

-----  
*The Governor*

**INSTRUCTION N°001/GR/2022**

*Specifying the conditions and modalities of declaration, domiciliation,  
payment and clearance of imports of goods and services by extractive  
companies*

**The Governor,**

Having regard to the Statutes of BEAC in force;

Having regard to the CEMAC Customs Code Regulation;

Having regard to Regulation No. 02/18/CEMAC/UMAC/CM of 21 December 2018 on the regulation of foreign exchange in CEMAC;

Having regard to Regulation No. 01/21/CEMAC/UMAC/CM of 23 December 2021 on the modalities of implementation of certain provisions of the foreign exchange regulations by resident extractive companies;

Having regard to Instruction No. 007/GR/2019 of 10 June 2019 specifying the conditions and modalities of declaration, domiciliation and payment of imports of goods and services;

Considering the specificity and complexity of activities in the CEMAC extractive sector;

Considering the need for a full and harmonious application of exchange regulations in conformity with the monetary cooperation agreements in force,

**Issues the following Instruction:**

**Section 1: General provisions**

**Article 1.** - The purpose of this Instruction is to specify the conditions and modalities for the declaration, domiciliation, payment and clearance of imports of goods and services by extractive companies.



Extractive companies are defined in the Regulation on the implementation of certain provisions of the foreign exchange regulations by resident extractive companies.

**Article 2.** - This Instruction applies to import operations carried out by extractive companies instead of Instruction n°007/GR/2019 of 10 June 2019 specifying the conditions and modalities of declaration, domiciliation and payment of imports of goods and services.

Only the provisions of this Instruction relating to imports settled from foreign currency accounts in the CEMAC apply to transporters and subcontractors of resident extractive companies as defined in paragraph 3 of this article.

Within the meaning of this Instruction:

- Transporters means companies transporting hydrocarbons or minerals from third countries by pipeline, as well as companies or undertakings operating, on a principal basis, pipelines, installations or other equipment or any means of transporting hydrocarbons and minerals from the production sites of extractive companies to processing and transformation plants or to an export terminal. The activity is considered principal when the turnover resulting from the transport of hydrocarbons or minerals exceeds 50% of the transporter's total turnover;
- subcontractors are resident enterprises or companies whose main activity is related to the execution of a contract or agreement with one or more extractive industries relating to the fulfilment of the corporate purpose or the execution of a contract of an extractive industry company. The activity is considered principal when the turnover resulting from the performance of the contractual services with the company exceeds 50% of the total turnover of the subcontractor.

In the context of this Instruction, where appropriate, extractive companies, subcontractors and transporters are referred to together as "extractive sector companies".

**Article 3.** - Any export of goods or services, carried out by an extractive company, subject to the obligation of domiciliation, is declared to the Central Bank under the terms and conditions provided for in this Instruction.

**Article 4.** - Any import of goods and services by a company in the extractive sector whose FOB value, determined in accordance with the provisions of CEMAC Customs Code, is at least equal to ten (10) million CFA francs, shall be domiciled in accordance with the conditions and procedures defined in this Instruction.

**Article 5.** - The following transactions involving the import of goods are exempt from the direct debit requirement:

- purchase of goods under customs control;
- grants to CEMAC States;



- shipments addressed to international humanitarian organisations established in CEMAC, directly and without intermediary, admitted duty free;
- returned goods or reimported goods for which no payment is due;
- used furniture and equipment imported as a result of removals, including animals, motor vehicles and all other items, as well as duly justified donations received abroad;
- spare parts supplied free of charge by foreign manufacturers to replace defective parts.

## **Section 2: Declaration and domiciliation of imports of goods and services paid from an account in CEMAC**

**Article 6.** - The declaration of imports of goods or services paid from an account in CEMAC shall be made in accordance with the model form attached to this Instruction.

Credit Institutions collect on behalf of the Central Bank the declaration forms for the import of goods and services completed by companies in the extractive sector. In this respect, they carry out only the usual checks on the formal conformity and completeness of the documents required.

**Article 7.** - The domiciliary Credit Institution shall keep a cumulative register of declarations of imports of goods and services by companies in the extractive sector which it shall make available to the Central Bank.

**Article 8.** - Imports of goods and services made by companies in the extractive sector and settled from an account in CEMAC are domiciled with the Credit Institution holding the account, at the latest on the day of payment.

Imports of goods and services domiciled and paid for by bank transfer from an account in CEMAC may give rise to the deduction by Credit Institutions, per transaction, of a fixed and single commission of a maximum amount of one hundred thousand (100,000) CFA Francs. This fee covers all costs related to the transaction concerned, including transfer costs.

**Article 9.** - The domiciliation is carried out in a single operation by transmitting to the Credit Institution holding the account in the CEMAC, referred to as the "Domiciliary Credit Institution", all of the following documents, as applicable:

For an import of goods:

- the import declaration in accordance with the attached form;
- the Proforma Invoice or order form;
- the contract, where applicable;
- the tax identification number or any document in lieu thereof;



- the authorisation of the competent authority for restricted products, if applicable.

For an import of services:

- the import declaration in accordance with the attached form;
- the Proforma Invoice or order form;
- where applicable, the contract duly registered with the tax authorities if the local law provides for such registration and the extractive sector company does not benefit from an exemption. If the service contract is not registered at the time of domiciliation where this is a legal obligation, the extractive sector company concerned shall register it before the deadline for discharge of the service set out in Article 20 of this Instruction.

**Article 10.** - The domiciliation may be carried out in any CEMAC Credit Institution, regardless of the country of establishment of the extractive sector company concerned or the country into which the goods or services are imported.

**Article 11.** - Once the documents listed in Article 9 of this Instruction have been sent by the company in the extractive sector, the Domiciliary Credit Institution shall immediately issue a Certificate of Domiciliation or any document in lieu thereof, indicating the references of the domiciliation of the import of goods or services.

**Article 12.** - The Domiciliary Credit Institution shall open a direct debit file for each import of goods or services in accordance with the provisions of this Instruction.

**Section 3: Declaration and domiciliation of imports of goods and services paid from an account outside CEMAC**

**Article 13.** - Imports of goods and services made by extractive companies and paid from an account outside CEMAC are declared by them on a quarterly basis to the National Directorate of the Central Bank of the country of establishment.

The quarterly declaration shall be sent within sixty (60) days of the end of the quarter concerned.

The content and modalities of transmission of the quarterly declaration of imports of goods and services are specified by a Circular Letter of the Governor of the Central Bank.

The declaration by extractive companies of imports to the National Directorate of BEAC in the country where the company is located constitutes the domiciliation of the operation.



**Article 14.** - The quarterly declaration of imports of goods or services made by extractive companies and paid from an account outside CEMAC, as well as the associated domiciliation, are accompanied by contracts, invoices and order forms relating to the imported goods and services.

Contracts, invoices and purchase orders relating to imported goods and services shall be sent to the Central Bank at the same time as their initial declaration within the framework of the quarterly declaration referred to in Article 13 of this Instruction.

**Article 15.** - Once the documents set out in Article 9 of this Instruction have been transmitted by the importing extractive company, the Central Bank issues it with a Declaration Certificate, specifying its references.

#### **Section 4: Payment of imports of goods and services**

**Article 16.** - The payment of imports of goods and services by companies in the extractive sector by credit institutions from an account in CEMAC is carried out without delay upon receipt of the documents referred to in Article 9 of this Instruction and, in the case of imports paid from a foreign currency account, in accordance with the relevant provisions of the foreign exchange regulations in force, in particular the decision to authorise the opening of said account.

**Article 17.** - The payment of imports of goods and services from an account outside CEMAC is carried out in accordance with the relevant provisions of the exchange regulations in force, in particular the decision authorising the opening of the said account.

#### **Section 5: Clearance of imports of goods and services**

**Article 18.** - Domiciliary Credit Institutions shall follow up on the discharge of domiciliation files opened in their books in respect of imports of goods and services by companies in the extractive sector in accordance with the provisions of this Instruction.

Within the framework of the clearance of imports of goods and services by companies in the extractive sector, the Domiciliary Credit Institutions shall collect the documents provided for in Article 9 of this Instruction and ensure their completeness and conformity with the imported goods and services.

**Article 19.** - The Central Bank follows up on the discharge of domiciliation files for imports of goods and services whose payment is made from an account outside CEMAC by an extractive company.



**Article 20.** - The period for discharging the import files of goods and services of companies in the extractive sector is set at three (3) months, starting from the date of final payment of the import concerned, unless the contract relating to the import of the goods or services in question provides for a longer import period; in which case, this contractual period shall apply, subject to compliance with the declaratory obligations set out in Article 13 of this Instruction.

**Article 21.-** Goods or services which have been effectively imported into CEMAC for more than the three (3) month period for discharge set out in Article 20 of this Instruction are reported to:

- the Domiciliary Credit Institution, if the payment of the goods is made by the extractive sector company from an account in CEMAC;
- the Central Bank if the payment for the goods is made by the extractive company from an account domiciled outside CEMAC.

**Article 22.** - The documents to be produced to justify the discharge of an import of goods are:

- the accounting document issued by the Customs Administration or any document in lieu thereof;
- the receipt for payment of customs duties and taxes due, related to the import concerned;
- the bill of lading, air waybill or consignment note in the case of an import of goods;
- the final invoice, purchase order, expense account, debit note, or any other supporting document.

**Article 23.** - When discharging the import of a service, the company in the extractive sector shall, in addition to the final invoice, provide proof of the effectiveness of the service, in particular by presenting a document from the supplier of the service dated less than three months ago, attesting to the performance of the service as well as proof of transfers to the account of the supplier of the service.

In the case of the clearance of imports of services between affiliated companies defined as companies belonging to the same group, the Central Bank may request any other information which may attest to the performance of the service.

**Article 24.** - The Central Bank reserves the right to request any additional information and/or evidence deemed necessary to ensure the effective discharge of the settled service.

**Article 25-** In the event of non-discharge of an import of goods and services file within the time limit set out in Article 20 of this Instruction, the Central Bank or the Domiciliary



Credit Institution shall send the extractive sector company concerned a formal notice listing the missing proof of discharge.

The extractive company has a period of fifteen (15) days, from the date of receipt of the formal notice, to send the missing proof of clearance or a reasoned reply justifying the absence of the required documents.

The Central Bank may not impose any sanctions on the extractive sector company concerned while the clearance file is being processed. The Domiciliary Credit Institution shall execute, over the reference period, any payment request from the extractive sector company concerned.

## **Section 6: Miscellaneous and final provisions**

**Article 26.** - The Central Bank may request from Credit Institutions and the Customs Administration, as necessary, any document and information relating to imports of goods and services by extractive companies.

**Article 27.** - The notion of arm's length is assessed in accordance with the legislation of the country in which the importing extractive company is established and, failing that, with the principles of the Organisation for Economic Cooperation and Development (OECD).

**Article 28.** - Periodic controls are carried out by the Central Bank to ensure compliance with the provisions of this Instruction.

**Article 29.** - Any failure to comply with this Instruction shall be recorded and sanctioned in accordance with the provisions of the foreign exchange regulations in force.

**Article 30.** - This Instruction may be amended by the Central Bank. It may be specified in a Circular Letter from the Governor of the Central Bank.

**Article 31.** - This Instruction cancels and replaces Instruction n°007/GR/2021 of 13 December 2021, specifying the conditions and modalities for the declaration, domiciliation, settlement and clearance of imports of goods and services by extractive companies. It enters into force on the date of signature.



**ABBAS MAHAMAT TOLLI**

DECLARATION AND GLOBAL DIRECT DEBIT OF IMPORTED GOODS AND SERVICES

Operations on the day of:

Direct debit bank:

Importer information

Importer's name	NIF	Accreditation code	Date obtained	Duration of validity	Address	City	Country	Phone	E-mail
-----------------	-----	--------------------	---------------	----------------------	---------	------	---------	-------	--------

Import information

1	Seller's name	Seller's address	Seller's city	Seller's country	Description of goods / services	Services related to the goods (Y/N)	Type of shipment	Mode of transport	Country of origin - Port	Country of origin	Country of landing - Customs - Port	Invoice/Proforma number	Estimated date of receipt	Date of invoice/proforma	Contract / order number	Term of sale	Settlement bank	Currency	Total currency value	Currency value (incurred at the transaction)	Handwritten date number to be completed by the importer's bank
2																					
3																					
4																					
5																					
6																					
7																					
8																					
9																					
10																					
11																					
12																					
13																					
14																					
15																					
16																					
17																					
18																					
19																					
20																					

Page 10

ON

Year and stamp of the importer	Year and stamp of the customs authority or the director of MEX
--------------------------------	--

Note bene  
This declaration duly completed constitutes a certificate of destination for all the imports declared in the table above

