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**Client Alert**

**Ghana Passes the Environmental Protection Act, 2025**

**Introduction**

The Environmental Protection Act 2025 (Act 1124) was enacted on 6th January 2025 to replace the Environmental Protection Act, 1994 (Act 490). Act 1124 consolidates the various legislations that regulate environmental protection in the country, such as the Hazardous and Electronic Waste Control and Management Act, 2016 (Act 917) and the Pesticides Control and Management Act, 1996 (Act 528). Act 1124 also establishes the Environmental Protection Authority to regulate, protect, co-ordinate, and exercise general oversight over climate change and environmental matters.

**Establishment of the Environmental Protection Authority**

Act 1124 amends the name of the regulator from the Environmental Protection Agency to the Environmental Protection Authority (the "**Authority**") and confers additional powers on the Authority beyond the issue of environmental permits.

Among others, Act 1124 now mandates the Authority to:

- a. certify environmental management practitioners and service providers to ensure standardization in the entire environmental protection value chain;<sup>1</sup>

<sup>1</sup> Section 3(c)(iii) of the Environmental Protection Act, 2025 (Act 1124)

- b. publish an official bulletin, the Environmental Bulletin (the "**Bulletin**"), and in addition register pesticides, pesticides products and industrial chemicals that are used, sold, imported or exported out of the country, in accordance with the Pesticides Control and Management Act;<sup>2</sup>
- c. oversee the implementation of Ghana's commitment under Article 6 of the Paris Agreement. This involves promoting the mitigation of greenhouse gas emissions and incentivizing both the public and private sectors to participate in the mitigation of greenhouse emissions<sup>3</sup>;
- d. ensure compliance with the provisions of the Act with the power to (a) initiate and conduct the prosecution of environment-related offences, upon obtaining the approval of the Attorney-General, or (b) close any premises where an environmentally polluting activity is taking place for a maximum period of three weeks.



## Establishment of the Ghana Carbon Registry

Ghana as a signatory to the Paris Agreement adopted on 12 December 2015, has agreed to promote the mitigation of greenhouse emissions, incentivize and facilitate public and private entities to participate in the mitigation of greenhouse gas emissions.<sup>4</sup> In accordance with the country's commitment under the Paris Agreement, Act 1124 establishes the Ghana Carbon Registry (the "**Registry**") to facilitate the listing and registration of greenhouse gas mitigation activities.

The Registry will serve as a database for mitigation projects such as afforestation, that seek to reduce emissions or increase carbon sequestration in a real, permanent, and verifiable manner.<sup>5</sup>

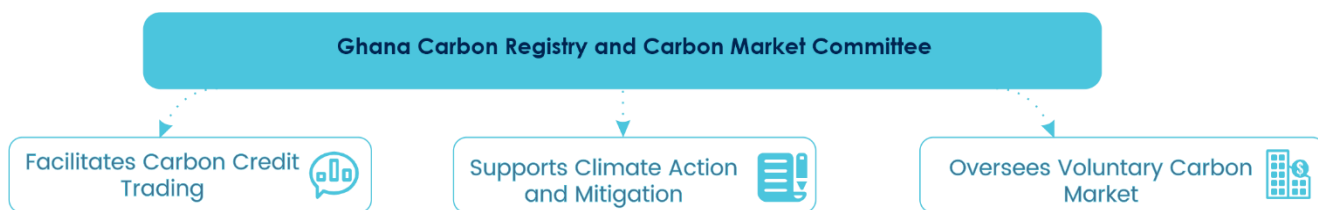
The Registry also regulates the sale and purchase of carbon credits within the voluntary carbon market where private actors buy and sell carbon credits by: (a) facilitating the listing and registration of mitigation activities and voluntary carbon market projects, and (b) tracking the

<sup>2</sup> Section 167 of Act 1124 and Section 1 of the Pesticides Control and Management Act, 1996 (Act 528)

<sup>3</sup> Article 6, paragraph 4, Paris Agreement

<sup>4</sup> Article 6, paragraph 4, Paris Agreement, 2016

<sup>5</sup> Section 150 of Act 1124.



transfer and use of internationally transferred mitigation outcomes.

Act 1124 also establishes the Carbon Market Committee (the “**Committee**”) to, among other things, approve the mitigation projects that are eligible for the voluntary carbon market.<sup>6</sup> The Committee’s secretariat which would oversee its activities is established within the Climate Change Office of the Authority. The Act further establishes the Mitigation Fund to finance the implementation of mitigation activities to meet the general mitigation goals or objectives of the country.

### Pesticide Control and Management

Another key feature of Act 1124 is the control and management of pesticides within the country. Ghana, as an FAO member, has an obligation under the International Code of Conduct on Pesticide Management, to regulate the availability, distribution, and use of pesticides in the country.<sup>7</sup> This obligation has been firmly crystallized in the provisions of Act 1124.

Under Act 1124, it is unlawful for any person to deal with a pesticide which has not been registered by the Authority.<sup>8</sup> Prohibited acts in relation to unregistered pesticides include manufacturing, formulating, repackaging, importing, exporting, distributing, advertising, selling, or using such pesticides. The Act, however, creates an exemption for the manufacture of unregistered pesticides for export purposes in limited circumstances such as where the pesticide has been manufactured according to specifications which fit the requirements of the importing country. Unregistered pesticides manufactured in Ghana under such exemptions cannot be sold or used within the country.

Act 1124 also requires persons or entities dealing in pesticides to be licensed by the Authority. Therefore, entities which manufacture, formulate, import, export, store, advertise or commercially apply pesticides must be licensed by the Authority. In addition to this licence, entities which intend to export or import pesticides must apply to the Authority for an export or import permit.

In pursuance of the wider powers granted to the Authority, the Act authorises the Authority to order the recall or withdrawal of a pesticide from the country under defined circumstances such as where the registration of a pesticide has been suspended, cancelled or banned or where its shelf life has expired<sup>9</sup>.

### Control and Management of Waste

Act 1124 has repealed the Hazardous and Electronic Waste Control and Management Act 2016 (Act 917) and absorbed its provisions regulating hazardous waste, electrical & electronic waste, and other waste.

Despite the repeal of Act 917, Act 1124 maintains the requirement for manufacturers and importers of new or used electrical or electronic equipment to register with the Authority and pay the prescribed advance eco levy. Act 1124 however exempts entities who manufacture electrical or electronic equipment for export only from the payment of the advance eco levy.

<sup>6</sup> Section 152 of Act 1124

<sup>7</sup> Article 3, International Code of Conduct on Pesticide Management, 2014.

<sup>8</sup> Section 47(3) of Act 1124.

<sup>9</sup> Section 62(1) of Act 1124



Act 1124 extends the strict regulation of importation and exportation of hazardous waste under the repealed Act 917 to imports and exports of electrical and electronic waste.<sup>10</sup> Therefore, the Authority must provide its consent to any proposal to import or issue an import permit for electrical or electronic waste. Among others, such consent can be granted if the country exporting its waste electrical or electronic equipment to Ghana: (a) is a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal; (b) is not listed in Annex VII of the Basel Convention (such as members of OECD and EU) and (c) located within the African continent. Therefore, the Act extends the restrictions for importation of e-waste into Ghana by prohibiting non-African states from exporting their waste electrical and electronic equipment into the country.

## Conclusion

The Environmental Protection Act 2025 (Act 1124) reflects the government's commitment to support global efforts in protecting the environment. In addition to strengthening the Environmental Protection Authority and aligning Ghana's environmental laws with its international obligations, the Act also seeks to attract and incentivize the participation of private entities in mitigation activities by formalising the voluntary carbon market in Ghana through the establishment of the Ghana Carbon Registry and Carbon Market Committee.

It is anticipated that the proposed guidelines to be published by the Authority will provide further clarity on how private sector stakeholders can benefit from the climate change mitigation provisions of the Act, especially with respect to carbon rights and ownership.

<sup>10</sup> Section 125 of Act 1124.