
The Governor

INSTRUCTION N° 002 /GR/2022

Specifying the conditions and modalities of declaration, domiciliation, repatriation and discharge of exports of goods and services by resident 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. 006/GR/2019 of 10 June 2019 on the conditions and modalities for the domiciliation, declaration and payment of exports 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 and domiciliation of exports, the repatriation of export receipts and



the discharge of export files for goods and services by extractive companies, with the exception of subcontractors and transporters as defined in paragraph 3 of this article.

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

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.

Article 2. - This Instruction applies to extractive companies within the meaning of this Instruction, in lieu of Instruction No. 006 of 10 June 2019 on the conditions and modalities of declaration, domiciliation and settlement of exports of goods and services.

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 export of goods or services by an extractive company with a value of at least ten (10) million CFA francs is domiciled.

Article 5. - The following operations are exempt from the direct debit requirement:

- refuelling of foreign aircraft and ships with petroleum products and ship's stores;
- shipment of samples or small advertising items not intended for sale;
- shipments of reusable packaging to be re-exported or whose value is not included in the value of the goods. However, where such packaging is not returnable, its value shall be entered on the export declaration; and
- sending donations to a foreign State.

Section 2: Declaration and domiciliation of exports of goods and services



Article 6. - The declaration of an export of goods or services shall be made in accordance with the model form attached to this Instruction.

Credit Institutions collect on behalf of the Central Bank the export declarations of goods and services made by extractive companies. In this respect, they carry out only the usual checks on the formal conformity and completeness of the documents required.

Article 7. - Exports of goods and services by extractive companies shall be deposited with the Credit Institution holding the said account within fifteen (15) days of their completion.

Within the framework of the direct debit of exports, Credit Institutions may charge, per operation, a fixed and unique 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 8. - The domiciliation is carried out by the extractive company, by transmitting to the Credit Institution holding the account in CEMAC, known as the "Domiciliary Credit Institution", the following documents, depending on the case:

For an export of goods:

- the declaration of export of goods, in accordance with the attached document;
- the Invoice or Proforma Invoice issued by the exporting company, showing precise details of the quantities and commercial designation of the exported product and its value;
- the foreign customer's contract or order form, if applicable;
- the bill of lading, if applicable;
- the tax identification number or any other document in lieu thereof.

For an export of services:

- the declaration of export of services, in accordance with the attached document;
- the Invoice or Proforma Invoice or any document in lieu thereof issued by the exporting company, indicating in particular the nature of the service;
- the foreign customer's order form or any document in lieu thereof, if applicable;
- where applicable, the service contract;
- the tax identification number or any other document in lieu thereof.

Article 9. - The direct debit credit institution opens a direct debit file for each export of goods or services.



Once the documents set out in Article 8 of this Instruction have been submitted by the exporting extractive company, the domiciliary bank will issue a direct debit certificate indicating the references of the direct debit for the export of goods or services.

Article 10. - The domiciliation can be carried out in any Credit Institution in CEMAC, regardless of the country of establishment of the extractive company or the country from which the goods or services are exported.

Section 3: Repatriation of revenues from exports of goods and services

Article 11. - Repatriation is the operation by which foreign currency due to extractive companies is collected or transferred within CEMAC through banking correspondents of Credit Institutions or the Central Bank and credited to their accounts in CFA Francs or foreign currency, in accordance with the regulatory provisions in force.

Article 12. - Extractive companies exporting goods and services shall, within a maximum period of 150 days from the effective date of export, repatriate the proceeds of their exports to CEMAC through the intermediary of domiciliary Credit Institutions.

Article 13.- Failure to collect and repatriate export receipts within the period provided for in Article 12 of this Instruction, due to non-conformity, damage or loss, must be justified by the exporting extractive company, under penalty of the sanctions provided for by the regulations in force.

Section 4: Clearance of exports of goods and services

Article 14. - Credit Institutions shall ensure the monitoring of the discharge of direct debit files for goods and services opened in their books in accordance with the provisions of this Instruction.

In this regard, in addition to the documents listed in Articles 8 and 9 of this Instruction, the domiciliary establishment shall include in the discharge file the credit note of the account in CEMAC of the exporting extractive company on which the revenue is collected.

Article 15. - The discharge of files on exports of goods and services by extractive companies is carried out within a period of fifteen (15) days from the date of repatriation of export receipts to CEMAC in application of Article 12 of this Instruction.

Article 16. - In the event of non-discharge of an export of goods or services file within the time limit set out in Article 15 of this Instruction, the Central Bank or the domiciliary Credit Institution shall send the offending extractive company, by any means that leaves a written record, 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 while the clearance file is being processed. The direct debit institutions shall execute any request from the extractive companies concerned during this period.

However, failure by the extractive company to regularise the situation beyond this period will result in the application of the penalties provided for by the regulations in force.

Section 5: Miscellaneous and final provisions

Article 17. - The Central Bank may request from Credit Institutions and the Customs Administration, as necessary, any document and information relating to exports of goods and services by extractive companies.

Article 18. - The notion of arm's length is assessed in accordance with the legislation of the country in which the exporting extractive company is established and, failing that, with the principles of the Organisation for Economic Cooperation and Development (OECD).

Article 19. - Periodic controls are carried out by the Central Bank to ensure compliance with the provisions of this Instruction.

Article 20. - 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 21. - 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 22. - This Instruction cancels and replaces Instruction n°008/GR/2021 of 13 December 2021, specifying the conditions and modalities for the declaration, domiciliation, repatriation and clearance of exports of goods and services by resident extractive companies. It enters into force on the date of signature.



ABBAS MAHAMAT TOLLI

DECLARATION AND GLOBAL DOMICILIATION OF EXPORTS OF GOODS AND SERVICES

Time period (yearly): From _____ to _____

Exporter Information

Name de l'exportateur	NIF	Accreditation code	Date obtained	Duration of validity	Address	City	Country	Phone	Email
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Export Information

	Name of the client	Client's address	Customer's city	Customer's country	Description of goods/services	Customer's bank	Type of shipment	Mode of transport	Country of destination - Port	Effective date of export	Invoice/proforma number	Invoice/proforma date	Contact/Order number	Term of sale	Currency	Total currency value	Currency value (proform of the transaction)	Direct debit number (to be completed by the commercial bank)
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
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17																		
18																		
19																		
20																		

Done in _____
On _____

Visa and stamp of the EXPORTER	Visa and stamp of the commercial bank for the account of B.I.A.C.
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