

## CHAPTER 11

### PREVENTION AND FIGHT. COASTAL EROSION CONTROL

**Article 30 :** The State shall take measures to prevent, reduce, combat and control coastal erosion due to harmful and dangerous human activities , such as the filling of wetlands for land reclamation , the removal of marine sand and the erection or construction of infrastructure on the coast.

It encourages and promotes the collection, analysis, management, use and the dissemination at all levels of data relating to coastal erosion .

**Article 31 :** The State ensures the assessment of the degree of vulnerability of people and property against the oils and risks specific to coastal areas.

It ensures the restoration of the marine ecosystem and promotes appropriate salt extraction technology combining renewable energies .

It organizes awareness, information, communication and training campaigns for the benefit of the population on the threat and dangers of rising sea levels .

**Article 32 :** The State adopts and implements a policy of training and continuous strengthening of human resources capacities in the protection , management and rehabilitation of coastal areas .

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## CHAPTER III

### ON THE MANAGEMENT OF WETLANDS, COASTAL ECOSYSTEMS AND MARINE RESOURCES

**Article 33 :** The State and local authorities ensure the implementation policies , strategies, programs and projects for the protection and integrated management of wetlands .

They adopt measures to define and implement an integrated programme for the management of wetlands and coastal areas aimed at

to preserve ecosystems and protect local communities living

- donating the most vulnerable environments .

They carry out periodic updates of the regulations in matter of protection and integrated management of areas .

They also ensure the conservation , exploitation and transformation of resources of wetlands and coastal marine ecosystems .

## **CHAPTER IV**

### **OF AGRICULTURE, FORESTRY AND FOOD SAFETY**

**Article 34:** The State creates the conditions for access to arable land , pastoral and fisheries resources to ensure conservation agriculture and climate - smart agriculture .

**Article 35 :** The State adopts and implements policies and programs for the ecologically sustainable management, conservation and exploitation of all types of forests.

•• **Article 36:** The State establishes agro -meteorological systems and strengthens early warning and natural disaster management systems in production areas and river basins in the Republic of Benin .

## **CHAPTER V**

### **NEW AND RENEWABLE ENERGIES**

**Article 37:** The State integrates into its energy policy measures aimed at promoting new and renewable energies so as to:  
increase their share in the energy balance , with a view to achieving energy security .

**Article 38 :** The production, transport , storage and distribution of electricity from new and renewable energy sources are carried out  
in compliance with the safety and security conditions prescribed by the texts in force.

**Article 39** The State establishes instruments and mechanisms for promoting new and renewable energies and energy efficiency .

The development of new and renewable energy sources is carried out in compliance with standards for the protection of public health , the environment , the requirements of competitiveness of the national economy and sustainable development .

**Article 40:** The activities of construction, operation, extension of the capacity or modification of installations for the production of electric energy from new and renewable energy sources are :

open to the private sector in accordance with the provisions of the texts in force.

**Article. i** :-- :-The: - development )and the -promotion of biofuel sectors must not jeopardize respect for the principles of:

1- equitable access to agricultural land for populations ;

2- food security ;

3- the protection and preservation of the environment , in particular through the reduction of greenhouse gas emissions .

,, -- A decree taken in Council of Ministers sets the conditions and methods of cultivation , purchase and collection of biomass for the production of biofuel, the transformation of biomass into biofuel , the mixing from biofuels to refined fossil hydrocarbons , the import and the export of unblended biofuels .

## CHAPTER VI

### STRENGTHENING THE OBSERVATION NETWORK SYSTEMATICS OF THE CLIMATIC SYSTEM

**Article 42 :** The State takes measures to extend networks and modernize climatological , hydrological, oceanographic and meteorological measuring stations .

It works to strengthen the systematic observation network , to provide management training and to improve administration of the databases from the stations .

A decree taken in Council of Ministers establishes the categories of necessary equipment and their distribution across the national territory .

**Article 43:** The State takes steps to recruit qualified personnel for :

1- observation ;

2- data analysis and climatological projections ;

3- maintenance of equipment and networks .

## CHAPTER VII

### ON PREVENTION AND FIGHT AGAINST POLLUTION ENVIRONMENTAL AND PUBLIC HEALTH

**Article 44:** The State shall take measures to eliminate substances harmful to human, animal and plant health from the environment, particularly from water, air and soil .

**Article 45:** The State ensures the installation and operation of centers, laboratories and equipment for monitoring and controlling the quality of air , water and soil in urban and rural areas .

It ensures compliance with the relevant health and safety standards .

**Article 46 :** Every person is required to respect, in his/her process production, marketing and distribution , all health safety standards for products intended for human consumption .

Food products that do not meet health and safety standards are systematically withdrawn from the market and destroyed by the competent structures in accordance with technological processes ecologically rational.

## CHAPTER VIII

### CLEAN TRANSPORTATION (DISINDUSTRIAL )

**Article 47:** The State shall take measures to encourage the importation and use of the least polluting means of transport .

It takes measures to facilitate the acquisition of motor vehicles new.

It encourages private developers and local authorities to develop public transport .

A decree taken in Council of Ministers sets the technical characteristics of motor vehicles which may be permitted to circulate on the national territory .

**Article 48:** The State and local authorities ensure the establishment industries in industrial zones provided for by regulation.fi.;

The State adopts and implements a policy of relocation of industries located in the middle of agglomerations.

**Article 49:** The establishment of an industrial enterprise is subject to the prior completion of an environmental impact study , without prejudice to any other procedures in force in this area.

Industrial equipment and materials are subject to energy efficiency control carried out by the competent structures of the Ministry responsible for Energy.

## CHAPTER IX

### CLIMATE RISKS AND DISASTERS NATURAL

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**Article 50:** The State produces and periodically updates a map climate risks at the national level .

**Article 51 :** The State ensures the prevention and management of risks climate and natural disasters;;a

It adopts policies and strategies aimed at protecting people and property and ensures the preservation of cultural and environmental heritage .

**Article 52 :** The State and local authorities adopt and re : nett in implements a policy of collecting, conserving and using rainwater for agricultural, pastoral, forestry, fishing and construction purposes .

They promote the creation of artificial lakes , the construction of water reservoirs and the popularization of irrigation techniques .

They strengthen the policy of supplying and providing drinking water to rural and peri-urban areas .

**Article 53:** The State establishes a national early warning system for floods, supports the actions of local authorities intended to prevent and manage the risks and effects of flooding at the local level , in particular by carrying out appropriate works upstream of low-lying areas  
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• 11 d.fini-t1 ; 6rmes d '\co-nsfto'di -,... itOt1M:!'d;infrastructures and works of art specific to each locality, facilitates and popularizes, among other things, the technique of recovery and accompanies, where appropriate,.

temporary evacuation of populations in the event of flooding.

## CHAPTER X

### DEFORESTATION AND DEFORESTATION

**Article 54 :** The State and local communities promote public and private plantations , restore degraded forests and endangered species and rationalize the exploitation of forest and wildlife resources .

The municipalities are required to create and maintain green spaces , public gardens, parks and communal forests .

**Article 55:** The practice of agriculture outside the areas affected by This effect is prohibited in protected and classified forests .

All methods and means of exploitation likely to negatively affect the nature or quality of soils , fauna and flora are prohibited .

**'Art Article 56 :** The State promotes improved fireplaces and cooking appliances based on new and renewable energies.

**Article 57:** The State organizes the synergy of actions of all actors concerned by the fight against the negative effects of climate change .

He develops participatory approach tools and methods which allow for greater involvement of different stakeholders in the research and action process , taking into account the specificities of the environment concerned.

## TITLE VI

### OF MITIGATION

#### CHAPTER ONE

### OF AGRICULTURE, FORESTRY AND LAND MANAGEMENT

**Article 58:** The State takes incentive measures to promote a climate- smart agriculture .

**Article 59 :** The State promotes the conservation and reinforcement of wells and greenhouse gas reservoirs by the reconstruction of the galleries \_ ' IV

forestry , forest enrichment , preservation of sacred forests and afforestation .

**Article 60:** Every agricultural producer is required to avoid the use of non-approved agricultural inputs , cultivation practices that are harmful to the environment, devastating vegetation fires and deforestation , which accelerate the impoverishment and degradation of soils.

**Article 61** The State supports 10 agricultural research projects for Improving technical lines and optimizing practices mitigation in the agricultural sector .

It promotes, through various incentive measures, the use of approved inputs for sustainable management of soil fertility .

## CHAPTER II

### WASTE MANAGEMENT

**Article 62:** The State adopts and implements a policy aimed at promoting sustainable modes of production and consumption . It establishes a national master plan in order to reduce waste production .

**Article 63:** The State supports local authorities in the implementation of plans, programs and projects for the recovery and integrated and sustainable management of waste by sector.

## CHAPTER III

### NEW AND RENEWABLE ENERGIES

**Article 64 :** The State and local authorities encourage the establishment and maintenance of community or private forest plantations to strengthen greenhouse gas sinks and reservoirs .

**Article 65 :** The State creates conditions aimed at promoting public and private investments in renewable energy technologies , in particular photovoltaic , wind and thermal technologies .

## CHAPTER IV

### ON THE PRODUCTION OF ELECTRIC ENERGY AND ENERGY EFFICIENCY

**Article 66 :** The State adopts and implements a policy of production of electric energy with a view to achieving national self-sufficiency in energy matters .

**Article 67:** A decree taken in Council of Ministers establishes the energy performance rules relating to orientation, lighting, insulation, thermal flows, the use of new and renewable energies and local materials in construction .

**Article 68:** The State shall progressively ensure that all households have access to electrical energy in all localities of the national territory .

**Article 69:** The State and local authorities ensure that energy efficiency is taken into account before issuing building permits or development permits.

**Article 70:** The State ensures :

- 1-6 security of electrical energy supply ;
- 2- to the definition of the safety criteria of the energy system for electricity ;
- 3- taking specific measures to protect against systemic risks ;
- 4- continuous improvement of energy efficiency ;
- 5- to the development of the exploitation of new energies and renewable;
- 6- to the strengthening of professional capacities in the field of energy and specialization according to the needs of the sector.

**Article 71 :** The State ensures the progressive reduction of the dependence of all buildings, in particular residential, administrative and commercial, in terms of consumption of fossil energy and the promotion of new and renewable energies.

To this end, it ensures the harmonization of the objectives of energy policy and those of the national climate change management policy .

**Article 72:** The State defines the sectors where energy and environmental performance are respected in terms of construction, of high-end installation and fittings .

**Article 73 :** Efat makes arrangements for a mandatory audit and periodic for the control of greenhouse gas emissions .

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The greenhouse gas emission audit applies to all energy - consuming sectors .

The conditions of subjection to the greenhouse gas emission audit as well as its content and periodicity are fixed by decree taken in the Council of Ministers.

**Article 74 :** The construction of any high -end building is subject to a prior environmental impact study which includes energy efficiency .

**Article 75 :** The importation, storage , marketing ,  
The distribution and use of asbestos is prohibited.

**Article 76 :** All activities emitting greenhouse gases are subject to a tax called " carbon tax " .

The terms and conditions for setting the amount and collecting the tax carbon are defined by the finance law .

## TITLE VII

### FROM THE INSTITUTIONAL FRAMEWORK

#### CHAPTER ONE

#### FROM THE NATIONAL COMMITTEE ON CHANGES CLIMATIC (CNCC)

**Article 77 :** A National Committee on Climate Change , abbreviated to ( CNCC), is hereby created ,  
under the supervision of the Ministry responsible for climate change .

Each ministry defines activities relating to climate change and presents its Action Plan to the National Committee on Climate Change .

**Article 78 :** The composition , organization , attributions and  
The functioning of the National Committee on Climate Change is determined by decree taken in Council  
of Ministers.

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## CHAPTER II

### FROM THE ECONOMIC MODELING COMMISSION, IMPACTS CLIMATE AND CLIMATE CHANGE INTEGRATION TO THE GENERAL STATE BUDGET

**Article 79:** A decision - making support body called the Commission for the economic modelling of climate impacts and the integration of climate change into the general State budget is hereby created .

This Commission is placed under the supervision of the ministry in charge of plan.

**Article 80:** Composition , organization, attributions and The functioning of the Commission for economic modelling of climate impacts and integration of climate changes into the general budget of the State are fixed by decree taken in the Council of Ministers.

## CHAPTER III

### NATIONAL INFORMATION ON GREENHOUSE GAS EMISSIONS GREENHOUSE AND INTERNATIONAL NOTIFICATION

**Article 81 :** The State shall take steps to inform public opinion on the status of the national inventory of greenhouse gas emissions and reductions by means of a biennial report. This report shall be transmitted to the Assembly national.

He communicates to the Executive Secretariat the progress made at the national level within the framework of the implementation of the Framework Convention on United Nations on Climate Change .

## TITLE VIII

### FINANCIAL RESOURCES

#### CHAPTER ONE

#### ON THE MOBILIZATION OF FINANCIAL RESOURCES

• **Article 82:** The State mobilizes the financial resources necessary for the development, implementation and evaluation of policies and strategies falling within the framework of the application of this law.

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These resources come from the national budget and, among others, from the Global Environment Fund , the Climate Change Adaptation Fund , the Climate Investment Fund , and the Green Climate Fund.

They can also come from development partners bilateral and multilateral, non-governmental and private.

**Article 83:** The State strengthens its cooperation links with development partners and competent organizations and institutions with a view to obtaining technical, financial assistance and other donations in the areas of the fight against climate change and its negative effects and consequences for the ecologically rational management of its ecosystems.

## CHAPTER II

### FINANCIAL MANAGEMENT RULES

**Article 84 :** The State ensures, within the framework of financing policies, strategies, programs and projects linked to the fight against climate change, climate and their negative effects and consequences , respecting the principles of transparency, transparency and effectiveness .

**Article 85 :** The State, in accordance with the provisions of the United Nations Framework Convention on Climate Change and the Paris Agreement , periodically communicates to the Executive Secretariat of the Convention financial information on the budgetary resources allocated and the

external supports received , ,:

The communication referred to in the preceding paragraph provides information on the use of financial resources made available and external support received, including support falling within the framework of the measures of transparency, as well as their impact and the results obtained.

The Government communicates to the National Assembly and to public opinion , within three (03) months following the end of the budgetary year , the resources devoted to financing actions to combat the effects and negative consequences of climate change.

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**TITLE IX**  
**ON LITIGATION, OFFENSES AND SANCTIONS**

**CHAPTER ONE**  
**LITIGATION**

**Article 86 :** Disputes relating to acts issued or performed by Public administration within the framework of this law falls under the jurisdiction of the administrative courts.

**Article 87:** The procedure followed before the courts referred to in Article 92 of this law *is* that provided for by the laws in force.

However, no full litigation appeal will be admissible if it has not been preceded by an attempt at a settlement at the initiative of the applicant. •.The latter addresses, where appropriate, to the opposing party a request, accompanied if necessary by an offer.

**Article 88 :** The competence of the administrative courts does not exclude the alternative referral to the Constitutional Court when, within the framework of its attributions, the authority responsible for the fight against the negative effects and consequences of climate change takes an act or undertakes any -action that violates the fundamental rights of the person.

**CHAPTER II**  
**..OFFENSES AND SANCTIONS**

**Article 89:** Is punishable by imprisonment of one (01) year : two (02) years and a fine of five hundred thousand (500,000) CFA francs to one million (1,000,000) CFA francs or one of these two penalties only, any person who commits an ecological crime by causing a late vegetation fire on land belonging to them or not.

In the event of a repeat offence, these penalties are doubled.

**Article 90:** The following shall be punished by imprisonment of five (05) years to twenty {20} years of forced labor and a fine of five million (5,000,000) to one hundred million {100,000,000} CFA francs :

1- Any person who undertakes to oppose or opposes, directly or indirectly, to the policies, strategies, programs or projects defined within the framework of this law with a view to . promoting .

the adaptation of the national community to the climate , its variabilities, its changes and the mitigation of its negative effects and consequences ;

— 2- any public authority , appointed or elected, which undertakes to oppose or opposes, directly or indirectly, the policies, strategies, programs or projects defined within the framework of this law in  
with a view to promoting the adaptation of the national community to the climate, to its variabilities, its changes and the attenuation of its negative effects and consequences ;

3- any person who fails or neglects to protect the community against severe and persistent risks resulting from climate change or linked to its negative effects and consequences ;

4- any person who acquires or leases , transfers or leases , by himself or through an intermediary, a property in the public domain located in a fragile or degraded ecosystem area ;

5- ' any person who emits, deposits, releases, buries, rejects or promotes the emission, deposit, release, burial OR rejection into the environment of a contaminant beyond the quantity or concentration provided for by the laws and regulations in force in the Republic of Benin.

**Article 91 :** Offenses of forgery and use of forgery and complicity committed within the framework of this law are punishable in accordance with the provisions of the penal code.

**Article 92:** The investigation, detection and repression of the offences provided for by this law and its implementing texts as well as the rules of procedure are subject to the provisions of the Code of Criminal Procedure , the Penal Code and the Framework Law on the Environment.

**Article 93:** The offences provided for by this law are noted by environmental police officers and agents and sworn agents with jurisdiction to ensure environmental protection .

They cannot be done by officers and agents of the judicial police .  
that in the absence of the specialized officials referred to in the preceding paragraph .

Except in criminal matters , these specialized officials or their hierarchy are required to enter into a transaction with the persons involved. If necessary, the amount of the transaction may not be less than four-fifths (4/5) of the maximum fine set by this law and must be paid within eight days .

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**Article 94:** In criminal matters , or in the event of non -payment of the transactional fine, the persons involved , together with the procedure and the exhibits , are presented without delay to the prosecutor.

of the Republic with territorial jurisdiction. The latter is required, depending on the case, to open an investigation or to refer the **matter** to the criminal court after questioning the persons in question about their identity and the facts .

A warning is given to **them** in the manner specified in the arrest warrant or summons by the public prosecutor , that they are required to make known to the court no later than five (5) days before the hearing, the elements in their defense.

In all cases , these persons are exempt from provisional detention if they deposit with the court registry a sum of money equivalent to the total maximum fine set by law.

' **Article 95:** The criminal court rules at the hearing of the evocation and at the latest in a postponement law which may not exceed one (1) month.

**Article 96 :** The recovery of fines may be pursued against the assets of persons civilly liable.

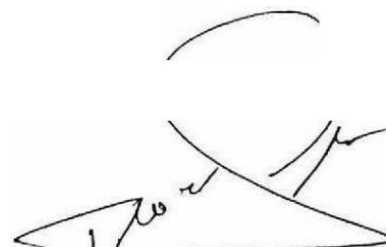
## TITLE X TRANSITIONAL AND FINAL PROVISIONS

**Article 97:** Any natural or legal person has a right of six (06) months to comply with the provisions of this law after its promulgation.

**Article 98:** This law shall be executed as state law .

Done in Cotonou, August 6 , 2018

By the President of the Republic,  
Head of State, Head of Government,

A handwritten signature in black ink, appearing to be 'Patrice Talon', written over a faint, large, stylized graphic element that resembles a signature or a logo.

**atrice TALON**

The Keeper of the Seals, Minister of Justice  
and Legislation ,



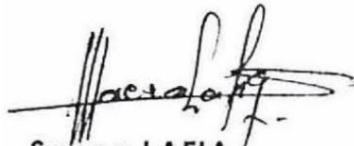
**Séverin Maxime QUENUM**

The Minister of Living Environment and  
Développement Durable



**Jose TONATO**

The Minister of the Interior  
and Public Security ,



**Sacca LAFIA**

The Minister of Agriculture , Livestock  
and Fisheries ,



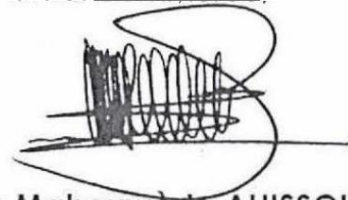
**Gaston Cossi DOSSOUHOU**

The Minister of Infrastructure  
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**Alassane SEIDOU**

The Minister of Industry  
and Commerce,



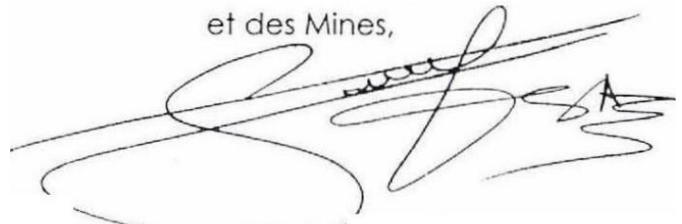
**Serge Mahouèdo AHISSOU**

Le Ministre of Entgie



**Dona Jean-Claude HOUSSOU**

The Minister of Water  
et des Mines,



**Samou SEIDOU ADAMBI**

**AMPLIATIONS:PR** 6 - AN 4 - CC 2 - CS 2 - CES 2 - HAAC 2 - HCJ 2 - MJL2 - MCVDD 2 - MISP 2  
- MAEP2 - ME 2 - MIT2 - MEM 2 - MIC 2 - OTHER MINISTRIES 14- SGG 4 - JORB 1.