

**STATUTES OF THE
CENTRAL BANK OF WEST AFRICAN STATES**

PART I**GENERAL PROVISIONS****CHAPTER 1****LEGAL STATUS AND OPERATING PRINCIPLES
OF THE CENTRAL BANK****Section one*****Legal status of the Central Bank*****Article 1**

The Central Bank of West African States (BCEAO), hereinafter referred to as “the Central Bank”, is an international public institution of the member States of the West African Monetary Union (WAMU).

Pursuant to the provisions of article 27 of the Treaty of the West African Monetary Union, hereinafter referred to as the “WAMU Treaty”, the Central Bank shall be governed by the present Statutes attached to the said Treaty, of which they form an integral part.

Article 2

The Central Bank shall have legal personality and financial autonomy.

It shall have full legal personality, particularly, the capacity to enter into contracts, acquire or dispose of movable and immovable property and be party to legal proceedings.

To this end, in each of the WAMU member States, it shall enjoy the most extensive legal capacity accorded to legal persons.

Article 3

The capital of the Central Bank shall be entirely subscribed in equal shares by the member States of WAMU.

Section 2***Operating principles of the Central Bank*****Article 4**

In exercising the powers and performing the tasks assigned to them under the WAMU Treaty, and per the present Statutes, the Central Bank, its organs, any member of its organs or staff may not solicit or receive guidelines or instructions from community institutions or organs, Governments of WAMU member States, or any other body or person whatsoever.

The community institutions and organs as well as the Governments of WAMU member States shall comply with this principle.

Article 5

The members of the organs and staff of the Central Bank shall be bound by professional secrecy.

They shall be required to comply with this obligation, even after having ceased to hold office.

Article 6

The members of staff of the Central Bank may not acquire or receive any stake, interest or remuneration whatsoever, by working for or providing advisory services to, a public, private, industrial, commercial, financial or services concern, except where otherwise authorized by the Governor.

The provisions of the present article do not apply to the production of scientific, literary or art works.

CHAPTER II**PRIVILEGES AND IMMUNITIES OF THE CENTRAL BANK****Article 7**

In each of the member States of the West African Monetary Union, the Central Bank shall be entitled to the privileges and immunities needed to enable it to carry out its tasks, under the terms stated in the Protocol to the WAMU Treaty, of which it forms an integral part.

PART II**OBJECTIVES, DUTIES AND FUNCTIONS OF THE CENTRAL BANK****CHAPTER ONE****OBJECTIVES AND FUNCTIONS OF THE CENTRAL BANK****Section one*****Objectives of the Central Bank*****Article 8**

The prime purpose of the Central Bank's monetary policy shall be to ensure price stability. The Monetary Policy Committee shall set the inflation target.

This purpose notwithstanding, the Central Bank shall provide support for the economic policies of the West African Economic and Monetary Union (WAEMU), to ensure sound and sustainable growth.

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Section 2

Core tasks of the Central Bank

Article 9

The Central Bank shall have the following core tasks:

- To define and implement monetary policy within WAMU
- To ensure stability of the WAMU financial and banking system
- To foster the smooth running and supervision and security of the WAMU payment systems
- To implement the WAMU exchange rate policy under the terms set out by the Council of Ministers
- To manage the official foreign reserves of WAMU member States.

Section 3

Specific duties of the Central Bank

Article 10

The Central Bank may, in keeping with monetary balance, carry out specific assignments or projects designed to help improve the monetary policy environment, and diversify and strengthen the WAMU financial system and the technical and professional capacities of the banking and financial sector.

CHAPTER II**MONETARY FUNCTIONS AND OPERATIONS OF THE CENTRAL BANK****Section one*****General provisions*****Article 11**

The operations of the Central Bank shall be carried out as per the present statutes.

Section 2***Issuing of bank notes and coins*****Article 12**

Pursuant to the provisions of article 26 of the WAMU Treaty, the Central Bank shall have the exclusive privilege to issue bank notes and coins as legal tender in WAMU member States.

Article 13

Upon the proposal of the Monetary Policy Committee, the Council of Ministers of WAMU shall decide on the range of notes and coins, their withdrawal from circulation and their cancellation.

It shall set their face value and the form of the denominations, and determine the signatures they shall bear.

It may decide on procedures for their identification by WAMU member State.

Article 14

In the event of withdrawal of one or several categories of notes or coins from circulation, such notes and coins shall no longer be legal tender within the period set by the Council of Ministers of WAMU.

The conversion value of said notes and coins, issued in a member State of WAMU, shall be paid to the State in which the issuing took place. The conversion value of unidentified notes and coins shall be assigned following a decision by the Council of Ministers of WAMU.

Article 15

The Central Bank shall oversee the maintenance of currency circulation.

It may provide a separate monthly statement of currency issue and its equivalents for each member State of WAMU.

Section 3***Gold and foreign exchange transactions*****Article 16**

The Central Bank may, on its own behalf or on behalf of third parties, carry out all transactions in gold, payment instruments and securities denominated in foreign currency or defined by gold weight.

It may lend or borrow in its currency of issue to or from foreign banks or foreign or international monetary institutions or bodies.

During such transactions, the Central Bank shall request or grant such guarantees, as it may deem appropriate.

Article 17

The Central Bank may require any public or private institutions under the jurisdiction of a WAMU member State to surrender its foreign assets to it, against its currency of issue.

In proportion to its foreseeable needs, the Central Bank may confine such requests solely to public institutions and banks, and may make prior call on those States whose currency issue statements show a negative position under the “Foreign assets” item.

Section 4***Open market and credit transactions*****Article 18**

With a view to achieving its goals and carrying out its tasks, the Central Bank may:

- Carry out open market transactions on WAMU capital markets through outright spot or forward purchases and sales, by reverse repurchase and repurchase transactions or pledge, by lending or borrowing stocks or bonds to or from eligible people
- Carry out credit transactions with credit institutions and other eligible bodies, accompanying such transactions with the appropriate guarantees

Central Bank receivables backed by bills or securities issued or guaranteed by public treasuries, local government or other public institutions of WAMU member States may not exceed a percentage of the national fiscal earnings observed during the penultimate financial year set by the Monetary Policy Committee.

Article 19

The Monetary Policy Committee shall set out the general principles for open market and credit transactions carried out by the Central Bank.

It shall draw up the list of stakeholders and instruments eligible for such transactions.

It shall establish the criteria for the eligibility of bills and securities for the Central Bank portfolio.

Section 5***Mandatory reserves*****Article 20**

The Central Bank shall compel WAMU credit institutions to build mandatory reserves with the Bank.

The Monetary Policy Committee shall set out the components and procedures for building these mandatory reserves, as well as the sanctions to be applied in the event of failure to comply with the rule provided in the preceding paragraph.

Section 6***Payment systems*****Article 21**

The Central Bank shall ensure the smooth running and the security of payment systems. It shall take all necessary steps to ensure the efficiency, soundness and security of interbank clearing systems and other payment systems within WAMU and with third countries.

Article 22

The Central Bank may request credit institutions and the postal financial services to report payment irregularities.

Section 7***Account opening and related services*****Article 23**

The Central Bank may open accounts in its books for credit institutions and public bodies.

The accounts referred to in the preceding paragraph may not show a debit balance.

Article 24

The Central Bank may make transfers for or at the behest of the public treasuries of WAMU member States, credit institutions and all other holders of accounts in its books.

Article 25

The Central Bank may collect and recover bills presented by holders of accounts opened in its books.

Section 8***Equity participation*****Article 26**

The Central Bank shall acquire shares in the capital of the West African Development Bank as well as other financing institutions established pursuant to article 22 of the WAMU Treaty.

Article 27

The BCEAO may acquire shares in the capital of institutions or bodies whose area of activity is in line with its corporate purpose or is of specific or general interest for one or several WAMU member States, through special investor funds or other mechanisms, whose management must not affect the current operations of the Central Bank.

Article 28

The Central Bank may carry out transactions for its administrative

infrastructure or for its staff. To this end, it may purchase, sell or exchange real property, take out or transfer shares in real estate companies for the purposes of its activity or provide housing for its staff.

Article 29

The Central Bank shall pay for such share acquisitions authorized by the present statutes with its own net worth, capital and reserves.

Section 9

Supervision of banking and financial activities

Article 30

In each WAMU member State, the Central Bank shall implement legal and regulatory measures taken pursuant to article 34 of the WAMU Treaty and also in accordance with the practices of the banking and finance sector and related activities.

Section 10

Collection and management of information and statistics

Article 31

In the performance of its duties, the Central Bank is empowered to collect, either from the competent national services, or directly from credit institutions and other economic operators, statistical information or any other documents and information it may require or that may be required by the Council of Ministers, and member States, on the economic, financial and monetary situation of WAMU.

Article 32

As necessary, the Central Bank shall promote the harmonization of rules and practices governing the collection, establishment, management and dissemination of statistics in areas that fall under its jurisdiction.

Article 33

The Central Bank shall collect information and data pursuant to article 32 of the WAMU Treaty, for the purposes set forth by the Treaty.

To this end, it may, directly or through credit institutions, postal financial services or any other relevant persons or institutions, request information on foreign transactions of public administrations, individual or corporate bodies resident or having their headquarters within WAMU, as well as persons resident or based abroad, for transactions pertaining to their stay or activities undertaken in WAMU.

Article 34

In implementing the provisions of the present section, professional secrecy shall not be invoked against the Central Bank.

CHAPTER III

RELATIONS OF THE CENTRAL BANK WITH WAMU MEMBER STATES

Article 35

At the locations where it is established, the Central Bank shall hold the public treasury accounts of WAMU member States

At no cost, it shall:

- Receive the amounts paid into such accounts,
- Recover bills and onsite cheques, made out or endorsed to public treasuries,
- Cash cheques and transfers issued by the accounts of public treasuries,
- Carry out transfers made by or to public treasuries

Article 36

The Central Bank may not grant monetary financing to public treasuries, local government or any other public bodies in WAMU member States.

Article 37

At the request of the Government of a WAMU member State, the Central Bank shall undertake the following activities free of charge:

- Manage the portfolio of bills paid by taxpayers to public accountants,

- Act as custodian of the banker's drafts belonging to public treasuries,
- Issue, invest or manage, on behalf of WAMU member States, short-term bills and medium- and long-term securities subscribed by the Central Bank's account holders, on their own behalf or on behalf of their clients,
- Redeem bearer coupons and WAMU member States' securities presented by the Central Bank's account holders,
- Invest funds upon request by public treasuries.

Article 38

The Central Bank shall assist in foreign financial transactions carried out by Governments of WAMU member States.

Article 39

At the request of a member State of WAMU, the Central Bank may manage its external and domestic public debt.

It may also, at the request of the Government of a WAMU member State, assist the member State in negotiating external loans, and reviewing the terms for issuing and reimbursing its domestic loans.

Article 40

The Central Bank shall assist the Governments of WAMU member States in their relations with international financial and monetary institutions and in negotiations towards international financial agreements.

It may also be responsible for implementing such agreements under terms laid down by conventions approved by the WAMU Council of Ministers.

In any event, it shall be kept informed of any arrangements entered into and their implementation.

Article 41

Under terms laid down by the Council of Ministers, the Central Bank shall pay up the assessed contributions of member States of WAMU to the International Monetary Fund and carry out their operations and transactions with the

Fund, taking into account the special drawing rights assigned to them.

Article 42

The Central Bank shall suggest to WAMU member State Governments to take measures to ensure the standardization of currency laws and regulations and the operations of WAMU, pursuant to article 34 of the WAMU Treaty.

Article 43

The Central Bank shall assist the Governments of WAMU member States to implement banking and financial system regulations, especially regulations on external financial relations and legislation on money laundering in WAMU member States.

Article 44

The Central Bank shall draw up the balance of payments of WAMU member States under terms laid down by rules governing their external financial relations.

Article 45

The Central Bank shall provide support to Governments of WAMU member States, in the area of convergence of macroeconomic performance and in setting out structural programmes and policies.

CHAPTER IV**REGIONAL AND INTERNATIONAL COOPERATION****Article 46**

The Central Bank shall cooperate with African central banks toward monetary integration in the subregion and the continent.

Article 47

The Central Bank shall also cooperate with other central banks.

Article 48

The Central Bank may join any regional or international institution and accede to any convention pertaining to monetary and financial matters.

It may also conclude an international agreement, treaty or convention on such matters, following approval by the WAMU Council of Ministers.

PART III**ORGANIZATION OF THE CENTRAL BANK****CHAPTER ONE****ADMINISTRATIVE ORGANIZATION****Article 49**

The Central Bank shall have a headquarters, main branches and subsidiaries, offices, representative offices and banknote depositories.

It may set up any other administrative body as and when needed.

Article 50

The Headquarters of the Central Bank shall be set up in one of the member States of WAMU, per decision by the Conference of Heads of State and Government of WAMU.

Article 51

The Central Bank shall open a main branch in each of the WAMU

member States.

It may open subsidiary branches, banknote depositories or offices in WAMU member States.

It may also set up offices or representative offices outside WAMU or with international institutions to transact business.

CHAPTER II

INSTITUTIONAL ORGANIZATION

Article 52

The organs of the Central Bank shall be as follows:

- The Governor
- The Monetary Policy Committee
- The Board of Directors
- The Audit Committee
- The National Credit Councils – one in each WAMU member State

Article 53

The Governor and members of each of the organs mentioned above shall enjoy their civic rights and may not have been convicted of a felony.

The office of members of the Monetary Policy Committee and the Board of Directors shall not be compatible with the exercise of the duties of administrators, directors, representatives or employees of credit institutions.

The members of the Monetary Policy Committee and the Board of Directors may not hold elected office or government positions.

Section one

Governor

Article 54

The Governor shall be responsible for managing the Central Bank.

The Governor shall chair the Monetary Policy Committee and the

Board of Directors. He shall prepare and implement the decisions of these organs, whose meetings he shall convene.

He may enlist the assistance of colleagues, whose contribution he may deem necessary, at meetings of the organs of the Central Bank.

Article 55

The Governor shall be assisted in the performance of his duties by the Deputy Governors.

Article 56

The Conference of Heads of State and Government of WAMU shall appoint the Governor of the Central Bank for a renewable six-year term.

The Council of Ministers of WAMU shall appoint the Deputy Governors for a renewable five-year term.

The Governor and Deputy Governors shall be selected such that a national of each of the WAMU member States shall hold these offices by turns.

Their term of office shall be irrevocable, except in cases of gross misconduct or disability.

In the event of removal from office, death or resignation of the Governor or the Deputy Governors, the person appointed to replace them shall fill the position for only the remainder of the duration of the term of office of the person they are replacing.

Article 57

Prior to taking office, the Governor shall swear an oath before the Chair of the Council of Ministers of WAMU, to ably and faithfully steer the affairs of the Central Bank, in accordance with the WAMU Treaty, the international commitments it has made and the Statutes of the Central Bank.

Article 58

The Governor and Deputy Governors may not receive any form of assistance whatsoever, paid or unpaid, from private or public concerns, except from international and governmental institutions, where appropriate.

The WAMU Council of Ministers shall determine the conditions of service of the Governor and Deputy Governors of the Central Bank.

Article 59

The Governor shall ensure compliance with and implementation of the provisions of international treaties, agreements and conventions, the present Statutes, the protocol on the privileges and immunities of the BCEAO and the legislative and regulatory provisions of the Central Bank.

Article 60

The Governor of the Central Bank shall attend the meetings of the Council of Ministers of WAMU, in an advisory capacity.

In the event that the Governor is unable to attend the meeting, he shall appoint the Deputy Governor to represent him.

He may request the Chair of the Council of Ministers of WAMU to convene a meeting, which he may address.

The Governor shall carry out the decisions of the Council of Ministers and the organs of the Central Bank. He may set up the structures required for such decisions to be implemented.

Article 61

The Governor of the Central Bank shall have the power to bring matters before the Council of Ministers of WAMU, on the general economic policies of member States and particularly in the areas of budget and debt.

Article 62

The Governor shall be responsible for implementing monetary policy and its instruments.

Article 63

The Governor shall represent the Central Bank before third parties. He shall sign all agreements and conventions binding on the Bank on its behalf.

He shall represent the Central Bank, in person, or be represented by one of his delegates, at meetings of international institutions to which the Central Bank is invited.

Article 64

The Governor shall be responsible for organizing the services of the Central Bank and its activities.

He may delegate part of his powers to the Deputy Governors or officers of the Central Bank.

Article 65

The Governor shall have the legal power to:

- Issue the Central Bank's staff rules and regulations,
- Hire and appoint the Central Bank staff,
- Assign the Central Bank employees to specific positions, allow them to retire or dismiss them, where appropriate,
- Establish the remuneration, the retirement package and the fringe benefits due them.

Section 2

Monetary Policy Committee

Article 66

The Monetary Policy Committee shall be responsible for determining monetary policy within WAMU, and its instruments, in line with the provisions of the present Statutes.

Article 67

The Monetary Policy Committee shall comprise:

- The Governor of the Central Bank,
- Deputy Governors of the Central Bank,
- One member nominated by each of the Governments of the member States of WAMU and appointed by the Council of Ministers,
- One member nominated by the State to ensure the convertibility of the common currency,
- Four other members from WAMU member States, appointed *intuitu personae* by the Council of Ministers.

The four members appointed *intuitu personae* shall be selected from a list put forward by the Governor of the Central Bank. The persons on the list shall be selected on the basis of their professional experience in the monetary, financial, economic and legal sectors.

Article 68

The term of office of members of the Monetary Policy Committee appointed by the Council of Ministers and the State responsible for ensuring the convertibility of the common currency shall be five years, renewable once.

Their successors shall be appointed no later than three months prior to the expiry of their term.

The members of the Monetary Policy Committee shall receive an allowance, whose amount shall be set by the Council of Ministers of WAMU.

Article 69

The appointment of the members of the Monetary Policy Committee shall be irrevocable, except in the event of gross misconduct or disability.

Monetary Policy Committee members appointed by the WAMU Council of Ministers may be dismissed per decision taken by the Council, based on a report by the Chair of the Monetary Policy Committee.

The dismissal of members appointed by the State to ensure the convertibility of the common currency shall be pronounced by the Government of said State, based on a report by the Chair of the WAMU Council of Ministers.

In the cases stipulated in paragraphs two and three of this article, the Monetary Policy Committee shall decide to refer the matter to the WAMU Council of Ministers by a simple majority of its members, other than the interested party.

Apart from cases of dismissal, the term of office may be cut short by death or resignation.

Article 70

In the event of dismissal, death or resignation, the members concerned shall be replaced, per the provisions of articles 67 and 68, paragraph one of the present Statutes.

Article 71

The Governor of the Central Bank shall chair the Monetary Policy Committee; and, shall appoint the Deputy Governor to represent him, should he be unable to attend.

The Chair shall convene a meeting of the Committee at least once quarterly.

Each member of the Monetary Policy Committee shall have the right to vote, and shall have for that purpose, one vote.

The Chair of the UEMOA Commission may attend the meetings of the Monetary Policy Committee.

Article 72

Decisions of the Monetary Policy Committee shall be taken by a simple majority of votes cast by members. In the event of a tie vote, the Chair shall cast the deciding vote.

Proposals for amendments to the present statutes in the areas within the remit of the Monetary Policy Committee shall be decided unanimously.

Article 73

At least two-thirds of the members must be present to form a quorum for the Monetary Policy Committee to deliberate. If the quorum is not met, the Chair shall convene another meeting with the same agenda; in this case, there will be no requirement to meet the quorum.

The Monetary Policy Committee shall deliberate in accordance with its established rules of confidentiality.

Article 74

The other operational rules of the Monetary Policy Committee shall be set forth in rules of procedure adopted by the Committee.

Article 75

Upon the proposal of the Governor, the Monetary Policy Committee shall adopt the rules of implementation by the Central Bank, of transactions falling within the remit of the Committee, as per Part II, Chapter II of the present Statutes.

Article 76

When the ratio between the average amount of foreign assets of the Central Bank and the average amount of its demand liabilities remains equal to or below 20 per cent for three consecutive months, the Governor shall notify the Chair of the Council of Ministers of WAMU, and then convene an extraordinary session of the Monetary Policy Committee to consider the situation and take all appropriate measures, particularly, review any previous decisions taken that may have affected the Union's monetary situation.

Article 77

The Monetary Policy Committee may authorize the Central Bank to require surrender of foreign assets in its possession, against currency of the Central Bank's issue, under the terms provided in article 17 of the present Statutes.

Article 78

The Monetary Policy Committee may confer its responsibilities for fixing the rate of interest and reserve ratios on the Governor.

Section 3

Board of Directors

Article 79

The Board of Directors shall be responsible for the management issues of the Central Bank, pursuant to the provisions of the present Statutes.

Article 80

The Board of Directors shall comprise:

- The Governor of the Central Bank,
- A member appointed by each of the Governments of the WAMU member States,
- A member appointed by the State to ensure the convertibility of the common currency.

The members of the Board of Directors shall receive a sitting allowance, to be determined by the WAMU Council of Ministers.

Article 81

The Board of Directors shall be chaired by the Governor of the Central Bank, who shall appoint the Deputy Governor to represent him, should he be absent or impeded.

It shall meet at the request of the Chair, at least twice a year.

Each member of the Board of Directors shall have the right to vote, and shall have one vote for that purpose.

Article 82

The decisions of the Board of Directors shall be taken by a simple majority of members' votes cast. In the event of a tie, the Chair shall cast the deciding vote.

Any suggestions for amendments to the present Statutes, in areas falling within the remit of the Board of Directors, however, shall be decided unanimously.

Article 83

At least two-thirds of the members of the Board of Directors must be present to form a quorum for deliberations. If a quorum is not met, the Chair shall convene another meeting with the same agenda, without requiring a quorum to be met.

The Board of Directors shall deliberate in compliance with the rules of confidentiality that it shall adopt.

Article 84

The other operating rules of the Board of Directors shall be set out in rules of procedure adopted by the Board.

Article 85

The Board of Directors shall authorize the Central Bank to take out shares in companies and deal in real estate transactions as per articles 26 to 28 of the present Statutes.

The Board of Directors may decide on the establishment, by the Central Bank, of subsidiary branches, banknote depositories, offices or any other administrative bodies in WAMU member States.

It may also decide on the setting up of offices, representative offices or any other administrative body outside WAMU or with international institutions, to further the operations of the Central Bank.

Article 86

The Board of Directors shall adopt the accounts of the Central Bank and submit them to the Council of Ministers of WAMU for approval.

Section 4***Audit Committee*****Article 87**

An audit committee shall be set up to assess the quality of the administration, operations, financial information and control system of the Central Bank.

Article 88

The Audit Committee shall comprise four members, namely:

- A Director of the BCEAO, who shall be a national of the member State assuming the chair of the WAMU Council of Ministers,
- Three Directors of the BCEAO, nationals of other WAMU member States.

Article 89

The Audit Committee shall be chaired by a Director of the BCEAO, who is a national of the WAMU member State assuming the chairmanship of the Union.

Directors of the BCEAO, who shall be nationals of other WAMU member States, shall be appointed by the Board of Directors for a period of two years. Their term of office shall be renewable. They shall be selected such that the nationals of each of the WAMU member States shall take turns in holding these offices.

The Board of Directors shall appoint successors to members of the Audit Committee, other than the Chair, no later than three months prior to the expiry of their term in office.

Article 90

In the event that a member State replaces a Director of the BCEAO who is a member of the Audit Committee, the new Director shall only fill the position for the remainder of the duration of the term of office of the person he is replacing.

Article 91

The Audit Committee shall meet at least twice a year and, in particular, prior to the approval of the accounts of the Central Bank. It shall submit the reports of its meetings to the Board of Directors.

The Governor or his representative shall attend the Audit Committee meeting in an advisory capacity.

The Board of Directors shall approve the rules of operation of the Audit Committee.

Article 92

The members of the Audit Committee shall receive an allowance, to be determined by the WAMU Council of Ministers.

Section 5***National Credit Councils*****Article 93**

A national credit council shall be set up in each WAMU member State.

The National Credit Council shall review the operating conditions of the banking and financial system, especially in terms of customer relations and management of means of payment and terms for financing economic activity.

The National Credit Council may be consulted on any monetary or credit issue. It shall issue opinions and may commission studies, as needed.

Article 94

The National Credit Council shall comprise:

- The Minister of Finance,
- The Representative of the Central Bank,
- One or several members of the Monetary Policy Committee, who shall be nationals of the member State concerned,
- Four members appointed by the Government of the member State concerned, including the Director of the Public Treasury,
- One member appointed by the Economic and Social Council,
- The president of the professional association of banks and financial institutions and another member appointed by the association,
- Three members appointed by the chambers of commerce,
- Two members appointed by consumers' associations representing the interests of customers of banks and financial institutions,
- Two members appointed by universities and research centres,
- Four high-ranking officers appointed *intuitu personae* by the Monetary Policy Committee, based on their competence in the economic, monetary, legal or accounting disciplines.

The Minister of Finance shall act as chair of the National Credit Council.

Article 95

The members of the National Credit Council appointed *intuitu personae* by the Monetary Policy Committee shall be selected upon proposal by the Governor of the Central Bank, for a period of three years, renewable once.

The Monetary Policy Committee shall appoint their successors at least three months prior to the expiry of the term of office of the members appointed *intuitu personae*.

Article 96

The National Credit Council shall meet at least twice a year, at the initiative of its Chair. The Central Bank shall assume the role of secretariat.

The National Credit Council may only meet if the majority of its members are present.

Article 97

The National Credit Council may assign some of its members to specific tasks and form working or study groups within the Council.

Article 98

Every year, the National Credit Council shall produce a report on developments in the monetary and credit situation and the status of the banking and financial system of the WAMU member State concerned, to be submitted to the Monetary Policy Committee.

Article 99

Other rules of operation of the National Credit Council shall be set out in the rules of procedure adopted by the Council.

Article 100

The Members of the National Credit Council, other than the Chair, shall receive a sitting allowance, the amount of which shall be fixed by the Governor of the Central Bank.

The sitting allowance to be paid to the Chair shall be determined by the WAMU Council of Ministers.

BUDGET, FINANCIAL AND CONTROL PROVISIONS

CHAPTER 1

BUDGET AND ACCOUNTING PROVISIONS

Section one

Central Bank budget regulations

Article 101

The expenses of the Central Bank shall be implemented under the annual expenditure budget.

Amending budgets may be approved during the financial year, as necessary.

Section 2

Accounting rules

Article 102

The Central Bank's operations shall be executed and recorded according to internationally prescribed banking standards, subject to provisions specific to the status and operations of issuing institutions.

Article 103

Fifteen per cent of the profits of the Central Bank shall be deducted to build a statutory reserve. Such deduction shall cease to be compulsory once the Bank reaches half of its capital; the process shall resume if this proportion is not reached.

After allocations to any optional, general or special reserves, the balance shall be assigned upon decision by the WAMU Council of Ministers.

The reserves may be assigned toward an increase in the capital.

Article 104

When the foreign reserves section of the account of a WAMU member State is negative, the Council of Ministers of WAMU shall determine the terms for reimbursement of the related charges by the State concerned.

The member State concerned shall be responsible for any financial loss resulting from failure to recover the claims of the Central Bank, and shall make settlements within one month following approval by the WAMU Council of Ministers of the accounts of the financial year, during which such losses were recorded.

CHAPTER II

CLOSING, CERTIFICATION AND APPROVAL OF THE ACCOUNTS OF THE CENTRAL BANK

Section one

Closing and certification of the accounts of the Central Bank

Article 105

The financial and accounting year of the Central Bank shall begin on 1 January and end on 31 December of each year.

Article 106

At the end of the financial year, the Governor shall prepare the annual accounts of the Central Bank, which shall then be closed by the Board of Directors.

Article 107

The accounts of the Central Bank shall be certified by reputable international audit firms, under the terms set out by the Council of Ministers of WAMU, upon proposal by the Board of Directors.

Section 2

Approval of Central Bank accounts

Article 108

The Central Bank shall submit its annual accounts to the WAMU Council of Ministers for approval within six months following the end of the financial year.

CHAPTER III**CONTROL PROVISIONS****Article 109**

For the purposes of corporate governance, the Central Bank shall have an internal control mechanism, in line with international standards applied to similar institutions.

This mechanism shall contribute to controlling the risks involved in the assignments specific to the Central Bank, and shall also ensure compliance with rules, procedures and practices and universally recognized standards to ensure the transparency of its activities and the security and quality needed for operations.

Article 110

Pursuant to article 87 of the present Statutes, the Audit Committee shall assess the quality of the Central Bank's internal and external control.

PART V**MANDATORY REPORTING AND PUBLICATION****Article 111**

The Central Bank shall produce a monthly accounts statement of its operations, which shall be published in the official gazette of the Union.

Article 112

The Central Bank shall prepare a quarterly report on the monetary situation of WAMU. The report shall be addressed to the Union's Council of Ministers.

Article 113

The Central Bank shall produce a periodic report on the economic and monetary situation of WAMU. The report shall be addressed to the Council of Ministers and the Conference of Heads of State and Government of the Union.

The Central Bank shall produce and publish an annual activity report.

Article 114

At the end of every meeting of the organs of WAMU and the Central Bank, the Bank shall publish a press statement.

Article 115

The Governor of the Central Bank may, on his own initiative, or at the request of the President of the UEMOA Parliament, deal with the Parliament or its competent commissions.

PART VI**FINAL PROVISIONS****Article 116**

The provisions of the present Statutes shall supersede those of the statutes annexed to the Treaty constituting the West African Monetary Union, signed on 14 November 1973.

The rights and obligations of the Central Bank of West African States in relation to third parties shall not be affected by such supersession.

Article 117

The present Statutes shall neither entail the establishment of a new corporate body nor closure of business.

Article 118

On the proposal of the Monetary Policy Committee or the Board of Directors, the provisions of the present Statutes of the Central Bank may be amended by the Council of Ministers of WAMU, acting unanimously.

The Monetary Policy Committee shall unanimously decide on proposals for amendments to the Statutes of the Central Bank on issues within its purview, after consultation with the Board of Directors.

The Board of Directors shall unanimously decide on proposed amendments to the Statutes of the Central Bank, on issues within its purview, after consultation with the Monetary Policy Committee.