



LAW N. 2023/010 OF 25 JUL 2023

GOVERNING THE RAILWAY SECTOR IN CAMEROON

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

PART I **GENERAL PROVISIONS**

CHAPTER I **PURPOSE AND SCOPE**

Section 1: (1) This law governs the railway sector in Cameroon.

(2) It lays down, in particular, rules relating to the following:

- duties and interactions of institutional players;
- conditions for constituting and managing railway assets;
- principles and standards for the construction, operation, maintenance, replacement, development and management of the railway network;
- railway safety and security;
- rules and regulations governing railway professions and technical staff;
- civil and environmental protection;
- dispute settlement;
- violations and applicable penalties.

Section 2: The provisions of this law shall apply to:

- railway activities conducted nationwide by any railway operator, irrespective of legal status, head office location or principal place of business, nationality of owners, managers or the geography of its capital;
- all areas of rail transport and industry, including infrastructure, rolling stock, management, safety, security and regulation.

CHAPTER II **PRINCIPLES**

Section 3: Railway rules, railway regulation, and rail transport planning shall be the exclusive reserve of the State.

Section 4: Rail transport activities shall be carried out with due regard for environment, the best interests of national defence and public safety.

Section 5: (1) The conduct of rail public transport activities shall constitute rail public service.

(2) Rail public service shall contribute to trade facilitation, economic development, national and regional integration, the fight against exclusion, balanced regional development with due regard to environment, research and technological progress, as well as defence and public security.

(3) The purpose of the rail public service shall be to ensure mobility and socio-economic development nationwide, with due regard to the general interest. It shall contribute to the independence and security of supply, optimal management and development of national resources, control of the movement of people and goods, competitiveness of economic activity, control of future technological choices and rational regional development.

(4) Rail public transport shall be managed in keeping with the principles of equality, continuity and adaptability, under the best conditions of safety, quality, cost, price and economic, social and energy efficiency.

(5) Rail public transport shall fall within the jurisdiction of the State.

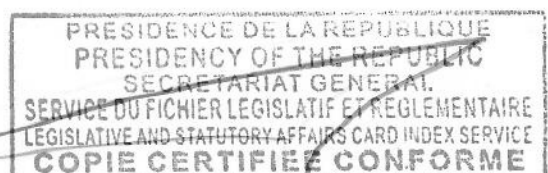
Section 6: Rail transport activities falling within the scope of State security and national defence shall be excluded from the scope of this Law.

CHAPTER III **DEFINITIONS**

Section 7: For the purpose of this law and its implementing instruments, the following definitions shall apply:

Railway activity: all processes consisting in mobilizing sundry resources and contributing to the technical or commercial operation of rail freight and passenger transport services, operation, maintenance, renewal and development of railway infrastructure, regulation and management of railway safety, as well as management of the railway public property;

Government service in charge of rail transport: ministry responsible for developing and implementing the national rail transport policy, on behalf of the State;



"Global damage" insurance: professional comprehensive insurance allowing a company to take out, under a single policy, several coverages meeting its particular needs;

Competent authority: public or private law legal person authorized to conclude, sign or issue the requisite legal instruments for undertaking the activities referred to in this law;

Railway regulatory and safety authority: public law legal person responsible for supervising, controlling and monitoring railway activity, to ensure railway system stakeholder compliance with the commitments and principles of free competition and equal treatment;

Railway: guided mode of transport characterized by a specialized infrastructure, composed of 2 (two) parallel rails allowing the movement of trains;

Railway traffic: any movement of railway rolling stock on the railway network;

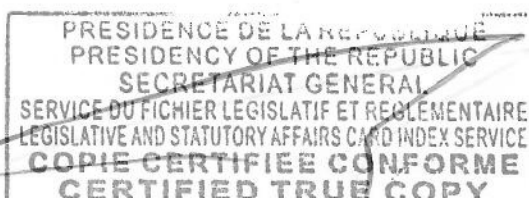
Concession: agreement concluded between the State and the Asset Management Company on the one hand or, a local/regional authority, group of local/regional authorities and a railway operator on the other hand, for the construction of the railway infrastructure, management of the railway infrastructure within specified territorial limits and technical and commercial operation of the rail transport services on the basis of specifications;

Infrastructure development: development and/or reinforcement of the railway assets including, in particular, the construction, renovation or extension of the existing track, doubling of the track, installation of heavier track equipment, modification of the track layout, enlargement of buildings, electrification or signalling of the track.

Private branch line: railway serving an enterprise, plant, warehouse, farm or industrial area from the national railway network, to allow the transport of goods without intermediate reloading;

Railway operations: all activities relating to the following:

- management of railway infrastructure including maintenance, renewal and rehabilitation of railway infrastructure, management of rail traffic regulation and safety systems and management of the railway public property;



- technical and commercial management of rail freight and/or passenger transport services;

Railway operator: legal or natural person holding a concession or licence to construct, develop or operate technical and commercial rail freight and/or passenger transport services;

Railway infrastructure: all fixed facilities allowing the movement of trains and traffic safety;

Railway inspection: all administrative supervision and technical inspection activities consisting in verifying and promoting compliance with applicable laws, regulations, standards and rules in railway activities;

Interoperability: possibility of uninterrupted movement of trains on different rail networks, including networks located in separate States;

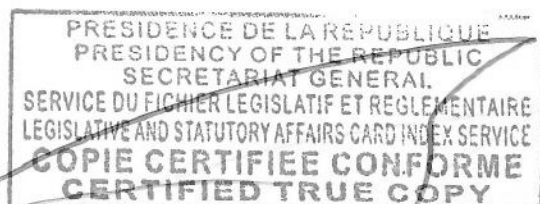
Licence: title granted by the competent authority to a railway operator, allowing the operator to engage in the technical and/or commercial operation of rail passenger and/or freight transport services;

Locomotive: railway vehicle that provides the impelling energy of a train;

Maintenance: all operations for the normal upkeep of infrastructure and/or the overhaul of the main components of railway rolling stock, aimed at ensuring and extending their service life, and optimum safety of rail traffic, for economic purposes;

Hazardous goods: substances transported or to be transported, which may have serious consequences owing to their physical and/or chemical properties, or owing to the nature of the reactions which they may cause, and which present at least one of the following dangers: explosive nature, gas under pressure, ability to fan the flames, flammability, toxicity, radioactivity, corrosivity, infectious contamination, danger of spontaneous violent reaction and hot substance;

Railway rolling stock: motor vehicle or towed vehicle, designed and intended for use on the railway track;



Standard: all technical specifications and processes describing an object or operating method;

Level crossing: intersection of a railway line and a road or footpath at the same level;

Railway assets: all movable and immovable properties and rights used for railway activities;

Railway technical staff: all persons employed in the professions involved in the construction or operation of the railway;

Railway policing: activity of ensuring security of the railway network;

Railway professions: all railway industry occupations;

Fee: sum paid periodically to the competent authority by a railway operator in return for engaging in a railway operation activity;

Railway register: document centralizing all data relating to railway bodies, technical personnel and equipment;

Infrastructure renewal: simultaneous replacement, reconstruction of the main components or adaptation of the characteristics of the railway track infrastructure;

Secondary railway network: all railway infrastructures of the territory comprising urban or regional transport networks, port and airport networks, and private branch lines;

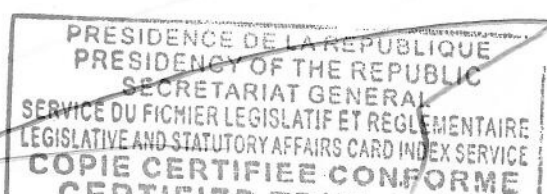
Railway safety: all means (technical, human, legal, etc.) used to control and curb risks of railway accidents or incidents, as well as mitigate their impact;

Railway transport service: railway service provided for the movement of passengers and/or goods from one place to another;

Railway security: all measures and mechanisms intended primarily for the general supervision of rail transport, in particular the fight against sabotage, theft, terrorism, aggression and various forms of malice;

Security management system: protocol for the implementation of railway security in day-to-day railway operations, including the following:

- responsibilities and powers within a railway enterprise;
- rules, procedures, monitoring and evaluation processes by which it is governed;



- safety, performance and risk control, enforcement and assessment objectives;

Railway transport system: all resources contributing to the safe movement of people and goods by rail;

Train: coupled assembly of railway rolling stock consisting of one or more locomotives and towed railway vehicles for the purpose of transporting persons or goods on rails;

Combined intermodal transport: transport service provided under a single licence through at least 2 (two) different modes of transport and covering end-to-end transport under the responsibility of a railway operator;

Rail transport; rail-guided land transport system used for the movement of goods and/or people through specialized infrastructure, rolling stock and operating procedures;

Spur track: track of the national rail network whose purpose is to serve the specific branch lines connected to it, as well as the locations made available to customers;

Car: railway vehicle not equipped with traction means and intended for passenger transport;

Wagon: railway vehicle not equipped with traction means and intended for goods transport.

PART II **INSTITUTIONAL STAKEHOLDERS**

CHAPTER I **STATE, REGIONAL AND LOCAL AUTHORITIES**

Section 8: (1) The State shall exercise sovereignty over the national railway network. To this end, it shall:

- lay down the national rail transport policy in accordance with relevant international standards, conventions and agreements;
- promote and develop railway activities.

(2) The Ministry in charge of rail transport shall ensure the development and implementation of the policy referred to in (1) above.

Section 9: As part of its duties, the State shall be responsible in particular for the following:

(a) With regard to laying down the national rail transport policy:

- legislating on the general conditions for exercising rail transport activity, defining the regulatory framework and exercising control and supervision of this activity;
- ensuring the consistency and proper functioning of the national rail transport system;
- seeing to the availability and accessibility of statistics and information relating to the rail transport system.

(b) With regard to the promotion and development of rail activities:

- coordinating activities and optimizing the service quality provided to national rail transport system users;
- seeing to a modern and sufficient supply of urban and inter-urban passenger transport;
- seeing to the development of railway freight activities;
- ensuring the operational sustainability of the system, managing crisis situations and coordinating the implementation of national defence-related requisitions;
- ensuring the safety of persons and property, as well as that of the network and facilities of the rail transport system;
- preventing acts that could deteriorate the safety and security conditions of the rail transport system;
- organizing and steering the rail industry, in particular by conducting or supporting training, research and development programmes relating to rail transport;
- seeing to the programming and implementation of infrastructure investments, maintenance and renewal of the national railway network;
- promoting the development and extension of the national railway network;
- promoting investment in railway infrastructure and equipment to encourage combined inter-modal transport;
- facilitating the interconnection of the national railway network to the networks of third countries;

- negotiating, concluding and implementing rail transport agreements.

c) With regard to monitoring and control of rail transport:

- monitoring and controlling the management of the rail assets under concession;
- evaluating the activities of railway operators;
- seeing to the competitiveness, fairness and optimization of prices applicable to rail transport.

SECTION 10: Regional and local authorities shall carry out rail activities in accordance with the laws and regulations in force.

CHAPTER II **OTHER INSTITUTIONAL STAKEHOLDERS**

SECTION 11: In implementing its national rail transport policy, the State shall have a Rail Asset Management Company and a Railway Regulatory and Safety Authority.

I - RAIL ASSET MANAGEMENT COMPANY

SECTION 12: The Rail Asset Management Company shall be responsible for the following tasks on behalf of the State:

- manage the assets and rights assigned by the State to the rail sector;
- manage and issue access authorizations for railway operators to railway infrastructure;
- operationally manage the movement of trains;
- protect railway infrastructure;
- renew, develop and maintain railway infrastructure;
- develop railway infrastructure ;
- protect the railway public assets.

SECTION 13: (1) The resources of the Rail Asset Management Company shall be derived in particular from:

- a share of the entry and renewal fees for rail concessions and licences;
- a share of rail operating charges;

- income from railway assets management;
- proceeds from the sale of its equity investments;
- income from financial market operations;
- Interest on loans ;
- proceeds from the disposal of its assets;
- a share of the proceeds from compromises and penalties;
- State contributions ;
- gifts and legacies ;
- any other resources that may be allocated to it.

(2) The basis of assessment, the rates and methods of collection of the resources provided for in (1) above shall be laid down by regulation.

SECTION 14: The name, legal form, as well as organization and functioning of the Rail Asset Management Company, shall be laid down by decree of the President of the Republic.

II - RAILWAY REGULATORY AND SAFETY AUTHORITY

SECTION 15: The Railway Regulatory and Safety Authority shall be responsible in particular for:

- regulating, controlling and monitoring the implementation of agreements relating to railway activities;
- issuing and supervising the implementation of railway safety standards and rules, in conjunction with competent government services and bodies;
- amicable settlement of disputes between railway sector stakeholders;
- protecting user rights in respect of price, performance and quality of railway transport services;
- applying railway regulations;
- monitoring healthy competition between stakeholders, in conjunction with the government services and bodies concerned;
- formulating opinions to the Ministry in charge of railway transport for the definition and improvement of the sector's policies;
- settling, in the first instance, disputes in the sector;

- conducting independent audits of conventions in the sector and implementing the ensuing resolutions;
- participating in railway accident and incident investigations;
- proposing sanctions against actors in the event of breaches of regulations in the sector;
- approving tariffs for railway operating services and monitoring such tariffs, in conjunction with the relevant government services;
- participating in the negotiation of agreements and conventions regarding railway transport.

SECTION 16: (1) The resources of the Railway Regulatory and Safety Authority shall be derived in particular from:

- a share of the entry and renewal fees for concessions and licences;
- a share of railway operating charges;
- a share of the proceeds from compromises and penalties;
- a share of the proceeds from financial penalties imposed as a result of administrative penalties;
- State contributions ;
- Gifts and legacies ;
- any other resources that may be allocated to it.

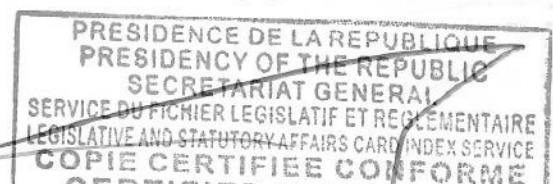
(2) The basis of assessment, the rates and the methods of collection of the resources provided for in (1) above shall be laid down by regulation.

SECTION 17: The Railway Regulatory and Safety Authority shall have employees with the status of special jurisdiction criminal investigation officers in matters of railway safety and security.

SECTION 18: (1) The Railway Regulatory and Safety Authority shall be responsible, in conjunction with competent government services, for the inspection of the railway network and railway rolling stock.

(2) The inspection of the railway network and the railway rolling stock shall be conducted by the sworn officers of the Railway Regulatory and Safety Authority and competent government services.

(3) The staff members referred to in (2) above shall be responsible in particular for:



- checking compliance with the laws, regulations, standards and rules applicable to railway activities;
- reviewing the policies, procedures and processes contained in the safety management system to confirm their implementation and effectiveness;
- participating in awareness-raising activities to provide railway employees and other stakeholders with information on programmes, regulations and compliance;
- investigating railway incidents and accidents;
- investigating and recording offences.

(4) Prior to assuming office, the staff members referred to in (2) above shall take an oath before the competent court.

(5) The conditions for coordinating the inspection of the railway network and rolling stock, as well as the conditions for appointing, empowering and swearing in of the staff shall be laid down by regulation.

SECTION 19: The name, organization and functioning of the Railway Regulatory and Safety Authority shall be laid down by decree of the President of the Republic.

PART III **RAIL ASSETS**

SECTION 20: (1) Rail assets shall consist of the railway public assets and the private property of the State and other legal persons governed by public law, exclusively used for railway activities.

(2) Rail assets shall be managed in accordance with the laws in force on land tenure and State property and the provisions of this law.

CHAPTER I **RAILWAY PUBLIC ASSETS**

I - SCOPE OF RAILWAY PUBLIC ASSETS

SECTION 21: The following shall form part of the railway public assets:

- railways built by the State and other legal persons under public law;
- sidings or branch lines ;



- land within the railway network rights-of-way;
- ballast, shoulders, ditches, embankments and retaining walls;
- engineering works carried out for the establishment of tracks or their conservation;
- buildings and technical facilities for the operation, signaling, telecommunications and electrification of the network;
- railway stations, all their fittings and outbuildings, specially equipped storage areas, station yards, access avenues and parking spaces established in front of stations;
- repair and maintenance workshops ;
- land duly used for railway operations.

SECTION 22: The railway rights-of-way shall be determined as follows:

a) Plain track:

- the railway right-of-way shall be limited by 2 (two) lines parallel to the track and drawn at a distance of 35 (thirty-five) metres on either side of the axis of such track;
- where a right-of-way limit thus defined is less than 15 (fifteen) metres outside the embankment slope or the crest of the trench slope, such limit shall be modified on the side opposite the track, so as to provide a distance of at least 15 (fifteen) metres at each point between the said limit and the foot of the slope, or the crest of the neighbouring trench;
- near engineering structures, the right-of-way limits between abutments are drawn parallel to the axis of the structure and at a distance of 50 (fifty) metres on either side of it.

b) Stations, halts and terraces in urban areas:

The right-of-way of stations, halts and terraces in urban areas, as well as the measures relating to the conservation of the railway public asset shall be fixed by decree of the President of the Republic.

SECTION 23: (1) For railway tracks and alignments existing at the date of enactment of this law, the limits of the railway public asset shall be those resulting from the alignment already decided.

(2) For new tracks, the doubling of an existing track, the diversion, straightening or widening of an existing track, the limits of the public railway asset shall be established in accordance with the land tenure and State property laws and regulations in force and with the technical standards for railway rights-of-way concerning the design, layout and construction of rail tracks and their facilities.

(3) Private land, whether or not built-on within the limits of the planned railway right-of-way, shall be expropriated and classified as the public property, under the conditions and in the form provided for by the legislation in force.

(4) The limits of the rights-of-way necessary for the railway shall determine the demarcation line of the railway public asset.

II - MANAGEMENT AND PROTECTION OF THE RAILWAY PUBLIC ASSET

SECTION 24: The railway public asset shall form part of the artificial public property. It shall be managed in accordance with the laws in force on land tenure and property rights.

SECTION 25: The railway public asset shall be imprescriptible, inalienable and unseizable.

SECTION 26: Land in the railway public asset may be assigned, leased, authorized for temporary occupation or use in accordance with the laws and regulations in force.

SECTION 27: Laws and regulations on protection of the roads asset concerning:

- the preservation of road ditches, embankments, and engineering structures; and
- the prohibition of the passage and movement of animals, dumping of soil and any other items;

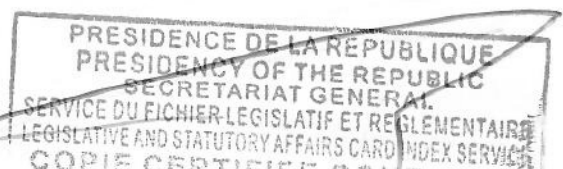
shall apply to railways.

SECTION 28: (1) The laws and regulations in force concerning, in particular:

- alignment;
- water drainage;
- temporary land occupation in the event of the execution of repair and maintenance works; and
- the distance to be observed for houses, plantations and trees;

shall apply to railways.

(2) No structure, other than a fence, may be erected within 2 (two) metres of the railway right-of-way.



SECTION 29: One of the duties of the Railway Police shall be to protect the public railway right-of-way, in accordance with the relevant provisions of this law.

CHAPTER II
PRIVATE PROPERTIES OF THE STATE AND OTHER LEGAL
PERSONS GOVERNED BY PUBLIC LAW ASSIGNED TO RAILWAY
ACTIVITIES

I – SCOPE OF PRIVATE PROPERTY

SECTION 30: The following shall belong to the private property of the State in respect of railways:

- movable and immovable property acquired free of charge or against payment by the State, in accordance with the rules of ordinary law and used for railway activities;
- land on which the State has constructed and maintains edifices, buildings, structures and installations used for railway activities;
- land duly allocated for the implementation of railway activities;
- buildings removed from public property and used for railway activities.

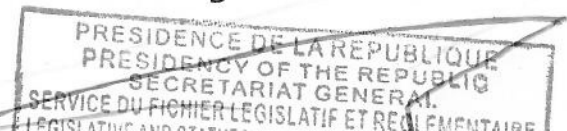
ARTICLE 31: Assets belonging to the private property of other public law legal persons shall include:

- movable and immovable property acquired under private law and used for railway activities;
- assets from the private property of the State transferred to the private property of public law legal persons for the implementation of railway activities;
- assets from national land incorporated into the private property of public law legal persons for the implementation of railway activities.

II – MANAGEMENT

SECTION 32: The assets belonging to the private property of the State and of other public law legal persons used for railway activities shall be managed in accordance with the laws and regulations in force.

SECTION 33: The assets of the Railway Assets Management Company shall be managed in accordance with the laws and regulations in force.



PART IV
RAILWAY NETWORK AND MANAGEMENT

CHAPTER I
RAILWAY NETWORK

SECTION 34: (1) The railway network shall comprise all the public or private railway infrastructure located on the national territory and intended for the operation of rail transport services.

(2) The railway network shall comprise the national railway network and secondary railway networks.

I - NATIONAL RAILWAY NETWORK

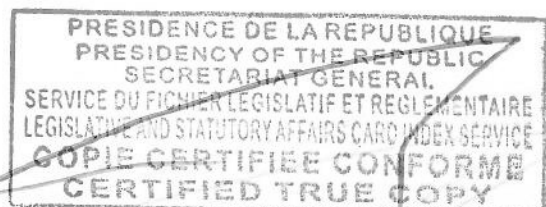
SECTION 35: The national railway network shall comprise all the railway infrastructure built by the State to enable the operation of public goods and/or passenger transport services by rail.

SECTION 36: (1) The national railway network shall include:

- railway infrastructure (earthworks, engineering structures, drainage and sewerage works);
- track structure (ballast, sleepers, rails, fasteners and switches);
- sidings;
- mainlines for private railway branch lines;
- railway signalling and telecommunication installations and equipment;
- buildings erected on the railway right-of-way for administrative, technical, commercial and residential purposes;
- level crossings, including road traffic safety installations;
- electrical and safety installations;

(2) Movable property, including that attached to or associated with the aforementioned immovable property, shall not be considered as part of the railway infrastructure.

SECTION 37: The national railway network shall form part of the public railway right-of-way.



II – SECONDARY RAILWAY NETWORKS

SECTION 38: Secondary railway networks shall include:

- port railway networks;
- airport railway networks;
- urban rail transport networks;
- private branch lines;
- private railway facilities.

1. PORT RAILWAY NETWORKS

SECTION 39: (1) The railway lines placed at the disposal of ports constitute the port railway network.

(2) The port railway network shall form part of the public railway right-of-way.

SECTION 40: (1) The port railway network shall be subject to a separate agreement on the conditions for its construction.

(2) The parties to the agreement referred to in (1) above shall be the Railway Assets Management Company and the port body concerned.

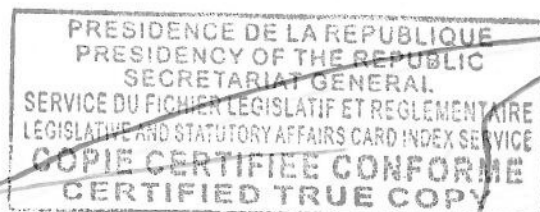
2. AIRPORT RAILWAY NETWORKS

SECTION 41: (1) The railway lines placed at the disposal of airport platforms shall constitute the airport railway network.

(2) Airport railway networks shall form part of the public railway right-of-way.

SECTION 42: (1) Airport railway networks shall be the subject of a separate agreement on the conditions for their construction.

(2) The parties to the agreement referred to in (1) above shall be the Railway Assets Management Company and the body responsible for the management and operation of airports.



3. URBAN TRANSPORT RAILWAY NETWORKS

SECTION 43: The urban transport railway networks shall be railways intended for urban passenger transport constructed by a regional or local authority, a group of regional or local authorities, or assigned to a regional or local authority by the State.

SECTION 44: (1) The urban transport railway network shall be dedicated to passenger transport.

(2) The conditions for the construction, operation and maintenance of an urban passenger railway network shall be laid down in a concession agreement concluded between the representative of the State, the regional and local authority or authorities concerned, and, where applicable, the railway operator.

4. PRIVATE RAILWAY BRANCH LINES

SECTION 45: Any railway serving a company, factory, warehouse, farm or industrial zone from the national railway network to enable the transportation of goods without intermediate reloading shall be considered a private railway branch line.

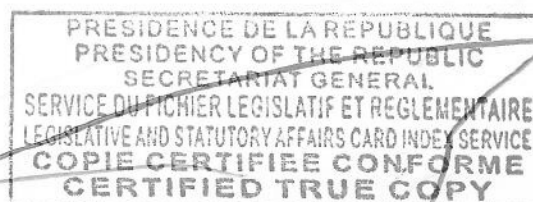
ARTICLE 46: (1) The Railway Assets Management Company may grant the right to construct a private railway branch line to any owner of an industrial, commercial, agricultural, forestry, mining or quarrying enterprise who so requests, for the sole purpose of having the enterprise operate its own rail transport services.

(2) The conditions for the establishment, construction, operation and maintenance of special railway branch lines shall be laid down by regulation.

5. PRIVATE RAILWAY FACILITIES

SECTION 47: Private railway infrastructure shall be railway infrastructure built on the property of private persons, in particular for commercial, agricultural, industrial, recreational or professional railway training purposes.

SECTION 48: The conditions for establishing, building and operating private railway facilities shall be laid down by regulation.



CHAPTER II

MANAGEMENT OF RAILWAY NETWORKS

SECTION 49: Railway networks shall be managed in accordance with standards for the operation of rail passenger and freight services.

SECTION 50: All railway operators shall be bound to provide the competent authorities with statistical and financial information on their activities, in accordance with the conditions laid down by regulation.

SECTION 51: (1) The government service in charge of railway transport shall keep a railway register in which data on employees, equipment and bodies under a concession, licence, certificate, authorization or any other regime shall be recorded.

(2) The form, content and conditions for keeping and consulting the register provided for in (1) above shall be laid down by law.

I – NATIONAL RAILWAY NETWORK MANAGEMENT

SECTION 52: (1) The management of the national railway network shall be the exclusive responsibility of the State.

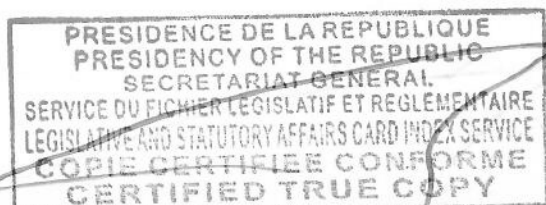
(2) The Railway Assets Management Company set up by this law shall manage the national railway network on behalf of the State.

SECTION 53: (1) The conduct of railway activities, except for regulation, shall be subject to one of the following regimes:

- concession;
- licence;
- authorization;
- declaration.

(2) The conditions for obtaining and issuing the authorization and for exercising the declaration shall be laid down by regulation.

SECTION 54: The State shall have exclusive jurisdiction over the construction of national railway network infrastructure. However, it may be granted by concession to the Railway Assets Management Company.



1. PROVISIONS COMMON TO THE CONCESSION AND LICENCE REGIMES

SECTION 55: (1) The concession or licence shall provide in particular for the following:

- compliance with competition and interoperability rules;
- the obligation to keep separate accounts for the activities carried out under the concession or licence;
- compliance with national defence and public security requirements;
- conditions for contributing to environmental protection tasks and costs;
- operation and management standards for railway activities under concession or delegation;
- concession or licence performance objectives and evaluation criteria;
- the obligation to comply with international conventions and agreements ratified by the Republic of Cameroon.

(2) Rail transport services on various sections of the national railway network must be operated under legal, technical and financial conditions that are acceptable, objective and non-discriminatory, and ensure fair competition.

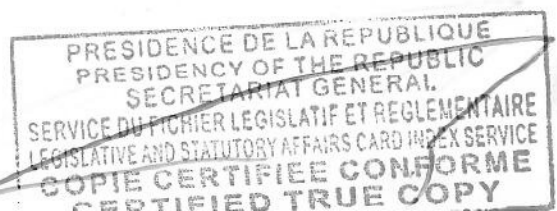
2. CONCESSION REGIME

SECTION 56: The State may grant concessions for the following:

- (a) construction, rehabilitation and renewal of railway infrastructure;
- (b) management of the national railway network;
- (c) technical and commercial operation of rail freight and/or passenger services and maintenance of railway infrastructure.

SECTION 57: (1) The concession shall be granted exclusively to a rail assets management company which shall undertake to comply with the provisions of this law, the terms and specifications annexed to the Agreement and relating in particular to the following:

- determination and demarcation of the perimeter to be conceded;
- validity period of the concession and conditions for its possible renewal;



- standards and conditions for the management and maintenance of the railway network under concession;
- infrastructure construction conditions and lead times where building railway lines are involved;
- terms of payment of the financial contribution to the concession as provided for in (3) below;
- observance of the principle of equal treatment of users;
- minimum professional and technical qualifications as well as the financial guarantees required from the applicant.

(2) The concession agreement and the terms and specifications negotiated and drawn up in accordance with the laws and regulations in force shall be co-signed by the Ministers in charge of rail transport, public investment and finance, on behalf of the State and by the rail assets management company, upon approval by the President of the Republic.

(3) The rail assets management company shall be subject to the payment of fees, charges and contributions, the amounts and terms of payment of which shall be specified in the said agreement.

(4) Railway infrastructure constructed under the concession agreements referred to in this Section shall be classified under the railway public assets.

SECTION 58: The conditions for implementing the concession shall be laid down by regulation.

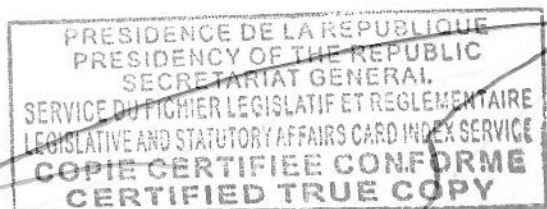
3. LICENCE REGIME

SECTION 59: (1) The following may be covered under the licence regime:

- technical and commercial operation of public transport services for persons or goods, including maintenance;
- provision of commercial services related to railway activities.

(2) The rail assets management company shall review applications and issue licences, after obtaining the assent of the Railway Regulatory and Safety Authority.

(3) The conditions for implementing the licence regime shall be laid down by regulation.



II - MANAGEMENT OF SECONDARY RAILWAY NETWORKS

1. MANAGEMENT OF PORT AND AIRPORT RAILWAY NETWORKS

SECTION 60: The management of port railway networks shall be subject to a special agreement, concluded between the rail assets management company, the port sector regulatory body and the port body concerned.

SECTION 61: The management of airport railway networks shall be subject to a special agreement, concluded between the rail assets management company, the airport sector regulatory body and the airports management and operation body.

2. MANAGEMENT OF URBAN TRANSPORT RAILWAY NETWORKS

SECTION 62: Without prejudice to the provisions of this law, the management of urban transport rail networks shall be governed by legal provisions relating to the management of local public services.

SECTION 63: The rail assets management company and the Railway Regulatory and Safety Authority shall provide regional and local authorities with the requisite expertise and assistance for conducting studies and monitoring the construction of urban transport railway infrastructure.

SECTION 64: (1) The urban transport railway network demarcation and/or track must be consistent with the urban and peri-urban mobility plan adopted by the regional or local authority.

(2) The urban and peri-urban mobility plan shall be drawn up by the regional or local authority in accordance with transport planning instruments and tools. It shall be approved by the State representative with territorial jurisdiction.

III - CODE OF CONDUCT AND COMPETITION

SECTION 65: (1) Subject to the prerogatives granted to the rail assets management company, all actions which are intended to or may prevent, restrict or distort competition in railway operations shall be prohibited, in particular where they seek to:

- limit market access or free competition by other railway operators;
- distort pricing by market forces through artificially encouraging price increases or decreases,

(2) Any undertaking, agreement or contractual clause relating to a practice contrary to free competition shall be null and void.

SECTION 66: Disputes arising from competition shall be settled following the mechanisms provided for in the instruments in force relating to competition.

IV- INTERNATIONAL AGREEMENTS RELATING TO RAILWAY OPERATIONS

SECTION 67: (1) Railway operations may be governed by international agreements.

(2) Every international railway agreement shall include a clause guaranteeing the free disposal of railway infrastructure by the State where national defence, safety, health or public order so require.

SECTION 68: International traffic rights shall be exercised in accordance with the international conventions and agreements to which Cameroon is a party, subject to reciprocity.

PART V RAILWAY SAFETY AND SECURITY

CHAPTER I RAILWAY SAFETY

I- ROLE OF STAKEHOLDERS

SECTION 69: The State, through the government service in charge of rail transport, shall lay down the railway safety objectives.

SECTION 70: The Railway Regulatory and Safety Authority shall issue authorizations for the commissioning of infrastructure and operation of railway rolling stock.

SECTION 71: The Railway Regulatory and Safety Authority shall draw up the safety rules and operating documents applicable by railway operators and ensure compliance. It shall, where necessary, conduct safety audits and inspections.

SECTION 72: Railway operators shall manage their equipment and train their staff. They shall adopt the operational instructions and rules in compliance with the regulations and the operating documents and ensure the application thereof.

SECTION 73: The government service in charge of railway transport, or any entity authorized by the State, shall conduct investigations into railway accidents and make recommendations aimed at preventing the reoccurrence of the same types of accident, in a bid to improve railway safety.

SECTION 74: (1) Railway operators shall be bound to devise a safety management system to ensure the safe operation of railway networks.

(2) The development of a safety management system shall be laid down by regulation.

SECTION 75: Railway facilities governed by the laws and regulations relating to classified establishments, pressure vessels and lifting machines or equipment, shall be operated in accordance with the regulations in force.

II - RAILWAY TRAFFIC SAFETY RULES

SECTION 76: Railway traffic safety rules shall apply to infrastructure, rolling stock, personnel and railway traffic management. It shall comply with the operating and safety standards laid down by regulation.

1. RAILWAY INFRASTRUCTURE

SECTION 77: (1) The commissioning of any railway infrastructure shall be subject to prior authorization by the Railway Regulatory and Safety Authority.

(2) No railway infrastructure shall be put into use unless it has been recorded in the railway transport register.

(3) The conditions for issuing the authorization referred to in (1) above shall be laid down by regulation.

SECTION 78: (1) Railway infrastructure must be designed and operated in accordance with the safety standards provided for by the regulations in force.

(2) Railway infrastructure intended for passenger transport must also meet the conditions of comfort.

SECTION 79: Railway infrastructure must be constantly maintained to ensure the safe movement of trains.

SECTION 80: The general conditions for the creation, removal, classification and equipment of level crossings, as well as the conditions for operating them, shall be laid down by regulation.

2. RAILWAY ROLLING STOCK

SECTION 81: (1) The specifications for the acquisition of railway rolling stock shall be subject to prior approval by the Railway Regulatory and Safety Authority.

(2) The initial entry into service of any railway rolling stock shall be subject to prior authorization by the Railway Regulatory and Safety Authority.

(3) The authorization referred to in (2) above shall entail entering the equipment concerned in the railway register.

(4) All railway rolling stock shall be registered prior to its entry into service.

(5) The conditions for issuing the authorizations and registration referred to in (1), (2) and (4) above shall be laid down by regulation.

SECTION 82: (1) Railway rolling stock shall be designed and equipped in accordance with the applicable safety standards.

(2) Railway cars intended for passenger transport must also meet the comfort requirements.

SECTION 83: Railway rolling stock shall be codified in accordance with the relevant railway transport standards.

SECTION 84: (1) Railway rolling stock shall be subject to technical compliance tests and technical inspections conducted by the Railway Regulatory and Safety Authority under the conditions laid down by regulation.

(2) The conditions for conducting technical compliance tests and technical inspections of rolling stock shall be laid down by the Railway Regulatory and Safety Authority.

(3) A traction slip shall be kept on each train and used to record the conditions of each journey as well as any incident having an impact thereon.

(4) A logbook shall be kept on board each locomotive and used to record maintenance services of the technical deficiencies observed on the locomotive.

(5) The logbook and the traction slip shall be presented whenever so requested by control staff.

3. RAILWAY TRAFFIC MANAGEMENT

SECTION 85: The rail assets management company shall, under its concession, be responsible for managing railway traffic.

CHAPTER II RAILWAY SECURITY

SECTION 86: The rules relating to railway policing and security shall be laid down by separate instruments.

SECTION 87: The competent State services shall contribute to the enforcement of railway security measures under the conditions set forth by the separate instruments referred to in Section 86 above.

PART VI INSURANCE REGIME

SECTION 88: All railway rolling stock used in rail transport must be insured by the operator of the said equipment, in accordance with the regulations in force.

SECTION 89: Every railway operator shall take out an "occupational risks insurance policy", for technical and commercial staff on board trains.

SECTION 90: Every railway operator shall take out, in compliance with the laws in force, all the requisite insurance policies to cover all risks related to its operations and, prior to the commencement of operations, to submit the completed insurance certificates to the Railway Regulatory and Safety Authority.

SECTION 91: Every railway operator shall be bound to take out a "civil liability" and "global damages" insurance policy.

SECTION 92: Any consignor of goods and any rail transport service operator transporting dangerous goods, shall be bound to take out all insurance policies covering the risks related to such activity.

SECTION 93: Failure to comply with the provisions of Sections 88 to 92 above shall be punished in accordance with the laws and regulations in force, as well as the provisions of this law.

PART VII **CIVIL PROTECTION AND ENVIRONMENTAL PROTECTION**

CHAPTER I **CIVIL PROTECTION**

SECTION 94: To protect persons and property within the framework of rail transport activities, measures shall be taken to prevent serious railway accidents or disasters, and for the organization of relief operations in the event of such disasters, in accordance with the civil protection laws and regulations in force.

SECTION 95: (1) The Railway Regulatory and Safety Authority, in conjunction with the ministry in charge of rail transport, other competent ministries and rail transport operators, shall ensure the prevention of serious accidents and rail disasters through information of the public, awareness raising and mass education.

(2) Each rail transport operator shall be bound to design an emergency plan for alerting the authorities and local communities in case of a disaster or disaster risk, evacuating persons and availing resources to mitigate the causes and effects of the disaster.

(3) The emergency plan shall be approved by the competent authorities which shall periodically check the operability and reliability of equipment for implementing the plan.

(4) The Railway Regulatory and Safety Authority, in conjunction with the ministry in charge of rail transport, the relevant operator(s) and the competent ministries, shall ensure the adoption and implementation of measures for the rehabilitation and management of victims in the event of a disaster.

CHAPTER II **ENVIRONMENTAL PROTECTION**

SECTION 96: The State shall ensure that the rules and regulations governing rail transport activities, as laid down by this law, are implemented in accordance with its international environmental protection commitments and the domestic laws and regulations in force.

SECTION 97: (1) Railway construction and operation activities shall be carried out in accordance with the environmental protection regulations in force.

(2) Waste and effluents generated by rail transport activities shall be managed in accordance with the regulations in force.

(3) Hazardous and/or toxic waste generated by rail transport activity or any other substance harmful to health shall be stored, treated and disposed of in accordance with current environmental protection standards.

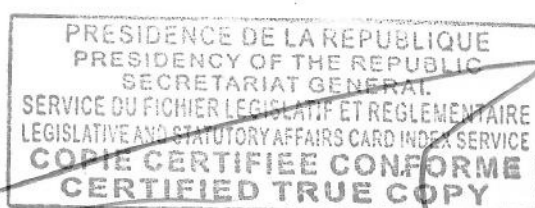
(4) The management of waste from electrical and electronic equipment related to rail transport activity shall be governed by the environmental protection regulations in force.

SECTION 98: The transportation by rail of hazardous substances shall be carried out in accordance with the terms and conditions laid down by the laws and regulations in force.

SECTION 99: Rail transport operators shall provide the public any information concerning the adverse health and environmental effects of railway construction and operation activities, as well as measures to prevent or offset such effects.

SECTION 100: The Railway Regulatory and Safety Authority, in conjunction with the ministry in charge of rail transport and the relevant operator(s), shall ensure that the populations living along the railway participate in environmental management, in particular through:

- free access to nature protection information, subject to national defence and national security imperatives;
- consultation mechanisms to garner community opinions and inputs;
- environmental awareness, training, research and education.



PART VIII
RAIL TRANSPORT PROFESSIONS AND TECHNICAL PERSONNEL

CHAPTER I
RAIL TRANSPORT PROFESSIONS

I- CATEGORIES OF RAIL TRANSPORT PROFESSIONS

SECTION 101: Rail transport professions shall in particular include occupations dealing with the following:

- construction, maintenance and protection of the rail network and rail rolling stock;
- organization and management of rail traffic;
- safety and security of rail transport operations;
- reception and ushering of passengers;
- processing and packaging of goods transported by rail;
- training in rail transport professions.

SECTION 102: The occupations referred to in Section 101 above shall be specified under separate instruments.

II- RULES APPLICABLE TO RAIL TRANSPORT PROFESSIONS

SECTION 103: Rail transport professions shall be performed by persons specifically trained in recognized institutions or training centers, in accordance with the regulations in force.

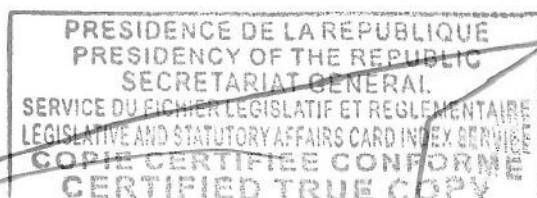
SECTION 104: Without prejudice to the provisions specific to each rail transport operator, the Rail Transport Regulatory and Safety Authority shall exercise disciplinary powers under the conditions laid down by regulation.

SECTION 105: The terms and conditions for the implementation of the provisions of Sections 101 to 104 above shall be specified by separate instruments as and where necessary.

CHAPTER II
RAIL TRANSPORT TECHNICAL PERSONNEL

SECTION 106: Rail transport technical personnel shall in particular include persons assigned to:

- drive trains;



- manage train stations;
- coordinate traffic;
- maintain rolling stock;
- signalling;
- telecommunications;
- maintenance of the rail tracks.

SECTION 107: No person may belong to rail transport technical personnel:

- unless having the required qualifications;
- unless listed in the rail transport register.

SECTION 108: (1) Technical personnel assigned to the driving of trains or to safety and security duties must be of good character, have the requisite physical and psychological abilities to perform such duties and complete a training programme recognized by the State, evidenced by a certificate of professional proficiency issued by the competent authority.

(2) It shall be prohibited for any person with a certificate of professional proficiency to perform safety or security duties or drive a train while under the influence of a psychoactive or psychotropic substance.

(3) The rail transport operator shall put in place an ongoing proficiency assessment system for the personnel referred to in (1) above.

ARTICLE 109: The Railway Regulatory and Safety Authority shall ensure that the proficiency of technical personnel is maintained, under the conditions laid down by regulation.

PART IX **SETTLEMENT OF DISPUTES**

CHAPTER I **DISPUTES BETWEEN RAIL USERS AND OPERATORS**

SECTION 110: Disputes between rail users and operators may be settled amicably through a conciliation procedure agreed upon by the parties.

SECTION 111: The conditions for dispute settlement, as part of the procedure of conciliation between professional organizations, users and user associations, on the one hand, and rail transport operators, on the other hand, shall be laid down by the Railway Regulatory and Safety Authority.

CHAPTER II **DISPUTES BETWEEN RAIL TRANSPORT OPERATORS**

SECTION 112: (1) Where the facts of a dispute between rail transport operators do not constitute a criminal offence, the operators shall, prior to any legal proceedings, refer the matter to the Railway Regulatory and Safety Authority.

(2) The Railway Regulatory and Safety Authority shall, within 30 (thirty) days with effect from the date of such referral, seek conciliation for an amicable settlement of the dispute. It may take such measures as it deems necessary to that end, in particular, where appropriate, the assistance of internal or external experts.

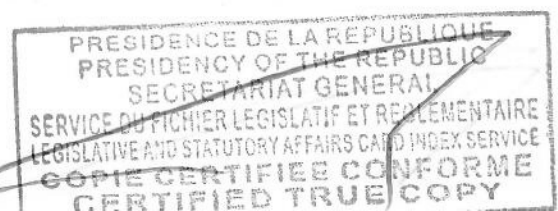
(3) Where the dispute is settled amicably, the Railway Regulatory and Safety Authority shall draw up a conciliation report signed by the Authority and all the parties.

(4) The conciliation report provided for in (3) above shall be forwarded to the President of the competent Court of First Instance for certification. The certified report shall be notified to the parties at the behest of the Railway Regulatory and Safety Authority, within 15 (fifteen) days of its signature. The parties shall comply with the report within 30 (thirty) days, from the date of notification.

SECTION 113: The decisions of the Railway Regulatory and Safety Authority shall be public, subject to the secrecy requirements provided for by law.

SECTION 114: (1) Failing an amicable settlement, the Railway Regulatory and Safety Authority shall refer the parties to an arbitration procedure, in accordance with the provisions of the OHADA Uniform Act on the Law of Arbitration.

(2) The Railway Regulatory and Safety Authority may, in conjunction with rail transport operators, establish a specialized arbitration centre.



(3) Arbitration, in case of failure of a conciliation procedure, shall be optional. The parties may decide to refer the matter directly to the competent court.

SECTION 115: Where the dispute between rail transport operators is likely to bring rail transport activities to a standstill, the Railway Regulatory and Safety Authority shall take any precautionary measure to ensure the continuity of rail transport public service.

PART X **OFFENCES AND PENALTIES**

CHAPTER I **ESTABLISHMENT OF OFFENCES AND SETTLEMENT**

SECTION 116: (1) Without prejudice to the prerogatives of the legal department and of general jurisdiction criminal investigation officers, the sworn officers of the Railway Regulatory and Safety Authority shall be responsible for investigating and establishing the offences provided for under this law and its relevant regulatory instruments. In that capacity, they shall draft reports on all operations carried out during the investigation.

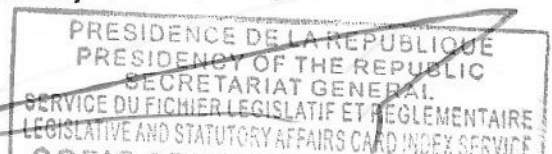
(2) The officers referred to in (1) above may request the services of law enforcement officers, in particular for the identification and arrest of suspects.

(3) An officer who reports an offence may testify as a witness for the prosecution.

SECTION 117: (1) The reports referred to in Section 116 above shall be drawn up in accordance with the provisions of the Criminal Procedure Code. The original versions shall be forwarded within 8 (eight) days from the date of signature, by the officer who drew them up, to the Railway Regulatory and Safety Authority. Copies of the report shall be forwarded within the same time limit to the Rail Assets Management Company.

(2) Within 30 (thirty) days of receipt of the reports, the Railway Regulatory and Safety Authority shall forward them to the territorially competent public prosecutor, subject to the provisions of Section 118 below.

SECTION 118: (1) The offences provided for in this law may be subject to compromise between the Railway Regulatory and Safety Authority and



the accused. Compromise shall be possible only where the offender has admitted an established offence.

(2) However, offences resulting in loss of life or severe injury shall not be subject to compromise.

SECTION 119: (1) The amount of the compromise provided for in Section 118 above may not be less than the minimum fine incurred.

(2) Settlement of the total amount of the compromise provided for in (1) above shall discontinue proceedings.

SECTION 120: (1) The proceeds of the compromise shall be paid in full and with immediate effect to the Treasury against receipt.

(2) The Railway Regulatory and Safety Authority shall forthwith, forward to the competent State Counsel, the investigation report, the compromise report, as well as copies of the receipt of payment of the compromise proceeds to the Treasury.

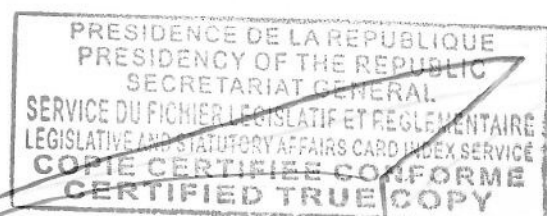
SECTION 121: (1) Where the accused who accepts the compromise refuses to comply within 30 (thirty) days following of such compromise report, the investigation report with its annexes, shall be forwarded by the Railway Regulatory and Safety Authority, within 8 (eight) days, to the territorially competent State Counsel for further proceedings.

(2) The forwarding of the investigation report to the State Counsel shall take the Railway Regulatory and Safety Authority off the case.

SECTION 122: Where an offence is committed aboard a Cameroonian train, any special railway criminal investigation officer may, with the authorization of the train manager, take every measure deemed necessary, in particular:

- detaining of any passenger or crew member;
- legal constraint.

SECTION 123: Subject to the provisions of international conventions, treaties and agreements to which Cameroon is a party, offences committed aboard a foreign train circulating in Cameroon shall be punished in accordance with the criminal legislation in force in Cameroon.



CHAPTER II

ADMINISTRATIVE SANCTIONS

SECTION 124: (1) Without prejudice to criminal proceedings, the Railway Regulatory and Safety Authority may, on the basis of the report drawn up by its officer, impose one of the following sanctions on an offender or any railway operator to which such offender is answerable:

- warning;
- reprimand ;
- suspension; or
- withdrawal of railway pass or any other railway document.

(2) The conditions for implementing the administrative penalties provided for in (1) above shall be laid down by regulation.

SECTION 125: (1) In addition to the administrative penalties provided for in Section 124 above, the Railway Regulatory and Safety Authority may impose financial penalties on an offender or any railway operator to which such offender is answerable.

(2) The conditions for implementing the financial penalties provided for in (1) above shall be laid down by regulation.

CHAPTER III

CRIMINAL SANCTIONS

I - OFFENCES RELATED TO ROLLING STOCK, CUSTOMS FRAUD AND NON-SUBSCRIPTION OF INSURANCE POLICIES

1 - ROLLING STOCK WITHOUT DOCUMENTS AND DRIVING WITHOUT LICENCE

SECTION 126: Whoever:

- operates or consents to the operation of rolling stock without a registration certificate and an operating authorization;
- operates or consents to the operation of rolling stock that has not been subject to the codification procedure provided for in Section 83 of this law;
- operates or consents to the operation of rolling stock for which the operating authorization is no longer valid;
- operates or consents to the operation of rolling stock that does not comply with the technical operating conditions which served as a

basis for the issuance of the operating authorization or with the rules on maintaining the validity of this document;

- operates or consents to the operation of rolling stock in conditions that do not comply with the safety rules laid down by this law or its implementing instruments relating to the equipment of trains and their terms and conditions of use;

shall be punished with imprisonment of from 3 (three) months to 1 (one) year, or with a fine of CFAF 15 000 000 (fifteen million) to CFAF 25 000 000 (twenty-five million), or both such imprisonment and fine.

SECTION 127 : Whoever :

- drives or participates in driving a train without a valid pass or a document required by the regulations in force;
- destroys or falsifies the traction form, makes inaccurate entries thereon or fails to fill it out;

shall be punished with imprisonment of from 3 (three) months to 1 (one) year, or with a fine of from CFAF 5 000 000 (five million) to CFAF 10 000 000 (ten million), or with both such imprisonment and fine.

2 - NON-COMPLIANCE OF REGISTRATION MARKS

SECTION 128: Whoever affixes or has affixed on rolling stock, registration marks that do not comply with those on the registration certificate; Whoever deletes or causes the deletion of registration marks properly affixed on rolling stocks, thus rendering them illegible, shall be punished with imprisonment of from 2 (two) years to 5 (five) years, or with a fine of from CFAF 25 000 000 (twenty-five million) to CFAF 50 000 000 (fifty million), or with both such imprisonment and fine.

**3 - NON-PRESERVATION OF ROLLING STOCK DOCUMENTS,
UNAUTHORIZED THROWING OF OBJECTS AND HIT AND RUN OFFENCES**

SECTION 129: Any owner or lessee duly entered in the railway register who fails to preserve rolling stock documents for a period of 5 (five) years from the last date of registration shall be punished with imprisonment of from 10 (ten) days to 3 (three) months, or with a fine of from CFAF/1 000 000 (one million) to CFAF 5 000 000 (five million), or with both such imprisonment and fine.

SECTION 130: Whoever deliberately throws an object likely to cause damage to persons or property in the railway right-of-way, while on board a moving train, shall be punished with imprisonment of from 1 (one)

month to 6 (six) months, or with a fine of from CFAF 100 000 (one hundred thousand) to CFAF 1 000 000 (one million), or with both such imprisonment and fine.

SECTION 131: (1) Whoever deliberately throws an object likely to cause damage to persons or property in the railway right-of-way, while inside or outside such right-of-way, shall be punished with imprisonment of from 1 (one) to 6 (six) months, or with a fine of from CFAF 100 000 (one hundred thousand) to CFAF 1 000 000 (one million), or with both such imprisonment and fine.

(2) The penalties provided for in (1) above shall be doubled should a person outside throw an object at a moving train.

SECTION 132: (1) Any train driver, or his assistant, who, being aware that his train has caused an accident, does not immediately inform the authorities he can reach, shall be punished with imprisonment of from 2 (two) months to 1 (one) year, or with a fine of from CFAF 5 000 000 (five million) to CFAF 10 000 000 (ten million) CFA francs, or with both such imprisonment and fine.

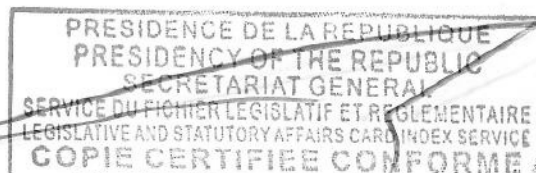
(2) The penalties provided for in (1) above shall be imposed on the train driver, or where necessary his/her assistant, who refuses to stop the train at the station that is nearest to the accident site without providing justification that doing so might jeopardize passenger safety.

(3) The penalties provided for in (1) above shall be doubled where it is established that the driver, or his assistant, had knowledge of the fact that the accident had caused a loss of human life.

4 - PREVENTION OF CUSTOMS FRAUD ON BOARD TRAINS AND NON-SUBSCRIPTION OF INSURANCE POLICIES FOR RAILWAY OPERATIONS

SECTION 133: (1) The prevention regime for offences against customs laws and regulations shall be applicable to imported or exported goods on board trains.

(2) Any rolling stock owner or operator that fails to subscribe to an appropriate insurance policy for its rolling stock prior to its putting into service shall be punished with imprisonment of from 6 (six) months to 1 (one) year, with or a fine of from CFAF 25 000 000 (twenty-five million) to CFAF 50 000 000 (fifty million), or with both such imprisonment and fine.



(3) Any operator of rolling stock who fails to take out an occupational risk insurance policy for his personnel shall be liable to the sanctions provided for in (2) above.

SECTION 134: (1) Any railway operator that fails to take out a "*Civil Liability*" and "*Global Damages*" insurance policy to cover his management risks shall be punished with a fine of from CFAF 50 000 000 (fifty million) to CFAF one 100 000 000 (hundred million).

(2) Any manager of a railway operating company against whose established non-subscription to an insurance policy constitutes professional misconduct on his part shall be punished with imprisonment of from 6 (six) months to 18 (eighteen) months and a fine of from CFAF 10 000 000 (ten million) to CFAF 20 000 000 (twenty million).

II - OFFENCES RELATING TO TRAFFIC RULES, SAFETY AND RAILWAY RIGHT-OF-WAY

1 - OFFENCES RELATING TO RAIL TRAFFIC RULES AND CONDITIONS FOR ENTRY AND STAY IN RAILWAY RIGHT-OF-WAY

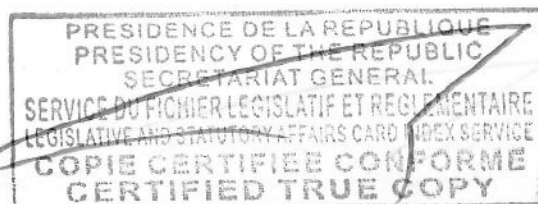
SECTION 135: (1) Any rolling stock operator whose driver, or assistant, has violated any of the railway traffic rules shall be punished with a fine of from CFAF 500 000 (five hundred thousand) to CFAF 100 000 000 (one hundred million).

(2) The sanction provided for in (1) above shall be doubled where such violation results in an accident.

SECTION 136: Whoever opens or operates a training institution in the railway sector, without authorization, shall be punished with imprisonment of from 6 (six) months to 1 (one) year, or with a fine of from CFAF 5 000 000 (five million) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.

SECTION 137 : Whoever:

- is on board a moving train without being able to justify his/her presence by a regular ticket or the approval of the operator;
- does not comply or refuses to comply with the instructions of the special railway police officers, with respect to the safety of the train or that of persons on board;



shall be punished with imprisonment of from 10 (ten) days to 1 (one) month, or with a fine of from CFAF 25 000 (twenty-five thousand) to CFAF 100 000 (one hundred thousand), or with both such imprisonment and fine.

SECTION 138: Any train driver who refuses to comply with the instructions of the competent authorities and travels to a prohibited area, shall be punished with imprisonment of from 1 (one) to 3 (three) years, or a fine of from CFAF two million (2 000 000) to CFAF 10 000 000 (ten million), or with both such imprisonment and fine.

SECTION 139: Whoever uses objects or devices whose transportation is prohibited on board a train shall be punished with imprisonment of from 10 (ten) days to 1 (one) month, or with a fine of from CFAF 100 000 (one hundred thousand) to CFAF 500 000 (five hundred thousand), or with both such imprisonment and fine.

SECTION 140: (1) Whoever fraudulently installs or uses a device in or around a railway station that is likely to jeopardize the safety of railway transport shall be punished with imprisonment of from 5 (five) to 10 (ten) years, or with a fine of from CFAF 25 000 000 (twenty-five million) to CFAF 100 000 000 (one hundred million), or with both such imprisonment and fine.

(2) The penalties provided for in (1) above shall be doubled where the offender be a person who, by virtue of his duties, is involved in any activity related to railway safety or security.

(3) The penalties provided for in (1) above shall be life imprisonment where the installation or use of the fraudulently installed device causes loss of human life.

SECTION 141: Any railway operator that fails to maintain his rolling stock or operated infrastructure in order to ensure the safety of operations shall be punished with imprisonment of from 2 (two) years to 5 (five) years, or with a fine of from CFAF 25 000 000 (twenty-five million) to CFAF 250 000 000 (two hundred and fifty million), or with both such imprisonment and fine.

SECTION 142: (1) Any person performing a technical activity requiring a certificate of professional proficiency and who is found to be in a drunken state or under the influence of a psychoactive or psychotropic substance shall be punished with imprisonment of from 2 (two) to 5 (five) years, or with a fine of from CFAF 10 000 000 (ten million) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.

(2) The penalties provided for in (1) above shall be doubled where the offender is a train driver.

SECTION 143: Any train driver who commences a journey, without ensuring that all the required safety conditions are met, shall be punished with imprisonment of from 1 (one) year to 5 (five) years, or a fine of from CFAF 10 000 000 (ten million) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.

SECTION 144: Any railway operator that hires a technical staff member for train driving or safety duties without such technical staff member meeting the qualification requirements shall be punished with imprisonment of from 3 (three) to 6 (six) years, or a fine of from CFAF 15 000 000 (fifteen million) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.

SECTION 145: Whoever refuses to follow the instructions of the railway traffic management services without justification shall be punished with imprisonment of from 2 (two) years to 5 (five) years, or a fine of from CFAF 5 000 000 (five million) to CFAF 10 000 000 (ten million), or with both such imprisonment and fine.

SECTION 146: Whoever refuses to assist in search and rescue operations for rail disaster victims, without justification shall be punished with imprisonment of from 1 (one) month to 1 (one) year, or with a fine of from CFAF 100 000 (one hundred thousand) to CFAF 1 000 000 (one million), or with both such imprisonment and fine.

SECTION 147: (1) Whoever maintains a railway technical staff member at work beyond the period set by the regulations shall be punished with imprisonment of from 6 (six) months to 1 (one) year, or a fine of from 50 000 000 (fifty million) to CFAF 100 000 000 (one hundred million), or with both such imprisonment and fine.

(2) Any worker who agrees to continue working, knowing that he has reached the maximum work duration provided by the regulations, shall be punished with imprisonment of from 1 (one) month to 6 (six) months, or with a fine of from CFAF 100 000 (one hundred thousand) to CFAF 1 000 000 (one million).

SECTION 148: Whoever, in violation of the policy of no smoking in specific areas of the train, smokes in such areas shall be punished with imprisonment of from 15 (fifteen) days to 1 (one) year or a fine of from CFAF 200 000 (two hundred thousand) to CFAF 500 000 (five hundred thousand), or with both such imprisonment and fine.

2 - OBSTRUCTION OF INVESTIGATION, INSPECTION, AUDIT AND CONTROL PROCEDURES

SECTION 149: (1) Whoever refuses to comply with a summons from the Railway Regulatory and Safety Authority officers without justification shall be punished with imprisonment of from 15 (fifteen) days to 6 (six) months, or a fine of from CFAF 100 000 (one hundred thousand) to CFAF 500 000 (five hundred thousand), or with both such imprisonment and fine.

(2) Whoever prevents the audits, inspections or any other expertise provided for in this law and its implementing instruments shall be punished with the same penalties.

SECTION 150: (1) Whoever refuses to disclose to investigating authorities recordings, equipment or any other documents to enable them to discharge their duty shall be punished with imprisonment of from 1(one) to 5(five) years, or a fine of from CFAF 1 000 000 (one million) to CFAF 5 000 000 (five million), or with both such imprisonment and fine.

(2) The penalties provided for in (1) above shall be doubled where refusal to disclose is followed by concealment, alteration or destruction of the equipment and documents concerned.

(3) Whoever refuses to submit to the relevant authority statistical, financial or any other information relating to a rail transport activity shall be punished with the penalties provided for in (1) above.

(4) Whoever hinders a criminal investigation officer from discharging his/her duty during a judicial inquiry on railway activities shall be punished with the same penalties.

(5) The penalties provided for in (1) above shall be doubled against whoever, conceals evidence, removes a constituent item or document of such evidence.

SECTION 151: Whoever removes, conceals or withholds all or part of a train involved in an accident or an incident, or takes ownership of any property found on board such train shall be punished with imprisonment of from 2(two) to 10(ten) years and a fine of from CFAF 2 000 000 (two million) to CFAF 10 000 000 (ten million).

SECTION 152: (1) Whoever changes the state of the railway accident or incident site shall be punished with imprisonment of from 6(six) months to 1(one) year and a fine of from CFAF 1 000 000 (one million) to CFAF 5 000 000 (five million).

(2) The penalties provided for in (1) above shall be doubled in all cases where the perpetrator of the acts is a person who, on account of his/her duties, is expected to contribute towards revealing the truth, or who, on account of the same duties, is likely to be involved in the facts under investigation.

SECTION 153: Whoever assaults, makes physical or verbal threats against technical and security staff in the discharge of their duties shall be punished with imprisonment of from 6(six) months to 2(two) years, or a fine of from CFAF 200 000 (two hundred thousand) to CFAF 2 000 000 (two million), or with both such imprisonment and fine.

SECTION 154: Whoever damages any security device on board a train shall be punished with imprisonment of from 2(two) to 5(five) years, or a fine of from CFAF 5 000 000 (five million) to CFAF 10 000 000 (ten million), or with both such imprisonment and fine.

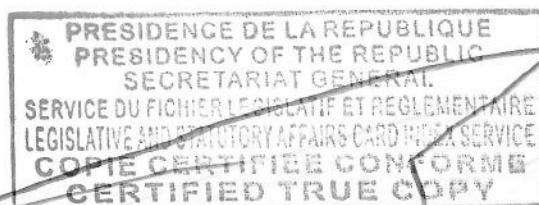
3 - OFFENCES RELATING TO CONGESTION OF RAILROADS, RAILWAY RIGHTS- OF-WAY AND TO DEGRADATION OF RAILWAY INFRASTRUCTURE

SECTION 155: (1) Whoever enters or stays, without authorization, in land or areas forbidden by general railway regulations and instructions shall be punished with imprisonment of from 15(fifteen) days to 3(three) months, or a fine of from CFAF 100 000 (one hundred thousand) to CFAF 500 000 (five hundred thousand), or with both such imprisonment and fine.

(2) Whoever allows animals under his/her custody to stay in the said land and areas shall be punished with the penalties provided for in (1) above.

(3) The court seized may, after sentencing the perpetrator of the acts referred to in (1) and (2) above, refuse him/her any compensation in case of an accident or incident on the site.

SECTION 156: (1) Whoever, through any means or for any reason whatsoever, congests the railway or a railway track shall be punished with imprisonment of from 3 (three) months to 2 (two) years, or a fine of from CFAF 100 000 (one hundred thousand) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.



(2) The administrative authority seized shall forthwith, and at the expense of the perpetrator of the offence, order clearance of the track, without prejudice to criminal proceedings.

SECTION 157: Whoever, through any means whatsoever, damages railway rights-of-way instituted for railway traffic shall be punished with imprisonment of from 1 (one) to 5 (five) years, or a fine of from CFAF 2 000 000 (two million) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.

SECTION 158: (1) Whoever, through any means whatsoever, degrades a facility or the various adjoining rights-of-way, or erects structures on the site or leaves items likely to jeopardize the railway traffic safety shall be punished with imprisonment of from 6 (six) months to 2 (two) years, or a fine of from CFAF 500 000 (five hundred thousand) to CFAF 25 000 000 (twenty-five million), or with both such imprisonment and fine.

(2) In the case provided for in (1) above, where such offender fails to comply with injunctions of the competent authority, the latter may, within 10 (ten) days of service of notice, shall destroy such structures or clear the cumbersome items at the expense of the perpetrator of the offences in question.

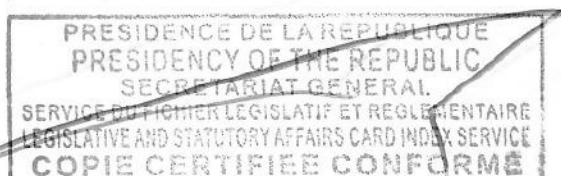
4 - OFFENCES RELATING TO RAIL SAFETY, CIVIL AND ENVIRONMENTAL PROTECTION

SECTION 159: Offences relating to rail safety such as provided for by this law shall be punished in accordance with the provisions of the Penal Code and the counterterrorism laws in force, where applicable.

SECTION 160: Offences relating to civil and environmental protection shall be punished in accordance with the laws and regulations in force.

PART XI **MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

SECTION 161: (1) The concession agreement and the rail transport operation licence provided for by this law shall comprise requisition clauses in the event of serious danger likely to undermine the territorial integrity, life, independence or institutions of the Republic of Cameroon.



(2) For urgent transportation of troops, equipment, foodstuffs or relief to one of the areas of the national territory not covered by railway, railway operators shall immediately place all their resources at the disposal of the State upon requisition, in accordance with the laws and regulations in force.

(3) Under such circumstances, the State shall reserve the right to take all necessary measures, including direct management control of the rail activity for a duration that shall be fixed by decree of the President of the Republic.

(4) Pursuant to the provisions of this Section, costs borne by railway operators shall give rise to payment of compensation the amount of which shall be fixed by the decree of the President of the Republic referred to in (3) above, on the proposal of railway operators and after consultation with the minister in charge of rail transport.

SECTION 162: Subject to international treaties, agreements and conventions to which Cameroon is Party, the jurisdiction of Cameroonian courts over breaches of the provisions of this law shall be established in accordance with the provisions of the Penal Code.

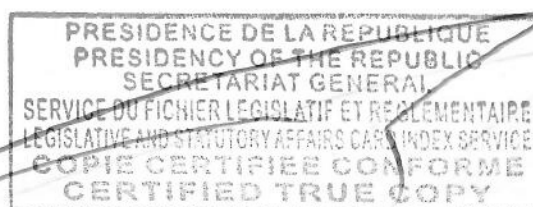
SECTION 163: Conventions that are valid at the date of enactment of this law shall be harmonized by mutual agreement between the State and holders of such conventions. Such harmonization must take place within 18 (eighteen) months of promulgation of this law.

SECTION 164: (1) Use of telecommunication systems as part of the management of the national railway network shall be subject to related laws and regulations in force.

(2) Minimum rail transport service shall be provided in accordance with the laws in force.

SECTION 165: Separate instruments shall, as and when necessary, lay down conditions for implementing this law.

SECTION 166: This law shall repeal all previous provisions repugnant hereto, in particular Law No. 74/10 of 16 July 1974 relating to railway policing and safety.



SECTION 167: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-



YAOUNDE, 25 JUIL 2023



PAUL BIYA
PRESIDENT OF THE REPUBLIC