

# II.29

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**DECREE NO. 2012/0882/PM OF 27  
MARCH 2012 TO LAY DOWN TERMS  
FOR EXERCISING SOME POWERS  
TRANSFERRED TO COUNCILS BY THE  
STATE RELATING TO ENVIRONMENT**

# DECREE NO. 2012/0882/PM OF 27 MARCH 2012 TO LAY DOWN TERMS FOR EXERCISING SOME POWERS TRANSFERRED TO COUNCILS BY THE STATE RELATING TO ENVIRONMENT

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## 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. 2004/017 of 22 July 2004 on the orientation of decentralization;
- Mindful of Law No. 2004/018 of 22 July 2004 to lay down the rules applicable to councils;
- Mindful of Law No. 2009/011 of 10 July 2009 to lay down the financial system of councils;
- Mindful of Law No. 2009/019 of 15 December 2009 on local taxation;
- 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. 2008/013 of 17 January 2008 to organize and lay down the functioning of the National Council for Decentralization;
- Mindful of Decree No. 2008/013 of 17 January 2008 on the organization and functioning of the Inter-ministerial Committee on Local Services;
- Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government;
- Mindful of Decree No. 2008/409 of 9 December 2011 to appoint a Prime Minister, Head of Government;
- Mindful of Decree No. 2001/718/PM of 3 September 2001 on the organization and the functioning of the Inter-ministerial Committee on Environment and subsequent texts;
- Mindful of Decree No. 2005/0577/PM of 23 February 2005 to lay down the methodology for conducting environmental impact assessments

## HEREBY DECREES AS FOLLOWS:

### Chapter I

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## GENERAL PROVISIONS

### Article 1:

This decree shall lay down the procedures by which councils shall exercise, as from the 2012 fiscal year, the powers herein below transferred to them by the State on environment, namely:

- Drawing up environmental action plans and
- Fighting insalubrity, pollution and nuisances.

### Article 2:

Councils shall exercise the powers transferred to them in the matters referred to in Article 1 above, without prejudice to State prerogatives and responsibilities recognized herein below. Councils shall:

- work out and implement the national policy on environment and sustainable development
- determine the conditions of technical modalities for combating desertification and restoring degraded lands, fight against unhealthy conditions, pollution and nuisances, and drawing up environmental action plans
- define and control the standards by which the fight against desertification and the restoration of degraded lands shall be sustained, develop spaces reserved for the public, fight against unhealthy conditions, pollution and nuisances, and develop environmental action plans.

### Article 3:

- (1) The powers transferred by the State in the drawing up of environmental action plans and in the fight against unhealthy conditions, pollution and nuisances shall be exercised by the councils in strict compliance with the legal provisions in force.
- (2) Execution of related expenses shall comply with the legal and regulatory provisions applicable to public contracts.

## Chapter II

### DRAWING UP ENVIRONMENTAL ACTION PLANS

#### Article 4 :

The council shall adopt an action plan for the environment by decision of the municipal council.

#### Article 5:

- (1) The action plan for the environment shall include measures and actions to be taken to preserve the environment. These measures and actions shall concern especially:
  - fighting unhealthy conditions
  - managing household waste
  - designing botanical gardens in urban spaces
  - maintaining the vegetation cover of public spaces
  - reforesting urban spaces
  - conducting the Green City operation
  - fighting noise and odour nuisances and
  - managing reforested sites 1 (one) year after reforestation for those of the councils which have Operation Green Sahel activities.
- (2) The Environmental Action Plan shall set out a timetable for implementing measures and actions taken and the types of activities to execute in emergency situations.

# FIGHTING UNHEALTHY CONDITIONS, POLLUTION AND NUISANCES

### Article 6 :

The council shall ensure that project proponents or small establishments / facilities which are not subject to an environmental impact assessment or environmental audit, but which could have negligible effects on the environment, carry out an environmental impact statement.

### Article 7:

- (1) The environmental impact statement shall be carried out, either before the start of the project/ establishment or facility, or during the operation thereof. The conduct of the environmental impact statement shall give rise to the establishment of specifications for the proponent.
- (2) Conduct of the environmental impact statement and associated costs shall be borne by the proponent of the project, establishment / facility, activity or an economic, social and cultural operation.
- (3) Any proponent of a project, an establishment or facility that meets the aforementioned conditions of Article 6, shall be required to produce an environmental impact statement on pain of sanction provided for in Articles 20 (2), 79, 82 and 84 of Law No.96/12 of 5 August 1996 relating to environmental management.

### Article 8:

The council shall make the list of activities based on the environmental impact statement, after mandatory notification of the Divisional Head of the decentralized services of the Ministry in charge of environment.

### Article 9:

- (1) An environmental impact statement shall include:
  - a summary of an impact statement in plain language, in English and in French
  - a description of the project or establishment
  - a description of the state of the site and its physical, biological, socio-economic and human environment
  - an environmental management plan containing planned measures to avoid, reduce, eliminate or offset the damaging effects of the project on the environment and an estimation of the corresponding expenditure
  - a description of the execution of the project or establishment on the natural and human environment
  - an awareness raising and information programme as well as the reports of consultations with local populations and
  - the Terms of Reference of the environmental impact statement.
- (2) The council shall issue to any proponent of a project or institution subject to the environmental impact statement procedure, an Attestation of Environmental Compliance for his project or establishment, on the assent of the Regional authority of the decentralized services of the Administration in charge of environment.

### Article 10:

- (1) The council shall ensure the administrative and technical supervision of any activity that is subject to an environmental impact statement in collaboration with the decentralized services of the Ministry in charge of environment.

- (2) The administrative and technical supervision shall cover the effective implementation of the environmental management plan included in the environmental impact statement and a joint report written.
- (3) The council shall receive a half-yearly report on the implementation of the environmental management plan from the proponent.

**Article 11:**

- (1) Within the context of the fight against unhealthy conditions, pollution and nuisances, the council shall recruit auxiliary staff as needed.
- (2) The council shall bear the salary of the said staff.
- (3) The council may entrust to a service provider the implementation of certain activities on the fight against unhealthy conditions, pollution and nuisances.

## Chapter IV

### MANAGING REFORESTED SITES

**Article 12 :**

Councils that host Operation Green Sahel sites shall ensure their management 1 (one) year after re-forestation.

**Article 13:**

Managing the reforested site within the context of the said operation shall include:

- maintaining plants, boreholes and watering equipment
- watering plants
- warden servicing and
- all other related operations.

## Chapter V

### TRANSFER OF RESOURCES

**Article 14 :**

The transfer of powers by the State in developing action plans for the environment, as well as in the fight against unhealthy conditions, pollution and nuisances, shall be accompanied by the concomitant transfer of resources necessary for their normal exercise by the councils.

**Article 15:**

The finance law of the State shall provide, each year, the resources necessary for the exercise of powers transferred to councils in drawing up environmental action plans as well as in fighting unhealthy conditions, pollution and nuisances.

#### **Article 16:**

In addition to the resources transferred by the State, councils may benefit from the assistance provided by partners for the exercise of transferred powers in drawing up environmental action plans and in fighting against unhealthy conditions, pollution and nuisances.

#### **Article 17:**

- (1) The financial resources transferred by the State shall be exclusively reserved for the exercise of corresponding powers.
- (2) These resources shall be included in the council budget.
- (3) The management of these resources shall comply with the budgetary and accounting principles in force.

## **Chapter VI**

### **MISCELLANEOUS AND FINAL PROVISIONS**

#### **Article 18 :**

The conditions and procedures for the exercise of transferred powers in drawing up environmental action plans, in fighting unhealthy conditions, pollution and nuisances as well as in using the corresponding resources, shall be detailed by specifications sanctioned by the Minister in charge of environment.

#### **Article 19:**

The State shall monitor, control and evaluate the exercise of powers transferred to councils regarding the drawing up of environmental action plans and fighting unhealthy conditions, pollution and nuisances.

#### **Article 20:**

- (1) Under the authority of the Senior Divisional Officer, councils shall write a report every six months, with the support of the competent decentralized State services, on the state of exercise of the transferred powers concerning environmental action plans and in the fight against unhealthy conditions, pollution and nuisances.
- (2) The said report shall be sent by the Senior Divisional Officer to the Minister in charge of decentralization and to the Minister in charge of environment

#### **Article 21:**

The Minister in charge of decentralization, the Minister in charge of environment, the Minister in charge of finance and the Minister in charge of public investments shall, each in their sphere, be responsible for implementing this Decree which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

**Yaounde, 27 March 2012**

**Philemon YANG**  
**Prime Minister,**  
**Head of Government**