Decree No. 000519/PR/MEPNV of July 11, 2008, establishing and organizing the National Authority for the Clean Development Mechanism in the Gabonese Republic

Décret n°000519/PR/MEPNV du 11 juillet 2008 portant création et organisation de l'Autorité Nationale pour le Mécanisme de Développement Propre en République Gabonaise

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must confirm their registration no later than 15 days after the results are posted at ENSET ; ARTICLE 12: This decision will be recorded, published and communicated wherever necessary. Done in Libreville, September 30, 2008 The Minister of Technical Education, Professional Training and Youth Professional Integration Professor Pierre-André KOMBILA The Minister of Higher Education Dieudonné PAMBO _____ Ministry of the Environment _____ Decree n°000519/PR/MEPNV of July 11, 2008 creating and organizing the National Authority for the Clean Development Mechanism in the Gabonese Republic. THE PRESIDENT OF THE REPUBLIC, HEAD OF STATE; Considering the Constitution; Considering decree n°0000169/PR of January 25, 2007 setting the composition of the Government of the Republic, together with subsequent amending texts; Considering the United Nations Framework Convention on Climate Change and the related ratification instruments; Considering law n°30/96 of June 28, 1996 authorizing the ratification of this Convention; Considering the Kyoto Protocol and the related ratification instruments; Considering law n° 1/2006 of March 16, 2006 authorizing the ratification of this Protocol; Considering law n° 16/93 of August 26, 1993 relating to the Protection and Improvement of the

Environment; Considering decree n°000913/PR/MEPN of May 29, 1985 relating to the attributions and organization of the Ministry of the Environment and Nature Protection; The Council of State consulted; The Council of Ministers heard; DECREES: Article 1: This decree, made in application of the provisions of article 51 of the Constitution and the Kyoto Protocol to the United Nations Framework Convention on Climate Change, creates

and organizes

 The National Authority for the Clean Development Mechanism in the Gabonese Republic. Chapter 1 : ON THE CREATION AND ATTRIBUTIONS Article 2: An inter-ministerial consultative structure named the National Authority for the Clean Development Mechanism, abbreviated as AN-MDP, is created and placed under the authority of the Minister in charge of the Environment. Established by the Kyoto Protocol to the United Nations Framework Convention on Climate Change, the AN-MDP is the designated national authority for the CDM in Gabon. Article 3: The AN-MDP assists the Government in its missions of developing, implementing, and monitoring strategies and using mechanisms for clean development for the purpose of mitigating climate change. In this capacity, it is notably responsible for: - examining and evaluating proposals for clean development mechanism projects, abbreviated as CDM; - providing opinions on all files related to the CDM; - promoting the implementation of CDM projects; - strengthening national capacities in the area of CDM, particularly for members of the AN-MDP, economic operators, and financial institutions to establish an annual report on its activities; - representing the State before national bodies and operators involved in the CDM sector or related to it; - representing the State before the Executive Board of the CDM and other international bodies responsible for the CDM. The AN-MDP may receive any other mission from the Government related to its area of activity. Chapter II: ON THE ORGANIZATION AND OPERATION Article 4: The AN-MDP comprises: - the National Council; - the Executive Secretariat. Section 1: The National Council Article 5: The National Council is the deliberative body of the AN-MDP. In this capacity, subject to the exceptions provided for by the applicable texts, it decides on all matters within the competence of the AN-MDP. It adopts the internal regulations of the AN-MDP. This is formalized by an order from the Minister in charge of the Environment. Article 6: The National Council comprises: - the Minister in charge of the environment or his representative, President; - the representative of the Ministry of Foreign Affairs, member; - the Director General of the Environment or his representative, member; - the Director General of Mines or his representative, member; - the Director General of Hydrocarbons or his representative, member; - the Director General of Energy and Hydraulic Resources or his representative, member; - the Director General of Water and Forests or his representative, member; - the Director General of Agriculture or his representative, member; - the Director General of Industry or his representative, member; - the General Commissioner for Planning or his representative, member; - the Director General of the Budget or his representative, member; - the Director General of Taxes or his representative, member; - the Director General of the Cadastre or his representative, member; - the Director General of Territorial Administration or his representative, member; - the representative of the National Parks Agency, member; - the representative of the Agency for the Promotion of Private Investments, member; - the representative of the local community concerned by the project, member; - the representative of NGOs concerned with the theme of the project, member. The National Council may also call upon, in an advisory capacity, any other person whose expertise is deemed useful to its work. Article 7: The secretariat of the National Council is provided by the Director General of the Environment. Article 8: The functions of a member of the National Council are unpaid. Article 9: The President represents the AN-MDP. However, he may delegate

this prerogative to the Executive Secretary. Article 10: The agenda of the National Council is set by the President, upon proposal from the Executive Secretary. Article 11: Other provisions relating to

the organization and functioning of the AN-MDP are set by the internal regulations. Section 2: The Executive Secretariat Article 12: The Executive Secretariat is the technical body of the AN-MDP. In this capacity, it is notably responsible for: - monitoring the evolution of rules and procedures on the CDM at the international level; - preparing the agenda for the work of the National Council; - managing relations between the National Authority and project promoters; - publishing the procedures and portfolio of CDM projects in Gabon; managing the portfolio of CDM projects; - ensuring compliance with the internal regulations of the AN-MDP; - receiving CDM projects and transmitting the file to the National Council for examination, with the obligation to previously send a copy of the project to the AN-MDP before the session during which the project is to be examined; - preparing procedures related to CDM projects in Gabon;

 - bringing to the National Council any question concerning CDM projects; - managing the human, financial, and material resources made available to the AN-MDP; - drafting the internal regulations project. The Executive Secretariat may receive any other mission from the National Council or the Government related to its area of competence. Article 13: The Executive Secretariat is headed by an Executive Secretary appointed by decree taken in the Council of Ministers, upon proposal from the Minister in charge of the environment, from among permanent public agents of the first category justifying a minimum experience of five years in the fields of environment and sustainable development. The Executive Secretary is classified in group II of the functions of decree n°589/PR/MFPRA/MFEBP-CP of June 11, 1997 mentioned above. Chapter III: MISCELLANEOUS AND FINAL PROVISIONS Article 14: The Executive Secretary is the delegated administrator of the AN-MDP's credits. Article 15: The resources of the AN-MDP consist notably of: - budget allocations recorded on a special line of credits allocated to the Ministry of the Environment; - contributions from development partners; donations and legacies. Article 16: By virtue of the provisions of this decree, files related to the CDM pending in various administrations are, by right, transferred to the AN-MDP. Article 17: Regulatory texts determine, as needed, the provisions of any nature necessary for the application of this decree. Article 18: This decree, which repeals all previous contrary provisions, will be registered, published according to the emergency procedure, and communicated wherever necessary. Done in Libreville, on July 11, 2008 By the President of the Republic, Head of State EL Hadj Omar BONGO ONDIMBA The Prime Minister, Head of Government Jean EYEGHE NDONG The Vice-Prime Minister, Minister of the Environment, Sustainable Development, and Nature Protection Georgette KOKO The Minister of Planning and Development Programming Richard-Auguste ONOUVIET The Minister of the Interior, Local Communities, Decentralization, Security, and Immigration André MBA OBAME The Minister of Public Service and State Modernization Alain MENSAH ZOGUELET The Minister of State, Minister of Economy, Finance, Budget, and Privatization Paul TOUNGUI _____ Ministry of Habitat and Housing _____ Decree n°00731/ PR/MLHU of September 15, 2008 declaring the public utility of the occupation of parcels numbers 06, 07, and 08 of Section PC of the cadastral plan of Libreville at the place called Vallée Sainte Marie. THE PRESIDENT OF THE REPUBLIC, HEAD OF STATE; Considering the Constitution; Considering decree n°00001304/PR of December 28, 2007 establishing the composition of the Government of the Republic, together with subsequent amending texts; Considering law n°6/61 of May 10, 1961 regulating expropriation for public utility; Considering law n°14/63 of May 8, 1963 establishing the composition of the State domain and the rules determining its

management and alienation modes; Considering law n°15/63 of May 8, 1963 establishing the regime of land ownership; Considering law n°3/81 of June 8, 1981 establishing the framework for the regulation of Urbanism; Considering decree n°0001271/PR/MCUHLVBE of October 8, 1998 organizing and attributing the Ministry of Cadastre, Urbanism, Habitat, Housing, City, and Well-Being together with subsequent amending texts; Considering the minutes of the land inquiry n°000857/MHLU/SG/DGUAF of September 2, 2008 for parcels n°06, 07, and 08 of section PC of the cadastral plan of Libreville, at the place called Vallée Sainte Marie. The Council of State consulted: The Council of Ministers heard; DECREES: Article 1: This decree, taken in application of the provisions of articles 51 of the constitution, and 1 and 2 of law n°6/61 of May 10, 1961 mentioned above, declares the public utility of the occupation of parcels numbers 06, 07,

and 08 of section PC of the cadastral plan of Libreville at the place called "Vallée Sainte Marie." Article 2: The occupation by the State of parcels numbers 06, 07, and 08 of section PC of the cadastral plan of Libreville is declared of public utility, with a view to constructing public buildings at the place called Vallée Sainte Marie, covering an area of 26,024 square meters, the boundary plans defining the limits of which are annexed to this decree.