail to comply with compulsory standards shall lead to withdrawal thereof from the distribution channels and the payment of a fine equal to the higher of the following two values:

- 5% of the projected turnover; or
- 100% of the net profit.

SECTION 19: In addition to the fine mentioned in Section 18 above, the goods in question shall, at the expense of the producer or if need be, the importer:

- either be destroyed if they are deemed dangerous;
- recycled in accordance with the standards; or
- declared as substandard.

SECTION 20: (1) The fine provided for in Section 18 above shall be calculated after the reports are drawn up.

(2) The offender shall be notified thereof for payment within a time-limit of 1 (one) month with effect from the date of notification. The notification shall be made by any means with written proof.

(3) Failure to pay the fine within the time-limit provided for in Section 20(1) above after formal notice had been served the offender, the report establishing the offence shall be forwarded to the competent Legal Department for prosecution.

SECTION 21: A repeat of any of the offences mentioned in Section 14 of this law shall entail the temporary suspension of the exercise of the activity concerned for a period not exceeding 3 (three) months.

CHAPTER V MISCELLANEOUS AND FINAL PROVISIONS

SECTION 22: The coordination of standardization activities falling under the competent government services shall be carried out in accordance with the conditions laid down by decree.

SECTION 23: The proceeds from the fine provided for in Section 18 above shall be shared between the Public Treasury and the government services involved in standardization including their staff according to the conditions laid down by decree.

SECTION 24: Decrees to implement this law shall specify the conditions thereof.

SECTION 25: This law shall be enacted, registered, published according to the procedure of urgency, then inserted in the Official Gazette in English and French.

YAOUNDE, le 5 AOUT 1996

THE PRESIDENT OF THE REPUBLIC

