Decree 038 on the components of the application file for professional accreditation in the wood industry

Arrêté 038 sur les éléments constitutifs du dossier de demande de l'agrément professionnel en matière d'industrie du bois

MINISTER OF WATER AND FORESTS, ENVIRONMENT, IN CHARGE OF THE CLIMATE PLAN AND LAND ALLOCATION PLAN SECRETARY GENERAL GENERAL DIRECTORATE OF THE COMMISSION OF PRODUCTS OF THE GABONESE REPUBLIC UNION - TRUTH, JUSTICE INDUSTRIES OF THE VALORISATION

OF FOREST PRODUCTS

Setting the constitutive elements of the application file for professional approval in the wood industry The Minister of Water, Forests, the Sea, and the Environment, in charge of the Climate Plan and the Land Allocation Plan

Considering the Constitution Considering Law No. 076/01 of December 31, 2001 concerning forestry in the Gabonese Republic and the subsequent amendments; Considering Decree No. 0162/PR/MDEF of January 19, 2011 determining the modalities for the identification and repression of certain infractions related to Water and Forests; Considering Decree No. 291/PR of February 18, 2011 concerning the attributions and organization of the Ministry of Water and Forests; along with subsequent regulatory texts; Considering Decree No. 0278/PR/MDEF of February 4, 2011 establishing the conditions for the issuance of professional approval in the forestry/wood sector; Considering Decree No. 227/PR of July 16, 2020 appointing the Prime Minister, Head of the Government; Considering Decree No. 228/PR/PN of July 17, 2020 establishing the composition of the Government of the Republic, along with subsequent regulatory texts; Considering Order No. 00006/I.IEFPEPC/Tr/S/DCF of January 27, 2017 creating, attributing, and organizing the Technical Committee for the attribution of professional approval in the Water and Forests sector; Considering Order No. 000326/MDEF of April 23, 2018 setting the constitutive elements of the application file for professional approval in the forestry/wood sector; Considering the needs of service.

It is decreed: Article 1: This decree, taken in application of the provisions of Articles 1 and 10 of Decree No. 0278/PR of February 4, 2011 mentioned above, sets the constitutive elements of the application file for professional approval in the wood industry.

Chapter I: General Conditions Article 2: In the sense of this decree, "Wood Industry" refers to all activities related to the transformation, export, trade, and commerce of sawn wood, as well as the processing of wood and forest products other than wood.

Also included in the wood industry are the following activities: - logistics and transport exclusively dedicated to processed forest products; - storage of forest products and management of wood parks; - provision of services and conduct of studies in the forestry industrial sector; - subcontracting.

Article 3: In application of the provisions of Article 102 of Law No. 16/01 of December 31, 2001 mentioned above, the exercise, as a professional, of all activities related to the domains listed in the provisions of Article 2 above, is subject to the prior obtaining by any natural or legal person of professional approval in the wood industry.

Excluded from the scope of application of this decree are: - populations exercising their customary and economic usage rights; - scientific research organizations after presentation of the terms of reference of the entity and the authorization granted by the Minister in charge of

scientific research; - Non-Governmental Organizations participating in the administration of Water and Forests.

Chapter II: Constitutive Elements of the Application File for Professional Approval in the Industry Article 4: Any natural or legal person wishing to engage in activities related to the domains cited in the provisions of Article 2 above is required to submit an application file for professional approval including: A. For natural persons: - a handwritten request addressed to the Minister in charge of Water and Forests; - a completed application form for approval by the applicant, to which the following documents are attached: - a certificate of residence; - a notarized copy of a valid identification document; - a circuit sheet; - a list of equipment available to the applicant; - a situational plan of the activity's headquarters; - a declaration on honor indicating that the application and the information contained in the attached documents are accurate; - a declaration on honor of having taken knowledge of the forestry regulations in force; - a copy of the receipt for the publication fees in the Official Journal;

B. For legal persons: - a handwritten request addressed to the Minister in charge of Water and Forests; - a completed application form for approval by the applicant, to which the following documents are attached; - a copy of the circuit sheet issued by the competent services; - a list of employees with a model attached to the form; - a certificate of declaration of employees to the National Social Security Fund or to the National Health Insurance and Social Guarantee Fund; - a certificate of non-bankruptcy; - a list of equipment and materials available to the applicant; - a situational plan of the company's headquarters (if possible, indicate the company's branches within the country); - a declaration on honor indicating that the application and the information contained in the attached documents are accurate; - a declaration on honor of having taken knowledge of the forestry regulations in force; - a copy of the receipt for the publication fees in the Official Journal; - a receipt justifying the payment of corporate tax, if applicable; - a business plan or a project written and budgeted including expertise, personnel, and infrastructure; - a report from the Water and Forests agents attesting to the operator's capacity to carry out the activity.

Article 5: In accordance with the provisions of Article 9 of Decree No. 0278/PR of February 4, 2011 mentioned above, the issuance of professional approval is subject to the payment of the non-refundable application fees set at: - 20,000 F CFA for natural persons, individual enterprises, and artisans; - 50,000 F CFA for Small and Medium Enterprises; - 70,000 F CFA for large enterprises.

Article 6: In case of rejection of the file, the competent service notifies the motivated decision to the interested party who has a period of one (1) month to appeal to the Technical Committee for the attribution of professional approval.

Article 7: The fee for professional approval is subject to payment to the Public Treasury, after issuance of a payment order established by the competent services.

Chapter III: Attribution of Professional Approval Article 8: Professional approval is granted by the Minister in charge of Water and Forests, after the opinion of the technical committee for attribution.

Article 9: Professional approval is strictly personal. As such, it cannot be transferred, ceded, or lent.

Article 10: The granting of the approval to the beneficiary is conditioned upon the payment of the fee for professional approval whose amounts are specified in the tables attached to this decree.

Article 11: Professional approval is valid for a period of two (2) years.

Article 12: In application of the provisions of Article 281 of Law No. 16/01 of December 31, 2001

mentioned above, professional approval may be suspended, withdrawn, or refused by the administration in case of infringement.

Chapter IV: Various and Final Provisions Article 13: A period of three (3) months is granted to persons who have submitted applications for professional approval to the Ministry in charge of Water and Forests to complete their files with the elements that were not required before the adoption of this decree.

Article 14: Regulatory texts determine, as needed, the provisions of all nature necessary for the application of this decree.

Article 15: This decree, which abrogates all previous contrary provisions, notably those of Order No. 000326/MDEF of April 23, 2018 mentioned above, will be registered, published according to the emergency procedure, and communicated wherever necessary.

Done in Libreville on October 0, 2020 The Minister of Forests, the Sea, Pr Lee J.T. WHITE

Annex to the decree setting the constitutive elements of the application file for professional approval in the wood industry

Fee for professional approval I- Industries and commerce of wood Transformation of Wood Types of Enterprise Amount Local Sale Amount/Export National Expatriates National Expatriates Individual Artisan 150,000 300,000 300,000 600,000 Individual Enterprise 300,000 100,000 Industrial SME/SARL 300,000 500,000 700,000 1,200,000 Large Enterprise (SA) 1,000,000 1,500,000 1,700,000 2,000,000 Commercialization of wood Types of Enterprise Amount Local Sale Amount/Export National Expatriates National Expatriates Hardware (wood store) Individual 100,000 150,000 Wood Depot 150,000 250,000 Trade Individual 150,000 250,000 400,000 500,000 SME (SARL) 200,000 300,000 800,000 1,200,000 Large Enterprise (SA) 1,200,000 500,000

Related Activities Types of Enterprise Amount Local Sale Amount/Export National Expatriates National Expatriates Exclusive transport of wood Individual 100,000 200,000 SME (SARL) 250,000 300,000 Large Enterprise (SA) 400,000 500,000 Storage and export of processed products Individual 300,000 400,000 SME (SARL) 500,000 750,000 Large Enterprise (SA) 800,000 1,000,000 Operator of the economic sector under a contract of management with the owner of a wood transformation unit Individual 800,000 900,000 SME (SARL) 1,000,000 1,250,000 Large Enterprise (SA) 2,200,000 2,500,000 II- Valorization of products other than wood (PFNL) Activities Types of Enterprise Amount Local Sale Amount/Export PFNL National Expatriates National Expatriates Individual Artisan 150,000 150,000 250,000 GIE 300,000 400,000 Industrial SME/SARL 150,000 300,000 350,000 450,000 Large Enterprise (SA) 300,000 600,000 150,000 550,000 Valorization of PFNL National Expatriates National Expatriates Individual Artisan 200,000 300,000 400,000 GIE (Group of Economic Interest) 350,000 450,000 Industrial SME/SARL 200,000 350,000 400,000 500,000 Large Enterprise (SA) 350,000 500,000 500,000 600,000 N.B.: The amounts indicated are fixed and cannot be modified.

III- Valorization of industrial waste and bioenergy Activities Types of Enterprise Amount Local Sale Amount/Export Transformation of Wood National Expatriates National Expatriates Individual Artisan 50,000 100,000 150,000 300,000 GIE (Group of Economic Interest) 100,000 200,000 Industrial SME/SARL 200,000 300,000 200,000 500,000 Large Enterprise (SA) 300,000 500,000 400,000 700,000 Trade Individual Artisan 50,000 100,000 250,000 550,000 SME (SARL) 150,000 200,000 300,000 600,000 Large Enterprise (SA) 250,000 400,000 500,000 800,000 The Minister of Water, Forests, the Sea, and the Environment, Climate and Land Allocation Plan Pr Lee J.T. WHITE