

— infringement of the regulations in force concerning the marketing and packaging of cashew nut products, noted by the Cotton and Cashew Council;

— non-compliance with commitments made to the Cotton and Cashew Council, in particular the payment of campaign prices to producers.

The withdrawal of the approval follows the same procedure as that of the issue.

Art. 11. — Joint orders of the Minister in charge of Agriculture, the Minister in charge of the Economy and Finance and the Minister in charge of Trade shall specify, where necessary, the terms of application of this decree.

Art. 12. — The Minister of Agriculture, the Minister to the Prime Minister, in charge of the Economy and Finance, the Minister to the Prime Minister, in charge of the Budget and the Minister of Trade, Handicrafts and SME Promotion shall be responsible, each in his or her own area of responsibility, for the execution of this decree, which shall be published in the Official Journal of the Republic of Côte d'Ivoire.

Done in Bouake, 26 November 2013.

_____ Alassane OUATTARA.

DECREE n° 2013-812 of 26 November 2013 regulating the profession of cashew nut exporter.

THE PRESIDENT OF THE REPUBLIC,

On the joint report of the Minister of Agriculture, the Minister attached to the Prime Minister, in charge of the Economy and Finance and the Minister of Trade, Handicrafts and SME Promotion,

Considering the Constitution.

Considering the Uniform Act of 17 April 1997 on the Law of Commercial Companies and Economic Interest Groups.

Considering the Uniform Act of 15 December 2010 on General Commercial Law;

Considering the Uniform Act of 15 December 2010 on the law governing cooperative societies ;

Considering law n°94-620 of 18 November 1994 on the third-party holding of agricultural products;

Considering Law n° 2013-656 of 13 September 2013 setting out the rules relating to the marketing of cotton and cashew nuts and the regulation of activities in the cotton and cashew nut sectors;

Considering Decree No. 2012-1118 of 21 November 2012 appointing the Prime Minister, Head of Government;

Considering Decree No. 2012.1119 of 22 November 2012 on the appointment of members of the Government, as amended by Decrees No. 2013-505 of 25 July 2013, No. 2013-784, No. 2013-785 and No. 2013-786 of 19 November 2013;

Considering Decree no. 2013-506 of 25 July 2013 on the powers of the members of the Government, as amended by decree no. 2013.802 of 21 November 2013;

Considering Decree 2013-681 of 2 October 2013 naming the regulatory, monitoring and development body for the cotton and cashew nut sectors
Considering Decree No. 2013-810 of 26 November 2013 establishing the modalities for the external marketing of cashew nut products ;

_____ The Council of Ministers heard

DECIDES:

Article 1. — The purpose of this decree is to regulate the profession of cashew nut exporter.

Art. 2. — Cashew nut products are exported by the following operators:

— natural or legal persons whose main activity is the purchase of cashew nuts;

— cooperative societies and their unions, federations or confederations operating in the cashew sector;

— industrial companies involved in the processing of cashew nuts;

— commercial companies involved in the export of cashew.

Art. 3. — The operators mentioned in article 2 of this decree must hold an exporter's licence issued by the Cotton and Cashew Council.

Art. 4. — Any individual cashew producer applying for approval as an exporter of cashew products

— must have a minimum annual production capacity of twenty-five tonnes;

— must not be affiliated to a cooperative society approved as an exporter;

— must have a taxpayer account number and be in good standing with the tax and customs authorities

- must keep records of its activities;

— must not have had its approval withdrawn for infringement of the regulations on the marketing of cotton and cashew products;

— must have a taxpayer account number and be in good standing with the tax and customs authorities.

Art. 5. — Any cooperative society, union, federation or confederation of producer cooperative societies applying for approval as an exporter of cashew nut products:

— must be entered in the register of cooperative societies;

— must have a share capital of twenty-five million CFA francs and produce for this purpose a bank certificate or a notarial act attesting to its full payment in cash;

- must provide a guarantee of a minimum amount of twenty-five million CFA francs which may be called in the event of default in its commitments to the Cotton and Cashew Council;

— must have its head office in Cote d'Ivoire;

- must not have had its approval withdrawn for infringement of the regulations on the marketing of cotton and cashew products;

- must communicate its articles of association, indicating in particular the composition of the share capital, the list of shareholders, their nationality and the amount of their participation

- must provide the projected operating account, in the case of a new business, and, in the case of existing businesses, the financial statements for the last two financial years, the auditors' reports and, where appropriate, the audit reports for the last two years;

— must communicate the list of partner buyers;

— must have a taxpayer account number and be in good standing with the tax and customs authorities.

Art. 6. — Any commercial or industrial company, any traders' cooperative company, any union, federation or confederation of traders' cooperative companies which applies for approval as an exporter of cashew nut products :

— must be registered in the trade and personal property credit register or in the register of cooperative societies.

— must have a minimum share capital of fifty million CFA francs, fully subscribed and paid up.

-- must provide a guarantee of a minimum amount of fifty-four million CFA francs which may be called upon in the event of default in its commitments made by the Cotton and Cashew Council.

— must have its head office in Ivory Coast

- must not have had its approval withdrawn for infringement of the regulations on the marketing of cotton and cashew products;

— must communicate its articles of association, in particular outraged the composition of the share capital, the list of shareholders, their nationality and the amount of their participation

- must communicate the projected operating account, if it is a new company and, for existing dojos, the financial statements for the last two financial years, the reports of the auditors, as well as, where applicable, the audit reports for the last two financial years;

— must communicate the list of partners buyers;

- must have a taxpayer account number and be in good standing with the tax and customs authorities.

Art. 7. — For local cashew nut processing industries, a joint order of the Minister in charge of Agriculture, the Minister in charge of Industry, the Minister in charge of the Economy and Finance and the Minister in charge of the Budget shall determine the modalities of application of paragraphs 2 and 3 of Article 6 of this decree.

Art. 8. — The directors, managers, and executives of any commercial or industrial company, any cooperative company, any union, federation or confederation of cooperative companies of traders who apply for approval as exporters of cashew nut products:

— must not have been a director or officer of a legal person whose approval has been withdrawn within the last five years;

— must not be prohibited from carrying on or managing an economic activity;

must not have been the subject, on a personal basis, of a withdrawal of authorisation as a buyer of cotton or cashew products during the last five years.

Art.9. — The exporter must, in support of his application for approval, in a form determined by the Cotton and Cashew Council, undertake, in writing, to:

— honor all its commitments to the Cotton and Cashew Council ;

— directly carry out the operations inherent in the exercise of the profession, the machining may however be entrusted to a third party and in this case, produce the machining contract;

— comply with the regulations in force regarding the marketing and packaging of products for export;

-communicate the statistics necessary for monitoring the cashew sector, according to the format fixed by the Cotton and Cashew Council.

Art.10. — The exporter is prohibited from exercising in Cote d'Ivoire, directly or indirectly, on his behalf or on behalf of others, the profession of third party holder of cashew nut products.

The exporter, whether a commercial or industrial company, a cooperative company, a union, federation or confederation of cooperative companies, shall be deemed to be subject to the prohibition provided for in the preceding paragraph where one of its members holding at least 20% of the exporter's share capital exercises the profession of third party holder directly or indirectly through one or more companies of which it holds more than 50% of the share capital.

The exporter, commercial or industrial company, cooperative company, union, federation or confederation of cooperative companies which, as a result of a change in its share capital, falls under the above-mentioned prohibition, shall, within one month of such change, inform Cotton and Cashew Council, which may authorise the provisional maintenance of the authorisation during the current year.

Art. 11. — The application for approval shall be addressed to the Director General of the Cotton and Cashew Council. It shall be accompanied by all documents attesting that the legal and regulatory conditions prescribed for the exercise of the profession of cashew nut exporter are fulfilled.

The General Management of the Cotton and Cashew Council shall examine the application for approval, verify whether the applicants meet the conditions and obligations defined in the law n°2013-656 of 13 September 2013 and in the present decree.

The General Management of the Cotton and Cashew Council shall carry out all necessary investigations and verifications, obtain all information on the applicant, its shareholders, associates, co-operators, and managers, in particular their capacity and probity.

It examines the facilities as well as the technical and financial means of the applicant. It shall also assess the applicant's ability to achieve its objectives under conditions compatible with the rules governing the marketing of cotton and cashew products.

The granting of approval as an exporter of cashew nut products is subject to the verification of the conformity of the documents in the application file with the legal and regulatory provisions in force.

However, approval for companies exporting cashew nut processed products or by-products from their processing units may be granted under specific conditions defined by the Cotton and Cashew Council.

Art. 12.— The cashew exporter's licence is granted exclusively by the Cotton and Cashew Council for the period of one season.

The list of approved exporters is published in the press at the beginning of the campaign.

Art. 13. — Approval may be withdrawn at any time in the following cases :

— fraudulent declaration in the application for authorisation or when one of the conditions for issuing authorisation is no longer met
infringement of the regulations in force concerning the marketing and packaging of cashew nut products, established by the the Cotton and Cashew Council;

— non-compliance with commitments made in the application *for approval*.

Withdrawal of approval is subject to the same procedure as issuance.

Art. 14. — Joint decrees of the Minister in charge of Agriculture, the Minister in charge of Economy and Finance, the Minister in charge of Trade and the Minister in charge of Industry shall specify, where necessary, the modalities of application of this decree.

Art. 15. — The Minister of Agriculture, the Minister attached to the Prime Minister, in charge of the Economy and Finance, the Minister attached to the Prime Minister, in charge of the Budget, the Minister of Trade, Handicrafts and SME Promotion and the Minister of Industry and Mines are responsible, each in his or her area of responsibility, for the execution of this decree which shall be published in the Official Gazette of the Republic of Cote d'Ivoire..

Done in Bouaké, 26 november 2013.

_____ Alassane OUATTARA.

DECREE No. 2013-813 of 26 November 2013 on the bagging intended for the packaging of raw cashew nuts.

THE PRESIDENT OF THE REPUBLIC,

On the joint report of the Minister of Agriculture, the Minister to the Prime Minister, in charge of the Economy and Finance, and the Minister of Commerce, Handicrafts and the Promotion of SMEs.

Considering the Constitution ;

Considering law n° 2013-656 of 13 September 2013 establishing the rules relating to the marketing of cotton and cashew nuts and the regulation of activities in the cotton and cashew nut sectors;

Considering Decree No. 2012-118 of 21 November 2012 appointing the Prime Minister, Head of Government;

Considering Decree No. 2012-1119 of 22 November 2012 appointing the members of the Government, as amended by decrees no. 2013-505 of 25 July 2013, No. 2013-784, No. 2013-785 and No. 2013-786 of 19 November 2013;

Considering Decree No. 2013-506 of 25 July 2013 on the powers of members of the Government, as amended by Decree No. 2013-802 of 21 November 2013 ;

Considering Decree No. 2013-681 of October 2, 2013 naming the body for the regulation, monitoring and development of activities in the cotton and cashew sectors;

The Council of Ministers heard,

DECIDES

Article premier. — The purpose of this decree is to determine the rules relating to the packaging of raw cashew nuts.

Art. 2. — The raw cashew nut is exclusively collected and marketed in jute bags, dedicated to the cashew industry, and presenting no danger to human health.

Art. 3. — The raw cashew nut product sold on the domestic market is packaged in "bush bags".

The raw cashew nut product sold on the external market is packaged in "export bags".

Art. 4. — The specifications, characteristics, and markings of "bush bags" and "export bags" are defined by the Cotton and Cashew Council.

Art. 5. — The use of bags that do not meet the specifications and characteristics defined in Article 3 of this decree is prohibited.

Art. 6. —

The bagging bush is financed by professional contributions collected on the cashew nut sector under shared functions, in accordance with the regulatory provisions in force.

Art. 7. — The Cotton and Cashew Council takes all necessary measures for the provision and management of bags.

The distribution of bags dedicated to raw cashew nuts outside the marketing circuit is strictly prohibited.

Art. 8. — Violation of the above provisions exposes the offender to the penalties provided for by the aforementioned law n°2013-656 of 13 September 2013, without prejudice to legal proceedings

Art. 9. — The Minister of Agriculture, the Minister attached to the Prime Minister, in charge of Economy and Finance, the Minister attached to the Prime Minister, in charge of Budget and the Minister of Trade, Handicrafts and SME Promotion shall ensure, each in what concerns him, the execution of the present decree which shall be published in the Official Journal of the Republic of Cote d'Ivoire,

Done in Bouaké, le 26 novembre 2013.

Alassane OUATTARA.

DECREE No. 2013-814 of November 26, 2013 on the conditions for exercising the profession of third party holder in cotton and cashew

THE PRESIDENT OF THE REPUBLIC,

On the joint report of the Minister of Agriculture, of the Minister to the Prime Minister, in charge of Economic and Finance and of the Minister of Trade, Crafts and the Promotion of SMEs.

For further precision, refer to the original version