

## Cameroon

### Investment Charter (2002)

#### Note

The Investment Laws Navigator is based upon sources believed to be accurate and reliable and is intended to be up-to-date at the time it was generated. It is made available with the understanding that UNCTAD is not engaged in rendering legal or other professional services. To confirm that the information has not been affected or changed by recent developments, traditional legal research techniques should be used, including checking primary sources where appropriate. While every effort is made to ensure the accuracy and completeness of its content, UNCTAD assumes no responsibility for eventual errors or omissions in the data.

The year indicated in brackets after the title of the law refers to the year of publication in the Official Gazette or, when this is not available, the year of adoption of the law.

# Contents

## **Introductory Title. Guiding Principles**

### **Title I. General provisions**

Chapter I. Definitions

Chapter II. Scope

Chapter III. Role of the state and the private sector in economic affairs

Section I. Role of the state in economic affairs

Section II. Role of the private sector in economic affairs

### **Title II. Contract management**

Chapter I. General principles and basic rights

Chapter II. Liberalization, openness and competition

Section I. Liberalization of Local Markets

Section II. External Openness and Regional Integration

### **Title III. Incentive management**

Chapter I. Incentive system

Section I. General incentives

Section II. Specific incentives

Chapter II. Implementation of the charter

Section I. Manner of implementation of the charter

Section II. Monitoring of compliance with instruments and filing of complaints

Chapter III. Institutions for promotion and facilitation of investments and exports

### **Title IV. Promotion of private initiatives**

### **Title V. Principles for management of institutions**

### **Title VI. Tax and customs incentives**

### **Title VII. Organization of the financial system**

### **Title VIII. Miscellaneous, transitional and final provisions**

# Investment Charter

Law No. 2002/004

Official Gazette

## **Article 1**

The present Law relates to the Republic of Cameroon Investment Charter, hereinafter referred to as "the Charter".

# Introductory Title. Guiding Principles

## **Article 2**

Desiring to build a competitive and prosperous economy through the development of investment and saving, and in implementation of the objectives of its economic and social activity, the Republic of Cameroon hereby establishes the following basic principles:

# **Title I. General provisions**

## **Chapter I. Definations**

### **Article 3**

Any natural or legal person, Cameroonian or foreign, resident or non-resident, who or which acquires an asset in connection with the performance of his, her or its activities in expectation of a return shall be considered an investor under the present Law.

### **Article 4**

An asset held by an investor shall be considered an investment under the present Law, in particular:

### **Article 5**

Under the present Law, "the State" means all public institutions provided for in the Constitution.

## **Chapter II. Scope**

### **Article 6**

The present Law establishes the framework for the promotion of investment in accordance with the overall development strategy, which is aimed at improving and sustaining growth, creating jobs in all sectors of economic activity and ensuring the social welfare of the population.

### **Article 7**

The provisions of the present Law shall apply to investment operations relating to the establishment, extension, renewal, rearrangement and/or change of activity.

## **Chapter III. Role of the state and the private sector in economic affairs**

### **Section I. Role of the state in economic affairs**

#### **Article 8**

1) In the context of its basic purposes, the State shall administer the nation and shall guarantee the

1) in the context of its basic purposes, the State shall administer the nation and shall guarantee the right to justice and security of persons and their property.  
To that end, the State shall undertake, inter alia, to:

2) The State shall issue laws and regulations; supervise, facilitate and regulate economic and social activities and the development of basic and information infrastructure; provide training; ensure security; and compensate for market failures. To that end, the State shall:

## **Section II. Role of the private sector in economic affairs**

### **Article 9**

- 1) The purpose of the private sector shall be to create and generate wealth.
- 2) The private sector shall:

## **Title II. Contract management**

### **Chapter I. General principles and basic rights**

#### **Article 10**

The State shall guarantee the following to every natural or legal person duly established or desiring to become established in Cameroon who or which respects the specific rules associated with economic activity:

#### **Article 11**

1) The State shall be a party to both bilateral and multilateral agreements relating to investment guarantees. It is a party to:

2) The State is a party to:

3) Through its membership of OHADA, the State has available to it both ad hoc and institutional arbitration mechanisms based on the most effective international instruments, such as the 1985 Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law (UNCITRAL) and the 1998 Rules of Arbitration of the International Chamber of Commerce.

4) The State is a party to the Partnership Agreement of June 23, 2000 between the Members of the African, Caribbean and Pacific Group of States, on the one hand, and the European Community and its Member States, on the other hand (ACP-EC Partnership Agreement), which establishes an arbitration mechanism for the settlement of disputes between African, Caribbean and Pacific States and entrepreneurs, suppliers or providers of services financed by the European Development Fund (EDF).

#### **Article 12**

The State hereby affirms its commitment to ensuring the establishment of alternative mechanisms for conflict resolution, including a national court of arbitration for the settlement of industrial and commercial disputes.

## **Chapter II. Liberalization, openness and competition**

### **Section I. Liberalization of Local Markets**

#### **Article 13**

The mechanisms of supply and demand shall apply to services and goods offered to the public.

1) Key sectors and strategic sectors, determined and organized by means of regulations, shall be supervised by specific bodies created for that purpose.

2) With a view to establishing appropriate regulations and monitoring markets other than those that have their own special bodies, the National Competition Commission shall be established under the Ministry responsible for competition, with functions and competences determined by means of regulations.

#### **Article 14**

International standards of transparency with regard to the production, publication and dissemination of high-quality information, applicable both to the public sector and the private sector, shall be adopted in Cameroon.

### **Section II. External Openness and Regional Integration**

#### **Article 15**

The State is a party to the multilateral trading system, in particular World Trade Organization (WTO) agreements and other mechanisms for the development of international trade, and to World Customs Organization (WCO) agreements.

#### **Article 16**

The State hereby reaffirms its membership of regional integration frameworks, in particular the Central African Economic and Monetary Community (CAEMC) and the Economic Community of Central African States (ECCAS).

# **Title III. Incentive management**

## **Chapter I. Incentive system**

### **Section I. General incentives**

#### **Article 17**

1) Three types of general incentives shall be established:

2) Promotion shall consist of the organization of events and assignments locally or abroad, active partnership, management of a portfolio of opportunities, and marketing of the country's potential.

3) Facilitation shall consist of assistance and promptness in the completion of formalities and transparency in the processing of files.

4) Support shall consist of technical or financial support for the creation or takeover of businesses and the development of exports.

### **Section II. Specific incentives**

#### **Article 18**

Specific incentives shall relate to regimes, sector codes, economic areas and the duration of benefits.

#### **Article 19**

1) Three regimes are hereby established:

2) The benefit of the automatic regime shall be granted tacitly as soon as the investment has been made in accordance with the terms specified by the relevant instruments. However, a summary statement shall be submitted annually to the competent department of the State administration for checking and validation.

3) Under the declaration regime, permission to invest shall be granted within two (2) consecutive working days of the date of submission of the complete file to the One-Stop Shop, in accordance with the terms established by means of regulations. On submission of the file, the One-Stop Shop shall issue a receipt.

4) Under the approval regime, permission to invest shall be granted to the investor within a maximum period of fifteen (15) consecutive working days of the date of submission of the complete file to the One-Stop Shop, in accordance with the terms established by means of regulations. On submission of the file, the One-Stop Shop shall issue a receipt.

5) If the One-Stop Shop fails to meet the deadlines mentioned in paragraphs (3) and (4), the regime requested shall be granted automatically to the investor, who shall then initiate regularization procedures without delay.

6) The operating arrangements for the regimes established under paragraph 1 of the present Article shall be determined by particular instruments.

#### **Article 20**

Sector codes shall be incentive tools tailored to one or more sectors of economic activity and/or covering one or more technical areas of the economy.

#### **Article 21**

1) Economic areas shall be incentive tools classified as preferential areas.

2) Economic areas shall be established as appropriate, subject to the terms of establishment and eligibility to benefit from the rights and principles to be determined by particular instruments in accordance with the Government's objectives.

3) Economic areas may become independent authorities, subject to the terms established by particular instruments.

#### **Article 22**

The duration of incentives shall be determined by the sector codes or economic areas, depending on the activity in question.

## **Chapter II. Implementation of the charter**

### **Section I. Manner of implementation of the charter**

#### **Article 23**

1) The implementing instruments of the present Law shall be drafted on an equal tripartite basis (public sector, private sector and civil society).

2) The implementing instruments referred to in paragraph 1 above shall include the prior technical opinion of the Council for Regulation and Competitiveness referred to in Article 25 below.

## **Section II. Monitoring of compliance with instruments and filing of complaints**

### **Article 24**

Complaints by investors regarding non-compliance with the provisions of the present Law and its implementing instruments shall first be filed with the Council for Regulation and Competitiveness.

## **Chapter III. Institutions for promotion and facilitation of investments and exports**

### **Article 25**

The following bodies shall be responsible for the promotion and facilitation of investments and exports:

## **Title IV. Promotion of private initiatives**

### **Article 26**

### **Article 27**

The establishment, organization and operation of the bodies and institutions referred to in the present Law shall be determined by decree of the President of the Republic.

## **Title V. Principles for management of institutions**

### **Article 28**

The management bodies of the institutions established pursuant to the present Law shall have equal tripartite membership: public sector, private sector and civil society.

## **Title VI. Tax and customs incentives**

### **Article 29**

The tax and customs system shall be based on the principle of equity among the various taxpayers and reductions that allow the State to fulfill its economic and social role properly.

### **Article 30**

The State shall engage in a process of simplifying and harmonizing the tax system in order to ensure the same level of transparency, fluidity and legibility for all investors.

### **Article 31**

Taxes and customs duties shall be collected in accordance with rules and practices and in amounts that are similar or equivalent to international norms; they shall be adjusted to the specific nature of and developments in different industries.

### **Article 32**

The rights of the taxpayer shall be recognized and must be respected by the State Administration.

### **Article 33**

1) The State shall guarantee that the customs duties imposed are moderate and shall adhere to the principle of reducing them, within the policy framework established by CAEMC and in accordance with World Trade Organization rules.

2) The State hereby reaffirms its willingness to implement the economic and suspension procedures set out in the CAEMC Customs Code.

### **Article 34**

The measures set out below shall be taken with respect to direct and indirect taxes:

#### **Article 35**

Reduced stamp duties and registration taxes shall be imposed in respect of the incorporation of companies, statute changes, capital increases, mergers and acquisitions and the issuance and circulation of securities.

## **Title VII. Organization of the financial system**

#### **Article 36**

The State shall aim to make the financial system fit for the purpose of developing investment and stimulating competitiveness.

#### **Article 37**

- 1) Cameroon is a member of the Central African Monetary Union (CAMU); it shall pursue greater consistency and flexibility, in line with the demands of an increasingly liberal and integrated economy for almost instant adaptability.
- 2) With a view to meeting international standards, the State shall support all activities aimed at making the Bank of Central African States (BEAC) and the Central African Banking Commission (COBAC) effective for developing investments and businesses of all sizes and categories, and also for responding to the challenges posed by financial crises.
- 3) The State shall promote the development of a sound credit and money culture by putting in place a credit and money code.

#### **Article 38**

The State shall oversee and promote small and medium-sized enterprises and industries (SMEs and SMIs) by:

#### **Article 39**

- 1) The State shall establish export promotion mechanisms that include insurance and financing provisions, on the one hand, and that are aimed at covering the risks associated with production, identification of markets, facilitation of financing and different risks, on the other.
- 2) The State is a member of the African Export-Import Bank (AFREXIMBANK), a pan-African institution the purpose of which is to finance credit operations for imports and exports.

#### **Article 40**

- 1) Without prejudice to national financial structures, the State shall support the establishment of a credible subregional financial market that complies with international standards, so as to mobilize long-term saving with a view to allocating funds to productive and profitable investment projects.
- 2) The State shall actively promote saving and investment by drafting a code aimed at encouraging both.

#### **Article 41**

- 1) The State shall establish a market in government securities based on voluntary subscription.
- 2) The national market in government securities shall be incorporated in relevant subregional initiatives.

#### **Article 42**

The State shall adhere to a solid and effective system of coverage of industrial, commercial and social risks, vital for developing investment and stimulating competitiveness.

## **Title VIII. Miscellaneous, transitional and final provisions**

#### **Article 43**

- 1) The present Law repeals:
- 2) Sector codes and regulatory instruments relating to the organization, composition and operation of the institutions provided for in the present Charter shall be adopted within two (2) years of the date of promulgation of the present Law.
- 3) Businesses that benefit from special or preferential regimes pursuant to the aforementioned two instruments shall retain their benefits.
- 4) During the transitional period of two (2) years referred to in paragraph 2 above, and notwithstanding

the provisions of paragraph 1 of the present Article, the institutions and regimes established under the instruments referred to in paragraph 1 shall remain in force until new institutions and sector codes are put in place.

5) All sectoral laws and regulations whose provisions are contrary to those of the present Law shall be brought into line therewith.

**Article 44**

Bodies and institutions provided for by the present Law that already exist at the time of its entry into force shall have a period of one (1) year from the date of its promulgation to comply with its provisions.

**Article 45**

The present Law shall be registered, published under emergency procedures, and included in the Official Gazette in French and English.