DEMOCRATIC REPUBLIC OF CONGO
MINISTRY OF PLANNING
NATIONAL INVESTMENT PROMOTION AGENCY

INVESTOR'S JOURNEY

Kinshasa, January 2023

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

"The Democratic Republic of Congo, which, through its geostrategic position, at the crossroads of the economic groupings of Central, Southern and East Africa, intends to play its full role as a hub for Africa's take-off."

The Head of State address at the 5th Forum «Invest in Africa» edition
Brazzaville – REPUBLIC OF CONGO,
Tuesday, 10 September 2019

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ACRONYMS

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

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 youth, 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.

To increase the size of its market, the DRC joined the East Africa Community (EAC) in 2022.
On the political level, the DRC today marked a significant step forward towards a new future with the vision of the current President which places people in the center of development. This vision is divided into 4 pillars: People, Good Governance, Sustainable Economic Growth and a Solidarity society*.

Through this vision, a particular emphasis will be placed on consolidating the efforts initiated 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.

Needless to say that the DRC has made considerable progress in recent years in improving its business environment and economic governance. This is why it is ranked 10th in UNCTAD's 2021 Report on Investment attractiveness and competitiveness in Africa, with an estimated inflow of USD 1.87 billion versus USD 1.65 billion in 2020. The rate of increase is around 11.76%.

Economic governance is characterized by the orthodoxy of public finances, the strengthening of control mechanisms to fight corruption (Financial patrol with the General Inspectorate of Finance, mitigating the vulnerability of the balance of payments, the accumulation of foreign reserves amounting to more than USD 4 billion in August 2022).

* Information from the Democratic Republic of Congo President Program

These advances have enabled the Standard and Poor's Rating Agency to award the B rating to DRC. At the same time, DRC also obtained its first sovereign financial rating from Bloomfield Investment Corporation as follows:

- BBB (Investment note) with a stable long-term outlook;
- A2 (Investment note) with a stable short-term outlook.

This positive outlook bodes well for any potential investor who wants to do business and earn money for a promising future 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.

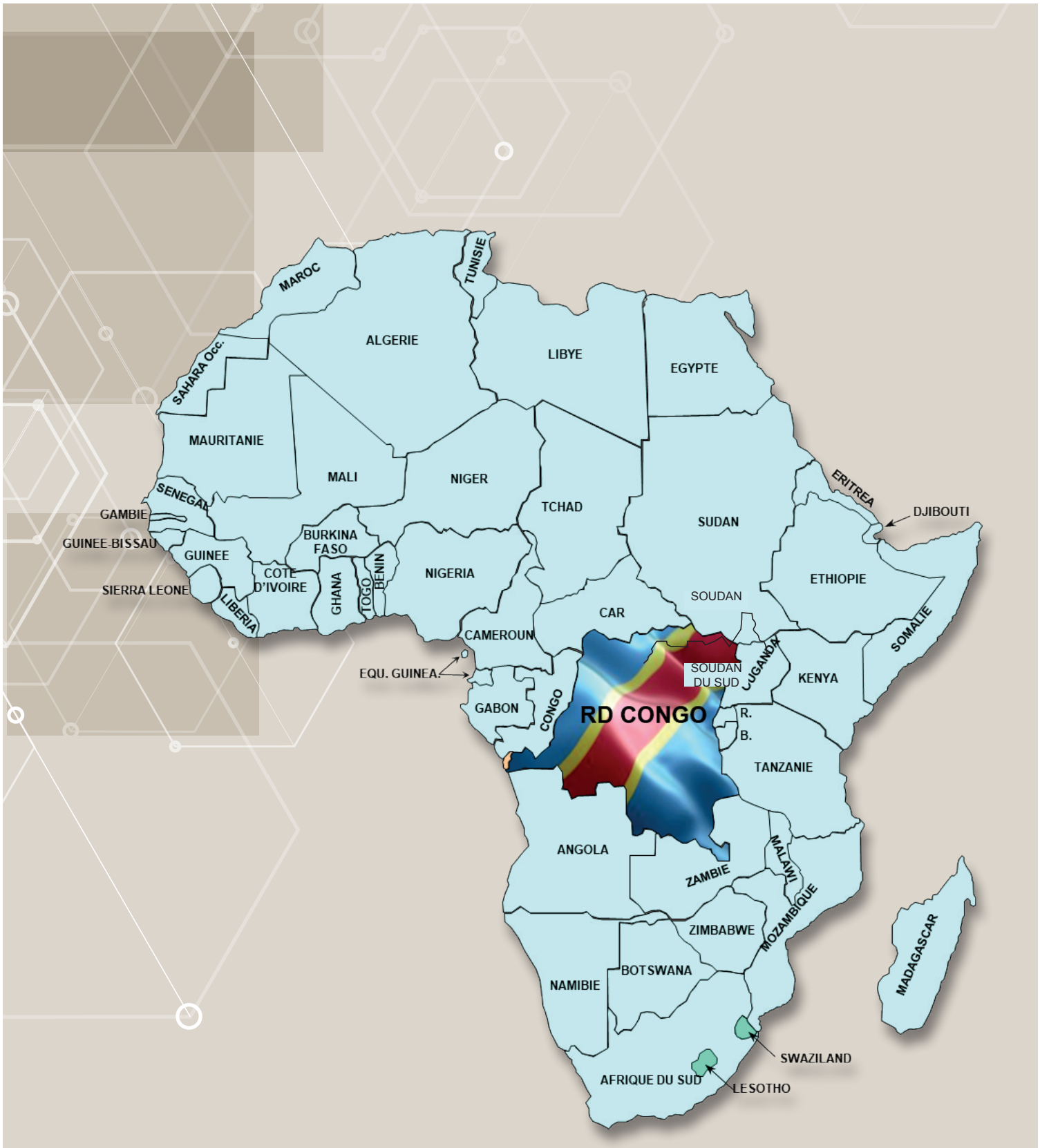
The present course constitutes a vade mecum that provides insight into the business environment and guides any investor wishing to invest in the DRC. It goes without saying that we did not intend to be exhaustive and without prejudice to the particularities of some ad hoc services.

With ANAPI, invest well for a prosperous DR Congo.

Anthony NKINZO Kamole
Managing Director of ANAPI
President-in-Office of RIAFPI

I

DRC, GENERAL DATA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MADAGASCAR
BOTSWANA
NAMIBIE
SWAZILAND
AFRIQUE DU SUD
LESOTHO

Official name	The Democratic Republic of Congo
Form of the State	Highly decentralized unitary State
Area	2,345,410 km2 (37 km of Atlantic coast)
Population (2019)	98 370 million people (INS : Annuaire Statistiques RDC 2020)
Capital	Kinshasa, headquarters of National Institutions with a provincial status
Decentralization	The country comprises 26 provinces including Kinshasa and Decentralized Territorial Entities which consists of - 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	Members of several regional and international organizations: SADC, ECCAS, COMESA, ICGLR, EAC, OHADA and ACFTA
Official language	French (official for business)
National languages	Lingala, Tshiluba, Swahili and Kikongo
GDP growth rate (2021)	6.2% (source : Ministère du Plan/DEME, 2022)
GDP per capita	579.3 USD (source : Condensé hebdomadaire d'informations statistiques, n° 50 of 17 December 2021
Inflation rate at the end of the period 2021	5.3% (source : Ministère du Plan/DEME, 2022)
GDP (at current prices) (2021)	55.4 billion USD (source : Ministère du Plan/DEME, 2022)
Incoming Direct Investment Volume in 2021	1.87 billion USD (source : Rapport Annuel 2021 de la CNUCED)
National currency	Congolese Franc (CDF)
Currencies used in commercial transactions	Free exchange of national and foreign currencies in commercial transactions
Scores obtained from Rating Agencies in 2022	**(i) Standard & Poor's :** ▪ CCC+ à B- (Improved DRC rating) **(ii) Bloomfield Investment Corporation :** ▪ BBB (Investment note) with a stable long-term outlook; ▪ A2 (Investment note) with a stable short-term outlook.

II

DRC ENTRY PROCEDURES

II.1. CONDITIONS FOR ENTRY INTO THE DRC

II.2. TYPES OF VISA

II.3. PROCEDURES FOR OBTAINING A VISA

II.4. TARIFFS

DRC ENTRY PROCEDURES

II.1. HOW TO GET IN TO DRC

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

1. A valid international passport or other valid travel document.
2. A valid travel visa.
3. An International vaccination booklet with recommended vaccines as per health police regulator.
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 AND CONDITIONS FOR OBTAINING A VISA

The nomenclature of visas issued by the Directorate General for Migration (DGM) and the conditions for granting them are as follows:

N°	Types	Conditions	Validity	Observations
1	**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.		
2	**Airport / Port Visa**		7 days	Issued at the entry point to the beneficiary of the Flying Visa or with the express authorization of the General Manager. After 7 days, the applicant must regularize his stay with the Chancellery Services at the General or Provincial Migration Directorate.
3	**All 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)	▪ 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 registration form; ▪ Present 4 recent and identical passport photos; ▪ Present an international vaccination card with valid vaccines included; ▪ 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.		

N°	Types	Conditions	Validity	Observations
	a. Ordinary Establishment Visa		3 years	
	(i) For Merchants:	▪ Company's Articles of Association (notaries); ▪ Trade and Personal Property Credit Register (RCCM); ▪ National Identification Number (Nat. Id.) ▪ Proof of regularity vis-a-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.		
	(ii) For profit-making liberal professions	▪ Approval or license of the corporation; ▪ Proof of regularity vis-a-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.).		
	(iii) For Diamond and Gold Counters	▪ 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 (RCCM); ▪ Certified photocopy of the National Identification (Nat. Id); ▪ Proof of regularity vis-a-vis the tax authorities; ▪ Proof of affiliation to the INPP, CNSS and a recognized employers' union in the DRC;		
	b. Work Establishment Visa	▪ 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.	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.
	c. Special Establishment Visa	▪ Send a letter of request to the General Director of the Migration Directorate General; ▪ Present the approval of the National Agency for the Promotion of Investments (ANAPI); ▪ Attach the Interdepartmental Project Approval Order.	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.
	d. Permanent Establishment Visas	▪ Send a letter of request to the General Director 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.		The Permanent Establishment Visa is for an indefinite period. Its holder is exempt from the requirement for an exit and return visa.

II.3. 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

(*) This tariffs could be reviewed by the Authority in charge

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

The Congolese Diaspora has the possibility to obtain a visa of entry into the country at various border posts.

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Democratic Republic of Congo

III

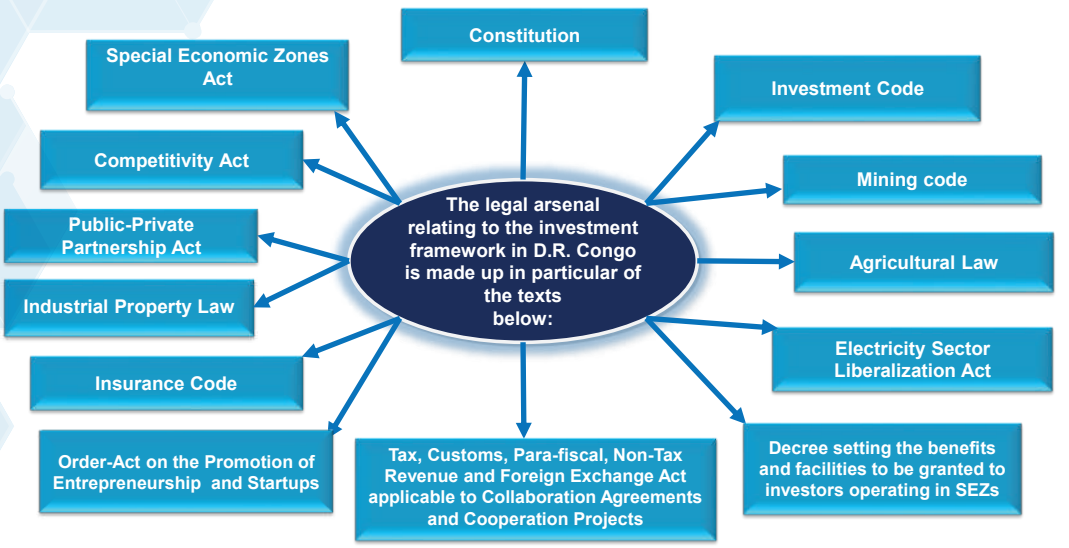
LEGAL INVESTMENTS FRAMEWORK

- LIST OF LAWS GRANTING INVESTMENT INCENTIVES IN THE DRC

LEGAL INVESTMENTS FRAMEWORK

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:



- **Previsions 34 and 35 of the DRC Constitution 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 (prevision 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 diagram above grant customs exemptions, in particular the Agricultural Law, Decree establishing the advantages and facilities to be granted to investors operating in SEZs, 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 setting the rules relating to the terms and conditions for rescuing a struggling industrial company
Incentives granted	Customs benefits	Tax benefits		
	• 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 (Art 225 et 232) : - 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 incep¬tion 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) ; - 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).	- 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 share's income 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 share's income 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). - Built-up and non-built-up land used exclusively for farming is exempt from property tax; - Exemption from tax for all rolling stock used exclusively for farming; - The benefits granted under the Agricultural Code extend throughout the duration of the agricultural project; - Despite its attractiveness, this Code is discriminatory in that it forces domestic investors or the State to have the majority of shares in the company's share ownership to the detriment of foreigners.	- 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 provided 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; - The benefits granted under the Agri¬cultural Code extend throughout the duration of the agricultural project; - 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.	- Total import exemption for inputs, except the related administrative fee; - Total exemption of import duties and taxes for machinery, tools and new materials, new spare parts not exceeding 10 % of CIF value of the said equipment; - Application of the degressive depreciation rate determined in the programme contract for the capital goods acquired ; - The duration of the benefits granted as per the current law is one year.

List of laws granting investment incentives in the DRC *(following)*

Laws or legal texts	Law n°004/2002 of 21 February 2002 on the Investment Code.	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°20/004 of 5 March 2020 setting the advantages and facilities to be granted to investors operating in SEZs	Decree n°18/054 of 27 December 2018 on tax and customs relief measures applicable to the production, import and export of electrical energy	Order-Law n° 22/0030 of 08 September 2022 on the promotion of entrepreneurship and startups
Incentives granted	-Exemption from entry duties for equipment and materials even of second-hand; - Exemption from export duties on finished products; - Exemption from profits tax; - Exemption from real estate tax on built and undeveloped land; - Exemption from fixed duty; - Deduction of taxable profits, expenses made on training, refresher training of the head of enterprise or his staff, protection and conservation of nature and, on the other hand, calculations about depreciation on a degressive basis; - Exemption from VAT on the import of equipment and materials for creation projects. - Duration: 3 years for Kinshasa, 4 years (Kongo-Central, Kolwezi, Likasi and Lubumbashi) and 5 years for the rest of the Republic.	- 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 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.	**Duration and Benefits to be granted:** **a. Developer** - Full exemption from property, furniture and professional income tax for 10 years renewable once after assessment; - Reduction of the tax rate by 50% starting in the 21st year; - Total exemption from import duties and taxes on new or used machinery, tools and equipment, capital goods for 10 years. **b. Company** - Total exemption from property, furniture and professional income tax for 5 years renewable once after assessment; - 50% reduction in the tax rate in the 11th year; - Application of the Exceptional Damping System; - Total exemption from import duties and taxes on new or used machinery, tools and equipment, capital goods and so on for 10 years; - Export duties and taxes exemption on finished goods for 10 years.	• Electrical energy, equipment, materials, tools and spare parts imported and intended exclusively for production, the transmission, distribution and marketing of electricity and the exploitation of solar energy and any other renewable energy source are subject to the tariff of import and export duties and taxes imposed by the Order-Laws no. 011/2012 and 012/2012 of 21 September 2012. • By way of derogation from the aforementioned provisions, electrical energy and the following goods shall benefit from the suspension of the levying of customs duties and VAT on imports: - Energy imported to provide the public electricity service and to cover the needs of local industry; - Imported materials, equipment, tools, and spare parts for the development and maintenance of the infrastructure of production activities, electricity transmission and distribution defined by Law No. 14/011 of 17 June 2014 on the electricity sector; - Electrical energy saving materials and equipment including reactive energy compensation equipment, harmonic filters and electrical energy meters; - Materials and equipment for the exploitation of solar energy and those adapted to other renewable energies; - Inputs for the manufacture and local assembly of the above materials and equipment covered by the present decree; - The export of electrical energy is subject to the payment of customs duties at the rate of 1%; - In addition to the advantages guaranteed by the Investment Code, the suspension of the collection of VAT is granted to the sale of the above locally produced equipment; - Duration of benefits: 4 years renewable, if necessary after evaluation, except for the import and export of electric energy with a duration of 5 years.	• Micro, small and medium-sized enterprises and startups benefit from all the tax advantages provided by the current tax laws and the Investment Code; • Without prejudice to the tax legislation in force, the public authorities shall, in due time and under the conditions to be defined, implement appropriate incentives, particularly in the area of taxation and the business climate: - Full or partial exemption from the payment of water, electricity and internet charges provided by the public sector; - Total or partial exemption from taxes and duties for the benefit of entrepreneurs or startups incubated in the infrastructure of supervision and training; - Tax amnesty, for one year following the entry into force of this Order-Law, for the benefit of micro, small and medium-sized enterprises and informal sector startups that have made an irrevocable formal commitment to migrate from the informal to the formal; - Introduction of moratoriums on the payment of profits tax on micro, small and medium-sized enterprises and startups; - Simplification of tax and non-tax procedures; - Establishment of Single Tax Offices throughout the national territory; - Tax reliefs for micro, small and medium-sized businesses and startups.

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IV

DRC INVESTMENT PROCEDURES

IV.1. BUSINESS CREATION PROCEDURES

IV.2. SPECIFIC INVESTMENT PROCEDURES

IV.3. OTHER PROCEDURES SPECIFIC TO ALL SECTORS

IV.1. BUSINESS CREATION PROCEDURES

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) (ETS);
2. Limited Liability Company (SARL) ;
3. Public Limited Company (SA);
4. Simplified Joint Stock Company (SNC);
5. Partnership in Collective Name (SCS);
6. Limited Partnership;
7. Economic Interest Grouping (GIE).

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	Several business partners or unique Partner (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: 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 foreigners.	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 Congolese and foreigners	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.	Freely fixed by the shareholders contributions up to ¼ upon incorporation and the balance within 3 years from the registration.	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 Managing Director of the One Stop Shop for Business Creation;
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 Managing Director of the One Stop Shop for Business Creation
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 for Business Creation

- 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 Number;
- CNSS Number;
- 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. Elements of the file for the representative office, subsidiary and branch

(Provisions 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: Boulevard du 30 Juin 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 agriculture**

- 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.gouv.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 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
Web site : www.minindustrie.gouv.cd
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
Web site : www.infrastructures.gouv.cd
Democratic Republic of Congo

D. Transport sector

1. 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
Democratic Republic of Congo

2. Procedure in the road transport sector

- ❑ Application for approval sent to the Ministry of Transport with a copy to the Secretary General for Transport and the Director of Land Transport;
- ❑ Please attach the following documents to the application:

  - Notarized statutes;
  - National Identification Number;
  - RCCM ;
  - Curriculum Vitae of the Managing Partner ;
  - Act of affiliation to an Employers' Organization ;
  - Technical data sheets of the Company's carts;
  - Certificate of registration or notarized lease agreement;
  - Proof of bankability ;
  - Organization chart of the company.

- ❑ Verification of the viability and existence of the firm through an investigation;
- ❑ In-situ at the firm's expense;
- ❑ Payment of fees due to the Treasury.

3. Other acts of the road transport sector

- ❑ To obtain the Transport Authorization - vehicucles

  - Transmission of the list of fleets to the Directorate of Land Transport with a copy to the Secretary General of Transport ;
  - Transmission of the list of fleets to the Provincial Department of Transport with a copy to the Secretary General of Transport and to the Director of Land Transport (for companies operating in the provinces);
  - Establishment of a debit note.

- ❑ For Mandatory Technical Inspection (semi-annual)

  - Transmission of the list of carts to the Directorate of Land Transport with a copy to the Secretary General of Transport ;
  - Transmission of the list of carts to the Provincial Department of Transport with a copy to the Secretary General of Transport and to the Director of Land Transport (for companies operating in Provinces);
  - Accreditation of Companies to the approved Technical Inspection Centres;
  - Establishment of a debit note.

- ❑ To obtain the International Transport Authorization:

  - Transmission of carts to the Director of Land Transport or the Head of the Provincial Department;
  - Establishment of a debit note

4. Procedure in the railway transport sector

- ❑ Application for approval submitted to the Ministry of Transport with a copy to the Secretary General of Transport and the Director of Land Transport;
- ❑ Please attach the following documents to the application:

  - Notarized statutes ;
  - National identification ;
  - RCCM ;
  - Deed of Surety ;
  - Insurance policy ;
  - Royalty payment
  - Affiliation to the different Associations: CNSS, INPP, FEC;
  - Organizational chart ;
  - In situ technical survey.

Other acts of the rail transport sector

a. Authorization to transport goods and/or persons

- ❑ Transmission of the list of railway vehicles to the Director of Land Transport or to the Head of the Provincial Department of Transport and Communications (for companies operating in the Provinces);
- ❑ Royalty payments ;

b. Authorization for the construction of a railroad

- ❑ Request addressed to the Minister of Transport or to the Head of the Provincial Department of Transport and Communications (for companies operating in the Provinces) with a copy to the Secretary General and the Director of Land Transport;
- ❑ Please attach the following documents to the application:

- Notarized statutes ;
- National identification ;
- RCCM ;
- Deed of Surety ;
- Insurance Policy ;
- Royalty payments

❑ On-site technical survey

c. Registration of railway vehicles

❑ Application to the Director of Land Transport for registration of railway vehicles;
❑ Transmission of the list of vehicles to the Land Transport Directorate;
❑ Royalty payments ;
❑ Issuance of registration certificate or burying.

d. Railway vehicle driver's license

❑ Presentation of a professional title issued by a Centre or professional school approved by the Ministry of Transport and Communication;
❑ Presentation of a medical certificate attesting to the applicant's physical fitness;
❑ Passing the assessment test organized by the Administration of Transport and Communications;
❑ Payment of fees followed by the issuance of a security document;
❑ Technical control

Pending regulatory provisions, the Administration refers to the reports drawn up by the workshops of the companies which certify the good condition of the railway vehicles, the payment of the fee and finally the issue of the value prints.

5. Conditions for obtaining operating licenses in the maritime sector

In order to qualify for titles in this sector, the applicant must meet the following conditions:

a. Approval of a shipbuilding yard or workshop

❑ Introduce an application for authorization though the Minister of Transport for approval, with a copy to the Secretary General of Transport and the Directorate of the Navy and Waterways;
❑ Please attach the following documents to your application:

- Notarized statutes ;
- The National Identification Number ;
- Registration in the Trade and Personal Property Credit Register (RCCM);
- Tax certificate and proof of good banking standing;
- The certificate of affiliation to the FEC or other professional confessions;
- Have competent and experienced technical staff;
- The site manager or construction supervisor must have a degree in shipbuilding, electromechanical, metallurgical, industrial engineering or an equivalent qualification and have at least 3 years' experience in shipbuilding;
- Have an equipped design office etc.
- Have To have appropriate materials and equipment for shipbuilding.

b. Authorization to construct a floating unit

❑ Introduce an application for authorization though the Director of the Navy and Waterways for authorization:
❑ Please attach the following documents to the application:

- The construction contract between the builder and the owner of the unit to be built;
- Approved or pending unit plan;
- The cost estimate and the duration of the construction work.

c. Homologation of a port or a beach

- ❑ Introduce an application for authorization though the Directorate of Navy and Waterways for approval:
- ❑ Please attach the following documents to the application:
  - Notarized statutes (for legal entities);
  - Title deeds issued by the cadastral services, habitats or by the local authorities;
  - The cost estimate and duration of the construction work;
  - Surveys or bathymetric studies carried out by RVF or Curriculum Vitae as appropriate;
  - Geotechnical studies carried out by the national laboratory for public or private works.

Authorization for the construction of a structure, docking, extraction, excavation or diving

- ❑ Introduce an application for authorization though the Director of the Navy and Waterways for authorization:
- ❑ Attach to the application the corresponding titles, a copy of the extract of the bathymetric and geotechnical surveys (these last studies are optional for the cases of sand extraction and to operate excavations with underwater dives);
- ❑ Provide the plan and cost of the work for the construction permit.

d. Tonnage measurement and vessel registration certificates

- ❑ Introduce an application for authorization though the Director of the Navy and Waterways for the titles:
- ❑ Attach to the application the acquisition documents for the floating unit in question, including the manufacturer's plan or document as appropriate.

e. Certificate of seaworthiness or letter of sea

1) Certificate of seaworthiness

- Application for title to be addressed to the Director of the Navy and Waterways:
- Attach to the application the construction permit for the unit, the approved plan, the construction contract between the builder of the unit and the cost estimate.

2) Certificate of seaworthiness or sea letter for floating units acquired abroad

a) Unit abroad

- To apply for a certificate of seaworthiness or provisional letter of sea to be sent to the Director of the Navy and Waterways;
- Attach the unit's de-registration certificate and other acquisition documents to the application;
- Technical visit to the country of origin of the unit by at least two agents of the Directorate of the Navy and Waterways or technical report drawn up by a Classification Company approved by the Democratic Republic of Congo.

b) Unity in the country

- Introduce an application for authorization though the Director of Marine and Waterways;
- Attach the provisional certificate of seaworthiness or sea letter and the customs (import) documents to the application

3) Duplicate Certificate of seaworthiness

- Introduce an application for authorization though to the Director of Marine and Fisheries Waterways ;
- Attach a photocopy of the document or tonnage certificate to the application;
- Produce the insurance policy

f. Sailing licenses, certificates of competency or other professional qualifications (offshore personnel, seafarers, pilots, endorsement of qualifications, certificate of authenticity)

- Introduce an application for authorization though the Director of Marine and Waterways;
- Be between 18 and 65 years old (for the sailing license and the certificate of competence);
- Present a certificate of physical fitness issued by an approved doctor and covering visual, auditory and color senses;
- Pass the examination for the title applied for, organized by a panel of the shipping inspectorate

The validity of the permits referred to in points A, B, C, D and F of Article 2 above shall be either one year or six months, depending on the case. On expiry of the period, the license shall be subject to revalidation or renewal.

Shipyard approval and port or beach homologation, as well as the various authorizations, are valid for one year, while seaworthiness certificates are valid for one year for vessels of at least three years and six months for vessels of more than three years. As for the titles of professional capacity, the validity is of one year.

The issuance, revalidation or renewal of the operating or ownership permits referred to in Article 1 above are the responsibility of the Directorate of the Navy and Waterways;

These acts are subject to a technical inspection by the Experts of the Directorate of the Navy and Waterways or by approved Experts and subject to the payment of the related duties and taxes prior to their issuance;

As for the revalidation or renewal of professional qualifications, the acts are subject to a physical check of each sailor on presentation of a certificate of good conduct and a medical certificate, the examination of which must cover visual, auditory and color senses, and which is also subject to the payment of the relevant duties and taxes prior to their issue.

(i) Approval in the sector of Maritime, River and Lake Transport

- Introduce an application for authorization though the Minister of Transport for approval, with a copy to the Secretary General of Transport and the Directorate of the Navy and Waterways
- Please attach the following documents to your application:

  - Notarized statutes
  - The national identification number
  - Registration in the Trade and Personal Property Credit Register (RCCM)
  - National Police
  - Curriculum Vitae, certificate of good conduct, life and morals as well as the extract from the criminal record of the Managing Partner
  - Shipping Agent Curriculum Vitae
  - Proof of bankability
  - Tax number
  - Certificate of affiliation to the FEC, CNSS, INPP
  - Organization chart of the Company
  - List of vessels to be chartered or owned (for Sea, River and Lake Transport).

For any other act, the company should contact the Directorate of Navy and Waterways based in Kinshasa or the Provincial Department of Transport at the provincial level.

(ii) Conditions for obtaining of aeronautical operating licenses

- Send a letter of application for an operating license to the Minister of Transport; copy to the Director General of the Civil Aviation Authority (CAA) for the application of the operating license:
  - Obtaining the expertise of the AAC which proceeds to the evaluation of the legal, financial, technical guarantees (at the expense of the investor);
  - The payment to the Treasury after the favorable opinion of the AAC which is based on the elements of the investigation carried out beforehand;
  - This is followed by the granting of the operating license.
  - Cost of the license: $5000 renewable after 5 years of operation.

(iii) Air carrier's certificate

- Introduce an application for authorization though the Civil Aviation Authority;
- Issuance conditional on holding a valid operating license from the Civil Aviation Authority;
- Cost: $2,000, renewable annually.

Contact :
Ligne Maritime Congolaise (LMC)
13, Avenue des Aviateurs, Immeuble LMC
Kinshasa/Gombe
E-Mail : info@lmc.cd
Web site : www.lmc.cd
Democratic Republic of Congo

Contact :
Régie des Voies Fluviales (RVF)
2357, Avenue des poids lourds
Kinshasa / N'dolo
Web site : www.transports.gouv.cd
Democratic Republic of Congo

Contact :
La Congolaise des Voies Maritimes (CVM)
26B, croisement Av Kasaï/Commerce
Kinshasa / Gombe.
Web site : www.transports.gouv.cd
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 Cadastre
5ème niveau de l'immeuble GECAMINES,
Boulevard du 30 juin, à Kinshasa / Gombe.
E-Mail : info@cami.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
Web site : www.hydrocarbures.gouv.cd
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:

i. 0 days maximum for the examination, analysis and approval of file reviews by the Regulatory Authority of the energy sector;
ii. A maximum of 30 days for file verification by the services of the competent Authority (Administration and Minister's Office or Provincial Governor concerned.);
iii. Assent and notification to the applicant;
iv. Payment of duties and taxes inherent in granting the requested operating permit (revenues channeled by DGRAD);
v. 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 :

i. The applicant's technical, economic and financial capacities;
ii. Compatibility with the principles and missions of the public service;
iii. Environmental protection;
iv. The security and safety of public electricity networks, installations and associated equipment;
v. 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:

i. The nature of energy sources;
ii. Site selection, land use and public domain use;
iii. Energy efficiency and opportunity;
iv. 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
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, 2ème étage
Boulevard du 30 juin, Kinshasa / Gombe.
Web site : www.sante.gouv.cd
Democratic Republic of Congo

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 : - Agro-pastoralism; - Livestock farming; - Plantation; - Fishing; - Forestry development; - Extraction of building and civil engineering materials; - Fundamental research.	500	200	80
Category B : - Construction; - Energy; - Transports et Communication; - Service (health, education, etc.); - Industry.	700	200	80
Category C : - Oil sector; - Different sectors of mining activity; - General trade; - Banking sector; - Financial institution; - Telecommunications sector; - Insurance; - Gambling activities.	1,000	200	80
Category D : - 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 : - 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.
Democratic Republic of Congo

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)

Tax heading	Legal basis	Contents of the scheme	Observations
a) VAT at normal rate	Order-Law no. 10/001 of 20 August 2010 instituting VAT (amended and supplemented) Several times)	- Liability for the supply of goods, services and imports; - Applicable to all taxable transactions excluding transactions subject to the reduced rate or zero; - **Rate : 16 %**	Central Government taxes
b) VAT at reduced rate	Public Finance Act 2022	- Applicable to the following products: horse mackerel, salted fish (herring, cod, anchovy, tilapia), other salted fish, meat of bovine animals, pigs, and offal of poultry (fresh, chilled or frozen), husked rice (cargo or brown). - **Rate : 8 %**	Idem
c) VAT at rate 0%		- Applicable to exports and similar operations. - **Rate : 0 %**	Ibidem

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	▪ ▪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

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(*)

Zones	Provinces	Tarif/Liter
West	Kinshasa, Kongo-Central, Mai-Ndombe, Kwango, Kwilu, Equateur, Tshuapa, Mongala, Nord and Sud-Ubangi	- Gasoline: 2,695 FC - Diesel: 2,685 FC - Oil: 2300 FC
East and North	Nord-Kivu, Sud-Kivu, Maniema, Tshopo, Haut-Uelé, Bas-Uelé and Ituri.	- Gasoline : 3 400 FC - Diesel : 3 350 FC - Oil : 2 750 FC
South	Haut-Katanga, Lualaba, Tanganyika and Haut-Lomami	- Gasoline : 3 345 FC - Diesel: 3 335 FC - Oil : 2 850 FC

Source : Communiqué officiel n°006/MIN/ECONAT/SG-ECONAT/CTY/2022, du 16 septembre 2022 (Ministère de l'Economie Nationale/ Secrétariat Général)

1 USD = 2,008FC (Official exchange rate of 29 September 2022)

(*)Following the Russo-Ukrainian crisis, the price of fuel in the DRC's domestic market is liable to recurring readjustments

Contact :

Minitry of Economy
Blvd du 30 Juin Place Royale Immeuble Intelligent
5è Niveau, Kinshasa / Gombe.
E-Mail : info@mineconomie.gouv.cd / Web site : www.mineconomie.gouv.cd
Phone : +243 997750352 - 998910852
DemocraticRepublic of Congo

VI

GUARANTEES AND INVESTMENT SECURITY

VI.1. INTERNAL LEVEL

VI.2. 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. INTERNAL LEVEL

N°	Security and guarantees	Specifications
1.	Constitution of the DR CONGO	According to the provisions of articles 34 and 35, the following is provided for: - 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	- 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. EXTERNAL LEVEL

N°	Security and guarantees	Specifications
1.	**OHADA (Organization for Harmonization in Africa of Business Law)**	▪ 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)**	▪ Provides conciliation and arbitration facilities for the settlement of investment disputes between Contracting States and nationals of other Contracting States. ▪ Regulations: (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.	**ATI (African Trade and Insurance Agency)**	Covers all risks including commercial risks for both foreign direct investment and domestic investment
5.	**New York Convention**	❑ 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: ➢ 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**	❑ 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 : SERVICES FOR WELCOMING, FACILITATING AND SUPPORTING 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.

Apart from its administrative headquarters based in Kinshasa, ANAPI has two Antennae in the Chief-town of the Province of Haut-Katanga and Sud-Kivu.

The deployment of ANAPI in Provinces is done in a progressive way.

Contact :
National Investment Promotion Agency (ANAPI)
33c, Junction between « boulevard du 30 Juin » and
«Avenue Premier Mall» (ex. av. TSF), Kinshasa/Gombe
E-mail : anapi@investindrc.com
Web site : www.investindrc.cd
Phone : (+243) 999925026
Democratic Republic of Congo

WITH **ANAPI,**
INVEST WELL FOR A
PROSPEROUS
DR CONGO

DR CONGO
NATIONAL INVESTMENT
PROMOTION AGENCY

Contacts:
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Phone : +243 999 925 026
Address : Junction between Blvd du 30 Juin and
Av. Le 1er MALL (Ex. TSF) in Kinshasa/Gombe