

DECREE No. 2020/727 OF 03 DEC 2020  
to lay down the organization and functioning of the  
Telecommunications Regulatory Agency

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;

Mindful of the OHADA Uniform Act Relating to Commercial Companies and Economic Interest Groups, adopted on 30 January 2014 at Ouagadougou;

Mindful of Law No. 98/13 of 14 July 1998 relating to competition;

Mindful of Law No. 2001/10 of 23 July 2001 to institute minimum service in the area of the telecommunications sector;

Mindful of Law No. 2010/13 of 21 December 2010 governing electronic communications in Cameroon, as amended and supplemented by Law No. 2015/6 of 20 April 2015;

Mindful of Law No. 2018/11 of 11 July 2018 to lay down the Cameroon Code of Transparency and Good Governance in public finance management;

Mindful of Law No. 2018/12 of 11 July 2018 relating to the fiscal regime of the State and other public entities;

Mindful of Law No. 2017/10 to lay down the general rules and regulations governing public establishments;

Mindful of Decree No. 2019/320 of 19 June 2019 to lay down conditions for implementing some provisions of Law No. 2017/10 and Law No. 2017/11 to lay down the general rules and regulations governing public establishments and public corporations;

Mindful of Decree No. 2019/322 of 19 June 2019 to lay down categories of public establishments and the remuneration, allowances and benefits of their managers;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No. 2018/190

of 2 March 2018;

PRESIDENCE DE LA REPUBLIQUE  
PRESIDENCY OF THE REPUBLIC  
SECRETIARIAT GENERAL  
SERVICE DU FICHIER LEGISLATIF ET REGLEMENTAIRE  
LEGISLATIVE AND STATUTORY AFFAIRS CARD INDEX SERVICE  
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HEREBY DECREES AS FOLLOWS:

CHAPTER I  
GENERAL PROVISIONS

**ARTICLE 1:** This decree lays down the organization and functioning of the Telecommunications Regulatory Agency, abbreviated to "TRA", and hereinafter referred to as "the Agency".

**ARTICLE 2:** (1) The Agency shall be a special public establishment, with legal personality and financial autonomy.

(2) It shall be governed by the private accounting rules, in accordance with the provisions of the OHADA Uniform Act Relating to Commercial Companies and Economic Interest Groups.

(3) The headquarters of the Agency shall be in Yaounde. It may be transferred to any other venue on the national territory, by resolution of the Board of Directors.

(4) Branches of the Agency may be set up within the national territory, as and when necessary, by resolution of the Board of Directors.

**ARTICLE 3:** (1) The Agency shall be under the technical supervisory authority of the ministry in charge of telecommunications and under the financial supervisory authority of the ministry in charge of finance.

(2) The purpose of the technical supervisory authority shall be to ensure that the activities carried out by the Agency are compliant with Government public policy guidelines in the electronic telecommunications sector, subject to the powers devolved on the Board of Directors.

In addition, it shall ensure compliance of the resolutions of the Board of Directors with the laws and regulations, as well as with sector policy guidelines.

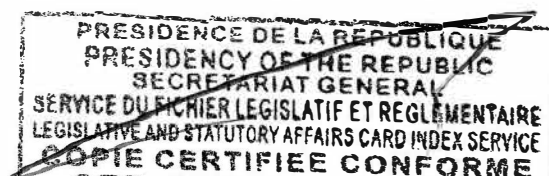
(3) The purpose of the financial supervisory authority shall be to ensure that the Agency's management transactions with a financial impact are compliant with public finance regulations on the one hand, and the post-audit regularity of accounts, on the other hand.

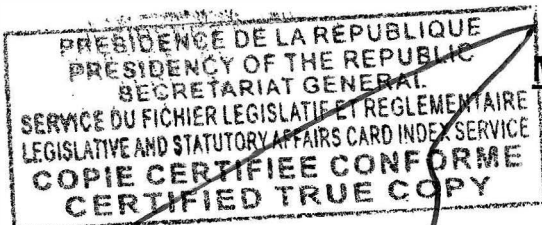
In addition, it shall ensure the regularity of the resolutions of the Board of Directors with a financial impact, the sustainability of financial commitments and the overall consistency of Agency performance plans with sector programmes.

**ARTICLE 4:** (1) The technical and financial supervisory authorities, in conjunction with the Board of Directors, shall contribute towards monitoring the performance of the Agency.

(2) The Agency shall submit to the technical and financial supervisory authorities all documents and information relating to its management, including performance projects, action plans, annual performance reports, auditors' reports, the administrative and management accounts, the updated situation of the staff and the salary grid.

(3) The technical and financial supervisory ministries shall, each in its own sphere, submit to the President of the Republic an annual report on the situation of the Agency.





## **CHAPTER II** **MISSIONS AND POWERS**

### **SECTION I** **MISSIONS**

**ARTICLE 5:** (1) The Agency shall ensure, on behalf of the State, the regulation, control and monitoring of the activities of dealers, network operators and providers of electronic communication services. It shall also ensure compliance with the principle of equal treatment of users in all electronic communication companies.

As such, it shall be responsible for:

- ensuring the implementation of laws and regulations in the field of telecommunications and information and communication technologies;
- ensuring that networks open to the public are accessed under objective, transparent and non-discriminatory conditions;
- ensuring healthy and fair competition in the telecommunications and information and communication technology sector;
- sanctioning operators' failures to fulfil their obligations as well as anti-trust practices;
- defining principles governing the pricing of the services provided;
- reviewing licence applications and preparing decisions relating thereto;
- formally issuing declaration receipts;
- defining the conditions and obligations for interconnection and infrastructure sharing;
- issuing an official opinion on all draft laws and regulations relating to electronic communications;
- ensuring the assignment and control of the frequency spectrum;
- preparing tender documents for concessions and licences;
- drawing up and managing the numbering plan;
- submitting to the Government any proposals and recommendations for the development and modernization of the telecommunications and information and communication technology sector;
- assigning addressing resources;
- examining files for the approval of terminal equipment and preparing the related decisions;
- issuing approvals;
- ensuring consumer protection;
- performing any other general interest task it may be assigned by the Government in the telecommunications and information and communication technology sector.

(2) The Agency shall ensure implementation of the universal service and the development of electronic communications nationwide.

(3) The Agency shall support any initiative aimed at training and building the capacity of the personnel responsible for regulating the telecommunications sector.

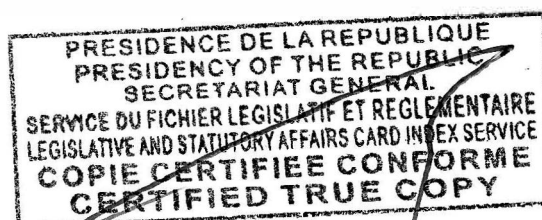
(4) The Agency shall collect the Special Telecommunications Fund resources in accordance with the regulations in force.

(5) The Agency shall collaborate with the National Agency for Information and Communication Technologies in regulating activities relating to electronic communications networks and information systems security.

(6) The Agency shall collaborate with the body responsible for audiovisual regulation as part of the regulation of audiovisual activities.

(7) Prior to referral to any court, the Agency shall seek to settle disputes between electronic communications network operators relating, in particular, to interconnection or access to an electronic communications network, local loop unbundling, numbering, frequency interference, physical co-location and infrastructure sharing.

## **SECTION II** **POWERS**



**ARTICLE 6:** For the purposes of its missions, the Agency shall have the powers of regulation, control, investigation, injunction, coercion and sanction.

As such, it shall be empowered to:

(a) appoint its Sworn Officers who may thus:

- access premises, land or means of transport used for work purposes;
- request disclosure of any professional document and keep a copy thereof;
- collect information and supporting documents by way of summonses or spot checks;

(b) adopt the rules of procedure for referral and settling of inter-operator disputes;

(c) ensure the establishment of offences that may be revealed only through systematic and frequent control of sector operators by criminal investigation officers and sworn officers recruited for that purpose;

(d) collect the necessary information and documents from network operators

and service providers, in accordance with their agreements and specifications, to ensure that they comply with their obligations under the laws and regulations in force;

- (e) settle disputes between certification authorities, network and information systems security service providers, on the one hand, and between the latter and users, on the other hand;
- (f) order the withdrawal of the operation license of any holder of an authorization that fails to comply with the formal notice served on it, in accordance with the conditions and procedures for the issuance thereof;
- (g) inflict sanctions against defaulting operators and dealers. Such sanctions shall be enforceable decisions;
- (h) take the necessary precautionary measures to ensure continuity of service delivery and protect the interests of users.

### CHAPTER III MANAGEMENT ORGANS

**ARTICLE 7:** The management organs of the Agency shall be:

- the Board of Directors;
- Management.



#### SECTION I BOARD OF DIRECTORS

**ARTICLE 8:** (1) Comprising 12 (twelve) members, the Board of Directors shall be chaired by a personality appointed by decree of the President of the Republic.

Besides the Chairperson, the Board of Directors of the Agency shall be composed as follows:

- 1 (one) representative of the Presidency of the Republic;
- 1 (one) representative of the Prime Minister's Office;
- 1 (one) representative of the ministry in charge of telecommunications;
- 1 (one) representative of the ministry in charge of finance;
- 1 (one) representative of the ministry in charge of defence;
- 1 (one) representative of the ministry in charge of justice;
- 1 (one) representative of the Delegation General for National Security;
- 1 (one) representative of the ministry in charge of communication;
- 1 (one) representative of the National Agency for Information and Communication Technologies;
- 1 (one) Agency-elected staff representative;

- 1 (one) representative of users and beneficiaries of electronic communication services, at the behest of the technical supervisory minister.

**Article 9:** (1) The Chairperson of the Board of Directors of the Agency shall be appointed by decree of the President of the Republic for a three-year term, renewable once.

(2) The instrument appointing the Board Chairperson shall automatically confer on him/her the status of Board member.

(3) In case of expiry of the term of office of the Board Chairperson, the technical supervisory minister shall refer this to the appointing authority.

**Article 10:** On the proposal of the ministries or bodies which they represent, members of the Board of Directors shall be appointed by decree of the President of the Republic for a three-year term, renewable once.

**ARTICLE 11:** (1) A Board member's term of office shall end:

- through death or resignation;
- following loss of the capacity that warranted his/her appointment;
- through dismissal as a result of gross misconduct or actions incompatible with the duties of Board member;
- upon its normal expiry.

(2) In the cases provided for in (1) above, a Board member shall be replaced following the same procedures as for his/her appointment.

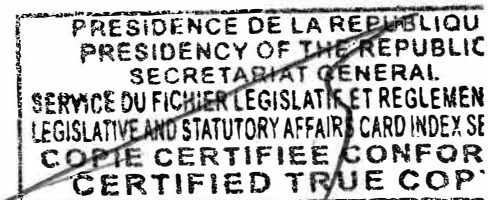
**ARTICLE 12:** (1) Six (6) months prior to the expiry of a Board member's term of office, the Board Chairperson shall refer this to the entity he/she represents for his/her replacement.

(2) No Board member may sit on the Board beyond the expiry of his/her term of office.

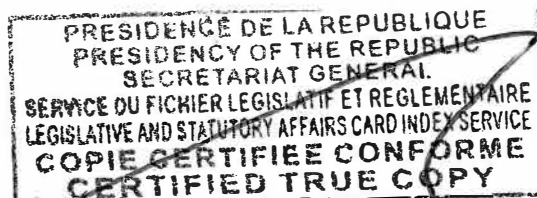
(3) In case of death of a Board member during his/her term of office or, in any case, where a Board member is no longer able to exercise his/her mandate, the ministry or body that he/she represents shall designate another Board member to continue the term of office.

**ARTICLE 13:** (1) The Chairperson and members of the Board of Directors shall be subject to the restrictive and incompatibility measures provided for by the legislation in force.

(2) The duties of Chairperson and member of the Board of Directors shall be incompatible with any direct or indirect holding of interests in an electronic communications sector company, or any paid position in an electronic communication company, or for which remuneration in whatever form is paid by



such company.



**ARTICLE 14:** (1) The Board of Directors shall have powers to formulate and guide the Agency's overall management policy and assess its management, within the limits set by its corporate purpose and in accordance with the laws and regulations in force.

As such, it shall:

- (a) set the Agency's objectives and approve its draft performance plans;
- (b) adopt the Agency's budget, draft performance plan and approve annual accounts and financial statements;
- (c) approve annual performance reports;
- (d) adopt the Organization Chart and Internal Rules and Regulations;
- (e) authorize staff recruitment in accordance with the recruitment plan proposed by the Director-General and approved by the Board of Directors;
- (f) authorize staff dismissal, on the proposal of the Director-General;
- (g) appoint to the positions of sub-director, director and persons ranking as such, on the proposal of the Director-General;
- (h) accept all grants, legacies and subsidies;
- (i) approve performance contracts or all other agreements prepared by the Director-General and having an impact on the budget;
- (j) authorize any disposal of movable or immovable, tangible or intangible property, in accordance with the provisions of Sections 64 and 65 of the above-mentioned Law No. 2017/010;
- (k) ensure compliance with rules of governance and conduct audits to ensure proper management of the Agency;
- (l) fix staff remunerations and benefits, in accordance with the laws and regulations in force, the Internal Rules and Regulations and budget estimates;
- (m) fix the monthly remunerations and benefits of the Director-General and the Deputy Director-General, in accordance with the laws and regulations in force;
- (n) fix the amount of the allowance and benefits of the Board Chairperson as well as the allowances of Board members, in accordance with the regulations in force;
- (o) fix the staff salary scales and benefits proposed by the Director-General, in accordance with the laws and regulations in force, the Internal Rules and Regulations and budget estimates;
- (p) authorize the participation of the Agency in professional associations, groups or bodies whose activity is necessarily linked to its duties;
- (q) adopt any measure that may improve the services provided by the Agency, notably the simplification of administrative procedures;



- (r) see to the publication of an annual report on the status and development of activities in the telecommunications and communication and information technologies sector in Cameroon.

(2) The Board of Directors may delegate some of its powers to the Director-General.

**ARTICLE 15:** The Board Chairperson shall convene and chair Board meetings. He shall ensure the implementation of Board resolutions.

**ARTICLE 16:** The Director-General shall provide secretarial services for Board meetings.

**ARTICLE 17:** (1) When convened by its Chairperson, the Board of Directors shall compulsorily meet at least twice a year in ordinary session, including:

- once to examine the draft performance plan and adopt the budget before the beginning of the next financial year; and
- once to close accounts no later than 30 June of the current year.

(2) The Board Chairperson shall be deemed to have failed in his/her duty where he/she does not convene at least 2 (two) Board meetings a year.

(3) The Board of Directors may be convened in extraordinary session to examine a specific agenda at the request of its Chairperson or 2/3 (two thirds) of Board members.

(4) In case of refusal to convene a Board meeting or in the event of silence on the part of the Board Chair due to permanent incapacity established by the Board of Directors, 2/3 (two thirds) of members shall refer this to the minister in charge of finance who shall convene the Board of Directors to consider a specific agenda.

**ARTICLE 18:** The Board of Directors shall consider any item included on the agenda by the Chairperson or at the request of 2/3 (two thirds) of Board members.

**ARTICLE 19:** (1) In case of vacancy of the position of Board Chairperson as a result of death, resignation or failure of the Chairperson, Board meetings shall be convened by the financial supervisory minister, at the behest of the Director-General or 2/3 (two thirds) of Board members.

(2) Where the initiative is taken by 2/3 (two thirds) of Board members, they shall submit to the financial supervisory authority, a request to convene the Board of Directors, bearing the signatures of those requesting.

(3) The financial supervisory authority shall convene the Board of Directors, at the behest of the Director-General.

(4) Board meetings convened in the cases provided for above shall be chaired by a peer-elected Board member.



**ARTICLE 20:** The Board of Directors may be convened in extraordinary session to consider a specific agenda at the request of its Chairperson or 2/3 (two thirds) of Board members.

**ARTICLE 21:** (1) Convening notices and sessions documents shall be sent to members by letter, fax, telegram, electronic mail or through any means leaving a paper trail at least 15 (fifteen) days prior to the date of the meeting.

(2) Convening notices shall indicate the agenda, date, venue and time of the meeting.

(3) In case of emergency, the time limit provided for in (1) above may be reduced to 5 (five) days.

**ARTICLE 22:** (1) Any Board member who is absent may be represented at the Board session by another Board member. However, no Board member may represent more than one Board member during the same session.

(2) Any Board member present or represented in a Board meeting shall be considered as having been duly convened.

(3) Where the Board Chairperson is unavoidably absent, the Board of Directors shall elect a pro tem Chair from among its members, by a simple majority of members present or represented.

**ARTICLE 23:** (1) The Board of Directors may validly consider an agenda item only if at least 2/3 (two thirds) of its members are present or represented. Where the quorum is not attained on a first sitting, another sitting shall be convened where the quorum shall be reduced to half the Board members.

(2) Each member shall have one vote. Board decisions shall be taken by a simple majority of votes of members present or represented. In the event of a tie, the Chairperson shall have the casting vote.

(3) Board proceedings shall be recorded in minutes signed by the Board or Pro-tem Chairperson and one Board Member. The minutes shall indicate the names of members present or represented and those of persons invited in an advisory capacity. The minutes shall be read and approved during a Board meeting.

(4) The minutes shall be entered in a special register kept at the headquarters of the Agency.

**ARTICLE 24:** (1) Decisions of the Board of Directors shall be in the form of resolutions. They shall be signed on the spot at Board meetings by the Board or Pro-tem Chairperson, where applicable, and one Board Member.

(2) Decisions of the Board of Directors shall take effect from the date they are adopted, subject to any contrary provisions of the laws and regulations in force.

**ARTICLE 25:** (1) For the performance of its missions, the Board of Directors may set up internal Committees and Commissions, as and when necessary.

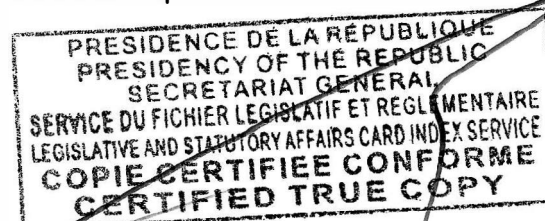
(2) Committee or Commission Members shall be entitled to working facilities and allowances within the limits of the ceilings set under the regulations in force.

**ARTICLE 26:** (1) The Chairperson of the Board of Directors shall be entitled to a monthly allowance as well as benefits. The amount of the monthly allowance and benefits shall be fixed by the Board of Directors, in accordance with the regulations in force.

(2) Board Members shall be entitled to a session allowance fixed by resolution of the Board of Directors, within the limits set by the regulations in force. They may claim reimbursement of the expenses incurred during the session, upon presentation of supporting documents.

(3) The Board of Directors may grant Board Members exceptional remuneration for various missions and tasks entrusted to them, or authorize the reimbursement of travel and mission expenses, as well as expenses incurred in the interest of the Agency.

## **SECTION II** **MANAGEMENT**



**ARTICLE 27:** (1) The Agency shall be managed by a Director-General, who may be assisted by a Deputy Director-General.

(2) The Director-General and the Deputy Director-General shall be appointed by decree of the President of the Republic, for a 3 (three)-year term of office, renewable twice.

(3) The renewal provided for in (2) above shall be tacit.

(4) In any case, the cumulative term of office of the Director-General and the Deputy Director-General shall not exceed 9 (nine) years.

(5) The duties of Member of Government or personality ranking as such, Member of Parliament, Judicial Officer of a court or Member of the Constitutional Council shall be incompatible with those of Director-General or Deputy Director-General.

**ARTICLE 28:** (1) Under the supervision of the Board of Directors, the Director-General shall be responsible for managing and implementing the Agency's general policy.

As such, he shall, in particular:

- (a) carry out the technical, administrative and financial management of the Agency;
- (b) prepare the draft budget and progress report, produce the administrative account as well as the annual progress report;
- (c) prepare resolutions of the Board of Directors, attend Board meetings in an advisory capacity and execute Board decisions;
- (d) propose a staff recruitment plan to the Board of Directors;
- (e) appoint officials to duty posts subject to the powers devolved to the Board of Directors;
- (f) manage the movable, immovable, tangible and intangible assets of the Agency, in accordance with its corporate purpose and the powers of the Board of Directors;
- (g) submit to the Board of Directors for adoption, the draft organization chart of the Agency, internal rules and regulations, staff rules, the staff salary and benefits scale;
- (h) prepare the Agency's investment plan, activity reports, as well as the accounts and financial statements to be submitted to the Board of Directors for approval and closure;
- (i) assess and dismiss staff subject to the powers of the Board of Directors;
- (j) recruit staff, in accordance with the recruitment plan approved by the Board of Directors;
- (k) propose to the Board of Directors the appointment and dismissal of the Agency's representatives in the General Meetings and on the Boards of Directors of other companies;
- (l) in case of emergency, take any precautionary measure necessary for the proper functioning of the Agency, and report thereon to the Board of Directors;
- (m) carry out purchases, enter into and sign contracts, agreements and conventions, ensure execution and control thereof in strict compliance with the budget, and in accordance with the laws and regulations in force.

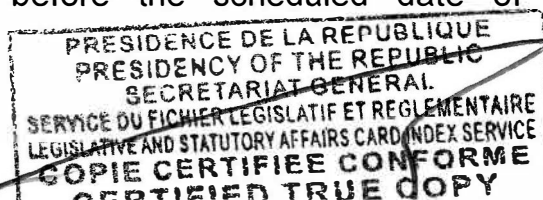
(2) The Director-General may delegate part of his powers.

**ARTICLE 29:** The Director-General shall represent the Agency in all civil acts and in court.

**ARTICLE 30:** (1) The Director-General or Deputy Director-General shall be answerable to the Board of Directors, which may sanction them in case of gross management misconduct or behaviour likely to adversely affect the smooth running or image of the Agency.

(2) In the cases provided for in (1) above, the Chairperson of the Board of Directors shall convene an extraordinary Board meeting during which the Director-General or Deputy Director-General shall be heard.

(3) The indictment file shall be sent to the Director-General or the Deputy Director-General at least 10 (ten) days before the scheduled date of the extraordinary meeting.



(4) Hearing before the Board of Directors shall be adversarial.

(5) The Board of Directors shall validly deliberate only in the presence of at least 2/3 (two thirds) of its members. No proxies shall be allowed in this case.

**ARTICLE 31:** (1) The Board of Directors may impose the following sanctions against the Director-General or Deputy Director-General:

- suspension of some powers;
- suspension from duty for a limited period, with immediate effect;
- suspension from duty with immediate effect coupled with a dismissal request sent to the appointing authority.

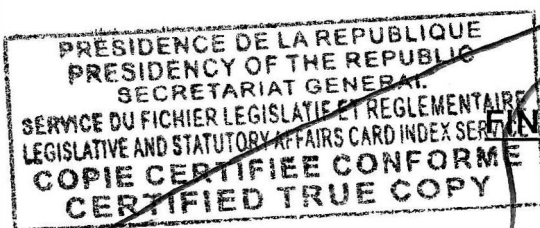
(2) The decisions shall be forwarded, for information, to the Agency's technical and financial supervisory ministers, on the initiative of the Chairperson of the Board of Directors.

**ARTICLE 32:** Where the Director-General or Deputy Director-General is suspended from duty, the Board of Directors shall take the necessary measures to ensure the smooth running of the Agency.

**ARTICLE 33:** (1) Where the Director-General is unavoidably absent, the Deputy Director-General shall deputize.

(2) Where the position of Deputy Director-General is vacant, the Director-General shall appoint an official ranking at least as Director, to deputize.

(3) Where the position of Director-General becomes vacant as a result of death, resignation or end of tenure, the Board of Directors shall take all necessary measures to ensure the proper functioning of the Agency, pending the appointment of a new Director-General by the appointing authority.



## **CHAPTER IV** **FINANCIAL PROVISIONS**

### **SECTION** **RESOURCES**

**ARTICLE 34:** The Agency's financial resources shall comprise:

- a share of entry and/or renewal of authorization fees for activities in the telecommunications sector;
- a share of the penalties instituted by the law governing electronic communications;
- a share of the fee for radio frequency use;
- a share of the fee for the use of addresses, prefixes and numbers or blocks of numbers;
- the Agency's operating fee payable by network operators and electronic

- communications service providers, in accordance with the regulations in force;
- parafiscal charges collected as authorized under the laws in force;
- proceeds of service delivery;
- gifts and legacies;
- any other resources that may be allocated to it under the regulations in force.

**ARTICLE 35:** (1) The financial resources of the Agency shall be public funds. As such, they shall be managed in accordance with the rules laid down in the financial regime of the State and other public entities.

(2) The Agency's resources shall be collected in accordance with the legislation relating to the State debt recovery.

(3) For the recovery referred to in (2) above, the Agency shall have the preferential right of the Treasury.

## **SECTION II** **BUDGET AND ACCOUNTS**

**ARTICLE 36:** The Agency's financial year shall begin on 1 January and end on 31 December of each year.

**ARTICLE 37:** (1) The Director-General shall be the principal authorizing officer of the Agency's budget.

(2) On the proposal of the Director-General, delegated authorizing officers may be designated by the Board of Directors.

**ARTICLE 38:** (1) The draft annual budget together with the performance project including the Agency's investment plans shall be prepared by the Director-General and adopted by the Board of Directors.

(2) The budget shall be presented in the form of coherent sub-programmes, with national or specific public policy objectives.

(3) The Agency's budget shall be balanced in revenue and expenditure.

(4) All the Agency's revenue and expenditure shall be entered in the budget adopted by the Board of Directors.

**ARTICLE 39:** (1) The budget adopted by the Board of Directors shall be forwarded, for information, to the minister in charge of telecommunications, and for approval, to the minister in charge of finance.

(2) The budget shall be rendered enforceable once adopted by the Board of Directors, except otherwise provided by the laws and regulations in force.

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**ARTICLE 40:** The Agency's accounts shall be kept in accordance with the rules of the OHADA accounting system. The Agency's accounts must be regular and give a true and fair view of its assets and financial position.

**ARTICLE 41:** In the event of a budget surplus at the end of the financial year, 50% (fifty percent) of such surplus shall be allocated to the Special Telecommunications Fund, and the other 50% shall be used for the acquisition of regulation and control equipment.

### **SECTION III** **AUDITING AND MONITORING OF ACCOUNTS**

**ARTICLE 42:** The Agency shall be subject to audit by the competent State bodies.

**ARTICLE 43:** (1) The Board of Directors shall appoint one or more auditors chosen from among the experts enrolled in the National Order of Chartered Accountants of Cameroon (ONECCA), following a call for candidates issued by the Director-General.

(2) The Board of Directors shall determine the fees of the Auditor(s) whose term of office may not exceed 3 (three) years, renewable once.

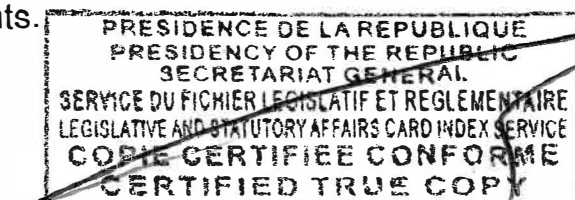
**ARTICLE 44:** (1) The following persons may not be auditors: Board Members, the Director-General, the Deputy Director-General, Director in charge of finance and accounting, Agency staff, as well as their spouses, ascendants, descendants in a direct or collateral line, or any person who receives remuneration from these persons as a result of a permanent activity other than that of auditor.

(2) Where any one of such reasons arises in the course of an Auditor's tenure, such auditor must so inform the Board and cease duties forthwith.

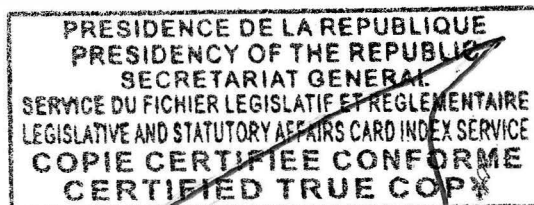
**ARTICLE 45:** (1) The auditor's duties shall include the following:

- conduct all audits and verifications that he/she deems appropriate throughout his/her tenure, and obtain all documents deemed useful;
- without this entailing his/her liability, bring to the attention of the Board of Directors, the supervisory authorities, the representative of the Public Prosecutor's Office, any irregularities or criminal acts that he/she may have discovered;
- prepare reports and communicate the findings thereof to the Board of Directors in a timely manner.

(2) He/she shall be bound by the generally accepted auditing obligations and arrangements.



**CHAPTER V**  
**STAFF**



**ARTICLE 46:** (1) The following may be part of the staff of the Agency:

- personnel recruited by the Agency;
- civil servants on secondment;
- State employees governed by the Labour Code placed at the disposal of the Agency;
- seasonal, casual and temporary staff whose recruitment, remuneration and contract termination terms and conditions shall be laid down in the staff rules and regulations.

(2) Civil servants on secondment and State employees governed by the Labour Code placed at the disposal of the Agency shall, throughout the period of their employment, be liable to the labour laws, subject to the provisions of the General Rules and Regulations Governing the Public Service and special regulations relating to retirement, advancement and end of secondment.

(3) The Agency's staff may under no circumstances be wage earners, receive remuneration in any form whatsoever, or have a direct or indirect interest in an enterprise in the telecommunications and information and communication technology sector.

**ARTICLE 47:** (1) Civil servants on secondment and State employees governed by the Labour Code placed at the disposal of the Agency shall, regardless of their status or origin, be entirely managed by the Agency.

(2) The management referred to in (1) above shall concern the payment of salaries and salary incidentals, allowances, bonuses and other benefits provided by the Agency.

**ARTICLE 48:** (1) The civil and/or criminal liability of the Agency staff shall be subject to the rules of ordinary law.

(2) Conflicts between staff and the Agency shall fall under the jurisdiction of ordinary law courts.

**ARTICLE 49:** The instrument to appoint the Director-General and the Deputy Director-General shall not confer on them the status of employees of the Agency, unless the persons concerned were previously under contract with the Agency.

**CHAPTER VI**  
**PROPERTY OF THE AGENCY**

**ARTICLE 50:** (1) The Agency's property shall comprise movable and immovable assets assigned to it by the State.



(2) Public, national and private State property transferred for use to the Agency, in accordance with the State property laws, shall maintain their original status.

(3) Private State property transferred to the Agency for ownership shall be finally incorporated into its assets.

(4) Assets forming part of the Agency's private property shall be managed in accordance with ordinary law.

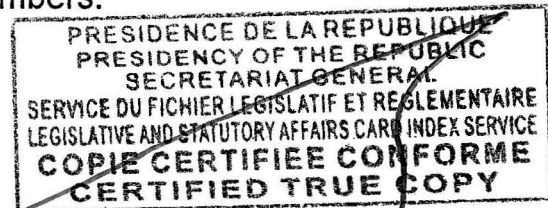
**ARTICLE 51:** (1) The Director-General shall be responsible for managing the Agency's property, under the supervision of the Board of Directors.

(2) The property management referred to in (1) above shall concern assets acquisition and disposal.

**ARTICLE 52:** (1) The Director-General shall seek the prior authorization of the Board of Directors in case of disposal of the Agency's property. He/she shall update the Board of Directors on the status of property which shall be examined during one of its sessions.

(2) The authorization of the Board of Directors shall be in the form of a resolution adopted by at least two thirds (2/3) of its members.

## **CHAPTER VII** **PUBLIC CONTRACTS**



**ARTICLE 53:** (1) The Agency shall not be subject to the provisions of the Public Contracts Code.

(2) The Board of Directors shall ensure the rules of transparency, competition, equal treatment of bidders and fair pricing.

(3) A resolution of the Board of Directors shall specify the terms and conditions of the organization and functioning of the internal tenders board, appointment of its member and evaluation of bids.

## **CHAPTER VIII** **MISCELLANEOUS AND FINAL PROVISIONS**

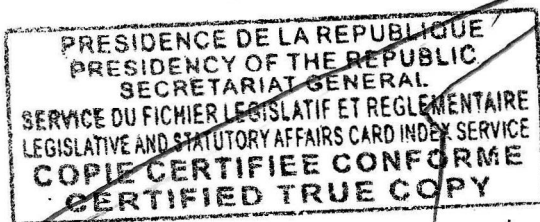
**ARTICLE 54:** (1) In the event of a serious crisis likely to jeopardize public interest duties, the corporate purpose or Government's sector-specific objectives, a provisional administrator may be appointed by decree of the President of the Republic, in lieu of the Agency's governing bodies.

(2) The instrument appointing the Provisional Administrator shall specify his/her duties and the duration of his/her tenure, in accordance with the regulations in force.

**ARTICLE 55:** The Agency's Board members and staff shall be bound by professional secrecy with regard to any information, facts, acts or intelligence they have become privy to in the performance of their duties, and by the obligation of discretion.

**ARTICLE 56:** All previous provisions repugnant hereto, in particular those of Decree No. 2012/203 of 20 April 2012 to lay down the organization and functioning of the Telecommunications Regulatory Agency, are hereby repealed.

**Article 57:** This decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.



Abende, 03 DEC 2020

**Paul BIYA**

**THE PRESIDENT OF THE REPUBLIC**