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Law No. 0054/PR/MECCHF of 16/01/2025 on the Institution of a Greenhouse Gas Emissions Control and Compensation Mechanism for Air and Maritime Transport Actors Transiting or Operating in the Gabonese Republic

The President of the Transition, President of the Republic, Head of State;

Having regard to the Charter of the Transition, together with the subsequent amending texts;

Having regard to the Constitution of the Gabonese Republic;

Having regard to the United Nations Framework Convention on Climate Change adopted in New York on 9 May 1992;

Having regard to the Paris Agreement of 22 April 2016 implementing the above-mentioned Convention, ratified by Law No. 021/2016 of 24 October 2016 ratifying the Paris Agreement;

Having regard to Organic Law No. 020/2014 of 21 May 2015 on Finance Laws and Budget Implementation, together with the subsequent amending texts;

Having regard to Law No. 002/2014 of 1 August 2014 on the protection of the Environment in the Gabonese Republic;

Having regard to Law No. 007/2014 of 1 August 2014 on the protection of the Environment in the Gabonese Republic;

Having regard to Ordinance No. 019/2021 of 13 September 2021 on climate change, ratified by Law No. 018/2022 of 22 December 2022;

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

Having regard to Decree No. 913/PR/MEPN of 29 May 1985 on the powers and organization of the Ministry of the Environment and Nature Protection;

Having regard to Decree No. 0122/PR/MRPICIRNDH of 22 April 2010 on the creation, attributions, organization and functioning of the National Council on Climate Change;

Having regard to Decree No. 0063/PR/MTMMM of 7 February 2021 on the organization and responsibilities of the Ministry of Transport, the Merchant Navy and the Sea;

Having regard to Decree No. 0007/PT of 7 September 2023 on the appointment of the Prime Minister, Head of the Government of the Transition;

Having regard to Decree No. 0009/PT/PM of 08 September 2023 on the composition of the Transitional Government, together with the subsequent amending texts;

The Council of State consulted;

The Council of Ministers heard;

DECREE:

Article 1: This decree, issued pursuant to Article 51 of the Constitution, establishes a mechanism for the control and compensation of greenhouse gas emissions for air and maritime transport actors transiting or operating in the Gabonese Republic.

Article 2: A mechanism for the control and compensation of greenhouse gas emissions is established for air and maritime transport actors transiting or operating in Gabon.

The implementation is done by means of a National Carbon Register for air and maritime transport and the payment of a Carbon Contribution.

Article 3: The mission of the National Carbon Register for Air and Maritime Transport is to monitor and account for the carbon emissions of international air and maritime transport actors operating or transiting in the Gabonese Republic.

This Register also has the role of monitoring and recording carbon contribution and offsetting actions by its GHG emitters.

Article 3: The Gabonese Republic undertakes to maintain Gabon's carbon neutrality by 2050 and beyond, in accordance with the Paris Agreement.

Article 4: Air and maritime transport actors transiting or operating in Gabon, transport actors must report their emissions on the National Carbon Register for Air and Maritime Transport, abbreviated RCNTAM.

Article 5: A contribution entitled Sovereign Carbon Contribution is instituted for air and sea carriers operating or transiting in the Gabonese Republic, in accordance with the international commitments made by the government in the air and maritime sectors and which are based on the "polluter pays" principle.

The objective of this Carbon contribution is to reduce GHG emissions and to finance environmental and energy programs that respond to climate issues and challenges.

Article 6: Programmes financed by the carbon contribution must be part of the achievement of one or more Sustainable Development Goals adopted by the United Nations General Assembly in its resolution A/70/1 of 25 September 2015.

Carbon avoidance or sequestration offset programs will have to meet criteria of additionality, permanence, measurability and uniqueness, transparency and verifiability.

Article 7: The implementation of this mechanism for the control and compensation of GHG emissions by air and sea carriers operating or transiting through Gabon is entrusted to an autonomous body.

As such, it will be the only one authorized to:

- Define the terms and conditions for the payment of the Carbon Contribution by setting the price per tonne of carbon (tCO₂) in the Gabonese Republic;
- Exchange with the National Carbon Registry and in particular define the obligated actors who will be obliged to report their GHG emissions to the National Carbon Registry;
- Define the percentage of carbon offsetting and contribution actions that obligated parties will have to report on the National Carbon Register;
- Collect the Carbon Contribution paid by the National Carbon Registry once the certificate of payment of carbon contribution has been issued by the National Carbon Registry and communicated to an obligated party;
- Write an annual report on the actions and programs financed by the carbon contribution;
- Receive, evaluate, register and approve applications for funding of programs financed by the carbon contribution.

Article 8: The Gabonese Strategic Investment Fund (FGIS) will assume the responsibilities of this autonomous body, pending its creation.

Article 9: All the branches of the Gabonese State are required to provide assistance to the autonomous body for the proper performance of its missions. These include, but are not limited to, the following:

- Ministry in charge of the Environment;
- Ministry in charge of Transport;
- Ministry in charge of the Economy and Shareholdings;
- National Climate Council;
- National Civil Aviation Agency;
- Gabonese Shippers' Council;
- Office of Ports and Harbours of Gabon.

Article 10: The Gabonese Republic undertakes to maintain Gabon's carbon neutrality by 2050 and beyond, in accordance with the Paris Agreement.

Article 11: Regulatory texts shall determine, as necessary, the provisions of any kind necessary for the application of this decree.

Article 12: This decree, which shall take effect from the date of its signature, shall be registered, published in the Official Journal and communicated wherever necessary.

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

Brigadier General Brice Clotaire OLIGUI NGUEMA

The Prime Minister, Head of the Transitional Government

Raymond NDONG SIMA

The Minister of the Environment, Climate and Human-Wildlife Conflict

Arcadie Svetlana MINGUENGUI NDOMBA épse NZOMA

The Minister of Transport, the Merchant Navy and the Sea

Captain Dieudonné Loïc NDINGA MOUDOUA

1. The Minister of the Economy and Shareholdings

P.I. The Minister of Institutional Reform

Murielle MINKOUE epse MINTSA

1. The Minister of Public Accounts

P.I. The Minister of Petroleum

Marcel ABEKE

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