

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 140

Lagos - 17th December, 2014

Vol. 101

Government Notice No. 253

The following is published as supplement to this *Gazette* :

<i>S.I. No.</i>	<i>Short Title</i>	<i>Page</i>
62	National Environmental (Control of Charcoal Production and Export) Regulations, 2014	B773-787

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 150/102015/300

Annual Subscription from 1st January, 2015 is Local : ₦25,000.00 Overseas : ₦37,500.00 [Surface Mail]
₦49,500.00 [Second Class Air Mail]. Present issue ₦1,500.00 per copy. Subscribers who wish to obtain *Gazette* after
1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

**NATIONAL ENVIRONMENTAL STANDARDS AND
REGULATIONS ENFORCEMENT AGENCY
(ESTABLISHMENT) ACT, 2007**

**NATIONAL ENVIRONMENTAL (CONTROL OF CHARCOAL
PRODUCTION AND EXPORT) REGULATIONS, 2014**



ARRANGEMENT OF REGULATIONS

Regulation :

PART I—OBJECTIVES AND APPLICATION

1. Objectives.
2. Application.

PART II—PROHIBITION ON EXPORT

3. Prohibition on export without approval.

PART III—APPLICATION FOR CHARCOAL EXPORT PERMIT

4. Application for charcoal export permit.

PART IV—CONTROL OF COMMERCIAL PRODUCTION AND HANDLING
OF CHARCOAL OR CHARCOAL PRODUCTS

5. Engaging in commercial charcoal production without Permit or Improved Charcoal Production System (ICPS).
6. Conditions for Commercial Production of Charcoal.
7. Conditions for the transport of Charcoal or Charcoal Products.
8. Permit Holder to submit Permit to Enforcement Authority.
9. Validity of Permit.
10. Renewal of Permit.
11. Cancellation, Revocation or Suspension of Permit.
12. No alteration, endorsement, lending or transfer of a Permit.

PART V—DELINEATION OF ROLES

13. Federal and State Departments of Forestry, Enforcement Authority and Enforcement Officer's Roles.

PART VI—ENFORCEMENT PROCEDURES

14. Power to Enter, Search and Seal Premises.
15. Enforcement Notice.
16. Delivery of Enforcement Notice.
17. Failure to Comply with Enforcement Notice.
18. Powers of an Enforcement Officer.

PART VII—OFFENCES AND PENALTIES

19. Offences and Penalties.

PART VIII—MISCELLANEOUS PROVISIONS

20. Interpretation.

21. Citation.

SCHEDULES

S. I. No. 62 of 2014

**NATIONAL ENVIRONMENTAL STANDARDS AND
REGULATIONS ENFORCEMENT AGENCY
(ESTABLISHMENT) ACT, 2007**

**NATIONAL ENVIRONMENTAL (CONTROL OF CHARCOAL
PRODUCTION AND EXPORT) REGULATIONS, 2014**

In the exercise of the powers conferred on me by section 34 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 and all other powers enabling me in that behalf, I, LAURENTIA LARABA MALLAM, Minister, Federal Ministry of Environment, hereby make the following Regulations—

[9th Day of December, 2014]

Commence-
ment.

PART I—OBJECTIVES AND APPLICATION

1. The objectives of these Regulations are to protect Nigeria's ecosystem from further depletion arising from charcoal production and handling including its export, and in particular to—

Objectives.

- (a) regulate the export of charcoal or charcoal products ;
- (b) regulate felling of trees for charcoal production ;
- (c) ensure improved domestic charcoal production systems ; and
- (d) regulate Inter and Intra State trade in charcoal or charcoal products.

2.—(1) These Regulations shall apply to—

Application.

- (a) domestic production and handling of charcoal in Nigeria ;
- (b) export of charcoal or charcoal products which are produced from approved sources ;
- (c) any person who engages in the—
 - (i) felling of trees for charcoal production ;
 - (ii) Intra and Inter State transport of Charcoal for commercial purposes ; and
 - (iii) export of charcoal or charcoal products which are produced from approved sources.

(2) These Regulations shall not apply to charcoal used for subsistence purposes.

PART II—PROHIBITION ON EXPORT

3.—(1) A person shall not export out of Nigeria any charcoal or charcoal products except with the approval of the Federal Department of Forestry and in accordance with the provisions of these Regulations.

Prohibition
on export
without
approval.

(2) Export of charcoal or charcoal products is prohibited except where they are derived from approved sources.

Application
for Charcoal
Export
Permit.

PART III—APPLICATION FOR CHARCOAL EXPORT PERMIT

4.—(1) A person who wants to export charcoal or charcoal products derived from approved sources shall submit an application for a permit to the Federal Department of Forestry.

(2) The application made under sub-regulation (1) of this regulation shall—

(a) be in the form set out in Form 3 of Schedule 1 to these Regulations ;

(b) provide proper description of the sources of the charcoal or the charcoal product to be exported, as the case may be ; and

(c) comply with the requirements set out under Schedule IV to these Regulations.

(3) All permits required for export of charcoal produced from approved sources shall be issued by the Federal Department of Forestry.

(4) An application made under this regulation shall be considered by the Federal Department of Forestry and if approved, the Federal Department of Forestry shall issue a permit to the applicant.

PART IV—CONTROL OF COMMERCIAL PRODUCTION AND HANDLING OF CHARCOAL OR CHARCOAL PRODUCTS

Engaging in
commercial
charcoal
production
without
Permit or
Improved
Charcoal
Production
System
(ICPS)

5. A person shall not—

(a) undertake or engage in any undertaking or activity relating to commercial charcoal production or handling without a valid permit issued by the Federal or State Department of Forestry, (referred to in these Regulations as “the Issuing Authority”), as the case may be ; or

(b) carry out charcoal production without the use of Improved Charcoal Production System (ICPS) as prescribed in Schedule III to these Regulations.

Conditions
for
Commercial
Production
of Charcoal.

6.—(1) A person desirous of producing charcoal for commercial purposes shall upon the fulfillment of the requirements in Form 3 of Schedule 1 to these Regulations, apply for and obtain a permit from the Issuing Authority as set out in Form 1 of Schedule 1 to these Regulations, upon the payment of a prescribed fee.

(2) The Issuing Authority, where it considers it expedient for ensuring sustainable charcoal production, shall at any time amend the requirements referred to in sub-regulation (1) of this regulation.

(3) A person shall not be granted a permit for charcoal production without having a reforestation and rehabilitation plan for the area from where the charcoal will be derived or produced.

(4) A person shall not produce charcoal from marginal lands, fragile ecosystems, endangered, threatened and prohibited plant species listed in the Endangered Species Act or by the Convention on International Trade in Endangered Species of wild fauna and flora (CITES) as may be ratified and domesticated in Nigeria.

7. A person shall not transport charcoal or charcoal products for commercial purposes from one place to another in Nigeria unless—

(a) he is in possession of a valid Charcoal Handling or Transport Permit issued as set out in Form 2 of Schedule 1 to these Regulations and is operating in conformity with the terms and conditions of such permit ;

(b) the Charcoal Handling or Transport Permit as approved by the Issuing Authority specifies the vehicle or vessel conveying the charcoal or charcoal products ; and

(c) the holder of the permit has paid the prescribed fee for the permit.

8. A person in whose name a permit is issued pursuant to these Regulations shall submit a copy of the permit to the National Environmental Standards and Regulations Enforcement Agency (hereinafter referred as "the Enforcement Authority") on demand.

9. A permit issued under these Regulations shall remain valid up to the date stated on the permit unless an act of violation is committed by the holder before the expiry date on the permit.

10. An application for the renewal of a permit shall be made at least one month before the expiry date of the existing permit.

11.—(1) The Issuing Authority shall have the power to cancel, revoke or suspend a permit issued under these Regulations where the holder of the permit contravenes the provisions of these Regulations.

(2) The Issuing Authority, shall give fourteen days' notice of its intention to cancel, revoke or suspend a permit to a concerned party pursuant to sub-regulation (1) of this regulation and the concerned party may fulfill any condition that may be specified in the notice before the expiry date stated on the notice.

(3) The Issuing Authority may confirm or cancel a Permit for charcoal production or transport under these Regulations upon the expiry of the date stated under sub-regulation (2) of this regulation.

(4) Whenever a permit issued under these Regulations is cancelled, revoked or suspended, the holder of the permit shall cease operations of the charcoal production, handling or transport until a new permit is issued by the Issuing Authority.

Conditions
for the
transport
of Charcoal
or Charcoal
Products.

Permit
Holder to
submit
Permit to
Enforcement
Authority.

Validity of
Permit.

Renewal of
Permit.

Cancellation,
Revocation
or
Suspension
of Permit.

(5) The holder of a permit which is cancelled pursuant to this regulation shall, within fourteen days from the date of the cancellation surrender the permit to the Issuing Authority.

No alteration, endorsement, lending or transfer of a permit

12. A person shall not—

- (a) alter, endorse or lend a permit issued under these Regulations ; and
- (b) unless otherwise required and approved by the Issuing Authority, transfer to another person or use a permit issued under these Regulations for any other purpose other than the purpose for which it was issued.

PART V—DELINEATION OF ROLES

Federal and State Departments of Forestry, Enforcement Authority and Enforcement Officer's Roles.

13. In these regulations unless otherwise required—

- (a) the Federal Department of Forestry shall be responsible for the issuance of permit for the export of charcoal obtained from approved sources ;
- (b) the State Department of Forestry shall be responsible for issuance of permit for the production of charcoal and for inter and intra state transport of charcoal ;
- (c) the Enforcement Authority shall be responsible for the enforcement of the provisions of these Regulations ; and
- (d) an Enforcement Officer shall be responsible for entering into the premises of permit holders to monitor their activities to ensure compliance with the provisions of these Regulations.

PART VI—ENFORCEMENT PROCEDURES

Power to enter, search and seal premises.

14. An Enforcement Officer shall regularly or on suspicion of non-compliance with any of the provisions of these Regulations—

- (a) enter, search and seal any premises or facility where the holder of a permit is contravening or is suspected to be contravening or about to contravene the provisions of these Regulations ;
- (b) at any time inspect the premises in which production, wholesale or retail trade in charcoal is being undertaken ; and
- (c) carry out inspections on charcoal production, handling or transport.

Enforcement Notice.

15.—(1) An enforcement notice shall be served on the holder of a permit where the Enforcement Authority is of the opinion that the holder of a permit has contravened, is contravening or is likely to contravene any condition governing the grant or usage of the permit.

(2) An enforcement notice shall—

- (a) specify the acts constituting the contravention or that may lead to the contravention of any of the conditions of the permit ;

(b) specify the actions that must be taken to rectify the contravention or act that may lead to the contravention of the conditions of the permit ; and

(c) specify the period within which the actions referred to in sub-regulation (2) (b) of this regulation must be taken.

16. An Enforcement notice may be delivered by hand, registered post or courier, electronic transmission, newspaper publication, pasted at the facility or registered premises of the permit holder or any other means recognised by law.

Delivery of enforcement notice

17.—(1) Where a permit holder who had been served with an enforcement notice fails to comply with the provisions of these Regulations within the time specified in the notice, a reminder may be served on him.

Failure to comply with enforcement notice.

(2) Where a permit holder fails to comply with the notice served under sub-regulation (1) of this regulation within the time specified in the notice or reminder issued thereof, the facility or premises used by the permit holder in pursuance of the activities covered by the permit, may be sealed by the Enforcement Authority and the Enforcement Authority may take any other punitive action which it deems appropriate in the circumstance.

18. An Enforcement Officer may, in the course of his duty under these Regulations, at any reasonable time :

Powers of an Enforcement Officer.

(a) enter and search any premises or facility to—

(i) examine any record,

(ii) take pictures, samples or specimen for analysis, and

(iii) take measurements in length or of the level of standards when required ;

(b) seize and detain for such time as may be necessary for the purpose of these Regulations any article which he reasonably believes was used to contravene any of the provisions of these Regulations ; or

(c) examine what he reasonably suspects to be a consignment transported, acquired or traded in violation of the provisions of these Regulations.

PART VII—OFFENCES AND PENALTIES

19.—(1) A person who violates any of the provisions of these Regulations commits an offence and shall be liable on conviction, to a fine of not less than one million Naira or a term of imprisonment of not more than five years, and an additional fine of ten thousand Naira for every day the offence subsists.

Offences and Penalties.

(2) where the offence is committed by a body corporate, it shall be liable on conviction, to a fine of not less than five million Naira and additional fine of fifty thousand Naira for every day the offence subsists.

(3) A person who produces charcoal for commercial purposes without the use of an Improved Charcoal Production System as listed in Schedule III of these Regulations shall be liable on conviction to a fine of not less than one million Naira or a term of imprisonment of not more than two years.

(4) A person who violates any of the conditions on which a Permit is issued, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand Naira or a term of imprisonment of not less than six months or to both such fine and imprisonment.

(5) In addition to any penalty to which such contravention applies, where a person is convicted of an offence, any cage, container, boat, aeroplane, vehicle or other articles and equipment in respect of or by means of which the offence was committed shall be forfeited to the Federal Republic of Nigeria.

PART VIII—MISCELLANEOUS PROVISIONS

Interpretation.

20. In these Regulations, unless the context otherwise requires—

“*Applicant*” means a person who has applied for a Permit to produce or handle charcoal or charcoal products for commercial purposes ;

“*Approved Source*” means source from which charcoal or charcoal products is being produced other than the use of forest trees and shrubs and may include saw-dust, bamboo, briquette, coconut-shell, animal-bones ;

“*Authorized Officer*” means a staff of the Enforcement Authority ;

“*Charcoal*” means wood fuel product derived from carbonization of wood or other sources burnt in open or in an oven and used as fuel ;

“*Commercial Charcoal Producer*” means a person who produces charcoal for commercial purposes ;

“*Enforcement Authority*” means the National Environmental Standards and Regulations Enforcement Agency (NESREA) ;

“*Export*” means transporting and or selling of charcoal and charcoal products outside the territory of Nigeria ;

“*Issuing Authority*” means the Federal Department of Forestry or State Department of Forestry, as the case may be ;

“*Pasting*” means the posting of a notice at the address of the owner or occupant of the premises or facility ; or the putting of a notice in a public or conspicuous place so that people including those the notice is meant for, can see it ;

“*Person*” means an individual or body corporate ;

“*Subsistence purposes or Domestic Production*” means charcoal production or handling in quantity not more than twenty kilo grams ;

“*Sustainable use*” means judicious use of resources in a manner that guarantees the use of same resources by future generations.

21. These Regulations may be cited as National Environmental (Control of Charcoal Production and Export) Regulations, 2014. Citation.

SCHEDULE I
PRESCRIBED FORMS
FORM 1

(Regulation 6 (1))

APPLICATION FOR CHARCOAL PRODUCER PERMIT

PART A : DETAILS OF APPLICANT

Name of Licensee(s).....
Personal Identification Number
Full Address.....

PART B : MATERIAL CONSIDERATIONS

Place(s) where Charcoal is to be Produced.....
Designated Charcoal Collection Point(s).....
Consent from Land Owner as Prescribed in Part C of this Form
Types of raw material to be Used for Charcoal Production.....
Source(s) of raw material to be Used.....
Type of technology to be Used.....
A Recommendation from Relevant Authority.....
Reforestation/Rehabilitation Plan for the Area.....

PART C : CONSENT FROM THE LAND OWNER

Name of the Land Owner or Authorized Person.....
Locality.....
Issuer /Title Deed No.....
Full Address

DECLARATION BY GRANTOR/AUTHORIZED PERSON

I,.....hereby give
.....consent to produce charcoal on my parcel of land
using indigenous or farm forestry wood resources in accordance with the
provisions of these Regulations.

.....
Name of Land Owner/Authorized Person Signature Date

PART D : DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand that the Charcoal Permit may be suspended, revoked or cancelled if any information given above is false, misleading, wrong or incomplete.

.....

Name *Signature* *Date*

PART E : FOR OFFICIAL USE ONLY

Approved/Not Approved.....

Comments.....

Name of Officer..... Designation.....

Signature.....Date.....

Fees Paid in Words.....

In Figures.....

Date of Issue.....Signature.....

(Director, State Department of Forestry)

FORM 2

(Regulation 7 (a))

CHARCOAL TRANSPORT PERMIT

Name..... State..... LGA.....
 Address
 Nationality..... ID No/Passport No
 Vehicle Reg. No.....
 is hereby authorized to transport charcoal and or charcoal products named
 herein below :

<i>Charcoal or Charcoal Products</i>	<i>Quantity</i>
<i>From</i>	<i>To</i>

2. Reasons for Transport.....
 3. Date of Transportation
 4. Date of Expiry
 5. Official Receipt No
 6. Name of Issuing Officer

Designation.....Signature.....
 Fees Paid in Words.....
 In Figures..... Date of Issue.....

Director, State Department of Forestry

FORM 3

(Regulation 4(2) (a))

APPLICATION FOR CHARCOAL EXPORT PERMIT

PART A : DETAILS OF THE APPLICANT

Name of Applicant (Association or Firm).....
 Personal Identification Number.....
 Full Address.....
 Business Location-
 Name of Building/Place.....
 Street/Road.....
 Town.....
 District.....
 Export Regulation Certificate.....

PART B : BUSINESS DETAILS

(a) Other than the business for which this Application is made, are you involved in any other trade in the Forestry Industry ? YES/NO.....

(b) If yes to sub-paragraph (a) of this paragraph, specify nature or type of business(es).....

<i>Charcoal and Charcoal Products</i>	<i>Quantity</i>	<i>Value</i>

Name and Address of Consignee/Supplier.....

PART C : DECLARATION BY APPLICANT(S)

I/We declare that the particulars and information supplied by me/us herein are true, accurate and correct in every respect. I/We understand clearly that discovery of any false information provided by me/us will render this application invalid.

Name..... Rank.....

Date.....

Signature.....

PART D : FOR OFFICIAL USE ONLY

Approved/Not Approved.....

Comments.....

Name of Officer.....

Signature.....Date.....

Fees Paid in Words.....In Figures.....

Date of Issue.....

Director, Federal Department of Forestry (Name/Signature/Date)

SCHEDULE II

REQUIREMENTS FOR COMMERCIAL PRODUCTION AND HANDLING OF CHARCOAL AND CHARCOAL PRODUCTS

1. An application to produce charcoal and charcoal products for commercial purposes shall be granted in fulfillment of the conditions of application in the prescribed Form 1 as set out in the First Schedule to the State Department of Forestry and forward same to the Enforcement Authority ; and to also consider :

- (a) the place(s) where charcoal is to be produced ;
- (b) designated charcoal collection point(s) ;
- (c) consent from the owner, or authorized institution, of the land where charcoal is to be produced as set out in Form 1 of the First Schedule ;
- (d) tree species and number or volume of trees to be felled for charcoal production ;
- (e) type of technology to be used in the production of charcoal as prescribed under these regulations ; and
- (f) a reforestation or rehabilitation plan of the producer of charcoal.

2. Provision of other information as may be deemed necessary ; and

3. Payment of the prescribed fee.

SCHEDULE III

[Regulations 5(b) and 19(3)]

LIST OF IMPROVED CHARCOAL PRODUCTION SYSTEM (ICPS) FOR TRADITIONAL AND MODERN SYSTEMS

1. Retort Kiln.
2. Other improved systems that do not encourage direct open burning.

SCHEDULE IV

[Regulation 4 (2)(c)]

REQUIREMENTS FOR EXPORT OF CHARCOAL MADE FROM APPROVED SOURCES

1. A person seeking a Permit under these Regulations shall submit an application in the prescribed Form 3 of Schedule 1 to the Director, Federal Department of Forestry and shall provide a proper description of the sources of charcoal.

2. Where an application under this Regulation is approved by the Director of Federal Department of Forestry, a permit and safety certificate may be issued to the applicant, subject to :

- (a) payment of the prescribed fee ; and
- (b) submission of an Export Permit to Appropriate Authority in Nigeria.

ISSUED at Abuja this 9th day of December, 2014.

MRS. LAURENTIA LARABA MALLAM
Honourable Minister of Environment

EXPLANATORY NOTE

*(This Note does not form part of these Regulations
but is intended to explain its purport)*

These Regulations set out measures to protect Nigeria's ecosystem from further depletion arising from charcoal production, export of charcoal or charcoal products and felling of trees for charcoal production ; ensure improved domestic charcoal production systems ; and regulate Inter and Intra State trade in charcoal or charcoal products.