



**AN ACT TO ESTABLISH THE
LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY
REPUBLIC OF LIBERIA**

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**AN ACT TO ESTABLISH THE
LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY**

AN ACT TO AMEND THE PUBLIC EXECUTIVE LAW, CHAPTER 57 TITLE 12 OF THE LIBERIAN CODE OF LAW REVISED AND THE LIBERIAN PRODUCE MARKETING CORPORATION, ACT OF 2014 AND ALL ACTS AMENDATORY THERETO ABOLISHING THE LIBERIAN PRODUCE MARKETING CORPORATION AND TO ESTABLISH THE LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY

WHEREAS, CHAPTER 10, ARTICLE 89 OF THE LIBERIAN CONSTITUTION EMPOWERS THE LEGISLATURE TO ENACT STATUTES FOR THE CREATION OF AGENCIES AND COMMISSION AS MAY BE NECESSARY FOR THE EFFECTIVE OPERATION OF GOVERNMENT.

NOW THEREFORE, IT IS ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVE OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED.

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AN ACT TO ESTABLISH THE LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY

PART 1 – PRELIMINARY PROVISIONS

Section 1 PURPOSE OF THE ACT

This ACT establishes Liberia Agriculture Commodity Regulatory Authority to replace the Liberian Produce Marketing Corporation (LPMC) as define in Chapter __ of the Executive Law of _____ for the purpose of to promote production, processing and marketing of high quality agricultural commodities particularly cocoa, coffee and palm products, to ensure the provision of a well regulated market for cocoa, coffee and palm products for fair competition among all actors in the value chain, to facilitate standardization of quality of agricultural commodities including cocoa, coffee and palm products in accordance with established regional and international standards, to enhance income earning capacity and general welfare of producers of cocoa, coffee and palm products and to provide for other related matters.

Section 2 SHORT TITLE

This ACT shall be cited as the **LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY ACT** of 2014

Section 3 DEFINITIONS

Terms used in this Act and also used in the Liberia Revenue Code have meaning specified in the Code unless a different meaning is expressly stated in this Act. Unless specified to the contrary, for the purpose of this Act the terms listed in this section are defined as follows:

1. **“AUTHORITY”** means the Liberia Agriculture Commodity Regulatory Authority as established under this ACT.
2. **“BOARD”** means the governing body of the **AUTHORITY**
3. **“CENTRAL BANK”** means the Central Bank of Liberia as constituted by the Central Bank Act.
4. **“CHAIR”** means the Chairperson of the Board of the Liberia Agriculture Commodity Regulatory Authority.
5. **“CODE”** means the Liberian Revenue Code of 2000 and regulations, as amended.
6. **“DIRECTOR”** means head of a Department of the Authority
7. **“DIRECTOR GENERAL”** means the person appointed under Section _____
8. **“CONFIDENTIALITY”** means confidentiality as defined in the Code.

9. **“LIBERIAN PRODUCE MARKETING CORPORATION”** means the Liberian Produce Marketing Corporation that existed under Chapter 57 of the Executive law of 1961 immediately before the effective date of this Act and the headquarters and administrative offices.
10. **“MINISTER”** means the Minister of the government entity responsible for Agriculture
11. **“DEPUTY DIRECTOR GENERAL”** means the person appointed under Section ____.
12. **“EFFECTIVE DATE”** means the date on which this Act is published into handbill.
13. **“EX-OFFICIO”** means holding a position and having voting rights as per of that position due one’s official office.
14. **“FINANCIAL YEAR”** means the financial year of the Authority, which is the same as the financial year of the Government of Liberia.
15. **“Government”** means the Government of the Republic of Liberia
16. **“HRMP”** means Human Resource Management Policy
17. **“Non-Governmental Sector”** means the sector of the economy that is not run or operated by the government including the Private Sector.
18. **“PFM”** means Public Finance Management
19. **“PPC”** means Public Procurement and Concessions
20. **“PUBLIC SECTOR”** means the sector of the national economy controlled by Government agencies
21. **“REGULATIONS”** means regulations issued under the code.
22. **“REVENUE”** means all source of national income, including fines and penalties specified in the code and other monies charged under legislations
23. **“STATUTORY MEMBER”** means a person who serves on the Board by virtue of her/his official appointment as Minister, Deputy Minister or the Director General in the Public Service.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY

SECTION 4 ESTABLISHMENT OF THE AUTHORITY

1. There is hereby established the Liberia Agriculture Commodity Regulatory Authority as a body corporate with perpetual existence and a common seal. It may sue and be sued in its own name, and subject to the provisions of this Act perform such acts as bodies corporate may lawfully perform;
2. The Authority shall be a semi-autonomous agency of the Government and shall be under the general supervision and director of the Minister;
3. The Authority shall be governed by a Board of Directors, while the Director General shall be responsible for the day to day management of the affairs of the Authority;
4. The Authority may, for the performance of its functions, acquire and hold movable and immovable property and may enter into contracts or any other transaction that a state-owned enterprise may enter into.

Section 5 ROLE OF THE MINISTER

1. The Minister shall serve as the Chairperson of the Board of Directors
2. The Minister has the authority to formulate commodity (cocoa, coffee and oil palm) policy and commodity (cocoa, coffee and oil palm) policy regulations in accordance with the code;
3. The Minister may give special commodity (cocoa, coffee and oil palm) policy directions to the Board on matters of commodity policy. However, prior to issuing the direction, the Minister shall inform the Board in writing of the proposed direction and the Board shall, within 15 working days or such other longer period as the Minister may allow, submit to the Minister in writing, its advice on the proposed direction and possible effects. After receipt of the advice the Minister shall forthwith issue the policy which the shall comply with;
4. The Minister, at any time, may cause an investigation to be made within the Authority.

Section 6 OBJECTIVES OF THE AUTHORITY

1. PRIMARY OBJECTIVE.

- a. **Product Quality Improvement and Traceability:** The creation of a more efficient supply chain, which enables and stimulates the production and marketing of cocoa/coffee of high quality, which are traceable to Liberia, and by which the national integrity of the country is maintained from farm gate to market.
- b. **Regulatory and Control Framework:** The establishment of a rigorous commodity trade licensing regime, considering cocoa and coffee analysis training for all licensed buying agents and exporters. Inspection and validation of storage conditions and other transactional procedures would also be considered.

- c. **Commodity Price Standardization:** Setting realistic prices for agriculture commodities, particularly cocoa and coffee, based on world market variables, ensuring that Liberian farmers receive a better and fair share of the world market price.
- d. **International Connectivity:** The sustainability of Liberia’s membership with its regional and international partners, including the Inter-African Coffee Organization (IACO), International Cocoa Organization (ICCO), International Coffee Organization, etc.

2. ADDITIONAL OBJECTIVES.

- a. The objectives of the Authority shall be to further enhance the Country’s agriculture potential by promoting, developing standards, and regulating Agriculture exports.

Section 7 FUNCTIONS OF THE AUTHORITY

- 1. **Primary Function.** To achieve the objectives for which it is established, the Authority is hereby empowered to transparently, equitably fairly administer and to promote the agriculture export trade of Liberia to the highest extend possible.
- 2. To increase agriculture productivity, competitiveness, value chain development, and environmental sustainability, especially for small holders, including women and youth.
- 3. Promote a robust, competitive and modernized agriculture sector support of sustainable economic growth and development.
- 4. **Related Functions** The Authority additional functions shall be to:
 - a. Engage in setting standards for export of Agriculture commodities, in line with international standards.
 - b. Set reference prices of locally produced Agriculture commodities based on the world market prices, making sure that the farmers do receive a fair and remunerative share of the world market prices.
 - c. Provide technical training for commodity standardization;
 - d. Ensure that storage facilities with proper hygienic conditions are available for all exportable Agriculture commodities;

- e. Encourage competition for both quality and quantity among licensed Agriculture commodity exporters;
- f. Encourage competition for purchasing commodities at farmer level, aggregation of such commodities at the association, clan, district, county levels, and exporters.
- g. Obtain and evaluate market intelligence and disseminate relevant market information to relevant stakeholders.
- h. Monitor and review progress of the commodity market as it relates to the commodity regulation, promotions and make appropriate recommendation to Government;
- i. Serve as arbitrator between producers, exporters, and other players involved with agriculture commodities;
- j. Raise moneys through legitimate means for any of the purposes of the Authority, and from time to time draw, make, accept, endorse, execute and issue promissory notes, drafts, bonds, debentures and other negotiable or non-negotiable instruments and evidence of indebtedness, and to secure the payment thereof and of the interest thereof by mortgage on, or pledge, conveyance or assignment in trust of, the whole or any part of the assets of the Authority;
- k. Make recommendation to National Government and local Government authorities on relevant areas for enhancement and improvement in the general and specific mandate of the Authority;
- l. License private commodity export traders; licensing and regulatory requirements for buying agents to be devised.
- m. Render advisory, investigatory, supervisory or other like services in connection with the promotion, production, sale and/ or other disposition of products herein specifically enumerated or others that may be subsequently subject to the authority.
- n. Represent Liberia at international commodity bodies such as the International Coffee Organization (ICO), International Cocoa Organization (ICCO), Inter-African Coffee Organization (IACO), Cocoa Producers Alliance (COPAL) and other relevant international organizations;
- o. Develop regulations and policies to guide the operations of the Authority, including the protection of producers, especially small farmers;

- p. Prevent illicit trading of commodity produce (cocoa, coffee and oil palm) through effective domestic enforcement and through coordination with law enforcement and other agencies of Government (LNP, BIN, MOC, MFDP, LRA)

Section 8 POWERS OF THE AUTHORITY

- 1. General Authorization. The Authority is authorized to discharge its functions under this Act and has the power to take actions necessary to accomplish those functions in the manner and using the methods permitted under the code and other laws.

2. Specific Powers THE AUTHORITY IS EMPOWERED TO:

- (a) Assess and collect fines (revenue) to be deposited at the LRA Account at the Central Bank of Liberia
- (b) Administer and enforce the code
- (c) Revenue the commodity regulations but not limited to (cocoa, coffee and oil palm) and propose to the Minister and Board of Directors amendments deemed appropriate to improve the commodity sector thereby generating total revenue generation, collection and improvement in the value chain.
- (d) Establish employment and remuneration policies for the Authority independent of the Civil Service Act, provided that they are in compliance with the labor law. Employees of the Authority are prohibited from organizing or participating in any trade union. Employees of the Authority shall not be deemed civil servants
- (e) Set performance incentive schemes that shall be approved by the Minister (Board)
- (f) Collect and process the statistics needed to forecast any abnormal changes in the commodity value chain both local and international and its effect and advise the Minister (Board) accordingly.
- (g) Recruit and terminate staff in accordance with the Authority's established HRMP;
- (h) Manage its budget and procurement in accordance with relevant laws as applicable;
- (i) Exercise enforcement powers as specified in the Code and in collaboration with other law enforcement agencies when required;
- (j) Procure, secure and account for revenue receipts
- (k) Subject to the provisions of this Act, take other measures it considers necessary or desirable for the achievement of the purposes and provisions of this Act and Code.

PART III – THE BOARD OF DIRECTORS AND ITS FUNCTIONS

Section 9

BOARD OF DIRECTOR

1. Establishment of the Board. There is hereby established a Board of Directors which shall be the governing body of the Authority and which shall consist of seven persons.
The President, upon recommendation of the Minister shall appoint the Chair and members of the Board. The Board shall consist of:
 - (a) The Minister responsible for agriculture or where there is a proxy not lower than Deputy Minister;
 - (b) The Minister responsible for Finance or where there is a proxy not lower than Deputy Minister;
 - (c) The Minister responsible for Commerce and Industry or where there is a proxy not lower than Deputy Minister;
 - (d) The Minister responsible for Gender and Development or where there is a proxy not lower than Deputy Minister;
 - (e) The head of the Cooperative Development Agency (CDA) or where there is a proxy not lower than the Deputy;
 - (f) Two (2) other members from the non-governmental sector must have a minimum of five (5) years work experience and be a person of integrity.

2. Criteria for Selecting Members of the Board. In appointing members to the Board, the President shall Have regard to the integrity, gender, the knowledge, expertise, and experience of the persons and, in particular, their knowledge and experience of matters relevant to the functions of the Board such as business administration, agricultural Economic, management, and other relevant knowledge in the value chain (cocoa, coffee and oil palm).

Section 10

RESPONSIBILITIES OF THE BOARD

1. Responsibility The Board shall be responsible to provide general governance and strategic direction for the management and organization of the Authority, planning and reporting, financial management and administrative policies, and expenditures so that the Authority's objectives can be achieved.
2. Specific Responsibilities
 - (a) Examine and approve the Authority's strategic plans and assess performance of the Authority in accordance with agreed action plan, budget and performance contracts;
 - (b) Approve staff compensation scheme which shall include performance incentivizes set by the Minister (Board);

- (c) Approve the organizational chart of the Authority and the HRMP including the Professional Ethics and Code of Conduct;
- (d) Approve the financial management and administrative policies of the Authority, namely: procurement, real property and security subject to relevant laws and any other related policies;
- (e) Approve the Authority's annual draft budget proposal before its submission to the Minister
- (f) Approve the Authority's annual activity and financial reports;
- (g) Establish bylaws for the functioning and operations of the Board;
- (h) Ensure the conduct of an annual external audit by the General Auditing Commission;
- (i) Keep confidential matters of the Authority and Board

3. PROHIBITION

Except for the Director General (who serves as secretary to the Board)

- (a) The Board or any of its members is prohibited from involvement in the Authority's daily operations, and in the implementation of the Code which includes intervening in the determination of fine assessment and fine liabilities for any commodity violators of the Code ;

Section 11 TENURE OF OFFICE OF BOARD MEMBERS

1. Term of Service each non-statutory Board member shall be appointed by the President on a staggered term basis;
 - (a) One (1) member shall be appointed for an initial term of three (3) years
 - (b) One (1) member shall be appointed for an initial term of two (2) years
 - (c) One (1) member shall be appointed for an initial term of one (1) year.

Thereafter all subsequent appointments shall be for a fixed period of three (3) years. All Board members shall be eligible for reappointment one time only. The term of service of a Board member is three (3) years. A member is eligible for reappointment to a second term only. This term limit does not apply to a member whose service on the Board is a consequence of being a statutory member.

(2) RESIGNATION, SUSPENSION, REMOVAL, OR DEATH OF MEMBER

- (a) Resignations of members of the Board shall be in writing addressed to the Minister who will in turn forward same to the President
- (b) If the Board disqualifies a member pursuant to Section 13 or 14 from service on the Board, the Chair of the Board shall notify the President, through the Minister, in writing stating the justifications for such disqualification. If the person so disqualified is the Chair, the Vice Chair shall notify the President.
- (c) The President shall remove or suspend a member of the Board from continuing membership on grounds described in Section 13 or Section 14
- (d) Upon the death of a member of the Board, the Chair or the Minister acting as Chair shall officially notify the President through the Minister

3 VACANCIES

The President shall within thirty (30) days after the creation of a vacancy on the Board appoint another person to fill the vacancy upon recommendation of the Minister;

Section 12 MEETINGS OF THE BOARD

- 1. The Board shall meet at least one every three months for the conduct of business at the Head Office of the Authority or a place designated by the Chair;
- 2. The Chair shall preside at meetings of the Board
- 3. At the convening of its first meeting the majority of the members of the Board shall select a Vice-Chair who shall be from the public sector and shall act in the absence of the Chair
- 4. The Chair shall at the request in writing of not less than two-thirds of the membership of the Board or on request of the Minister or the Director General convene an extraordinary meeting of the Board at a place and time determined by the Chair;

5. The quorum for a meeting of the Board shall be five members of the Board at any time when there is no vacancy on the Board. If there exists any vacancy, the quorum shall be a majority of members then constituting the Board;
6. Matters before the Board shall be decided by a majority of the members present and voting. The Chair (or the member presiding) shall vote only in the event of a tie vote;
7. The Board through the Director General may invite guest(s) to attend a meeting of the Board in an advisory capacity. Notwithstanding, such guest or invitees shall have no voting rights
8. Meetings of the Board shall be conducted in accordance with the by-laws of the Board

Section 13

DISCLOSURE OF INTEREST

1. A Board member who has an interest in a matter that is to be considered by the Board at any scheduled meeting shall disclose in writing prior to the meeting the nature of the interest and shall recuse herself/himself from participating in the deliberations of the Board in respect of that matter
2. A Board member who contravenes subsection 13(1) shall be removed as a member of the Board

Section 14

REMOVAL OF A BOARD MEMBERS

Grounds for removal A member of the Board shall be disqualified and suspended or removed if:

1. The member is no longer able to perform the duties due to physical or mental disability. In the case of an alleged mental disability, a certification from a qualified Psychiatrist or a qualified medical doctor is required; or
2. The member has been adjudged or otherwise declared bankrupt and has not been discharged, or has not paid an assignment, arrangement or composition made with creditors; or
3. It is discovered that within a period of five years immediately preceding the date of appointment, the member has been convicted.

- (a) Of a felony in any country for which the member has not received an unconditional pardon; or
- (b) Of any act which, if committed in Liberia, would constitute a felony, the penalty for which would be at least one year imprisonment without the option of a fine; or
- (4) The member is absent from regularly scheduled Board meetings three times within a one year period without good cause such as failure to provide a written medical excuse from a licensed medical practitioner; or

Section 15 BOARD COMMITTEES

The Board may establish committees consisting of members of the Board to facilitate the efficient execution of its functions

Section 16 BOARD FEES

- 1. Non-statutory Members of the Board shall receive from the Authority Board fees as approved in the Authority's annual budget in accordance with law. Board fees shall be paid to non-statutory members at the quarterly meetings.
- 2. Statutory members shall not be entitled to Board fees

PART IV – DIRECTOR GENERAL, DEPUTY DIRECTOR GENERAL, OFFICERS, OTHER STAFF AND ADMINISTRATIVE MATTERS

SECTION 17 OFFICERS OF THE AUTHORITY

- (1) The Director General shall be the Chief Executive officer of the Authority. The Authority's administrative structure shall be divided into Departments headed by Directors who shall report to the Director General through the relevant Deputy Director General pursuant to the administrative structure
- 3. The Director General, Deputy Director Generals and Directors shall not receive salaries from any other sources other than the Authority
- 4. The Deputy Director General shall assist the Director General in the execution of her/his functions and shall be primarily responsible for functions contained in the HRMP as approved by the Board. The Director General may assign additional responsibilities as may be required to accomplish the objectives of the Authority.

Section 18 **DEPARTMENTS OF THE AUTHORITY**

The Department of the Authority shall be the Account Department, Legal department, Internal Audit Department, General Services Department, Agriculture Department, and any other Department(s) approved by the Board on recommendation of the Director General. The functions of each department shall be determined by the Board consistent with the Code and or other relevant laws as applicable.

Section 19 **APPOINTMENT OF DIRECTOR GENERAL AND DEPUTIES**

The President shall, nominate with the consent of the Senate, a Director General and two Deputies; who shall be person with advance or professional degrees or qualifications in Finance, accounting, economics, public policy or administration, management, law, agriculture economics, agro- economics, or other related discipline

The Director General and Deputies shall hold office for a term of four (4) years, which may be renewed as follows:

- (a) Director General for one additional term of four (4) years
- (b) Deputies for one additional term of four (4) years. Under no condition shall the Director general or Deputies serve for more than two terms

All appointments shall be made in accordance with Article 5© of the Constitution of the Republic of Liberia. All nominees shall be persons of integrity and shall be subject to comprehensive background checks.

Terms and conditions All hires of the Authority shall be subject to the terms and conditions of employment established in the HRMP manual

Section 37 **COMMENCEMENT OF OPERATIONS**

The President and the Legislature shall make appropriate budgetary allocations for the premises, transition and continuing modernization of the Authority;

The Minister in consultation with the Board shall develop a transitional plan to ensure a smooth transition and to operationalize the act within one year upon publication into handbills.

The effective date of the provision which describe the powers and responsibilities of the Board is the date of publication into handbills

Section 38 **REPEALS AND CONSEQUENTIAL AMENDMENTS**

On the effective date of this Act, the administration and operational powers and duties the code assigns to The Managing Director shall be treated as powers and duties of the Director General, and the following provisions of Title ____, Chapter ____ of the Executive Law of 1961 are hereby expressly repealed insofar as they relates to the establishment and functions of the Liberia Agriculture Commodity Regulatory Authority;

Section 21.3: Appointment of Deputy Managing Director, Deputy Managing Director for Administration, Deputy Managing Director for Operation. . This portion of the section referring to the appointment of Managing Director is hereby repealed.

Section 21.6: Duties of the Deputy Managing Director for Administration. This section is hereby repealed in keeping with this Act

Section 21.8: Duties of the Deputy Managing Director for Operation. This section is hereby repealed in keeping with this Act

- (3) Provisions in the Executive Law or any other enactment that are inconsistent with this Act are superseded to the extent of the inconsistencies of said provisions with the provision of this Act.

Section 39 **EFFECTIVE DATE OF THE ACT**

This Act shall take effect immediately upon publication in Handbills by the Ministry of Foreign Affairs

ANY LAW TO THE CONTRARY NOT WITHSTANDING