Law No. 16-93 of August 26, 1993, on the protection and improvement of the environment

Loi n° 16-93 du 26 aout 1993 relative à la protection et à l'amélioration de l'environnement

AUGUST 1993 THIRTY-THIRD YEAR - No. 27 PRICE: 2,000 Francs Legal deposit 1002 UNION - WORK - JUSTICE OFFICIAL JOURNAL SKY OF THE REPUBLIC GABONESE TABLE OF CONTENTS ACTS OF THE REPUBLIC ACTS OF GENERAL SCOPE NATIONAL ASSEMBLY Law No. 12193 of August 23, 1993, authorizing the ratification of the convention on the rights of the Child, adopted by the United Nations General Assembly on November 20, 1989..... 231 Law No. 13/93 of August 26, 1993, authorizing the ratification of the Vienna convention for the protection of the ozone layer, and the Montreal protocol. 231 Law No. 14/93 of August 23, 1993, authorizing the ratification of the treaty establishing an integrated organization for the insurance industry in African states, signed in Yaoundé on July 10, 1992..... 231 Law No. 16/93 of August 26, 1993, concerning the protection and improvement of the environment. 231 Law No. 19/93 of August 27, 1993, modifying and repealing certain articles of the penal code..... 239 Law No. 20/93 of August 27, 1993, establishing a special status for clerks..... 242 Law No. 21193 of August 23, 1993, authorizing the Gabonese state to contract a loan amounting to 22,500,000 US dollars from the International Bank for Reconstruction and Development (IBRD). 245 Law No. 22193 of August 12, 1993, authorizing the Gabonese state to contract a loan of 100,000,000 FF from the French Development Fund (CFD) ..... 245 Law No. 23/93 of August 12, 1993, authorizing the Gabonese state to contract a loan of a maximum amount equivalent to 30,000 account units from the African Development Bank (ADB). 246 Law No. 24193 of August 12, 1993, authorizing the Gabonese state to contract a loan amounting to the equivalent in US dollars of 15,320,000 CAN from the Export Development Corporation (EDC) of Canada. 246

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 ACTS OF THE REPUBLIC ACTS OF GENERAL SCOPE National Assembly Law No. 12193, authorizing the ratification of the convention on the rights of the Child, adopted by the United Nations General Assembly on November 20, 1989. The National Assembly has deliberated and adopted; The President of the Republic, head of State, promulgates the law whose content follows: Article one: The ratification of the convention on the rights of the Child adopted by the United Nations General Assembly on November 20, 1989 is authorized. Article 2: This law will be recorded, published according to the emergency procedure and executed as law of the State. Done in Libreville, on August 23, 1993 By the President of the Republic, head of State El Hadj Omar BONGO The Prime Minister, head of government Casimir OYE MBA The Minister of Foreign Affairs, Cooperation and Francophonie Pascaline MFERRI BONGO Law No. 13193, authorizing the ratification of the Vienna convention for the protection of the ozone layer, and the Montreal protocol. The National Assembly has deliberated and adopted, The President of the Republic, head of State, promulgates the law whose content follows: Article one: The ratification of the Vienna convention for the protection of the ozone layer, and the Montreal protocol is authorized. Article 2: This law will be recorded, published according to the emergency procedure, and executed as law of the State. Done in Libreville, on August 26, 1993 By the President of the Republic, head of State El Hadj Omar BONGO The Prime Minister, head of government Casimir OYE MB The Minister of Foreign Affairs, Cooperation and Francophonie Pascaline MFERRI BONGO For the Minister of Water and Forests and the Environment on mission, the Minister of State Control, of the reform of the parapublic sector and privatization, ensuring interim Paul BIYOGHE A Law No. 14193, authorizing the ratification of the treaty establishing an integrated organization for the insurance industry in African states, signed in Yaoundé on July 10, 1992. The National Assembly has deliberated and adopted, The President of the Republic, head of State, promulgates the law whose content follows: Article one: The ratification of the treaty establishing an integrated organization for the insurance industry in African states, signed in Yaoundé on July 10, 1992 is authorized. Done in Libreville, on August 23, 1993 By the President of the Republic, head of State El Hadj Omar BONGO The Prime Minister, head of government Casimir OYE MB The Minister of Foreign Affairs, Cooperation and Francophonie Pascaline MFERRI BONGO The Minister of Finance, Budget and participations Paul TOUNGUI Law No.

16193, concerning the protection and improvement of the environment. The National Assembly has deliberated and adopted; The President of the Republic, head of State, promulgates the law whose content follows: TITLE 1 GENERAL PROVISIONS Article one: This law aims to determine the general principles that should underlie the national policy regarding the protection and improvement of the environment.

 It aims in particular to: 1) the preservation and sustainable use of natural resources; 2) the fight against pollution and nuisances; 3) the improvement and protection of the living environment; 4) the promotion of new values and income-generating activities related to the protection of the environment; 5) the harmonization of development with the safeguarding of the natural environment. Article 2: The environment, within the meaning of this law, is the set of natural and artificial elements, as well as social, economic, and cultural factors, whose interactions influence the ambient environment, living organisms, human activities, and condition the well-being of Man. Article 3: The environment, as the framework for all human activities, constitutes the national heritage that includes rights and obligations for all citizens. The protection and improvement of the environment constitute a mission of general interest and a concern to be systematically taken into account in national economic, social, and cultural development plans. Article 4: The minister responsible for the Environment ensures compliance with the fundamental principles defined in Article 1 above, the application of which involves the implementation of a policy: 1) for the management of natural resources, likely to ensure both their protection and their restoration, in order to guarantee their sustainability; 2) for rational exploitation allowing the maintenance of balances between the different natural factors of the ambient environment and their interactions with environmental conditions; 3) for protection integrating techniques involving non-polluting or anti-polluting devices; 4) for planning, urban and rural development prioritizing prevention against all nuisances, as well as a harmonious organization of space and habitat; 5) for training, information, research, and dissemination to promote the participation of all citizens in the realization of this policy, notably through the creation of appropriate institutions and organizations such as environmental defense associations. Article 5: State bodies, local authorities, public establishments, and the groups mentioned above participate in the development and execution of the national environmental policy, according to the modalities provided by this law, by the texts adopted for its application, and by other legal and regulatory provisions enacted in this matter. TITLE II NATURAL RESOURCES Article 6: The following elements are qualified as natural resources, within the meaning of this law: - the seas and oceans; - continental waters; - soil and subsoil; - air; - fauna and flora; - protected areas. Chapter 1 The seas and oceans Article 7: The marine and oceanic environment consists of: - the shoreline of the sea and its resources; - the maritime and oceanic spaces under territorial sovereignty or placed under national jurisdiction; - their biological and non-biological resources. Article 8: Texts will be adopted for the application of this law to prevent and combat all acts likely to harm the marine and oceanic environment and that may lead, in particular, to pollution of the waters of the seas and oceans, risks to human health, or damage to biological resources, marine and oceanic fauna and flora, recreational values, and other legitimate uses of the marine and oceanic environment. Chapter II Continental waters Article 9: Continental waters consist of: - surface waters and groundwater; - the beds and banks of various aquatic ecosystems; - any structure found therein or related thereto. Article 10: The waters as defined in Article 9 above must be managed rationally and balanced to allow and reconcile in particular: - the preservation of their quality; - the supply of drinking water to the population; - the satisfaction of the needs of agriculture, industry, transport, and all other activities of general interest; - the maintenance of biological

life in the aquatic environment. Article 11: To prevent and combat water pollution, the minister responsible for the Environment takes the necessary measures which consist in particular of: 1) systematically analyzing the waters to establish their degree of pollution; 2) establishing the list of harmful or hazardous substances whose introduction into the waters, in any manner, must be either prohibited or subject to prior authorization, under the conditions set by the texts in force;

 3) maintaining and operating, in accordance with the legal and regulatory provisions enacted in this matter, the water capture and accumulation installations; 4) subjecting to prior authorization the works of prospecting, exploration "offshore" and "onshore"; this authorization must be accompanied by measures intended to prevent, mitigate, and, if necessary, repair the impacts on the aquatic environment, in accordance with legal provisions; 5) adopting a policy of rational and balanced management of fishery resources, so that the capacity for renewal of stocks is respected under the conditions set by the texts in force. Article 12: It is prohibited to discharge, throw, or inject into surface or groundwater, near seas or waterways, degraded waters, waste, residues, or any other product likely to harm the aquatic environment, as well as all related elements and parts, or to cause risks and damage both to human health and to biological and non-biological resources. However, the discharge, rejection, or injection of degraded waters, waste, residues, or any other product into protected waters, as well as the exploitation of economic activities likely to modify the flow regime or the quality of the waters, may only occur if these operations and activities comply with legal standards and are carried out in accordance with an authorization or the prescriptions of the ministry responsible for the Environment. The standards provided in the second paragraph above will be defined by regulatory means. Chapter III Soil and subsoil Article 13: In order to guarantee the protection of the soil, subsoil, and the natural resources found therein, it is important to respect the rational and sustainable use of land and the measures for soil protection. Geological works for the extraction of mineral substances and the exploitation of these resources are carried out in accordance with legal and regulatory provisions. Article 14: Human activities, notably agricultural and forestry works, prospecting, exploration, and exploitation of mines and quarries, agro-zootechnical industrial sites, and socio-cultural locations must be carried out in accordance with pedoclimatic conditions, as well as the provisions of the texts in force. Land users, in any capacity, must carry out, in accordance with techniques authorized by the competent bodies, works to prevent and combat erosion, landslides, excess moisture, flooding, and any other form of calamity. Article 15: It is prohibited to deposit, throw, discharge, or scatter solid, liquid, or gaseous waste or any other substance likely to pollute the soil, in places other than those exclusively provided for this purpose by the texts in force. Article 16: Users of pesticides or other harmful chemical substances are required to use them rationally, primarily to combat diseases, pests, and to promote soil fertilization. Article 17: Sellers and users of pesticides or other chemicals with harmful effects are required to sell and use only products that fall within the legally accepted nomenclature by the competent bodies. Article 18: Operators of natural resources must take into account: 1) the use of appropriate methods to ensure the regeneration of these resources or the maintenance of a reasonable ratio between the volume of available reserves and the volume of those to be exploited; 2) the adoption of measures intended to prevent both the degradation of the environment resulting from extraction works and the stability of construction sites and other economic locations, as well as any other effects likely to harm human health. Article 19: It is prohibited to throw, discharge, and inject solid, liquid, or gaseous residues or any other substance likely to pollute or distort natural resources. Chapter IV Air Article 20: In order to preserve air quality against any form of pollution likely to harm ecosystems, health, and the built environment, it is

mandatory: 1) for industrial establishments, sellers, and users of vehicles and motor machines to construct, equip, operate, use, or maintain them in a manner that reduces or avoids air pollution; 2) for competent organisms and organizations to distribute economic agents and others that may harm air quality exclusively in areas where the consequences of pollution are minimal, as well as to ensure the improvement of technological processes in enterprises, in order to reduce the quantity of pollutants; 3) for any economic agent or user to avoid emitting into the air, beyond regulatory thresholds, any pollutant substance such as smoke, dust, or toxic gases. Article 21: Application texts adopted under this law specify the conditions for the enforcement of Article 20 above. Chapter V Fauna and flora Article 22: Fauna and flora are managed rationally and equitably, taking into account, in particular, the need to avoid their overexploitation or extinction, to preserve genetic heritage, and to ensure the maintenance of ecological balances, in accordance with the texts in force.

 Article 23: Industrial, urban, agricultural, mining, tourism, or other activities that may harm wildlife and flora, or lead to the destruction of their natural habitats, are either prohibited or subject to prior authorization from the minister responsible for the Environment, under the conditions set by the applicable texts and provisions of this law. Article 24: In order to ensure conditions for approval, recreation, tourism, beautification of the landscape, and improvement of air quality, green spaces within and around localities, residences, and buildings must be developed in accordance with zoning use plans. Article 25: Rare or endangered animal and plant species, as well as their natural habitats, are subject to enhanced protection. Their exploitation, commercialization, or exportation is regulated. Their use for scientific research purposes is either prohibited or subject to prior authorization, in accordance with applicable texts. The provisions taken in application of this law and those of the applicable texts establish the list of these protected animal and plant species, as well as the modalities for their protection and the preservation of their habitats. Article 26: The introduction of exotic animal or plant species deemed by the competent authorities to be likely to harm local animal or plant species is either prohibited or subject to prior authorization, in accordance with legal provisions. Chapter VI Protected Areas Article 27: Any portion of the national territory constituted as land or water area and presenting particular ecological, archaeological, scientific, aesthetic, cultural, or socio-economic interest may be delimited and established as a protected area, so that its integrity is preserved. The creation and delimitation of protected areas are subject to legislative texts. Article 28: Protected areas may take various forms, including: 1) national parks, natural parks, nature reserves as defined in Articles 32 to 40 of Law No. 1/82 of July 22, 1982, known as the orientation law on water and forests; 2) natural monuments and sites, marine culture farms, fish farming stations, marine parks, scientific research stations, biosphere reserves consisting of associations of vegetation, forms of relief, rare or endangered plant and animal species, through the conservation of which it is possible to maintain the integrity of natural beauties or preserve the species. Article 29: In order to protect the areas and safeguard their integrity, it is prohibited to undertake activities that may lead to the degradation or modification of the initial appearance of the landscape, the structure of fauna and flora, or ecological balance, except with exceptional authorization from the legally competent authority. TITLE III POLLUTION AND NUISANCES Article 30: For the purposes of this law, the terms pollution and nuisances refer to all factors that have or may have the effect of deteriorating the environment and depriving populations of healthy or pleasant living and working conditions. Article 31: For the purposes of Article 30 above, the following may be considered potential factors of pollution and nuisances: - waste; - hazardous substances; - noise and vibrations; - classified installations; - degradation of environmental aesthetics; - odors; - smoke and dust; - light. Chapter I Waste Article 32: The following are considered waste under

this law and the texts taken for its application: - effluents; - household waste; - industrial waste and residues. Article 33: In order to preserve health and the quality of the environment, the minister responsible for the Environment may, in conjunction with the relevant ministerial departments, take all necessary measures to ensure hygiene, cleanliness, and sanitation of human establishments, in accordance with the legislation in force and the texts implementing this law. Article 34: The measures provided for in Article 33

above aim in particular to establish the conditions under which the collection, gathering, treatment, and disposal of effluents of various origins and waste of all kinds must take place. Article 35: Any discharge into the natural environment of effluents likely to harm health or affect the quality of the environment is either prohibited or subject to prior authorization, under the conditions set by the provisions taken in application of this law. Article 36: Waste of all kinds from industrial, agro-pastoral, artisanal, mining, commercial, urban, or other origins must be collected, gathered, and treated in such a way as to eliminate or reduce their harmful effects on health, natural resources, and the quality of the environment.

 Article 37: The collection, sorting, storage, transport, recovery, reuse, recycling, or disposal of waste must be carried out in accordance with the legislation in force and the implementing texts of this law. Article 38: Waste disposal sites must be established, developed, and controlled in such a way as to eliminate or reduce their effects on health, natural resources, and the quality of the environment, in accordance with the legislation in force and the implementing texts of this law. Article 39: In order to reduce the quantity of waste produced by human activities, the use of technologies and manufacturing and transformation processes that generate low waste is encouraged, under the conditions set by the provisions taken in application of this law. Chapter II Hazardous Substances Article 40: Any hazardous substance, including chemicals and radioactive materials whose harmfulness, toxicity, or concentration is likely to harm health or affect natural resources or the quality of the environment, is subject to control and monitoring by the minister responsible for the Environment, in accordance with the legislation in force and the provisions taken in application of this law. Article 41: The provisions provided for in Article 40 above establish in particular: 1) the list of hazardous substances whose importation, manufacture, commercialization, storage, circulation, transport, use, or discharge into the natural environment are either prohibited or subject to prior authorization from the minister responsible for the Environment. 2) the modalities for control, monitoring, and authorization of hazardous substances; 3) the precautions to be taken for the handling, transport, storage, and use of authorized hazardous substances. Article 42: The minister responsible for the Environment may only authorize the operation of industrial, artisanal, and commercial sites if the concerned units are equipped with facilities or devices that allow for the purification and neutralization of hazardous substances. Article 43: The circulation of means of transport that spread polluting substances exceeding regulatory thresholds is prohibited. Chapter III Noise and Vibrations Article 44: It is prohibited to produce noise exceeding the thresholds set by legal or regulatory standards. Article 45: Establishments, installations, buildings, structures, construction sites, machinery, vehicles, and public or private devices must be constructed, equipped, operated, used, and maintained in such a way as to eliminate or reduce the noise and vibrations they cause or that are likely, due to their intensity, to disturb the neighborhood, harm health, or affect the quality of the environment, in accordance with the texts in force. Article 46: The provisions provided for in Article 45 above establish, in particular, the noise levels that must not be exceeded and provide for the measurement systems and control means to be implemented to ensure compliance with acceptable thresholds. Chapter IV Classified Installations Article 47:

Public or private installations, industrial, agricultural, mining, artisanal, commercial, or other that may disturb the neighborhood, harm health, or affect the quality of the environment are classified in a nomenclature established by the implementing texts of this law. Article 48: Classified installations whose nomenclature is provided for in Article 7 above are subject to: 1) either prior authorization from the minister responsible for the Environment, when they present serious disadvantages for health, the quality of the environment, or the convenience of the neighborhood; 2) or prior declaration approved by the minister responsible for the Environment, when they do not present serious disadvantages but must, due to the nature of their activities or the location of their establishment, comply with the general regulations enacted to ensure the protection of the

environment and the convenience of the neighborhood. Article 49: The authorization provided for in Article 48 above is granted after an impact study conducted in accordance with the provisions of Articles 67 to 71 of this law, and the texts taken for its application. Article 50: Physical or legal persons, owners or operators of classified installations are required to comply with the provisions of Article 63 below, and to take all other necessary measures to prevent and combat pollution and nuisances caused by their installations. Article 51: The operators of existing classified installations at the time of the entry into force of this law are required to comply with its provisions within the deadlines and according to the modalities set by the provisions taken for its application. Article 52: Classified installations, subject to prior authorization, must, under the conditions set by the implementing texts of this law, have an emergency plan intended, in case of an accident, to ensure the alert of public authorities and neighboring populations, to facilitate the evacuation of personnel, and to allow the implementation of means to contain the disaster.

 Chapter V Degradation of Environmental Aesthetics Article 53: For the purposes of this law, degradation of environmental aesthetics refers to all actions aimed at degrading the environment, in any form and to any degree, notably by: 1) the soiling of walls, surfaces, or facades of buildings, structures, monuments, or others; 2) the darkening, abusive occupation, cluttering, and uglification of roads and public places. Article 54: Agents of the ministry responsible for the Environment, duly authorized, assess the reality and degree of degradation. Article 55: To ensure the protection and preservation of the aesthetics of the environment, all concerned individuals or legal entities are required to: 1) carry out constructions according to cadastral plans and in compliance with urban planning rules; 2) combat all forms of pollution and nuisances arising from both economic and social activities, as well as biological processes; 3) rationally determine the delineation of urban and rural territories; 4) adopt appropriate protective measures applicable to residential areas or areas designated for industrial or tourist activities and waste and residue disposal facilities; 5) equip all urban and rural agglomerations with facilities for the treatment of degraded water and ensure their maintenance and adaptation to evolving uses. Chapter VI Odors Article 56: Offensive odors must be eliminated as much as possible. Article 57: To prevent and combat odors and air pollution, measures must be taken in accordance with the provisions of this law and applicable regulations. Article 58: The measures provided for in Article 57 above specify, in particular: the characteristics of authorized individual and collective sanitary facilities, the conditions for the establishment and opening of public or private landfills, as well as the conditions for conducting any activity likely to emit offensive odors. Chapter VII Smoke and Dust Article 59: The production of dust, thick smoke, particularly soot, vapors, and, in general, all projections and emissions likely to harm the health and comfort of the neighborhood beyond the thresholds set by regulatory means is prohibited in any establishment, dwelling, or

agglomeration. Chapter VIII Lights Article 60: Any use of light sources with harmful radiation, without respect for health and environmental protection conditions, is prohibited. Article 61: The provisions taken in application of this law and the applicable texts will specify the nature of these radiations. TITLE IV COMMON PROVISIONS Article 62: Pollution and nuisances, as well as all other factors of environmental degradation mentioned in this law, are subject to the technical and penal provisions set forth in Articles 63 to 93 below. Chapter 1 Technical Provisions Article 63: The provisions taken in application of this law establish: 1) the standards to be respected to ensure the maintenance and quality of the environment; 2) the equipment intended to analyze, prevent, mitigate, and eliminate harmful impacts on the environment; 3) the subject of impact studies and emergency plans to be implemented. Article 64: Environmental quality standards are established taking into account, in particular, the state of receiving environments and their self-purification capacity. Article 65: More stringent quality standards than those in force may be enacted to allow for the protection of regions highly exposed to pollution or to ensure the preservation of particularly fragile natural environments. Article 66: To enable the establishment and updating of quality standards, and to ensure the control of their application, continuous environmental monitoring networks are set up, in accordance with applicable texts. Article 67: Works, structures, or industrial, agricultural, urban, rural, mining, or other developments undertaken by public authorities and public or private enterprises that risk, due to

their size or ecological impacts, harming the environment must undergo a prior impact study submitted for review by the minister responsible for the Environment, in accordance with current legislation and the texts enacted in application of this law.

 Article 68: The impact study is an analysis and forecasting tool aimed at identifying, evaluating, and avoiding harmful, direct and indirect impacts of construction projects, structures, or developments on health, environmental quality, natural resources, and ecological balances. Article 69: The texts provided for in Article 67 above specify, in particular: 1) the list of categories of works, structures, or developments subject to the obligation of an impact study; 2) the modalities for establishing, controlling, and publicizing the impact study. Article 70: The impact study conditions the issuance of the operating authorization; however, it is not required if the minister responsible for the Environment deems that the scope and duration of the operation, as well as the technical methods used, do not result in significant harmful effects on the environment. Article 71: The minister responsible for the Environment conducts regular monitoring to verify that the prescriptions contained in the authorization provided for in Article 70 above are respected; he may eventually suspend or withdraw the authorization. Article 72: To address critical situations that generate serious harm to health, natural resources, or environmental quality, such as oil spills or chemical accidents, emergency plans must be established in collaboration with the relevant ministerial departments, in accordance with current legislation and the provisions enacted in application of this law. Article 73: The emergency plans provided for in Article 72 above must prioritize appropriate procedures to address incidents likely to cause pollution or a risk of pollution with harmful effects. Article 74: Emergency plans being an imperative necessity, the minister responsible for the Environment must: 1) ensure that operators take effective measures to make them operational; 2) compel operators to develop them and, if necessary, take effective and accessible measures themselves, in accordance with applicable texts and the provisions enacted in application of this law; 3) be continuously fully informed of the nature and quality of the measures; 4) take appropriate sanctions against operators who do not comply with the prescribed measures. Article 75: The provisions provided for in Article 74 above concern, in particular, the content, modalities for development, and conditions for implementation of

emergency plans. Penal Provisions Article 76: Violations of the provisions of this law and its implementing texts are noted by authorized agents of the Environment administration, by any judicial police officers, or by any other legally authorized agents, notably those from the Domains, Cadastre, Urbanism, Public Works, Water and Forests, Merchant Marine, or Mines. Article 77: The agents of the Environment administration mentioned in Article 76 above are judicial police officers with special competence; for this purpose, to legally exercise their functions, they must take an oath before the competent jurisdiction at the request of the minister responsible for the Environment. The modalities and conditions for the validity of this oath are set by regulatory means. Article 78: For the purpose of noting violations of the provisions of this law and its implementing texts, the agents provided for in Articles 76 and 77 above are authorized to: 1) carry out all examinations, controls, investigations, searches, sampling, analyses, and seizures necessary to ensure compliance with environmental measures; 2) request, if necessary, the assistance or advice of persons whose competence or experience may be of useful help; 3) receive testimony from any person whose information may advance the investigation; 4) request the assistance of public force. Article 79: Any violation noted is subject to a regular report. The reports are valid until proven otherwise regarding the non-existence or inaccuracy of the reported facts, or

any other reason for irregularity. Article 80: Any report of observation must be immediately transmitted to the competent service of the ministry responsible for the Environment, which notifies it to the offender; the latter has a period of 20 days from this notification to contest the report, which, after this period, retains its validity. In case of contestation within the above deadlines, the claim is examined by the competent service of the ministry responsible for the Environment, which may accept or reject it. If the contestation is founded, the report is classified without further action; otherwise, it proceeds as stated in Articles 81 and the following: Article 81: Without prejudice to the prerogatives recognized to the public prosecutor, the sworn agents of the Environment administration are responsible, in the public interest, for prosecuting violations committed in matters of environmental harm. Article 82: Without prejudice to the right of prosecution of the public prosecutor, public action may be initiated by associations for the defense of

 The environment, non-governmental organizations, local communities, or village communities. Article 83: The investigation and detection of the offense, the seizure of means of evidence in homes and their annexes can only take place in the forms prescribed by the code of criminal procedure, and in the presence of two witnesses. Article 84: Objects constituting elements of evidence or beginning of evidence may be seized and are subject to being returned to their owner upon payment of any storage fees; if they pose a danger to the environment, they may be destroyed by the Ministry of the Environment, at the expense of the offender. Article 85: Aside from the provisions of the above articles, the rules of the code of criminal procedure apply to the prosecution and judgment of offenses provided for by this law and by the texts adopted for its application. Article 86: Those who are guilty of: 1) abandonment, dumping, injection, in any inappropriate place, of household waste or any other substances, provided for in articles 31 and 32 of this law; 2) the emission of foul odors as provided in article 56 of this law; 3) the emission of noise and vibrations beyond the normal intensities provided in article 44 of this law, are punishable by a fine of 3,000 francs to 24,000 francs and imprisonment of 5 to 30 days, or one of these two penalties only. Article 87: Offenses listed below are punishable by a fine of 25,000 francs to 250,000 francs and imprisonment of 45 days to 3 months, or one of these two penalties only: 1) non-compliance with land use conditions, underground, and their resources as provided by the provisions of articles 13, 14, 18, and 19 above; 2) non-compliance with the provisions of article 20 above, to preserve air quality against any form of pollution; 3) non-compliance with the

provisions of article 11, paragraph 4 above, on works subject to prior authorization in matters of protection, exploration and "offshore" and "onshore" exploitation; 4) any obstruction to the execution of the mission and functions delegated by articles 76, 77, and 78 above to agents of the Ministry responsible for the Environment, as well as to all other authorized agents, without prejudice to the provisions of articles 157 and following of the penal code; 5) non-compliance with the provisions of article 53 above regarding harm to environmental aesthetics; 6) non-compliance with the provisions of article 29 of the present law, relating to protected areas; 7) the discharge of effluents without the prior authorization provided in article 35 of the present law, or in disregard of the conditions imposed by this authorization; 8) non-compliance with the provisions of articles 36 to 38 of the present law, relating to waste; 9) non-compliance with the provisions relating to the establishment of the impact study and emergency plans as provided in articles 67, 69, 72 of the present law; 10) non-compliance with the provisions of articles 59 and 60 relating to smoke, dust, and light. Article 88: Offenses listed below are punishable by a fine of 250,000 to 2,000,000 francs and imprisonment of three to six months, or one of these two penalties only: 1) any act having the effect of altering, in the sense of articles 12 and 19 above, the quality of waters, as well as other natural resources; 2) the use, sale of pesticides or other chemical substances with harmful effects, in disregard of article 17 of the present law; 3) the discharge of effluents subject to prohibition of discharge as provided in article 35 above; 4) non-compliance with the prior authorization conditions provided in article 48 of the present law regarding the operation of classified installations; 5) non-compliance with the provisions provided in article 51 of the present law, relating to existing installations. In the case provided in paragraph 5 above, the judgment of condemnation sets, under penalty, a new deadline

within which the operators of existing classified installations are required to comply with the provisions of the present law. After this deadline, the court pronounces the temporary or definitive closure of the installation that remains in violation. Article 89: Offenses listed below are punishable by a fine of 2,000,000 to 50,000,000 francs and imprisonment of six months to two years, or one of these two penalties only: 1) the operation of a classified installation, subject to a suspension or closure measure pronounced by application of article 88 above; 2) non-compliance with the provisions of articles 40 and 41 of the present law, relating to dangerous substances; 3) non-compliance with environmental quality standards and equipment provisions provided in articles 63 to 65 of the present law; 4) non-compliance with the provisions taken in application of article 11, paragraph 2 of the present law, relating to the introduction into waters of prohibited or prior authorization required harmful substances. Article 90: Offenses not provided for by the present law relating to the protection of the marine and coastal environment, of fauna, flora, and other protected areas are prosecuted and punished in accordance with the legislation in force in these matters. Article 91: In case of judicial recidivism, the penalties provided in articles 87 to 90 above are doubled. Article 92: Without prejudice to the above punitive sanctions, violations of this law may lead to administrative measures, according to the conditions defined by regulatory means.

 Article 93: The fines provided by this law, as well as by the texts adopted for its application are collected as in matters of registration. TITLE V FINAL PROVISIONS Article 94: The texts necessary for the application of the present law will be taken as needed. Article 95: All provisions contrary to those of the present law are repealed. Article 96: The present law will be registered, published according to the emergency procedure and executed as state law. Done in Libreville, on August 26, 1993 By the President of the Republic, Head of State El Hadj Omar BONGO The Prime Minister, Head of Government Casimir OYE MBA For the Minister of Water and Forests, of Fishing and the

Environment, the Minister of State Control, of the Reform of the parapublic sector and of Privatization Paul BIYOGHE MBA The Minister of Justice, Keeper of the Seals Serge MBA BEKALE The Minister of Finance, of the Budget and of Participations Paul TOUNGUI Law No. 19/93, modifying and repealing certain articles of the penal code. The National Assembly has deliberated and adopted; The President of the Republic, Head of State, promulgates the law whose content follows: Article one: The terms "forced labor" appearing in the penal code, as well as in other special texts, are replaced by the terms "criminal detention". Article 2: The title of chapter II of the first book: "On complicity" is modified and now reads: "On the accomplice and the instigator". Article 3: Articles 5, 14, 41, 26, 50, 51, 52, 208, 209, 241, 256, 257, 270 and 333 are modified and now read: Article 5 (new): No crime, no offense, no contravention can be punished by penalties that were not pronounced prior to the law or regulation before their commission. The law or the less rigorous regulation applies, as soon as it comes into force, to facts not definitively judged. The laws of judicial organization, competence, and procedure have immediate effect, even on ongoing instances, provided that a judgment on the merits has not been pronounced in first instance. The sanction ceases to be executed when it has been pronounced for an offense that a law or regulation subsequent to the judgment has repealed. Article 14 (new): Persons sentenced to imprisonment or to criminal detention may be employed in public or private utility work, in accordance with the legislation on penal labor. Article 26 (new): The duration of detention by the body is regulated as follows: - eight days when the fine and financial penalties do not exceed 25,000 francs; - fifteen days when, exceeding 25,000 francs, they do not exceed 50,000 francs; - one month when, exceeding 50,000 francs, they do not exceed 100,000 francs; - two months when, exceeding 100,000 francs, they do not exceed 200,000 francs; - three months when, exceeding 200,000 francs, they do not exceed 400,000 francs; - six months when exceeding 400,000 francs, they do not exceed 800,000 francs; - nine months when exceeding 800,000 francs, they do not exceed 1,600,000 francs; - 1 year when they exceed 1,600,000 francs. When the detention by the body guarantees the recovery of several debts, its duration is fixed according to the total of penalties. Article 41 (new): In case of a sentence to imprisonment or to a fine, if the convicted person has not been subject to a prior conviction for imprisonment for crime or offense of common law, the courts and tribunals may order by the same judgment and by reasoned decision, that execution of the main penalty will be suspended. The suspension is not applicable in the case of police contraventions. The courts and tribunals may decide that the suspension will only apply to the execution of the imprisonment for a period that they will determine, or will only apply to the payment of the fine for a part that they will determine the amount. Article 50 (new): He who was suffering, at the time of the offense, from a psychic or neuro-psychic disorder that abolished

his discernment or control of his acts is not punishable. In this case, the investigating or judging jurisdiction may, when the state of the author is likely to compromise the public order or the safety of persons, order his placement in a specialized establishment.