

PRESIDENCE DE LA REPUBLIQUE  
PRESIDENCY OF THE REPUBLIC  
SECRETARIAT GENERAL  
SERVICE DU FICHIER LEGISLATIF ET REGLEMENTAIRE  
LEGISLATIVE AND STATUTORY AFFAIRS CARD INDEX SERVICE  
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LAW N. 2021/014 OF 09 JUL 2021

**TO GOVERN ACCESS TO GENETIC RESOURCES, THEIR  
DERIVATIVES, TRADITIONAL KNOWLEDGE ASSOCIATED WITH  
GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING  
OF THE BENEFITS ARISING FROM THEIR UTILIZATION**

*The Parliament deliberated and adopted,  
the President of the Republic hereby  
enacts the law set out below:*

**CHAPTER I**  
**GENERAL PROVISIONS**

**I- PURPOSE AND SCOPE**

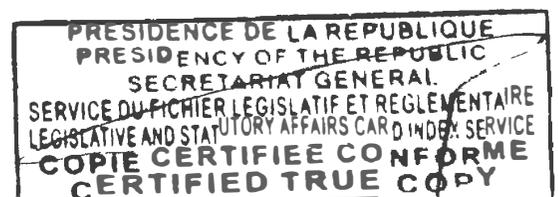
**SECTION 1:** This law governs access to genetic resources, their derivatives, associated traditional knowledge and the fair and equitable sharing of the benefits arising from their utilization.

**SECTION 2:** The purpose of this law shall be to:

- (a) support the valorization of genetic resources and associated traditional knowledge to promote their conservation and sustainable use;
- (b) regulate access to genetic resources, their derivatives and/or associated traditional knowledge;
- (c) ensure the involvement of indigenous and local communities in sharing the benefits arising from the use of genetic resources or associated traditional knowledge;
- (d) promote and encourage the use of research findings as well as the documentation of genetic resources and associated traditional knowledge;
- (e) contribute to improving the living conditions of indigenous and local communities;
- (f) improve the contribution of biodiversity to human development and well-being;
- (g) discover and make available genetic information.

**SECTION 3:** The provisions of this law shall apply to the following aspects:

- (a) access to genetic resources of plant, animal and microbial origin or any other genetic resources containing functional units of heredity across the national territory;
- (b) access to associated traditional knowledge, including that of individuals or indigenous and local communities;
- (c) transfer of genetic resources, associated traditional knowledge and research findings to third parties for development or commercial purposes;
- (d) obtaining intellectual property rights on the use of genetic resources, their derivatives and/or associated traditional knowledge;
- (e) international cooperation and cross-border aspects relating to genetic resources;



- (f) current use of previously acquired genetic resources and/or traditional knowledge;
- (g) conservation of genetic resources.

**SECTION 4:** The following shall be excluded from the scope of this law:

- (a) biological resources whose use is not intended for the utilization of genetic resources;
- (b) biological resources and associated traditional knowledge used or exchanged among indigenous and local communities in traditional, cultural, spiritual or customary settings.

**SECTION 5:** (1) Genetic resources and their derivatives of national origin belonging to the State shall constitute the common heritage of the nation.

(2) No one may use them for scientific, commercial or cultural purposes without prior informed consent.

**SECTION 6:** Associated traditional knowledge shall belong to the indigenous and local communities that developed, preserved and handed it down from generation to generation, or to individuals identified by them in their midst.

## **II- DEFINITIONS**

**SECTION 7:** For the purposes of this law and its implementing instruments, the following definitions shall apply:

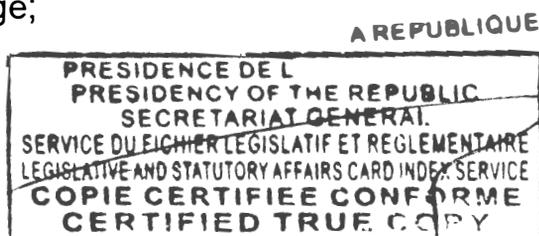
**Access:** possibility for a person or group to acquire, own and master knowledge. It entails collection and acquisition including any transaction on genetic resources, their derivatives or associated traditional knowledge by the user;

**ABS (Access and Benefit Sharing):** Access and fair and equitable sharing of benefits arising from the utilization of genetic resources;

**Competent authority:** person vested with State authority, authorized to report environmental, forestry, health, agricultural, livestock and fisheries emergency situations.

**Competent National Authority:** person vested with State authority, responsible for issuing the Prior Informed Consent and the ABS permit;

**Benefit:** monetary or non-monetary gain from the use of genetic resources, their derivatives and associated traditional knowledge;



**Synthetic biology:** application of engineering methodologies and techniques to biology in order to create or redesign a living system that has a characteristic not normally found in nature;

**Bioprospecting:** inventory and assessment of the components of biological diversity. In other words, it is the collection, research and use of biological or genetic material in order to apply knowledge to scientific or commercial purposes;

**Biotechnology:** any technological application that uses biological systems, living organisms or derivatives thereof, to develop or modify products or processes for specific use and refers to synthetic biology;

**ABSCH (Access and Benefit Sharing Clearing-House):** platform for exchanging information on access and fair and equitable sharing of benefits arising from the utilization of genetic resources;

**Value chain:** a set of activities and operations intended for the development of a genetic resource;

**Mutually Agreed Terms:** a general expression indicating that the user and provider of a resource must agree on the terms governing its utilization, as well as the conditions for sharing the ensuing benefits;

**Associated traditional knowledge:** dynamic and evolving body of knowledge, developed within in a traditional context, collectively preserved and passed on from one generation to another, including know-how, techniques, innovations, practices and learning, that subsists in biological and genetic resources;

**Prior informed consent:** authorization issued by the National Competent Authority granting an applicant access to a genetic resource and/or associated traditional knowledge under specific conditions;

**National focal point:** natural person designated to provide information on access to genetic resources and associated traditional knowledge, and on the competent national authority, indigenous and local populations and relevant stakeholders;

**Applicant:** natural or legal person seeking access to a genetic resource, its derivative and/or associated traditional knowledge for scientific or commercial use;

**Derivative:** any naturally occurring biochemical compound resulting from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity;

**Holder of associated traditional knowledge:** any natural person belonging to an indigenous population or to a local community or any community with associated traditional knowledge;

**Customary law:** set of customs, practices and beliefs that are accepted as binding rules of conduct in indigenous and local communities;

**Intellectual property rights:** set of legal rules aimed at protecting the creation of intellectual works, including those relating to:

- literary, artistic and scientific works;
- performances of performing artists, phonograms and broadcasts;
- inventions in all fields of human activity;
- scientific discoveries;
- industrial designs;
- trademarks and service marks, as well as trade names and business names;
- protection against unfair competition;
- all other rights relating to intellectual activity in the industrial, scientific, literary and artistic fields;

**Provider:** the State, as holder of genetic resources, or indigenous and local communities, as holders of traditional knowledge associated with genetic resources;

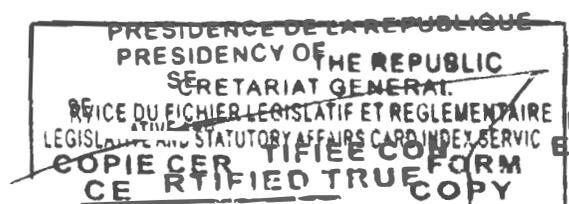
**Genetic material:** any material of plant, animal, microbial or other origin containing functional units of heredity;

**Sharing:** division and distribution of monetary and non-monetary benefits among the contracting parties to mutually agreed terms;

**ABS Permit:** legal document attesting that conditions of access to a genetic resource, its derivatives and/or associated traditional knowledge, have complied with the procedure for obtaining prior informed consent and establishing mutually agreed terms;

**Indigenous and local communities:** community of people who rely on their associated traditional knowledge for their livelihood within their natural environment and genetic resources, and whose lifestyle requires the conservation and sustainable use of the resources;

**Biocultural community protocol:** a participatory toolkit which elaborates the lifestyles, values, procedures and priorities of indigenous and local communities. It



establishes rights and responsibilities under customary, State and international law as the basis for interacting with external actors;

**Biological resource:** any component of the biological diversity of plant, animal or microbial origin that has a direct, indirect or potential value for humans;

**Phytogenetic resource:** plant genetic material of actual or potential value for food and agriculture;

**Genetic resource:** genetic material of actual or potential value;

**Transfer of genetic resources:** action/act by which the provider, through agreement, places genetic resources, their derivatives and/or biological resource at the disposal of the user;

**Technology transfer:** transmission of knowledge or know-how between one or several persons or organizations through various activities such as correspondence, training, workshops, conferences, databases, publications, project funding and technology supply;

**Transfer of associated traditional knowledge:** action/act by which the provider, under mutually agreed terms, places associated traditional knowledge at the disposal of the user;

**User:** any natural or legal person, with an ABS permit, who uses genetic resources, their derivatives and/or associated traditional knowledge;

**Utilization of genetic resources and associated traditional knowledge:** process of exploring the properties of plants, animals and micro-organisms and their associated traditional knowledge and derivatives in order to further scientific knowledge and information or to develop commercial products;

**Use of research results:** process of leveraging research results, including their production, dissemination and utilization;

**Popularization of research results:** action of making the research results known to the general public.

## CHAPTER II ACCESS TO GENETIC RESOURCES, THEIR DERIVATIVES AND/OR ASSOCIATED TRADITIONAL KNOWLEDGE

**SECTION 8:** (1) Any natural or legal person may undertake activities relating to the use of genetic resources, their derivatives and/or associated traditional knowledge in the national, public or private domain, as well as their derivatives and have



access thereto under the conditions provided for by this law and the regulations in force.

(2) The activities referred to in paragraph 1 above may relate to:

- basic research;
- bioprospecting;
- research and development;
- marketing;
- use of genetic information;
- intellectual property issues;
- education;
- genetic resource inventory.

(3) The specific conditions for carrying out these activities shall be laid down by regulation.

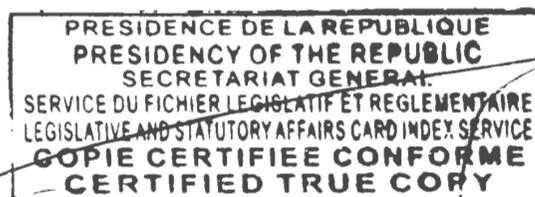
**SECTION 9:** (1) Access to genetic resources, their derivatives and/or associated traditional knowledge shall be subject to prior informed consent issued by a competent national authority upon approval by the National Genetic Resources Access and Benefit-sharing Committee.

(2) The prior informed consent shall be valid for a period of 1 (one) year, renewable according to the terms laid down by regulation.

(3) Basic research and development programmes carried out exclusively within the national research and innovation system under the terms and conditions laid down by regulation shall be excluded from the provisions of paragraph 1 above and subject to the declaration regime at the Competent National Authority, and to the signing of mutually agreed terms with the indigenous and local communities.

(4) The provisions of paragraph 2 above shall not apply to the transfer of genetic material by local researchers out of the country, or the sale of the exploited genetic resource. Any local researcher wishing to utilize genetic or material resources for commercial purposes shall be bound to obtain a prior informed consent as provided for in paragraph 1 above.

**SECTION 10:** (1) Mutually agreed terms between the applicant and the community concerned by the genetic resource, its derivatives and/or associated traditional knowledge shall only be concluded upon obtaining a prior informed consent for a period of 3 (three) years, renewable.



(2) The terms and conditions for negotiating mutually agreed terms shall be laid down by regulation.

**SECTION 11:** The procedure on accessing genetic resources, their derivatives and/or associated traditional knowledge, including the obligations of the applicant and of the Competent National Authority with respect to deadline, prior informed consent, mutually agreed terms, and the role of indigenous and local communities shall be laid down by regulation.

**SECTION 12:** The sampling and exportation of biological resources to be utilized as genetic resources shall be subject to previously obtaining the authorizations or permits provided for by the regulations in force.

**SECTION 13:** Following the favourable opinion of the ABS National Committee, access to a biological resource shall be subject to the obtaining of a prior informed consent before the exportation and utilization of the said resource in accordance with conditions laid down by regulation.

**SECTION 14:** (1) Following the favourable opinion of the ABS National Committee, the Competent National Authority shall conduct an inventory of national genetic resources.

(2) The Competent National Committee shall draw up a non-exhaustive list of species containing genetic resources of particular interest with regard to access to fair and equitable sharing of benefits and forward same to the relevant government services.

**SECTION 15:** (1) Access conditions in emergency situations that threaten or are harmful to human, animal or plant health, as defined at national or international levels, shall be laid down by regulation.

(2) The access referred to in paragraph 1 above shall be subject to a summary procedure laid down by regulation.

**SECTION 16:** The conditions for accessing phylogenetic resources for food and agriculture under the multilateral system of the International Treaty on Plant Genetic Resources for Food and Agriculture of the United Nations Food and Agriculture Organization shall be laid down by regulation.

**SECTION 17:** Upon presentation of the prior informed consent and mutually agreed terms, the Competent National Authority shall issue to the user, an ABS Permit for a period of five (5) years, renewable.

**CHAPTER III**  
**ASSOCIATED TRADITIONAL KNOWLEDGE**  
**AND INTELLECTUAL PROPERTY RIGHTS**

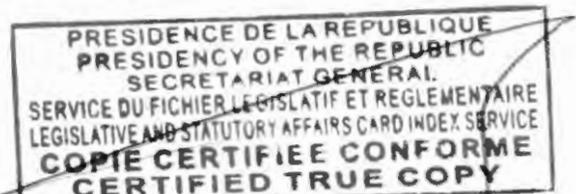
**SECTION 18:** (1) Regarding traditional knowledge associated with genetic resources, requests for access to intellectual property rights shall be submitted for consent to the indigenous or local communities possessing the knowledge and governed by the conditions laid down by regulation.

(2) The utilization of traditional knowledge associated with biological and genetic resources shall be subject to the establishment of mutually agreed terms between the applicant/user and the holder of the associated traditional knowledge, as laid down in a biocultural community protocol or according to the customary law of the communities represented by the home council(s).

**SECTION 19:** (1) The State shall take measures to ensure protection of the communities' intellectual property rights relating to associated traditional knowledge, through the use of existing intellectual property systems, adapted intellectual property rights and autonomous sui generis new systems.

(2) The measures referred to in paragraph 1 above shall concern the following:

- legislation on unfair competition;
- use of contracts and licenses;
- record books, inventories and databases;
- customary and indigenous laws and protocols;
- cultural heritage conservation laws and programmes;
- general tort law;
- personality rights;
- unjust enrichment;
- confidential information.



**SECTION 20:** Any community with associated traditional knowledge shall establish a biocultural community protocol laying down conditions for accessing and using their traditional knowledge, serving as basis for negotiating mutually agreed terms.

**SECTION 21:** The forms of appropriate non-monetary benefits shall be determined by the indigenous and local communities concerned by the requested genetic resources or associated traditional knowledge.

**ARTICLE 22:** The State shall ensure the preservation, maintenance and promotion of the traditional knowledge of local communities in terms of conservation,

sustainable use and fair and equitable sharing of benefits arising from the biological and genetic resources.

In that respect, it shall:

- (a) take appropriate measures to protect the traditional knowledge of indigenous and local communities against illicit use;
- (b) supervise access to the associated traditional knowledge of indigenous and local communities so as to enhance access and benefit sharing, and gain from the use and implementation of such knowledge as well as resulting innovations;
- (c) make sure holders of traditional knowledge can negotiate fairly and equitably, and are fully aware of all the proposals, including the opportunities and potential challenges required to make informed decisions;
- (d) ensure cooperation among communities which have some traditional knowledge in common, as well as fair and equitable sharing of benefits arising from the use of such knowledge.

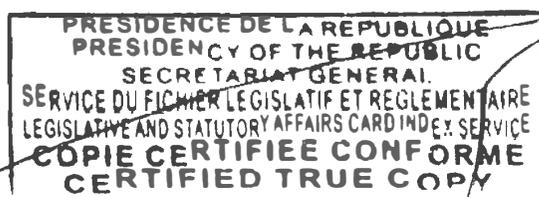
**SECTION 23:** In addition to the existing intellectual property system, a suitable intellectual property system that guarantees the exclusive rights of owners of associated traditional knowledge shall be laid down by a separate instrument.

**SECTION 24:** (1) The State shall ensure that existing intellectual property rights used to acquire partial or full exclusive rights over an associated traditional knowledge, including patents, geographical indications and the Proprietary Plant Variety Protection Certificate do not infringe on the rights of indigenous and local communities.

(2) The State shall watch over intellectual property bodies and lawsuits to challenge, in court, the intellectual property deeds acquired in violation of the rights of indigenous and local communities.

**SECTION 25:** The State shall assist local communities acquire intellectual property rights including patents, the Proprietary Plant Variety Protection Certificate and geographical indications pertaining to their associated traditional knowledge from intellectual property bodies.

**SECTION 26:** The State shall take measures to assist local communities in negotiating and obtaining licences and cessions pertaining to the utilization of intellectual property rights over their associated traditional knowledge.



**CHAPTER IV**  
**CONDITIONS FOR FAIR AND EQUITABLE BENEFIT SHARING**

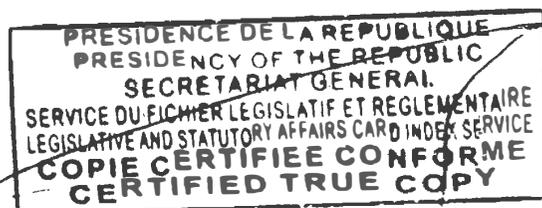
**SECTION 27:** (1) Benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge shall be monetary or non-monetary.

**(a)** Monetary benefits may include, but not be limited to the following:

- access rights/rights per sample collected or acquired otherwise;
- initial payments;
- milestone payments;
- royalty payment;
- licence rights in case of marketing;
- special fees to be paid to trust funds for the conservation and sustainable use of biological diversity;
- salaries and preferential terms, if mutually agreed;
- research funding;
- joint ventures;
- joint ownership of relevant intellectual property rights.

**(b)** Non-monetary benefits may include, but not be limited to the following:

- sharing of research and development results;
- collaboration, cooperation and contribution to scientific research and development programmes, including biotechnological research activities, as much as possible in the Party providing the genetic resources;
- participation in product development;
- collaboration, cooperation and contribution to education and training;
- access to facilities for ex-situ conservation of genetic resources and databases;
- knowledge and technology transfer on concessional and preferential terms to the genetic resource provider, whenever mutually agreed, in particular knowledge and technology, which is relevant to the conservation and sustainable use of biological diversity;
- capacity building for technology transfer;
- institutional capacity building;



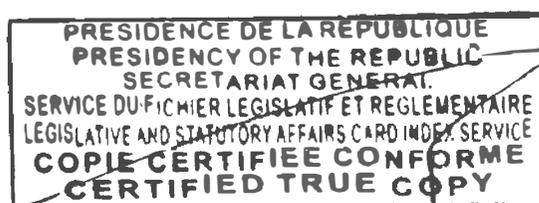
- human and material resources to strengthen capacities for the administration and enforcement of access regulations;
- training on genetic resources with the full involvement of, and as far as possible in, the countries providing the training;
- access to scientific information relevant to the conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies;
- contributions to the local economy;
- research directed towards priority needs, such as food security and health, taking into account domestic uses of genetic resources in the Party providing the genetic resources;
- institutional and professional relationships that may arise from an access and benefit-sharing agreement and subsequent collaborative activities;
- benefits in terms of food security and livelihood;
- social recognition;
- co-ownership and relevant intellectual property rights.

**SECTION 28:** (1) Benefits shall be allocated to various recipients before, during or after utilization of the genetic resource and/or associated traditional knowledge.

(2) Benefits shall be determined on the basis of considerations such as commercial use of the resource, stages of research and development, potential market for the research findings, technological significance of the genetic resource, its derivatives and/or associated traditional knowledge, investment amount, nature of the technology used, timing and stages between the start of research and development and marketing of the product.

(3) Conditions for sharing the monetary benefits provided for in Section 27 above shall be laid down by the Finance Law.

**SECTION 29:** The benefits arising from the utilization of genetic resources and associated traditional knowledge shall contribute to sustainable use, conservation of biodiversity, strengthening of the mentioned access and benefit sharing, technology transfer, and improvement of the living conditions of the relevant communities.



**CHAPTER V**  
**INTERNATIONAL COOPERATION**  
**AND CROSS-BORDER ASPECTS**

**SECTION 30:** The State shall cooperate with other border State(s), as the case may be, with the involvement of the relevant indigenous and local communities, where the same genetic resources are found in the territory of more than one State.

**SECTION 31:** The State shall cooperate with other State(s), with the involvement of the indigenous and local communities concerned, where the same traditional knowledge associated with genetic resources is shared by different indigenous and local communities in several States.

**SECTION 32:** The utilization of genetic resources, their derivatives and/or associated traditional knowledge in cross-border situations shall require that the benefits arising from such utilization promote the conservation of biological diversity and the sustainable use of its components.

**CHAPTER VI**  
**MANAGEMENT ORGANS**

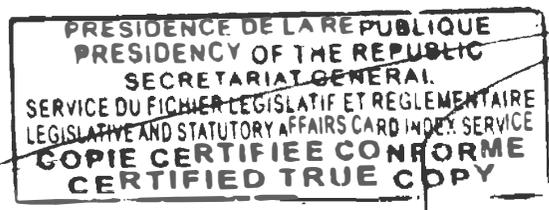
**SECTION 33:** (1) The ministry in charge of environment shall be the National Competent Authority on access to genetic resources, their derivatives and/or associated traditional knowledge in the national territory.

(2) In this capacity, it shall be responsible for:

- (a) issuing the prior informed consent and the ABS permit provided for by this law, on the recommendation of the National ABS Committee;
- (b) monitoring the negotiation and conclusion of mutually agreed terms;
- (c) creating and ensuring the implementation of the conditions for obtaining prior informed consent and the conditions for concluding mutually agreed terms;
- (d) granting access to genetic resources, their derivatives and/or associated traditional knowledge;
- (e) coordinating the activities of the National ABS Committee.

**SECTION 34:** A National ABS Committee to express favourable technical opinion on all matters relating to the Nagoya Protocol on ABS is hereby set up.

**SECTION 35:** A National Clearing-House on Access to Genetic Resources, their derivatives and associated traditional knowledge and the Fair and Equitable Sharing of Benefits Arising from their Utilization, abbreviated to HC-ABS, is hereby established.



**SECTION 36:** A National Focal Point on access and sharing of the benefit arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge shall be designated within the government service in charge of environment.

**SECTION 37:** The organization and functioning of the National ABS Committee, the National Clearing House Centre, and the tasks of the National Focal Point provided for in Sections 34, 35 and 36 above shall be laid down by regulation.

## **CHAPTER VII** **INSPECTION, CONTROL AND MONITORING MEASURES**

**SECTION 38:** A mechanism for inspection, control and monitoring of the utilization of genetic resources, their derivatives and/or associated traditional knowledge shall be established by the National Competent Authority to access any fixed or mobile facility of the applicant, in order to obtain any information on the utilization of the said resources or to monitor the utilization at all stages, as part of bioprospecting, sample and information collection, research, development, innovation, pre-commercialization and commercialization.

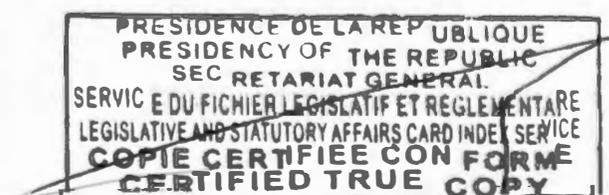
**SECTION 39:** The National Competent Authority shall set up control points, in conjunction with the relevant sector administrations.

**SECTION 40:** The National Competent Authority shall establish mechanisms for collaboration with other national and foreign-based State entities to ensure that genetic resources, their derivatives and/or associated traditional knowledge originating in the national territory are not unlawfully used or misappropriated.

**SECTION 41:** A system for reporting any illegal utilization of genetic resources, their derivatives and/or associated traditional knowledge by indigenous and local communities or local authorities, supervised by the National Competent Authority, shall be established by the minister in charge of environment.

## **CHAPTER VIII** **FISCAL AND FINANCIAL PROVISIONS**

**SECTION 42:** The economic or financial benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge shall give rise to payment of a royalty and/or tax to the State. The rates and method of collection and use of such royalty/tax shall be laid down by the finance law.



**CHAPTER IX**  
**LIABILITY, ESTABLISHMENT OF BREACHES,**  
**OFFENCES AND PENALTIES**

**I - LIABILITY**

**SECTION 43:** Without prejudice to the penalties applicable to administrative and criminal liability, anybody who contravenes the provisions of this law shall be civilly liable.

**SECTION 44:** The liability of their agents notwithstanding, private legal entities shall be criminally liable for offences committed by such agents in connection with or in the discharge of their duties.

**II - ESTABLISHMENT OF BREACHES AND OFFENCES**

**SECTION 45:** (1) Without prejudice to the prerogatives of the Legal Department and judicial police officers, sworn officers of the ministry in charge of environment, as well as those of the relevant ministries, shall be responsible for identifying, establishing and prosecuting breaches of the provisions of this law and its implementing instruments with respect to access to genetic resources, their derivatives and/or associated traditional knowledge.

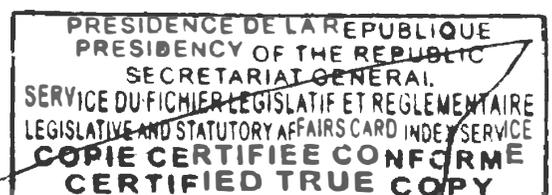
(2) The aforementioned investigating officers shall draft a report on all findings and hear all persons involved either as suspects or witnesses.

(3) The report referred to in paragraph 2 above shall be drafted in accordance with the provisions of the Criminal Procedure Code. The original copies shall be submitted to the Competent National Authority, within 15 (fifteen) days of the date of signature by the sworn officer who drafted them. Copies shall be forwarded to the offender within the same period.

**SECTION 46:** The offences provided for under this law may be subject to settlement between the Competent National Authority and the offender. Such settlement shall take place only after an offer by the offender.

(2) The amount of the settlement provided for in paragraph 1 above may not be less than the minimum fine for the offence.

(3) Facts constituting a crime under Section 21 of the Criminal Procedure Code shall be excluded from settlement.



(4) The Competent National Authority may refuse any settlement where the offence undermines the objectives of conservation and sustainable use of genetic resources, their derivatives and/or associated traditional knowledge.

**SECTION 47:** Where the offender, who has accepted settlement, fails to comply within 30 (thirty) days of signature of the settlement report, the Competent National Authority shall forward the case file to the State Counsel having jurisdiction within 15 (fifteen) days.

**SECTION 48:** (1) Where the facts constitute a crime, the minister in charge of environment shall forthwith forward the report to the State Counsel having jurisdiction.

(2) Where the facts constitute an offence or a breach, the minister in charge of environment shall notify the offender of the corresponding fine.

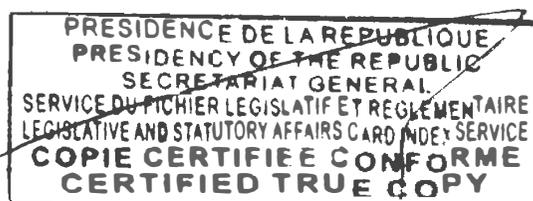
### **III- PENALTIES**

**SECTION 49:** (1) Where the facts constitute a breach of an obligation provided for by this law and its implementing instruments, the mutually agreed terms and/or prior informed consent, the minister in charge of environment shall impose an administrative penalty on the perpetrator.

(2) Administrative penalties shall include the following:

- (a) attachment and confiscation of any material used in committing the offence;
- (b) attachment and confiscation of any proceeds from the offence committed;
- (c) a ban on continuing the activity based on the fraudulent use;
- (d) a ban, for at most 3 (three) years, on directly or indirectly carrying out the activity in the course of or in relation to which the offence was committed;
- (e) withdrawal of the access authorization and suspension of the activity;
- (f) prescription of emergency measures;
- (g) automatic enforcement, at the offender's expense, of the measures prescribed by the administration, including restoration; and
- (h) investment of cash irregularly held, at the expense of the offender.

**SECTION 50:** (1) Any person who utilizes a genetic resource, its derivatives and/or associated traditional knowledge without prior informed consent or mutually agreed terms shall be punished with imprisonment of from 2 (two) to 10 (ten) years and a



fine of from CFAF 20 000 000 (twenty million) to 100 000 000 (one hundred million) or one of the two penalties.

(2) The penalties provided for in paragraph 1 above shall apply in the case of export of biological or genetic resources, their derivatives and/or associated traditional knowledge in violation of this law.

**SECTION 51:** Any person who utilizes genetic resources, their derivatives and/or associated traditional knowledge other than in accordance with the ABS permit, or who fails to comply with the requirements of the mutually agreed terms and the prior informed consent, shall be punished with imprisonment of from 6 (six) months to 2 (two) years and a fine of from CFAF 10 000 000 (ten million) to 50 000 000 (fifty million) or one of the two penalties only.

**SECTION 52:** Any person who deliberately conceals information or provides false information during procedures on accessing a genetic resource, its derivatives and/or associated traditional knowledge, shall be punished with imprisonment of from 6 (six) months to 2 (two) years and a fine of from CFAF 10 000 000 (ten million) to 50 000 000 (fifty million), or by one of the two penalties only.

**SECTION 53:** Where the offences set out in Sections 50 and 51 are committed in a protected area, the above penalties shall be doubled.

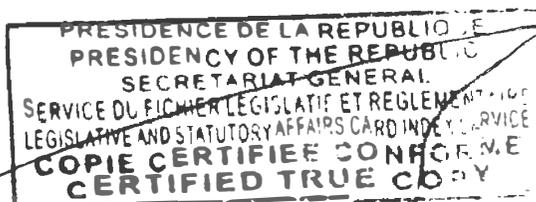
**SECTION 54:** Any person who opposes the controls and/or inspections referred to in Section 39 shall be punished with imprisonment of from 2 (two) months to 1 (one) year and a fine of from CFAF 2 000 000 (two million) to 5 000 000 (five million), or one of the 2 (two) penalties only.

**SECTION 55:** Any person who obtains an intellectual property right over associated traditional knowledge in violation of the provisions of this law shall be punished with imprisonment of from 5 (five) to 15 (fifteen) years and a fine of from CFAF 20 000 000 (twenty million) to 100 000 000 (one hundred million), or one of the 2 (two) penalties only.

**SECTION 56:** In the event of a repeat offence, the fine and deprivation of liberty shall be doubled.

**SECTION 57:** The penalties provided for by this law shall be supplemented by those contained in the Penal Code and in various separate laws applicable to environmental protection.

**SECTION 58:** Where the offence is committed by a private law legal person, the penalty shall be a fine five times higher than that provided for natural persons.



**CHAPTER X**  
**MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**SECTION 59:** The Government service in charge of environment shall ensure that the public, and in particular indigenous and local communities, are educated on the economic value of ecosystems, the use of biological diversity and genetic resources, as well as the rules on accessing genetic resources, their derivatives and/or associated traditional knowledge and the fair and equitable sharing of benefits arising from their utilization.

**SECTION 60:** Any natural or legal person, in Cameroon or abroad, possessing genetic resources, their derivatives and/or associated traditional knowledge acquired on the national territory, shall have 12 (twelve) months from the entry into force of this law to comply therewith.

**SECTION 61:** The terms and conditions for the implementation of this law shall be laid down by implementing decrees, as and where necessary.

**SECTION 62:** This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-

YAOUNDE, 09 JUL 2021

