

Law 2017/10 of 12 July 2017 to lay down the General Rules and Regulations Government Public Establishments

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CHAPTER 1

CHAPTER 1

SECTION 1

(1) This law lays down the general rules and regulations governing public establishments.

(2) It sets out the terms and conditions for the setting-up, organization and functioning of public establishments, as well as related restrictions and incompatibilities.

(3) Separate laws may, as and when necessary, set up other forms of public establishments.

SECTION 2

(1) This law shall apply to the following types of public establishments:

- administrative public establishment;
- social public establishment;
- hospital public establishment;
- cultural public establishment;
- scientific public establishment;
- technical public establishment;
- professional public establishment;
- economic and financial public establishment;
- special public establishment.

(2) A public establishment may take one or more of the forms referred to in

SECTION 3 — Public establishments shall be

distinguished solely by their non commercial
Definitions

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SECTION 4

For the purposes of this law and the regulations arising therefrom, the following definitions shall apply:

- Board member: a corporate body or natural person that is a member of a Board of Directors appointed in accordance with the rules and regulations governing public establishments and that participates in the

administration of the entity.

- Financial autonomy: the powers of a corporate body to freely administer and manage its movable and immovable, tangible and intangible or liquid assets in the pursuit of its corporate purpose.

- Budget: an estimate of all the income and expenditure of a public corporation for the fulfilment of its duties within a financial year.

- Public establishment: a corporate body governed by public law with legal personality and financial autonomy, responsible for managing a public utility or carrying out a special general interest mission on behalf of the State or a regional or local authority.

- Allocated property: all the movable or immovable, tangible or intangible or liquid assets placed by the State, public establishment and/or regional or local authority at the disposal of a public establishment.

- Performance: capacity to accomplish a task to achieve results, in keeping with pre-set objectives, minimizing costs and the processes used.

- Programme: set of actions to be implemented within an entity to achieve a specified public policy objective as part of a task.

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In concrete terms, it includes the appropriations intended for the implementation of a coherent set of actions falling under the same entity and having specific objectives defined on the basis of general interest goals as well as expected outcomes and subject to appraisal.

- Supervisory authority: the power of the State or a regional or local authority to define, guide and evaluate its policy in the sector where the public establishment operates to safeguard the general interest.

II - Establishment

SECTION 5

(1) State-owned public establishments shall be set up by decree of the President of the Republic.

(2) Public establishments belonging to corporate bodies governed by public law, other than the State, shall be set up by decision of their policy-making bodies.

SECTION 6 — The instrument setting up a

public establishment shall specify, inter alia:

- its missions, allocated assets, resources, as well as technical and financial supervisory bodies;
- the bodies in charge of its management, the rules of procedure of such bodies, the scope of their powers and the conditions for appointing the officials thereof.

III - Supervisory Authority, Supervision of Management and Performance of Public Establishments

SECTION 7

(1) Public establishments shall be under a technical and financial supervisory authority.

(2) The technical supervisory autho-

rity shall seek to ensure that the activitiesUBLIQUE DU CAMEROUN 15 juillet 2017

In concrete terms, it includes the appropriations intended for the implementation of a coherent set of actions falling under the same entity and having specific objectives defined on the basis of general interest goals as well as expected outcomes and subject to appraisal.

- Supervisory authority: the power of the State or a regional or local authority to define, guide and evaluate its policy in the sector where the public establishment operates to safeguard the general interest.

II - Establishment

SECTION 8

(1) Public establishments set up by the State shall be under the technical supervisory authority of the ministry in charge of the sector wherein the public establishment operates or any other body provided for in the instrument setting up the public establishment.

(2) Public establishments set up by the State shall be under the financial supervisory authority of the ministry in charge of finance.

SECTION 9

(1) Public establishments set up by regional and local authorities shall be under the technical and financial supervision of the executive bodies of the latter.

(2) Public establishments set up by a Public Establishment shall be under the technical and financial supervision of the

executive body of the Public Establishment concerned.

SECTION 10 — The technical and financial

supervision of public establishments jointly set up by two or more corporate bodies governed by public law shall be exercised by the body or bodies set up by the instrument setting up the public establishment.

SECTION 11

The State and regional and local authorities shall participate in the management of public establishments under their portfolios, through their representative(s) on the Boards of Directors.

SECTION 12

(1) Technical and financialTHE REPUBLIC OF CAMEROON 19 undertaken by the public establishment com-

ply with the Government's public policy guidelines in the sector concerned, subject to the powers entrusted to the Board of Directors.

(3) The financial supervisory authority shall seek to ensure that the finance-related management operations of public establishments comply with the laws and regulations governing public finance, and to conduct the posteriori review of their accounts.

SECTION 13 — The technical supervisory

authority shall ensure that resolutions adopted by the Boards of Directors comply with the laws and regulations in force, as well as sector policy guidelines.

SECTION 14 — The financial supervisory

authority shall ensure regularity of Board resolutions that have a financial impact. sustainability of financial commitments and overall consistency of the performance plans of public establishments with sector programmes.

CHAPTER 2 — Management of Public Establishments I- Management Organs

SECTION 15 — The management organs of a

public establishment shall be:

-the Board of Directors or any other body in lieu thereof;

- the General Management or any other bodyBLIQUE DU CAMEROUN 15 juillet 2017 supervisory authorities shall, in conjunction

with Boards of Directors, contribute to monitoring the performance of public establishments.

(2) Public establishments shall submit all documents and information relating to the life of the public establishment to technical and financial supervisory authorities.

(3) The documents and information referred to in Section 12(2) above shall concern notably performance plans, action plans, annual performance reports, Financial Controller's report, administrative and management accounts, up-to-date staff situation and salary grid.

(4) The Ministers concerned shall submit to the President of the Republic an annual report on the situation of the public establishments under their technical supervisory authority.

CHAPTER 2 — Management of Public Establishments I- Management Organs public establishment shall be: -the Board of Directors or any other body in lieu thereof; - the General Management or any other body THE REPUBLIC OF CAMEROON
21 • in lieu thereof. (i) Board of Directors

SECTION 16

(1) The Board of Directors of a public establishment shall comprise no less than 5 (five) and no more than 12 (twelve) members.

(2) The instrument setting up the public establishment shall specify the number of board members, as well as their appointment conditions.

SECTION 17

(1) The Board of Directors shall comprise representatives of the authorities concerned with the implementation of the tasks assigned to the public establishment.

It must include:

- a representative of the Presidency of the Republic;
- a representative of the Prime Minister's Office;
- a representative of the technical supervisory ministry;
- a representative of the financial supervisory ministry;
- an elected staff representative.

(2) Depending on the specificity of the public establishment, the instrument setting

it up shall specify the number of representatives of each of the authorities concerned.

SECTION 18

(1) The board chairperson of a State-owned public establishment shall be appointed by decree of the President of the Republic for a 3 (three) year term, renewable once.

(2) The board chairperson of a public establishment set up jointly by the State and one or more corporate bodies governed by public law shall be appointed under the conditions laid down in the instrument set-

(i) Board of Directors

SECTION 19 — The board chairperson shall

convene and chair board meetings. He shall ensure the implementation of board resolutions.

SECTION 20

(1) Board members of a public establishment set up by the State shall be appointed by decree of the President of the Republic for a 3 (three)-year term, renewable once.

(2) Board members of public establishments setup jointly by the State and other corporate bodies governed by public law shall be appointed under the conditions laid down in the instruments setting them up.

(3) Board members of public establishments set up by public law corporate bodies other than the State shall be appointed under the conditions laid down in the instruments setting them up.

SECTION 21

(1) A board member's term of office shall expire:

- upon death or resignation;
- upon loss of the status that prompted the appointment;
- through dismissal following gross misconduct.

(3) The board chairperson of a public establishment set up by a body other than the State shall be appointed under the conditions laid down in the instrument setting it up.

(4) The board chairperson shall also mean any authority serving in lieu thereof.

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(5) The instrument appointing the board chairperson of a public establishment in accordance with Section 18 (1), (2) and (3) above shall automatically confer on such person the status of board member.

SECTION 22

(1) In accordance with Section 21 above, 6 (six) months prior to the expiry of a board member's term of office, as the case may be, the board chairperson shall contact in writing the entity to which the relevant member belongs for his replacement, with copies to the technical and financial supervisory authorities. No board member may sit upon expiry of his/her term of office.

(2) Upon expiry of the board chairperson's term of office, the technical supervisory ministry shall contact the appointing authority.

(3) In case of a board member's death in office, or in any case where he/she is no longer able to perform his/her duties, the body which appointed him/her shall appoint another member to complete his/her term of office.

SECTION 23

(1) The board chairman shall receive a monthly allowance as well as benefits. The amount of the monthly allowance and the benefits shall be fixed by the Board of Directors in accordance with the regulations in force.

(2) Board members shall receive sitting allowances fixed by resolution of the Board of Directors, within the ceiling limits set by the regulations in force. They may claim reimbursement of expenses arising from board meetings upon presentation of supporting documents.

(3) The Board of Directors may grant special remunerations to its members for tasks and missions assigned them, or authorise them to engage in other activities incompatible with the duty of board member;
- at normal due date.

(2) In the cases provided for in Section 21 (1) above, the board member shall be replaced under the same conditions as those of his/her appointment.

SECTION 24

(1) The Board of Directors shall have power to define and guide general policy and assess the management of the public establishment, within the limits fixed by its corporate purpose, and subject to the laws and regulations in force.

In that regard, it shall in particular:

- set the objectives and approve the performance projects of the public establishment, in accordance with the overall objectives of the sector concerned;
- adopt the budget together with the performance project of the public establishment, and close the books;
- approve the annual performance reports;
- adopt the organization chart and internal regulations;
- authorize recruitment of the entire staff, in accordance with the recruitment plan proposed by the Director General and approved by the Board of Directors;
- authorize dismissal of staff, on the recommendation of the Director General;
- appoint, on the recommendation of the Director General, persons to duty posts, from the rank of sub-director, director and persons ranking as such;
- accept gifts, legacies and subsidies;
- approve performance contracts and all other agreements, including loans, prepared by the Director General and having budgetary implications;
- authorize all transfers of movable or immovable property, and authorize a refund of travel costs and expenses incurred in the interest of the public establishment, subject to prior authorization by the said board.

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