



THE ONE THOUSAND ONE HUNDRED AND TWENTY-FOURTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

ENVIRONMENTAL PROTECTION ACT, 2025

AN ACT to amend and consolidate laws relating to environmental protection; establish the Environmental Protection Authority to regulate and protect the environment, provide for pesticide control and regulation; provide for the control, management and disposal of hazardous waste and electrical and electronic waste; provide for the co-ordination of climate change responses and for related matters.

DATE OF ASSENT: 6th January, 2025.

PASSED by Parliament and assented to by the President:

PART ONE – ENVIRONMENTAL PROTECTION

Environmental Protection Authority

Establishment of the Authority

1. (1) There is established by this Act, the Environmental Protection Authority as a body corporate.

(2) The Authority may, for the performance of the functions of the Authority, acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Authority under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Authority.

Object of the Authority

2. The object of the Authority is to

- (a) regulate,
- (b) protect,
- (c) co-ordinate, and
- (d) exercise general oversight over

all matters relating to climate change and the environment.

Functions of the Authority

3. (1) The Authority shall ensure the achievement of the object of the Authority under section 2.

(2) Without limiting subsection (1), the Authority shall,

- (a) in relation to policy advisory and support, advise and support the Minister on the formulation of policies on the environment and in particular, make recommendations for the protection of the environment;
- (b) in relation to oversight, compliance and enforcement
 - (i) ensure compliance over the enforcement of provisions on environmental protection in existing enactments;
 - (ii) issue notices in the form of orders, directives, procedures or warnings to ensure compliance with the provisions of this Act;
 - (iii) ensure compliance with the laid down environmental assessment procedures in the planning and implementation of policies, plans, programmes and projects, including compliance in respect of existing projects;

- (iv) ensure that releases and discharges of harmful substances from any activity into the environment shall not exceed standards prescribed by the Authority;
 - (v) conduct investigations, in collaboration with other relevant stakeholders, into environmental issues and ensure the enforcement of environmental laws; and
 - (vi) initiate and conduct the prosecution of environment related offences pursuant to an authorisation by the Attorney-General under clause (4) of article 88 of the Constitution;
- (c) in relation to permitting, licensing and certification
- (i) issue environmental permits for undertakings to control the volume, types, constituents and effects of waste discharges, emissions, deposits, noise or any other source of pollution and of substances which are hazardous or potentially dangerous to the quality of the environment or human health;
 - (ii) issue permits and licences for activities relating to the control and management of pesticides and industrial and consumer chemicals and hazardous waste;
 - (iii) certify environmental management practitioners and service providers;
 - (iv) register pesticides and pesticides products and industrial chemicals;
- (d) in relation to co-ordination and collaboration
- (i) collaborate with the National Development Planning Commission to integrate environmental management practices into national development planning;
 - (ii) collaborate with Ministries, Departments and Agencies, international bodies and any other body for the purposes of this Act;
 - (iii) be the National Designated Authority to co-ordinate activities of relevant bodies for the purposes of

- controlling environmental pollution including oil or harmful noxious substances pollution preparedness, response and control;
- (iv) collaborate with relevant bodies for the purposes of controlling the generation, treatment, storage, transportation and disposal of hazardous and industrial waste;
- (v) provide technical support to stakeholders in implementing climate resilient and low carbon measures at all levels;
- (vi) collaborate with relevant institutions to develop a comprehensive national database on the environment for environmental protection;
- (vii) collaborate with relevant institutions to develop plans, programmes and strategic initiatives aimed at protecting and mitigating threats to biodiversity;
- (e) in relation to environmental quality standards and monitoring in consultation with relevant stakeholders,
 - (i) prescribe environmental quality standards and guidelines relating to the pollution of air, water, land and any other form of environmental pollution in consultation with relevant stakeholders; and
 - (ii) carry out environmental quality monitoring to develop a database for policy formulation and implementation;
- (f) in relation to information and publicity
 - (i) promote research and carry out studies, surveys and analyses and disseminate information on findings for the improvement and protection of the environment;
 - (ii) create awareness on environmental issues; and
 - (iii) publish periodic reports on the state of the environment; and
- (g) in relation to promotion and implementation, promote the adoption of new environmentally sound technologies including cleaner production approaches, resource

efficiency, extended producer responsibility and circular economy.

(3) The Authority shall perform any other functions conferred on the Authority under this Act or any other Act.

Governance of the Authority

Governing body of the Authority

4. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson who is an expert in environmental matters;
 - (b) the Chief Executive Officer;
 - (c) one representative each not below the rank of a Director, nominated by the respective Minister from
 - (i) Ministry responsible for Environment;
 - (ii) Ministry responsible for Local Government;
 - (iii) Ministry responsible for Finance;
 - (iv) Ministry responsible for Health;
 - (v) Ministry responsible for Education; and
 - (vi) Ministry responsible for Energy;
 - (d) one representative each not below the rank of a Director or equivalent rank from
 - (i) Council for Scientific and Industrial Research, nominated by the Director-General;
 - (ii) Ghana Standards Authority, nominated by the Director-General; and
 - (iii) National Development Planning Commission, nominated by the Director-General;
 - (e) one representative of the Association of Ghana Industries nominated by the President of the Association of Ghana Industries; and
 - (f) two other persons nominated by the President, one of whom is a woman.

(2) The chairperson and other members of the Board shall be appointed by the President, in accordance with article 70 of the Constitution.

PART FIVE – CLIMATE CHANGE

General Provisions on Climate Change

Mainstream climate change responses

144. The Authority shall collaborate with relevant stakeholders to
- (a) formulate climate change responses; and
 - (b) mainstream climate change responses into national, sectoral and district plans to insulate the economy, ecology and communities from the long-term adverse impact of climate change.

Adaptive capacity to the impacts of climate change

145. The Authority shall
- (a) support the formulation of adaptation plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of climate change;
 - (b) coordinate with the following to establish and operationalise effective and enhanced data systems for planning and implementing adaptation efforts:
 - (i) relevant Ministries, Departments and Agencies;
 - (ii) District Assemblies;
 - (iii) private sector organisations;
 - (iv) civil society organisations;
 - (v) National Development Planning Commission; and
 - (vi) academia; and
 - (c) mainstream climate change disaster risk reduction into strategies and institute measures for loss and damage due to climate change impacts.

Low-emission development measures

146. The Authority shall collaborate with relevant
- (a) international, national and local institutions to support the low-emission development measures and minimise the impact arising from the implementation of mitigation policies and programmes in the country or internationally; and
 - (b) institutions to promote local action to reduce short-lived climate pollutants in the oil and gas, agricultural, refrigeration

and air-conditioning sectors to address climate change and air pollution.

Implementation of climate change measures

147. The Authority shall, for the effective implementation of climate change measures

- (a) facilitate technical activities of all stakeholders involved in climate change activities to enhance capacity development through public awareness, effective participation and behavioural changes;
- (b) foster national dialogues on climate actions;
- (c) identify and promote climate technologies, green practices, and implement capacity building needs in all production and consumption;
- (d) facilitate approaches and uptakes of technologies that support climate resilient and low emission development;
- (e) collaborate with national and international bodies to develop and transfer technologies in line with national development and climate strategies; and
- (f) provide technical support to the Ministry responsible for Finance to mobilise financial and other resources for climate change response.

Climate change mechanisms

148. The Authority shall serve as the designated national authority for carbon market and non-market approaches, voluntary carbon market and domestic carbon pricing instruments.

International climate change reporting

149. The Authority shall co-ordinate the preparation, review and communication of international climate change reports required of a Party to

- (a) the United Nations Framework Convention on Climate Change, and
- (b) the subsidiary agreements, protocols, accords or treaties to the United Nations Framework Convention on Climate Change.

Ghana Carbon Registry

Establishment of the Ghana Carbon Registry

- 150.** (1) There is established by this Act, the Ghana Carbon Registry.
- (2) The Ghana Carbon Registry shall be a digital platform which
- (a) serves as a database for carbon market project activities within and outside the country;
 - (b) tracks the transfer and use of internationally transferred mitigation outcomes;
 - (c) facilitates the listing and registration of mitigation activities and voluntary carbon market projects;
 - (d) provides a record of all internationally transferred mitigation outcome activities and internationally transferred mitigation outcomes issued; and
 - (e) hosts and provides public access to all information and activities related to internationally transferred mitigation outcomes.

Carbon Market Committee

Establishment of the Carbon Market Committee

- 151.** (1) There is established by this Act, the Carbon Market Committee.
- (2) The Carbon Market Committee consists of
- (a) the chairperson;
 - (b) one representative of the Ministry not below the rank of a Director nominated by the Minister;
 - (c) the Chief Executive Officer of the Authority or a representative of the Chief Executive Officer not below the rank of a Director;
 - (d) the Executive Secretary of the Energy Commission or a representative of the Executive Secretary not below the rank of a Director;
 - (e) the Director responsible for climate finance at the Ministry responsible for Finance;

- (f) the Director responsible for Renewable Energy and Energy Transition at the Ministry responsible for Energy;
- (g) the Chief Executive Officer of the Forestry Commission or a representative of the Chief Executive Officer not below the rank of a Director;
- (h) the President of the Association of Ghana Industries; and
- (i) three other persons from civil society or academia with relevant expertise in the subject matter, nominated by the Chief Executive Officer.

(3) The Chief Executive Officer shall appoint the members of the Carbon Market Committee.

(4) A member of the Carbon Market Committee, other than the chairperson and a member appointed under paragraphs (b), (c), (d), (e), (f), (g) and (h) of subsection (2), shall hold office for a term of two years and is eligible for re-appointment for another term only.

(5) A matter before the Carbon Market Committee shall be decided by consensus.

(6) The quorum for a meeting of the Carbon Market Committee is five members.

(7) The chairperson of the Carbon Market Committee shall preside at meetings of the Carbon Market Committee and in the absence of the chairperson, a member of the Carbon Market Committee elected by the members present from among their number shall preside.

(8) Subject to this section, the Carbon Market Committee shall determine the procedure for the meetings of the Carbon Market Committee.

(9) Sections 8 and 10 on disclosure of interest and allowances respectively apply to a member of the Carbon Market Committee.

(10) The unit of the Authority responsible for climate change shall serve as the Secretariat of the Carbon Market Committee.

Functions of the Carbon Market Committee

152. The Carbon Market Committee shall approve procedures for the following:

- (a) mitigation activities and associated technologies which are eligible under paragraph 1 of Article 6 of the Paris Agreement.

- (b) mitigation projects eligible for the voluntary carbon market;
- (c) the activities that the country intends to host under the mechanism specified under paragraph 4 of Article 6 of the Paris Agreement;
- (d) the use of an existing approved methodology under an international crediting standard and the national modalities for the approval of new baseline and monitoring methodologies;
- (e) recognition of recommended independent assessment entities accredited under an international crediting standard and the national modalities for the accreditation of an independent assessment entity;
- (f) making recommendations for a mitigation activity developer preparing a mitigation activity which aims to generate internationally transferred mitigation outcomes;
- (g) making recommendations for the issue of internationally transferred mitigation outcomes to an eligible mitigation activity following a positive examination of the verification report on the mitigation activity;
- (h) making recommendations on the nationally determined contributions related baseline parameters which are to be incorporated into the design of a mitigation activity; and
- (i) making recommendations for individual small-scale mitigation activities as a candidate for a programmatic activity.

Mitigation Fund

Establishment of the Mitigation Fund

153. There is established by this Act, the Mitigation Fund.

Objects of the Mitigation Fund

154. The objects of the Mitigation Fund are to

- (a) provide financial support to implement a bilateral cooperative approach for the creation of authorised internationally transferred mitigation outcomes;

- (b) provide funds to invest in the generation of additional mitigation benefits in the country to increase the mitigation outcomes of the country;
- (c) finance the implementation of mitigation activities to raise mitigation ambition in the country;
- (d) leverage scale-up investments into new and additional mitigation activities that would otherwise not be implemented; and
- (e) support the operations of the carbon market committee.

Sources of moneys for the Mitigation Fund

155. (1) The sources of moneys for the Mitigation Fund is the Corresponding Adjustment Fee payable to the Authority by a mitigation activity developer or an acquiring participating Party.

(2) For purposes of this section, “Corresponding Adjustment Fee” means the cost applied to a mitigation activity implemented in the country to create internationally transferred mitigation outcomes on the Ghana Carbon Registry or any other registry under an international crediting standard to compensate for the opportunity and marginal costs associated with transfers and reporting of internationally transferred mitigation outcomes.

Bank account of the Mitigation Fund

156. Moneys for the Mitigation Fund shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

Management of the Mitigation Fund

157. (1) There is established by this Act the Mitigation Fund Committee, which shall manage the Mitigation Fund.

- (2) The Mitigation Fund Committee consists of
 - (a) the national focal person for the United Nations Framework Convention on Climate Change;
 - (b) one representative each from the following:
 - (i) the Ministry not below the rank of a Director, nominated by the Minister;

- (ii) the Ministry responsible for Finance not below the rank of a Director, nominated by the Minister responsible for Finance; and
 - (iii) the Association of Ghana Industries, nominated by the President of the Association of Ghana Industries; and
- (c) the head of the unit of the Authority responsible for climate change.

(3) The President shall, in accordance with article 195 of the Constitution, appoint the members of the Mitigation Fund Committee.

(4) The Chief Executive Officer shall appoint a chairperson from among the members of the Mitigation Fund Committee.

Disbursement from the Mitigation Fund

158. (1) The moneys for the Mitigation Fund shall be disbursed to achieve the objects of the Fund.

(2) The Committee shall make recommendations for disbursements from the Mitigation Fund.

(3) Sections 27 and 28 on accounts and audit, and annual report and other reports apply to the Mitigation Fund.

Miscellaneous Provisions

Regulations

159. The Minister may, in consultation with the Authority, by legislative instrument, make Regulations

- (a) for the preparation of climate resilience and low carbon development strategies;
- (b) for the international carbon market, non-market approaches and voluntary carbon market;
- (c) to address climate change adaptation in the country;
- (d) for climate technologies and green practices in production and consumption to support climate resilient and low emission development;
- (e) for the operations of the Ghana Carbon Registry;
- (f) for carbon rights and ownership; and

- (g) generally, for the effective and efficient implementation of this Part.

Interpretation

160. For the purposes of this Part, unless the context otherwise requires,

“acquiring participating party” means a party or country, and a non-state actor including a company or business entity, operating within the jurisdiction of the acquiring participating Party, or mandated acquiring participating Party, on its own, intending to obtain an internationally transferred mitigation outcome from a mitigation activity generated in the transferring country;

“Carbon Pricing Instrument” means a fiscal instrument that captures the external costs of greenhouse gas emissions by placing a price on the emissions for instruments including carbon tax, emission trading schemes and carbon crediting mechanisms;

“climate strategies” mean responses to climate change with the aim of reducing and stabilising the levels of heat-trapping greenhouse gases in the atmosphere and adapting to the climate change already in the pipeline;

“climate technologies” mean technologies, innovative products and services that specifically aim at reducing greenhouse gas emissions or addressing the impacts of global warming;

“cooperative approach” means the arrangements outlined in a bilateral agreement as agreed to and adopted by the country and another Paris Agreement Party under paragraph 2 of Article 6 of the Paris Agreement;

“District Assembly” includes a Metropolitan and a Municipal Assembly;

“Energy Commission” means the Commission established under section 1 of the Energy Commission Act, 1997 (Act 541);

“Forestry Commission” means the Forestry Commission established under section 1 of the Forestry Commission Act, 1999 (Act 571);

- “Ghana Carbon Registry” means the registry for greenhouse gases as established under section 150;
- “green practices” mean activities or practices which aim to reduce environmental impact of climate change and greenhouse gas emissions;
- “greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride;
- “indigenous technology” means the tools, techniques, crafts, and systems developed by indigenous communities to help secure the heritage of the indigenous communities and navigate the challenges of climate change;
- “international carbon market” means a carbon crediting scheme which is governed by the Paris Agreement and the voluntary carbon programme;
- “international crediting standard” means an internationally recognised set of certification rules and requirements to enable validation and verification of mitigation outcomes generated by an activity, including the Clean Development Mechanism, the Gold Standard, Verra, ISO-14064, ART and TREES or any other standard that the parties agree on as an applicable standard;
- “internationally transferred mitigation outcome” means a real, additional and verified reduction in greenhouse gas emissions or removal of greenhouse gas from the atmosphere, measured in tCO₂eq and representing one tCO₂eq per methodologies approved under the Paris Agreement Rules and generated by a specific mitigation activity from the year 2021 onwards;
- “Letter of Authorisation” means a document issued by the Ministry responsible for Environment to cover internationally transferred mitigation outcomes from each eligible mitigation activity before registration on the Ghana Carbon Registry or the registry of a recognised independent crediting scheme using the information in the mitigation activity design

- document and the validation report of an independent entity and approved by the Carbon Market Committee;
- “mitigation activity” means a project or programme that is implemented to generate a mitigation outcome;
- “mitigation activity developer” means a legally established entity which seeks to create credits from the establishment and implementation of a greenhouse gas emission reduction or removal activity;
- “mitigation ambition” means the main goal, aim or objective associated with the reduction or removal of greenhouse gas emissions from the atmosphere;
- “Mitigation Fund” means the fund established under section 153 of the Act;”
- “mitigation outcome” means quantified greenhouse gas emission reductions achieved by the implementation of a mitigation activity;
- “nationally determined contribution” means a document prepared, communicated and maintained by a Party to the Paris Agreement in line with Article 2 of the Paris Agreement and Decision Four of the Third Meeting of the Conference of Parties Serving as the Meeting Parties to the Paris Agreement;
- “nationally determined contribution-related baseline parameter” means the metrics and methodologies used to prepare the nationally determined contributions scenarios;
- “non-market approach” means an avenue that involves the use of policy or plans to change behaviour leading to building resilience against climate change;
- “Paris Agreement” means the agreement adopted by the parties to the United Nations Framework Convention on Climate Change at the twenty-first meeting of the parties to the United Nations Framework Convention on Climate Change in Paris and reflected in Decision One of the Twenty-First Meeting of Conference of Parties to the United Nations Framework Convention on Climate Change;
- “positive examination” means the determination by the country or a participating acquiring party that the internationally transferred mitigation outcomes generated have been

- verified and considered compliant with the sustainable development requirements for each mitigation activity;
- “programmatic activity” means a set of coordinated activities or a policy implemented by an entity to achieve greenhouse gas emission reduction or removal;
- “tCO₂eq” means an amount of carbon dioxide emission measured in metric tonnes which would cause the same integrated radiative forcing or temperature change, over a given time horizon, as an emitted amount of a greenhouse gas or a mixture of greenhouse gases;
- “United Nations Framework Convention on Climate Change” means the parent treaty of the 1997 Kyoto Protocol and the Paris Agreement;
- “verification report” means a written report prepared and issued by a verifier in respect of a verification conducted, in accordance with the requirements of the Paris Agreement Rules or the rules of an international crediting standard;
- “voluntary carbon market” means a market where private actors voluntarily buy and sell carbon credits that represent certified removals or reductions of greenhouse gases in the atmosphere.