



SIXTY- FOURTH ORDINARY SESSION OF AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 10 December 2023

DECISION A/DEC.1/12/23 EXTENDING THE MANDATE OF THE ECOWAS MISSION IN THE GAMBIA (ECOMIG)

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government, and defining its composition and functions;

MINDFUL of Article 58 of the Revised ECOWAS Treaty on Regional Security;

MINDFUL of Article 4 (a), 5,6,10,11 and 12 of the ECOWAS Protocol 1999 relating to the Mechanism for Conflict Prevention, Management, Peace-keeping and Security signed in Lomé on 10th December 1999 defining its composition and functions;

MINDFUL of the ECOWAS Declaration of Political Principles adopted on 6th July 1991 in Abuja;

RECALLING the Decision of the Authority of Heads of States and Government for deployment of the ECOWAS Mission in Gambia (ECOMIG) in response to the political crisis arising from the presidential elections held in the Gambia in December 2016;

BEARING IN MIND the successive renewal of the mandate of ECOMIG commencing on 1st January 2022 and ending on 31 December 2022;

RECALLING the Decision of the Authority at its Extraordinary Session held on 3rd February 2022 in Accra, to maintain the ECOWAS Mission in The Gambia (ECOMIG) in its police and military components and to contribute to the security of the parliamentary elections of 9th April 2022;

RECALLING the Decision MSC.A/4. /12/22 extending the mandate of the ECOWAS mission in The Gambia (ECOMIG) from 1st January 2023 and ending on 31 December 2023.

NOTING the expiration of the ECOMIG mandate at the end of 31 December 2023;

NOTING that the current situation in The Gambia requires a further extension of the mandate of ECOMIG;

DESIROUS of extending the mandate of the ECOWAS Mission in Gambia (ECOMIG) for a twelve (12) month period;

DECIDES:

ARTICLE 1

The ECOMIG mandate is hereby extended for twelve (12) months, from 1st January 2024 to 31 December 2024.



ARTICLE 2

1. This Decision shall be published in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority of Heads of State and Government;
2. It shall also be published by each Member State in its National Gazette within thirty (30) days.

ARTICLE 3

This **DECISION A/DEC.1/12/23** shall enter into force upon its signature.

DONE IN ABUJA, THIS 10TH DAY OF DECEMBER 2023

THE AUTHORITY

THE CHAIRMAN

A handwritten signature in blue ink, which appears to read 'Bola Ahmed Tinubu', is written over a horizontal dashed line.

H.E. BOLA AHMED TINUBU (GCFR)



SIXTY- FOURTH ORDINARY SESSION OF AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 10 December 2023

DECISION A/DEC.2/12/23 IMPOSING SANCTIONS AND ADOPTING MEASURES TO RESTORE CONSTITUTIONAL ORDER IN THE REPUBLIC OF NIGER

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

RECALLING Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government, and defining its composition and functions;

REFERRING to Article 58 of the Revised ECOWAS Treaty on Regional Security;

MINDFUL of the ECOWAS Declaration of Political Principles adopted in Abuja on 6 July 1991;

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Protocol on the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security of 10 December 1999 relating to the Mediation and Security Council at the level of Heads of State and Government of ECOWAS Member States;

MINDFUL of Protocol A/SP.1/12/01 on Democracy and Good Governance;

CONSIDERING Supplementary Act A/SA.13/02/12 on the regime of Sanctions against Member States that do not respect their obligations towards ECOWAS;

BEARING IN MIND the Principles set out in the OAU Solemn Declaration on Security, Stability, Development and Cooperation in Africa, adopted in Abuja on 8 and 9 May 2000, as well as the Decision of the Special Group on Africa. DEC.142 (XXV) on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted in Algiers in July 1999;

NOTING with preoccupation that on 26 July 2023 members of the Military forces overthrew democratically elected President in a coup d'état

MINDFUL of MSC Decision A/DEC.5/07/23 Imposing Sanctions on the Republic of Niger as a result of the coup d'état and in a bid to effect a restoration of Constitutional Order in the Republic of Niger;

DESIROUS of the full restoration of constitutional order in the Republic of Niger within a short time frame;

DECIDES:

ARTICLE 1: CONDEMNATION OF THE COUP D'ETAT

1. ECOWAS reiterates its strong condemnation of the coup d'état and the continued illegal detention of His Excellency Mohamed Bazoum, his family, and associates;
2. ECOWAS calls on CNSP to release His Excellency Mohamed Bazoum, his family and associates immediately and without condition.



ARTICLE 2: POLITICAL AND ECONOMIC SANCTIONS

1. The Republic of Niger is hereby suspended from all ECOWAS decision-making bodies until the effective restoration of constitutional order in the Country.
2. In addition to the suspension from all Community decision making bodies, all the political and economic sanctions imposed on the Republic of Niger by MSC Decision A/DEC.5/07/23 remain in place;

ARTICLE 3: RESTORATION OF CONSTITUTIONAL ORDER

1. In order to engage the military government of Niger on an expeditious return to constitutional order, a Committee of Heads of State is hereby established;
2. The Committee shall comprise :
 - a. H.E. President of the Togolese Republic
 - b. H.E. President of the Republic of Sierra Leone;
 - c. Representative of the President of the Federal Republic of Nigeria; and
 - d. Representative of the President of Republic of Benin.
3. The Committee of Heads of State appointed under article 3. 1 above shall Negotiate with CNSP and other stakeholders with a view to:
 - a. Securing the immediate release of President BAZOUM, his family and associates
 - b. reaching an agreement on a short transition timeframe ;
 - c. establishing relevant transition organs:
 - d. setting up of monitoring and evaluation mechanism
4. Based on the positive outcomes of the engagement with the CNSP, the Authority will progressively ease the sanctions imposed on Niger.
5. In the event no agreement is reached between the Committee and the CNSP, ECOWAS shall:
 - a. maintain all existing sanctions;
 - b. impose additional sanctions;

ARTICLE 4: FINANCIAL OBLIGATIONS

The Republic of Niger shall continue to fulfil its financial obligations to the Community throughout the period during which it is under sanctions.

ARTICLE 4: ENTRY INTO FORCE


This **DECISION A/DEC.2/12/23** shall enter into force upon signature by the Chairman of the Authority of Heads of State and Government.



ARTICLE 5: PUBLICATION

1. This **DECISION** shall be published in the Official Journal of the Community within thirty (30) days of its signature.
2. It shall also be published by each Member State in its Official Journal thirty (30) days from its notification by the President of the Commission.

DONE IN ABUJA, THIS 10TH DAY OF DECEMBER 2023


.....
H.E. BOLA AHMED TINUBU (GCFR)

CHAIRMAN

FOR THE AUTHORITY



SIXTY- FOURTH ORDINARY SESSION OF AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 10 December 2023

DECISION A/DEC.3/12/23 LIFTING TRAVEL BAN AND TARGETED INDIVIDUAL SANCTIONS ON TRANSITION PRESIDENT, PRIME MINISTER, AND MINISTER OF FOREIGN AFFAIRS OF BURKINA FASO

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government, and defining its composition and functions;

MINDFUL of Article 58 of the Revised ECOWAS Treaty on Regional Security;

MINDFUL of Articles 4(a), 5, 6, 10, 11 and 12 of the ECOWAS Protocol 1999 relating to the Mechanism for Conflict Prevention, Management, Peacekeeping and Security signed in Lomé on 10th December 1999 defining its composition and functions;

MINDFUL of the ECOWAS Declaration of Political Principles adopted on 6th July 1991 in Abuja;

MINDFUL of Protocol A/SP1/12/01 on Democracy and Good Governance;

CONDEMNING the coup d'état of 24 January 2022 which toppled the constitutional government and the second coup d'état of 2nd October 2022 which toppled the transition government in Burkina Faso;

MINDFUL of Supplementary Act A/SA.13/02/12 on sanctions against Member States that fail to honour their obligations towards ECOWAS;

MINDFUL of Decision MSC.A/DEC.1/12/22 on the return to Constitutional Authority in Burkina Faso;

NOTING the Memorandum of Understanding signed between Burkina Faso and ECOWAS on 26th November 2022 to put in place the Monitoring and Evaluation Mechanism for the 24-month Transition Timetable in Burkina Faso;

RECOGNISING the need for greater commitment by Burkina Faso to the realisation of the spirit and letter of the agreed timetable for return to Constitutional Order;

DESIRIOUS of lifting the travel ban and targeted individual sanctions on the transition President, Prime Minister, and Minister of Foreigner Affairs of Burkina Faso;

DECIDES:

ARTICLE 1:

The travel ban and targeted individual sanctions on the transition President, Prime Minister and Minister of Foreigner Affairs of Burkina Faso is hereby lifted.

ARTICLE 2:

1. TROIKA shall visit Burkina Faso to ensure implementation of the transition programme
2. Burkina Faso shall continue to fulfil its financial obligations towards the Community for the duration of the sanctions.



ARTICLE 3: MONITORING OF EXECUTION OF DECISION

Within the period of sanctions, ECOWAS shall continue to monitor, encourage and support all efforts by Burkina Faso to return to normal democratic institutional life.

ARTICLE 4: ENTRY INTO FORCE

This **DECISION A/DEC.3/12/23** shall enter into force upon signature by the Chairman of the Authority of Heads of State and Government.

ARTICLE 5: PUBLICATION

1. This **DECISION** shall be published in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority of Heads of State and Government
2. It shall also be published by each Member State in its Official Journal thirty (30) days from its notification by the President of the Commission.

DONE IN ABUJA, THIS 10TH DAY OF DECEMBER 2023

A handwritten signature in blue ink, which appears to read 'Bola Ahmed Tinubu', is positioned above a horizontal dotted line.

H.E. BOLA AHMED TINUBU (GCFR)

THE CHAIRMAN

FOR THE AUTHORITY



**SIXTY- FOURTH ORDINARY SESSION OF AUTHORITY OF HEADS
OF STATE AND GOVERNMENT**

Abuja, 10 December 2023

**DECISION A/DEC.4/12/23 LIFTING TRAVEL BAN AND TARGETED INDIVIDUAL SANCTIONS
ON TRANSITION PRESIDENT, PRIME MINISTER, AND MINISTER OF FOREIGN AFFAIRS
OF REPUBLIC OF MALI**

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government, and defining its composition and functions;

MINDFUL of Article 58 of the Revised ECOWAS Treaty on Regional Security;

MINDFUL of Articles 4 (a), 5, 6, 10, 11, 12 of the 1999 ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security, establishing the Authority of Heads of State and Government acting as the Mediation and Security Council and defining its composition and functions;

MINDFUL of the 1999 ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

MINDFUL of the 2001 ECOWAS Protocol on Democracy and Good Governance;

MINDFUL of Supplementary Act A/SA.13/02/12 on sanctions against Member States that fail to honour their obligations towards ECOWAS;

MINDFUL of the Principles set out in the OAU Solemn Declaration on Security, Stability, Development and Cooperation in Africa, adopted in Abuja on 8 and 9 May 2000, as well as Decision AHG.DEC.142 (xxv) on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted in Algiers in July 1999;

MINDFUL of the Abuja Declaration on Political Principles of July 1991;

CONCERNED about the socio-political and security situation in the Republic of Mali, which has been beset by terrorist violence, inter-ethnic conflicts, and successive military coups;

RECALLING that a coup d'état was staged and truncated the democratic process in the Republic of Mali on 18 August 2020, following the event that led to the resignation of the President of the Republic, Ibrahim Boubacar Keita;

FURTHER RECALLING that another coup d'état took place on 26 May 2021 in the Republic of Mali, following the arrest, detention, and subsequent resignation of the Transitional President Bah N'daw and his Prime Minister Moctar Ouane, by the Malian Military Junta led by Colonel Assimi Goita;



DEEPLY CONCERNED that this coup d'état is a violation of the Decisions of the Extraordinary Summit held in Accra on 15 September 2020 and of the Transitional Charter adopted on 12 September 2020 by the nation's stakeholders, to lead a transition of eighteen months culminating in the conduct of a transparent and inclusive presidential election on 22 February 2022;

RECALLING that at the invitation of His Excellency Nana Addo Dankwa Akufo-Addo, President of the Republic of Ghana and Chair of the Authority of Heads of State and Government ECOWAS, an Extraordinary Summit on the political situation in Mali was held in Accra, Ghana, on 30 May 2021;

NOTING that in the Final Communiqué issued at the end of the Summit, the Heads of State and Government meeting in Accra condemned the coup d'état of 26 May 2021, and subsequently suspended Mali from ECOWAS Institutions;

RECALLING, that the provisions of Article 2. (2) (iv) of Supplementary Act A.SA. 13/02/12 prescribes that the respect and protection of Human Rights, the Rule of Law, democracy and constitutional order are obligations of Member States;

REAFFIRMING that under the provisions of Article 1 (c) of the Supplementary Protocol A/SP.1/12/01 on Democracy and Good Governance, any anti-constitutional change is prohibited as well as any undemocratic means of accession to or maintenance of power;

CONSIDERING that the seizure of power by unconstitutional means, and in particular through a military coup, is a violation of Article 1 of the ECOWAS Protocol A/SP.1/12/01 on Democracy and Good Governance, ratified by the Republic of Mali on 8 December 2005 and entered into force on 20 February 2008, and is therefore punishable under the provisions of Article 45 of the said Protocol;

RECOGNISING the need for greater commitment by Republic of Mali to the realisation of the spirit and letter of the agreed timetable for return to Constitutional Order;

DESIRIOUS of lifting the travel ban and targeted individual sanctions on the transition President, Primer Minister, and Foreigner Affairs Minister of the Republic of Mali;

DECIDES:

ARTICLE 1:

The travel ban and targeted individual sanctions on the transition President, Prime Minister and Minister of Foreign Affairs of the Republic of Mali is hereby lifted.

ARTICLE 2:

1. TROIKA shall visit the Republic of Mali to ensure implementation of the transition programme;
2. The Republic of Mali shall continue to fulfil its financial obligations towards the Community for the duration of the sanctions.



ARTICLE 3: MONITORING OF EXECUTION OF DECISION

Within the period of sanctions, ECOWAS shall continue to monitor, encourage and support all efforts by Republic of Mali to return to normal democratic institutional life.

ARTICLE 4: ENTRY INTO FORCE

This **DECISION** shall enter into force upon signature by the Chairman of the Authority of Heads of State and Government.

ARTICLE 5: PUBLICATION

1. This **DECISION** shall be published in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority of Heads of State and Government
2. It shall also be published by each Member State in its Official Journal thirty (30) days from its notification by the President of the Commission.

DONE IN ABUJA, THIS 10TH DAY OF DECEMBER 2023

A handwritten signature in blue ink, which appears to read 'Bola Ahmed Tinubu', is written over a horizontal dotted line.

H.E. BOLA AHMED TINUBU (GCFR)

THE CHAIRMAN

FOR THE AUTHORITY



SIXTY- FOURTH ORDINARY SESSION OF AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 10 December 2023

DECISION A/DEC.5/12/23 LIFTING TRAVEL BAN AND TARGETED INDIVIDUAL SANCTIONS ON TRANSITION PRESIDENT, PRIME MINISTER, AND MINISTER OF FOREIGN AFFAIRS OF REPUBLIC OF GUINEA

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government, and defining its composition and functions;

MINDFUL of Article 58 of the Revised ECOWAS Treaty on Regional Security;

MINDFUL of Articles 4 (a), 5, 6, 10, 11, 12 of the 1999 ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security, establishing the Authority of Heads of State and Government acting as the Mediation and Security Council and defining its composition and functions;

MINDFUL of the 1999 ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

MINDFUL of the 2001 ECOWAS Protocol on Democracy and Good Governance;

MINDFUL of Supplementary Act A/SA.13/02/12 on sanctions against Member States that fail to honour their obligations towards ECOWAS;

MINDFUL of the Abuja Declaration on Political Principles of July 1991;

BEARING IN MIND the Principles set out in the OAU Solemn Declaration on Security, Stability, Development and Cooperation in Africa, adopted in Abuja on 8 and 9 May 2000, as well as Decision AHG.DEC.142 (xxv) on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted in Algiers in July 1999;~

CONDEMNING the coup d'état of 5 September 2021 which toppled the constitutional government in the Republic of Guinea;

CONSIDERING THAT on 5th September 2021 a military junta, the National Committee for Reconciliation and Development (CNRD), seized power in Guinea by overthrowing the democratically-elected President, His Excellency Professor Alpha Conde;

CONSIDERING that the seizure of power by unconstitutional means, and in particular through a military coup, is a violation of Article 1 of the ECOWAS Protocol A/SP.1/12/01 on Democracy and Good Governance, ratified by the Republic of Guinea on 8 December 2005 and entered into force on 20 February 2008, and is therefore punishable under the provisions of Article 45 of the said Protocol;



MINDFUL of Decision MSC/A/DEC.1/09/21 on sanctions and adoption of Measures to promote the return to constitutional order in the Republic of Guinea;

MINDFUL of Decision MSC/A/DEC.4/09/21 on Additional Sanctions (Diplomatic and Economic Sanctions) to Expedite the Return to Constitutional Order in the Republic of Guinea;

MINDFUL of the Decision A/Dec. 3/12/ 22 relating to the Return of Constitutional Order in the Republic of Guinea which adopted the 24- month consolidated timetable covering ten (10) priority points for the transition authority jointly prepared by ECOWAS and Guinea experts in October 2022;

MINDFUL of Decision MSC Decision A/Dec.2/02/2023 maintaining sanctions on the Republic of Guinea and Adopting measures to restore constitutional order in the Country;

RECOGNISING the need for greater commitment by Republic of Guinea to the realisation of the spirit and letter of the agreed timetable for return to Constitutional Order;

DESIRIOUS of lifting the travel ban and targeted individual sanctions on the transition President, Primer Minister, and Foreign Affairs Minister of the Republic of Guinea;

DECIDES:

ARTICLE 1:

The travel ban and targeted individual sanctions on the transition President, Prime Minister and Minister of Foreign Affairs of the Republic of Guinea is hereby lifted.

ARTICLE 2:

1. TROIKA shall visit the Republic of Guinea to ensure implementation of the transition programme;
2. The Republic of Guinea shall continue to fulfil its financial obligations towards the Community for the duration of the sanctions.

ARTICLE 3: MONITORING OF EXECUTION OF DECISION

Within the period of sanctions, ECOWAS shall continue to monitor, encourage and support all efforts by Republic of Guinea to return to normal democratic institutional life.

ARTICLE 4: ENTRY INTO FORCE

This **DECISION** shall enter into force upon signature by the Chairman of the Authority of Heads of State and Government.

ARTICLE 5: PUBLICATION

1. This **DECISION** shall be published in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority of Heads of State and Government



2. It shall also be published by each Member State in its Official Journal thirty (30) days from its notification by the President of the Commission.

DONE IN ABUJA, THIS 10TH DAY OF DECEMBER 2023

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H.E. BOLA AHMED TINUBU (GCFR)

THE CHAIRMAN

FOR THE AUTHORITY



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.1/12/2023 APPROVING THE WORK PROGRAMME OF THE ECOWAS
COMMISSION, FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the ECOWAS Commission, its Agencies, Centres and Offices for the 2024 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the ECOWAS Commission, its Agencies, Centres and Offices during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.1/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.1/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.2/12/23 APPROVING THE WORK PROGRAMME OF THE ECOWAS
PARLIAMENT FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the ECOWAS Parliament for the 2024 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the ECOWAS Parliament during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.2/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB.YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.2/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.3/12/23 APPROVING THE WORK PROGRAMME OF THE COMMUNITY
COURT OF JUSTICE FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the Community Court of Justice for the 2024 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the Community Court of Justice during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.3/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E.AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.3/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.4/12/23 APPROVING THE WORK PROGRAMME OF THE WEST AFRICAN
HEALTH ORGANISATION FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the West African Health Organisation for the 2024 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the West African Health Organisation during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.4/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E.AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.4/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.5/12/23 APPROVING THE WORK PROGRAMME OF THE
INTERGOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA
(GIABA) FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) for the 2024 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1- 10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.5/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.5/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.6/01/23 APPROVING THE WORK PROGRAMME OF THE ECOWAS GENDER
DEVELOPMENTCENTRE FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the ECOWAS Gender Development Centre for the 2023 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the ECOWAS Gender Development Centre during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.6/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E.AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.6/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.7/12/23 APPROVING THE WORK PROGRAMME OF THE WATER
RESOURCES INTEGRATED MANAGEMENT CENTRE FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the Water Resources Coordination Centre for the 2024 Financial Year recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the Water Resources Integrated Management Centre during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.7/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.7/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.8/12/23 APPROVING THE WORK PROGRAMME OF THE ECOWAS OFFICE
IN BRUSSELS FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the ECOWAS Office in Brussels for the 2024 Financial Year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the ECOWAS Office in Brussels during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.8/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E.AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.8/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.9/12/23 APPROVING THE WORK PROGRAMME OF THE ECOWAS YOUTH
AND SPORTS DEVELOPMENT CENTRE FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the Youth and Sports Development Centre for the 2024 financial year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the Youth and Sports Development Centre during the 2024 Financial Year.

ARTICLE 2

This Regulation **C/REG.9/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.9/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

**REGULATION C/REG.10/12/23 APPROVING THE WORK PROGRAMME OF THE OFFICE OF THE
AUDITOR GENERAL OF THE ECOWAS INSTITUTIONS FOR THE 2024 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers, and defining its composition and functions.

HAVING CONSIDERED the Work Programme of the Office of the Auditor General of the ECOWAS Institutions for the 2024 financial year as recommended by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved, and shall be executed by the Office of the Auditor General of the ECOWAS Institutions for the 2024 financial year.

ARTICLE 2

This Regulation **C/REG.10/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**

C/REG.10/12/23



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

Ninety- First Ordinary Session of the Council of Ministers

Abuja, 8 December 2023

REGULATION C/REG.11/12/23 APPROVING THE BUDGET OF THE COMMUNITY INSTITUTIONS, STATUTORY OBLIGATIONS, SPECIAL PROGRAMMES, INTERVENTIONS IN MEMBER STATES AND IN THE PEACE AND SECURITY SECTOR FOR THE 2024 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 2 and 6 of the said Treaty and its amendments on the establishment of ECOWAS and its Institutions;

MINDFUL of Article 72 of the Treaty relating to the Community Levy;

MINDFUL of Article 69 of the Treaty which relates to the budget of the Community Institutions;

MINDFUL of the Regulation C/REG.5/05/09 of May 27, 2009, adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS);

MINDFUL, of Articles 11 and 12 of the Financial Regulations of the Community referred to in the preceding paragraph, which provide for the preparation of a consolidated budget for the Community and for the structure and presentation of the Budget.

HAVING CONSIDERED the budget estimates of ECOWAS Institutions as well as other ECOWAS Interventions and Obligations as proposed by the thirty-fourth meeting of the Administration and Finance Committee, which was held in Abuja, from 1-10 November 2023.

UPON THE OPINION OF PARLIAMENT during its second ordinary session held in Abuja from the 22 November - 15 December 2023.

YNT
C/REG.11/12/23

ENACTS

ARTICLE 1

The budget estimates of the ECOWAS Institutions/Agencies as well as that for other ECOWAS, special programmes, Interventions and Obligations for the 2024 financial year considered at the thirty-fourth meeting of the Administration and Finance Committee balanced in income and expenditure at the sum of **Three hundred and Ninety- Seven million, two hundred and fifteen thousand, seven hundred and Forty-Seven Units of Account (UA: 397,215,748.00)** is hereby approved.

ARTICLE 2

1. Approved Budget Income for 2024 is as follows:

i) Community Levy from Member States	-	UA: 187,820,001
ii) Year-End Bank Balance	-	UA: 65,509,332
iii) Arrears of Community Levy	-	UA: 74,987,116
iv) <i>Arrears of Contributions</i>	-	UA: 0
v) Other Income	-	UA: 550,000
vi) Income from External Funding	-	UA: 68,349,300
Total:	-	UA: 397, 215,748

2. Approved Budget Expenditure for 2024 is allocated as follows:

i) Community Institutions	- UA: 346,485,654
ii) Statutory Obligations	- UA: 11,650,002
iii) Special Programmes and Interventions in Member States	-UA: 18,754,528
iv) Peace and Security	-UA: 20,325,563
Total:	- UA: 397, 215,748

ARTICLE 3

This Regulation **C/REG.11/12/23** shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published in the Official Gazette of each Member State within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 8 DAY OF DECEMBER 2023


.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)

**THE CHAIRPERSON
FOR COUNCIL**



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

NINETIETH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

**REGULATION C/REG.12/12/23 APPROVING THE LUMP SUM PAYABLE TO ECOWAS STAFF
FOR THE TRANSPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the Revised ECOWAS Treaty, as amended, establishing the Council of Ministers and defining its composition and powers;

MINDFUL of C/REG.29/12/21 relating to the adoption of the New ECOWAS Staff Regulations and the Principles of Staff Employment;

MINDFUL of Article 47 of the ECOWAS Staff Regulations which provides that a lump sum shall be approved by the Council of Ministers to cover transportation costs for the personal and household effects of Staff members;

CONSIDERING that the purpose of this lump sum is to provide eligible Staff members with reasonable funds for payment for the transportation of their personal and household effects upon initial appointment, transfer or change of duty station, separation from service to country of origin and in the case of death;

CONSIDERING ALSO the necessity to optimize the management of ECOWAS financial resources and to adopt international best practice in the transportation of personal and household effects of staff members;

DESIRING to give full effect to the provisions of Article 47 of the ECOWAS Staff Regulations by approving the lump sum payable to eligible staff for the transportation of personal and household effects;

ON THE RECOMMENDATION of the Thirty-Fourth Ordinary Session of the Administration and Finance Committee held in Bissau from 1st to 10th November 2023.

YMT

ENACTS:

ARTICLE 1: APPROVAL OF THE LUMP SUM

This **REGULATION C/REG.12/12/23** approves the payment of a lump sum to ECOWAS staff members for the transportation of personal and household effects, according to the following scale:

- a. Staff members from outside the host country of their duty station:
 - i. Statutory Appointee -\$15,500
 - ii. Professional Staff -\$12,000
- b. Staff members from within the host country of their duty station:
 - i. Statutory Appointee -\$12,000
 - ii. Professional Staff -\$8,500

ARTICLE 2: ADMINISTRATIVE MODALITIES

The administrative modalities for payment of the lump sum approved by these Regulations shall be specified in the Manual of Procedures of the ECOWAS Staff Regulations.

ARTICLE 3: PUBLICATION

1. This **REGULATION C/REG.12/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days from the date of its signature by the Chairperson of the Council of Ministers.
2. It shall also be published by each Member State in its Official Journal within the same time frame.

ARTICLE 4: ENTRY INTO FORCE

This **REGULATION C/REG.12/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

NINETY FIRST ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

**REGULATION C/REG.13/12/23 RELATING TO THE SURVEILLANCE OF ECOWAS REGIONAL
ELECTRICITY MARKET**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Revised Treaty as amended on the establishment of the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 26, 28, and 55 of the said Treaty relating to the promotion, cooperation, integration and development of energy projects and sectors of the Member States of the community;

MINDFUL of Protocol A/P.4/1/03 on Energy, establishing the legal framework to promote long term cooperation in the ECOWAS energy sector based on complementarities and mutual benefit with a view to achieving increased investment in the energy sector and increased energy trade in the West African sub region;

MINDFUL of Supplementary Act A/SA.2/01/08, establishing the ECOWAS Regional Electricity Regulatory Authority (ERERA);

MINDFUL of Regulation C/REG.27/12/07 on the Composition, Organization, Functions and Operations of EREERA as amended, particularly its Article 16 and 18;

MINDFUL of Decision A/DEC.5/12/99 relating to the establishment of the West African Power Pool (WAPP);

RECALLING the establishment of an independent regional regulatory body with the main objective of developing an attractive investment climate and for the development of cross-border electricity trade within ECOWAS;

RECALLING ALSO the importance of establishing an independent Market System Operator in charge of system and regional market operating functions, by coordinating flows and the allocation of transmission capacities;

CONVINCED that regional electricity regulation is imperative for the implementation, monitoring and control of cross-border electricity trade;

CONSIDERING that the development of the regional electricity market will result in an increasing complexity of market arrangements which will undoubtedly create more challenges with regard to the compliance of market players with the rules of the regional market, thus requiring the use of better tools and procedures for detecting possible market failures;

CONSIDERING ALSO that ERERA, as regional electricity regulator, should work with the national regulatory authorities, to strengthen their surveillance, supervision and co-operative efforts to ensure they are fully prepared to deal with the challenges of effectively monitoring the complexities of the regional electricity market;

DESIROUS of promoting a regional approach to cross-border trade of electricity and to ensure the harmonization of institutions and rules within ECOWAS, to organize the regional electricity market and create favourable conditions for the development of investment and capacity within the Member States;

UPON THE RECOMMENDATION of the 15th Meeting of ECOWAS Ministers in charge of Energy held in Cotonou on 7th October 2023;

UPON THE OPINION of the Parliament at its second ordinary session held 22nd November to 15th December 2023;

ENACTS

ARTICLE 1: DEFINITIONS

1. For the purposes of this Regulation the following definitions shall apply;

Ancillary Services

a service other than the production of energy and/or provision of capacity, which is used to maintain reliability including reserves, frequency control, voltage control and Black Start Capability;

Ancillary Services Contract	agreement between the System Market Operator (SMO) and a Generator in the WAPP for the provision of ancillary services;
Bilateral Contracts	agreement entered between a buyer and seller of electricity for the sale and purchase of electricity under the Market Rules including power exchange contracts. The seller agrees to inject and the buyer agrees to withdraw the agreed upon volume of electricity in the relevant trading interval or intervals for a price mutually agreed;
Clauses	a reference to a clause, chapter, section, article, annexure or schedule is a reference to a clause or chapter or section or article or annexure or schedule to this Regulation;
Day	One calendar day;
Day Ahead Market	Mechanism through which buyers and sellers of electricity are matched anonymously with each other at a market clearing price established through matching bids and offers for the next operating day;
Data Collection System	A computer-based system for remotely acquiring data from Metering Equipment;
Electricity Supply Industry	Those organisations that are involved with any or all of the Generation, Transmission, Distribution, Import, Export, Sale or Purchase of electricity.
Entity	includes any company, partnership, trust, joint venture, association, corporation or other private or public corporate body, any government agency and any other entity or body or class of entity or body designated by law as coming within the definition of the word "Entity".
ECOWAS Regional Electricity Regulatory Authority (ERERA)	A Specialized Institution of ECOWAS established by the Supplementary Act A/SA.2/1/08 and charged with regulating the regional electricity market as defined by Regulation C/REG.27/12/07;
Functions	includes power, duty, responsibility and authority;
ICC	Information and Coordination Centre of WAPP;

Include or including

the words "include" or "including" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates;

Insider Information

Information of a precise nature which has not been made public, which relates directly or indirectly, to one or more wholesale electricity products and which if it were made public, would be likely to significantly affect the prices of the wholesale electricity product;

Market Accounts

Accounts maintained to hold records of transactions undertaken with or on behalf of Market Participants in the Balancing and Day Ahead markets;

Market Actors

Include ERERA, NRAs, WAPP, SMO, SOs, TOs, MOs and Market Participants.

Market Manipulation

Entering into any transaction or issuing any order to trade in the wholesale regional electricity market which:

- a. gives or is likely to give false or misleading signals as to the supply of, demand for, or price of wholesale electricity products;
- b. secures or attempts to secure by a person or persons acting in collaboration, the price of one or several wholesale electricity products at an artificial level, unless the person who entered into the transaction or issued the order to trade establishes that his reason for doing so are legitimate and that the transaction or order to trade conforms to accepted market practices on the wholesale electricity market;
- c. employs or attempts to employ a fictitious device or any other form of deception which gives or is likely to give false or misleading signals regarding the supply of, demand or price of wholesale electricity products;
- d. disseminates information through the media, including the internet, which gives or is likely to give false or misleading signals regarding the supply, demand or price of wholesale electricity

products, where the disseminating person knew that the information was false or misleading and those persons derive directly or indirectly an advantage of profits from the dissemination of the information.

Market Operator (MO)	A centralized organization responsible for the management of energy exchanges on behalf of Market Participants
Market Participant or Participant	Entity in the electricity sector of any ECOWAS Member State that has followed the procedure and has been registered by the SMO as a market participant.
Market Participation Agreement	Agreement under which the SMO and each Participant shall agree to observe and perform the requirements of the regional electricity market rules.
Market Documents	All documents, rules and regulations approved by ERERA for the effective functioning of the Regional Electricity Market including the Regional Market Rules, WAPP Operational Manual, the Regional Market Procedures, ECOWAS Regional Electricity Market Monitoring and Reporting Protocol, the Regulation on Sanctions, Dispute Resolution Procedures etc;
Market Procedures	The procedures developed by the SMO to operate the regional market from the commercial point of view as approved by ERERA Resolution No 010/ERERA/17 of December 2017
Person	includes an individual, a firm, a corporate body, a partnership, a joint venture, an unincorporated body or association, or any government agency;
National Regulatory Authority (NRA)	The relevant authority within any ECOWAS member state in charge of regulating the electricity sector.
Regional Electricity Market (REM)	All cross-border electricity trading and related services made through the regional interconnected transmission networks within the ECOWAS region.
Regional Transmission Network	Interconnected System of the WAPP

Regional Market Rules (RMR)	the rules governing the commercial trading of all electricity that flows across international borders between participating countries as approved by ERERA Resolution No 005/ERERA/15 of September 2015
SCADA	Supervisory Control and Data Acquisition System.
Statute	includes ordinance, code or other law, regulations, other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
System Operator (SO)	<p>Organisation charged with the operation of the dispatch of electricity and operation of relevant transmission lines to ensure that the instantaneous supply of electricity matches load.</p> <p>It includes both Transmission System Operator in countries where a single entity undertakes the duties of both functions, and Independent System Operator where the duties of transmission and system operations are separate;</p>
System and Market Operator or SMO	Regional institution responsible for regional market operation functions and additionally some system operation functions in the fields of coordinating flows and allocating transmission capacity;
Transmission System Operator or TSO	An organisation that combines the functions of System and Transmission Operations into a single entity;
West African Power Pool or WAPP	a specialized institution of ECOWAS established by Decision A/DEC.20/01/06, with a responsibility to develop electricity infrastructure and establish a unified electricity market;
WAPP Monitoring Protocol	The ECOWAS Regional Electricity Market Monitoring and Reporting Protocol approved by ERERA Resolution n°16;
WAPP Operational Manual	The procedures established to operate the interconnectors safely and maintain the flows inter and intra control area;

**West Africa Power Pool
Interconnected Transmission
System or WAPPITS**

The transmission lines that form the regional transmission network defined as so and agreed by the countries. These lines are the regional interconnectors; the regional lines owned by Special Purpose Companies and the transmission lines of the domestic systems designated as forming part of the regional transmission network;

Wheeling of Electricity

The transfer of electricity which is the subject of a bilateral agreement between non-adjacent countries through a third-party country or countries.

Wholesale Electricity Product

The following contracts and derivatives irrespective of where and how they are traded, including:

- (a) Contracts for the supply of electricity where the transaction is cross-border;
- (b) Contracts relating to the cross-border transmission of electricity;
- (c) Derivatives relating to the electricity produced, traded or delivered;
- (d) Derivatives relating to the transmission of electricity;

Wholesale Electricity Market

The regional electricity market on which wholesale electricity products are traded.

2. Any term used in this Regulation and not otherwise defined shall have the meaning given to that term in the Regional Market Rules and Regulations.

ARTICLE 2: OBJECTIVE

1. This Regulation establishes the rules and procedures for the surveillance of the ECOWAS Regional Electricity Market (REM) and includes the mechanisms for monitoring Market Participants' behaviour to support an efficient, reliable, and sustainable Regional Electricity Market in compliance with the Regional Market Rules, WAPP Operation Manual, the Market Procedures and other approved Regional Electricity Market documents.
2. Market Surveillance includes the monitoring of the level of transparency and competition in the ECOWAS electricity market, to foster transparency and competition, as well as the efficiency of the Market Design.

ARTICLE 3: SCOPE OF APPLICATION

This Regulation shall apply to the:

1. operation and the function of the REM;
2. Regional System Market Operator (SMO), all Market Participants, Transmission System Operators involved in the REM;
3. National Regulatory Authorities who shall collaborate with ERERA in ensuring compliance and enforcement of this Regulation.

ARTICLE 4: MARKET ACTORS IN CHARGE OF THE SURVEILLANCE

The Market Actors in charge of the surveillance of the REM within the framework of this Regulation are:

1. ERERA, which shall be responsible for the conduct of market surveillance under this Regulation. It may delegate any function or activity related to market surveillance to the SMO.
2. SMO, which shall conduct any REM surveillance function or activity delegated by ERERA.
3. The National Regulatory Authority, which shall conduct on behalf of ERERA, any REM surveillance function or activity within its jurisdiction.

ARTICLE 5: ROLES AND INTERACTION OF MARKET ACTORS IN THE ECOWAS REGIONAL ELECTRICITY MARKET (REM) MONITORING PROCESS

Within the framework of this Regulation the roles and interactions of the Market Actors in charge of monitoring the REM include the following:

1. Monitoring the Behaviour of Market Participants

- a. Monitoring of the behaviour of Market Participants involves the supervision of Participants' compliance with market rules and procedures, and other Market Documents.
- b. ERERA shall monitor the behaviour of Market Participants and may delegate such function to the SMO.
- c. The SMO shall, on the authority of ERERA, apply these market surveillance rules and procedures to monitor the behaviour of Market Participants, and submit to ERERA the monitoring reports within the stipulated time frame.

2. Monitoring the efficiency of the Market Design

- a. Monitoring the efficiency of market design involves the analysis and possible correction of the rules defining the design of the REM.
- b. In monitoring the efficiency of the market design, the SMO shall:
 - I. identify any design flaws that may create opportunities for market conducts which may result in market inefficiency, reduced system reliability and market manipulation, or create opportunities for Market Participants to take unfair advantage of the Market Rules.
 - II. inform ERERA of such identified flaws and may also initiate the process for the amendment of the Market Rules where such a flaw is as a result of a gap or inadequacy identified in the Market Rules.

3. Monitoring the efficiency and non-discrimination of the SMO

- a. The control of the efficiency and non-discrimination of the SMO in its operations involves the monitoring and control of the fair treatment of Participants in the REM by the SMO, the performance of the REM and the efficiency of the SMO.
- b. The roles related to the control of the efficiency and non-discrimination of the SMO in its operations include:
 - i. ERERA ensuring that the SMO carries out its monitoring functions in an efficient and non-discriminatory manner and ensures the fair treatment of Market Participants.
 - ii. The SMO submitting to ERERA an annual report of its activities including market performance, financial statements and operational disputes no later than June 30 of the following year.
 - iii. The SMO submitting to ERERA a quarterly summary report on the evolution of the market. The report must be filed within ten (10) business days of the end of the reporting quarter.
 - iv. The SMO submitting any other report on specific issues that may be required by ERERA concerning its market monitoring role.

4. Market Audit

- a. The market audit concerns the appointment of an independent auditor responsible for reviewing the functioning of the market operation system and services, including the settlement system, pricing methodology, dispatching and any other relevant procedures.

b. No later than 4 months after the end of each financial year, the SMO shall appoint one or more properly qualified Auditors selected in an open tendering process by adequate means to carry out the audits of:

- i. the compliance of the SMO's internal and business processes with the RMR;
- ii. SMO's compliance with the RMR and Market Procedures;
- iii. SMO's compliance with market software systems and processes for software management;
- iv. Audit of the market accounts operated on behalf of the Participants;

c. The Auditor shall provide the SMO with a report and, within 30 days of receiving the report, the SMO shall either:

- i. accept the report and any recommendations contained therein ; or
- ii. prepare a separate report setting out the matters raised in the audit of the Market Accounts report which the SMO accepts and those which it does not accept and setting out the SMO's reasons for its opinion.

d. The Auditors report and any opinion of the SMO on the report shall be forwarded by the SMO to ERERA within six (6) months from the date of the signature of the audit contract.

e. The SMO shall publish on its website in the public domain the Market Auditor's report within 30 days of receiving ERERA's approval of the report. The SMO shall also publish on its website in the public domain any report it prepared within 5 days after ERERA's approval of the report, including recommendations made by ERERA if any.

5. Monitoring Processes and Systems

a. The purpose of monitoring processes and systems is to determine the compliance of the SMO and Market Participants with the processes established under ERERA's REM monitoring protocol.

b. The role of ERERA related to supervisory processes and systems includes:

- i. Communications to the SMO;
- ii. Information provided using the SCADA System;
- iii. Information provided by Market Participants, Control Areas and TSOs;
- iv. Outage information.

6. Monitoring Anti-Competitive Practices and Market Abuse

a. The control of anti-competitive practices and market abuse which adversely affect market efficiency requires market surveillance to prevent and/or sanction perpetrators of anti-

competitive practices, abuse of dominant position and any other infringement of market functioning rules or licences or authorisations and, where necessary, initiate proceedings to enforce this Regulation in the event of non-execution of sanctions.

b. The roles related to the control of anti-competitive practices and market abuse which undermine market efficiency include:

- I. ERERA ensuring the effective surveillance of the market for the prevention of anti-competitive practices, abuse of dominant position and conditions that could affect the proper operation of the Regional Electricity Market including, Market manipulation and Insider Trading as specified in Articles 7 and 8 below;
- II. ERERA sanctioning perpetrators of anti-competitive practices, abuse of dominant position and any other infringement of market functions.

ARTICLE 6: PROHIBITION OF MARKET MANIPULATION

1. Any Market Manipulation in the REM is prohibited.
2. ERERA shall prevent or sanction any anti-competitive practices, abuse of dominant position and any other conduct which leads or is likely to lead to Market Manipulation.
3. The SMO and NRAs shall ensure that the prohibition against Market Manipulation is enforced and shall upon knowledge report to ERERA any conduct in contravention of this prohibition in line with the provisions of this Regulation.

ARTICLE 7: PROHIBITION AGAINST INSIDER TRADING

1. Any engagement or attempt to engage in transactions based on insider Information in the REM is prohibited.
2. Persons who possess insider information in relation to a wholesale electricity product are prohibited from:
 - a. using that information by acquiring or disposing of, or by trying to acquire or dispose of, for their own account or for the account of a third party, either directly or indirectly wholesale electricity products to which the information relates;
 - b. disclosing that information to any other person unless such information is made in the normal course of the exercise of their employment, profession or duties;
 - c. recommending or inducing another person, on the basis of insider information, to acquire or dispose of wholesale electricity products to which the information relates.
3. The prohibition set out in article 7.1 above applies to the following persons who possess insider information in relation to wholesale electricity product:

- a. Members of the administrative, management or supervisory bodies of a Market Participant;
- b. Persons with shareholdings in the capital of a Market Participant;
- c. Persons with access to information through the exercise of their employment, profession or duties;
- d. Persons who have acquired such information through unlawful means;
- e. Persons who know or ought to know, that it is insider information.

ARTICLE 8: IMPLEMENTATION OF PROHIBITIONS AGAINST MARKET ABUSE

1. ERERA, SMO and NRAs shall ensure that Market Participants comply with the provisions set out in Articles 6 and 7.
2. The SMO and NRAs shall promptly inform ERERA of any contraventions of the provisions in Articles 6 and 7
3. Notwithstanding the powers of investigation and enforcement delegated to the SMO, ERERA may carry out investigations and impose sanction and enforcements measures in accordance with this Regulation.

ARTICLE 9. MARKET SURVEILLANCE OF TECHNICAL ACTIVITIES

1. The technical activities of the REM are embedded in electricity generation, transmission, system operations, and distribution functions, and are mainly responsible for the reliability and technical stability of the WAPP interconnected transmission system (WAPPITS). These activities include the operating and planning – related activities responsible for the integrity of the WAPPITS.
2. ERERA shall set out the technical activities for market surveillance as provided for in various Market Documents and shall establish indicators and benchmarks for the purpose of monitoring compliance of the various activities related to the technical functions of the REM.
3. The Technical Activities, with the related performance indicators and benchmarks, shall be set out by ERERA.
4. ERERA shall ensure that these technical activities are monitored on an annual basis. A market surveillance report shall be produced by the SMO, at least once every three years, to show the level of performance against indicators and benchmarks. This report shall be published on the website of ERERA.

ARTICLE 10. MARKET SURVEILLANCE OF COMMERCIAL ACTIVITIES

1. The commercial activities are embedded in the wholesale market operations (including bilateral contract, day-ahead, real-time, and ancillary services markets), and the retail market operations. These activities are necessary for the development, commercial stability and efficient functioning of the REM.
2. ERERA shall set out the commercial activities for market surveillance as provided for in various market documents and shall establish indicators and benchmarks for the purpose of monitoring compliance of the various activities related to the commercial functions of the REM.
3. The commercial activities, with the related performance indicators and benchmarks, shall be set out by ERERA .
4. ERERA shall ensure that these activities are monitored on an annual basis. A Market Surveillance Report shall be produced by the SMO at least once every three years to show the level of performance against indicators and benchmarks. This report shall be published on the website of ERERA.

ARTICLE 11. DATA MANAGEMENT

1. Data Collection

- a. Data collection refers to the process of acquiring and gathering a number of data sets for market surveillance. Such data consists of both public domain information including wholesale market outcomes, network measurements and confidential information, such as Market Participants' asset information and bids and offer prices.
- b. The data required to be collected by the SMO for the market monitoring include the following data set:
 - i. Market prices, electricity demand and relevant system conditions including operational capacity and transmission congestion;
 - ii. Market structure indices consisting of information on generator market shares and on price responsiveness to demand;
 - iii. Market Participant's indices and analytical data consisting of data on bids including market bids, reference bids, bid variation, and outage information;
 - iv. Market performance indicator including liquidity measures and spot market exposures;
 - v. Outage information.
- c. The data and information on the REM and on Market Participants, can be collected through:

- i. Information provided by the Market Participants, Control Areas, TSOs, and any other relevant stakeholder;
 - ii. Information collected by the SMO itself in compliance with the Market Regulations;
 - iii. Outage information through operating reports;
 - iv. Information from public data release.
- d. The SMO shall develop templates for data collection and shall ensure that all Market Participants, TSOs and other relevant stakeholders are duly informed of the availability of the templates. The templates shall be made available on the website of the SMO.

2. Data Verification and Validation

The SMO shall carry out the validation of data received by all market stakeholders to ensure the accuracy and veracity of the submitted data. Data validation may be carried out through the following means:

- a. the use of software which automatically verifies the data immediately upon submission. The SMO and ERERA may develop a custom-made software/program for use by market participants to report electronically. Where data is missing, the report is automatically rejected and the data provider is requested to make a specified correction and resubmit.
- b. manual verification process where non-logical or incomplete data presented in a report will be rejected and the entity submitting the data is informed on the shortfall or inadequacy and what corrections are required;
- c. data analysis where submitted data are checked and analysed for accuracy and consistency. Validation process includes cross-checking data with data already processed in the database. Also, data reports from other sources are used for comparison. Significant deviations are subject to further checks and request for explanation. After all the consultations and checks, the data may be considered valid for storage.

3. Data Analysis

- a. the SMO shall carry out data analysis by utilizing the validated data collected in order to obtain relevant information on the various activities related to the technical and commercial functioning of the market.
- b. the SMO may utilize data analytical methods, such as trend analysis, which involves looking at data collected at different periods of time, to identify and interpret changes through the comparison of data over a period of time.

- c. the SMO shall utilize data analysis for market monitoring focusing on the identification of abuse of market power, market manipulation and other anti-competitive behaviours.

4. Data Retention

- a. ERERA shall develop, publish and from time to time, revise a guide detailing the period for which records or classes of records prepared by the SMO in connection with this Regulation must be retained.
- b. the SMO shall retain records or classes of records prepared for or in connection with this Regulation for such time as may be specified by the guide referred to in article 11.4.a above or a longer period established in this Regulation or any provisions of the Market Rules.
- c. where no period of time is specified in respect of a given period, the records shall be retained for a period of five years which shall run:
 - i. In the case of the person that created the record, from the date on which the Record was created; and
 - ii. In the case of the person that received the record, from the date on which the Record was received.

5. Access to Data

- a. A person shall have open and non-discriminatory access to all data in possession of the SMO, other than Confidential data, under the Market Rules and the Operational Manual.
- b. Subject to the express provisions of this Regulation and other Market Documents, each Participant, as well as the SMO shall keep confidential, any confidential data which comes into the possession or control of that Participant or the SMO pursuant to this Regulation, or by which the SMO or the Participant becomes aware by any means whatsoever.
- c. The SMO and each participant shall prevent access to confidential data which is in its possession or control, by any person not authorized to have access to such Confidential data pursuant to this Regulation, and shall in any case, take appropriate measures to ensure disposal of records of confidential data whenever such confidential data is no longer required to be retained.
- d. The SMO shall ensure that any person to whom it discloses confidential data observes the provision of this article in relation to that confidential data.

ARTICLE 12: REPORTING OBLIGATIONS

1. To ensure the effective surveillance of the REM, the SMO, Market Participants and TSOs shall diligently report to EREDA any observations or concerns regarding the effective functioning of the REM.

2. Reporting Obligation of the SMO

The SMO shall:

- a. Report to EREDA on the violation of this Regulation, the RMR, Market Procedures or other Market documents by the TSOs or any Market Participant;
- b. Report to EREDA annually on market performance, including financial performance.
- c. Report to EREDA annually on the Participants', TSOs', Control Areas' compliance with the RMR and Market Procedures;
- d. Publish the annual market audit report;
- e. Prepare and submit every six months, to EREDA, TSOs, CAs and the Market Participants, the Rules Report on the implementation and application of the RMR;
- f. Maintain a Compliance Register where it will record breaches and potential breaches of the RMR and Market Procedures, identified through its own monitoring activities or notified by any market stakeholder.

3. Denunciation of violations by Market Participants

Market Participants shall report to EREDA on the violation of this Regulation, the RMR, Market Procedures or other Market documents by the SMO, TSOs or any other Market Participant.

4. Denunciation of violations by market Transmission System Operators

Transmission System Operators shall report to EREDA on the violation of this Regulation, the RMR and the Market Procedures by the SMO, Market Participants or any other TSOs.

ARTICLE 13: INVESTIGATION

1. Sources of Information for Investigation

The sources of information for investigation include:

- a. A report from a Market Participant who:
 - i. on its own volition makes a self-report regarding a breach or potential breach of the provisions of this Regulation or market rules or

- ii. has evidence that another Market Participant, TO, SO, or TSO has violated or is violating provisions of this Regulation or market rules.
- b. A report from a TSO, SO or TO that has evidence that a Market Participant, another TSO, SO, TO or the SMO has violated or is violating provisions of this Regulation or market rules;
- c. reports from the SMO or NRAs related to a breach or potential breach of the provisions of this Regulation or market rules;
- d. EREDA's findings on its own initiative.

2. Investigation by SMO

- a. The notification to the SMO of an alleged breach shall be in accordance with the provisions laid out in the ECOWAS Regional Electricity Market Monitoring and Reporting Protocol as approved by EREDA;
- b. The SMO shall conduct investigation on the alleged breach in line with the provisions of the ECOWAS Regional Electricity Market Monitoring and Reporting Protocol and shall, where necessary, refer to EREDA for resolution;

3. Investigation by EREDA

- a. EREDA shall conduct investigation with regards to an alleged breach of this Regulation or the market rules reported to it.
- b. In conducting the investigations, EREDA shall be guided by the provisions of this Regulation and the ECOWAS Regional Electricity Market Monitoring and Reporting Protocol. Where appropriate, EREDA may involve the National Regulatory Authorities in the investigation process.

ARTICLE 14: COORDINATION FRAMEWORK FOR KEY STAKEHOLDERS INVOLVED IN THE REGIONAL ELECTRICITY MARKET SURVEILLANCE

1. Cooperation between EREDA and National Regulatory Authorities

- a. EREDA shall collaborate with NRAs to ensure effective and efficient investigation and enforcement and to contribute to a coherent approach to investigations, dispute resolution, and to the enforcement of this Regulation and the Regional Market Rules;
- b. The NRAs shall without delay inform EREDA where they have reasonable grounds to suspect that acts in breach of this Regulation are being or have been carried out either in their member states or another member state;
- c. Where an NRA suspects that acts which affect wholesale electricity markets or prices in that member State are being carried out in another member State, it

may require ERERA to take action in accordance with its investigative and sanction powers with regards to the REM;

- d. ERERA may also constitute an investigative group of representatives of several NRAs where it considers that a possible breach may relate to more than one member state and will require the collaboration of more than one NRA to effectively investigate the breach;

2. Cooperation between the System Market Operator, the Transmission System Operators and the System Operators

- a. In so far as it is necessary to achieve the purpose of this Regulation, the TSOs and the SO shall at all times collaborate with the SMO in the investigation of any alleged breach of this Regulation and the market rule;
- b. The investigatory powers referred to in paragraph (a) shall be limited to the aim of investigation and shall be exercised in conformity with the national laws.

ARTICLE 15: ENFORCEMENT PROCEEDINGS

1. Enforcement Procedure

- a. ERERA is responsible for the enforcement of this Regulation and market rules;
- b. In line with its powers and rights of delegation, ERERA has delegated some of its enforcement powers with regards to operational breaches to the SMO as provided in the ERERA Regulation on Sanctions;
- c. Subject to the powers ceded in line with the Regulation on Sanctions, the SMO shall have the powers of enforcement with regards to sanctioning operational breaches by Market Participants;

2. Sanctions and Penalties

- a. In accordance with the Regulation C/REG.17/06/19 on Sanctions for the Regional Electricity Market, ERERA shall apply sanctions in cases of breaches of the REM regulations committed by any Market Participant, the SMO, or by any transmission system operator or any entity obliged to comply with the ECOWAS REM regulations;
- b. In accordance with Article 3 of the Regulation C/REG.17/06/19 on Sanctions for the Regional Electricity Market, breaches to the ECOWAS REM regulations may be classified by ERERA as
 - i. Serious;
 - ii. Significant or;
 - iii. Minor.

- c. Pursuant to Article 6 of the said Regulation on Sanctions, in case of breach of any obligation established in the REM rules, ERERA may impose the following sanctions:
 - i. Formal written warning;
 - ii. A fine;
 - iii. The suspension of the authorisation to operate in the REM which shall not exceed six (6) months;
 - iv. The withdrawal of the authorisation to operate in the REM.
- d. However, for operational breaches, the SMO is required by the Market Procedures and other REM rules, approved by ERERA, to impose operational penalties.

3. Sanctions for Operational Breaches

- a. The operational breaches are minor or significant breaches that are related to the direct operation of the Regional Electricity Market and for which ERERA has delegated to the SMO, by a provision of Market Procedures and other REM rules, the duty to investigate and impose operational penalties as provided by this Regulation.
- b. For the operational breaches, the SMO may, depending on the breach, issue a warning or an operational penalty notice to the Market Participant responsible for the operational breach.
- c. In making its decision, the SMO will take into account:
 - i. the results of its investigation as outlined in Article 13.2 above;
 - ii. The Market Participant's response to an SMO investigation report, if any according to Article 15.2.
- d. If the SMO decides that a breach has not occurred, the SMO shall notify the Market Participant and the complainant, if any, of its decision.
- e. If the SMO decides that a breach has occurred, the SMO may issue an operational penalty notice in accordance with the RMR and Market Procedures. The SMO shall also file a complaint with ERERA relating to that breach.
- f. A Market Participant issued with a penalty notice may seek review of the SMO's decision by ERERA, in accordance with the RMR.
- g. Within 28 days of receiving a penalty notice a Market Participant shall:
 - i. pay the penalty to the SMO; or
 - ii. Apply to ERERA for review.
- h. The modalities for the use of the operational penalty revenues shall be determined by ERERA.

4. Sanctions for Non-Operational Breaches

- a. The decision regarding non-operational breaches can only be taken by ERERA.

- b. In making its decision, ERERA shall follow the procedure requirements set in Article 8 of the Regulation on Sanctions.

ARTICLE 16: RIGHT OF APPEAL

1. Decisions of ERERA with regards to dispute resolution and its enforcement powers under this Regulation are deemed as final and enforceable.
2. Any party may appeal ERERA's decision at the Community Court of Justice, ECOWAS.

ARTICLE 17: REVIEW

ERERA may propose a review of this Regulation.

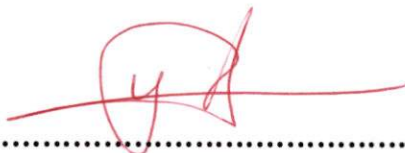
ARTICLE 18: PUBLICATION

1. This **REGULATION C/REG.13/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers.
2. It shall also be published within the same timeframe by each Member State in its Official Gazette.

ARTICLE 19: ENTRY INTO FORCE

This **REGULATION C/REG.13/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON



ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO

NINETY FIRST ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

REGULATION C/REG.14/12/23 ON THE ECOWAS REGIONAL ELECTRICITY MARKET FEE

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Revised Treaty, as amended, on the establishment of the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 26, 28, and 55 of the said Treaty relating to the promotion, cooperation, integration and development of energy projects and sectors of the Member States of the community;

MINDFUL of Protocol A/P.4/1/03 on Energy, establishing the legal framework to promote long term cooperation in the ECOWAS energy sector based on complementarities and mutual benefit with a view to achieving increased investment in the energy sector and increased energy trade in the West African sub region;

MINDFUL of Supplementary Act A/SA.2/01/08, establishing the ECOWAS Regional Electricity Regulatory Authority (ERERA);

MINDFUL of Regulation C/REG.27/12/07 on the Composition, Organization, Functions and Operations of EREERA as amended, particularly its Article 32;

MINDFUL of Decision A/DEC.5/12/99 relating to the establishment of the West African Power Pool (WAPP);

CONSIDERING that the establishment of a regional regulatory body with the principal objective of developing an attractive investment climate for investors and for the development of cross-border electricity trade within ECOWAS;

CONVINCED that regional electricity regulation is imperative for the implementation, monitoring and control of cross-border electricity trade;

CONSIDERING the need to promote a regional approach to cross-border trade of electricity and to ensure the harmonization of institutions and rules within ECOWAS, to organize the

regional electricity market and create favourable conditions for the development of investment and capacity within the Member States of ECOWAS;

CONVINCED that the financial security and autonomy of ERERA and the Regional System and Market Operator (SMO) are necessary for their effective operation and their ability to carry out their functions with regard to the operation and regulation of the Regional Electricity Market;

DESIROUS of involving the stakeholders of the electricity sector of ECOWAS Member States in the funding of the budget of ERERA and the SMO;

UPON THE RECOMMENDATION of the 15th Meeting of ECOWAS Ministers of Energy held in Cotonou on 7th October 2023;

UPON THE OPINION of the Parliament at its second ordinary session held in Abuja on 22nd November to 15th December 2023;

ENACTS:

ARTICLE 1: DEFINITIONS

1. For the purposes of this Regulation the following mean;

CONTRACTED ENERGY	The total energy corresponding to the allocated capacity with the SMO over a given period during a particular year;
CROSS-BORDER TRADE AGREEMENT	ELECTRICITY Agreement made, within the framework of the regional market, between a seller and a buyer, for the delivery of electric power, using a Transmission Network and cross-border interconnection by which the vendor is committed to transfer, and the purchaser to extract the volume of electricity agreed within the prescribed interval or intervals and at an agreed price;
CROSS BORDER INTERCONNECTION	The lines that connect two or more national transmission networks and connecting the power systems of at least two Member States of ECOWAS including metering equipment placed on the Regional Transmission Network nodes located in each of the Member States concerned;
DAY AHEAD MARKET, DAM	Mechanism through which buyers and sellers of electricity are matched anonymously with each

other at a market clearing price established through matching bids and offers for the next operating day;

ELECTRICITY EXPORT

Sale or supply of electrical energy for consumption in a Member State other than one in which the electrical energy is produced and the delivery of which requires the use of a Cross-border Interconnection;

ELECTRICITY IMPORT

Purchase from a Member State other than one in which the electrical energy is produced and the delivery of which requires the use of a Cross-border Interconnection;

ERERA

ECOWAS Regional Electricity Regulatory Authority – A Specialized Institution of ECOWAS established by the Supplementary Act A/SA.2/1/08;

MARKET PARTICIPANT

Entity in the electricity sector of any ECOWAS Member State that has followed the procedure and has been registered by the SMO as a market participant;

OVER THE COUNTER MARKET (OTC)

Regional market based on bilateral contract to trade capacity and energy or just energy in the medium and long term;

REGIONAL ELECTRICITY MARKET (REM)

All cross-border electricity trading and related services made through the regional interconnected transmission networks within the ECOWAS sub-region;

REVENUE REQUIREMENT

total amount of the revenue needed to perform the operational and regulatory functions in the Regional Electricity Market;

SYSTEM AND MARKET OPERATOR (SMO)

Regional Institution responsible for regional market operation functions and additionally some system operation functions in the fields of

coordinating flows and allocating transmission capacity.

2. Any term used in this Regulation and not otherwise defined shall have the meaning given to that term in the Regional Market Rules and Regulations.

ARTICLE 2: OBJECTIVE

This Regulation aims to establish a fee to fund the function and operation of the ECOWAS Regional Electricity Market (REM) and to ensure its effective regulation and supervision.

ARTICLE 3: SCOPE

1. This Regulation shall apply to all REM participants.
2. The market fee shall apply to all cross-border electricity transactions within the REM, particularly:
 - a. Electricity Import and Electricity Export between ECOWAS Member States
 - b. Access, Cross-Border Interconnection and use of the Regional Transmission Network.

ARTICLE 4: COMPONENTS OF THE MARKET FEE

1. The Market fee collected from the Market Participants for the operation of the REM shall cover the following charges:
 - a. Market operation charges;
 - b. System operation charges; and
 - c. Regulatory charges.
2. ERERA shall include in the market fee, when deemed necessary, in addition to above mentioned charges, the following:
 - a. Balancing charges and
 - b. Ancillary services charges.

ARTICLE 5: CALCULATION OF THE MARKET FEE

1. ERERA shall determine the market fee, on annual basis, by taking into account the following:
 - a. the Revenue Requirement of ERERA, as approved by the ECOWAS Council of Ministers;
 - b. the Revenue Requirement of the SMO, as approved by ERERA in accordance with the market regulations;
 - c. the number of Market Participants;
 - d. the quantity of Contracted Energy in the OTC Market; and

- e. the quantity of energy traded in the DAM.
2. The market fee for the year "N+1" shall be based on the quantity of Contracted Energy in megawatt-hours (MWh) and the quantity of energy traded in the DAM in megawatt-hours (MWh), through the regional transmission system during the year "N-1".
3. The SMO shall, calculate and submit to ERERA for approval, the amount of the market fee based on the cross-border electricity transactions by using the following formula:

Total Market Fee = Fixed Fee + Variable fee $\pm \epsilon$

Where:

- a. Fixed Fee is equal to a percentage of the Total Fee. The percentage shall be specified by ERERA. The Fixed Fee is distributed equally among all Market Participants.
 - b. Variable Fee is equal to the Variable Fee in DAM + Variable Fee in OTC.
 - c. Variable Fee in DAM is equal to the Fee Rate*Traded Energy during the year (N-1) in DAM.
 - d. Variable Fee in OTC is equal to the Fee Rate* Total Contracted Energy during the year (N-1) in the OTC.
 - e. ϵ is over or under collection.
4. The rate of the fee shall be calculated as follows:

$$\text{Rate of the Fee} = \frac{(\text{Total Fee} - \text{Fixed Fee})}{\text{Total contracted energy in OTC} + \text{Traded energy in DAM}}$$

5. ERERA may, where necessary, review and adjust the market fee to ensure its adequacy in meeting the operational needs of the REM.

ARTICLE 6: PUBLICATION OF THE MARKET FEE

ERERA shall approve and publish the payable annual fee, submitted by the SMO for the year N+1, no later than November 30 of the year N.

ARTICLE 7: PAYMENT AND COLLECTION OF THE MARKET FEE

1. Market Participants shall pay the market fee according to the methods and deadlines prescribed by ERERA.
2. The SMO shall collect the market fee from the Market Participants and deposit it into a dedicated bank account opened in the name of ERERA.

ARTICLE 8: EXEMPTIONS AND REBATES

ERERA may, subject to its regulations, grant exemptions or rebates on the market fee to market participants in exceptional circumstances as it may determine.

ARTICLE 9: ALLOCATION OF THE MARKET FEE

Under ERERA's responsibility, the market fee collected under this Regulation shall be allocated to the SMO and ERERA, within a prescribed timeline and manner specified by ERERA, for the operation, function and regulation of the REM.

ARTICLE 10: ACCOUNTABILITY AND REPORTING

1. ERERA shall be accountable for the allocation of the market fee and maintenance of proper records.
2. ERERA shall publish an annual report on the allocation of the market fee and its effect on the operation and regulation of the REM.

ARTICLE 11: SANCTIONS

1. A market participant that fails to pay the market fee within the prescribed period shall be liable to penalties as prescribed by the regional market regulations.
2. A market participant found to have provided false or misleading information to avoid payment of the market fee shall be subject to penalties, including fines and sanctions, as prescribed by the regional market regulations.

ARTICLE 12: OBLIGATIONS OF MEMBER STATES

The national regulatory authorities or any other competent national authority, shall lend their support to ERERA for the implementation of the provisions of this Regulation.

ARTICLE 13: AMENDMENT OF THE REGULATION

Upon the request of a Market Participant, the SMO or on its own initiative, ERERA may, if necessary, propose an amendment of this Regulation to ensure its effectiveness and appropriateness in achieving its objectives.

ARTICLE 14: PUBLICATION

1. This **REGULATION C/REG.14/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers.
2. It shall also be published within the same timeframe by each Member State in its Official Gazette.

ARTICLE 15: ENTRY INTO FORCE

This **REGULATION C/REG.14/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON



ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO

NINETY FIRST ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

REGULATION C/REG.15/12/23 ON THE MECHANISM TO COMBAT THE EXPLOITATION AND ILLEGAL TRADE OF WILD SPECIES IN WEST AFRICA

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the revised ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of the provisions of Article 3(2)(a) and (b) of the said Treaty relating to the harmonization and coordination of national policies and the promotion of programs, projects and activities, particularly in the areas of agriculture, natural resources, environmental protection, science, technology;

MINDFUL of the provisions of Articles 25, 27, 29, 30 and 31 of the ECOWAS Revised Treaty relating respectively to agricultural development and food security, science and technology, the environment, toxic and harmful waste and natural resources;

MINDFUL of the provisions of Article 67 of the ECOWAS Revised Treaty on the harmonization of policies in other areas;

MINDFUL of Decision A/DEC.11/01/05 on the adoption of the ECOWAS Agricultural Policy;

MINDFUL of the Supplementary Act A/SA.4/12/08 on the Adoption of the ECOWAS Environmental Policy;

MINDFUL of Supplementary Act A/SA.2/06/12 adopting the ECOWAS Science, Technology and Innovation Policy and its Action Plan;

CONSIDERING that all ECOWAS Member States are Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

CONSCIOUS that West African wildlife species are an integral part of the natural heritage of humanity and they must be protected for future generations;

471

CONSCIOUS ALSO that trade and use of wild species of fauna and flora must be legal and sustainable;

RECOGNISING that many species , including African elephants, African pangolins, African grey parrots, West African rosewood, African lions, leopards, African vultures, Western chimpanzees, Cross River Gorilla and a growing number of marine species such as West African manatees, sea turtles, sharks, whales, rays, guitar fish, saw fish, seahorse, and others in the West African region are threatened with extinction due to illegal exploitation and trade;

RECOGNISING ALSO that the damage to ecosystems caused by illegal wildlife exploitation and trade is having a negative impact on the environment, economies, livelihoods and human health of communities across West Africa;

CONSIDERING that illegal exploitation and trafficking of wildlife, involving transnational organised crime networks, undermines good governance and the rule of law;

CONSIDERING ALSO that West Africa is utilized by organized criminal groups as a transit area for trafficking wildlife species, and their parts and derivatives, to and from other parts of the world;

CONSIDERING FURTHER the need for ECOWAS member States to develop a binding guidance that proponent Parties may use, as appropriate, concerning the engagement of indigenous people and local communities for sustainable use of their natural resources;

NOTING the growing concern for outbreak of zoonotic diseases and pest infestation within the region, ensure institutional collaboration, coordination, and communication with a view to minimizing the health, social, trade and economic impact of zoonotic diseases and pest infestation under the concept of “One Health” approach;

CONCERNED that forest and national park rangers are losing their lives in the fight against poachers armed with sophisticated weapons;

CONCERNED ALSO that wildlife trafficking and connected crimes are fueling regional insecurity and conflict especially in remote border areas and that individual countries lack the resources to strengthen their capacity to combat trafficking;

DETERMINED to support the mechanisms adopted by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES to combat illegal wildlife trade and trafficking;

RECALLING the Dakar Declaration of 17 March 2016 on the development of sub-regional collaboration on wildlife law enforcement;

RECALLING ALSO the Kunming-Montreal Global Biodiversity Framework which states, among other things, that “by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people”;

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CONSIDERING the African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa, adopted by the African Union in May 2015;

NOTING the results of joint initiatives to combat wildlife crime in other African sub-regions, including those of the Lusaka Agreement Task Force (LATF), the Horn of Africa Wildlife Crime Network (HA-WEN) the Wildlife Enforcement Network for Southern Africa (WEN-SA) and the Central African Forest Commission (COMIFAC);

CONVINCED that the most effective way to combat illegal exploitation and trade of wildlife in West Africa is through better collaboration between States and a coordinated sub-regional response, including the provision of sustainable livelihoods for people dependent on natural resources;

DESIROUS of adopting a common strategy and associated sub-regional coordination mechanism to assist West Africa in combating illegal wildlife trade;

ON THE RECOMMENDATION of the meeting of Ministers in charge of Forestry and Wildlife of ECOWAS Member States held via videoconference on 27th September 2023;

UPON THE OPINION of the Parliament at its second ordinary session held 22nd November to 15th December 2023;

ENACTS:

CHAPTER 1: GENERAL PROVISIONS

ARTICLE 1: DEFINITIONS

For the purpose of these Regulations, the following definitions shall apply:

"crime" covers acts that are contrary to national laws and regulations aimed at protecting natural resources and administering their management and use. It may include the illegal exploitation of natural resources, such as poaching an elephant, uprooting a rare orchid, unauthorized felling of trees, or fishing protected species of fish without a license. It can also include subsequent acts, such as transforming fauna and flora into products, transporting them, offering them for sale, selling them, possessing them, and so on. It also includes the concealment and laundering of the financial profits resulting from these crimes, some of which take place only in the country of origin and others also in the country of destination, where the live specimens of fauna or flora are consumed. Internationally, trade in endangered species of wild fauna and flora, including exports, imports and re-exports of wildlife specimens. Transit countries may also be affected;

"wildlife" all fauna and flora. Fauna includes not only animals and birds, such as leopards and falcons, but also fish. Flora includes plants such as orchids and cacti, but also trees and non-woody forest plants, some of whose products are the subject of a very large illegal trade.

ARTICLE 2: OBJECTIVE

The objective of this Regulation is to establish a legal and institutional framework to reduce and prevent illegal or over exploitation, keeping and trade of wildlife in West Africa through

the ownership and implementation of the West Africa Strategy on Combating Wildlife Crime (WASCWC) at the regional level, and in all Member States.

ARTICLE 3: CORE OBJECTIVES

The implementation of the actions of the WASCWC will be based on the following nine (9) priority core objectives:

1. to strengthen institutional responses to combat wildlife crime through training, capacity building and law enforcement;
2. to ensure a coordinated National, Regional and inter-regional cooperation to combat wildlife crime;
3. to strengthen political commitment towards the eradication of illegal exploitation and illegal trade in wild fauna and flora;
4. to ensure adequate national and regional capacities for the disposal of confiscated specimens;
5. to increase the capacity of source and transit States in the detection of illegally traded fauna and flora;
6. to increase public awareness and community participation and involvement in tackling wildlife crime;
7. to ensure that national and regional laws and policies are harmonized and strengthened for the effective implementation of CITES;
8. to ensure adequate technical support and financial resources for the effective implementation of the WASCWC;
9. to promote partnerships with relevant institutions to strengthen research, monitoring and information sharing.

ARTICLE 4: REGIONAL MECHANISM TO COMBAT ILLEGAL WILDLIFE TRADE AND EXPLOITATION

The Member States shall establish a regional mechanism to combat illegal wildlife trade and exploitation which shall include:

1. the adoption of a West Africa Strategy to Combat Wildlife Crime (WASCWC);
2. the strategy will be revised every ten (10) years to conform with new national and international requirements for combating the illegal exploitation of and trade in wildlife;
3. the establishment of a West Africa Network to Combat Wildlife Crime (WAN) to implement the WASCWC. In this regard the WAN will:
 - a. focus on combating regional and transnational illegal exploitation, fraudulent/illegal trade in fauna and flora specimens (including parts and derivatives) and it will prioritize activities based on the WASCWC objectives;
 - b. enhance the institutionalization of regional cooperation to combat wildlife crime and strengthen law enforcement and governance. It will serve as a regional hub for intelligence exchange and support, ensuring that information is shared securely and effectively among all relevant stakeholders.

ARTICLE 5: NATIONAL MECHANISM TO COMBAT ILLEGAL WILDLIFE EXPLOITATION AND TRADE

1. A Member State shall:
 - a. adopt and implement a National Strategy to Combat Wildlife Crime (NWCS);
 - b. set up a multi-agency Wildlife Law Enforcement Task Force (WLETF) whose mission is to implement the National Strategy;
2. The WLETF shall comprise representatives from all the authorities having a role to play in the wildlife law enforcement chain, such as wildlife authorities, aquaculture and fishery authorities, police, gendarmerie, Interpol, customs, military, prosecutors and judiciary. Each member State may decide freely on appropriate members of the WLETF within its own country;
3. Member States shall, where necessary, set up a National Combating Wildlife Crime Steering Committee (NCWCSC) for the Fight against the Illegal Exploitation of and Trade in Wild Species to strengthen the framework for consultation at national level.

CHAPTER II: FINAL PROVISIONS

ARTICLE 6: TRANSITIONAL PROVISIONS

1. The ECOWAS Commission and Member States shall have a period of 2 years from the entry into force of this Regulation to set up the legislative and institutional arrangements for combating wildlife crime and to adopt implementing measures.
2. During this period, the national laws applicable in the member States on combating wildlife crime shall remain in force.

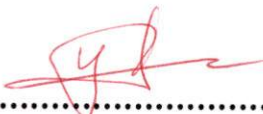
ARTICLE 8: PUBLICATION

1. This **REGULATION C/REG.15/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers.
2. It shall also be published within the same timeframe by each Member State in its Official Gazette.

ARTICLE 9: ENTRY INTO FORCE

This **REGULATION C/REG.15/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



.....
H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON



ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO

NINETY FIRST ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

**REGULATION C/REG.16/12/23 RELATING TO ENVIRONMENTAL AND SOCIAL ASSESSMENT
WITHIN ECOWAS**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11, and 12 of the ECOWAS Revised Treaty as amended establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 3 (2) (a) and (b), 29, 30, and 31 (a) the ECOWAS Revised Treaty;

MINDFUL the Supplementary Act A/SA.4/12/08 adopting the ECOWAS environmental policy;

TAKING INTO ACCOUNT the transversal nature of environmental issues across all ECOWAS sectoral policies;

TAKING INTO ACCOUNT ALSO the common and transboundary nature of the natural resources, processes and environmental problems of the sub-region;

CONVINCED that the laws and regulations in the field of environmental and social assessments in force in the different Member States should be harmonized at regional level and cover the transboundary impacts of projects of a Member State or of a Community project;

CONVINCED ALSO that this regional approach must be supported by an appropriate legal and institutional framework and an appropriate method of financing;

DESIROUS to establish the principles and rules applicable to environmental and social assessment within ECOWAS;

ON THE RECOMMENDATION of the meeting of ECOWAS Ministers in charge of Environment held on 18 May 2023 in Bissau;

UPON THE OPINION of the Parliament at its second ordinary session held 22nd November to 15th December 2023;

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ENACTS:

CHAPTER I: PURPOSE AND SCOPE

ARTICLE 1: DEFINITIONS

For the purposes of this Regulation, the following definitions shall apply:

“Proposed activity” a policy, a plan, a program, a project or activity of which the execution must be subject to an environmental and social assessment prior to any decision by an authority competent;

“National Environmental and Social Assessment Administration and Structure” national administration competent for environmental and social assessment in an ECOWAS Member State;

“Approval” act of authorization by which a competent authority certifies the competence of a natural or legal person to carry out activities relating to environmental and social assessment;

“Public hearing” more in-depth public consultation aimed at involving citizens in decision-making relating to the implementation of policies, strategies, plans, programs and projects likely to have impacts on the living environment and facilitate government decision-making;

“Environmental and social monitoring” verification of the achievement of anticipated environmental and social impacts, the validity of the models used during the evaluation, as well as the application and effectiveness of the measures imposed and any other conditions posed during authorization of the project;

“Environmental and social audit” internal or external, systematic, documented periodic and objective examination of the effectiveness of the organization of the management system and procedures environmental management within organizations, companies, industries and works, under public or private law, which have their own functional and administrative structure;

“National authority competent for environmental and social assessment” ministerial authority or equivalent rank of an ECOWAS member state whose competence is to ensure the integration of environmental and social dimensions in policies, plans, programs, and projects;

“Environmental and Social Management Framework (CGES)” document containing guidelines for mitigating and/or strengthening the environmental and social impacts that could be generated on the receiving environment, the implementation of a planning document;

“Resettlement Policy Framework” tool allowing the relocation and compensation of people who will be affected by a project to be managed upstream, the intervention sites, components or sub-projects of which are not precisely known;

“Environmental and Social Authorization Certificate (CAES)” authorization issued exclusively by the national authority competent for environmental and social assessment following an administrative environmental, social and strategic assessment procedure, to notify the environmental and social acceptability of a planning document or a complex project;

“Certificate of Environmental and Social Conformity (CCES)” certificate of environmental feasibility of a project, issued by the national authority competent for environmental and social assessment, certifying that concerns relating to the environment and sustainable development have been taken into account at a level acceptable to the promoter;

“Environmental and Social Regularization Certificate (CRES)” environmental certificate issued by the national authority competent in matters of environmental and social assessment, to structures after carrying out an environmental audit;

“Commission” the ECOWAS Commission;

“Public consultations” set of techniques used to inform and collect the opinions and concerns of stakeholders in the environmental and social evaluation of a policy, plan or program;

“Regional Environmental and Social Assessment Committee (CREES)” the committee responsible for the coordination and implementation of these environmental and social assessment regulations;

“Environmental and social compliance” compliance with environmental and social requirements established according to current regulations as well as ratified international conventions;

“Consultant” legal or natural person qualified by their skills and experience to carry out an environmental and social assessment;

“Partnership Agreement” commitment document signed by the promoter of a project with the national environmental agencies or with the CREES for compliance with the implementation of the environmental measures provided for in the ESMPs and to cover the costs relating to their implementation and monitoring of implementation;

“Environment” all natural and artificial elements as well as economic, social, political and cultural factors which have an effect on the existence, transformation and development of the environment, living organisms and human activities;

“Member State of origin” State or Member States of the community under whose jurisdiction a proposed project or activity should be carried out”;

“Affected Member State” a Member State of the community in which the project or activity to be carried out is likely to have a cross-border impact;

“State concerned” the State (s) of origin which carries out an environmental and social assessment pursuant to this Regulation;

“Third State” a State other than a Member State;

“Environmental and social impact study (ESIA)” procedure which makes it possible to identify or determine, define and evaluate the direct and indirect impacts in the short, medium and long term that the realization or execution of a project can have on the environment and social during throughout its cycle and propose measures to eliminate, mitigate, avoid or compensate for negative impacts and improve positive impacts on the environment and society;

“In-depth environmental and social impact study (ESIA-A)” environmental and social impact study of large-scale projects (classified in category A) or projects whose execution is planned in a risky or ecologically sensitive area and whose impacts cannot be directly controlled.

“Simplified environmental and social impact study (ESIA-S)” examination of a project having minor environmental and social impacts (classified in category B) and whose execution is not envisaged in a risky or ecologically sensitive area;

“Environmental and social assessment (EES)” set of instruments intended to assess the probable impact of a policy, plan, program or project on the environment and social, including the process of mitigation and management of effects during execution; exploitation and end of life;

“Community environmental and social assessment (EESC)” instrument intended to assess the probable impacts of a project, policy, plan or program (PPPP) with a cross-border dimension on the environment and the social security of the territory of two or more Member States;

“Strategic Environmental and Social Assessment (ESSA)” instrument intended to assess the probable impact of a policy, plan or program on the environment and social, including the process of mitigation and management of effects during implementation;

“Cross-border environmental and social assessment” environmental assessment relating to a cross-border environmental and social impact;

“Cross-border environmental and social impact” an impact, and not exclusively an impact of a global nature, that a proposed activity whose physical origin would be located

within the limits of an area under the jurisdiction of a Member State would have or part in the area under the jurisdiction of another Member State;

“Transboundary environmental and social impact” a significant adverse environmental and social impact or effect caused in an area under the jurisdiction of one or more Member States by a proposed activity, the physical origin of which is entirely or partly in an area under the jurisdiction of a Member State;

“Project owner or promoter” author of an authorization request concerning a private project or the public authority which takes the initiative for a project;

“Standard” document established by consensus and approved by a recognized organization, which provides, for common and repeated use, rules, guidelines or characteristics, for activities or their results;

“Organization” work, company, company, firm, industry, enterprise, authority or institution or part thereof having legal personality, under public or private law, which has its own functional and administrative structure;

“Public participation” involvement of individuals and groups, positively or negatively affected or interested in a project, program, plan, policy, subject to a decision-making process;

“Plan” orderly sequence of operations planned to achieve a goal or set of arrangements decided either by private officials or, more often, by public authorities, for the execution of a project intended to resolve an economic or social problem or even of given development;

“Resettlement Action Plan (PAR)” system for mitigating and minimizing the effects of resettlement which defines the principles of resettlement and compensation as well as the institutional arrangements to be put in place for activities that require the acquisition of land leading to the physical displacement of people and the loss of housing, sources of income or restrictions on access to socio-economic resources;

“Environmental and Social performance” set of measurable results of the environmental and social management system, in relation to the organization's control of its environmental and social aspects on the basis of the environmental policy, its environmental and social objectives and targets;

“Environmental and Social Management Plan (ESMP)” environmental and social assessment plan which describes in detail the management measures for environmental and social effects to be taken into account in the environmental and social assessment reports;

“Policy” document that presents the government's vision, objectives and future actions in order to implement a priority or respond to an issue considered major;

“Project” any development, any infrastructure or any work, particularly industrial, agricultural or commercial, whose activity can generate a positive or negative impact;

“Program” set of projects, action intentions;

“Promoter” entity carrying on the project with cross-border impacts. It may be the Community, one or two Member States or an individual;

“Proportionality” principle which implies that Community action is limited to the means necessary to achieve the objectives assigned to it by the Treaty;

“Public” all stakeholders concerned and/or affected by the implementation of a policy, plan, program or project.

“Functional environment department” structure responsible, within the organization, for implementing the environmental and social approach. This structure defines its objectives and targets consistent with environmental and social aspects and impacts and periodically establishes its environmental and social program;

“Site” portion of the landscape considered from the point of view of harmony and whose configuration is appropriate for one or more activities;

“Subsidiarity” principle according to which ECOWAS, outside of areas falling within its exclusive competence, only deals at the regional level with what cannot be dealt with, more effectively, at the national and local level;

“Environmental management system” component of the overall management system that includes the organizational structure, planning activities, responsibilities, practices, procedures, processes and resources to develop, implement, achieve, review and maintain the policy environmental impact of an organization;

“Environmental feasibility visa” certificate issued to confirm the environmental feasibility of a policy, strategy, plan or program’;

“Salami tactic” refers to the way of breaking up a project into several small, separate projects which, if considered separately, do not require an ESIA, but taken together can have significant impacts on the environment and the social;

“Risk or ecologically sensitive zone” any sensitive zone defined as such by the regulations in force in a Member State or presenting one or more characteristics of the following areas:

- a. Wetlands such as bodies of water and their banks, flood zones, flooded areas, swamps, coastal areas,
- b. Hills, mountains and their slopes, hills and mountains subject to landslide,
- c. Sacred and/or protected areas consecrated by legislation or recognized as such,
- d. Urban agglomerations, particularly residential areas,
- e. The protective rays of a classified establishment,

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- f. The habitats of rare, threatened or endemic species,
- g. Maritime areas under national international jurisdiction or other international waters
- h. Protection perimeter of water points
- i. Areas of scientific, cultural and tourist interest
- j. Any other fragile ecosystem defined or recognized as such.

ARTICLE 2: OBJECTIVE

The objective of this Regulation is to establish the principles and rules applicable to environmental and social assessment within ECOWAS. To this end, it:

- 1. establishes the rules and procedures to ensure the harmonious consideration of environmental and social issues in policies, plans, programs and projects;
- 2. establishes cooperation structures and mechanisms in application of the provisions of Articles 29, 30 and 31.1 of the revised ECOWAS Treaty and those of this Regulation to ensure the harmonization of the rules relating to environmental and social assessments within ECOWAS.

ARTICLE 3: SCOPE OF APPLICATION

- 1. This Regulation applies to the environmental and social assessment of policies, plans, programs and projects likely to have impacts on the biophysical and human environment of all or part of a Member State or of all or part of the Community;
- 2. Financial and budgetary policies, plans, programs are excluded from the scope of this regulation;
- 3. Also excluded from the scope of this regulation are policies, plans, programs and projects intended solely for national defense or security purposes which are the subject of specific processes in this area.

CHAPTER II: GUIDING PRINCIPLES FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT

ARTICLE 4: RECOGNITION AND CONSECRATION OF THE GUIDING PRINCIPLES OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. Community Guiding Principles

The guiding principles of ECOWAS are as follows:

- a. The principle of subsidiarity, according to which we only treat at the regional level what cannot be better handled at the national or local level. We accept that “national competence is the rule, community competence the exception”;

- b. The principle of proportionality which implies that community action must not exceed what is necessary to achieve the objectives of the Treaty;
- c. The principle of complementarity makes it possible to take into account the comparative advantages of different countries, ecological zones and production areas;
- d. The principle of regionality according to which the Community only deals with issues which concern at least two Member States;
- e. The principle of solidarity according to which the Community guarantees a minimum of cohesion between its members and pools financial, human and institutional resources in order to reduce existing disparities;
- f. The principle of partnership and consultation aims to ensure permanent involvement of stakeholders in the sector concerned, in this case the environment, in the implementation, monitoring-evaluation and possible rewriting of the Community's environmental policy;
- g. The principle of progressiveness implies a gradual approach allowing national situations and particular interests to be taken into account.

2. Principles specific to the environmental issue

In environmental matters, the principles are as follows:

- a. Precautionary principle according to which the absence of absolute scientific and technical certainty must not serve as a pretext for postponing the adoption of effective and appropriate measures aimed at preventing serious harm to the environment and human public health and animal;
- h. Principle of prevention according to which it is important to anticipate and prevent harm to the environment and human and animal public health at the source;
- i. intergenerational equity , towards young people or older people, or towards future generations who have not yet been born, according to which the satisfaction of the needs of current generations should not prevent future generations from providing for theirs;
- j. Principle of notification and prior information according to which when a policy, plan, program or project is likely to have harmful transboundary impacts on the environment of another State or when a State is likely to be negatively affected, the Member State originator must transmit without delay information relating to the policy, plan, program or project;

- k. Principle of continuity : The principle of continuity requires that actions already started and certain areas of the previous program still remain valid and are taken into account;
- l. Principle of constant reference to Sustainable Development (SD) concerns;
- m. Principle of taking responsibility for one's own responsibilities or the polluter pays principle according to which the costs arising from preventive actions against pollution, as well as measures to combat it, including the restoration of polluted sites, are borne by the polluter;
- n. Principle of participation, according to which each citizen has the right to be informed and involved in the decision-making process of preserving the environment and to contribute to its improvement;
- o. Principle of iteration and periodic review: this policy is an initial approximation which must be periodically revisited through readjustments and updates ;
- p. Principle of interdisciplinarity: The environment is a set of sectors, processes and interfaces. Environmental management must cover this complex whole which affects economic, social and ecological dimensions.

3. Principles specific to environmental and social assessment

In addition to the principles of ECOWAS environmental policy indicated in Article 4 of this regulation, the environmental and social assessment may refer to and be anchored in the following principles:

a. Principle of systematization

Member States and the Community systematically carry out environmental and social assessments prior to any policy, plan, program or project likely to have an impact on the environment.

b. Principle of subsidiarity and proportionality

- i. The action required at the ECOWAS level aims to define the minimum framework setting out the principles governing the environmental and social assessment framework, leaving Member States with the task of defining the modalities, in accordance with the principles of subsidiarity and proportionality.
- ii. ECOWAS and Member States intervene at appropriate levels in defining environmental and social assessment procedures.

c. Principle of harmonization

In accordance with the provisions of Articles 3.2.a), b), e) of the Revised Treaty and Articles 11 and 12 of the ECOWAS Act and for the purposes of achieving the objective of harmonization, ECOWAS contributes to the rapprochement of policies, regulations and actions regarding environmental and social assessment.

d. Principle of transparency

The process of preparing the SEA must be carried out in a transparent and clearly understandable manner for all parties, especially affected/interested parties.

e. Principle of the Independent review

SEA documents may be submitted for independent review by the national authority or CREES to a selected expert or team of experts.

f. Principle of Interdisciplinarity

The EES preparation process must be multidisciplinary. The themes covered must reflect the environment and context of the project, but must also include experts in the fields of environmental and social components likely to be affected by the proposed projects, for a correct assessment of the consequences of a project on all aspects of the environment affected by it.

g. Principle of sustainability

The ultimate goal of SEA is to ensure sustainable development, and all SEA documents should be prepared to reflect consideration of indices for sustainable development.

CHAPTER III: INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT IN MEMBER STATES

ARTICLE 5: NATIONAL AUTHORITY COMPETENT FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT

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1. A Member State designates or establishes a competent national authority in charge of environmental and social assessment and informs the ECOWAS Commission thereof;
2. A Member State is responsible for defining its national environmental and social assessment procedures subject to compliance with the obligations arising from this Regulation;
3. The competent national environmental and social assessment authority is responsible for:
 1. implementing national procedures and regulations environmental and social assessment and define the practical arrangements in conjunction with the other competent national authorities concerned;
 2. receiving the declarations and issue the authorizations required by the regulations of the Member State, in terms of environmental and social assessment;
 3. certifying the environmental and social compliance of policies, plans, programs and projects;
 4. setting in conjunction with the other competent national authorities, the fees and costs relating to the implementation of the environmental and social assessment procedure;
 5. establishing the status and rules of organization and operation of the national environmental and social assessment structure;
 6. setting the conditions for implementing the environmental management plan;
 7. ensuring that the national structure in charge of environmental and social assessment has the necessary expertise and the required resources, both financially and materially as well as in terms of staff, to carry out its tasks.

ARTICLE 6: NATIONAL STRUCTURE IN CHARGE OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

A Member State shall designate or create a national administrative structure in charge of environmental and social assessment and inform the ECOWAS Commission.

ARTICLE 7: MISSIONS OF THE NATIONAL STRUCTURE IN CHARGE OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

National structures in charge of environmental and social assessment are responsible at the level of each Member State for:

- a. the formulation of technical opinions to the competent authority as part of the national procedure for environmental and social assessment;
- b. coordinating the implementation and administrative and technical management of environmental assessment procedures and social;
- c. the implementation of public participation procedures in environmental and social assessment;
- d. the coordination of surveillance and environmental monitoring activities of framework plans, environmental and social management plans as well as programs which are declared compliant from an environmental point of view;

- e. cooperation with the structures in charge of environmental and social assessment of other States by transmitting to them relevant information on any national project likely to have cross-border environmental and social impacts on the territory of one or more State(s) members);
- f. monitoring and evaluation of the application at the national level of measures taken by ECOWAS in the field of environmental assessment and social;
- g. monitoring the services of approved consultants with a view to guaranteeing their independence of judgment and action as well as the quality of environmental and social assessments;
- h. the collection of information and data relating to the environmental and social assessment procedure and the exchange of information with the regional environmental and social assessment committee as well as with the competent national structures of other Member States;
- i. the development and establishment/provision of capacity building in environmental assessment;
- j. the establishment and dissemination of a national register of approved consultants in environmental and social assessment;
- k. the development of complaints procedures;
- l. to ensure the development of Complaint Management Mechanisms (GMP) for the benefit of the public as part of the environmental and social assessment;
- m. developing and making available to the public an up-to-date list of approved environmental and social assessment reports.

CHAPTER IV: REGIONAL INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT

ARTICLE 8: REGIONAL BODY IN CHARGE OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

An institutional framework for environmental and social assessment is established at the regional level. This framework is composed of:

1. A Competent Regional Authority
2. A Regional Environmental and Social Assessment Committee (CREES)
3. An Executive Secretariat

ARTICLE 9: COMPETENT REGIONAL AUTHORITY

- b. coordinate the examination of environmental and social assessments of community policies, programs, plans and projects or those with transboundary impacts;
 - c. ensure that the harmonized process, and that the deadlines for examining the process of environmental and social assessments of community policies, programs, plans and projects or those with transboundary impacts are respected;
 - d. ensure that community policies, programs, plans and projects or those with transboundary impacts have taken into account environmental and social considerations;
 - e. evaluate environmental and social assessment reports;
 - f. review projects in the following cases: Community projects executed in different countries with cross-border impacts; National projects with cross-border impacts;
 - g. issue opinions and make recommendations to the competent regional authority on environmental and social assessments of community policies, programs, plans and projects or those with transboundary impacts;
 - h. propose a list of members of ad hoc committees to the competent regional authority;
 - i. ensure the implementation and monitoring of Environmental and Social Management Plans;
 - j. propose a regional ethical code for environmental and social assessment consultants and ensure its compliance by member states.
4. The cost of the activities and work of the Regional Environmental and Social Committee (CREES) shall be covered by:
- a. Any technical structure of ECOWAS institutions in charge of policies, plans, programs and projects that initiates or coordinates a community or transboundary environmental and social assessment;
 - b. The ECOWAS Commission within the framework of the coordination of environmental and social assessment processes as well as the development and validation of the procedures for implementing this regulation;
 - c. The Member States carrying or benefiting from policies, plans, programs and regional projects or those with cross-border or regional impact which require a regional process;
 - d. Any institution that finances regional or cross-border impact projects.
5. The composition of the Regional Committee is decided on a case-by-case basis each time it is necessary to conduct an environmental and social assessment process for a policy, plan, program or project with transboundary or regional impact.
6. The organization and operation of the Regional Committee are defined by means of Rules.

7. The executive secretariat of the committee is hosted by the Environment Directorate of the ECOWAS Commission which implements the decisions of the committee

CHAPTER V: RULES APPLICABLE TO ENVIRONMENTAL AND SOCIAL ASSESSMENT CONSULTANTS

ARTICLE 12: INDEPENDENCE AND OBJECTIVITY

1. The consultant is independent, particularly with regard to the project owner who hires him, impartial and objective in the exercise of his activity.
2. A Member State shall take measures to guarantee the independence of the consultant with regard to any commercial, financial, social or other pressure likely to influence his/her judgment or undermine confidence his/her independence of judgment and integrity in the exercise of his/her activities.
3. The consultant applies certified methods and procedures in order to meet the requirements of this regulation.

ARTICLE 13: APPROVAL OF NATURAL AND LEGAL PERSONS TO CARRY OUT ACTIVITIES RELATING TO ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. The exercise of activities relating to environmental and social assessment in the territory of each Member State by natural and legal persons is subject to national approval issued by the competent authorities of each Member State.
2. Approval is granted by the competent national authority of each Member State to natural and legal persons meeting the conditions for obtaining approval, for a maximum renewable period of five (5) years.
3. The harmonized criteria and procedures for approval, refusal of approval, suspension or withdrawal of approval of environmental and social assessment consultants and control of the latter are defined by an implementing regulation.
4. The conditions of approval must not include discriminatory rules with regard to applicants, natural or legal persons, from a Member State of the Community.
5. The rules relating to the composition, organization and functioning of the national accreditation committee are set by the Member States.

ARTICLE 14: FREEDOM OF MOVEMENT AND RIGHT OF ESTABLISHMENT OF ENVIRONMENTAL AND SOCIAL ASSESSMENT CONSULTANTS

1. The consultant holding an approval issued by a Member State in accordance with the harmonized criteria and procedures for the issue of approval has freedom of movement and the right of establishment in other Member States.

2. Freedom of movement within the Community area for the purposes of carrying out activities relating to environmental and social assessment includes:
 - a. the right to carry out all environmental and social assessment services and to carry out missions of any nature for which the consultant is duly authorized by approval;
 - b. the obligation to submit under the same conditions to the rules of ethics and professional conduct as well as to the legal requirements governing the exercise of activities relating to environmental and social assessment in the host country.
3. The right of establishment within the Community area for the purposes of carrying out activities relating to environmental and social assessment is governed by Community acts relating to free movement and establishment within the Community ECOWAS area.

ARTICLE 15: COMMUNITY REGISTER OF APPROVED CONSULTANTS

1. Regional Environmental and Social Assessment Committee (RESAC) shall keep a register of consultants approved by each Member State available to the public.
2. A Member State is required to transmit to RESAC at the beginning of each year its register of approved consultants and to communicate to it during the year the approvals granted.

CHAPTER VI: IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL ASSESSMENT PROCEDURES

ARTICLE 16: REQUIREMENT FOR AN ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. Policies, plans, programs or projects or any other activity, which, due to the importance of their dimensions or their repercussions on the natural and human environments, may harm the latter are subject to an environmental and social assessment.
2. Any promoter of a Policy, Plan, Program or Project requiring an Environmental and Social Assessment is required to send to the competent authority, with reference to the national structure, a project notice accompanied by a request to carry out the study.
3. The project notice is a document that succinctly describes the Policy, Plan, Program or project.
4. Without prejudice to the environmental and social assessment, any promoter whose activity would cause involuntary physical displacement and/ or an economic impact on people is required to produce, depending on the case, a resettlement policy framework (CPR) or a plan. resettlement action (PAR) of affected people.

5. When policies, plans, programs, projects or any other activity subject to environmental assessment are undertaken on behalf of defense or national security, the Minister responsible for defense or national security, as the case may be, ensures in collaboration with the National Competent Authority, the conduct of the environmental assessment under the specific conditions.

ARTICLE 17: TYPES OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. The types of environmental and social assessment covered by this regulation are:
 - a. Strategic Environmental and Social Assessment (SESA),
 - b. the Environmental and Social Impact Study (ESIS, simplified or in-depth),
 - c. environmental and Social Audit.
2. The environmental and social assessment can be carried out at the level of one Member State or of two or more Member States. If the environmental and social assessment concerns two or more Member States and is carried out, it is called community environmental and social assessment.
3. In the case of a strategic environmental and social assessment, an Environmental and Social Management Framework (ESMF), a Resettlement Policy Framework (CPR), a Pest and Pesticide Management Plan (PGPP), Cultural Heritage Management Plan (PGPC) or any other necessary document may be prepared at the request of the competent authority. To this end, the Terms of Reference are prepared and approved by the competent authorities prior to their implementation.

ARTICLE 18: STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) AND AREAS OF APPLICATION

1. Policies, strategies, plans or programs likely to have effects on the biophysical and human environment are subject to Strategic Environmental and Social Assessment.
2. The purpose of the Strategic Environmental and Social Assessment (ESSA) is to integrate environmental and social considerations into policies, strategies, plans and programs during their development, approval and updating. It makes it possible to identify and evaluate the issues and effects on the environment and society.
3. The Strategic Environmental and Social Assessment process is based on the principles of transparency, precaution and participation.

ARTICLE 19: ADMINISTRATIVE PROCEDURES FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. Policies, plans and programs are subject to a strategic environmental and social assessment.
2. The Community Strategic Environmental and Social Assessment is automatically initiated by the regional authority responsible for Environmental and Social

Assessment. The cross-border Strategic Environmental and Social Assessment is carried out by the Member States concerned responsible for the policy document, strategy, plan, or program with transboundary impacts concerned. However, the administrative procedure is conducted under the supervision of the competent regional authority.

3. The draft document to be evaluated, accompanied by a draft Terms of Reference (ToR) is sent to the Regional Authority competent for Environmental and Social Assessment with a copy to the Regional Environmental and Social Assessment Committee which carries out an examination preliminary, approves after amendment the draft ToR and prepares an opinion for signature by the competent regional authority in matters of Environmental and Social Assessment to inform the responsible organization or State on the environmental obligations and the conditions for carrying out the EESS.
4. The opinion of the Regional Authority competent in matters of Environmental and Social Assessment reaches the State responsible for the document within 15 days after receipt of the EESS request.
5. The administrative procedure for social and strategic environmental assessment is carried out by a team of experts made up of the community in the case of a community project and by the Member State responsible for a project with transboundary impact.
6. Approval of the social and strategic environmental assessment report does not presume the environmental compliance of projects resulting from policy, strategy, plan and program documents that have been the subject of a social and strategic environmental assessment. .
7. Projects resulting from the EESS are subject to the appropriate social and strategic environmental assessment before their authorization and implementation.
8. Projects arising from Policies, Strategies, Plans, Programs and Projects comprising several sub-projects are subject, as the case may be, to the Detailed Environmental and Social Impact Study, to the Simplified Environmental and Social Impact Study, or to environmental and social requirements before their authorization and implementation.

ARTICLE 20: PRELIMINARY SORTING FOR ENVIRONMENTAL ASSESSMENTS

1. The competent national authority, having received the project notice, determines the type of environmental and social study to achieve. Policies, plans, programs and projects are subject to strategic environmental and social assessment.
2. Projects are classified into one of the following three categories based on their type, location, environmental sensitivity of the receiving environment, scale, nature and extent of suspected negative impacts:

- a. category A projects: a project is classified in this category if it is likely to have very negative, irreversible, diverse or unprecedented impacts, generally felt in an area larger than the project implementation site. This type of project requires the completion of an in-depth environmental and social impact study;
 - b. category B projects: a project is classified in this category if its potential environmental and social impacts are limited or can be easily limited or avoided by carrying out a simplified environmental and social impact study;
 - c. category C projects : a project is classified in this category if the probability of negative impacts on the environment is considered minimal or zero. After the preliminary environmental and social examination, simple mitigation measures are recommended if necessary.
3. The list and criteria for categorizing national projects in categories A, B and C are set by each Member State.
 4. The regional committee, having received the project notice, determines the type of environmental and social study to be carried out at community level. Policies, plans, programs and projects are subject to a community strategic environmental and social assessment.
 5. The list of types of community projects in categories A is presented in Annex 1 of this regulation.
 6. The list of types of community projects in categories B is presented in Annex 2 of this regulation.

ARTICLE 21: REFERENCE GUIDES FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. ECOWAS shall prepare a regional guide to minimum standards.
2. On the basis of the regional guide, a Member State shall develop and make available to project owners and consultants general and specific or sectoral guides relating to each type of environmental and social assessment, taking into account the sector of activity and the sensitivity of receiving environments.

ARTICLE 22: TERMS OF REFERENCE

1. A Member State shall determine a procedure for developing and validating the terms of reference of the environmental and social assessment to be carried out subject to compliance with the regional procedure in this matter.
2. The draft terms of reference for the environmental and social assessment are proposed by the project owner or the promoter and validated following the national procedures in this area for internal projects in each Member State.

3. The validation of the terms of reference of an environmental and social assessment is preceded, where appropriate, by a field mission or a scoping exercise under the responsibility of the national structures in charge of environmental assessment. and social in relation to the project owner.
4. The terms of reference for an environmental and social assessment relating to community projects or those which may have cross-border impacts are developed by the promoter and validated by the Regional Environmental and Social Committee (CREES) which sets up an ad-hoc committee.

ARTICLE 23: FEES AND RIGHTS RELATED TO ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. The costs inherent in the environmental and social assessment procedure, the implementation of safeguard measures and environmental and social monitoring are the responsibility of the project owner or promoter. Each state determines the administrative fees and charges relating to environmental and social assessment.
2. The sections to take into account when determining the costs include:
 - a. Preparation and validation of ToR ;
 - b. Conduct of the investigation or public hearing
 - c. Progress of the investigation or public hearing
 - d. Review
 - f. Environmental and social monitoring

ARTICLE 24: PUBLIC PARTICIPATION

1. Any promoter of policies, plans, programs and projects or any other activity likely to have impacts on the environment informs and consults from the start of the process and by any means the public, in particular the administrative authorities and customary traditions, the population as well as associations, stakeholders, people affected and interested in the project.
2. A Member State shall ensure public participation from the beginning and throughout the environmental and social assessment procedure. To this end, each member state must put in place adequate procedures in this area.
3. Public participation begins at the beginning of the environmental and social assessment when all options and solutions are still possible and the public can exert real influence.
4. Reasonable time limits are provided for the various stages of the public participation procedure, allowing sufficient time to inform the public and for the public to prepare and participate effectively in the environmental assessment process and social .

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5. The results of the public participation procedure are duly taken into consideration, when making the decision whether or not to issue the environmental and social compliance authorization.
6. Competent authorities for environmental assessment and social authorities inform the public of the decision taken, following the appropriate procedures.
7. Public consultations are carried out under the responsibility and/or by the national structures in charge of environmental and social assessment. in each Member State.

ARTICLE 25: EXAMINATION OF DRAFT ENVIRONMENTAL AND SOCIAL ASSESSMENT REPORTS (ESAR)

1. The examination of draft environmental and social assessment reports makes it possible to verify, from a technical and scientific point of view, the relevance, the quality of the information collected, the validity of the data provided and the technical and scientific methods used.
2. Analysis of draft environmental and social assessment reports (ESAR) internal to Member States for projects which are neither community nor cross-border is carried out according to national rules in this area.

ARTICLE 26: ENVIRONMENTAL AND SOCIAL COMPLIANCE DOCUMENT

1. When the ESAR is approved by the competent authority after technical advice from the national environmental and social assessment structure, an Environmental and Social Specifications (CCES) and a Partnership Agreement are developed and endorsed by the promoter, for the purposes of the issuance of any authorization provided for by the legal provisions in each Member State.
2. The Certificate of Conformity or Environmental Authorization is issued for a given period and is renewable after completion of an environmental and social audit of the activities of the project concerned.
3. For projects requiring authorization from a third party authority, renewal is conditional on the granting of a new operating authorization.
4. The Environmental Compliance Certificate issued to the promoter ceases to have effect if the physical implementation of the activity has not started within a prescribed period depending on the type of activity or in the Environmental Compliance Certificate. This deadline may be extended after technical advice from the competent national structure.

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ARTICLE 27: IMPLEMENTATION OF THE ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP)

1. The Client is required, on penalty of sanction, to implement all the environmental and social commitments and measures contained in its specifications .
2. During the implementation phase of the policy, plan, program or project, the project owner has the obligation to regularly inform the national administration responsible for evaluation through environmental surveillance/monitoring reports. environmental and social.
3. The national administration responsible for environmental and social assessment ensures, in conjunction with the other stakeholders concerned, the control of the implementation of the ESMP.
4. Member States set the conditions for implementing the ESMP.

CHAPTER VII: COMMUNITY ENVIRONMENTAL AND SOCIAL ASSESSMENT OR IN A TRANSBOUNDARY CONTEXT

ARTICLE 28: COMMUNITY ENVIRONMENTAL AND SOCIAL ASSESSMENT REQUIREMENT

1. When a policy, plan, program or project is likely to harm the environment of a geographical area covering, in part or in whole, the territories of at least two Member States, the promoter submits to the Community environmental and social assessment procedure established by this Regulation.
2. In the event of a community environmental and social assessment, the States concerned inform the commission with which they will have to collaborate in the event of disputes to find a lasting and amicable solution.
3. Any project classified in Category A or B at the time of the preliminary environmental assessment and which may have cross-border impacts must be the subject of information to the bordering Member States.
4. In order to avoid the salami tactic, community projects or projects with cross-border impacts will need to be considered in their entirety.

ARTICLE 29: IMPLEMENTATION OF THE ENVIRONMENTAL AND SOCIAL ASSESSMENT PROCEDURE IN A CROSS-BORDER CONTEXT

1. A Member State shall, individually or jointly, take all appropriate and effective measures to prevent, reduce and manage the significant adverse transboundary impact that proposed activities could have on the environment.

2. The Member State of origin of the policy, plan, program or project shall ensure that, in accordance with the provisions of this Regulation, an environmental and social assessment is carried out before the decision is taken authorize or undertake an activity likely to have a significant adverse transboundary impact.
3. The Member State of origin ensures, in accordance with the provisions of this regulation, that any activity likely to have a significant harmful transboundary impact is notified to the affected States and to the Regional Environmental and Social Assessment Committee which must trigger the environmental assessment process and social.
4. The SEA of projects with cross-border impacts will be initiated by the Member State of origin and its process is coordinated by CREES. The cross-border SEA will be implemented according to a guide to be developed which includes at least the following steps:
 - a. Launch of the SEA process by the home Member State(s);
 - b. Notification of the process to the affected States by the State of origin or States of origin and invitation to the affected States to participate in the SEA process;
 - c. Confirmation of participation by the affected State;
 - d. Transmission of information from the affected State (s) to the State (s) of Origin;
 - e. State public participation and establishment of a grievance mechanism, to enable individuals, corporate bodies, governmental and non-governmental organizations and other interested parties to express grievances related to the project;
 - f. Preparation of EES documentation ;
 - g. Distribution of SEA documentation with transboundary impacts for review and participation by authorities and the public of affected States;
 - h. Consultation between the States concerned and resolution of complaints registered via the Complaints Management Mechanism;
 - i. Final decision of the State of origin;
 - j. Transmission of documentation of the final decision to affected States;
 - k. Waiting period for appeals from the States concerned (not less than 30 days)
5. The Member States concerned shall initiate, at the initiative of any of them and under the aegis of the Regional Environmental and Social Assessment Committee , discussions on whether one or more proposed activities which are not not included on the list of activities subject to environmental and social assessment but which are likely to have a significant adverse transboundary impact, should be treated as if they were included on the list of activities subject to environmental and social assessment. If these States agree that this is indeed so, the activity or activities in question are treated in this way.
6. In accordance with the provisions of this Regulation , the State of origin shall offer the public of the State or States likely to be affected the opportunity to participate in the

relevant environmental and social assessment procedures of the proposed activities, and shall ensure that the opportunity offered to the public of the affected State or States is equivalent to that offered to its own public.

7. The provisions of this Regulation do not affect the right of Member States to apply, at national level, laws, regulations, administrative provisions or accepted legal practices aimed at protecting information the disclosure of which would be prejudicial to industrial secrecy and commercial or national security.
8. The provisions of this Regulation do not affect the right of each Member State to apply, under a bilateral or multilateral agreement, where appropriate, stricter measures than those provided for in this Regulation.
9. The provisions of this Regulation are without prejudice to the obligations which may be incumbent on Member States under international law with regard to activities which have or are likely to have a cross-border impact.

ARTICLE 30: IMPLEMENTATION OF THE PROCEDURE (OR PROCEDURE) FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT OF THE IMPLEMENTATION OF A COMMUNITY (ESA)

1. The community ESA shall be initiated by the entity concerned in collaboration with the Directorate of Environment of the ECOWAS Commission and its process coordinated by CREES. The community ESA shall be implemented according to a guide to be developed which includes at least the following steps:
 - a. Launch of the ESA process
In the case of a Community ESA with cross-border impacts to third countries,
 - b. Notification of the process to affected Member States
 - c. Confirmation of participation by affected Member States
 - d. Transmission of information to affected Member States
 - e. Public participation organized by States and establishment of a grievance mechanism, to enable individuals, legal entities, governmental and non-governmental organizations and other interested parties to express grievances related to the project
 - f. Preparation of community EES documentation
 - g. Distribution of community SEA documentation for review and participation by authorities and the public of affected Member States
 - h. Consultation between the States concerned and resolution of complaints registered via the Complaints Management Mechanism
 - i. Possibility of a waiting period for calls from the States concerned / (not less than 15 days)
 - j. ECOWAS final decision
 - k. Transmission of the documentation of the final decision to the affected Member States
2. Appeals will be received and processed by the Directorate of Environment, on behalf of ECOWAS.

ARTICLE 31: ESTABLISHMENT OF AD HOC COMMITTEES BY RESAC

1. Carrying out an environmental and social assessment procedure for a community project or a cross-border project, is placed under the supervision of the Regional Environmental and Social Assessment Committee (RESAC) which sets up whenever necessary an ad hoc interstate committee between the states concerned.
2. The ad hoc Committee is made up of representatives of the national environmental and social assessment administrations, representatives of the technical services of the ministries linked to the project and representatives of the public concerned from each Member State.
3. The ad hoc Committee's missions is to:
 - a. carry out the preliminary environmental and social examination;
 - b. validate the terms of reference submitted by the Project Owner;
 - c. ensure the integrity and efficiency of the process;
 - d. assess the quality of community environmental assessment reports and verify compliance of the report and process with the terms of reference;
 - e. assess the quality and relevance of the environmental and social management plan and the methods of its implementation,
 - f. formulate an opinion on the environmental and social compliance of the project.

CHAPTER VIII: VARIOUS PROVISIONS RELATED TO COMMUNITY ENVIRONMENTAL AND SOCIAL ASSESSMENTS OR IN A TRANSBOUNDARY CONTEXT

ARTICLE 32: OBLIGATION TO REGISTER THE ENVIRONMENTAL AND SOCIAL ASSESSMENT FILE

1. Any community project or project with transboundary impacts must be communicated to CREES in order to trigger the relevant environmental and social assessment procedure.
2. The following elements must be specified:
 - a. Name and address of promoter or initiator;
 - b. Project title ;
 - c. Project objectives and rationale ;
 - d. Project issues assessed and prioritized ;
 - e. Description of the elements of the policy, laws and regulations applicable to the project sector;
 - f. Location of the project and summary description of the environmental components potentially affected;
 - g. - geographical coordinates of the identified site;
 - h. Reasons for choosing the site ;
 - i. Description of the project with precise indications on its technical characteristics and its variants;

- j. Main possible negative and positive impacts that the project could generate, as well as potential risks accompanied by an assessment of their significance and likelihood, with emphasis on the social, economic and ecological impacts of the project;
- k. Cumulative effects of the project ;
- l. Mitigation measures considered ;
- m. Project cost estimate ;
- n. Project duration and implementation schedule.

ARTICLE 33: OBLIGATION OF INFORMATION AND NOTIFICATION

1. Where a project, program, plan or policy is likely to have adverse transboundary impacts on the environment of another State or where a State is likely to be negatively affected, the Member State of origin must transmit to him without delay:

- a. a description of the project, program, plan or policy accompanied by any available information regarding its possible cross-border impacts from another State;
- b. information as to the nature of the decision likely to be taken, and it gives the other concerned or affected State a reasonable period of time to indicate whether it wishes to participate in the environmental decision-making procedures
- c. The indication of a reasonable time limit for the communication of a response given the nature of the proposed activity .

2. When a project, program, plan or policy is likely to have harmful transboundary impacts on the environment and social aspects of a third State, not a member of ECOWAS, the Member State of origin must notify the third State on which the project could have impacts of the completion of its project. In this case, a procedure for developing the environmental and social assessment must be adopted taking into account the ECOWAS regulations and the regulations of the third State regarding the development of the environmental and social assessment.

ARTICLE 34: COOPERATION AND PARTICIPATION IN DECISION-MAKING PROCEDURES

1. A Member State may continue to implement bilateral agreements or multilateral agreements or other arrangements in force, or conclude new to fulfill their obligations under the Agreement which binds them. These agreements or other arrangements may include the fundamental provisions of this regulation.

2. The State of origin of the project, program, plan or policy involves the Member State likely to be affected in the environmental and social assessment process.

3. Therefore, the Member States of origin shall ensure that the National Authorities competent for environmental and social assessment and the public concerned in the territory of the State or States concerned or affected have the opportunity, before the project, program,

plan or policy is authorized, to communicate their opinion within a reasonable time, on the information transmitted to the competent authority of the Member State in whose territory it is envisaged to carry out the project.

4. In this case, the elements to take into account are:

- a. Activities and their impacts;
- b. The region ;
- c. The complexity of environmental and social issues and environmental and social issues;
- d. Communication processes;
- e. Linguistic issues;
- f. Response times;
- g. Coverage of costs;
- h. Identification of points of contact in the different States .

ARTICLE 35: CONSULTATIONS ON TRANSBOUNDARY ENVIRONMENTAL AND SOCIAL IMPACTS AND THEIR MANAGEMENT MEASURES

1. Public consultations relating to community projects and projects with cross-border impacts are organized in each Member State involved in the projects.
2. To this end, each Member State shall establish a national public consultation procedure allowing equivalent participation of the public of its territorial jurisdiction and that of the affected States.
3. The Member States concerned shall enter into consultations relating, inter alia, to the potential transboundary impacts of the project, programme, plan or policy and to the measures envisaged to reduce, compensate or eliminate these impacts and set a reasonable deadline for the duration of the period of consultation.
4. The precise arrangements for implementing public consultations are determined by the Member States concerned and enable the public concerned in the territory of the affected Member State to participate effectively in the environmental decision-making process.

ARTICLE 36: FINANCING OF CONSULTATIONS AND TRANSLATION OF DOCUMENTS

When a transboundary or transboundary impact project, program, plan or policy concerns two or more States not using the same language, the financial responsibility for consultations and the translation of environmental and social assessment documents rests with the project promoter , program or plan.

ARTICLE 37: COMMUNICATION OF THE DECISION

1. When a decision to grant or refuse an authorization has been taken, the Competent Regional Authority shall inform the Member State which has been consulted, in

accordance with the appropriate procedures, and make the following information available to it:

- a. the content of the decision and the conditions attached to it, after examination of the concerns and opinions expressed by the public concerned;
 - b. the main reasons and considerations on which the decision is based, including information regarding the public participation process;
 - c. a description, where applicable, of the main measures to avoid, reduce, compensate and, if possible, eliminate the most significant negative effects.
 - d. The environmental and social assessment report in the case where the environmental conformity certificate, the environmental authorization certificate or the environmental regularization certificate is issued
2. The Member States consulted shall ensure that this information is made available, in an appropriate manner, to the public concerned in their own territory.

CHAPTER IX: STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA)

ARTICLE 38: OBLIGATION TO CARRY OUT A STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. Complex or multi-component policies, plans, programs and projects likely to have negative impacts on the environment are subject to a strategic environmental and social assessment. It provides at least the information listed in Annex II to this regulation.
2. The strategic environmental and social assessment is carried out during the development of the policy, plan or program and before it is adopted or submitted to the legislative procedure.
3. For projects internal to Member States, each Member State sets the rules and procedures relating to the implementation of the strategic environmental and social assessment procedure subject to compliance with the provisions of this regulation.
4. Assessments of community projects or projects with transboundary impacts are subject to the provisions of this regulation.

ARTICLE 39: OBLIGATION TO PRODUCE A RESETTLEMENT POLICY FRAMEWORK (RPF)

1. Without prejudice to the strategic environmental and social assessment, any developer whose policy, plan, program or complex project causes the involuntary physical and or economic displacement of people, is required to produce a resettlement policy framework.
2. For national projects in Member States, each Member State sets the rules and procedures relating to the resettlement policy framework subject to compliance with the provisions of this Regulation.

3. The RPFs of community projects or projects with cross-border impacts are subject to the provisions of this regulation.

ARTICLE 40: OBLIGATION TO CREATE AN ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

1. Without prejudice to the strategic environmental and social assessment, any promoter whose policy, plan, program or complex project causes Environmental and Social impacts and for which the sites have not yet been identified or whose social implications are complex, is required to produce an Environmental and Social Management Framework.
2. For national projects, each Member State sets the rules and procedures relating to the Environmental and Social Management Framework subject to compliance with the provisions of this Regulation.
3. The rules and procedures relating to the Environmental and Social Management Framework (CGES) of community projects or projects with cross-border impacts are set by CRESS in accordance with the rules for exercising its mission.

CHAPTER X: ENVIRONMENTAL AND SOCIAL IMPACT STUDY (ESIA), RESETTLEMENT ACTION PLAN (PAR) AND ENVIRONMENTAL AND SOCIAL AUDIT

ARTICLE 41: OBLIGATION TO CARRY OUT THE ENVIRONMENTAL AND SOCIAL IMPACT STUDY (ESIA)

1. Any planned project, on the territory of a Member State, classified in categories A or B is subject to an Environmental and Social Impact Study.
2. The ESIA is carried out prior to any administrative authorization required for carrying out the planned activity.
3. For national projects, each Member State sets the rules and processes relating to the ESIA subject to compliance with the provisions of this Regulation.
4. ESIA for community projects or projects with transboundary impacts are subject to the provisions of this Regulation.
5. The information to be provided by the promoter includes at least the elements listed in Annex III of these Regulations.
6. The Environmental and Social Impact Study identifies the issues, describes and evaluates appropriately, depending on each particular case, the direct and indirect impacts during the construction, operation and end of life phases of a project. on the biophysical and human environment.

7. The ESIS should trigger internationally recognized standards regarding global issues regarding environmental and social protection, such as climate change, sustainable development, complaints management and gender.

ARTICLE 42 : OBLIGATION TO CARRY OUT A RESETTLEMENT ACTION PLAN (RAP)

1. Without prejudice to the Environmental and Social Impact Study, any developer whose project causes the involuntary physical and or economic displacement of people is required to carry out a resettlement action plan or a succinct resettlement plan depending on the scale.
2. A Member State shall set the conditions, modalities and procedures for carrying out the Resettlement Action Plan or the brief resettlement plan for national projects, subject to compliance with the provisions of this regulation.
3. RAPs for community projects or projects with cross-border impacts are subject to the provisions of this regulation.
4. Any community project or project with transboundary impacts causing involuntary physical and/or economic displacement is required to be the subject of a Resettlement Action Plan (RAP) in a report separate from that of the ESIA. This Action Plan is validated using the same methods as the ESIA.

ARTICLE 43: OBLIGATION TO CARRY OUT AN ENVIRONMENTAL AND SOCIAL AUDIT

1. An activity having been the subject of a prior ESIA and in the operating phase must be subject to an Environmental and Social Audit periodically. The AES are under the jurisdiction of CREES.
2. An activity that has not been the subject of a prior ESIA before its installation must be subject to an Environmental and Social Audit for regulatory compliance.
3. For national projects, each Member State defines the terms and frequency for carrying out these audits.
4. Environmental and Social Audits of community projects or projects with cross-border impacts are subject to the provisions of this Regulation.

ARTICLE 44: TYPES OF ENVIRONMENTAL AND SOCIAL AUDIT

1. The environmental and social audit is internal or external.
2. The internal audit is carried out under the responsibility of the organization which undergoes it, through its own structures or with the support of an external auditor acting at the request of the organization.

3. The external audit is carried out:
 - a. for environmental compliance verification purposes under the responsibility of the national environmental and social assessment administration;
 - b. for certification or registration purposes by the certifying body;
 - c. on a supplier as part of a contractual relationship with a client who appoints the auditors.

ARTICLE 45: RESPONSIBILITIES OF MEMBER STATES IN TERMS OF ENVIRONMENTAL AND SOCIAL AUDIT

1. Member States set the rules relating to the implementation of environmental audit procedures, the types of audit to be carried out as well as the types of organizations which are subject to them and the frequency of the verifications.
2. Subject to compliance with the provisions contained in this regulation, these rules include the methods for developing the terms of reference, the choice of the auditor, the execution of the environmental audit, the evaluation of the environmental audit report.
3. The content of the environmental audit report must include at least the elements listed in Annex IV.

CHAPTER XI: THEMES TO INCLUDE IN ESA

ARTICLE 46: TAKING CLIMATE CHANGE INTO ACCOUNT IN PROJECTS SUBMITTED FOR ENVIRONMENTAL AND SOCIAL ASSESSMENT

1. Promoters must take climate change into account in the design of their projects and when carrying out the environmental and social assessment.
2. The analysis of the different implementation variants and the impacts of the project must therefore be carried out taking into account the dimension of climate change.

ARTICLE 47: SUSTAINABLE DEVELOPMENT CONCERNS

The project as well as its variants must take into account the relationships and interactions between the different components of ecosystems and the satisfaction of the needs of populations without harming those of future generations.

ARTICLE 48: DEVELOPMENT OF THE COMPLAINTS MANAGEMENT MECHANISM (CMP)

1. A Complaints Management Mechanism (CMP) is developed to enable project promoters to receive and process complaints, grievances and claims from all project stakeholders (workers, people affected by the project or activity, local populations). Promoters must develop, disseminate and implement a CMP for their projects.

2. The CMP must be transparent, responsive and effective in receiving, responding and resolving stakeholder concerns in a systematic manner. The CMP procedure for the project aims to establish trust and a positive rapport between the different implementing parties.
3. In the event that the project or program presents risks of gender-based violence, sexual harassment or abuse, the CMP must have a gender-specific procedure.

ARTICLE 49: TAKING GENDER INTO ACCOUNT

1. Carrying out the environmental and social assessment takes into account gender-related social risks, including Gender-Based Violence (GBV), Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA).
2. A specific Guide shall be developed for this purpose by the Regional Committee.

ARTICLE 50: PROMOTION AND DISSEMINATION OF VOLUNTARY INSTRUMENTS OF ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS

A Member State and the Commission shall ensure within the Community the promotion of voluntary environmental management instruments, namely, environmental and social management systems, product life cycle analysis, corporate social responsibility.

ARTICLE 51: COOPERATION IN IMPLEMENTATION

1. Member States shall pool the technical and scientific means available for the purposes of progressive harmonization of the rules, methods and standards of environmental and social assessment within the Community.
2. A Member State shall send a report, to the Commission each year, on the measures taken to implement this Regulation.

ARTICLE 53: CASES OF NON-COMPLIANCE WITH THE PROVISIONS

The Community and the Member States shall take appropriate administrative and judicial measures in the event of non-compliance with the provisions of this Regulation.

CHAPTER XII: TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 54: TRANSITIONAL PROVISIONS

1. The Commission shall have a period of two (02) years, from the entry into force of this Regulation, to establish the community framework for environmental and social assessments within the Community .

2. A Member State shall adapt their national regulations on environmental and social assessment in accordance with this Regulation. It shall ensure that these legal and institutional frameworks are fully operational within two (02) years from the date of entry into force of this Regulation.

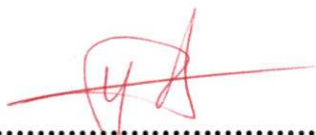
ARTICLE 55: PUBLICATION

1. This **REGULATION C/REG.16/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers.
2. It shall also be published within the same timeframe by each Member State in its Official Gazette.

ARTICLE 56: ENTRY INTO FORCE

This Regulation **C/REG.16/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



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H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON



Appendix I: List of Category A projects referred to in Article 22 of the regulation

1. Infrastructure projects and construction of equipment in the transport sector

- a) Construction of new roads;
- b) ~~modern type~~ unpaved roads (road width greater than or equal to 6 m);
- c) Construction of railways and related infrastructure;
- d) Airport construction;
- e) Construction of airfields;
- f) Construction of port infrastructure;
- g) Construction, development and rehabilitation of dry ports;
- h) Construction of bus stations;
- i) Construction of train stations;
- j) Airport extension works;
- k) Railway extension works;
- l) Port infrastructure extension works;
- m) Construction and assembly of motor vehicles;
- n) Manufacturing of bodies, trailers and caravans;
- o) Shipbuilding (Boat construction and repair);
- p) Dismantling of ships;
- q) Construction of railway rolling stock;
- r) Aeronautical and space construction and repair.

2. Agricultural sector projects

- a) Hydro-agricultural developments > 50 ha in the Sahel zone;
- b) Hydro-agricultural developments > 100 ha in the Sudanian zone;
- c) Hydro-agricultural developments > 200 ha in the Guinean zone;
- d) Irrigation and drainage project over an area > 50 ha;
- e) Rural consolidation project;
- f) Spreading and/or spraying of chemicals likely, due to their scale, to harm the environment and human health;
- g) Use of pesticides, aerial spraying, ground spreading over an area > 500 ha.

3. Livestock and aquaculture projects

- a) Pastoral developments;
- b) Facilities and activities for breeding, fattening, butchering and selling cattle in urban areas with a capacity of more than 100 head;
- c) Industrial or intensive cattle breeding activities for a capacity greater than 500 head;
- d) Facilities and activities for breeding, fattening, butchery, sales of sheep and goats, in urban areas with a capacity of more than 200 heads;
- e) Industrial or intensive breeding activities for sheep and goats of more than 1000 heads;
- f) Facilities and activities for breeding and fattening horses, donkeys, mules and hinnies in urban areas with a capacity of more than 100 heads;
- g) Facilities and activities for breeding, fattening and producing pigs, wild boars and other swine, in urban areas with a capacity of more than 100 heads;
- h) Industrial or intensive breeding activities for pigs of more than 200 heads;

- i) Facilities and activities for breeding, fattening and poultry production in urban areas, with a capacity of more than 1,000 heads;
- j) Construction in an urban or rural area of a farm capable of housing poultry or intensive breeding with a capacity of more than 5,000 heads;
- k) Facilities and activities intended for the breeding of big game, in agricultural and/or rural areas, with a capacity of more than 100 animals;
- l) Facilities and activities intended for the breeding of small game birds, in urban areas, with a capacity of more than 2000 animals;
- m) Facilities and activities intended for the breeding of small game birds, in agricultural and/or rural areas, with a capacity of more than 4000 animals;
- n) Aquaculture with production capacity greater than 20 t/year.

4. Projects for exploiting animal and plant biodiversity

- a) Industrial plantations ≥ 100 ha;
- b) Forest classifications and declassifications;
- c) Clearing of the basins of large dams;
- d) Development of forests with an area of $\geq 1,000$ ha;
- e) Reforestation and/or silvicultural treatment operations with an area $\geq 1,000$ ha;
- f) Clearing for agro-industrial purposes with an area ≥ 50 ha in the Sahelian zone;
- g) Clearing for agro-industrial purposes with an area ≥ 100 ha in the Sudanian zone;
- h) Clearing for agro-industrial purposes with an area ≥ 200 ha in the Guinean zone;
- i) Clearing of the basin or a portion of the basin, the banks or the major bed of a watercourse;
- j) Creation of parks, protected areas, land and marine reserves, or zoological gardens;
- k) Introduction of new animal and plant species;
- l) Introduction of genetically modified organisms.

5. Water resource exploitation projects

- a) Large dams with dike height ≥ 10 m or capacity at least equal to $1,000,000 \text{ m}^3$;
- b) Hydroelectric dams;
- c) Dams or other installations intended to retain water or store it in a sustainable manner;
- d) Water withdrawal for irrigation for a flow rate greater than $30 \text{ m}^3/\text{hour}$
- e) Aqueduct installations;
- f) Dredging or cleaning works of courses or bodies of water;
- g) Deep drilling for water supply with a flow rate of $500 \text{ m}^3/\text{day}$;
- h) Canalization and watercourse regulation works;
- i) Diversion works, diversion, diversion, bed rectification, channeling with covering of a watercourse;
- j) Work to fill in a minor bed of a watercourse;
- k) Impoundment or drying works, waterproofing, backfilling of wetlands or marshes or any other activity likely to affect aquatic environments;
- l) Dredging, cleaning, digging, filling, straightening or embankment work for any purpose whatsoever in a watercourse;
- m) Any research or exploitation of mineral resources in riverine areas subject to the sovereignty or jurisdiction of a State.

6. Sanitation and waste management projects

YNT

- a) Construction of waste elimination, treatment and recovery centers (technical landfill centers, sorting and grouping centers, incineration facilities);
- b) Facilities intended to store or eliminate waste regardless of its nature and disposal process;
- c) Any system for the removal and elimination of hazardous waste, including biomedical waste, in particular its implementation, construction and expansion;
- d) Wastewater treatment plant whose pollutant load or daily treatment capacity is greater than or equal to 5,000 inhabitants equivalent
- e) Industrial wastewater and effluent treatment plant;
- f) Discharge from collectors of domestic polluting effluents before or after purification onto the ground, into the subsoil, into a watercourse or into the surface water of lakes;

7. Energy projects

- a) Transmission of electrical energy by overhead line of more than 63 KV;
- b) Installation of gas turbines;
- c) Any installation for the storage of oil and gas products whose capacity is greater than or equal to 100 m³;
- d) Hydroelectric power stations and dams;
- e) Any nuclear power plant, nuclear fuel processing or reprocessing plant, radioactive waste elimination or storage site;
- f) Oil and natural gas exploration and exploitation operations;
- g) Offshore locations ;
- h) Crude oil refineries and gasification and liquefaction facilities;
- i) Installations of oil and gas pipelines, pipelines or all other types of pipelines;
- j) Production and distribution of electricity (Steam generator and turbine process);
- k) Production and distribution of electricity (Combustion process by thermal power plant, generator, etc.) if the maximum thermal power is greater than 10 MW;
- l) Production and distribution of steam and hot water if the maximum thermal power is greater than 10 MW;
- m) Production and distribution of gaseous fuels;
- n) Manufacturing of accumulators and electric batteries;
- o) Installation work on energy production units in industrial zones;
- p) Installation work on energy production units in defined ecologically sensitive areas;
- q) Extraction or industrial exploitation of coal or coking plants.
- r) Installation work on solar energy production units

8. Telecommunications Projects

- a) Laying of submarine cable;
- b) Data Center construction.

9 Urban planning, housing and land development projects

- a) Surface subdivision $\geq 100,000 \text{ m}^2$ (10ha);
- b) Development work on industrial zones and industrial estates;
- c) Any establishment of a new city, community or municipality and any expansion of 20% or more of its overall territory or its urbanized territory;

- d) Development of businesses with parking lots for motor vehicles whose premises or land is capable of accommodating more than 500 passenger motor vehicle equivalents;
- e) Excavation and backfilling greater than 20,000 m³.

10. Mining and Extractive Industry Projects

- a) Mining research;
- b) Exploitation and extraction of substances from mines and quarries of the mechanized type;
- c) Underground exploitation of mineral resources;
- d) Construction of processing plants and refineries;
- e) Construction of cement plants and quicklime production plants;
- f) Industrial production of mineral water;
- g) Manufacturing and packaging, loading or packaging of powders and explosives.

11. Food Industry Projects

- a) Construction of slaughterhouses;
- b) Construction of Breweries;
- c) Construction of Canning Plants;
- d) Industrial milk production;
- e) Food processing industries;
- f) Oil mill construction;
- g) Sugar Productions;
- h) Processing of fishing products;
- i) Plant and animal fat industries;
- j) Confectionery and syrup makers;
- k) Industrial starch factories;
- l) Fish meal and fish oil factories.

12. Textile and clothing industry projects

- a) Textile factories (dyeing and printing)

13. Rubber Chemistry Parachemistry Industry Project

- a) Implementation in industrial production facilities of natural pathogenic microorganisms;
- b) Manufacture of superphosphates;
- c) Workshops for manufacturing organic sulfur compounds;
- d) Industrial or artisanal manufacturing of detergents and soaps when the production capacity is greater than 2 t/d;
- e) Steam extraction of perfumes and essential oils;
- f) Manufacture by extraction, synthesis and grinding of organic, mineral and natural dyes and pigments;
- g) Manufacture or regeneration of plastics, rubber, elastomers, resins and adhesives; synthetic
- h) Manufacturing of accumulators;
- i) Pharmaceutical industry (Manufacturing of medicines);
- j) Facilities where genetically modified organisms are used.

14. Recreational and tourist activities

405

- a) Hotel complexes, hotels, holiday villages, inns and the like when the capacity in terms of number of beds is greater than or equal to 100 beds;
- b) Sports facilities when the capacity is greater than or equal to 1500 people.
- c) Restoration
- d)

15. Projects of other production units

- a) Construction of fertilizer production plants;
- b) Wood industry (logging);
- c) Leather industry (tanning factories);
- d) Steel/Metallurgy;
- e) Production of soaps and detergents;
- f) Wood industry (sawmills);
- g) Construction of paint manufacturing plants;
- h) Production of cells / batteries;
- i) Tobacco industries;
- j) Construction of printing works or graphic production workshops when the quantity of ink used or products consumed to coat the support is greater than or equal to 500 kg/d;
- k) Glass manufacturing and working when the production capacity of the melting and softening furnaces is greater than 500 Kg/d;
- l) Chemical work of glass or crystal,
- m) Coal, ore and mineral washhouses;
- n) Extraction of stones, sands, clays, salts, minerals;
- o) Salt production for a production capacity greater than 10,000 t/year
- p) Coke manufacturing;
- q) Manufacture of steel, iron, cast iron, ferroalloys;
- r) Processing of non-ferrous ores, production of non-ferrous metals and alloys (alumina, silver, zinc, gold, etc.);
- s) Manufacture of silico-alloys or silicon carbide;
- t) Foundry (manufacture of molded products);
- u) Manufacture of enamel.

16. Other projects

- a) Any modification or extension of projects listed in Annex I already authorized, carried out or in progress, which may have significant negative impacts on the environment;
- b) Projects likely to have negative transboundary impacts on the environment.

17. Ecologically Sensitive Sites and Environmental Risk Areas

Any sensitive area defined as such by law or presenting one or more characteristics of the following spaces:

- a) Cross-border areas;
- b) Protection perimeters for water points;
- c) Marine areas under national or international jurisdiction or other international waters.
- d) wetlands such as bodies of water and their shores, flood zones, flooded areas, swamps, the coastal zone;
- e) hills , mountains and their slopes, hills and mountains subject to landslide;

- f) areas enshrined in legislation or recognized as such;
- g) areas ;
- h) the . urban agglomerations , particularly residential areas;
- i) the protection areas of a classified establishment;
- j) areas assigned to military maneuvers and firing ranges;
- k) habitats of rare, threatened or endemic species;
- l) all other fragile ecosystems defined or recognized as such.

Appendix II: List of Category B projects referred to in Article 21 of the regulation

1 Agricultural sector projects

- h) Hydro-agricultural developments < 50 ha in the Sahel zone;
- i) Hydro-agricultural developments < 100 ha in the Sudanian zone;
- j) Hydro-agricultural developments < 200 ha in the Guinean zone;
- k) Irrigation and drainage project over an area < 50 ha;
- l) Use of pesticides, aerial spraying, ground spreading over an area < 500 ha.

2. Livestock and aquaculture projects

- a) Facilities and activities for breeding, fattening, butchering and selling cattle in urban areas with a capacity of < 100 head;
- b) Industrial or intensive cattle breeding activities for a capacity of < 500 head;
- c) Facilities and activities for breeding, fattening, butchering and selling sheep and goats, in urban areas with a capacity of < 200 heads;
- d) Industrial or intensive breeding activities for sheep and goats < 1000 heads;
- e) Facilities and activities for breeding and fattening horses, donkeys, mules and hinnies in urban areas with a capacity of < 100 heads;
- f) Facilities and activities for breeding, fattening and producing pigs, wild boars and other swine, in urban areas with a capacity of < 100 heads;
- g) Industrial or intensive breeding activities for pigs < 200 heads;
- h) Facilities and activities for breeding, fattening and poultry production in urban areas, with a capacity of < 1,000 heads;
- i) Construction in a rural area of a farm capable of housing poultry or intensive breeding with a capacity of < 5,000 heads;
- o) Facilities and activities intended for the breeding of large game animals, in agricultural and/or rural areas, with a capacity of < 100 animals;
- p) Facilities and activities intended for the breeding of small game birds, in urban areas, with a capacity of < 2000 animals;
- q) Facilities and activities intended for the breeding of small game birds, in agricultural and/or rural areas, with a capacity of < 4000 animals;
- r) Aquaculture production capacity < 20 t/year.

3. Projects for exploiting animal and plant biodiversity

- a) Industrial plantations < 100 ha;
- b) Development of forests with an area < 1,000 ha;
- c) Reforestation operations and or silvicultural treatment of an area < 1,000 ha;
- d) Clearing for agro-industrial purposes with an area < 50 ha in the Sahel zone;
- e) Clearing for agro-industrial purposes with an area < 100 ha in the Sudanian zone;
- f) Clearing for agro-industrial purposes with an area < 200 ha in the Guinean zone;

4. Water resource exploitation projects

- a) Water withdrawal for irrigation for a flow rate < 30 m³/hour
- b) Deep drilling for water supply with a flow rate of < 500 m³/day

5. Sanitation and waste management projects

- a) Wastewater treatment plant whose pollutant load or daily treatment capacity is < 5,000 inhabitants equivalent

6. Energy projects

- a) Transmission of electrical energy by overhead line < 63 KV;
- b) Any installation for the storage of oil and gas products whose capacity is <100 m³;
- c) Production and distribution of electricity (Combustion process by thermal power plant, generator, etc.) if the maximum thermal power is < 10 MW;
- d) Production and distribution of steam and hot water if the maximum thermal power < 10 MW;

7. Urban planning, housing and development projects

- a) Surface subdivision < 100,000 m² (10 ha);
- b) Development of businesses with parking lots for motor vehicles whose premises or land is capable of accommodating less than 500 passenger motor vehicle equivalents;

8. Mining and Extractive Industry Projects

- a) Mining research;

9. Textile and clothing industry projects

- a) Textile factories (dyeing and printing)

10. Rubber Chemistry Parachemistry Industry Project

- a) Industrial or artisanal manufacturing of detergents and soaps when the production capacity is less than 2 t/d;

11. Recreational and tourist activities

- a) Hotel complexes, hotels, holiday villages, hostels and the like when the capacity in terms of number of beds is less than 100 beds;
- b) Sports facilities when the capacity is less than 1500 people.

12. Projects of other production units

- a) Construction of printing works or graphic production workshops when the quantity of ink used or products consumed to coat the support is less than 500 kg/d;
- b) Glass manufacturing and working when the production capacity of the melting and softening furnaces is less than 500 Kg/d;
- c) Artisanal extraction of stones, sands, clays, salts, minerals;
- d) Salt production for a production capacity of less than 10,000 t/year

Appendix III: Information to be provided by the project owner or promoter to the consultant

The information to be provided by the project owner or promoter to the consultant as part of carrying out an ESIA must include at least the following elements:

1. Promoter presentation document : company name, legal status, physical address, activities, main partners or shareholders, shareholder experiences. General information on the promoter's background in the project or related areas, the promoter's administrative documents or relevant elements, justifying his experience in the project or related sectors ;
2. Location plan and topographical map indicating the project area and site;
3. Property title of the site if the developer is private (land title, notarized lease or purchase contract) and topographical plan of the land covered by the cadastre services or by an approved topographer from the cadastre services ;
4. Technical document (feasibility study, summary preliminary design, detailed preliminary design) of the project containing:
 - The site installation plan including the living bases,
 - the results of physicochemical analysis of atmospheric parameters (reference state: air quality, noise level, vibration, ambient air temperature, etc.),
 - the results of physicochemical analyzes of groundwater and surface water (in case a watercourse is located near the site),
 - the list of equipment and machines as well as their technical characteristics, oil gas consumption, noise emission, etc.,
 - the technical description of the manufacturing process if the project consists of manufacturing a manufactured product,
 - the essential elements of the business plan: cost of investments, number of jobs, etc.

NB All confidential information must be placed in a closed envelope and mentioned as such

Annex IV : Content of the strategic environmental assessment report (SESA)

Minimum information required to be included in the report under Articles 37 and 38

executive summary of the information referred to in the following points:

List of paintings
List of Figures
List of photos
List of cards
List of Acronyms

1. Introduction
 - Study context
 - Specific objectives and expectations of the EESS
 - SESA methodology
2. Political, legal, normative and institutional frameworks relating to the different phases of the policy, program or plan (including the environmental protection objectives, established at international, Community or Member State level, which are relevant for the plan or program and the manner in which these objectives and environmental and social considerations were taken into account during their development)
3. Description and environmental analysis of the policy, program or plan and the links with other relevant plans and programs including the objectives considering the context of climate change.
4. Biophysical and socio-economic frameworks: strategic environmental diagnosis presenting the current and past environmental situation as well as its probable evolution in time and space in the event of the status quo:
 - Description and analysis of the biophysical framework including in particular fauna, flora, soil, water, air, climatic factors, climate change, landscape as well as the interrelation between the aforementioned factors.
 - Description and analysis of the socio-economic framework, socio-demographic characteristics of the population, housing, educational context, health profile, economic activities, land, gender aspect, vulnerable people, material and intangible goods, including cultural, architectural and archaeological heritage,
5. Potential environmental and social impacts of the policy, program or plan. Evaluate the possible effects of climate change on the policy, program or plan and on the environment in which the latter is implemented, particularly if they are likely to modify the nature and importance of the project's impacts on the environment. .

6. Technological risks associated with the policy, program or plan including harm to worker health and workplace safety
7. Environmental and social project selection process
 - General
 - Environmental approach
 - Stages of screening, validation and execution of environmental and social studies
 - Taking the environment into account during the project cycle of the policy, program or plan
8. Summary of the Environmental and Social Management Framework (CGES) and Risk Management Framework (CGR) (the entirety in a specific document if applicable)
 - General avoidance and mitigation measures common to all projects
 - Measures to prevent environmental and social risks
9. Summary of the Resettlement Policy Framework (the entirety in a specific document if applicable)
10. Institutional implementing arrangements
 - Strengthening environmental and social management
 - Recommendations for implementing the CGES
 - Institutional strengthening measures
 - Technical reinforcement measures
 - Capacity Building
 - Capacity Building for Environmental and Social Management
 - Training modules
 - Population awareness measures
11. Environmental and social surveillance and monitoring program
12. Public consultation framework plan for the implementation of the policy, program or plan
 - Context and Objective of the Consultation Plan
 - Consultation mechanisms and procedures
 - Strategy
 - Public consultation stages
 - Public consultation process
13. Implementation schedule and costs of the Environmental and Social Management Framework
 - Timetable for implementing measures
 - Estimated costs of environmental and social measures
14. Complaint Management Mechanism (GPM)
 - Merits of the mechanism

- Rationale, objectives and principles
- Complaints management procedure
- Complaint resolution procedure
- Recourse to justice
- Conflict prevention

15. Conclusion

Bibliography

Appendices

Appendix V: Content of the Environmental and Social Management Framework

Minimum information required to be included in the report under Articles 37, 38 and 40

Executive summary

List of paintings

List of Figures

List of photos

List of cards

List of Acronyms

1. Introduction
 - Context
 - CGES objectives
 - Methodology
2. Description of the policy, strategy, plan or program
3. Description of potentially affected environmental components
 - Biophysical context
 - Socio-economic context
 - Identification of environmental and social issues
4. Analyzes of the legal and institutional policy frameworks of the CGES
 - Policy framework
 - Legal framework
 - Institutional frame
5. Analysis of options and identification of potential impacts
6. Environmental and social management framework plan (PCGES)
 - Mechanism for integrating social and environmental aspects
 - Provisions for good environmental and social management including my generic measures for mitigating negative impacts and improving negative impacts
 - Environmental and social surveillance, monitoring and control framework
7. Institutional arrangements for implementing and monitoring the PCGES
 - Institutional arrangements
 - Analysis of environmental and social capacities
8. Summary of public consultations during the development of the ESMF
 - Consultation of stakeholders during the CGES development mission
 - Consultation and participation of populations during the implementation of the CGES and the production of ESIA's
9. Complaint Management Mechanism (GMP)
 - Merits of the mechanism
 - Rationale, objectives and principles
 - Complaints management procedure
 - Complaint resolution procedure
 - Recourse to justice

- Conflict prevention

10. PCGES implementation schedule and budget

11. Conclusion

Bibliographic references

Appendices

Annex VI: Content of the Resettlement Policy Framework

Minimum information required to be included in the report under Articles 37, 38 and 39

Executive summary

List of paintings

List of Figures

List of photos

List of cards

List of Acronyms

1. Introduction

- Context and rationale
- Purpose and objectives of the policy, strategy, plan or program
- Resettlement Policy Framework (RPF) Objectives
- Methodology

2. Negative social impacts, potential risks and potentially affected people

- Negative social impacts and social risks
- Estimated population to be moved and categories and assets affected
- Efforts to minimize resettlement impacts
- Cumulative impacts linked to resettlement
- Risks related to resettlement operations

3. Legal and institutional framework for resettlement

- Legal framework for resettlement
- Resettlement institutional framework

4. Preparation, review and approval and implementation of Resettlement Action Plans (RAP)

- Steps in preparing a PAR
- Minimization of impacts and travel
- Implementation of PARs
- Resettlement measures
- Expropriation procedures

5. Resettlement Eligibility Criteria

- Eligibility criteria and categories
- Categories of eligible people
- Deadlines – eligibility

6. Methods for valuing affected property and determining compensation costs

- Principles of compensation
- Assessment of economic losses
- Payment terms
- Compensation agreement with people affected by the projects

7. Stakeholder consultation and participation methods
 - Consultation of stakeholders during the mission to develop the Resettlement Policy Framework
 - Consultation and participation of stakeholders including people affected by projects during the implementation of the CPR and RAPs
 - Dissemination of information to the public
 - Responsibilities in the consultation process
8. Identification and arrangements to be made for the care of vulnerable groups
 - Vulnerability criteria
 - Assistance to vulnerable people
9. Complaint Management Mechanism (GMP)
 - Merits of the mechanism
 - Rationale, objectives and principles
 - Complaints management procedure
 - Complaint resolution procedure
 - Recourse to justice
 - Conflict prevention
10. Institutional responsibilities for implementing the CPR
 - Responsibilities of promoters
 - Responsibilities of institutional actors in organizational set-up
 - Responsibilities of the entity responsible for project execution
11. Timetable for implementation of the resettlement process
 - Monitoring-evaluation system for the implementation of the CPR and PARs
 - Objectives of monitoring-evaluation
 - Monitoring the implementation of the CPR and PARs
 - Supervision and evaluation
12. CPR forecast budget and sources of financing
 - Initial provision and estimated costs for resettlement
 - Funding sources
13. Conclusion

Bibliographic references

Appendices

3.8. Appendix VII: Content of the environmental and social impact study report

Minimum information to be included in the report under Article 41

A non-technical summary of the information referred to in the following points:

List of paintings
List of Figures
List of photos
List of cards
List of Acronyms

1. Introduction
 - Project context
 - Presentation of the promoter,
 - Project display,
 - Project objectives and justifications
2. Study methodology
3. Presentation and analysis of the political, legal, normative and institutional frameworks in relation to the project;
4. Description of the elements of the environment likely to be significantly affected by the proposed project:
 - Description and analysis of the biophysical framework including in particular fauna, flora, with emphasis on threatened, endangered or endangered species, soil, water, air, climatic factors (including changes climate), the landscape as well as the interrelation between the aforementioned factors.
 - Description and analysis of the human framework including the socio-demographic characteristics of the population, habitat, context educational, health profile, economic activities, land, gender aspect , vulnerable people, architectural, archaeological and cultural heritage (including tangible and intangible heritage), landscape as well as the interrelation between the aforementioned factors .
5. An analysis of the options and variants (main solutions) of substitution which were examined by the project owner and an indication of the main reasons for its choice, having regard to the impacts on the environment and society.
6. Description of the project, including in particular:
 - a description of the physical characteristics of the entire project and land use requirements during the construction and operation phases,
 - a description of the main characteristics of the manufacturing processes, for example on the nature and quantities of the materials used,

- an estimate of the types and quantities of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed project.
 - Efficient use of resources
7. Identification, description and evaluation of the significant impacts that the proposed project is likely to have on the resulting environment:
- of the existence of the entire project,
 - the use of natural resources,
 - of the emission of pollutants, the creation of nuisances or the elimination of waste, and the mention by the project owner of the forecasting methods used to assess the impacts on the environment.
 - Assessment of the possible impacts of climate change on the project and on the environment in which it is located, particularly if they are likely to modify the nature and importance of the project's impacts on the environment,
 - Assessment of impacts on health, gender, vulnerable and disadvantaged people, cultural heritage,
 - Etc.
8. Risk analysis and management
- Analysis and assessment of technological risks associated with the project including harm to workers' health and workplace safety,
9. Environmental and Social Management Plan describing measures envisaged to avoid, mitigate, if possible, compensate for the significant negative impacts of the project on the environment, with standard indicators, a description of the monitoring measures envisaged, a monitoring schedule and the parts responsible for implementing this plan; including the implementation budget;
10. Summary of the resettlement plan (the entirety in a specific document if applicable)
11. Summary of the rehabilitation and closure plan (the entirety in a specific document if applicable)
12. Results of consultations and information collected through public participation;
13. Complaint Management Mechanism (GPM)
- Merits of the mechanism
 - Rationale, objectives and principles
 - Complaints management procedure
 - Complaint resolution procedure
 - Recourse to justice
 - Conflict prevention

14. Conclusion

List of bibliographic references
Appendices

Appendix VIII: Content of the Resettlement Action Plan (PAR)

Minimum information required to be included in the report under Article 42.

Non-technical executive summary including a compensation information sheet specifying in particular the number of beneficiaries, the categories of goods to be compensated, the overall cost

List of paintings
List of Figures
List of photos
List of cards
List of Acronyms

1. Introduction
 - Context of the project
 - Objectives of the resettlement action plan
 - Methodology
2. Description of the project, highlighting activities that could cause involuntary displacement and the project's area of influence;
 - Project description
 - Description of the project area of influence
3. Negative social impacts and project risks
 - Negative social impacts
 - Project risks
 - Measures to mitigate the negative impacts of the project on the human environment
 - Project risk prevention measures for the human environment
4. Responsibility organizational
 - Organizational framework for resettlement with details of the different actors and their respective roles
 - Compensation process
 - Disclosure and consultation regarding compensation criteria and principles
 - Negotiation with people affected by the project of compensation granted
 - Conclusion of an agreement or attempt at mediation
 - Payment of compensation
 - Support for affected people including vulnerable people
5. Community participation and public consultations
 - Consultations conducted during the development of the RAP
 - Consultations to be carried out during the implementation of the RAP
6. Integration with communities welcome

7. Socioeconomic studies of people affected
 - Census of populations occupying the affected area
 - Inventory of goods of displaced households
 - Living conditions of affected people and the population of the area
 - Information about disadvantaged groups or people for whom special arrangements need to be made (Vulnerable people)
 - Description of land tenure types
 - Social and cultural characteristics of communities or people in care
8. Legal framework for implementing the PAR
 - International legal framework (Usually that of the donor(s))
 - National legal framework
9. Institutional framework for implementing the
10. Eligibility
 - Affected Person Eligibility Criteria
 - Eligibility date
11. Assessment and compensation of losses
 - Methodology to use in assessing losses to determine resettlement costs
 - Description of compensation schemes and other measures
 - Loss assessment
12. Possible resettlement site identification, site selection, site preparation and resettlement
13. Housing, infrastructure and social services on the site or sites hosting affected people
14. Protection of the environment of the site or sites hosting affected people
15. Calendar execution of the PAR
16. RAP implementation budget
17. Monitoring and evaluation of the implementation of the PAR
 - Monitoring of the achievements of resettlement actions
 - Monitoring the direct effects/impacts of resettlement on affected people
 - Activities to evaluate the implementation of the RAP
18. Complaint Management Mechanism (GPM)
 - Merits of the mechanism
 - Rationale, objectives and principles
 - Complaints management procedure
 - Complaint resolution procedure
 - Recourse to justice

- Conflict prevention

19. Conclusion and recommendations

List of bibliographic references

Appendices

Appendix IX: Content of the environmental and social audit report

Minimum information required to be included in the report under Article 43.

List of paintings
List of Figures
List of photos
List of cards
List of Acronyms

1. Background and rationale for the audit
2. Audit criterion (Legal audit framework)
3. Presentation of the audited organization and its functioning (emissions, products and processes)
4. Environmental profile of the implementation site (with audit evidence)
5. Description and analysis of the condition of the site at the installation of the project and its environment (with audit evidence)
6. Identification and assessment of the organization's environmental and social impacts
7. Identification and evaluation of the effectiveness of environmental measures and determination of non-conformities
8. Analysis of risks and dangers
9. Environmental compliance plan (description and evaluation of the cost of additional corrective environmental measures)
10. Conclusions and recommendations.
11. Appendices
12. Reference lists



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COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

NINETY FIRST ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

REGULATION C/REG.17/12/23 ON THE HARMONISATION OF THE REGULATION OF PLASTIC PRODUCTS AND ENVIRONMENTALLY SOUND MANAGEMENT OF PLASTIC WASTE IN ECOWAS MEMBER STATES

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11, and 12 of the ECOWAS Revised Treaty as amended establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 3, 29 and 30 of the ECOWAS Revised Treaty as amended relating to the environment;

MINDFUL of Article 12 of the Supplementary Act A/SA.4/12/08 adopting the ECOWAS Environmental Policy for the harmonisation of regulatory texts;

CONSIDERING the Basel Convention on the Control of Cross-border Movements of Hazardous Wastes and their Disposal of 22 March 1989;

CONSIDERING ALSO the Rotterdam Convention on the Prior-Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

CONSIDERING FURTHER the Stockholm Convention on Persistent Organic Pollutants ;

RECALLING the Bamako Convention on the Ban on the Import of Hazardous Wastes and on the Control of Cross-border Movements and Management of Hazardous Wastes within Africa of 30 January 1991;

BEARING IN MIND the directives of the Authority of Heads of State and Government given in Lomé on 10 December 1999, on the need to coordinate the integration programmes of ECOWAS and the West African Economic and Monetary Union (UEMOA);

BEARING IN MIND ALSO the conclusions of the ECOWAS and UEMOA Joint Ministerial meeting held in Bamako on 28 and 29 January 2000 on the need for the ECOWAS Commission and the UEMOA Commission to harmonise the ECOWAS and UEMOA trade liberalisation schemes;

CONSIDERING the ECOWAS environmental policy relating to the treatment of waste and hazardous products and those of the UEMOA Common Environmental Improvement Policy, in

particular its strategic axis N°2 devoted to the management of human settlements and the fight against pollution and nuisances;

CONVINCED that plastic bags and other plastic items, whether single-use or not, pose a real threat to the human and natural environment;

NOTING that as a result of the many negative impacts of plastic waste on the environment and human and animal health, the international community has established a “World Plastic Bag Free Day”;

BEARING IN MIND that in order to effectively combat plastic pollution, some Member States have already taken measures to regulate the plastic sector;

CONSIDERING the difficulties experienced by some Member States in effectively applying the regulatory texts already adopted;

DESIROUS of adopting a harmonised document to facilitate the circulation of plastic products within the Community;

ON THE RECOMMENDATION of the meeting of ECOWAS Ministers in charge of Environment and Sanitation held on 18 May 2023 in Bissau;

UPON THE OPINION of the Parliament at its second ordinary session held 22nd November to 15th December 2023;

ENACTS:

CHAPTER I: DEFINITIONS

ARTICLE 1: DEFINITIONS

For the purposes of this Regulation, the following definitions shall apply:

“Competent national authority” national institution in charge of environmental protection in its remit and which is entitled, depending on the Member State, to issue approvals for producers, importers, exporters, distributors and traders of plastic products or the authority responsible for coordinating the implementation of this Regulation at national level;

“Marketing” the act of offering a product or service to one or more economic operators for a fee, free of charge or on a promotional basis;

“Conformity” the fact that a given product meets the technical requirements or standards;

“Waste” substances or objects, resulting from a production and consumption process, which are abandoned, intended for abandonment, disposed of, intended to be disposed of or required to be disposed of by national, regional or international law;

“Plastic waste” waste from plastic materials;

“Import duties” customs duties and taxes of equivalent effect levied on goods on import;

“Export duties” customs duties and taxes of equivalent effect levied on goods on export;

“Circular economy” the economic system of exchange and production which, at all stages of the product (goods and services) life cycle, aims to increase the efficiency of resource use, by reintroducing waste into the production and consumption cycle, in order to decouple resource consumption from GDP growth and to reduce the impact on the environment, health and well-being of individuals;

“Disposal” any operation that is not recovery, even when the operation has as a secondary consequence the recovery of substances or energy;

“Biodegradable packaging or plastic bag” any packaging or plastic bag that undergoes degradation by biological processes during composting to produce CO₂, water, organic compounds and biomass at a rate compatible with other compostable materials and leaving no distinguishable visible or toxic residue (ISO 17088);

“Plastic packaging” any "plastic product" and/or "plastic material" intended to contain and protect objects, goods or articles, with a view to facilitating their handling, transport or delivery;

“Environmentally sound management of plastic waste” all practical measures to ensure that plastic waste is managed in a way that guarantees the protection of the environment, human and animal health against the harmful effects that such waste can have;

“Importation” the introduction into a country of goods, products or articles from a foreign country;

“Plastic material” any material of organic or semi-organic origin or any mixture containing a base material (a polymer) capable of being moulded, shaped, usually under heat and pressure, to produce a semi-finished product or object, composed of a repetition of simple molecular units (monomer such as: glucose, cellulose, ethylene or other);

“Standard” a document established by consensus and approved by a recognised body, which provides, for common and repeated use, rules, guidelines or characteristics for activities or their results;

“Polymer” a substance consisting of molecules characterised by the sequence of one or more types of monomer units. These molecules must be distributed over a range of molecular weights, with differences in molecular weight due mainly to differences in the number of monomer units. A polymer comprises:

- a. a simple majority by weight of molecules containing at least three monomer units covalently bonded to at least one other monomer unit or to another reactive substance;

- b. an amount less than a simple weight majority of molecules of the same molecular weight. For the purposes of this definition, "monomer unit" means the reacted form of a monomer substance in a polymer;

"Technical regulations" rules laying down requirements, the fulfilment of which is a condition for the supply, placing on the market, use or disposal of a product, article, object or commodity and which relate in particular to:

- a. the composition, characteristics, packaging, labelling or sign of conformity of products;
- b. production, transport or storage of products;
- c. conformity assessment, registration, approval or the procedure for obtaining the sign of conformity.

"Plastic" a material consisting of a polymer to which additives or other substances may have been added, and which may act as the main structural component of final products, with the exception of natural polymers which have not been chemically modified;

"Single-use plastic product" a plastic object designed to be used once before being thrown away or recycled;

"Recovery" the action of taking a waste product out of its traditional circuit for another use;

"Recycling" any recovery operation whereby waste, including organic waste, is reprocessed into substances, materials or products for its original function or for other purposes. However, energy recovery operations, waste-to-fuel operations and landfill operations do not qualify as recycling operations;

"Reduction" a prevention of the production of plastic waste by intervening on both its production and its consumption, including reuse and recycling;

"Reuse" Operation whereby packaging is refilled or used for the same purpose for which it was designed, with or without the support of ancillary products on the market to refill the packaging;

"Plastic bag" a packaging made of biodegradable or non-biodegradable polymers, of low density, composed of several chemical molecules;

"Substitution" the act of replacing one thing with another of more or less equal value;

"Treatment" a recovery or disposal operation, including preparation prior to recovery or disposal;

"Transformation" the action of changing the shape of an object, changing its character;

"valorisation" an operation of recycling, reuse, recovery, utilisation or any other action aimed at obtaining raw materials, reusable products or energy from waste. It aims to give a market or hedonic value to waste by taking it out of the traditional collection and treatment circuit.

CHAPTER II: OBJECTIVE, SCOPE, AND PRINCIPLES

ARTICLE 2: OBJECTIVE

1. The objective of this Regulation is to harmonise regulations on plastic products and the environmentally sound management of plastic waste within ECOWAS Member States.
2. It specifically aims to:
 - a. establish conditions for banning or authorising plastic bags, packaging and products to ensure environmentally sound management of plastic waste within ECOWAS;
 - b. establish structures and mechanisms for cooperation in the control of the production and marketing of plastic containers and other plastic articles and the environmentally sound management of plastic waste within ECOWAS;
 - c. facilitate the creation of a circular economy through market economy policy instruments.

ARTICLE 3: SCOPE OF APPLICATION

This Regulation shall apply to all activities relating to the production, import, export, marketing, distribution, use and substitution of plastic bags, packaging and other plastic articles and to the environmentally sound management of waste from them in ECOWAS Member States.

ARTICLE 4: BASIC PRINCIPLES

The management of plastic products and waste is carried out in accordance with the following fundamental principles:

1. the information principle, according to which everyone has the right to be informed, to inform and to be informed about their environment;
2. the polluter-pays principle, according to which the costs of preventive action against pollution, as well as of measures to combat it, including the restoration of polluted sites, are borne by the polluter;
3. the principle of prevention, according to which it is important to anticipate and prevent damage to the environment and to human and animal health at source;
4. the precautionary principle, according to which lack of full scientific and technical certainty shall not be used as a reason for postponing appropriate and effective measures to prevent serious damage to the environment and to human and animal health;
5. the principle of environmentally sound and efficient management, according to which waste should be treated or disposed of by the facilities that are technologically most capable of doing so at optimum cost and without harm to the environment and human and animal health;

6. the principle of liability, according to which any person who, by his or her action, creates conditions likely to harm human and animal health and the environment, is obliged to take proper and appropriate measures to stop and repair the damage caused;
7. the principle of extended producer responsibility, according to which producers who place plastic products on the market are responsible for the management of the resulting waste;
8. the principle of participation, according to which every citizen has the right to be informed and involved in the decision-making process of environmental preservation and to contribute to its improvement;
9. the principle of subsidiarity, according to which things are only dealt with at regional level which cannot be better dealt with at national or local level. It is accepted that "national competence is the rule, Community competence the exception";
10. the proximity principle, according to which waste should, as far as is compatible with environmentally sound and efficient management, be disposed of where it is generated or as close as possible to where it is generated;
11. the principle of Collaboration and Partnership whereby the State and all other stakeholders act together to define and implement actions for the protection of the environment and a healthy living environment in a concerted manner;
12. The principle of solidarity, by which the community guarantees a minimum of cohesion amongst its members and puts together financial resources, human and institutional resources, with a view to minimising the existing disparities;
13. the principle of cooperation, which aims at harmonising policies and integration of programmes;
14. the principle of partnership and consultation, aims at assuring a permanent involvement of the sectors concerned, here the environment, in the implementation, the monitoring and evaluation and the eventual re-writings of the environmental policies of the Community;
15. the principle of non-regression or progressivity, according to which the State and local authorities have an obligation to ensure that the established rules do not undergo any regression or setback that would jeopardise their application due to the continuous and progressive development of policies to promote the protection of the environment and a healthy living environment;
16. the principle of harmonisation, according to which, subject to Article 49 of the ECOWAS Revised Treaty and in order to achieve the objective of harmonisation, the ECOWAS Commission shall contribute to the coordination of policies and actions on the manufacture of plastic products and the environmentally sound management of plastic waste;

17. the principle of recognition of international standards, according to which in order to regulate the use and circulation of plastic products and waste within the Community and to promote international and regional trade in them under satisfactory environmental and health conditions, Member States shall base their health and environmental protection measures on international standards, directives and other recommendations;
18. the principle of mutual recognition whereby a Member State may accept as equivalent the assessment procedures and accreditation systems of plastic products and waste from another Member State;
19. the principle of equivalence and national treatment, according to which each Member State accepts on its territory all plastic products and waste that meet the technical and environmental standards adopted by another Member State and considered as equivalent to its own, when the exporting country, in collaboration with the importing country, proves to the latter that these plastic products and waste are legally developed or marketed on its territory in compliance with the provisions of this Regulation;

20.

the principle of free movement, according to which plastic products and plastic waste circulate freely within the territory of the Community as long as they comply with the environmental and health standards adopted by the Member States or the Community pursuant to the provisions of this Regulation.

CHAPTER III: PROHIBITIONS

ARTICLE 5: PLASTIC PRODUCTS AND PACKAGING PROHIBITED IN THE ECOWAS REGION

1. The production, import, export, marketing, use and possession of plastic packaging and bags for single use or disposable low density, with a thickness of less than 60 microns are prohibited within ECOWAS Member States for:
 - a. use at the checkout counters of supermarkets, wholesalers, retailers, pharmacies and convenience stores; and
 - b. for the packaging of foodstuffs sold and distributed on public roads and squares and in street food.
2. All containers, dishes, cutlery and other single-use plastic products are prohibited if they are not biodegradable.

ARTICLE 6: PROHIBITED ACTIONS IN THE ECOWAS REGION

Notwithstanding the provisions of Article 10 above, the following are also prohibited:

1. any abandonment of packaging, bags or plastic waste in the natural environment, on public roads or in places other than landfills provided by the competent public authorities;
2. any dumping or discharge of packaging, bags or plastic waste on streets and other public places, in urban and rural areas, in sewage systems, on trees, in waterways and bodies of water including the marine ecosystem and their surroundings;

3. all production, import, export, marketing, distribution and use of unapproved or unauthorised plastic packaging and bags;
4. the uncontrolled burial of waste or plastics;
5. burning of waste or plastics.

CHAPTER IV: AUTHORISATIONS

ARTICLE 7: PLASTIC MATERIALS AND PACKAGING AUTHORISED IN THE ECOWAS REGION

1. The manufacture, import, export, use, distribution or marketing of biodegradable or special purpose plastic objects or packaging is permitted subject to prior authorisation by the competent national authority.
2. A person producing, importing and exporting or using plastic bags, packaging and single-use plastic articles or packaging goods in plastic and single-use plastic articles for specific reasons, including those related to national security, human health and scientific research, shall apply in writing for a prior authorisation issued by the competent national authority.
3. The competent national authority shall establish the procedures and conditions for granting prior authorisation.

ARTICLE 8: ACCREDITATION

1. The practise of the profession of producer, importer, exporter, distributor, trader of authorised plastic products is subject to obtaining an approval issued by the competent national authority for a period of three (3) years.
2. This accreditation is renewable at the request of the holder, for the same period. It may be suspended or withdrawn. The conditions for granting, obtaining, suspending and withdrawing accreditation shall be laid down by the Commission by Regulation.
3. The Commission shall draw up information forms on the production, import and export and distribution of plastic products to be completed by the applicants from the respective Member States.

ARTICLE 9: TRACEABILITY OF PLASTIC PRODUCTS

1. A producer of plastic bags or packaging or any other plastic goods is required to put its logo directly on them or on the label and to regularly communicate the quantities produced and other physico-chemical characteristics to the ECOWAS Regional Plastics Products and Waste Management Committee (ECOWAS-RPWC), through the competent national plastics products and waste management authorities or any other competent administration before they are placed on the market.

2. Sachets, packaging and other plastic products must be marked with at least the following: identity of the producer or importer, country of production, thickness, date of production, biodegradable or not biodegradable.
3. An accredited distributor of plastic products shall keep detailed stock records of the entry and exit of stocks of plastic products in a register which can be consulted and checked at any time by the national authorities responsible for supervision.

ARTICLE 10: INSTALLATION OF UNITS

1. The production or a processing unit for plastic products or waste is subject to a prior national authorisation.
2. The conditions for such a permit are in line with national and community standards.

ARTICLE 11: IMPORT AND EXPORT REGIME FOR AUTHORISED PLASTIC PRODUCTS AND PLASTIC WASTE

1. Without prejudice to the Community's external trade regulations, the import and export of authorised plastic products and plastic materials are subject to prior national authorisation and notification to the ECOWAS Regional Plastics Products and Waste Management Committee (ECOWAS-RPWC) referred to in Article 18.
2. Without prejudice to the Community's external trade regulations, the import and export of plastic waste for processing shall be subject to prior authorisation by the importing state and notification to the ECOWAS-RPWC referred to in Article 18.
3. The importer or exporter shall provide the information specified in forms provided for this purpose by the competent authority.
4. The import of plastic waste into the Community is prohibited if the level of impurity or non-recoverable waste is higher than five percent (5%) of the total volume of the waste.

CHAPTER V: MANAGEMENT OF PLASTIC PRODUCTS AND PLASTIC WASTE IN THE REGION

ARTICLE 12: MARKING OF PLASTIC PRODUCTS

1. The harmonised specifications relating to marking shall be established by the Commission by means of a regulation.
2. Member States shall ensure that each plastic product placed on the market bears a visible, clearly legible and indelible marking affixed to its packaging or to the product itself.
3. -Member States shall adopt in their legislation measures aimed at:

- a. indicate to producers and importers of plastics the appropriate waste management options for their Products, in accordance with the waste hierarchy.
 - b. require plastic producers and importers to indicate the presence of plastic on a product containing plastic, and any other marking that seems appropriate.
4. Member States shall enact further regulations, if necessary, to give effect to the provisions of this Regulation on the sound management of plastics and plastic waste.
5. When manufactured from recyclable plastics, products shall also bear a plastic pictogram.

ARTICLE 13: PLASTIC WASTE MANAGEMENT

1. Member States shall set up a system for source separation and separate collection of plastic waste.
2. In order to achieve this objective, Member States shall:
 - a. establish deposit systems for plastic bottles;
 - b. set numerical targets for separate collection for the relevant extended producer responsibility schemes.
3. The proliferation of plastic waste should be prevented by:
 - a. banning single-use bags, packaging and other plastic products;
 - b. Restriction/reduction of packaging provided for the marketing of products;
 - c. the collection of plastic waste for environmentally sound management;
 - d. the recovery of plastic waste by reducing its production, reuse and recycling; and
 - e. the disposal of final plastic waste.
4. Manufacturing and distribution companies are required to offer households and end-users a take-back system for used plastic packaging and other articles.

ARTICLE 14: SHARING OF MANAGEMENT TASKS BETWEEN THE REGIONAL AND NATIONAL LEVELS OF STATES

For the purpose of ensuring that each Party performs those tasks in which it can bring a comparative advantage to the whole, ECOWAS and the Member States shall intervene at the appropriate levels in the management of plastic products and waste as defined by the provisions of this Regulation.

ARTICLE 15: PREVENTIVE MEASURES TO REDUCE PLASTIC WASTE

1. Producers, importers, traders and distributors of packaging, plastic waste and other plastic products shall take the necessary measures to reduce the quantities of plastic waste resulting from their activities by developing prevention, collection, disposal and recovery activities for plastic waste from their production or consumption process.

2. A Member State may provide loans, grants, tax benefits, aids or technical support to units that adopt clean technologies to minimise plastic waste and that commit to eliminating non-biodegradable plastics in their production systems.
3. A Member State shall take the necessary measures to ensure the separate collection of the different categories of waste including plastic waste.
4. The Commission shall facilitate the exchange of information and sharing of best practice between Member States on appropriate measures to achieve the targets set out in Article 13, including deposit systems. The Commission shall publish the results of this exchange of information and sharing of best practices.
5. A Member State is encouraged to take measures to restrict the import movements of products packaged in plastics and plastic articles that do not meet the quality or quantity standards required for packaging.

ARTICLE 16: EXTENDED PRODUCER RESPONSIBILITY

1. Plastic products and packaging must be made from materials that make them suitable for recycling or processing compatible with the requirements of public health and environmental protection.
2. A producer or distributor who markets or uses plastic products and plastic packaging in his or her professional activities or any person responsible for first placing them on the market, where the producer and distributor are unknown, shall be obliged to take back the plastic waste arising from them with a view to recovering it.
3. A Member State shall ensure that extended producer responsibility schemes are established for all plastic products placed on the market in the Member State.

ARTICLE 17: PAYMENT OF TAXES AND FEES

1. To create the conditions for an environmentally sound management of plastic waste in the ECOWAS region, producers, distributors and importers involved in the sector shall pay tax and/or fees to the Member States, which shall define the basis of assessment and the modalities of its payment.
2. The revenues generated by this tax are used to support plastic waste management through the development of infrastructure for recovery, transport, recycling, processing or export of plastic waste. To this end, a Member State is encouraged to take measures to:
 - a. Internalise the environmental and health costs generated by the use of packaging and other plastic items;
 - b. Tax products packaged with plastics in a way that does not meet quality standards;
 - c. Favour, from a fiscal point of view, the economic actors who respect the quality standards set for packaging and those who invest in the sector in favour of packaging and articles made of materials that are more respectful of the environment and public health as well as all those who invest in the recovery of plastic waste.

3. A Member State shall ensure that producers of plastic products and packaging cover, in accordance with the provisions on extended producer responsibility, the following costs:
 - a. the costs of awareness-raising measures with regard to these plastic products and waste;
 - b. the costs of collecting the waste from these products that is disposed of in public collection systems, including the costs of the infrastructure and its operation, as well as the subsequent transport and treatment of this waste;
 - c. the costs of cleaning up litter from these products and the subsequent transport and treatment of such litter.
 - d. the costs of data collection and reporting.
4. Where the identity of the producer is unknown, any person responsible for the first placing on the market of plastic products and packaging shall bear the costs indicated in paragraph 3 above.
5. The costs to be covered under paragraphs 3 and 4 shall not exceed the costs necessary to provide the services referred to therein in a cost-efficient manner and shall be established in a transparent manner between the actors concerned.

ARTICLE 18: REGIONAL BODY FOR PLASTICS PRODUCTS AND PLASTICS WASTE MANAGEMENT

1. A committee in charge of the management of plastic products and waste is hereby established within the ECOWAS Commission, to be known as the ECOWAS Regional Plastics Products and Waste Management Committee (ECOWAS-RPPWC).
2. The Committee is chaired by the ECOWAS Commission and UEMOA is the vice-chair.
3. The powers, composition and functioning of the ECOWAS--RPPWC shall be specified by the Commission through Rules.

ARTICLE 19: NATIONAL STRUCTURES FOR THE MANAGEMENT OF PLASTIC PRODUCTS AND PLASTIC WASTE

1. A Member State shall establish or designate, as appropriate, national structures responsible for the collection, transport, treatment and selective and orderly disposal of plastic waste.
2. A Member State shall be responsible for the composition, status and operating principles of its national structure. In particular, it shall provide it with the means to ensure the proper functioning of the plastic products and plastic waste management system in line with the Community's policies and strategy in this area.
3. The national structures are responsible for:
 - a. the implementation of the conditions for the prohibition of the production, import, marketing, use, possession and substitution of plastic containers and other plastic articles as well as the modalities for the recovery and transformation of plastic waste;

- b. monitoring and evaluation of the implementation of ECOWAS measures in the field of plastic waste management by other actors, including private actors, at national level;
- c. the control of the management activities of plastic products and articles, including the entry into their territory and the distribution within their territory of plastic products;
- d. the feedback of information on plastic waste management in ECOWAS Member States to the ECOWAS-CRPDP;
- e. any other measures concerning the appropriate implementation of the regional strategy and regulation on plastic products and plastic waste.

ARTICLE 20: FINANCING THE MANAGEMENT OF PLASTIC PRODUCTS AND WASTE

- 1. Community activities necessary for the implementation of this Regulation shall be covered by the budget of the ECOWAS and UEMOA institutions.
- 2. Management activities at Member State level shall be covered by the proceeds of the excise duties provided for in Article 17 of this Regulation.

CHAPTER VI: SUPERVISORY RESPONSIBILITIES FOR PLASTIC PRODUCT AND WASTE MANAGEMENT ACTIVITIES

ARTICLE 21: GENERAL RESPONSIBILITY FOR SUPERVISION

- 1. A Member State shall have overall responsibility for the management and supervision of plastic product management activities, including the entry into and distribution within their territory of plastic products as well as the environmentally sound management of plastic waste. To this end, they shall provide the competent authorities with the relevant powers and human and financial resources.
- 2. A Member State is required to monitor compliance with the requirements of this Regulation, including:
 - a. the establishment of an adequate accreditation system;
 - b. compliance with the import and export conditions laid down in Article 17 of this Regulation;
 - c. compliance with the principles of plastic waste management and disposal;
 - d. the implementation of plastic exit plans.

ARTICLE 22: SCOPE OF SUPERVISION

The supervision shall be exercised at all times and in all places of the production, import, distribution, export, storage, transport, marketing, recovery or disposal of plastic products or plastic waste.

ARTICLE 23: CONFORMITY CHECKS

Conformity checks shall be carried out by the public administrations or authorised supervisory bodies in each Member State in order to prevent the production or placing on the market of plastic products which do not comply with national or Community regulations, technical requirements and standards in force in the ECOWAS region.

ARTICLE 24: SANCTIONS

1. A Member State shall take the necessary measures to penalise infringements of the provisions of this Regulation and its implementing texts.
2. Without prejudice to criminal sanctions, the competent environmental and sanitation authorities may impose administrative actions and request compensation for damages from the offender in case of damage to the environment or to the living or working environment.
3. Without prejudice to penal and administrative sanctions, the Ministries in charge of the environment and sanitation, in liaison with those in charge of industry, crafts or any other competent ministry may take the necessary measures to suspend the works or activities of any offender.

ARTICLE 25: RIGHT OF APPEAL

The producer, distributor, importer, seller, exporter, recoverer, packer and processor of plastic products and plastic waste sanctioned shall have the right to an expert opinion and to appeal in accordance with the procedures in force in the Member States or at Community level.

CHAPTER 7: FINAL PROVISIONS

ARTICLE 26: TRANSITIONAL PROVISIONS

1. The Commission shall have a period of two (2) years from the entry into force of this Regulation, to establish the harmonised plastic waste management framework within ECOWAS.
2. During that period, the procedures applicable in the Member States to the manufacture, import, export, substitution, marketing, recovery, processing, recycling and disposal of such waste shall remain in force.
3. At the end of the transitional period referred to in paragraph 1 of this Article, operators shall, under penalty of sanctions, comply with the provisions of the new harmonised framework for the management of plastic products and plastic waste.

ARTICLE 27: PUBLICATION

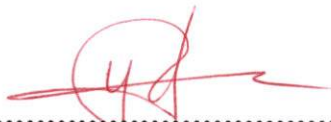
1. This **REGULATION C/REG.17/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers.

2. It shall also be published within the same timeframe by each Member State in its Official Gazette.

ARTICLE 28: ENTRY INTO FORCE

This Regulation **C/REG.17/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



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H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON



**ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO**

NINETY FIRST ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 8 December 2023

DIRECTIVE C/DIR.1/12/23 FOR THE HARMONIZATION OF CRITERIA FOR THE GRANTING OF LICENCES AND AUTHORIZATIONS TO PARTICIPATE IN THE ECOWAS REGIONAL ELECTRICITY MARKET

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11, and 12 of the ECOWAS Revised Treaty, as amended establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 28 and 55 of the ECOWAS Revised Treaty relating to the promotion, cooperation, integration, and development of energy projects and energy sectors of the Member States of the Community within the framework of creating a custom union, and an economic and monetary union;

MINDFUL of ECOWAS Energy Protocol A/P4/1/03 establishing the legal framework to promote long term cooperation in the ECOWAS energy sector based on complementarities and mutual benefits to achieve increased investment in the energy sector and increased energy trade in the West African sub-region;

MINDFUL of Supplementary Act A/SA.2/01/08 establishing the ECOWAS Regional Electricity Regulatory Authority (ERERA);

MINDFUL of Regulation C/REG.27/12/07 as amended relating to the composition, organization, and functioning of ERERA;

MINDFUL of Decision A/DEC.5/12/99 relating to the establishment of a West African Power Pool (WAPP);

MINDFUL of Article 7 of the Directive C/DIR.1/06/13 for the organisation of the ECOWAS Regional Electricity Market relating to regional transmission network open access;

CONSIDERING that there are currently different frameworks and criteria for issuing licences and granting authorizations, permits, and rights to participate in the Regional Electricity Market;

CONSIDERING ALSO that as the regional electricity market is evolving, participation in the Regional Electricity Market may increase, necessitating an appropriate regulatory framework for licensing and authorization to participate in the Regional Electricity Market;

RECOGNISING the need to harmonize the criteria for granting licences and authorization to participate in the Regional Electricity Market to promote a level playing field as well as ensure adherence to best technical, financial and commercial practices for the sustainability of the Regional Electricity Market;

DESIROUS of promoting a regional approach to cross-border electricity trade and ensuring the harmonization of the national legal and institutional framework, to organize the Regional Electricity Market and create favourable conditions for the development of investment and capacity within the member states;

UPON THE RECOMMENDATION of the 15th Meeting of ECOWAS Ministers of Energy held at Cotonou on 7th October 2023;

UPON THE OPINION of the ECOWAS Parliament at its Second Ordinary Session held in Abuja from 22nd November to 15th December 2023;

PRESCRIBES:

ARTICLE 1: DEFINITIONS AND ACRONYMS

For this Directive, the definitions below are applicable:

Competent Authority The authority at the national level in charge of regulating the electricity sector and has a mandate to issue licences.

Authorization A document issued by ERERA that allows an entity holding an import and/or export licence from a Member State to participate in the ECOWAS Regional Electricity Market.

Bilateral Contract An agreement entered between a buyer and a seller of electricity for the sale and purchase of electricity under the Regional Market Rules including power exchange contracts. The seller agrees to inject and the buyer agrees to extract the agreed upon volume of electricity in the relevant trading interval or intervals for a price mutually agreed upon.

Cross-Border Interconnection	The lines that connect two or more national transmission networks and connecting the power systems of at least two ECOWAS Member States, including metering equipment placed on the Regional Transmission Network nodes located in each of the participating Member States.
ERERA	ECOWAS Regional Electricity Regulatory Authority – A Specialized Institution of ECOWAS established by the Supplementary Act A/SA.2/1/08.
Licence	Any document issued by the Competent Authority that allows an entity to import or export electricity.
Electricity Export	Sale or supply of electrical energy for consumption in a Member State other than one in which the electrical energy is produced and the delivery of which requires the use of a Cross-border Interconnection.
Electricity Import	Purchase or acquire from a Member State other than one in which the electrical energy is produced and the delivery of which requires the use of a Cross-Border Interconnection.
Term Sheet	A written agreement that outlines the basic terms and conditions of a potential transaction agreement for the purchase or sale of electricity.
Regional Electricity Market (REM)	All cross-border electricity trading and related services made through the regional interconnected transmission networks within the ECOWAS sub-region.
System and Market Operator (SMO)	The regional institution responsible for regional market operation functions and additionally some system operation functions in the fields of coordinating flows and allocating transmission capacity.
WAPP	West Africa Power Pool: a specialized institution of ECOWAS established by Decision A/DEC.20/01/06 of January 12, 2006, by the Conference of Heads of States and Government, with a responsibility to develop electricity infrastructure and establish a unified electricity market.

ARTICLE 2: OBJECTIVE

1. This Directive aims to harmonize the procedures for granting import and export licences by the Competent Authority in the member states for cross-border electricity trading among ECOWAS member states.
2. It also defines the procedure for issuing Authorisation by ERERA for participation in the ECOWAS REGIONAL ELECTRICITY MARKET.

ARTICLE 3: SCOPE OF APPLICATION

The provisions of this Directive shall apply to:

1. The procedure for granting Licences and Authorisation to participate in the ECOWAS REM.
2. Any application for import and/or export Licence made to the Competent Authority in a Member State.
3. Any Authorisation to participate in the ECOWAS REM granted by ERERA.

ARTICLE 4: DOCUMENTS TO BE ISSUED TO PARTICIPATE IN THE REM

The documents to be issued to entities seeking to participate in the ECOWAS REM are electricity import and/or export Licence, and Authorisation.

ARTICLE 5: PRINCIPLES GOVERNING THE ISSUANCE OF LICENCES

1. The Competent Authority shall be responsible for issuing electricity export and/or import Licences in each Member State.
2. The Competent Authority shall notify the eligible applicant for an electricity export or import licence, of its decision under the conditions specified in this Directive.
3. The Competent Authority shall conduct a check for completeness of application. Where an application is found to be incomplete, the applicant shall be notified of the missing documents within ten (10) calendar days after submission of application, so that the applicant provides the missing documents to the Competent Authority.
4. In reviewing an application, the Competent Authority shall ensure the principles of transparency, impartiality and non-discrimination.

ARTICLE 6: HARMONISATION OF THE PROCEDURE FOR THE GRANTING OF IMPORT AND EXPORT LICENCES

1. Without prejudice to a member state's policy, legal and regulatory framework, the licensing process for export and import of electricity shall include the following:
 - a. filing of an application;
 - b. public notification;
 - c. regulatory review;
 - d. decision on a grant or refusal of a Licence;
 - e. issuance of a Licence, in the event of a decision to grant; and,
 - f. procedure for appeal in the case of a refusal or dissatisfaction with a decision.
2. A pre-application meeting may be held between the Competent Authority and the Applicant, before the Applicant submits a formal application for the grant of import and/or export Licences, to offer appropriate guidance to the Applicant.
3. The Applicant shall submit a formal application for an import or export Licence to the Competent Authority, which shall acknowledge receipt.
4. The Applicant shall agree to comply with and be bound by the ECOWAS REM regulations and other related documents, and sign an undertaking that it is aware of the requirements to participate in the REM.
5. The Competent Authority shall review a licence application in line with the principles defined in this Directive, and in accordance with the national licensing procedure. It shall take into account key considerations in the national licensing framework, including legal due diligence, technical eligibility, commercial and financial eligibility, social and environmental considerations.
6. In addition to the national eligibility considerations, the Competent Authority must also pay special attention, in the regulatory review, to other key considerations with regards to participation in the ECOWAS REM, including:
 - a. the securing of national electricity supply;
 - b. the capacity of the applicant to satisfy subsisting local contracts;
 - c. the capacity of the applicant to honour financial obligations and meet the prudential requirements of the ECOWAS Regional Electricity Market;
 - d. evaluation of the technical impacts of the activity on the regional and national power systems taking into account input from the national Transmission System Operator (TSO) and WAPP;
 - e. impact of cost of imported power on the financial viability of the national electricity market;

- f. cross-border transmission charges and wheeling agreements in line with regional transmission pricing methodology;
 - g. compliance with the requirements of the WAPP Operation Manual as amended.
7. After reviewing the application, the Competent Authority shall take a reasoned decision to accept or reject the application. This decision shall be notified in writing to the Applicant within ninety (90) days of receipt of the request.
 8. The applicant may appeal the decision of the Competent Authority in accordance with the national licensing procedures in force.
 9. Copies of all import and export Licences issued by the Competent Authority shall be forwarded to EREDA by the National Regulatory Authority within thirty (30) days.
 10. The procedures enumerated in this article shall apply to new or renewal of existing Licenses for export and import of electricity.
 11. A Licensee shall make an application for renewal of the Licence six (6) months before the date of expiry of the Licence.
 12. If the Licensee fails to renew the Licence or the Competent Authority rejects the application for renewal, the licensee shall cease to carry out activities in respect of which the Licence was granted.

ARTICLE 7: TERMS AND CONDITIONS FOR IMPORT AND EXPORT LICENCES

1. A power purchase agreement or a term sheet is a pre-condition for the grant of an export or import Licence.
2. The following terms and conditions, which specifically relate to the REM, shall be included in export and import Licences:
 - a. Obligation to comply with REM rules, procedures, all regulatory instruments approved by EREDA and prudential responsibilities;
 - b. Dispute resolution on regional market issues shall be in line with dispute resolution mechanism as approved by EREDA;
 - c. Transmission pricing shall be in compliance with regional pricing methodology approved by EREDA;
 - d. Obligation to pay approved market fees and regulatory levies;
 - e. Compliance with all reporting obligations for REM as stipulated by EREDA;

- f. Obligation to comply with Regulation C/REG.17/06/19 on Sanctions for the Regional Electricity Market;
- g. Obligation to comply with the regulations of the electricity sector at the national level.

ARTICLE 8: PROCEDURE FOR ISSUING AUTHORIZATION FOR MARKET PARTICIPATION

1. The procedure for applying for admission into REM shall be approved by ERERA and the approved procedure shall be the basis for admitting an applicant to participate in REM.
2. The SMO shall review applications for market participation and make a recommendation to ERERA.
3. ERERA shall deliberate on the recommendation submitted by the SMO and make a final determination on whether or not to issue an Authorisation to an applicant.

ARTICLE 9: OBLIGATIONS OF MEMBER STATES

1. Member States shall take all measures necessary to comply with this Directive and adopt the laws, regulations, and administrative provisions required to give effect to this Directive.
2. Any legislation or regulation of Member States concerning the application of this Directive shall include a specific reference to this Directive or annex a copy of the official publication.
3. Member States shall notify ERERA of the provision or measures taken to comply with this Directive and submit an action plan with a timetable describing the measures to be taken not later than six (6) months from the date this Directive comes into force.

ARTICLE 10: IMPLEMENTATION OF THE DIRECTIVE

1. ERERA shall assist Member States in implementing this Directive and provide the Competent Authorities in the Members States with model import and export Licenses.
2. ERERA shall monitor compliance to the Directive by Member States and submit an annual report to the ECOWAS Council of Ministers.
3. Member States of the Community shall notify any difficulties encountered in the implementation of this Directive to ERERA for report to the ECOWAS Council of Ministers.

ARTICLE 11: TRANSITIONAL ARRANGEMENT

1. Existing licences and agreements for export and import of electricity issued before the date of coming into force of this Directive shall remain in force until the expiration of their terms.
2. Upon expiration of the current terms of the existing licences and agreements, the renewal of such existing licences and agreements shall be in accordance with this Directive.


ARTICLE 12: PUBLICATION

1. This **DIRECTIVE C/DIR/1/12/23** shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers.
2. It shall also be published within the same timeframe by each Member State in its Official Gazette.

ARTICLE 13: ENTRY INTO FORCE

This **DIRECTIVE C/DIR/1/12/23** shall enter into force upon its publication.

DONE IN ABUJA, ON 8TH DECEMBER 2023



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H.E. AMB. YUSUF MAITAMA TUGGAR (OON)
FOR THE COUNCIL
THE CHAIRPERSON