

OFFICIAL JOURNAL N°130 TER OF 16 SEPTEMBER 2021

Ordinance No. 019/2021 of 09/13/2021 relating to climate change

The President of the Republic,
Head of State;

Considering the Constitution;

Considering the resolutions of the Paris Agreement of April 22, 2016;

Considering organic law n°020/2014 of May 21, 2015 relating to finance laws and the execution of the Budget;

Considering Law No. 021/2016 of October 24, 2016 ratifying the Paris Agreement;

Having regard to law n°016/01 of December 31, 2001 relating to the Forestry Code in the Gabonese Republic, together with subsequent amending texts;

Considering law n°002/2014 of August 1, 2014 on the Orientation of Sustainable Development in the Gabonese Republic;

Considering law n°007/2014 of August 1, 2014 relating to the Protection of the Environment in the Gabonese Republic;

Having regard to Law No. 20/2005 of January 3, 2006 establishing the rules for the creation, organization and management of State services, together with subsequent amending texts;

Considering law n°026/2021 of August 11, 2021 authorizing the President of the Republic to legislate by ordinance during the parliamentary recess;

Having regard to decree n°0122/PR/MRPICIRNDH of April 22, 2010 relating to the creation, responsibilities, organization and operation of the National Council on climate change;

Considering decree n°000227/PR of July 16, 2020 appointing the Prime Minister, Head of Government;

Considering decree n°000228/PR/PM of July 17, 2020 establishing the composition of the Government of the Republic, modified by decree n°00412/PR/PM of December 9, 2020;

The Council of State consulted The Council of Ministers heard;

;

ORDERS:

Article 1: This order, taken in application of the provisions of article 52 of the Constitution, relates to climate change.

Title I: General provisions

Chapter I: Scope of application

Article 2 : There present prescription applies has :
- everything that is done in, on, above or below the land and air space of Gabon, including: its internal waters, its territorial waters and its exclusive economic zone, including the seabed and the subsoil underlying these waters; its continental, coastal and marine ecosystems and related waters; and human settlements under state sovereignty; and

- all actions, activities, measures and initiatives, as well as sectors in Gabon likely to have an impact on climate change, but do not apply to the international aviation or international maritime transport sectors or related activities to secret defense matters.

Chapter II: Definitions

Article 3 : At sense of this order, we hear by :

- **authorization to emit greenhouse gases:** administrative act issued by the Minister responsible for Climate according to Article 53;

- **climate mitigation authorization:** administrative act of the Climate Issues Management Authority under article 80;

- **climate change:** lasting change in climate attributed directly or indirectly to human activity altering the composition or state of the global atmosphere and which adds to the natural climate variability observed over periods

comparable ;

- **national communication:** document reporting, every four years, national greenhouse gas emissions, reduction policies and measures, projections, vulnerability and adaptation actions to climate change, assistance provided to countries in development in the form of financial resources, technologies and capacity building, as well as public awareness actions on climate change;

- **nationally determined contribution:** communication indicating mitigation, reduction and adaptation efforts at the national level with a view to achieving the objectives of the Paris Agreement;

- **carbon credit:** reference unit equivalent to one metric ton of carbon dioxide (CO₂) ;

- **emissions diagnosis:** method to quantify emissions of major type 1 and type 2 greenhouse gases as required under Article 28;

- **type 1 emissions:** emissions released into the atmosphere as a direct result of an activity or series of activities at a facility;

- **type 2 emissions:** emissions released into the atmosphere by the indirect consumption of an energy good;

- **greenhouse gases ("GHG"):** gaseous constituents of the atmosphere, both natural and anthropogenic, which absorb and re-emit infrared radiation, notably Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), Hydrofluorocarbon (HFC), Perfluorinated hydrocarbon (PFC), Sulfur hexafluoride (SF₆) ;

- **facility** : factory, workshop, depot, mass grave, and in general, public or private, industrial, forestry, agricultural, mining, artisanal, commercial or other installations likely, in their activities, to emit gases with

tight ;

- **national inventory of greenhouse gas emissions:** quantified document established on the basis of data collection and calculation of emissions and absorption of greenhouse gases;

- **mitigation result transferred at the international level (ITMO):** an internationally tradable carbon credit issued in accordance with Article 6 of the Paris Agreement, including ;

- a Gabonese carbon credit approved by the State for international transfer to a government or entity operating outside Gabon;

- a carbon credit issued under an international emissions reduction standard approved by the State for international transfer to a government or entity operating outside Gabon; and

- a carbon credit generated outside Gabon and approved by the State for international transfer to the Government of Gabon or to entities operating in Gabon in accordance with this order and the regulations;

- **economic operator:** any natural or legal person, public entity, company or association or group of people;

- **Gabonese emissions allocation:** reference unit equivalent to one metric ton of carbon dioxide emitted that was issued under this order;

- **biannual report:** document reporting to the UNFCCC every two years, the results of inventories reporting the progress made in achieving GHG reduction objectives and the support provided to developing countries in terms of financial resources, technologies and capacity building in climate change ;

- **national greenhouse gas register:** register established under this order ;

- **emission threshold:** emission level below which the operator is not subject to the national allocation system;

- **carbon sequestration:** process of carbon absorption from the atmosphere and its storage, including in soil, sediments and vegetation;

- carbon stock: quantity of carbon stored in a given area or ecosystem;

- reduction of emissions:

- elimination or sequestration of one or more greenhouse gases from the atmosphere; Or

- prevention or reduction of emissions of one or more greenhouse gases;

- **emissions reduction methodology:** scientific approach and method that provides the basis on which different types of emissions reduction projects, programs and activities are developed and emissions reductions are measured;

- **emissions reduction standard:** standard or system under which emissions reduction programs, projects and activities can be registered and generate verified emissions reductions and for which carbon credits are issued;

- **Gabonese carbon credit:** reference unit equivalent to one tonne of carbon dioxide avoided or sequestered by an emissions reduction project, program or activity in Gabon and emitted in accordance with this order;

- **UNFCCC:** the United Nations Framework Convention on Climate Change, adopted in New York on May 9, 1992 and as subsequently adapted and amended; And

- **Paris Agreement:** the Paris Agreement adopted on December 12, 2015 and which entered into force on November 4, 2016, as it may be adjusted or amended from time to time, as specified in the relevant decisions of the Conference of the Parties acting as the Parties to the Paris Agreement.

Title II: Objectives and fundamental principles

Chapter I: Objectives

Article 4 :There present prescription aims has :

- maintain Gabon's carbon neutrality by 2050, in particular, by implementing its nationally determined contribution under the Paris Agreement. ;
- promote the economic potential linked to ecosystem services and natural capital for the benefit of capital mobilization to benefit the national economy;
- support policies linked to sustainable development and the fight against poverty against the implications of climate change;
- prescribe an evolving, secure and modern framework for combating change climatic ;
- ensure compliance with the provisions of the Paris Agreement on climate change and other international commitments and agreements to which Gabon is a signatory.

As such, it aims in particular to:

- provide a framework for the objectives to be set for controlling and reducing emissions and increasing GHG absorption in the national climate change strategy and national plans for adaptation and mitigation to climate change;
- define and develop tools and mechanisms for adaptation and mitigation to change climatic ;
- provide a framework for and implement adaptation strategies, mitigation monitoring and evaluation, action plans, policies, programs and adaptation and mitigation measures;
- provide a framework for and take effective response, adaptation and mitigation measures to facilitate the setting of precise objectives for sustainable development, security and energy efficiency;
- promote and manage sustainable development through climate change mitigation and adaptation activities;
- put in place financing mechanisms relating to climate change.

This order also aims to supplement international instruments for addressing climate change.

Chapter II: Fundamental principles

Article 5:Without prejudice to other texts in force in environmental and sustainable development matters, this order is based on the fundamental principles

following :

- the principle of adaptation: any action aimed at adapting current public policies to the conditions created by climate change;
- the principle of mitigation: any action aimed at reducing emissions and increasing the absorption of greenhouse gases from the atmosphere;
- the principle of information: any operator has the right to information on activities likely to promote climate change as well as the consequences of the changes climatic ;
- the principle of preventive and corrective action: in the presence of a known risk, prevention, mitigation and corrective actions must be implemented, with priority at the source, using the best available techniques at an economically cost acceptable ;
- the principle of preserving biodiversity and ecosystems: biological diversity and the ecosystems which shelter them and which provide invaluable services must be preserved; and the fair and equitable sharing of the resulting benefits and the use of natural and genetic resources must be ensured for the benefit of current and future generations;
- the principle of sustainable development: development must meet the needs of the present without compromising the ability of future generations to meet their own needs. He

integrated of manner balanced THE dimensions economic, social And environmental.

Title III: Institutional framework

Article 6: Participate in particular in the implementation of the provisions of this order :

- the Minister responsible for Climate and other authorities concerned;
- the Climate Issues Management Body;
- associations and non-governmental organizations for defense and protection in matters of climate change; and
- economic operators in Gabon.

Chapter I: From the Minister in charge of Climate

Article 7: The Minister in charge of Climate ensures compliance with the principles and provisions of this order.

As such, it takes, in collaboration with the other departments concerned, the measures necessary for their application and monitors the results, in particular:

- The full protection of forests with high conservation value and high carbon content as well as the definition of a maximum ceiling of 15,000 ha per year for the deforestation of natural forests;
- Taking into account in public procurement the emission reduction efforts of State suppliers;
- The application of the National Flaring Reduction and Valorization Plan with the objective of zero flaring;
- The promotion of a low-emission energy plan, consisting of natural gas and hydroelectricity and other forms of renewable energy.

Chapter II: The Climate Issues Management Organization

Article 8: It is established by this order, a technical and operational body in charge of the management of climate issues called the Climate Issues Management Body.

The Climate Issues Management Body is designated by decree of the President of the Republic, on the proposal of the Minister in charge of Climate.

Chapter III: Other stakeholders

Article 9: The responsibilities, organization and functioning of the stakeholders mentioned in article 6 above are set by specific texts.

Title IV: Tools and mechanisms for adaptation and mitigation to change climatic

Article 10: The tools and mechanisms for adaptation and mitigation to climate change apply to sectors and activities likely to have negative impacts on the climate, in particular:

- energy fossil – combustion – electricity ;
- industry oil – flaring ;
- forestry, changes In the assignment of the land ;
- processes industrial ;
- waste ;
- agriculture, changes in land use.

Chapter I: Tools and mechanisms for adaptation to climate change

Article 11:The State is developing a national plan for adaptation to climate change with the aim of implementing measures and strategies aimed at achieving the following objectives with regard to the impacts of climate change:

- increase the adaptation capacity of economic operators;
- increase awareness of the need for adaptation among economic operators and strengthen their capacities for action;
- reduce the risk of damage to operators, property and ecosystems ;
- increase the capacity for resistance and resilience to extreme events;
- take social aspects into account and avoid inequalities in the face of risks;
- limit costs and benefit from the benefits or advantages of climate change;
- preserve the natural heritage of Gabon;
- improve knowledge of the effects of climate change to inform public decision-making on adaptation;
- integrate adaptation In public policies;
- inform and raise awareness in society about climate change and the adaptation measures to be put in place;
- clarify the responsibilities of stakeholders, in terms of implementation and financing.

Article 12:The national climate change adaptation plan is developed on the basis of sectoral climate change plans or strategies and using the methods defined in the international and national legal instruments in force.

Article 13:The national plan for adaptation to climate change is adopted by the Council of Ministers, on the proposal of the Minister responsible for Climate.

Article 14:The State develops sectoral emergency plans in order to prevent and manage any harmful impacts of climate change.

Article 15:The State is implementing an education, training and awareness strategy for populations, associations, non-governmental organizations and economic operators, as well as a strategy for monitoring and controlling economic operators.

Chapter II: Tools and mechanisms for mitigating climate change

Article 16:Climate change mitigation tools and mechanisms aim to reduce, through natural processes or technological means, the quantity of GHGs emitted into the atmosphere and increase the sequestration of carbon from the atmosphere, at a controlled cost. .

Article 17:The State, other public authorities concerned, associations, non-governmental organizations as well as economic operators are required to ensure that they reduce GHG emissions linked to their activities and the entire value chain in which they operate. in accordance with this ordinance and the regulations.

Article 18:The main climate change mitigation tools and mechanisms in force under this ordinance include: - the national integrated GHG emissions information system; and

- the national system of quotas emissions of the GHG ; And
- the carbon compensation system.

The Climate Issues Management Body ensures the operation of the main tools and mechanisms for mitigating climate change under this order.

Section 1: The national integrated GHG emissions information system

Article 19:The integrated national GHG emissions information system is carried out on the basis of a national inventory, according to a methodology defined in the international and national legal instruments in force.

Article 20:The integrated national GHG emissions information system includes:

- inventory national of the broadcasts of the GHG ;
- THE diagnosis of the broadcasts ; And
- the national GHG register.

Paragraph 1: From the national inventory of GHG emissions

Article 21:The national inventory of GHG emissions allow :

- establish the national situation in terms of GHG emissions and sequestration;
- to consistently prepare reporting documents in accordance with Gabon's international commitments;
- to verify the evolution of the national situation in relation to emissions and sequestration of GHGs and its compliance with Gabon's international commitments;
- to build an appropriate strategy to combat climate change; And
- evaluate the potential effectiveness of the measures envisaged in order to ensure their relevance and effectiveness once they have been adopted and implemented.

Article 22:The national inventory of GHG emissions is carried out every four years by the Climate Issues Management Organization, on the basis of the methodological principles defined in the international and national legal instruments in force.

Article 23:The national communication is accompanied by the national inventory and the biannual report on GHGs, provided periodically by the Climate Issues Management Body to the UNFCCC.

Paragraph 2: Emissions diagnosis

Article 24:Any operator in Gabon whose total emissions exceed 10,000 tonnes of carbon dioxide equivalent from type 1 and type 2 emission sources per financial year must carry out their emissions diagnosis annually.

Article 25:The emissions diagnosis makes it possible to carry out an overall assessment of direct or indirect GHG emissions, according to a method defined in the international and national legal instruments in force.

The emissions diagnosis is established by the operator concerned and validated by the Climate Issues Management Organization.

Article 26:Each operator establishes a monitoring plan for its GHG emissions from type 1 and type 2 emission sources for the purposes of developing the emissions diagnosis.

This detailed and comprehensive plan indicates the method applied to monitor GHG emissions, the emission factors used, as well as the source of information at the origin of these factors.

Regulations must specify approved sources of information for emission factors.

Article 27:The monitoring plan and any modifications to this plan are previously validated and approved by the Climate Issues Management Body.

Article 28: Each operator calculates the quantity of GHG emissions from type 1 and type 2 emission sources produced during its activities and attributable to its business, and keeps the records required by the regulations for the purposes of preparing the diagnosis of emissions.

Article 29: The operator submits to the Climate Issues Management Body, before the deadline prescribed in a regulatory text, the diagnosis of emissions, being a report on the quantity of GHG emissions from type 1 and type 2 emission sources produced within the framework of its activities and attributable to its activity over a defined period.

The emissions diagnosis includes the information provided for by regulatory texts and additional information prescribed by the Climate Issues Management Organization.

Paragraph 3: From the national GHG register

Article 30: In accordance, and without limitation, with the law on sustainable development, this order establishes the national GHG register.

Article 31: The objectives of the national GHG register are as follows:

- be a register of projects, programs and activities to reduce GHG emissions in Gabon;
- be a register of Gabonese emissions quotas, Gabonese GHG reduction units and any other carbon credits issued or recognized by the State;
- be the national register of Gabon for any ITMO entering from another country or ITMO destined for another country.

Article 32: The national GHG register includes information and data relating

- the registration in the State GHG register account, on the instruction of the Minister responsible for Climate, of the total number of emissions allocations allocated in the national GHG emissions plan;
- the issuance of GHG emission permits and climate change permits to operators ;
- the issuance of Gabonese emissions allowances to operators, by debiting the State's national carbon register account and crediting the accounts of the national GHG register of the operators concerned ;
- the issuance of Gabonese carbon credits to the State and to promoters of projects, programs or emissions reduction activities carried out in accordance with a climate mitigation permit and the applicable GHG emissions reduction methodology by crediting the accounts national GHG register of the operators concerned ;
- the transfer of Gabonese emissions allocations, Gabonese carbon credits and all other carbon credits issued or recognized by the State, including ITMOs, between the holders of national accounts of the GHG register, and between the national accounts of the register GES, these account holders and account holders in any other international register recognized by the State;
- the cancellation of Gabonese emissions allocations, Gabonese carbon credits and all other carbon credits issued or recognized by the State from a national GHG register account;
- the obligations made to States, within the framework of international agreements relating to the climate.

Article 33: The national GHG register has an information role through the publication, by the Management Body, of reports intended for the public.

Article 34:The Body in charge of maintaining and managing the national GHG register is designated by Decree of the President of the Republic taken in the Council of Ministers, on the proposal of the Minister in charge of Climate.

The keeping and management of the register may be the subject of a public service delegation in the forms and conditions provided for by the texts in force.

Article 35:The Body in charge of maintaining and managing the national GHG register, for the purposes of control and verification, has the following missions:

- the development and security of information systems intended to operate the national GHG register;
- opening and maintaining accounts in the national GHG register;
- recording the delivery of a GHG emission permit to an operator;
- recording the delivery of a GHG emission authorization to an operator;
- recording the delivery of Gabonese emission quotas to operators by debiting the national account of the State GHG register and crediting the national accounts of the GHG register of the operators concerned;
- recording the issuance of Gabonese carbon credits to the State and to promoters of projects, programs or activities to reduce GHG emissions carried out in accordance with a climate mitigation permit and the emissions reduction methodology applicable in crediting the accounts of the relevant national GHG register;
- the recording of transfers of Gabonese emission quotas, Gabonese carbon credits and any other carbon credits issued or recognized by the State, including ITMOs, between the national accounts of the GHG register, and between the national accounts the GHG register and any other international register recognized by the State;
- recording the cancellation of Gabonese emission quotas, Gabonese carbon credits and any other carbon credits issued or recognized by the State from a national GHG register account;
- the blocking of an account in the national GHG register, on the instructions of the Minister responsible for Climate ;
- making available to the public, on a specialized website and under the conditions defined by order of the Minister responsible for Climate, information that the register keeper is required to make public;
- transmission to the Minister responsible for Climate of information that the State is required to communicate to the UNFCCC.

Article 36:The Body responsible for maintaining and managing the register takes the necessary measures to ensure the confidentiality of the information it collects in the exercise of its mission.

Article 37:Each national GHG registry account must be identified by a unique number, called the national GHG registry account number.

Article 38:Each operator to which Article 24 applies is required to open an account in the national GHG register.

Article 39:An account held in the name of an operator is called the operator's national GHG register account.

Article 40:An operator can request a national GHG register account from the Body responsible for maintaining and managing the register.

Article 41:The Body in charge of maintaining and managing the register has the power to freeze an account in the national GHG register on the instruction of the Minister in charge of Climate.

Article 42:A joint decision of the Minister of Economy and Finance, the Minister of Industry and the Minister responsible for Climate will approve the standard agreement to

conclude between the Climate Issues Management Authority and the account holders.

Section 2: The national system of emission quotas and GHG compensation

Subsection 1: The national GHG emission quota system

Paragraph 1: Capping emissions

Article 43:The national GHG emission quota system covers the sectors and activities cited in Article 10 of this Ordinance and the GHG products whose emissions can be measured, declared and verified with precision.

Article 44:The national GHG emission ceiling with regard to their economic dimension and their revenue nature for the benefit of the State is set by the finance law.

Article 45:The national cap on GHG emissions is set, in accordance with the national plan for the allocation of GHG emission quotas, based on Gabon's international commitments, national economic prospects and the potential for reducing GHG emissions in different sectors. concerned and according to a periodicity that the Government determines.

The cap on GHG emissions is gradually reduced in order to reduce the total level of GHG emissions.

Paragraph 2: The national GHG emissions plan.

Article 46:The Climate Issues Management Body will develop a national GHG emissions plan with the aim of ensuring that Gabon respects its international commitments made under the Paris Agreement, including its nationally determined contribution.

Article 47:The national GHG emissions plan proposes the total number of Gabonese emissions quotas to be made available within the framework of the national GHG emissions quotas system and each sectoral GHG emissions quota.

Article 48:GHG emission quotas are distributed by the Minister responsible for Climate.

Article 49:The national GHG emissions plan can be supplemented by specific measures from the National Climate Plan.

Article 50:The national GHG emissions plan is approved by decree taken by the Council of Ministers, upon proposal from the Minister responsible for Climate.

Article 51:The Minister responsible for Climate sets, in collaboration with the other competent ministers, the sectoral emission thresholds for GHG emissions.

Paragraph 3: GHG emission authorizations

Article 52:An operator operating in a sector identified in Article 10 with total emissions greater than 10,000 tonnes of carbon dioxide equivalent from emission sources of types 1 and 2 per financial year must send a request to the Minister in charge of Climate. authorization of GHG emissions every four years, no later than March 1 of the first year of the financial year concerned.

Article 53:The Minister responsible for Climate grants, after advice from the Climate Issues Management Body, GHG emission authorizations to the economic operators concerned, on the basis of the national plan for the allocation of GHG emission quotas and the GHG emissions quota concerned.

Section 54:The GHG emission authorization must specify the total number of Gabonese emission quotas to be made available to the economic operator concerned per financial year.

Article 55:Any operator must pay the application fees to the Climate Issues Management Organization when withdrawing a GHG emission authorization.

Article 56:The Minister may also issue GHG emission permits which exceed a GHG emission quota specified in the national GHG emissions plan, subject to payment of substantial financial compensation set in accordance with the provisions of the texts in force. .

Article 57:The terms relating to the allocation and delivery of GHG emission quotas are set by regulation.

Paragraph 4: Allocations of Gabonese emission quotas

Article 58:The Climate Issues Management Body must, for each fiscal year concerned, deliver to the national GHG registry account of an operator holding a GHG emission permit the Gabonese emissions quota specified in the emission permit GHGs.

Article 59:When a Gabonese emissions quota is issued to the national GHG registry account of the operator concerned, legal ownership of the Gabonese emissions quota reverts to the operator concerned.

Article 60:A Gabonese emissions allowance is personal property and, subject to this Ordinance and the regulations, may be transferred nationally between operators under the national GHG emissions allowance system.

Article 61:A Gabonese emissions quota cannot be transferred to operators outside the national GHG emissions quota system, neither at the national nor international level.

Section 62:A management fee is collected on transfer, sale and purchase operations of Gabonese emission quotas, in accordance with regulations.

Article 63:Economic operators having reduced their emissions, for example, by improving the efficiency of their operating or manufacturing processes or by choosing a less carbon-intensive energy source, can retain the excess emissions allowances. to cover their future needs.

Paragraph 5: Cancellation obligations

Section 64:An economic operator who holds a GHG emission authorization must cancel, from its national carbon register account, Gabonese emissions allocations, Gabonese carbon credits and all other carbon credits issued or recognized by the State, including ITMOs, equivalent to their type 1 and type 2 carbon dioxide emissions accumulated and verified during a given fiscal year by the Climate Issues Management Organization.

Section 65:The State may set the proportions of Gabonese emission quotas, Gabonese carbon credits and all other carbon credits issued or recognized by the State, including ITMOs, which may be used under Article 64.

Article 66:An economic operator who does not comply with article 64 is required to pay a GHG tax for the amount by which his carbon emission permit is exceeded.

The basis of assessment and the terms of payment of the carbon tax are determined by the finance law.

Article 67: Once a Gabonese emissions allocation, a Gabonese carbon credit or any other carbon credit issued or recognized by the State has been canceled, it can no longer be:

- traded in the national emissions trading system or otherwise sold or transferred to another operator; or
- used to satisfy the obligations of an operator during a subsequent financial year.

Article 68: The regulations may provide additional provisions for matters relating to the administration of the national GHG emissions quota system.

Article 69: The Climate Issues Management Body puts in place protection measures to prevent the risks of fraud or manipulation likely to occur within the framework of the national GHG emission quota system.

Article 70: A regulatory text, adopted on the proposal of the Climate Issues Management Organization, specifies the operating methods of the GHG emissions quota market mechanism.

Subsection 2: The GHG compensation system and credit generation Gabonese carbon

Paragraph 1: The GHG compensation system.

Article 71: The objective of the GHG compensation system is to encourage the implementation of GHG reduction projects, programs or activities, to reduce GHG emissions or increase the absorption of GHGs from the atmosphere, and to increase stocks of carbon in Gabon.

Section 72: In order to guarantee the effectiveness of the GHG compensation system, the GHG emissions reduction projects, programs or activities pursued must:

- be able to achieve additional GHG reductions;
- be able to achieve measurable GHG emissions reductions;
- be able to achieve verifiable GHG emissions reductions;
- guarantee the uniqueness of the carbon credits it issues; And
- be in compliance with all the requirements of the decisions adopted rules provided for in the decisions adopted within the framework of the UNFCCC.

Article 73: All existing carbon stocks or positive variations in carbon stocks that come into existence through a project to reduce emissions or increase GHG absorption, program or activity in Gabon must be the exclusive property of the State.

Article 74: The State grants legal ownership of positive changes in carbon stocks obtained in Gabon as a result of GHG reduction projects, programs or activities to the promoters of such GHG reduction projects, programs or activities in compliance with this ordinance.

Section 75: The State is entitled to 20% of Gabonese carbon credits issued for verified GHG emissions reductions achieved by an emissions reduction project, program or activity carried out in accordance with a climate mitigation permit and the applicable emissions reduction methodology.

Article 76: The mission of marketing State carbon credits is devolved jointly to the Ministry in charge of the Economy and the Ministry in charge of Climate. The revenues from this marketing are collected for the benefit of the Public Treasury in accordance with the provisions of the texts in force.

Article 77:The Climate Issues Management Body may develop or approve methodologies for reducing GHG emissions for use in Gabon.

Section 78:For the purposes of Article 77, an emissions reduction methodology approved by the Environmental Management Body

Challenges Climate can include :

- an emissions reduction methodology approved by the UNFCCC;
- a Verified Carbon Standard methodology;
- a Gold Standard methodology ;
- any other methodology accepted by international practice and approved by the Minister in charge of Climate.

Section 79:When operators carry out activities in accordance with the methodologies identified in Article 78, a carbon credit issued under the international emissions reduction standard concerned is canceled in the register of the international emissions reduction standard and converted into a Gabonese carbon credit.

Paragraph 2: Projects, programs and activities to reduce GHG emissions

Article 80:Any operator who intends to carry out a project, program or activity to reduce GHG emissions in accordance with a GHG reduction methodology developed or approved by the Climate Issues Management Organization must first be required to obtain a climate change mitigation authorization issued by the Climate Issues Management Body in accordance with the terms and conditions specified by the regulations.

Article 81:The Climate Issues Management Body may delegate responsibility for issuing climate change mitigation authorizations under Article 80 to any authorized body.

Paragraph 3: Verification of GHG emission reductions

Section 82:After the end of a reporting period for an approved GHG emissions reduction project, program or activity carried out in accordance with the climate change mitigation authorization and the applicable GHG emissions reduction methodology, the proponent of this project, program or activity can send a request to the Climate Issues Management Body to obtain a declaration of reduction of GHG emissions for the reporting period concerned.

Section 83:The Climate Issues Management Body must determine, in writing, a request presented in accordance with article 82 within 30 days of receipt of the request:

- approve the request and publish a GHG emissions reduction statement; Or
- reject the request.

Section 84:The Climate Issues Management Body must approve a request submitted in accordance with article 82 and issue a GHG emissions reduction declaration if it is satisfied:

- the applicant was, immediately before the end of the relevant reporting period, the promoter of the project, program or activity;
- the verification report is true and correct and the GHG emissions reductions generated by the project, program or activity have been verified in accordance with the applicable emissions reduction methodology;
- the granting of the declaration of reduction of GHG emissions will not result in double

counting GHG emissions reductions from the project, program or activity; And
- all other requirements specified in the regulations have been met.

Section 85:A GHG emissions reduction declaration issued under section 82 must indicate:

- that a specified volume of GHG emissions reductions has been achieved by the GHG emissions reduction project, program or activity during the reporting period concerned ;
- the total number of equivalent Gabonese carbon credits to be issued for GHG emissions reductions achieved during the reporting period concerned ; And
- the total number of Gabonese carbon credits that can be issued on an account in the national GHG register designated by the promoter; And
- the total number of Gabonese carbon credits which will be issued on the account of the national carbon register held by the State.

Paragraph 4: From the issuance to the transfer of Gabonese carbon credits

Article 86:the Climate Issues Management Body must, as soon as possible after the day of publication of an emissions reduction declaration, deliver to the account of the national GHG register designated by the promoter and to the account of the national GHG register of the Gabonese State, the number of Gabonese carbon credits specified in the emissions reduction declaration and record the emission of these Gabonese carbon credits in the national GHG register.

Article 87:When a Gabonese carbon credit is issued on a national GHG register account designated by the promoter concerned, legal ownership of the Gabonese carbon credit and, where applicable, of the associated carbon stock, will revert to the account holder.

Section 88:When a Gabonese carbon credit is issued on the account of the national GHG register held by the State, the legal ownership of the Gabonese carbon credit is vested in the State and, where applicable, the legal ownership of the carbon stock remains the property of the State.

Section 89:A Gabonese carbon credit is personal property and, subject to this Ordinance and regulations, may be transferred nationally or internationally.

Section 90:The minimum price payable for a Gabonese carbon credit in relation to a national transfer is to be set by regulation.

Section 91:The Climate Issues Management Organization must ensure that the national and international transfer of Gabonese carbon credits are monitored in the national GHG register and recorded in the national inventory of GHG emissions.

Section 92:An operator must not, without the consent of the Climate Issues Management Body:

- transfer Gabonese carbon credits to a foreign account; Or
- transfer Gabonese carbon credits internationally and for the purposes of Article 6 of the Paris Agreement.

Section 93:An operator can send an approval request to the Climate Issues Management Body for:

- transfer Gabonese carbon credits to a foreign account; Or
- transfer Gabonese carbon credits internationally and for the purposes of Article 6 of the Paris Agreement.

Section 94:The Climate Issues Management Body must determine, in writing, a request submitted in accordance with Article 93 within 30 days of receipt of the request:

- granting consent for all or part of the matters which are the subject of the request, either unconditionally or under conditions; or
- refusing the request.

Section 95:The Climate Issues Management Body can only give its consent to a request made under article 93 if it is convinced that the transfer of carbon credits:

- respect this prescription And THE regulations ;
- is consistent with Gabon's nationally determined contribution.
- complies with any policy, directive, standard or procedure adopted by the State for the transfer and use of ITMOs and the international transfer of Gabonese carbon credits in accordance with the Paris Agreement or any other international agreement to which Gabon is party, including to avoid double counting; And
- complies with and will be counted in accordance with any rules, modalities and guidance developed by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) for the purposes of Article 6 and Article 13 of the Paris Agreement.

Section 96:The Climate Issues Management Body must record the approval of an international transfer of Gabonese carbon credits in the national carbon register.

Section 97:Transactions involving the transfer, sale and purchase of Gabonese carbon credits are subject to the collection of management fees, in accordance with the regulations applicable to the register.

Section 98:The regulations may provide alternative provisions to article 97.

Paragraph 5: International standards for reducing GHG emissions

Item 99:An operator must not :
- register or carry out a project, program or activity to reduce GHG emissions in Gabon according to an international standard for reducing GHG emissions; Or
- use, sell or transfer units of carbon credits issued within the framework of an international standard for reducing GHG emissions, without the prior written approval of the Climate Issues Management Body and in compliance with article 80 .

Paragraph 6: Reductions in GHG emissions for the purposes of Article 6 of the Agreement Paris

Article 100:An operator shall not register, carry out or otherwise operate a GHG emissions reduction project, program or activity in Gabon for the purposes of Article 6 of the Paris Agreement without the prior written approval of the Climate Issues Management Organization.

Article 101:If a GHG reduction project, program or activity was registered for the first time and carried out for purposes other than Article 6 of the Paris Agreement, Article 100 of this Ordinance will only apply to from the date on which the project, program or activity was registered, carried out or otherwise exploited for the purposes of Article 6 of the Paris Agreement.

Section 102:An operator may submit an application to the Climate Issues Management Body for approval to record, conduct or

to otherwise exploit a project, program or activity to reduce GHG emissions in Gabon for the purposes of Article 6 of the Paris Agreement.

Article 103:The Climate Issues Management Body must register a project, program or activity to reduce GHG emissions approved for the purposes of Article 6 of the Paris Agreement in the national GHG register.

Paragraph 7: Projects, programs and activities to reduce GHG emissions based on nature

Article 104:The Climate Issues Management Body must consult with the Minister in charge of Forests before developing or approving a methodology for reducing GHG emissions relating to forests under article 78.

Section 105:The Climate Issues Management Body may only approve a GHG emissions reduction methodology that relates to a GHG emissions reduction project, program or activity involving carbon sequestration only if the methodology specifies a permanence period that will apply to all GHG emissions reduction projects, programs and activities approved in accordance with the methodology.

Article 106:If Gabonese carbon credits have been issued under this order under an approved GHG emissions reduction program, project or activity involving carbon sequestration, and there has been a reversal or loss of carbon stocks carbon during the period of permanence of this program, project or activity

- :
- the developer must report the inversion or loss of carbon stocks to the Climate Issues Management Body as soon as possible after becoming aware of the inversion or loss of carbon stocks; And
 - the Climate Issues Management Body may, taking into account any factor beyond the control of the promoter which contributed to the reversal or loss of carbon stocks, by written notice, require the promoter to remedy upon the reversal or loss of carbon stocks within 90 days after notice is sent:
 - submit a sanitation plan for approval by the Issues Management Body
Climate; Or
 - the purchase and cancellation of an equivalent number of Gabonese carbon credits or other carbon credits approved by the Climate Issues Management Body to reverse or lose carbon stocks.

Title V: Financing

Article 107:A Fund has been created to finance policies to combat and adapt to climate change.

Article 108 :THE funds East powered by :

- any amount allocated by the State for the purposes of the fund, including the carbon tax, and any fees, taxes, fines or penalties payable under this order;
- any grant, contribution or donation to the fund;
- any interest accrued on the money deposited In THE funds;
- sums received for the purposes of the fund under any other written order; And
- sums received from any other source approved by the Minister of Finance.

Article 109:The fund is administered by the Climate Issues Management Body.

Article 110:The attributions, organization and operation of the fund are set by regulation.

Title VI: Inspections, controls and sanctions

Chapter I: Inspections and controls

Section 111: Inspection and control missions relating to climate issues are carried out by authorized personnel from the Climate Issues Management Organization.

Article 112: Authorized personnel are judicial police officers with special skills.

Before taking up their duties, authorized personnel take an oath before the Court of Cassation under the conditions established by regulation.

Article 113: Inspections take place on the basis of an inspection program and control.

They may, in addition, intervene unexpectedly on instructions from the Ministry responsible for Climate or in response to an allegation relating to a violation of this order, or for any investigative mission made necessary by a particular situation.

Section 114: For any intervention, authorized personnel provide their identities, present a mission order issued by the Climate Issues Management Organization or the Minister responsible for Climate and explain the purpose of carrying out their missions.

Article 115: Authorized personnel note violations, search for evidence and the perpetrators.

HAS This title, they :

- ensure compliance with the texts in force and the implementation of the recommendations made during inspections;
- access any installation in order to obtain any information on GHG emissions;
- investigate any accident or incident involving GHG emissions;
- carry out the necessary excavations;
- may require that a thing be operated, used or started under the conditions they specify;
- take of the samples has of the purposes analysis ;
- carry out of the tests Or take of the measures ;
- examine, record or copy, on any useful medium, any file linked to the subject of the inspection, if necessary, moving it;
- record All do, related has the object of inspection ;
- may require the production, in any form whatsoever, of files related to the subject of the inspection ;
- can collect of the depositions verbal Or written ;
- may keep, for the purposes of the investigation, the samples taken for the purposes investigation ;
- may require any operator to provide them with any assistance required and to answer questions, verbally or in writing.

Article 116: Authorized personnel may be assisted by authorized agents of others administrations competent.

They can also request the assistance of defense or security forces, to facilitate access to any installation, have seals affixed, carry out seizures, arrest the offender in the event of a threat or serious attack on the climate. .

Section 117: Authorized personnel, without a judicial warrant, may seize any thing, without a judicial warrant, if they consider that this thing is likely to constitute proof of an infringement of this ordinance and its implementing texts.

The seizures provided for in the preceding paragraph may involve the movement of the seized object or its retention on site.

Authorized personnel inform the owner or holder of the seizure and provide him with a receipt in exchange for the seized item.

Article 118: Authorized personnel may take measures to prohibit access, to prevent entry, by any means necessary, to the site or any other place where a suspicious object is located, or to prevent the use, disturbance, disruption or the destruction of any object likely to constitute proof of an infringement of this ordinance and its implementing texts.

Article 119: Authorized personnel who, in the context of the execution of their duties under the terms of this ordinance, carry out or have carried out an excavation are required to restore the property to the state it was in before the excavation.

Article 120: A report or minutes must be prepared by authorized personnel in relation to all inspection and control missions and recording any violation of this order.

The account in the report or minutes provided for in the paragraph above is authentic until a false entry is made.

Chapter II: Offenses

Article 121: In particular, the following constitute violations of this order:

- failure to carry out an emissions diagnosis;
- failure to establish a GHG monitoring plan;
- the delay in transmitting the GHG monitoring plan;
- failure to transmit the emissions diagnosis;
- failure or refusal to open a deposit account in the national GHG register;
- retention of useful information;
- the transmission of false or misleading information on data on activities causing GHG emissions;
- carrying out a project, program or activity to reduce GHG emissions without the approval required under this order;
- non-payment of any amount required under this order, three months after an unsuccessful notice;
- the commission of fraud of any form whatsoever in the national system of GHG emission quotas and GHG compensation, in particular the makeup or disguise of carbon data, if the lack of authentic qualification represents a loss of profit for the State;

- the non-return of unused or excess annual emission quotas;
- hindering the exercise of the missions of the Climate Issues Management Body or its authorized personnel.

Chapter III: Sanctions

Section 1: Administrative sanctions

Article 122: Fines and administrative sanctions for violations of this order are imposed by order of the Minister responsible for Climate, on the basis of a report from the Climate Issues Management Organization.

Article 123: In the event of a repeat offense, the penalties provided for in this chapter 3 are doubled or tripled at the discretion of the Minister responsible for Climate, on the basis of a report from the Climate Issues Management Authority.

Section 124: Without prejudice to the criminal sanctions provided for in this chapter, the Minister responsible for Climate may, in the event of a serious violation of the provisions of this order, pronounce against any operator:

- the withdrawal of a GHG emissions authorization or other authorization granted on the basis of this order;

- THE withdrawal of a permit resignation of the GHG ;

- the temporary ban on participating in public procurement;

- the temporary or permanent suspension of the activity at the origin of the offense;
- temporary or permanent closure of installations.

Article 125: Any operator concerned is punished with a fine of two million (2,000,000) CFA francs to fifty million (50,000,000) CFA francs:

- having not carried out an emissions diagnosis or monitoring plan on time
required ;
- having failed to submit an emissions monitoring or diagnostic plan on time;
- having transmitted false or misleading information to the Climate Issues Management Organization on data on activities causing GHG emissions; Or
- not having a deposit account in the national GHG register.

Article 126: Without prejudice to the penalties provided for by the texts in force, any operator is punished with a fine of ten million (10,000,000) to two hundred and fifty million (250,000,000) CFA francs:

- carrying out an activity covered by this order, not having a GHG emission authorization or an exemption obtained in accordance with the provisions of this order, after unsuccessful formal notice;
- having failed to pay any sum required under this order, three months after unsuccessful formal notice;
- having committed fraud of any form whatsoever in the national system of carbon offsetting and GHG emission quotas, in particular the makeup or disguise of GHG data, if the lack of authentic qualification represents a loss of earnings for the state.

Article 127: Without prejudice to the penalties provided for by the texts in force, are punishable by a fine of 20,000 CFA francs per tonne of equivalent carbon dioxide emitted.

- Any operator having been responsible for GHG emissions [as part of an illegal sectoral activity].

The fine provided for in the paragraph above does not discharge the obligation imposed on the operator.

Section 2: Criminal sanctions

Section 128: Any obstruction of the Climate Issues Management Organization or its authorized personnel will be punished with a penalty ranging from a minimum of one month to a maximum of three months of imprisonment and five million (5,000,000) CFA francs to fifty million (50,000,000) CFA francs fine or one of these two penalties only.

Section 129: Without prejudice to the prerogatives of the Public Prosecutor's Office and the transaction procedure, public action can be initiated by the Climate Issues Management Body.

Title VII: Transitional, miscellaneous and final provisions

Section 130: The Minister responsible for Climate may exclude or exempt from the system of tradable quotas, certain small farms and installations by implementing fiscal or other measures which make it possible to reduce their emissions in the same proportions and in accordance with the provisions of the texts in force in tax matters.

Article 131: The Minister responsible for Climate may, with a view to preserving the international competitiveness of industrial sectors exposed to the risk of GHG leakage, allocate emissions quotas free of charge, while ensuring that the rules for determining the allocation of greenhouse gas quotas free broadcasts are targeted and reflect the technological progress achieved.

Article 132:The Minister responsible for Climate may grant incentives and aid to industry and the electricity sector, subject to the provisions of the texts in force, in order to meet the challenges in terms of innovation and investment presented by the transition to an economy with low GHG emissions by using several financing mechanisms.

Any exclusively renewable energy production installation is not subject to a cap on its emissions.

Article 133:Without prejudice to hierarchical or voluntary recourse, contractual provisions referring to arbitration, mediation, expertise and conciliation, the competent Gabonese courts are solely competent to hear disputes arising on the occasion of the application of the provisions of this order and its implementing texts.

Article 134:The financial sanctions provided for by this title may give rise to a settlement.

The initiative for the transaction belongs to the offender. It is approved in writing by the Minister in charge of Climate.

Section 135:Economic operators to whom this order applies have, from its entry into force, a period of one year to comply with it.

Article 136:Regulatory texts determine, where necessary, the provisions of all kinds necessary for the application of this order.

Article 137:This ordinance, which repeals all previous provisions to the contrary, shall be recorded, published in the Official Gazette and executed as law of the State.

Done in Libreville, September 13, 2021

By the President of the Republic,
Head of State

Ali Bongo ONDIMBA

The Prime Minister, Head of Government
Rose Christiane OSSOUKA RAPONDA

The Minister of Water, Forests, Sea and Environment, responsible for the Climate Plan and Land Allocation
Prof. Lee WHITE

The Minister of State, Minister of the Interior;
Lambert Noël MATHA

The Minister of National Defense
Michael Moussa ADAMO

The Minister of Economy and Recovery
Nicole Jeanine Lydie ROBOTY, ep. MBOU

The Minister of Justice, Keeper of the Seals, and Responsible for Human Rights
Erylne Antonella NDEMBET marries DAMAS

The Minister of Budget and Public Accounts
Sosthène OSSOUNGOU NDIBANGOYE