

DECREE NO.2001/162/PM OF 8 MAY 2001 TO LAY DOWN THE TERMS FOR APPOINTING SWORN-IN OFFICIALS TO MONITOR AND CONTROL WATER QUALITY

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Law No.96/12 of 5 August 1996 relating to environmental management;

Mindful of Law No.98/005 of 14 April 1998 on water resources;

Mindful of Decree No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145-bis of 4 August 1995;

Mindful of Decree No.97/205 of 7 December 1997 to organize the Government, amended and supplemented by Decree No.98/067 of 28 April 1998;

Mindful of Decree No.97/206 of 7 December 1997 to appoint a Prime Minister.

HEREBY DECREES AS FOLLOWS:

Article 1:

- (1) This Decree lays down the conditions for appointing and specifies the powers of sworn-in officials who shall monitor and control water resources.
- (2) For the purposes of this Decree and enabling orders, sworn-in officials for monitoring and controlling water quality shall be referred to as "Inspectors and Assistant-Inspectors" of water resources.
- (3) They shall ensure water quality control, research, establishment, and legal proceedings for sanctioning infringements in accordance with the provisions of the law governing the water regime and its enabling instruments.

Chapter I

DUTIES OF INSPECTORS AND ASSISTANT INSPECTORS OF WATER RESOURCES

Article 2 :

- (1) Inspectors and Assistant-Inspectors of water resources shall be authorised to enter establishments or facilities when they have reason to believe that an offense is being committed.
- (2) In addition, they may, with the prior authorization of the competent court, enter private dwellings for the same purpose. Visits to homes shall be allowed only between 6 a.m. and 6 p.m.

Article 3 :

Every inspection visit must be made jointly by at least 2 (two) Inspectors or Assistant-Inspectors of water resources, duly sworn in, accredited and identified.

Article 4 :

- (1) Inspectors and Assistant-Inspectors may require the assistance of law enforcement officials in performing their duties.
- (2) In case no offense is established, they may take samples of the water tapped or discharged and of the receiving waters. They shall then write a report of the sampling operation, and give a copy to the owner of the facilities.

Article 5:

Inspectors and Assistant-Inspectors of water resources may, in the event of a flagrant offense, seize anything that appears to have been used or intended to commit an offense and / or that could be used to establish the offense.

Article 6:

- (1) When emergency measures are required, the Minister in charge of water resources may, on a reasoned report from the Inspectors and Assistant-Inspectors of water resources, prohibit the use of the facilities and appliances suspected to be the source of pollution or pollution threats and seal the facilities and appliances in question.
- (2) Inspectors and Assistant-Inspectors of water resources shall not inquire about the processes used in the establishments and facilities visited beyond what may have a direct impact on the nature and origin of spills into sewers, artificial conduits, streams, installations for tapping water, treating waste water, sewage treatment or water and waste treatment.

Chapter II

CONDITIONS FOR APPOINTING WATER RESOURCES INSPECTORS AND ASSISTANT-INSPECTORS

Article 7 :

- (1) Water resources Inspectors shall be appointed from Category A civil servants and public contract workers from the categories 10 to 12, specialized in the field of water resources and who are in service in the Ministry in charge of water resources.
- (2) Assistant-Inspectors of water resources shall be appointed from categories B and C civil servants and state employees from categories 7 to 9, of the same specialty as mentioned in paragraph (1) above, and who are in service in the Ministry in charge of water resources.

Article 8:

State employees working especially in administrations in charge of public health and the environment may also be appointed as Inspectors or Assistant-Inspectors of water resources, on the proposal of their heads of ministries respectively.

Article 9:

- (1) Inspectors and Assistant-Inspectors of water resources shall be appointed by Order of the Minister in charge of water resources.
- (2) Before taking office, Inspectors and Assistant-Inspectors of water resources shall take an oath before the competent court of their place of residence at the request of the authority in charge of water resources, in accordance with the laws and regulations in force.
- (3) In the performance of their duties, Inspectors and Assistant-Inspectors of water resources must hold their professional identity card.

Article 10:

- (1) The functions of Inspector and Assistant-Inspector of water resources may be suspended for a period not exceeding 1 (one) year in any of the following cases:
 - temporary cessation of activity in water resources control and monitoring
 - failure to respect established ethics
 - violation of oath
 - serious misconduct in their duties
 - insufficient performance or incompetence in water resources control and monitoring.
- (2) In case of recidivism, the Minister in charge of water resources may decide on the final suspension of the status of Inspector or Assistant-Inspector of water resources.
- (3) The decision of temporary suspension or final suspension notified to the interested party, shall automatically entail withdrawal of the professional card referred to in Article 9 (3) above.
- (4) Retirement shall entail the cessation of activity as Inspector or Assistant Inspector of water resources.

Article 11:

Prior to their appointment as Inspectors or Assistant-Inspectors of water resources, the appointed persons shall receive theoretical and practical training in water quality control and monitoring.

Article 12:

The duly sworn-in, accredited and identified inspectors and assistant-inspectors of water resources shall be competent in water quality control, research, establishment, and legal proceedings for sanctioning infringements in accordance with the legislation and regulations on water resources. To this end, they shall be competent to:

- control the quality of drinking water, public or private water supply, tapping and treatment of surface water or groundwater for industrial or commercial purposes, collection, treatment or disposal of wastewater, as well as the receiving environments
- collect data and other information necessary for calculating and recovering the sanitation tax and the water tapping fee for industrial or commercial purposes
- initiate any administrative sanctions against any violator of the provisions of the legislation and regulations relating to water resources.

Article 13:

- (1) Any infringement established shall regularly be reported.
- (2) The search and detection of infringements shall be carried out by 2 (two) sworn-in officials who shall co-sign the report which shall remain authentic until plea for forgery.

Article 14:

The administration in charge of water resources shall send a copy of the report on the offense to the offender who shall have 20 (twenty) days from the notification to contest the report. After this deadline, any objection shall not be admitted.

Chapter III

INSPECTION AND CONTROL SHARES AND THEIR DISTRIBUTION METHOD

Article 15 :

- (1) Inspectors, Assistant-Inspectors and personnel associated with water inspection shall be entitled to control shares from a total amount obtained from sanitation taxes and water tapping fees.
- (2) Distribution of the total amount of sanitation and water tapping charges collected between the State Treasury and inspection shares shall be done annually in accordance with the provisions of the Finance Law.

Article 16:

- (1) Shares allocated quarterly to inspection and control personnel shall be a percentage of the total amount of taxes and fees collected and paid to the Treasury in the relevant quarter.
- (2) This amount, corresponding to the percentage of taxes and fees allocated to inspection and control shares, shall be deducted from the total amount of fees and charges in the light of the corresponding statements of recovery and disbursements made by the intermediate revenue agents of the ministry in charge of water resources during each quarter and certified by the paying treasurer.

Article 17:

- (1) The inspection and control shares paid to inspectors, assistant-inspectors and associated personnel shall be calculated on the basis of the gross monthly index or gross category pay, by applying the following rates:
 - 55 % for inspectors
 - 45% for assistant-inspectors and
 - 40% for associated staff.
- (2) The maximum share that may be allocated to each beneficiary in a quarter shall be 5 (five) times the quarterly premium, calculated as provided in paragraph (1) above and constitute the net premium.

Article 18:

- (1) The inspection and control shares shall be paid quarterly to the Inspectors, Assistant- Inspectors and associated personnel, in arrears, upon decision of the Minister in charge of water resources.

- (2) Should the total amount of the shares to be distributed be less than the sum of the net premiums provided for in Article 17 (2) above, the shares shall be multiplied by a correction coefficient (a) calculated according to the following formula:

$$a = \frac{D}{M}$$

Where D: is the amount of shares corresponding to payments made during a given quarter; and

M: is the sum of shares calculated on the basis of gross sectoral or categorical balances or total net premiums.

- (3) If the total amount of the shares to be distributed is greater than the sum of the net premiums, the shares allocated shall be equal to the net premiums and the balance shall be paid to the Treasury.

Chapter III

MISCELLANEOUS AND FINAL PROVISIONS

Article 19 :

- (1) On the proposal of the Director in charge of water resources, the Minister in charge of water resources can fix a personal rating according to the individual yield, on the shares paid to the Inspectors, Assistant- Inspectors and associated personnel.
- (2) Inspection and control shares may be reduced or cancelled by decision of the Minister in charge of water resources, if the performance of the beneficiary has been low or zero in the quarter in question, or in the event of temporary suspension or disqualification of the status of Inspector or Assistant-Inspector of water resources.
- (3) The associated personnel referred to in this Decree shall mean civil servants, contract workers and 'decision-workers' belonging to the water resources administration and directly involved in inspections and controls.
- (4) The Inspectors and Assistant-Inspectors of water resources shall conduct their activities without prejudice to the powers conferred on the other services.

Article 20:

The Ministers in charge of water resources and the Minister in charge of finance shall, each, within his jurisdiction, apply this Decree which will be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 May 2001

Peter Mafany Musonge
Prime Minister, Head of Government

II.13

DECREE NO. 2001/163/PM OF 8 MAY 2001 TO REGULATE AND PROTECT THE AREA AROUND POINTS OF CATCHMENT, TREATMENT AND STORAGE OF DRINKABLE WATER