

Decree No. 2013-809 of 26 November 2013 setting out the modalities for the domestic marketing of raw cashew nuts

THE PRESIDENT OF THE REPUBLIC

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

Considering the Constitution;

Considering the Uniform Act of April 17, 1997 relating to the law of commercial companies and economic interest groups;

Considering the Uniform Act of December 15, 2010 relating to general commercial law

Considering the Uniform Act of December 15, 2010 relating to company law cooperatives;

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

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

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

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

Considering Decree n°2013-506 of 25 July 2013 on the attributions of the Members of the Government, as modified by the decree n°2013-802 of 21 November 2013 ;

Considering Decree No. 2013-681 of 2 October 2013 on the name of the regulatory body and the monitoring and development of activities in the cotton and cashew nut sectors

THE COUNCIL OF MINISTERS HEARD,

DECIDES

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For further precision, refer to the original version

Article 1 : For the purposes of this decree, domestic marketing of raw cashew nuts means the process by which the product is moved from the producer's plantation to the ports for export or to the factories for processing.

Article 2 : The purpose of this decree is to establish the modalities for the domestic marketing of raw cashew nuts.

Article 3 : Domestic marketing of cashew products is carried out by

- producers or cooperative societies, unions, federations or confederations of cooperative societies of producers identified by the Cotton and Cashew Council
- the natural or legal persons mentioned in Article 2 of the aforementioned law n°2013-656 of 13 September 2013, and holders of an approval as buyer, issued by the Cotton and Cashew Council
- the natural or legal persons mentioned in article 6 of the aforementioned law n°2013-656 of 13 September 2013, and holders of an approval as exporter, issued by the Cotton and Cashew Council.

Article 4 : the natural or legal persons mentioned in article 6 of the aforementioned law n°2013-656 of 13 September 2013, and holders of an approval as exporter, issued by the Cotton and Cashew Council..

In this case, the list of trackers is required from each buyer to obtain an approval.

Article 5 : Domestic marketing of raw cashew nuts is organised around shops approved by the Cotton and Cashew Council.

Article 6 : The transaction documents required for the domestic marketing of raw nut are the Product Transfer Notebook and the Product Transfer Record.

The Product Contribution Book is the medium for transactions between the Producer and the buyer or cooperative society. This document mentions in particular the quality and the purchase price of the product.

The Product Transfer Note is the only document required for the transport of cashew nuts from approved shops to ports and shelling plants or from one approved shop to another. It includes the following mandatory information: the shop of origin and the owner of the product, the weight and number of bags and the vehicle registration.

The above-mentioned transaction documents are produced by the Conseil du Coton et de l'Anacarde in pre-printed form and made available to cooperative societies and buyers.

Article 7 : Individual producers and producer cooperatives are required to market only well-dried, sorted products free of foreign matter.

Buyers and cooperative societies are required to source only well-dried and sorted products.

Article 8 : Exporters buy exclusively from approved buyers and producer cooperative societies, approved shops and port shops.

No exporter shall make direct purchases of raw cashew nuts from individual producers or from processors.

Article 9 : Processors supply from approved buyers; individual producers and producer cooperative societies, within the declared capacity of their plants.

The resale to an exporter of quantities purchased by the processor is strictly forbidden.

Article 10. The resale to an exporter of quantities purchased by the processor is strictly forbidden.

Article 11 : Purchases from producers and producer cooperatives are made in cash.

Article. 12 : Before unloading in the port warehouses, the cashew nuts are checked for weight and moisture content by a service provider appointed by the Cotton and Cashew Council.

The control of the marketable quality of the cashew nuts shall be carried out by the exporter in the presence of the buyer and the service provider designated by the Cotton and Cashew Council in accordance with the standards in force.

The verification or quality analysis report must be checked by the service provider.

Article 13 : Any reduction must be carried out in accordance with the reduction table established by the Conseil du Coton et de l'Anacarde and the actors of the sector.

Article 4 : Monitoring and control of domestic marketing is carried out by agents of the Conseil du Coton et de l'Anacarde.

They ensure that operators comply with the legal and regulatory provisions in force, note any infringements and draw up a report on them.

Article 15 : Violation of the above provisions exposes the offender to the penalties provided for by the above-mentioned law n°2013-656 of 13 September 2013.



Article 16 : Joint orders of the Minister of Agriculture, the Minister of Economy and Finance and the Minister of Trade shall specify, as necessary, the terms of application of this decree.

Article 17 : The Minister of Agriculture, the Minister at the Prime Minister's Office, in charge of Economy and Finance, the Minister at the Prime Minister's Office, in charge of BUddet and the Minister of Commerce, Handicrafts and SME Promotion are responsible, each in what concerns him, for the execution of the present decree which will be published in the Official Journal of the Republic of Cote d'Ivoire.

Done in Bouake, 26 November 2013

Alassane OUATTARA

Certified copy to the original
The Secretary General of the Government



Ausau
Sansan KAMBILE
Magistrat