

DEMOCRATIC REPUBLIC OF CONGO
MINISTERTRY OF PLANNING
NATIONAL INVESTMENT PROMOTION AGENCY

INVESTOR'S JOURNEY



ACRONYMS

ANAPI	:	National Investment Promotion Agency
ARPTC	:	Regulatory Authority for Posts, Telephones and Communication
BCC	:	Central Bank of Congo
CAMI	:	Mining Cadaster
ECCAS	:	Economic Community of Central African States
ICGLR	:	International Conference on the Great Lakes Region
COMESA	:	Common Market for Eastern and Southern Africa
COPEMECO	:	Confederation of Small and Medium Enterprises of Congo
CNSS	:	National Social Security Fund (Former - INSS)
CDF	:	Congolese Franc
DB	:	Doing Bussiness
DGDA	:	Directorate General of Customs and Excise
DGI	:	General Directorate of Taxes
DGRAD	:	Directorate General of Administrative, State and Participation Revenue
DGM	:	Directorate General for Migration
FEC	:	Federation of Congolese Companies
FENAPEC	:	National Federation of Small and Medium Enterprises of Congo
HV	:	High Voltage
GUCE	:	One-stop shop for business creation
INPP	:	National Institute of Professional Preparation
MV	:	Medium Voltage
ONEM	:	National Employment Office
OHADA	:	Organization for the Harmonization of Business Law in Africa.
GDP	:	Gross Domestic Product
RCCM	:	Trade and Personal Property Credit Register
RDC	:	Democratic Republic of Congo
SADC	:	Southern African Development Community
VAT	:	Value Added Tax
USD	:	US Dollars (USA)
JO	:	Official Journal





His Excellency Félix Antoine TSHISEKEDI TSHILOMBO, President of the
Democratic Republic of Congo, Head of State

«We will strive to make the business climate more attractive and competitive, in particular by adjusting taxation in favor of development»

(Extract from the speech by the Head of State at his inauguration, Kinshasa, 24 January 2019)



Executive summary

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Editorial

At a time when its economy and development are being reconquered, the DRC is at a crossroads between a new regime with the advent of a new democratically elected President, an unprecedented event in the DRC and the creation of the Continental Free Trade Area, which aims to promote regional integration and the integral development of the African continent.

Located in the heart of Africa, the DRC is classified as one of the major countries of the mega biodiversity. Endowed with mineral, energy, agricultural and tourist resources as well as various other assets, which give it potential on a continental scale, this large country is predestined to become a platform for industrial production capable of offering alternatives to Africa's development needs.

Indeed, the DRC offers investors substantial comparative advantages, including its population of about 80 million inhabitants, dominated by 60% of young people, which constitutes an abundant and cheap labor force. In addition, its surface area of 2,345,410 km² (2nd largest country in Africa), its geostrategic position in the heart of Africa with 9,165 km of borders, shared with 9 neighboring countries, the DRC covers a potential market of more or less 250 million consumers. The Congolese market is vast and open to multiple business opportunities, particularly in the agricultural, hydrocarbon, mining and other sectors.

On the political level, the DRC today marked a significant step forward towards a new future with the vision of the current President who places people at the heart of development. This vision is divided into 4 pillars below: People, Good Governance, Sustainable Economic Growth and a Solidarity society*.

Through this vision, particular emphasis will be placed on consolidating the efforts begun more than a decade ago when the country embarked on an ambitious reform program aimed at improving the business climate in order to make it competitive and attractive for investment.

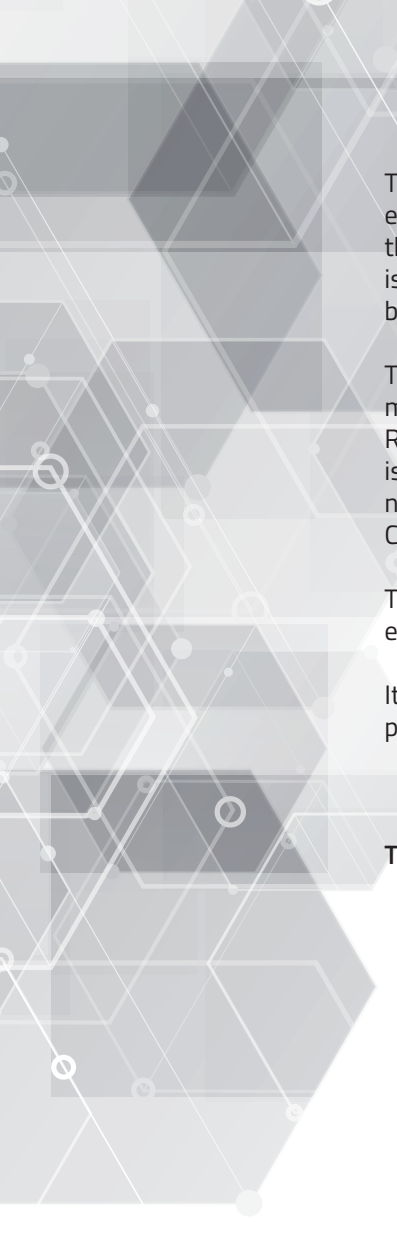
Through this vision, particular emphasis will be placed on consolidating the efforts begun more than a decade ago when the country embarked on an ambitious reform program aimed at improving the business climate in order to make it more competitive and attractive for investment.

In this context, several legislative and regulatory reforms relating to investment have been carried out in the DRC with the aim of making its business environment competitive and attractive.

As expected results, although relegated to 184th position in the DB 2019 Report, the DRC was ranked in 2010 among the top 10 reforming countries in the world and its position has improved by two places in the overall ranking of the Doing Business 2018 Report, after a long period of stagnation.



* Information from the Program of the President of the Democratic Republic of Congo



The reforms have led to the attraction of new investment and an increase in the level of economic activity. Indeed, the DRC, for more than fifteen years, has had a positive growth rate, the last of which stood at 5.8% in 2018, well above the African average. The same growth rate is expected to reach 5.6% in 2019 and could reach 6.3% in 2020 and reach 8.9% in 2024, driven by the primary and tertiary sectors, to a lesser extent the secondary sector.

This positive outlook bodes well for any potential investor who wants to do business and earn money while contributing to the development of Congo.

Ready to support you, the National Agency for the Promotion of Investments, ANAPI, which is the Government's technical body in the field of investment, invites you to look towards this new horizon and to follow in the footsteps of the many investors who have understood that DR Congo is a land of the future.

The present Course constitutes a vade mecum that provides insight into the business environment and guides any investor wishing to invest in the DRC.

It goes without saying that we did not intend to be exhaustive and without prejudice to the particularities of some ad hoc services.

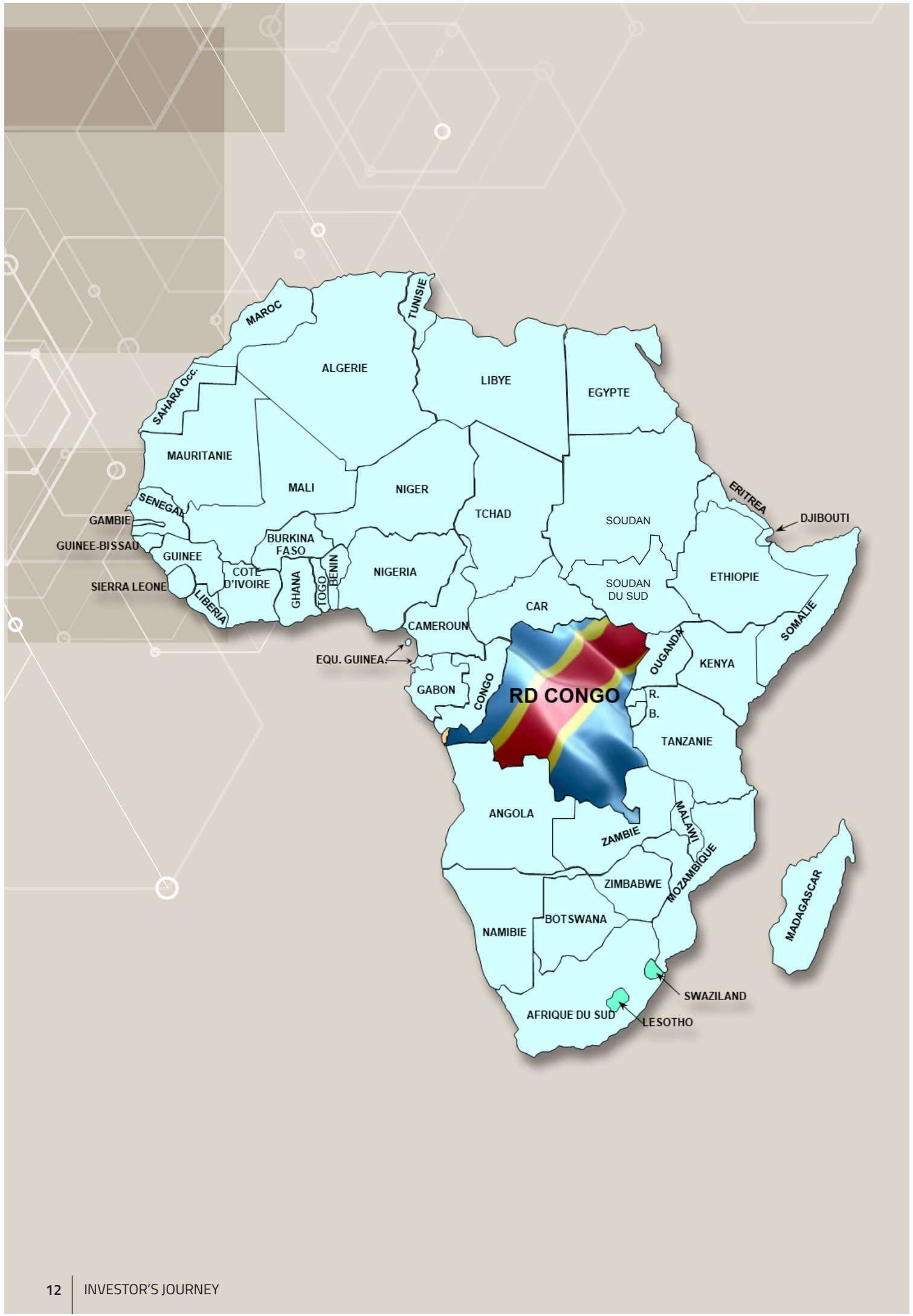
Together, let's build the D.R. Congo!

Anthony NKINZO Kamole
Managing Director of ANAPI

The background of the page is a light beige color. It features a complex, abstract geometric pattern of thin, light-colored lines forming various hexagons and polygons. Some of these shapes are filled with a slightly darker shade of beige. There are also small white circles at some of the vertices of the polygons. The overall effect is a modern, technical, and architectural feel.

I

GENERAL DATA ON THE DRC



Official name	Democratic Republic of Congo
Form of the State	Highly decentralized unitary State
Area	2,345,410 km ² (37 km of Atlantic coast)
Population	80 million inhabitants broken down as follows: (1) <ul style="list-style-type: none"> ➤ 0-14 ans : 47,8% ➤ 15-29 ans : 30,7% ➤ 30-39 ans : 13,2% ➤ 40-44 ans : 2,3% ➤ 45-59 ans : 3,6% ➤ 60 ans et plus : 2,2%
Capital	Kinshasa, headquarters of National Institutions with provincial status
Decentralization	The country includes 26 provinces including Kinshasa and Decentralized Territorial Entities which include - 33 Cities, 145 territories, 137 urban communes, 174 rural communes, 471 sectors, 264 chiefdoms and 5,908 groupings.
Borders	9,165 km, with 9 neighboring countries (Republic of Congo, South Sudan, Uganda, Central African Republic, Rwanda, Burundi, Tanzania, Zambia and Angola)
Geographical position	<ul style="list-style-type: none"> - In the heart of Africa and junction point to reach other markets in Central, West, East and North Africa; - - Members of several Regional Economic Organizations: SADC, ECCAS, COMESA, ICGLR and OHADA
Official languages	- French
<ul style="list-style-type: none"> - GDP growth rate - Average inflation rate - Inflation rate at the end of the period - Nominal GDP (in millions of USD) 	<ul style="list-style-type: none"> - 5,8 % (2018)* - 31% (2018)* - 7,2 % (2018)* - 47,517.80 (2018)*
National currency	Congolese franc (CDF)
Currencies used in commercial transactions	Free capital movements in domestic and foreign currencies for business transactions

(1) Data restated by ANAPI on the basis of the INS report

*Source: Ministry of Planning, data produced by the Standing Steering Committee, Kinshasa, June 2019.





II

DRC ENTRY PROCEDURES

II.1. CONDITIONS FOR ENTRY INTO THE DRC

II.2. TYPES OF VISA

II.3. CONDITIONS FOR OBTAINING A VISA

II.4. TARIFFS

DRC ENTRY PROCEDURES

II.1. CONDITIONS FOR ENTRY INTO THE DRC

The entry into the Democratic Republic of Congo for any foreigner is subject to the possession of the following documents:

1. A valid national or international passport or other valid travel document.
2. A valid travel visa, tourist airport.
3. An International vaccination booklet prescribed by the health police regulations.
4. A valid round trip air ticket

In addition, the conditions of entry, exit, residence and movement for foreigners are determined by the following main legal and regulatory texts:

1. Ordinance law n°83-33 of 12 September 1983 relating to the police force of foreigners, as amended and supplemented to date;
2. Ordinance No. 87-281 of 13 August 1987, implementing Ordinance No. 83-033 of 12 September on the police for foreigners, as amended and supplemented to date.
3. Act No. 86-007 of 27 September 1986 regulating the residence and movement of foreigners in mining areas.

II.2. TYPES OF VISA

❑ Visa nomenclature

The nomenclature of visas issued by the DGM and the conditions for granting them are as follows:

a. Conditions to benefit from a flying Visa:

- Letter of request sent by the applicant to the Director General of the Directorate General for Migration;
- Photocopy of the applicant's passport;
- Photocopy of the identity of the caretaker, if he is Congolese or of the passport, if he is a foreigner;
- Payment of required fees

b. Airport / Port Visa:

Issued at the entry point to the beneficiary of the Flying Visa or with the express authorization of the General Manager. It is valid for 7 days. After this period, the applicant must regularize his stay with the Chancellery Services at the General or Provincial Migration Directorate.

c. Establishment Visa

- Issued abroad wishing to settle in the DRC;
- Confers, not only the status of resident, but also the possibility of carrying out professional or economic activities under the conditions set by the Law.

c.1. Types of Establishment Visas

- Ordinary Establishment Visa;
- Work Establishment Visa;
- Specific Work Establishment Visa;
- Establishment Visa for Studies;
- Establishment Visa for foreign spouses of nationals (matrimonial);
- Special Establishment Visa;
- Permanent Establishment Visa.

II.3. CONDITIONS FOR OBTAINING A VISA

□ General conditions for all Establishment Visas:

- Be legally resident in the DRC;
- Have stayed for at least six months in the DRC;
- Hold a valid passport (at least six months);
- Fill in the form carefully;
- Fill in the registration form carefully;
- Present 4 recent and identical passport photos;
- Present an international vaccination card;
- Present a certificate of good conduct from your country and the municipality of residence (less than 3 months old);
- Present a certificate of residence issued by the municipality of residence (less than 3 months old);
- Present the original and copy of the consular certificate or registration;
- Have sufficient means of subsistence.

a. Ordinary Establishment Visa (3 years)

➤ For Merchants:

Elements of the dossier to be submitted:

- Articles of Association of the Company (notaries);
- Trade and Personal Property Credit Register (RCCM);
- National Identification Number (Nat. Id.)
- Proof of regularity vis-à-vis the tax authorities;
- Proof of affiliation to the INPP, CNSS and a recognized employers' union in the DRC; (e. g. FEC, COPEMECO, FENAPEC, ...);
- Proof of working capital in a local bank (bank account statement);
- Do not engage in petty trade. ;

➤ For profit-making liberal professions

Elements of the dossier to be submitted:

- Approval or license of the corporation;
- Proof of regularity vis-à-vis the tax authorities;
- Proof of working capital in a local bank for an amount of USD 5,000 at least;
- Trade and Personal Property Credit Register (RCCM);
- National Identification Number (Nat. Id.).

➤ For Diamond and Gold Counters

Elements of the dossier to be submitted:

- Certified photocopy of the Decree of approval of the Ministry of Mines;
- Proof of deposit of USD 50,000 in a local bank;
- Certified photocopy of the New Trade Register;
- Certified photocopy of the National Identification;
- Proof of regularity vis-à-vis the tax authorities;
- Proof of affiliation to the INPP, CNSS and a recognized employers' union in the DRC;

b. Work Establishment Visa (1 to 2 years)

Issued to foreigners wishing to work under employment contract in the DRC. The validity of the work visa is the same as that of the work.

Special conditions :

- To be a holder of a work card;
- Submit an employment contract approved by the National Employment Office;
- Have the qualification and present proof of it;
- Present a certificate of service.

c. Special Establishment Visa (5 to 10 years)

Granted to promoters or representatives of new companies, approved under the Investment Code. The holder of the special visa benefits from the free exit and return visa.

Special conditions:

- Send a letter of request to the Director General of the Migration Directorate General;
- Present the approval of the National Agency for the Promotion of Investments (ANAPI);
- Attach the Interdepartmental Project Approval Order.

d. Permanent Establishment Visas

The Permanent Establishment Visa is for an indefinite period. Its holder is exempt from the requirement for an exit and return visa.

Special conditions:

- Send a letter of request to the Director General of the Migration Directorate General;
- Have resided regularly in the DRC without interruption for at least 15 years;
- Carry out agricultural, liberal, commercial or industrial activities;
- Be in good standing with the tax authorities.

NB : Any foreigner holding a Permanent Visa is exempt from the Exit and Return Visa.

II.4. TARIFFS

N°	Revenue-generating acts	\$US
1	Special establishment visa 5 years	653
2	Special establishment visa 10 years	700
3	Permanent Establishment Visa	1.500
4	Ordinary establishment visa for beginners and for-profit professionals (doctor, lawyer...)	700
5	Work Establishment Visa	653
6	Airport Visa	40
7	Port Visa	40

Form to be used	50
Filing fees :	-
- Establishment visa	100
- Travel Visa	50
- Visa Transposition	50

Contact :

Directorate General for Migration
65, Boulevard du 30 juin, Kinshasa/Gombe,
Phone : + 243 81 030 07 55
Web site : www.investindrc.cd
Democratic Republic of Congo



III

LEGAL FRAMEWORK FOR INVESTMENTS

❏ LIST OF LAWS GRANTING INVESTMENT INCENTIVES IN THE DRC

LEGAL FRAMEWORK FOR INVESTMENTS

For more than a decade, the Democratic Republic of Congo has engaged in a vast program of legislative and regulatory reforms related to investment with the aim of making its business environment competitive and attractive. These reforms aim to make the DRC one of the best business destinations in Africa

The said reforms have enabled the DRC to acquire an important legal arsenal consisting of the following legislative and regulatory texts:



❑ **Articles 35 and 36 of the Constitution of the country provide as follows :**

- Private property is sacred. The State shall guarantee the right to individual or collective property acquired in accordance with law or custom;
- It encourages and ensures the security of private, domestic and foreign investments;
- No one may be deprived of his property except in the public interest and in return for a fair and prior compensation granted under the conditions set by law;
- The State guarantees the right to private initiative to both nationals and foreigners.

❑ **The PPP Act provides for the guarantee of performance of the partnership contract regardless of any change in the regime (art. 15).**

The taxation in this Law is subject to the ordinary law regime with the exception of the reduction of the Income Tax on profits and profits, set at 15%.

❑ **Act No. 004/2002 on the Investment Code**, through the provisions of articles 23-30, provides for investment security mechanisms and guarantees as well as customs, tax and parafiscal exemptions;

❑ The other legal texts indicated in the above diagram, including the Investment Code, grant customs exemptions, in particular the Agricultural Act, the Value Chain Partnership Act, etc.

List of laws granting investment incentives in the DRC

Laws or legal texts	Law n°2002-07 of 11 July 2002 on the Mining Code as amended by law n°2018-01 of 9 March 2018	Law n°11/022 of 24 December 2011 on fundamental principles relating to agriculture (Agricultural Code)	Law n°14/023 of 07 July 2014 laying down the rules relating to the terms and conditions for rescuing a struggling industrial company	Law n°13/005 of 11 February 2014 on the tax, customs, parafiscal, non-tax and foreign exchange regime applicable to collaboration agreements and cooperation projects	Decree n°13/049 of 06/10/2013 on the tax regime applicable to companies eligible for the Value Chain Strategic Partnership	Decree No. 15/009 of 28 April 2015 on tax and customs relief measures applicable to the production, import and export of electricity				
Incentives granted	<table><tr><th>Customs benefits</th><th>Tax benefits</th></tr><tr><td><ul style="list-style-type: none">- The list of properties benefiting from the preferential regime, entry fee at prime rates according to the different phases of the project for a period of 6 years<ul style="list-style-type: none">• Goods of strictly mining equipment before the actual exploitation of the mine (research and development phase) are subject to an entry fee at the rate of 2% instead of 5 to 13% (list of goods previously approved by inter-ministerial decree of the Ministers of Mines and Finance) ;• Capital goods used strictly for mining purposes from the inception of operations (exploitation phase) are subject to an entry fee at the rate of 5% (list of goods previously approved by order of the Ministers of Mines and Finance) ;• Fuels and lubricants for mining activities are subject to the rate of 5% instead of 40 to 45% ;• All intermediate goods and other consumables are taxed at a rate of 10% customs duty instead of 13 to 20%.- Exemption from customs duty on exports by a holder of samples intended for industrial analysis and testing under the conditions of payment of the tax on the export of samples (Art. 226 paragraph 1) ;</td><td><ul style="list-style-type: none">- Exemption from the contribution on vehicles used exclusively within the mining area for the transport of persons or materials, handling or traction (Art 237) ;- Property taxes for buildings located within the area of mining concessions subject to the related real tax (art 521 RM)- Exemption from movable property taxes on interest paid by the holder to affiliates on loans contracted in foreign currency abroad, provided that the interest rates do not exceed the average of the effective rates applied by credit institutions in the country where the lending company is established, according to information from the BCC (Art 254) ;- Payment of the movable property tax at the rate of 10% on dividends and other distributions paid by the holder to his shareholders (Art 246) ;- Payment by the holder of the income and profit tax at the rate of 30% (Art 247);- The application of deferred depreciation (depreciation carried out in a deficit period) which can be accumulated and carried forward without time limit to subsequent years up to the amount of taxable income (Art 250) ;- The loss carry-forward which allows only professional losses from a subsequent year to the fifth following the year. (Art 251).</td></tr></table>	Customs benefits	Tax benefits	<ul style="list-style-type: none">- The list of properties benefiting from the preferential regime, entry fee at prime rates according to the different phases of the project for a period of 6 years<ul style="list-style-type: none">• Goods of strictly mining equipment before the actual exploitation of the mine (research and development phase) are subject to an entry fee at the rate of 2% instead of 5 to 13% (list of goods previously approved by inter-ministerial decree of the Ministers of Mines and Finance) ;• Capital goods used strictly for mining purposes from the inception of operations (exploitation phase) are subject to an entry fee at the rate of 5% (list of goods previously approved by order of the Ministers of Mines and Finance) ;• Fuels and lubricants for mining activities are subject to the rate of 5% instead of 40 to 45% ;• All intermediate goods and other consumables are taxed at a rate of 10% customs duty instead of 13 to 20%.- Exemption from customs duty on exports by a holder of samples intended for industrial analysis and testing under the conditions of payment of the tax on the export of samples (Art. 226 paragraph 1) ;	<ul style="list-style-type: none">- Exemption from the contribution on vehicles used exclusively within the mining area for the transport of persons or materials, handling or traction (Art 237) ;- Property taxes for buildings located within the area of mining concessions subject to the related real tax (art 521 RM)- Exemption from movable property taxes on interest paid by the holder to affiliates on loans contracted in foreign currency abroad, provided that the interest rates do not exceed the average of the effective rates applied by credit institutions in the country where the lending company is established, according to information from the BCC (Art 254) ;- Payment of the movable property tax at the rate of 10% on dividends and other distributions paid by the holder to his shareholders (Art 246) ;- Payment by the holder of the income and profit tax at the rate of 30% (Art 247);- The application of deferred depreciation (depreciation carried out in a deficit period) which can be accumulated and carried forward without time limit to subsequent years up to the amount of taxable income (Art 250) ;- The loss carry-forward which allows only professional losses from a subsequent year to the fifth following the year. (Art 251).	<ul style="list-style-type: none">- Expenses related to the maintenance of the road section linking the farming concession to the public highway are deductible from the tax base;- Farm operators benefit from a preferential rate in the consumption of water, electricity and petroleum products;- The consumption for agricultural purposes of water and energy produced by the farmer himself shall be exempt from all duties and taxes;- An industrial farmer is authorized to set up a tax-exempt provision not exceeding 3% of the turnover for the year for the rehabilitation of farmland, the prevention of major risks and agricultural disasters. This provision is used within two years; otherwise, it is reinstated in the taxable base for the year following the expiry of the period defined above ;- Except administrative fees, imported farming inputs intended exclusively for agricultural activities are exempt from import duties and taxes;- Agricultural products are exempt from export duties and taxes;- Fees and charges for services rendered by public bodies operating at customs posts may not exceed 0.25% of the value of the products exported;- Both built and undeveloped land used exclusively for farming is exempt from property tax ;- Tax exemption for any rolling stock exclusively intended for agricultural purposes.	<ul style="list-style-type: none">- Total import exemption for inputs, except the related administrative fee.- Total exemption of import duties and taxes for machinery, tools and new materials, spare parts of first endowment not exceeding 10 % of CIF value of the said equipment;- Application of depreciation on a reducing balance the pace of which is determined by the specifications, for acquired capital goods. <p>The duration of the benefits granted within the framework of the current law is one year.</p>	<ul style="list-style-type: none">- Exemption from direct or indirect national, provincial and municipal taxes, duties, customs duties, duties and charges, whether domestic, import or export ;- Suspension of the collection of customs duties and value added tax on the importation of capital goods, materials, tools and spare parts exclusively intended for the production of electric power;- Suspension of the collection of customs duties and value added tax on the importation of electric energy;- Payment of 1% as customs duties on the exportation of electric energy.	<ul style="list-style-type: none">- Suspension of Value Added Tax, both domestically and on importation, on construction materials, equipment, spare parts, inputs and raw materials intended exclusively for the project ;- Suspension of Value Added Tax on services provided as part of the operation directly related to the project ;- Suspension of Value Added Tax on intermediate and/or finished products, as well as on services produced by the company;- Exemption from import duties and taxes on goods, inputs, raw materials and equipment intended for the project ;- Reduction of taxes collected at the initiative of the various Ministries and tax base services at the central, provincial and local levels by means of an inter-ministerial decree ;- Reduction of the costs of remuneration for certain services within the institutional framework ;- Eligibility for privileged partner status with tax authorities ;- Application of preferential energy rates per kilowatt/hour. <p>The duration of tax and customs benefits is [?], but it can be extended depending on the size of the investments and their depreciation schedule.</p>	<ul style="list-style-type: none">- Suspension of the collection of customs duties and Value Added Tax on the importation of equipment, machinery, tools and spare parts ;- Suspension of the collection of customs duties and Value Added Tax on the import of electricity ;- Energy exports are subject to 1% rate. <p>The benefits granted under this decree are 4 years.</p>
Customs benefits	Tax benefits									
<ul style="list-style-type: none">- The list of properties benefiting from the preferential regime, entry fee at prime rates according to the different phases of the project for a period of 6 years<ul style="list-style-type: none">• Goods of strictly mining equipment before the actual exploitation of the mine (research and development phase) are subject to an entry fee at the rate of 2% instead of 5 to 13% (list of goods previously approved by inter-ministerial decree of the Ministers of Mines and Finance) ;• Capital goods used strictly for mining purposes from the inception of operations (exploitation phase) are subject to an entry fee at the rate of 5% (list of goods previously approved by order of the Ministers of Mines and Finance) ;• Fuels and lubricants for mining activities are subject to the rate of 5% instead of 40 to 45% ;• All intermediate goods and other consumables are taxed at a rate of 10% customs duty instead of 13 to 20%.- Exemption from customs duty on exports by a holder of samples intended for industrial analysis and testing under the conditions of payment of the tax on the export of samples (Art. 226 paragraph 1) ;	<ul style="list-style-type: none">- Exemption from the contribution on vehicles used exclusively within the mining area for the transport of persons or materials, handling or traction (Art 237) ;- Property taxes for buildings located within the area of mining concessions subject to the related real tax (art 521 RM)- Exemption from movable property taxes on interest paid by the holder to affiliates on loans contracted in foreign currency abroad, provided that the interest rates do not exceed the average of the effective rates applied by credit institutions in the country where the lending company is established, according to information from the BCC (Art 254) ;- Payment of the movable property tax at the rate of 10% on dividends and other distributions paid by the holder to his shareholders (Art 246) ;- Payment by the holder of the income and profit tax at the rate of 30% (Art 247);- The application of deferred depreciation (depreciation carried out in a deficit period) which can be accumulated and carried forward without time limit to subsequent years up to the amount of taxable income (Art 250) ;- The loss carry-forward which allows only professional losses from a subsequent year to the fifth following the year. (Art 251).									

Laws or legal texts	Law n°2002-07 of 11 July 2002 on the Mining Code as amended by law n°2018-01 of 9 March 2018	Law n°11/022 of 24 December 2011 on fundamental principles relating to agriculture (Agricultural Code)	Law n° 14/023 of 07 July 2014 laying down the rules relating to the terms and conditions for rescuing a struggling industrial company	Law n°13/005 of 11 February 2014 on the tax, customs, parafiscal, non-tax and foreign exchange regime applicable to collaboration agreements and cooperation projects	Decree n°13/049 of 06/10/2013 on the tax regime applicable to companies eligible for the Value Chain Strategic Partnership	Decree No. 15/009 of 28 April 2015 on tax and customs relief measures applicable to the production, import and export of electricity
	<div>Customs benefits</div> <ul style="list-style-type: none"> - The benefit of the preferential customs regime at the preferential rate in the event of import in the context of extension works provided that the production capacity of the mine or processing entity and/or the approved processing in question is increased by at least 30% and for very specific and time-limited works (Art 233); - Exit duty exemption for exports related to the mining project from all customs duties and other contributions (Art 234) ; 	<div>Tax benefits</div> <p>The benefits granted under the Agricultural Code extend throughout the duration of the agricultural project.</p> <p>Despite its attractiveness, this Code is discriminatory in that it forces national investors or the State to have the majority of shares in the company's shareholding to the detriment of foreigners.</p>				

Contacts :

1. Mining Cadaster

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Democratic Republic of Congo

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IV

DRC INVESTMENT PROCEDURES

IV.1. GENERAL INVESTMENT PROCEDURE

IV.2. SPECIFIC INVESTMENT PROCEDURES

IV.3. OTHER PROCEDURES SPECIFIC TO ALL SECTORS

IV.1. GENERAL INVESTMENT PROCEDURE

□ Business creation

According to the provisions of Article 6 of the Uniform Act of 30 January 2014 on the law of commercial companies and economic interest groupings, the legal forms of companies recognized in the DRC are:

1. Establishment (or sole proprietorship or individual trader);
2. Limited Liability Company (SARL) ;
3. Public Limited Company (SA);
4. Simplified Joint Stock Company;
5. Partnership in Collective Name;
6. Limited Partnership;
7. Economic Interest Grouping.

Characteristics of company types in compliance with OHADA law

N°	Legal forms	Association of enterprises	Establishment	S.A.R.L	S.A	S.A.S	S.N.C	S.C.S	G.I.E
	Heading								
1	Number of partners		Sole natural person Sole	Several business partners or Partner unique (SARLU)	Several partners or Sole shareholder (SAU)	Several business partners or Partner unique (SASU)	At least two partners (Mandatory multi-personal).	At least two partners (Mandatory multi-personal). Divided in two Categories: (i) General partners: respond jointly and severally and indefinitely of debts social; Sponsors or partners in sponsorship: respond social debts proportionally their contributions.	Two partners, bound by a «contract»
2	Nationality			constituted freely: at 100% by the Foreigners ; at 100% by the Congolese; Congolese and foreigners	constituted freely: at 100% by the Foreigners ; at 100% by the Congolese; Congolese and	constituted freely: at 100% by the Foreigners ; at 100% by the Congolese; Congolese and foreigners	constituted freely: at 100% by the Foreigners ; at 100% by the Congolese;	constituted freely: at 100% by the	constituted freely: 100% by the Foreigners ; 100% by the Congolese; Congolese and and foreigners

N°	Legal forms	Association of enterprises	Establishment	S.A.R.L	S.A	S.A.S	S.N.C	S.C.S	G.I.E
	Heading								
3	Minimum capital			No legal minimum required. It is freely fixed by the shareholders, taking into account the corporate purpose and paid up to half for cash contributions, the balance being paid up within 2 years. However, the nominal value of a share must not be less than CFAF 5,000 (the equivalent of USD 10)	Equivalent to 10,000,000 FCFA when it does not make a public offering and 100,000,000 FCFA otherwise. Payment of cash contributions up to ¼ upon incorporation and the balance within 3 years from the registration.	Freely fixed by the shareholders.	No legal minimum provided, freely set by the parties. Shares of the same nominal value.	No legal minimum provided, freely set by the parties. Shares of the same nominal value.	None: can be constituted without capital and does not in itself give rise to a profit to be made or shared.
4	Partners' liability			Limited to contributions. The shareholders may not freely transfer their shares.	Limited to contributions.	Limited to shares. Prohibition to make public offerings.	Are jointly and severally and indefinitely liable for social debts.	Active partners : are jointly and severally and indefinitely liable for social debts ; Limited partners: are liable for social debts in proportion to their contributions.	Unlimited and joint and several (unless otherwise agreed with third parties).
5	Auditors			Not mandatory, except when certain legal thresholds are met.	Mandatory	Not automatically	Yes, under the conditions provided by law.	Yes, under the conditions provided by law.	Under certain conditions (Art 880 AUSCGIE), in particular in the event of bond issues, audit of financial statements.
6	Management			Manager (partner or not) appointed by the Partners in the Articles of Association or at a General Assembly.	Chief Executive Officer, Managing Director or General Manager	President, possibly assisted by a General Manager.	Manager (one or more) appointed from among the shareholders or not, natural persons or legal entities.	Manager: (one or more) exclusively appointed from among the general partners.	Director(s)

Source : Developed by ANAPI on the basis of the information gathered in the Practical Guide for Entrepreneurs in the DRC, pp. 12-17

Any investor who wishes to set up a business in the DRC saves time by contacting the One-stop Shop for Business Creation.

A. Documents to be filed with the One-stop Shop for Business Creation

(www.guichetunique.cd)

❑ Legal Entity

1. Letter of request for the creation of a company addressed to the Director-General of the One Stop Shop;
2. Articles of Association of the company in 4 copies + the electronic version of the articles of association for publication in the Official Gazette;
3. Specimen of the manager's signature (plus a photocopy of the validity of the visa in case the manager is a foreigner);
4. Declaration of subscription to and payment of the share capital;
5. Proof of payment of the share capital (Payment slip or certificate issued by a banking or micro-finance institution duly approved in the Contracting State of the registered office).
For the Limited Liability Company (LLC), no requirement for the minimum capital amount even if the nominal value of the contributions should not be less than the equivalent of 5,000 FCFA each (10 USD).
6. **For the Public limited company (SA)**, the share capital must be the equivalent of at least 10,000,000,000 FCFA (20,000 USD) when it does not make a public offering and 100,000,000 FCFA (200,000 USD) otherwise. In addition to this amount of share capital, in accordance with Congolese tax legislation, a proportional duty of 1% of the value of the share capital (on the creation, and possibly on the increase of the share capital or on the extension of the duration of the company) is added.
7. Proof of payment of administrative fees.

❑ Natural person for the setting-up of an establishment

1. Letter of request for the creation of a company addressed to the Director General of the One Stop Shop;
2. Title to property or lease agreement or title of occupation;
3. Recognized identity document;
4. Extract from the criminal record or affidavit valid for 75 days;
5. Resident permit - visa (for foreigners) ;
6. Marriage contract (for foreigners if necessary);
7. Mandate or Power of Attorney (in case of absence of the manager to initiate the procedure).

B. Documents provided by administrations and the One-stop Shop

- Acknowledgement of receipt for company registration;
- Collection note from the Directorate General of State Revenue and Participation (DGRAD);
- Statutes and Notarial Acts;
- Trade and Personal Property Credit Register (RCCM);
- Deed of deposit ;
- National Identification No. ;
- Tax number (General Tax Directorate (DGI));
- INPP NO.;
- CNSS NO.;
- Certificate of registration from the National Employment Office (ONEM).
- Acknowledgement of receipt of the environment.

C. Cost of setting up the company (legal and natural person):

1. Natural person : 30 USD
2. Legal Person: 80 USD when the applicant firm presents the notarial articles of association and 70 USD in the case of the private sub-signature articles of association presented at the One Stop Shop for Business Creation (GUCE).

D. Processing time: 3 days.

E. Constituent elements of the file for the representative office, subsidiary and branch

(Articles 116-120 and 179-180 of the Uniform Act on the Law of Commercial Companies and Economic Interest Groups) :

1. Decision to create the Office, Branch, Parent Company or subsidiary, legalized and approved by the Embassy of the DRC in the country where the applicant is located;
2. Physical address;
3. Name of the person in charge;
4. Identity document;
5. Filing and opening of the file;
6. Statutes;
7. Extract «K A» from the Register.

The representative or liaison office may be the establishment of a foreign company, but it is also subject to the law of the State Party in which it is located and is registered with the RCCM in accordance with the provisions in force.

If the activity of the representative office justifies its transformation into a branch, a request for correction to the RCCM must be made within thirty (30) days of such a change in situation.

If the statute is not authenticated, this cost is reduced from 80 to 70 USD.

F. Addresses:

a. Kinshasa :

Avenue de la Science, N° 482, Commune de la Gombe (Reference: in the Laboratory of Office des Routes, opposite the ITI-GOMBE), more precisely, on the floor of the building that also houses the Kinshasa/Gombe Commercial Court.

E-mail: guichetuniquerdc@yahoo.fr/guce@guichetunique.cd
Phone : +243 822 284 008.

b. Lubumbashi

CNSS Building, Av. Lumumba, Commune of Lubumbashi in Haut-Katanga
Phone : +243 812824408

c. Kisangani

Place du cinquantenaire, Former UZB Building, Commune of Makiso in Tshopo

d. Goma

14, Blvd Kanyamuhanga, Q. Les Volcans, Commune of Goma
Phone : +243 995603257

However, the investor may request ANAPI's support in this process in its capacity as the Single Window for investment in DRC. ANAPI's services are free of charge.

- Address: June 30 boulevard crossing with 1er Mall Avenue formerly TSF, n°33c, Commune de la Gombe Avenue de la Science, N° 482, Commune de la Gombe (Reference: in the Laboratory of the Roads Office, opposite the ITI-GOMBE), more precisely, on the floor of the building that also houses the Kinshasa/Gombe Commercial Court.
- Site web: www.investindrc.cd
- E-mail: anapirdc@yahoo.fr / anapi@investindrc.com
- Phone : +243999925026

It should be noted that the One-stop Shop for Business Creation has not yet been set up throughout the Democratic Republic of Congo. To compensate for this deficiency, the Commercial Courts and, where applicable, the High Courts, grant the Trade and Personal Property Credit Register (R.C.C.M.), which confers on the company the right to carry out commercial acts.

IV.2. SPECIFIC INVESTMENT PROCEDURES

A. Agricultural Sector

❑ Obtaining land for agricultural

- Land identification (contact the Ministry of Land Affairs). ANAPI can assist the investor in this process;
- Signing of an agreement with the local customary authority, against payment of a sum of money and material goods in accordance with custom;
- Inquiry into land vacancies and demarcation by the competent State services (local services of the Ministry of Agriculture and the Ministry of Land Affairs);
- Signature of the concession contract (Custodian of the Real Estate Securities of the jurisdiction): **valid for a period of 3 years;**
- Issuance of the registration certificate by the Registrar of the real estate titles of the jurisdiction.
- The validity of the registration certificate is 25 years, renewable for foreigners.

Agricultural land shall be granted to farmers and developed under the following conditions:

- Be a natural person of Congolese nationality or a legal person under Congolese law whose shares or shares, as the case may be, are majority held by the Congolese State and/or nationals;
- Have a known residence, domicile or registered office in the Democratic Republic of Congo;
- Present proof of registration in the commercial register, if it is a person carrying on business;
- Justify the financial capacity likely to bear the burden of developing the concession;
- Produce an environmental and social impact study.

Contact :

Ministry of Agriculture

Intersection Boulevard 30 Juin et Avenue Batetela,

Kinshasa/Gombe

Web site : www.minagri.cd

Democratic Republic of Congo

B. Industrial sector: industrial property protection

- ❑ Address in writing to the Secretary General for Industry by submitting a complete file containing the following information:
 - Covering letter;
 - Completed forms (copy to be collected from the General Secretariat);
 - Proof of payment of taxes and surcharges.
- ❑ After receipt by the Secretary General, the said request shall be forwarded to the Industrial Property Directorate for further processing:
 - Allocation of provisional and final numbers;
 - Search for anteriority;
 - Authority verification visas (Head of Office, Head of Division and Directors).
- ❑ Transmission of the file to His Excellency the Minister of Industry for signature of the industrial property titles in 4 original copies including:
 - 2 copies are given to the applicant;
 - 1 copy for archiving;
 - 1 copy for the Official Journal of the DRC for publication for its opposability to all.

It should be pointed out that industrial property concerns the following: patents, advertising slogans, illuminated signs, trademarks, industrial designs, trade names, name logos, etc.

Contact :

Ministry of Industry
4744, Avenue Lubefu, Kinshasa/Gombe
Democratic Republic of Congo

C. Infrastructure and civil engineering

❑ Opening of a civil engineering or construction company

Contact the Civil Buildings Department of the Ministry of Infrastructure and Public Works for the submission of the file, which must contain the following information:

For registration:

- Deposit form: to be completed on site, for a US\$50 administrative fee;
 - Notarial Articles of Association;
 - RCCM;
 - National Identification;
 - Certificate of affiliation to the CNSS;
 - Certificate of registration of the Company's registered office or lease agreement
 - Photocopies of pink cards of the company's civil engineering machines and vehicles.
- At the end of the examination of the registration request, and in case of a favorable opinion, the applicant obtains the Certificate of Registration.
 - Duration of registration: 6 years renewable.

For approval :

In addition to the above-mentioned elements of the file, the applicant must provide the following:

- The tax certificate;
- Proof of payment of social security contributions (CNSS);
- The employment contracts of the Permanent Technical Executives declared;
- The Bank Account Number.

Visit of the headquarters of the requesting firm by the Experts of the Civil Buildings Directorate in order to proceed with its categorization.

Cost of the approval certificate:

- Category A: Large companies, cost 3000 USD;
- Category B: Medium-sized companies, cost 2000 USD;
- Category C and D: Small Businesses, cost 500 and 200 USD.

At the end of the examination of the file, and in the event of a favorable opinion, the requesting firm receives the certificate of approval.

Duration of accreditation: 3 years renewable.

Contact :

Civil Construction Department
Immeuble de la Fonction Publique, 3ème étage, aile du milieu
Ministère des Infrastructures, Travaux Publics et Reconstruction,
Kinshasa/Gombe
Democratic Republic of Congo

D. Transport sector: air transport operating licence

- ☐ Submit a written request to H.E.M. the Minister of Transport and Communication Channels or to the General Directorate of the Civil Aviation Authority;
- ☐ Descent of Civil Aviation experts at the headquarters of the requesting firm for the compliance investigation to ensure that all operating conditions are met;

Such investigation shall cover the following elements:

- i. The company's infrastructure: offices;
 - ii. Production equipment (aircraft) to be acquired through equity capital or leasing;
 - iii. The technical hangar for maintenance;
 - iv. The maintenance workshop or the existence of a maintenance contract with a workshop approved locally or from outside the country;
 - v. Flight crew (pilots, mechanics, stewardesses,...): check their licenses, which must be valid;
 - vi. Administrative and operational staff;
 - vii. Proof of financial capacity (mainly in the event of equipment acquisition through leasing)
- ☐ In the event of a favorable opinion, the file is sent to the Minister of Transport for the granting of an operating licence ;
 - ☐ Signing of the Ministerial Import Order of the aircraft (for each aircraft to be imported an Order is required).

Contact :

General Directorate of Civil Aviation Authority (AAC)

117, Blvd du 30 Juin, Building SCTP (ex. ONATRA), Kinshasa/Gombe

E-mail : info@aacrdc.cd

Web site : www.aacrdc.org

Phone : +243 812237602

Democratic Republic of Congo

E. Exploration and exploitation permits in the mining sector

1. Research Permits

- ☐ Submission of the file in triplicate to the relevant Central or Provincial Mining Registry;

The file includes the following:

- The form collected from the Window of the Mining Cadaster (CAMI), duly completed and signed;
 - The statutes, the RCCM and proof of publication in the OJ;
 - Notification of the tax identification number;
 - The capacity and power of the person empowered to bind the legal person and the identity of his representative if the request is made by the latter;
 - The type of mining or quarrying rights being sought;
 - The originals of the bank certificate and account statement, etc.
- ☐ The area covered by all the perimeters that are the subject of research held by the holders may not exceed 23542 squares (art. 53);
 - ☐ Verification by CAMI whether the application for a Research Permit is admissible;
 - ☐ In the event of admissibility, CAMI shall enter the application in the registration book and issue the receipt;
 - ☐ Instruction of the file in the land registry and granting, in the event of a favorable opinion of the Permit by Order of the Minister of Mines.

N.B. : The area of the Exploration Permit may not exceed a maximum of four hundred and seventy-one (471) squares.

2. Operating permit

- ☐ Submission of the file to CAMI;
- ☐ Eléments du dossier (cfr Permis de recherches y compris les références dudit Permis) ;
- ☐ Paiement de frais de dépôt fixés par Arrêté interministériel des Mines et Finances ;
- ☐ Instruction cadastrale, technique et environnementale ;...

Contact :

Mining Cadaster

5^{ème} niveau de l'immeuble GECAMINES,

Boulevard du 30 juin, à Kinshasa / Gombe.

E-Mail : cami@ic.cd, info@cam.cd

Democratic Republic of Congo

F. Hydrocarbons sector *

1. Prospecting (Art. 25-32)

- Is granted to any legal entity under Congolese or foreign law that has subscribed to the specifications (Art. 25);
- The authorization is granted by decree (Art. 26);
- The authorization bestows on its beneficiary in a sedimentary basin the non-exclusive right to carry out works (Art. 27) and is valid for a single period of 12 months, renewable once for a 6-month period;
- Submission of a final report (Art. 30).

2. Exploration and exploitation (Art. 33-34)

- By invitation to tender (Art. 35-38);
- Hydrocarbon contracts and their amendments are signed by the Ministers of Hydrocarbons and Finance and published in the Official Journal and entered in a register (Art. 41-42);
- Production sharing contract (Art. 44-47);
- Service level agreements (Art 48-49);
- The exploration right is exclusive for a period of 3 years and renewable twice. For sedimentary basins with difficult access, 4 years for an initial period (Art. 50);
- If there is a commercial hydrocarbon deposit, the contractor shall submit a development and production plan for the deposit (Sec. 55-56);
- The exploitation right is exclusive for a period of 20 years and renewable once only for a maximum period of 10 years;
- Subscription to an insurance policy (Art.70);
- Financing of social and sustainable development projects (Art. 77);
- Exploration and exploitation rights can be assigned and transferred (Art. 79-84).

3. Gas (Art. 85-94)

- The right to exploit the non-associated gas field is granted for a period of 25 years, renewable once only (for a maximum term of 10 years (Art. 91);

4. Non-conventional hydrocarbons (Art. 95-99)

- These are : bitumen, oil shales, tar sands, coal seam gas and coal gas and shale gas.
- Duration : 10 years (exploration) and 35 years (exploitation).

5. Downstream hydrocarbon activities (Art. 100 -121)

- These are: refining, transport-storage of products, supply, import and marketing, petrochemical industry (Art. 100);
- Operating condition (Art. 103);
- Principles of procurement (Art. 1014);
- Terms and conditions for carrying out activities set out in the Hydrocarbon Regulations.

* Law n°15/012 of 1st August 2015 on General Regime of Hydrocarbons

6. Dispute Settlement

- Amicably;
- Arbitration ;
- The applicable law is Congolese.

Contact :

Ministry of Hydrocarbons
Bâtiment Administratif du Gouvernement R+2,
Kinshasa / Gombe.
E-Mail : info@hydrocarbures.gouv.cd
Phone : +243 810738077
Democratic Republic du Congo

G. Electricity sub-sector: approval as an operator in the energy sector

According to the provisions of Article 35 of Law No. 14/011 of 17 June 2014 on the electricity sector, to carry on business in the electricity sector is subject to one of the following legal regimes :

- Concession;
- License;
- Authorization;
- Declaration and
- Freedom.

In accordance with the provisions of Article 38 of the aforementioned Law, is eligible for a concession, license, authorization and declaration any natural person or legal entity under Congolese law that particularly meets the following conditions: (i) have a known residence or domicile in the D.R. Congo, (ii) present proof of registration in the Trade and Personal Property Credit Register and (iii) prove technical and financial capacity to operate in the sector.

Thus, the investment procedure for operators in this sub-sector is as follows:

- Send the request to the Competent Authority: Minister of Energy for the exploitation of energy sources or electrical networks of national interest and provincial authorities for energy sources or electrical networks of provincial or local interest;
 - Deadline to process the file:
- 0 days maximum for the examination, analysis and approval of file reviews by the Regulatory Authority of the energy sector;
 - A maximum of 30 days for file verification by the services of the competent Authority (Administration and Minister's Office or Provincial Governor concerned.);
 - Assent and notification to the applicant;
 - Payment of duties and taxes inherent in granting the requested operating permit (revenues channeled by DGRAD);
 - Permit issuance.

In addition, in accordance with articles 53 and 55 of this Law, the award of the concession shall take the following into account :

- The applicant's technical, economic and financial capacities;
- Compatibility with the principles and missions of the public service;
- Environmental protection;
- The security and safety of public electricity networks, installations and associated equipment;
- Compliance with the social legislation in force. These criteria are used to draw up the specifications.

Finally, the criteria for granting production concessions also cover:

- The nature of energy sources;
- Site selection, land use and public domain use;
- Energy efficiency and opportunity;
- The capacity to be installed and the nominal capacity of the site.

H. Electrical connection

Four (4) steps for Medium Voltage (MV) connection:

1) Opening the file (3 days)

- Withdrawal by the applicant of the application form from the research departments in charge of the electrical connection of private sub-stations or from the SNEL website;
- Submission of the complete file (form, civil engineering plans and electrical diagrams).

2) Technical studies and approval of request (7 days)

- Examination by SNEL of the request for a new MV/LV sub-station in accordance with standard plans and diagrams and assessment of the possibilities of its connection to the network;
- Issuance of the related estimate by SNEL, in the event of positive endorsement, at the expense of the applicant and in the event of refusal, the applicant is notified by SNEL.

3) Technical inspection (1 day)

- Payment of the estimate by the applicant and notification by the latter of the end of the substation construction work to SNEL;
- SNEL controls the structure to ascertain its compliance with the approved plans and diagrams and the connection equipment with regard to the required technical specifications.

4) Signing and commissioning of the substation (7 days)

- Payment of the subscription policy;
- Signing of the energy supply contract;
- Connection of the MV/LV substation to the network;
- Placement of the counting system, adjustment of the protections and automatons; commissioning of the substation.

Required deadline : 18 days.

Contact :

National Electricity Company (SNEL)
2831, Av. de la Justice , Kinshasa / Gombe.
Web site : www.snel.cd
Phone. : +243 817005685
Democratic Republic of Congo

I. NICT sector: Operating permit for TELECOMS services

- Application letter to submit to the ARPTC Managing Director + administrative file consisting of Articles of Association, Business plan, Brief description of the network (general configuration of the network);
- Duly completed ARTPC technical form, non-refundable payment of file review fees to ARPTC at the time of application submission;
- Examination of the file by ARPTC and proposal of frequency resources if available, a board decision approves the allocation;
- Preparation and development by ARPTC of the draft specifications to submit to the Minister for approval or rejection;
- Approval or rejection by the Minister of PTNTIC. In the event of rejection: the Minister may request ARPTC to reconsider the file. In the event of approval, the Minister of PTNTIC signs the Decree granting the license or authorization and publication in the Official Journal takes place;
- Notification by ARPTC to the beneficiary operator;
- Payment by the beneficiary of the one-off costs to the Public Treasury.

Contact :

Regulatory Authority for Posts, Telephones and Communication
Av. des Armées, Kinshasa/Gombe.
E-mail : arptc@starnet.cd, info.arptc@arptc.cd, arptc@micronet.cd
Phone : +243 810385910
Web site : www.arptc.gouv.cd
Democratic Republic of Congo

J. Insurance sector

To operate in the insurance sector in the DRC, it is necessary to be incorporated as a company under Congolese law.

1. Conditions of approval for companies governed by Congolese law

Any request for approval submitted by a company governed by Congolese law shall be submitted in five copies and shall include :

- a. The established list of the branches that the company intends to operate;
- b. Where applicable, an indication of the foreign countries in which the company intends to operate;
- c. One of the duplicates of the deed of incorporation of the company or a shipment;
- d. The minutes of the Constituent General Assembly;
- e. Two copies of the articles of association, a certificate of bank deposit and the bank account statement recording the payments made for the payment of the share capital or the establishment fund;
- f. The list of directors and officers and any person called upon to perform equivalent functions with the full name, first name, domicile, nationality, date and place of birth of each of them;

The persons mentioned above are required to produce an extract from their criminal record dating back less than three months or an equivalent document issued by a competent authority.

In addition, if they are foreign nationals, these persons must comply with the provisions of the laws and regulations relating to the Aliens Police;

- g. A program of activities including the following documents:
 - (i) A document specifying the nature of the risks that the company proposes to cover;
 - (ii) Two copies of the fonts and printed matter to be distributed to the public or published for each of the classes for which accreditation is requested;
 - (iii) Two copies of the tariffs for each of the branches for which approval is requested.

2. Approval of executives

To be eligible for the position of manager, applicants must hold either:

- (i) A graduate or university degree in insurance or actuarial science and at least ten years' experience as a senior manager in an insurance company, insurance organization, insurance brokerage firm or insurance supervisory authority,
- (ii) A degree in higher or university education with an economic or legal orientation and at least ten years' experience as a manager of a financial company;
- (iii) A higher or university degree with at least ten years' experience as a senior manager in a company or public administration.

3. Share capital of the Insurance or Reinsurance Company Art 295

Depending on the type of authorization requested, insurance or capitalization companies incorporated as public limited companies and whose registered office is located in the territory of the DRC must have the following minimum capital:

- (i) 10,000,000,000 Congolese francs, excluding contributions in kind, for companies, which enter into commitments whose performance, depends on the length of human life or which call on savings for capitalization and enter into specific commitments in exchange for one-off or periodic payments, direct or indirect;

- (ii) 10,000,000,000 Congolese Francs, not including contributions in kind, for insurance companies of any kind, including companies engaged in assistance activities and other than those referred to in the previous point.

However, in view of the transactions that insurance and capitalization undertakings intend to carry out and the forecasts of their commitments, the Insurance Regulatory and Supervisory Authority may require the formation of share capital in excess of the above minimum.

Each shareholder is required to pay up at least half of the amount of the shares in cash subscribed by him before the final constitution.

The balance shall be paid up within a period not exceeding six months from the date of registration in the Trade and Personal Property Credit Register, in accordance with the procedures laid down in the Articles of Association or by a decision of the Board of Directors.

4. Mutual insurance companies

Mutual insurance companies, depending on the type of approval requested, must have a minimum establishment fund as follows:

- (i) 3,000,000,000 Congolese francs, excluding contributions in kind, for companies, which enter into commitments whose performance, depends on the length of human life or which call on savings for capitalization and enter into specific commitments in exchange for one-off or periodic payments, direct or indirect;
- (ii) 3,000,000,000 Congolese francs, not including contributions in kind, for insurance companies of any kind, including companies engaged in assistance activities and other than those referred to in point 1 above.

5. Approval

It should be noted that approval is granted at the request of the company, for the operations of one or more branches of insurance. The company may only carry out operations for which it is approved.

Approval is granted by branch of activity, namely:

- (i) Fire accidents and miscellaneous risks;
- (ii) Life.

Contact :

Insurance Regulatory and Control Authority (ARCA)

16, Av. Pumbu, Kinshasa/Gombe.

E-mail : info@arca.cd

Web site : www.arca.cd

République Démocratique du Congo

K. Health sector :

1. Opening of a health care facility

a. Opening conditions:

- Have qualified human resources according to standards;
- Have an adequate building and equipment;
- The initiative to create a health care facility is taken by any natural or legal person under public or private law who meets the above-mentioned conditions;
- The issuing of authorizations to open health care facilities is the exclusive responsibility of the central level and only the Minister of Public Health is authorized to do so.

b. Formalities to be completed:

- The applicant sends a letter of request for authorization to the Chief Medical Officer of the jurisdiction, reserving a copy for the Minister of Health, the Secretary General for Health, the Director of Care Facilities and Partnerships, the Inspecting Physician and the Head of the Provincial Health Division;
- The Health Zone Chief Medical Officer reviews the request against the coverage plan for his or her health zone. If this request is relevant, it shall give a favorable opinion on the location and invite the applicant to submit to the central office a file in five copies containing all the constituent elements as set out in point 3, subject to the administrative costs of submitting the file;
- The Health Zone Chief Medical Officer transmits, within a period of one month at most, the four copies of the file to the Head of the Provincial Health Division for the amplifiers concerned; and initiates an expert report which will be sanctioned by a report of the premises and invites the applicant to pay the tax to the public treasury of the jurisdiction.
- Then, the Head of the Provincial Health Division forwards two files to the Director of Care Facilities and Partnership Services with a copy for information to the Provincial Inspector within one month. If this deadline is exceeded, the Directorate of Care Facilities and Partnership Services takes direct responsibility for the case.
- The Directorate of Care Facilities and Partnership, after being informed, will proceed to the technical examination of the file. The Management, if necessary, will initiate a counter-expertise;
- Within one month of payment of the tax and administrative fees, the Directorate of Care Facilities and Partnership prepares a draft authorization in 3 copies, which it sends to the Minister of Public Health for signature under cover of the Secretary General.
- Once signed by the Minister of Public Health, the opening authorization is returned to the Directorate of Care Facilities and Partnership via the General Secretariat;
- After registration with the Directorate of Care Facilities and Partnership, the authorization is sent to the applicant via the Head of the Provincial Division who signs a partnership contract with the beneficiary.

c. Elements of the file :

The components of the file to be submitted to the central office of the health zone are:

- The applicant sends a letter of request for authorization to the Zone Chief Medical Officer;
- The Photocopy of the academic title of the supervising or nursing doctor at the L2 or A1 level or the A2 level nurse's school certificate at least for the CS and their notification to their different orders;
- Three copies of forms of mandatory information duly completed and signed by the supervising physician and the notification of his registration with the order of physicians;
- Three copies of supervision certificates duly completed and signed by the supervising physician;
- A complete list of the nursing staff accompanied by a photocopy of the diploma of each health care worker recognized by the Minister of Public Health according to the category of the establishment;
- A list of technical and non-technical material according to the category of the establishment;
- A plan or sketch of the building with distribution of premises and dimensions of the health establishment;
- A true copy of the act of recognition of the NPO or NGO and its status;
- A true photocopy of the registration of NGO health at the Ministry of Public Health;
- A photocopy of registration certificate of health professionals for foreigners and nationals having studied abroad.

2. Opening a pharmaceutical establishment

a. Formalities to be completed with the Provincial Inspectorate

- i) Application for setting up the establishment to submit to the provincial inspecting pharmacist ;
- ii) The inspecting pharmacist contacts the pharmacists association for opinion on the regularity of the applying pharmacist ;
- iii) In view of the opinion of the pharmacists' association, the inspecting pharmacist draws up a report on the site visit and on the opinion given ;
- iv) The person concerned shall write, if the opinion is favorable, to the Minister of Public Health to request authorization in 4 copies, with the following information :
 - **Pharmacist's file** : Pharmacist's diploma; Certificate to practice pharmacy (pharmacists association); Certificate of responsibility (DPM); Individual pharmacist information sheet (DPM); Employment contract duly signed and endorsed by the labor inspectorate and/or Synaphaco;
 - **2nd pharmacist's file** : Pharmacist's diploma; Certificate to practice pharmacy (pharmacists association); Employment contract duly signed and certified by the labor inspectorate and/or Synaphaco.
 - **Pharmacy assistant's file** : Photocopy of diploma; Green card.
- v) Other items to be presented : The company's Articles of Association; RCCM; National Identity; Technical investment file; Internal sketch of the establishment.

b. Formalities with the 3rd Department (Pharmacy Department)

- After analysis of the minutes of the report on the premises; signature of the letter of invitation to pay taxes authorizing the opening of a wholesale sales house (\$3,000);
- Submission of the authorization to the Minister of Public Health for signature via the General Secretariat.

Contact :

Health Ministry

Immeuble du Gouvernement, 2^{ème} étage

Boulevard du 30 juin, Kinshasa / Gombe.

Web site : www.sante.gouv.cd

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IV.3. OTHER PROCEDURES SPECIFIC TO ALL SECTORS

❑ Procedure for obtaining a work card/work permits

To take up employment in the Democratic Republic of Congo, any foreigner must first obtain a work permit for himself.

Any employer wishing to hire or retain a foreign worker under an employment contract must apply for and obtain a work card for the benefit of that worker.

To obtain this card, the employer must submit a file to the National Commission for Foreign Employment «CNEE», containing the following information :

a. Case of recruitment

- Card request form;
- Transmittal letter form;
- Nominal roll form for foreign personnel;
- Draft employment contract;
- Work Curriculum Vitae;
- Documents establishing the worker's professional qualification (education credentials or any other supporting documents);
- Passport photo;
- Detailed company organogram;
- Professional development or adjustment training program;
- Job description;
- Proof of payment of contributions due to CNSS and INPP;
- Photocopies of all pages of the passport.

b. Case of partners and owners/managers of establishments

- Application for a work card;
- Company's notarized articles of association;
- Trade register;
- Passport photo;
- Proof of payment of contributions due to CNSS and INPP;
- Photocopies of all pages of the passport;

c. Case of card renewal

- Application for work card;
- Transmittal letter;
- Nominal roll for foreign personnel;
- Card subject to renewal;
- Passport photo;
- Proof of payment of contributions due to CNSS and INPP;
- Articles of association and trade register for shareholders;
- Minutes and Memorandum of Understanding issued at the time of card renewal.

Price list for obtaining the work card for foreign employees

Categories	Taxes (USD)	Filing fees (USD)	Card production (USD)
Category A : <ul style="list-style-type: none"> - Agro-pastoralism; - Livestock farming; - Plantation; - Fishing; - Forestry development; - Extraction of building and civil engineering materials; - Fundamental research. 	500	200	80
Category B : <ul style="list-style-type: none"> - Construction; - Energy; - Transports et Communication; - Service (health, education, etc.); - Industry. 	700	200	80
Category C : <ul style="list-style-type: none"> - Oil sector; - Different sectors of mining activity; - General trade; - Banking sector; - Financial institution; - Telecommunications sector; - Insurance; - Gambling activities. 	1,000	200	80
Category D : <ul style="list-style-type: none"> - Counters for the purchase and sale of ores, other than gold, diamonds and colored stones; - Mining sector: cutting, gold smelters, processing entities. 	1,500	200	80
Category E : <ul style="list-style-type: none"> - Mining business; - Processing and transformation of ores on behalf of third parties; - Counters for buying and selling precious materials. 	2,800	200	80

Contact :

Secretariat General of Labour Ministry

8ème niveau, Immeuble du Gouvernement, Boulevard du 30 juin,
Kinshasa / Gombe.

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V

TAXATION AND OPERATING COSTS

V.1. TAXATION

V.2. OPERATING COSTS

V.1. TAXATION

The Congolese tax system is declaratory. The main taxes and duties collected under ordinary law in the Congolese tax system are as follows:

1. Actual taxes:

Title of the tax	Legal basis	Regime contents	Observations
a. Property Taxes	Ordinance-Law No. 69/006 of 10 February 1969 on actual taxes (amended and supplemented several times)	Subordination of built (buildings) and undeveloped (land) properties (Concessions) according to their surface area (per m2)	Taxes under the jurisdiction of the provinces (Variable rates depending on the province)
b. Vehicle tax (+Special traffic tax)		Subjecting motor vehicles to tax according to their fiscal power (horsepower by tonnage)	
c. Surface tax on mining and hydrocarbon concessions		Liability for Concessions for the exploration or exploitation of hydrocarbon ores or substances depending on the surface area	

2. Schedular income tax

Title of the tax	Legal basis	Regime contents	Observations
a. Tax on rental income	Ordinance-Law No. 69/009 of 10 February 1969 on scheduler taxes on income	Liability for building rents (=income from the rental of buildings and land)	Tax under provincial jurisdiction (Traditional rate: 22%)
b. Tax on income from movable property		Subjecting dividends, interest, directors' fees and royalties to tax at the time of payment of income Rate: 20%.	Taxes under the jurisdiction of the
c. Income tax and profits		- Subjecting profits (commercial income), profits (non-commercial income) and Remuneration	Central Government

3. Value-Added Tax (VAT)

Title of the tax	Legal basis	Regime contents	Observations
Value Added Tax (VAT)	Order-Law No. 10/001 of 20 August 2010 on the imposition of VAT (amended and supplemented several times) Liability for the supply of goods, services and imports	Order-Law No. 10/001 of 20 August 2010 on the imposition of VAT (amended and supplemented several times) Liability for the supply of goods, services and imports	Order-Law No. 10/001 of 20 August 2010 on the imposition of VAT (amended and supplemented several times) Liability for the supply of goods, services and imports

4. Customs duties

Title of the tax	Legal basis	Regime contents	Observations
a. On import	Ordinance-Law No. 10/002 of 20 August 2010 on the Customs Code (amended and supplemented several times)	Taxation of goods and services entering the national territory on the basis of their customs values	Rates determined by the Import Duties and Taxes Tariff according to the tariff species
b. On export		Taxation of certain categories of goods when they leave the country (coffee)	3 rates: 1%, 5% and 10%.

5. Excise duty

Title of the tax	Legal basis	Regime contents	Observations
Excise duty	Ordinance-Law No. 18/002 of 13 March 2018 on the Excise Code	Specific taxation of the importation or local production of certain products (Alcohols, Beverages alcoholics, lemonades, tobacco and cigarettes, petroleum products, telecommunications, products plastics, vehicles...)	Rates: 5%, 10%, 15%, 20%, 24%, 28%, 45%, 60 % et 80%

6. Taxes and fees (non-tax revenue)

Title of the tax	Legal basis	Regime contents	Observations
Non-tax revenues	<ul style="list-style-type: none"> Ordinance-Law No. 18/003 of 13 March 2018 fixing the nomenclature of duties, taxes and fees of the central authority Ordinance-Law No. 18/004 of 13 March 2018 establishing the nomenclature of taxes, duties, duties, taxes and fees of the province and the decentralized territorial entity as well as the modalities of their distribution. 		Rates set by interministerial decree

Contact :

General Directorate of Taxes

Hôtel des Impôt, Croisement des av. Province Oriental et des Marais, Kinshasa / Gombe.

E-Mail : info@dgi.gouv.cd

Web site : www.dgi.gouv.cd

Phone : +243 828115555 - 828135252

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V.2. OPERATING COSTS

1. Electricity

Rates regulated by the Ministry of the National Economy in accordance with Ministerial Orders n°005/CAB/MIN-ECONAT/2009 and n°023/CAB/MIN-ECON&COM/2012 respectively of 07 March 2009 and 11 October 2012 setting average electricity tariffs for low, medium and high voltage:

Item	Catégories	Average tariffs in USD/Kwh
a.	High voltage (HV)	
	1. High voltage (HV)	0,0569
b.	Medium Voltage (MV)	
	1. Driving Force, Offices and Bureaux	0,0980
	2. Heating for cooking and processing of raw materials, except metals	0,0970
	3. Steam	0,0950
	4. Residential	0,0870
	5. Building, Religious denominations and non-profit organizations	0,0870
	6. Driving Force, Offices and Bureaux	0,0980
c.	Low Voltage (LV)	
	Low Domestic Voltage	
	1. Social	0,0265
	2. Residential 1	0,0390
	3. Residential 2	0,0870
d.	Semi-industrial and commercial low voltage	
	1. Commercial	0,110
	2. Driving force	0,150

Source : SNEL 2018.

2. Fuel

Product	Kinshasa (In FC*/Liter)	Eastern DRC (In FC*/Liter)
Gasoline	2,400	1,800
Diesel	2,380	1,750
Oil	-	1,650

* Exchange rate on 08 August 2019: 1 USD = 1,650 CDF

Contact :

Ministry of Economy

Bvd du 30 Juin Place Royale Immeuble Intelligent

5è Niveau, Kinshasa / Gombe.

E-Mail : info@mineconomie.gouv.cd

Web site : www.mineconomie.gouv.cd

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VI

GUARANTEES AND INVESTMENT SECURITY

VI.1. AT THE INTERNAL LEVEL

VI.2. AT THE EXTERNAL LEVEL

It should be recalled that without an appropriate legal framework to settle disputes, facilitate trade transactions and protect property rights, it is almost impossible to persuade potential investors to turn our country's potential into national wealth

Thus, the lack of domestic savings, legal and judicial uncertainty often has a significant impact on foreign direct investment.

Like financial profit, concern for the security of the investment and its promoter is one of the determining criteria in the investment decision because, it is said:

«the investor is a fearful animal; at the slightest noise he flees to warmer skies», as the saying goes.

This security is a key parameter to enable investors to maximize their profits and recover their invested capital as planned.

In the case of the DRC, at the domestic level, investment protection is guaranteed by the Constitution of the Republic, the Investment Code and the courts and tribunals. At the international level, this protection is guaranteed by bilateral and multilateral agreements as well as by organizations such as MIGA, ACA and ICSID.

VI.1. AT THE INTERNAL LEVEL

N°	Security and guarantees	Specifications
1.	Constitution of the RD CONGO	<p>According to the provisions of articles 34 and 35, the following is provided for:</p> <ul style="list-style-type: none"> - Individual or collective property rights acquired by an investor are guaranteed; - No nationalization or expropriation except for reasons of public utility and in return for the payment of a fair and equitable compensatory indemnity. - Private property is sacred. The State shall guarantee the right to individual or collective property acquired in accordance with law or custom.
2.	Investment Code	<ul style="list-style-type: none"> - Equal treatment for all investors, both domestic and foreign; - Full exercise of the right of ownership; - Identical treatment of foreign natural or legal persons; - Freedom from foreign transfers of dividends and income generated, royalties, principal, interest and related charges; - No nationalization or expropriation, except for reasons of public utility and in return for payment of a fair and equitable compensatory indemnity; - Not withdrawal by a subsequent provision of the guarantees and benefits granted..

VI.2. AT THE EXTERNAL LEVEL

N°	Security and guarantees	Specifications
1.	OHADA (Organization for Harmonization in Africa of Business Law)	<ul style="list-style-type: none"> ▪ Strengthening legal and judicial security; ▪ Promotion of arbitration; ▪ Extension of the range of reliable securities; ▪ Adoption of the status of entrepreneur; ▪ Implementation of bankruptcy procedures..
2.	ICSID (International Centre for Settlement of Investment Disputes)	<ul style="list-style-type: none"> ▪ Provides conciliation and arbitration facilities for the settlement of investment disputes between Contracting States and nationals of other Contracting States. ▪ Regulations: <ul style="list-style-type: none"> (i) Administrative and financial; (ii) Administrative and financial; (iii) the institution of proceedings; (iv) Conciliation arbitration proceedings cover all risks faced by foreign direct investors with the exception of commercial risks.
3.	MIGA (Multilateral Investment Guarantee Agency)	Covers all risks including commercial risks for both foreign direct investment and domestic investment.
4.	ACA (African Trade and Insurance Agency)	Covers all risks including commercial risks for both foreign direct investment and domestic investment
5.	New York Convention	<ul style="list-style-type: none"> ❑ Law No. 13/023 of 26 June 2013 authorized the accession of the DRC to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards signed in New York on 10 June 1958. ❑ The purpose of this Act is: <ul style="list-style-type: none"> ➢ recognition and enforcement of foreign arbitral awards in the countries acceding to the Convention; ➢ la the recognition and enforcement, abroad, of arbitral awards made in the acceding country. It highlights the resolution, through arbitration, of disputes arising from commercial relations, given its speed, neutrality and effectiveness.
6.	Others	<ul style="list-style-type: none"> ❑ In addition to the above-mentioned mechanisms, the DRC has signed various Memoranda of Understanding on investment promotion and reciprocal protection with several countries, the main ones being: Belgium, Italy, Germany, South Africa, South Korea, France, Egypt, Luxembourg, the United States, China, Greece, India, Switzerland, USA, etc., ❑ In the same vein, the DRC signed the Double Taxation Convention with Belgium in 2007, South Africa in 2005, Spain,,,,, as well as the SADC Protocol on Finance and Investment.





VII

ANAPI: RECEPTION, FACILITATION AND SUPPORT SERVICE FOR INVESTORS

The National Agency for the Promotion of Investments is a technical Public Establishment with legal personality and management autonomy. It is the Investment Advisory Body of the Central Government and Provincial Governments. It is placed under the supervision of the Ministry of Planning.

As the technical body of the Government of the DRC for investment promotion, ANAPI offers a variety of services to investors before, during and after the installation of investors..

1. Services offered before the investor's installation

- Provision of information;
- Organization of stays:
 - Obtaining visas;
 - Facilitation of contacts and hearings with national authorities.
- Search for local and foreign partners;
- Administrative support during prospecting.

2. Services offered during installation

- Support for :
 - the creation of companies;
 - obtaining settlement visas;
 - obtaining special licenses;
- Granting of customs, tax and parafiscal benefits under the Investment Code.

3. Services offered after installation

- Advocacy with government services;
- Information on calls for tenders issued by the State;
- Intervention in case of difficulties with Congolese administrations.

In addition to the various services provided to investors mentioned above, the Agency is also responsible for:

- Ongoing advocacy for the improvement of the business climate in the country;
- Advocacy for the promotion of a positive image of D.R. Congo as a country of investment and opportunities for investors;
- Identify and promote specific investment opportunities for national and international investors;
- Provide investors who decide to establish or expand their economic activities on Congolese territory with support that facilitates and accelerates the administrative procedures necessary to carry out investments and create companies under the best conditions of time and transparency.

Contact :

National Investment Promotion Agency (ANAPI)

33c, Junction between « boulevard du 30 Juin » and
«Avenue Premier Mall» (ex. av. TSF), Kinshasa/Gombe

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Democratic Republic of Congo

Together, let's build the DR Congo, our Country !



DR CONGO
NATIONAL INVESTMENT
PROMOTION AGENCY

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