





## PREFACE







This book was prepared by COMESA Regional Investment Agency in cooperation with DR Congo's National Agency for the Promotion of Investments – ANAPI, with the support of the COMESA Peace and Security Programme. It was written to give the busy executive a quick overview of the investment climate, taxation, forms of business organization, and business practices in DR Congo. Making decisions about foreign operations is complex and requires an intimate knowledge of a country's commercial climate. Companies doing business in DR Congo, or planning to do so, are advised to get current and detailed information from experienced professionals. This book reflects information current as of September 2012.



# INVESTOR'S GUIDE TO **THE DEMOCRATIC REPUBLIC OF CONGO**

In the preparation of this guide, every effort has been made to offer current, correct and clearly expressed information. However, the information in the text is intended to afford general guidelines only. This publication is distributed with the understanding that COMESA RIA is not responsible for the result of any action taken on the basis of the information in this publication, nor for any error or omission contained herein.

# CONTENTS

	Politics & General Country Information	5
	Economy	8
	Population and Education	14
	Labour situation analysis	17
	Natural Resources & Geographic Profile	19
	Licensing and Permitting	22



	Legal Framework	27
	International Organizations Membership	37
	Transportation Infrastructure	40
	Services and Cost of Doing Business	43
	Living in the DR Congo	50
	Sectoral Opportunities	53

# 1

## Politics & General Country Information



# 1. Politics & General Country Information

## 1.1. General Information

<b>Official Name</b>	République Démocratique du Congo
<b>Form of State</b>	Unitary republic based on the 2006 constitution
<b>Geographical location</b>	At the heart of Africa, sitting on the Equator
<b>Area</b>	2,345,410 km <sup>2</sup> including 50 km on the Atlantic Ocean Coast
<b>Common Borders</b>	9,165 km with neighbouring countries including Angola, Burundi, Central African Republic, Republic of the Congo, Rwanda, Sudan, Tanzania, Uganda, Zambia
<b>Capital</b>	Kinshasa
<b>Main Cities &amp; Population</b>	Kinshasa 9,464,000 - Lubumbashi 1,786,000 - Mbuji-Mayi 1,681,000 Kananga 1,061,000 - Kisangani 936,000 - Bukavu 807,000
<b>Population (2012)</b>	72.57 million
<b>Time</b>	GMT +1 hour for Kinshasa, Mbandaka GMT +2 hours for Lubumbashi, Kisangani, Goma
<b>Official and National Languages</b>	French (official and business), Lingala, Tshiluba, Swahili and Kikongo (national languages)
<b>Measures</b>	Metric system
<b>Currency and Exchange Rate</b>	Congolese Democratic Franc (CDF) USD 1 = CDF 920 (September 2012)
<b>GDP</b>	USD 15.7 billion
<b>Ave. GDP Growth Rate 2007-2011 (constant prices)</b>	5.73%
<b>Currency used in commercial transactions</b>	USD and EUR (free circulation)
<b>FDI (2011)</b>	USD 1.7 billion

Source: ANAPI, World Economic Outlook 2012, Economist Intelligence Unit, World Investment Report

## 1.2. Political Structure

Since 2006, the DR Congo has been a unitary republic based on the constitution approved by a referendum in 2005. The constitution established a semi-presidential republic, with a separation of powers between the executive, legislative and judiciary and a distribution of prerogatives between the central government and the provinces. The institutions of the government consist of:

- The President of the Republic;
- The Central Government;
- A Parliament of two Chambers:
  - ♦ The Senate (Upper House);
  - ♦ The National Assembly.
- Courts of Justice.

Presidential and legislative elections are held simultaneously every 5 years. The last were held on November 28th 2011. The elected National Assembly of 500 seats was installed in February 2012 while a 108-seat Senate

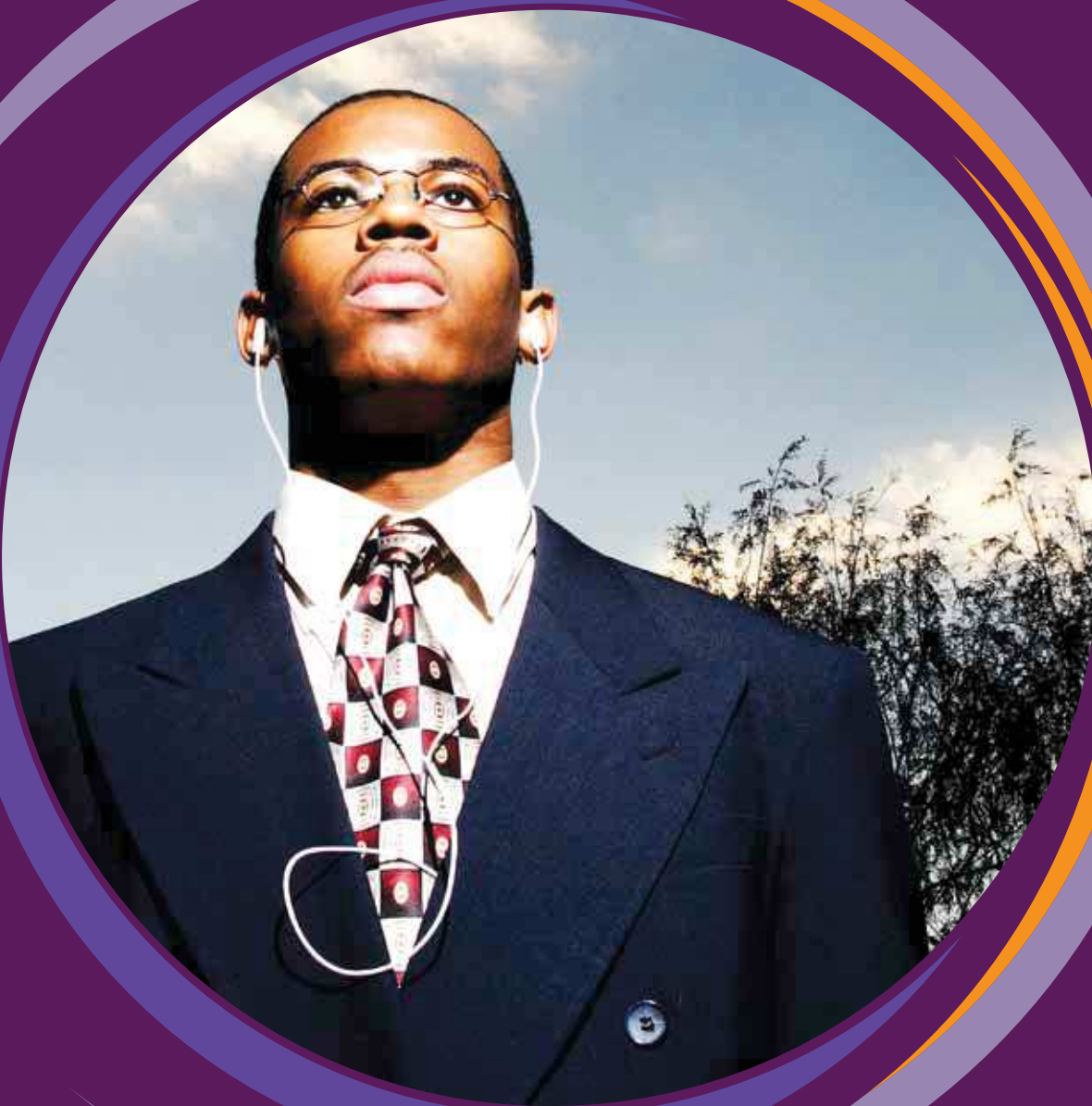
was elected by the provincial assemblies on January 19th 2006. The latest National Government was appointed on April 28th 2012.

As far as the Judicial Branch is concerned, it is composed of: Constitutional Court; Appeals Court or Cour de Cassation; Council of State; High Military Court; plus civil and military courts and tribunals.



# 2

## ECONOMY





## 2. Economy

### 2.1. General Economic Information

The Democratic Republic of Congo, a country blessed with a vast wealth of natural resources, has achieved a remarkable economic recovery in the last few years. The years following the set-up of the transitional government in 2003 have seen real growth rates in GDP average above 6%, including 2009, when the world economy as a whole went into recession and real GDP growth the DR Congo was still positive at 2.8%. 2010 and 2011 have seen an improved performance with growth rates of 7 and 6.9% respectively. Since 2003, the government has been working closely with the IMF to improve governance leading to the approval of a new three-year program financed by the Extended Credit Facility for the Government Economic Program on December 11, 2009 leading to improvements in infrastructure developments for extractive industries.

Growth in the private and financial sector – improvements in and restructuring of the central bank has already overseen the increase in the confidence of investors and customers. DR Congo now has 22 commercial banks, up from about 12 in 2005 and the number of accounts soared from 30,000 in 2005 to 1 million in 2012. Improvements in the business environment are also a cornerstone of policy, through the enhancement of property rights protection and the rationalisation of fees and taxes in many areas of business.

Infrastructure investments are marked by a multibillion-dollar loan from China's Export-Import (Exim) Bank, and a USD 1 billion deal which was signed with South Korean companies for water supply infrastructure and a deepwater port. The government has also concluded a loan agreement with the China Development Bank to finance infrastructure development in the mining, oil, road and agricultural sectors.

#### Economic Indicators

	Units	2007	2008	2009	2010	2011
<b>Gross domestic product, constant prices</b>	National currency (billions)	410.565	435.835	448.189	479.588	512.749
<b>Gross domestic product, constant prices</b>	Percent change	6.258	6.155	2.834	7.006	6.914
<b>Gross domestic product, current prices</b>	U.S. dollars (billions)	10.028	11.595	11.108	13.094	15.668
<b>Gross domestic product per capita, current prices</b>	U.S. dollars (units)	155.53	174.583	162.385	185.841	215.896
<b>Total investment</b>	Percent of GDP	18.24	22.393	19.383	27.069	28.621
<b>Inflation, average consumer prices</b>	Percent change	16.713	17.966	46.221	23.464	15.538
<b>Volume of imports of goods and services</b>	Percent change	77.07	12.781	-12.903	40.352	1.416
<b>Volume of Imports of goods</b>	Percent change	77.491	11.75	-15.926	44.164	2.814
<b>Volume of exports of goods and services</b>	Percent change	60.354	9.816	-0.049	38.388	17.168
<b>Volume of exports of goods</b>	Percent change	73.088	8.255	-6.113	47.871	15.675
<b>Value of oil imports</b>	U.S. dollars (billions)	0.571	0.778	0.467	0.791	0.928

<b>Value of oil exports</b>	U.S. dollars (billions)	0.626	0.815	0.587	0.656	0.916
<b>General government gross debt</b>	National currency (billions)	6,526.74	8,689.13	12,370.81	3,684.36	4,628.15
<b>General government gross debt</b>	Percent of GDP	126.129	133.066	136.35	31.025	31.989
<b>Current account balance</b>	U.S. dollars (billions)	-0.113	-2.025	-1.166	-0.904	-1.36
<b>Current account balance</b>	Percent of GDP	-1.131	-17.464	-10.501	-6.906	-8.681

Source: World Economic Outlook 2012

### Sources of Economic Growth (Adjusting for Human Capital), 2009 - 2010

<b>GDP at market prices (Bufr bn)</b>	-6.8	-3.9	4.3	5.3
<b>Real GDP growth (%)</b>	6.0	0.4	6.9	5.8
<b>Population (m)</b>	-9.6	-3.2	.2	1.0

Source: Resilience of an African Giant, World Bank, 2011

### Exchange Rate Regime

The exchange system applicable in the country is the floating exchange rate determined by the law of supply and demand of the exchange market. The DR Congo has liberalized the transfer abroad of income generated by the investments carried out in the DR Congo.

Buoyant foreign-exchange reserves, growth in export earnings and higher inflows of foreign direct investment will help to support the Congolese franc. An average exchange rate of FC910:US\$1 in 2012 and FC900:US\$1 in 2013 is being forecasted.

### Foreign Direct Investment

As observed below, over the last ten years, investments have increased more than 20-fold, highlighting the clear increasing interest of the investor community in DR Congo, rooted in the gradual improvement of DR Congo's investment and business climate.

### FDI 2001 - 2011

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
80.3	141.1	391.3	409.0	-	256.1	1,808.0	1,726.8	663.8	2,939.3	1,686.9

Source: World Investment Report 2012

## 2.2. Government Policy

### Policy Trends

According to the Economist Intelligence Unit, the formal macroeconomic policy of the new government is expected to continue with its forward looking plans and accordingly to continue implementing the economic reform programme, with tight fiscal and monetary policy and important structural reforms. A new mining code will seek to boost government revenues and increase transparency. Similarly, plans to boost growth by improving the business climate and increasing public as well as foreign investment are still high on the Government's agenda.

### Fiscal Policy

The completion of the Heavily-Indebted Poor Countries Initiative in June 2010 greatly improved the fiscal position of the Congolese government, with debt relief totalling \$12.3 billion. Improvement in the world economy in 2010 allowed the government to build up fiscal surpluses and reserves of foreign currency. The IMF predicts government debt levels to remain under control for the next few years, fiscal discipline being vital for optimal use of budget revenue.

It is expected that the new government will concentrate on boosting domestic revenues while seeking to improve the administration of a recently introduced valueadded tax (VAT). The government's formal policy will be to rationalise tax exemptions, streamline duties and taxes, modernise customs and tax revenues, and increase the contribution of the mining sector by strengthening the Large Taxpayers Office within the tax department and passing a new mining code. A five-pillar action plan to enhance public financial management will be monitored by IMF staff.

### Economic Policy

The chance for economic policy reform is very closely linked to improvements in political stability and improvement in governance. Following increased investment and growth in the extractive industries and the contribution of the civil engineering and service sectors. Continued restrictive monetary policy and fiscal discipline are crucial to staying below the 10% inflation target, despite the rise in world food and energy prices since the second half of 2010. A medium-term reform strategy to boost growth will require the involvement of both traditional and non-traditional partners. The World Bank's estimates confirm that the government's strategy to support large-scale infrastructure investments could significantly enhance growth, provided that high-return projects are prioritized. If these investments are combined with reforms to improve the business environment, especially trade facilitation measures, they could drive up GDP growth further.

### IMF and World Bank

In late 2002, the World Bank reopened its office Kinshasa and now has 60 staff. From 2001 to 2010, the World Bank funded 30 projects totalling USD 3.09 billion and in July 2011, the Bank's portfolio covered 18 projects for a total commitment of USD 2.9 billion. Most of the projects are working on peace building, governance, infrastructure rehabilitation, public enterprise reform, and providing basic health care, education, and social protection services. The portfolio focuses on three main sectors: 69 percent on sustainable development (infrastructure, water, energy, agriculture, and forests/environment), 9 percent on governance and the private sector, and 23 percent on human development (education, health, and welfare services). Projects are underpinned by a portfolio of multi-donor trust funds including the World Bank itself, DFID, AfDB and the European Investment Bank (EIB).



## 2.3. Sector Composition and Production

While agriculture accounts for a declining proportion of Congolese GDP (about 40%), employs more than 75% of the working population. Agricultural output is expected to increase as producers and traders start to benefit from improvements in national infrastructure. Agriculture will therefore contribute to overall growth; although the main source of growth will be mining, which is expected to expand strongly. Mining output will rise sharply as new mines come into production and existing mines increase capacity. The construction sector is also expected to experience high growth mainly because of public infrastructure projects financed by China's Exim Bank, South Korea's Exim Bank, the World Bank and the EU; private construction will also expand, particularly in the capital, Kinshasa. Investment in the telecommunications sector is also expected to increase owing to the arrival of new entrants, which will stimulate consumer demand. Overall, GDP growth is expected to reach 6.3% in 2012, rising to 7% in 2013 as new mining production comes on stream.

The reforms carried out in economic area, among which those setting up new laws (Investment Code, Mining Code), associated to other measures taken by the Government have significantly facilitated the revival of the domestic productivity observed since 2001, in view particularly of the establishment of new production units in the country.

In mining sector for instance, the public-private partnership contracts made between the Congolese State and the branches of international firms resulted in the growth of mining production in the country from year to year. To consider only copper, its production increased from 96,931 Tons in 2007 to 335,066 Tons in 2008, 209,181 in 2009 and 497,537 Tons in 2010.

Many other areas of the national economic activity are in constant progress since 2003, particularly infrastructures, telecommunications, banking and microfinance, real estate and industry sector.

## 2.4. Special Economic Zones

With the support of the World Bank's International Financial Corporation, the RD Congo has initiated progressive implementation projects of Special Economic Zones in Kinshasa, Lubumbashi, and in Bas-Congo. Six sites in total have been identified including two in Kinshasa.

## 2.5. Trade

Share of exports by destination	Share of imports by origin:
China: 47.3%	South Africa: 19.2%
Zambia: 22.7%	China: 12.5%
U.S.: 10.6%	Belgium: 9.1%
Belgium: 4.3%	Zambia: 9.0%

Source: *Doing Business in DR Congo*, US Commercial Services, 2012

Share of exports by sector	Share of imports by sectors:
Base metals: 27.6%	Capital goods: 41.5%
Diamonds: 26.1%	Consumer goods: 39.4%
Crude oil: 19%	Energy: 15.3%
Others: 0%	Raw materials: 3.8%

Source: *Economist Intelligence Unit 2012* (2007 figures)

## Production Volume of some Goods and Services

	2007	2008	2009	2010	2011(T)
<b>Coper (t)</b>	96,391	335,066	209,181	497,537	274,757
<b>Cobalt (t)</b>	17,886	42,461	56,258	97,693	58,673
<b>Zinc (t)</b>	33,809	15,465	19,636	9,223	10,880
<b>Diamond (1000 c)</b>	28,270	20,953	17,880	16,800	11,187
<b>Raw gold (Kilo)</b>	122	150	220	178	52
<b>Crude oil (1000)</b>	8,816	8,365	9,382	8,586	5,135
<b>Cement</b>	530,196	411,212	460,344	489,745	229,806
<b>Drinking water (1000 m³)</b>	242,341	245,253	273,179	283,202	162,347
<b>Electricity (1000 Mwh)</b>	7,543	7,495	7,665	7,454	4,071
<b>Wheat flour (t)</b>	179,070	196,129	176,057	169,558	96,460

T) Temporary information

Source: *Condensé hebdomadaire d'informations statistiques n°34/2011* of August 26, 2011



## DR Congo Mining and Agricultural Production Map



# 3

## Population and Education



## 3. Population and Education

### 3.1. General National Population Statistics

According to the IMF, the Democratic Republic of Congo has a population 72.571 million inhabitants in 2011, with 35% of the total population living in urban areas.

As in many developing countries, the population is very young, with a median age of 17.4 years old. Below is a table with the historical and projected figures:

#### Historical and Projected Population Gender and Age Profile of the Population

Year	1995	2005	2012	2015	2025
Population (thousands)	46,705	60,698	73,599	79,375	99,162
Growth (average annual)	2.6	3.0	2.6	2.5	2.0

Source: US Census Bureau, International Data Base

#### Gender and Age Profile of the Population

	Total	Male	Female
Population	73,599,190 (2012)		
0-14 years	44.4%	16,031,347	15,811,818
15-64 years	53%	18,919,942	19,116,204
65 years and over	2.6%	767,119	1,066,437

Source: UN Data

#### Population Growth Rate

	Total
Population Growth Rate (average annual 2010-2015)	2.6%
Urban Population Growth Rate (average annual 2010-2015)	4.5%
Rural population Growth Rate (average annual 2010-2015)	1.6%
Urban population (of total)	35%

Source: UN Data

#### Labour participation, Education and literacy rates by gender

	Male	Female
Labour participation rate	86%	57%
Primary-secondary gross enrolment ratio	75%	58%
Literacy Rate (age 15 and over can read and write French, Lingala, Kingwana, or Tshiluba)	81%	54%

Source: UN Data



### 3.2. General Education Information

Primary education is compulsory and schooling is essentially funded by the Congolese Government and partially by parents. In 2009, there were 29,490 primary schools and 14,163 secondary schools within the state sector.

The duration of compulsory education is 6 years between the age of 6 and 12 years old. Secondary education consists of a long cycle and a short cycle. The long cycle has a general, a standard and a technical field. Students who pass the national examination, called the State Exam, receive the State Diploma that certifies the completion of their secondary education.

Since 2006, the new government decided that education was one of the 5 key areas, with the budget for education increased to just over 11% of the total.

#### University and Higher Education

In terms of geographical distribution, of the 561 colleges or universities at higher education level, 70% are found in the nation's capital Kinshasa. Of this number, four universities are state-funded. These are, the University of Kinshasa, Lubumbashi, Kisangani, and L'Université Pédagogique Nationale.

With a total of more than 215,000 graduates of various levels between 2008 and 2010, new labour entrants are available from a large array of backgrounds including: business administration, law, community development, public health, engineering, economy and development, computer science, management, medicine, veterinary medicine, pharmacy, philosophy and literature, psychology, education, sciences, agronomy, communications, health sciences, others.

#### International Schools

There are various international schools in DR Congo, including primary and secondary.

Little Jewels International School is based in Kinshasa and is from Kindergarten to Grade Eight (13 years). The American School of Kinshasa is also based in the nation's capital and offers schooling from first grade to university preparation. The English-speaking School of Lubumbashi is based in Lubumbashi and includes an elementary, middle-school and high school program.

There are also Turkish, Canadian, Korean, French, Belgium, and Arabic Schools, all of which located in Kinshasa.



## Labour situation analysis

# 4



## 4. Labour Situation Analysis

### 4.1. Description

The DR Congo's large urban population provides a ready pool of available labor, including a significant number of high school and university graduates, a few of whom have studied at American universities. Skilled industrial labor is usually trained by individual companies.

The Government sets regional minimum wages for all workers in private enterprise, with the highest pay scales applied in the cities of Kinshasa and Lubumbashi.

The 2002 Labor Code modified the country's labor legislation, which is in compliance with the conventions and recommendations of the International Labor Organization. The code provides for tight control of labor practices and regulates recruitment, contracts, the employment of women and children, and general working conditions. The code also provides for equal pay for equal work without regard to origin, sex, or age. The code formally permits a woman to gain employment outside of her home without her husband's permission.

Employers must cover medical and accident expenses. Larger firms are required to have medical staff and facilities on site, with the obligations increasing with the number of employees. Employers must provide family allowances based on the number of children, and paid holidays and annual vacations, based on the years of service. Employers must also provide daily transportation for their workers or pay an allowance in areas served by public transportation. Outside major cities, large companies often assist by providing infrastructure, such as roads, schools and hospitals. The Ministry of Labor must grant permission for staff reductions. Generous pensions and severance packages are required by the labor code.

Every foreign employee must apply for a work permit from the National Committee of Employment of Foreigners within the Ministry of Labor. More information is available on this topic under Entry, Work and Residence Permits.

The right to strike is recognized and the law provides for reconciliation procedures in cases where the government is not involved.

### 4.2. Operational Costs Related to the Employment of Foreigners

There is a tax to be levied on operations relating to the granting of work permit for foreigners.

The rate and the basis for the collection of this tax are set by inter-ministerial decree No. 013/95 of 01.31.1995.

- Equivalent of USD 500 at the rate of the day (agro-industrial companies, cattle breeding or plantations, mining, energy);
- Equivalent of USD 700 at day's rate (construction companies, energy production, production and metallurgical constructions, manufacturing, transport and communication, service firm);
- Equivalent of USD 1,000 at day's rate (general trading companies, banking companies and financial institutions, manufacturing and construction);
- Equivalent of USD 2,800 at day's rate (trading post of purchase of precious materials);
- Equivalent of USD 200 (fees for applications): operation costs of the National Commission on Employment of Foreigners.

More information is available under Important Laws in Chapter 7.6 under Labour Code as well as in ANAPI's website.

## Natural Resources & Geographic Profile

5





## 5. Natural Resources & Geographic Profile

### 5.1. General Information:

The Democratic Republic of Congo is a vast state area in the heart of Africa. Due to its surface area of 2,345,410 km<sup>2</sup>, extending from 5° 30' of north latitude to 13° 50' of south latitude, and from 12° 15' to 31° 15' of longitude, DR Congo ranks among the giants in Africa. With reference to its area expanse, it is sometimes called a “sub-continent” or a “continent in a continent”.

At the African level, the DR Congo comes today as the second largest country next to Algeria in terms of area size, after Sudan has split up in two countries. To better realize the bigness of the DR Congo's area, one should know: the surface area of the DR Congo is four times that of France, eighty times that of Belgium and a quarter of that of European Union.

Kinshasa, the capital city, situated at the border of the magnificent Congo River, is in the same time zone as Brussels and Paris.

Sharing 9,165 km of common border with 9 neighbor countries, the Democratic Republic of Congo is an important asset on various plans mainly regarding investments. It is bordered by:

- The Central African Republic and South Sudan in the north;
- Zambia and Angola in the south;
- Uganda, Rwanda, Burundi and Tanzania in the east;
- The Republic of Congo in the west.

The country has a narrow opening to the sea: the Atlantic coast, a coastal strip not exceeding 50 km from which the Congo River mouth stretches away.

### 5.2. Geology

The Democratic Republic of Congo is extremely rich in valuable minerals and is estimated to have USD 24 trillion worth of un-tapped deposits of raw mineral ores, including the world's largest reserves of cobalt (51% of known reserves), and significant quantities of the world's diamonds, gold and copper. In 2009, the country's share of the world's cobalt production was 40%; industrial diamond, 31%; tantalum, 9%; gem-quality diamond, 6%; tin, 4%; and copper, 2%. More detailed information is provided under sectors.

### 5.3. Hydrography

The Democratic Republic of Congo has an important hydrographic network covering around 77,810 km<sup>2</sup> and including a river (Congo River) and lakes.

Should be taken into account first, the flourishing

Congo River which is around 4,320 km long and its tributaries, the most important of which are Ubangi and Kasai.

The Congo River stands for a very important hydrographic potential with a basin of approximately 3.75 million km<sup>2</sup>, classifying it second in the world next to the Amazon. It is likewise the second River in Africa in terms of length after the Nile, and holds the fifth position worldwide (after the Nile, the Amazon, the Mississippi and the GyangTse). It has a regular and powerful flow (40,000 m<sup>3</sup>/day) mainly due to its closeness to Equator.

The Congo River plays a paramount economic and commercial role: that water course generates power with an incredible potential, provides fish with an enormous potential and favors inner navigation in the country (a navigable network of over 14,166 km).

Other big lakes include:

- Tanganyika Lake (3,900 km<sup>2</sup>, between the Democratic Republic of Congo, Tanzania, Zambia and Burundi);
- Edouard Lake (situated at 916 m of altitude over 2,150 km<sup>2</sup> of surface, between the Democratic Republic of Congo and Uganda. It flows into Albert Lake through the Semiliki);
- Albert Lake (5,000 km<sup>2</sup>, crossed by the Nile between the DR Congo and Uganda);
- Kivu Lake (2,700 km<sup>2</sup>, between the DR Congo and Rwanda. It contains a huge reserve of methane gas);
- Mai-Ndombe Lake (2,325 km<sup>2</sup> of surface at 400 m of altitude);
- Tumba Lake;
- Moero Lake.

### 5.4. Ecology

The Congo River is the world's second largest by volume of water and the surrounding basin has the world's second largest rainforest. The Congo Basin itself has 70% of the African continent's plant cover and makes up a large proportion of Africa's biodiversity with over 600 tree species and 10,000 animal species. Many rare and endemic species exist in Congo's rainforests, including the western lowland gorilla, the common chimpanzee and the bonobo.

Five of the country's national parks are listed as World Heritage Sights. The ecoregion contains areas of permanently flooded swamp forest, seasonally flooded swamp forest, and flooded grassland. The Western Congolese swamp forest is an ecoregion of the Republic of Congo and the Democratic Republic

of Congo which forms one of the largest areas of freshwater swamp forest in the world. There are about 6,000 plant species in the country. Major forest species of plants include bromeliads (bromeliaceae), venus fly traps, ferns, orchids, buttress roots, and Kapok trees. Ancient mahogany trees can also be found, some of which date back hundreds of years.

## 5.5. Climate

Being astride the Equator, the Democratic Republic of Congo has a particular climatic diversity depending upon rainfalls, temperature, humidity, wind and altitude.

DR Congo is situated on the Equator, with one-third of the country to the north and two-thirds to the south. The climate is hot and humid in the river basin and cool and dry in the southern highlands, whilst in the Ruwenzori Range there is a cold, alpine climate.

### Two seasons are thus observed in the country:

- The dry season or winter of tropics. It is mainly characterized by lack of rains. In the North of Equator, the season goes from December to May, and in the South hemisphere, from May to September. Lowest temperatures are its main characteristics;
- The rainy season or summer season of tropics. Rainfalls, heavy very often, are between 1,000 and 1,500 mm; they reach 2,000 mm per year. They extend from May to November and from September to May on either part of Equator.

In Kinshasa, the Capital city (a cosmopolitan city), weather is hot and rainy from October to May.

- Average annual temperature
  - ♦ 25 ° C on the coast
  - ♦ 24 à 25 ° C in the north
  - ♦ 10 ° C in Eastern mountaineous provinces
  - ♦ 20 ° C on the high sur les hauts plateaux du Katanga
- Daily seasonal range: 9° et 11° C in lower latitude provinces
  - ♦ 16 ° C in extreme northeast corner
  - ♦ 18° à 19 °C in the south of Katanga

## 5.6. Fisheries Potential

DR Congo is rich in fisheries potential, with an estimated potential of 700,000 tons of fish per year. Opportunities are important given that current annual production is around 100,000 tons, mostly realized through traditional fishing.

This fisheries potential is divided among three greater categories of water surfaces, for a total estimated at 86,000 km<sup>2</sup>: the Atlantic Ocean, the Congo River and its main affluents, lakes and their affluents.

Name	Potential (tons)	Production
Lake Tanganyika	450,000	12,000
Lake Albert	13,300	N.D
Lake Moëro	28,000	13,000
Lake Tshangalele	4,500	1,600
Lake Nzilo	2,500	N.D
Congo River	137,000	60,000
Atlantic Coast	6,000	1,600

Source: ANAPI

## 5.7. Electricity

The potential in electricity in the country is evaluated at 106,000 MW, representing 37% of the total African potential, and 6% of world potential. About 44% of this potential is concentrated in Inga sites. It could potentially feed the whole African continent and the surplus, to Mediterranean Europe and the Middle East. There are possibilities to explore newable energies such as wind energy, biogas, etc.

## 5.8. Water

The availability of renewable water resources are evaluated at more than 300 billion m<sup>3</sup> per year. In terms of groundwater resources, reserves are estimated at 3,000 of static reserves. Furthermore, DR Congo possesses 52% of the total surface water reserves of the African continent.

# 6

## Licenses and Permits





## 6. Licenses and Permits

### 6.1. Business Licensing

#### 6.1.1. Types of Businesses

There are multiple entities available to entrepreneurs desiring to start a formal business in the DR Congo as described below

- a. A Partnership Firm (Société en Nom Collectif: SNC)  
The SNC is created under corporate name by two or more natural persons who are personally liable for the firm's obligations. The corporate name must respond to the name of one or more of the associates and there will be no separate legal personality created.

- b. A Limited Partnership (Société en Commandite Simple: SCS)

The SCS links two or more associates with joint and full liability whilst the silent partners' liability is limited to their respective contributions. Also with this type of commercial company, the corporate name must contain the name of one or more of the fully liable associates.

- c. A Public Limited Company (Société par Actions à Responsabilité Limitée: SARL)

The SARL is created by the subscription for shares which are freely negotiable. Similar to the private limited company, the associates' liability is limited to their contribution, i.e. the price at which they originally obtained their shares.

- d. A Private Limited Company (Société Privée à Responsabilité Limitée: SPRL)

The SPRL is probably the most often used type of commercial company, offering their associates a liability limited to their respective contributions. Distinct to a public limited company, the private limited company does not issue shares for general subscription and the latter can be transformed into a different type of commercial company without having to create a new legal entity.

- e. A Cooperative Company (Société Coopérative: SC)

The SC requires the authorisation of the competent administrative authority and requires at least ten local associates. This type of company is destined for Congolese nationals who exclusively want to promote their common economic interests.

#### 6.1.2 Set-up of a Company through ANAPI

To set up an enterprise in DR Congo, it is advisable to apply at ANAPI's One-Stop-Shop through which the service is free. The maximum deadline to get the license required to set up an enterprise in DR Congo is 10 days. The investor is also free to apply through a law firm.



## Procedure and costs for setting up a business in DR Congo (through ANAPI One-Stop-Shop)

No.	Procedure	Generative act	Duration (in Days)	Amounts payable in USD	
1.	Authentication of the charters	Authentication	1	-	USD 30 / copy (USD 150 for 5 copies)
2.	Registration to the New trade Register	Registration to the New trade Register	1	USD 40	USD 120
		Filing fee for charters	-	-	USD 40
3.	Obtaining National Identification Number.	Award Number.	4	USD 25	USD 50
4.	Getting the Import-Export Number.	Award Number.	2	USD 75	USD 125
5.	Publication of the charters in the Gazette	Publication	1	-	350 Fc/ page (USD 150)
6.	Obtaining tax number.	Attribution	1	Free	Free
<b>Total</b>			10	<b>USD 140</b>	<b>USD 635</b>

Source: ANAPI

### Required documents:

For the manager of a company:

- Photocopy of ID card or passport;
- Specimen signature;

For the manager of an individual enterprise:

- Photocopy of ID card or passport;
- Specimen signature;

## 6.2. Investment Procedures

Whenever an investor wants to benefit from the Investment Code he has to file an application for authorization with the ANAPI who will, for their part, submit the file accompanied by an advice to the Ministry of Planning and to the Ministry of Finance after thoroughly examining the application. After submittal, a decision has to be given within thirty working days in absence of which the authorization is deemed granted. In case of refusal, the negative decision has to be motivated.

In order to facilitate the implementation of new investments in the DR Congo, a “one-stop shop”, called Guichet Unique, was created within the ANAPI

to provide several services to investors. Within the Guichet Unique, services from the following Ministries or agencies can be obtained: the Ministry of Economy and Commerce, the Ministry of Post and Telecommunications, the Ministry of Employment, the Ministry of Land Affairs, DGI, DGRAD, DGDA, Immigration Administration, the Commercial Court of Appeal's registry, etc. Thanks to this “one-stop shop”, investors are able to fulfil, at one central agency, all requirements for creating a new company or business.

Specific and varying procedures are required to invest in these sectors:

- Cement;
- Air transport;
- Mining (mining and quarry exploration, exploitation, and prospection, and gold and diamond trading posts);
- Banking
- Telecommunications
- Forestry (logging, timber exports, reforestation, etc.)
- As well as to:
- Obtain land concessions (empty fields, private

- buildings, etc.
- Register a trademark

Information is available under Chapter 7.2 in relation to the Investment Code, its application scope, advantages, and conditions. Investment procedures are available on ANAPI's website.

## 6.3. Entry, Work and Residence Permits

### 6.3.1. Entry requirements

For entering in DR Congo any foreigner must have the documents hereafter:

- A national or international passport in the process of validity or any other travel certificate bearing one of the visas provided for by the law;
- An airport visa ;
- A travel or tourist visa ;
- An individual pass (lp) for the border countries;
- An international vaccination certificate required by the health police rules.

#### NB:

- Any foreigner who does not live in the DR Congo should have a valid transport ticket when returning or when he desires to continue his travel outside the DR Congo;
- The airline companies are responsible towards DR Congo for repatriation or accommodation of the foreigners they would have transported in case the latter did not establish before taking off that they had the required documents and visa.

For obtaining an entry visa in DR Congo, any foreign investor in need, should request an invitation letter from ANAPI by mentioning the names of delegation members and their passport numbers. After processing the file ANAPI will send the invitation to its addressee with a copy to the DR Congo Embassy in the applicant country, which has to issue the visa. For promptness reasons, all this procedure is carried out through

electronic means.

### Travel Visa (or tourist)

It is issued by the diplomatic and consular missions of the DR Congo abroad and has a validity of 1 to 6 months maximum. The DGM (Immigration Department) is able to grant and extend it.

When the validity of travel visa is less than 6 months, it can be extended one or several times up to a total duration of 6 months.

### Airport Visa and Flying Visa

These visas are provided to foreigners from countries where the DR Congo is not diplomatically represented or on discretion decision from the Managing Director.

### Flying Visa

An entrance permission granted by the Managing Director in message form and which enables OFFIMI to deliver the airport or port visa.

### Conditions

- Application letter sent to the Managing Director;
- Copy of the applicant passport;
- Copy of the Identity of the person bearing the responsibility (case of individual).

### Airport/ Port Visa

- It is provided to a flying visa holder at Entry post. It is valid for seven days.
- It is also granted to any person authorized to go to the borders of DR Congo.

### Exit conditions

Exit-return visa is granted for one or several trips to any foreigner holding a settlement visa for travels outside the DR Congo;

It is valid for 7 months starting from the first travel, 11 months for liberal professions of philanthropical nature (Missionary, ASBL, etc.).



### 6.3.2. How to Get a Work Permit?

To hire an expatriate, any employer must ensure that the following procedure is observed:

- Submit a job offer to the Employment National Office “ONEM”;
- The employer should also submit the file of the expatriate applicant to Foreigner Employment National Commission to allow the said commission to decide on the job application and the renewal of work permit for foreigners.

The work permit is valid for 23 years renewable for normal permit and one year renewable for permit granted to expatriate employees who work in the sector of precious substances.



### 6.3.3. How to Get a Residence Permit?

#### Settlement Visas

- Issued to foreigners who wish to establish in DR Congo ;
- Provides to the latter not only the resident status, but also the possibility of carrying out economic or job activities in accordance with the law.

#### Kinds of Settlement Visas

- Ordinary settlement visa;
- Work settlement visa;
- Settlement visa for study purposes;
- Settlement visa for foreign spouses of the national (matrimonial);
- Special settlement visa;
- Permanent settlement visa.







# 7. Legal Framework

Most of the following section was sourced from De Wolf and Partners, Investing in the Democratic Republic of Congo, A Legal Guide, 2012.

## 7.1. Investment Code

Within the framework of the new government economic policy, the country was provided since 2002, with a new Investment Code intended to favor and secure investments, and other laws aiming to favor business development and secure investments. The Investment Code sets absolute of treatment between domestic and foreign investors and simplifies the approval procedure which results in the grant of customs and tax benefits.

Important points include:

- DR Congo membership of OHADA (Organization for the Harmonization of Corporate Law in Africa);
- Exclusion of nationalization and expropriation ;
- Freedom of transferring abroad dividends and other investment-generated income;
- Disputes settlement under CIRDI convention (International Centre of Dispute Settlement), based in Washington City ;
- Set-up of One-Stop-Shop for investments: ANAPI ;
- Removal of some formalities in the process of setting up enterprises such as authentication of visa, certificate of non-state employee, criminal record, etc.;
- Noticeable cut of the costs to obtain the New Trade Register;
- Publication of enterprise charters in the Gazette (Journal Officiel) through internet to save time;
- Set-up of many notarial offices throughout the country;
- Mechanisms for the safety of investments such as DR Congo's membership to MIGA (Multilateral Investment Guarantee Agency) and to the African Trade Insurance Agency (ATI) in order to obtain export credit insurance, political risk insurance, investment insurance and other financial products to help reduce the business risks and costs of doing business in Africa;
- Adoption of many bilateral conventions on reciprocal protection and promotion of investments between the DR Congo and friend countries;
- Guarantees and benefits granted by Mining, Investment Codes and others;
- Set-up of commerce courts and labor courts;
- Other reforms are in the process of adoption within the Government.

### Eligibility

Eligible sectors are as follows:

1. Road, port, rail, and civil engineering infrastructure

2. Agriculture, fishing, livestock, forestry, storage of plant, animal, and fish products
3. Production or transformation manufacturing industry:
  - Building materials industry;
  - Metals industry;
  - Wood industry;
  - Packaging Industry;
  - Agro-processing industry;
  - Textile industry;
  - Pharmaceutical industry.
4. Tourism, facilities, tourism industry, and other hospitality activities
5. Cultural industries (books, music, cinema, documentation centres, audio-visual production centres, etc.)
6. Energy (water and electricity)
7. Services in the following sub-sectors:
  - Health;
  - Education and training;
  - Assembly and maintenance of industrial equipment;
  - Online services;
  - Transports (road, river, lake, maritime, air, and rail);
  - Construction of warehousing or goods and services distribution infrastructure (commercial centres, super markets, gas stations, cool chambers, industrial parks, touristic zones, etc.);
  - Cyber-villages and handicraft centres;
  - Telecommunications and ICT;
  - Assembly.
8. Real Estate
9. Others.

Sectors not eligible: mining, banking, reinsurance, production of armaments and explosives, trade (buying and selling without any processing), etc.

In accordance with article 8 of Investment Code, to be eligible, a project submitted to ANAPI should have the following characteristics:

- Be a commercial entity created by Congolese law;
- Relate to an amount of at least USD 200,000;
- Promise to train the local personnel/ create permanent jobs;
- Promise to respect all laws relating to the protection of the environment and human life;
- Guarantee an added value of 35% or more.

### Advantages

Advantages are granted for a period of 3 years in Kinshasa, 4 years in Bas-Congo, Lubumbashi, Likasi and Kolwezi, and 5 years in the rest of the country.

Tax and Customs Advantages:

- Certain tax exemptions for the following: tax on

professional income, the tax on incorporation and increase of capital of commercial companies, the tax on rental income, and the tax on domestic goods and services;

- Authorized investments of public interest are, apart from administrative taxes, completely excluded from any importation duties on new machinery & tools and duties on spare parts not exceeding 10% of the CIF value of the equipment for which spare parts are needed, after approval by the ANAPI;
- Other authorized investments are, apart from the 2% administrative customs tax on the CIF value of the imported goods, completely excluded from any other importation duties on new machinery & tools, and duties on spare parts not exceeding 10% of the CIF value of the equipment for which spare parts are needed, if these machinery, tools, and spare parts are necessary for equipping a new or existing company.

**NB:**

To be eligible for Investment Code benefits on import, the concerned equipment and materials should not be manufactured in the DR Congo. In the event they are produced locally, their prices should exceed 10% of the price of the imported goods.

**Protection**

These guarantees are the minimum offered by the Congolese State to foreign investors:

- Equal treatment between all investors;
- Free transfers of income;
- No nationalization and expropriation;
- Arbitration;
- etc.

**Important Laws**

- Loi n°004 du 21 février 2002 Code des investissements

## 7.2. General Commercial Law

General Congolese commercial law is very concise and dates back to the colonial era. The most important sources are a decree from 1913, the Commercial Law Decree, on merchants and the proof of commercial commitments, and a decree dated March 6, 1951, and subsequent ordinances, on the commercial register.

**Merchants and Commercial Acts**

Any person who, on a professional basis, carries out commercial transactions is considered a merchant. The reference made to 'on a professional basis' implies the person needs to undertake commercial acts on a regular basis, and as a source of income.

In order to determine what constitutes a commercial act the Commercial Law Decree sets out a non-exhaustive list of commercial acts comprising, sale and resale, renting activities, banking activities, construction, etc. Furthermore, all commercial companies created within the Congolese territory in conformity with the Congolese Commercial Companies Code are considered to carry out commercial acts.

The importance of being qualified as a merchant lies in the fact that merchants are subject to a variety of specific laws and regulations, and that they must keep books of account<sup>19</sup> and obtain a national identification number

**Commercial Register**

The Congolese registration procedure has two main characteristics. First of all, the registration has to occur preceding conducting business in the DR Congo One exception is made for public limited companies, who dispose of a term of two months after obtaining the presidential authorization to fulfil the obligation of registration. Secondly, no person may conduct other commercial activities than those mentioned in the register. These two obligations are however not being sanctioned in a direct manner. For example; persons conducting business without being properly registered merely fall within the scope of application of the laws prohibiting dishonest practices, and are in practice not often sanctioned.

New Commercial register: by ordinance dated 7 February 1979, the Congolese legislator wanted to break with the past and introduced a new commercial register ("NRC"). Actually, besides a mere alteration of the name, no important changes were introduced. All prior rules remained in force (such as the Decree dated March 6, 1951) and all persons registered with the "old" commercial register had to re-register with the new commercial register within six months after entry into force of the new ordinance. This meant that all old registrations would no longer be valid after this transitional period.

As previously mentioned, the Decree on the commercial register is still in force and article 2 of the latter stipulates that no one may conduct commerce in the DR Congo without being registered with the commercial register.

Foreign companies: the DR Congo legislation differentiates between Congolese and foreign natural or legal persons. Foreign companies (regardless of their statutory seat) opening an agency, a branch office, exploitation centre or any other place of business in the DR Congo are obliged to register with the



commercial register. The demand for registration of foreign companies must be lodged with the Tribunal of Grand Instance of the district where the business establishment is situated. In case multiple establishments are being created, the company is free to choose in which district it desires to be registered.

Noteworthy is the fact that Congolese private limited companies fully owned by foreigners, and Congolese public limited companies of which all directors are foreigners, are considered foreign and need to conform with the above mentioned procedure as well.

Finally, registration with the commercial register entails a presumption of the status of merchant. This presumption is especially important for natural persons since the status of merchant is being deducted from the fact that somebody carries out, on a professional basis, commercial acts. Commercial companies however, are created to carry out activities for consideration or financial gain, and are thus merchants.

#### Important Laws

- Loi 73/009 du 5 janvier 1973 portant sur le Commerce;
- Ordonnance n°79-025 du 7 février 1979 – Nouveau registre de commerce;
- Commercial Companies Decree;
- Loi 78-002 aux Entreprises Publiques.

### 7.3. Land Code

Land tenure is organised by the Land Code creating a distinction between ownership of the land and ownership of the right to use the land. The soil belongs exclusively to the Congolese State and all natural or legal persons can obtain a right of possession by means of a concession contract. These concessions can be obtained either free of charge or against payment.

#### Concessions in Perpetuity

A concession in perpetuity grants its beneficiary the right to enjoy his land eternally, as long as the conditions for the granted concessions are being met, and in order to be eligible for this kind of concession the applicant must be a natural Congolese national<sup>66</sup>. The concession contract stipulates the parties' respective rights and obligations in addition to the prescriptions of the Land Code.

**Obligations:** whenever the concession was granted against payment, the concessionaire is held to pay levies and the agreed price for the concession. The State on the other hand has the main obligation to safeguard the concessionaire's undisturbed use of his concession for the remaining of its validity.

**Rights:** the main right of the concessionaire, as stipulated in the Land Code, is the right to construct, to plant, and to dispose of any constructions or plants which were already present or which he constructed or planted after obtaining the concession. Furthermore the concessionaire becomes the rightful owner of everything incorporated on his land for the duration of his concession. This means a concessionaire may construct a building on his land, of which he will become the owner for as long as his concession is granted, and can be compared with building and planting rights.

**Termination:** a concession in perpetuity can only cease to exist in very specific situations, as set out in the Land Code. And in case an expropriation takes place, the concessionaire will be indemnified for any buildings and other constructions of which he is the owner.

#### Ordinary Concessions

Beside the concessions in perpetuity, which can only be granted to Congolese nationals, the Land Code also provides for ordinary concessions to be granted to foreign individuals and to Congolese or foreign companies, which take the form of a land lease, building lease, usufruct, right of common, or rent.

**Land Lease:** the right to have full enjoyment of a piece of land belonging to the State, under the obligation to maintain the land value and to pay a duty. This right is granted for renewable 25 year terms.

**Building lease:** also granted for renewable 25 year terms, the right to enjoy a piece of land belonging to the State grants its beneficiary all the rights. However, the beneficiary may not dispose of any buildings on his land except in specific circumstances.

**Usufruct:** the right of usufruct allows its beneficiary to use and enjoy the land, besides the State, but with the obligation to keep the land in its original state. Once again, this right is also granted for renewable 25 year terms but ends upon decease of its beneficiary.

**Right of common:** granted for a renewable 15 year term, the right of common allows its beneficiary and his family to live or create a warehouse on the premises.

**Rent:** a rent can only be accorded for 3 years and is often used as preparation for another kind of concession.

Concessions are also easily transferable.

## 7.4. Intellectual Property

The Industrial Property Law is not applicable to the protection of literary and artistic property and in order to benefit from its protection foreigners residing outside the DR Congo must be nationals from countries party to the International Union for the Protection of Industrial Property. In case the latter wouldn't apply, a foreigner will still benefit from the protection in case of reciprocity of protection between the DR Congo and their respective home State.

Inventions may be accorded protection by issuing a patent to the inventor. Of course, in order to benefit from a patent, every invention must be the result of an innovative process and should be "new". This condition makes reference to an innovative process and the novelty of the invention:

Patents grant their beneficiaries a temporary exclusive exploitation right and, according to DR Congo law, take the form of either an inventive patent, an importation patent, or a perfection patent.

The Industrial Property Law mentions an exhaustive list of inventions for which a patent can never be obtained, and creates a regime of "incentive licences" for useful discoveries throughout a non-innovative process of an unknown application of already existing products.

Acquisition of IP titles: in order to file an application, the file must contain certain information in relation to e.g. the author, previous foreign patents, a clear description of the invention, etc. This file must be presented by the author or his proxy and foreign applicants are even obliged to act through an authorized Congolese agent.

Decision: once the file is submitted, the competent authority must decide upon the request within a delay set at 3 months for national demands, and 5 months for demands carried out abroad. Noteworthy, the competent authority is not obliged to conduct a preliminary research as to the existence, novelty nor the accuracy of the description before deciding upon granting a patent. However, during this period, applicants are allowed to modify their demand however, which is also a good opportunity to adjust erroneous applications.

Duration: once a patent is granted, the beneficiaries will enjoy a protection which lasts 20 years. Given the ancillary character of importation and perfection patents, their lifespan is subject to the validity of the main patent to which they refer.

The DR Congo is also signatory to a number of international agreements with organizations such as

the World Intellectual Property Organization (WIPO), and the Paris Convention for the Protection of Intellectual Properties, which protects trademarks and patents. The DR Congo is also a member of the Berne Convention that protects copyrights, artistic works, and literary rights. The maximum protection that these conventions provide is 20 years for patents and 20 years, renewable, for trademarks, beginning from the date of registration.

## 7.5. Securities

Congolese security law, with its civil law based approach, divides all security interest into two categories based on a distinction between personal security and real securities. This distinction is made because personal securities aim to introduce an additional guarantor for the original debtor's obligations, whereas real securities operate as a right in rem granting a creditor a right over an asset.

## 7.6. Labour Law

A Labour Code was introduced on October 16, 2002 applicable to all employees as well as to all employers operating in the DR Congo.

A Ministerial Decree dated October 26, 2005 has fixed the maximum authorized percentage of foreign workers, within the limits set out by the Labour Code, per sector and per category of workers. An exemption regarding the rates may be granted by the Minister of Employment and Social Foresight by means of a decree, on the basis of a corresponding and motivated advice issued by the National Commission of the Employment of the Foreigners, not exceeding 50 % of the legally authorized maximum, and the number of foreign workers may never exceed 15 %.

It is important to note that certain functions in these sectors are even exclusively reserved to Congolese nationals

### Social Security

In the DR Congo there exists an obligatory system of social security covering social benefits in case of work related accidents or illness, pensions, and family allowance. In relation to these matters the competent authority is the National Social Security Institute, and any employer is obliged to send, within eight days after hiring an employee, a demand to join the social security system which has to include certain information.

Employer's contribution:

The social security contribution is due by the employer on a monthly basis, is calculated on the basis of the

legal minimum wage or on the basis of the actual wage if the latter is higher than the legal minimum, and consists of the following contributions:

- a 3,5 % contribution for pensions
- a 5 % contribution for professional risks (9% in the Katanga Province)

An amount of 8.5% of the employee's wage must be paid as contribution to the social security system by the employer (12.5% in the Katanga Province)

Important Laws :

- Law No. 015/2002 of 16 October, 2002 on Labour Code;
- Ordinance-Law No. 74/098 of 6 June 1975 on the protection of the domestic workforce;
- Departmental Decree No. 11/74 of September 19, 1974 reviewed by Ministerial Decree No. 025/95 of 31 March, 1995 concerning the dismissal of workers.

More information is available on employment contracts, duration, probation period, annual leaves, and termination of contracts in ANAPI's website.

### Main Taxes collected by the Fiscal Administration

Tax	Material and taxable base	Rate
Tax on corporate profit	Profit made in Congo	40%
Tax on rental income	Rent on buildings in Congo	22%
Tax on interests and dividends	(Dividend, interest, royalties) paid in Congo	20%
Tax on the area of land concessions	Area of properties in Congo	According to area
Exceptional tax on expatriates pay (IERE)	Taxable gross salary paid to expatriate employees	25%
Excise and customs duties	Material and taxable Base	Rate
Entrance fees	Imported Goods (CIF Value)	5 to 20%
Exit fees (duty-free on all goods, except mining, wood, coffee, tea, etc.)	Exported goods	(FOB Value) 1 to 10%
Excise duties	Lemonade, cigarettes (Sale price)	5 to 20%

## Common Law Tax System

Tax	Taxable base	Rate
Corporate tax	Profit made in DR Congo	40%
Rental income tax	Building rent in DR Congo	22%
Tax on interests and dividends	Dividend, interest, and royalties paid in DR Congo	20%
Land tax	Area of properties located in Congo	Depending upon location of land
Value Added tax	Purchase of goods manufactured in DR Congo, purchase of services provided in Congo, imports of goods	16%
Payroll tax	Gross salary of domestic and expatriate employees. It is on employee's responsibility	Rate is progressive and cannot exceed 30% of gross salary

## Customs and Tax System of Mining Sector

Tax	Taxable base	Rate	Other advantages
Tax on mining concessions	Permit of mining research: <ul style="list-style-type: none"> <li>For the first 2 years</li> <li>After the first 2 years</li> <li>Mining exploitation certificate</li> </ul>	<ul style="list-style-type: none"> <li>USD 2.5</li> <li>USD 26</li> <li>USD 425</li> </ul>	
Tax on corporate profits	Profit made in DR Congo	30%	<ul style="list-style-type: none"> <li>Exceptional depreciation</li> <li>Account keeping in currency</li> </ul>
Tax on interest	Interest on foreign borrowings	0%	
Tax on dividend	Dividend paid	10%	
VAT	Domestic sale: <ul style="list-style-type: none"> <li>To a processing company</li> <li>to another entity</li> <li>Domestic purchase of outlays</li> <li>Purchase of services</li> </ul>		
IERE (Tax on expatriates)		10%	Tax to be deduced on profit
Mining tax	Sales of mineral products abroad	4%	Calculated on sales price with a cut on sale and distribution costs

## Investment Code Regime

Taxes	Rates	Observations
Duties and taxes on import for machinery, materials and equipment	0%	Excluded the administrative tax of 2% and VAT(refundable)
Duties and taxes on export	0%	
Profit tax	0%	For a period of 3,4 or 5
Ad valorem duty on setting up Limited Liability Company (SARL) or increase of their share capital.	0%	

## 7.7. Tax and Customs

### Taxes

DR Congo's tax and duties system is based on a three-pillar structure:

1- Direction Générale des Impôts: the Directorate-General for taxation is responsible for all matters relating to the basis, control, recovery and disputes of taxation in the DR Congo. These competences are exclusive and the DGI has to give account for their actions to the Minister of Finance.

2- Office des Douanes et Accises: the Office for customs and excise taxation is competent in the fields of collection of duties, surveillance of State borders, and finding customs and accises infractions.

3- Direction Générale des Recettes Administratives, Judiciaires, Domaniales et de Participations: the Directorate-General for fees, dues and royalties is also placed directly under the authority of the Minister of Finance and its mission includes the collection of all fees, dues and royalties due in the DR Congo.

The Decree Law dated February 10, 1969 relating to income tax describes the main income tax requirements (Income Tax Decree). Most income related taxes are governed by this text but there are also other taxes set out in specific regulations.

### Customs

Following a modernisation process under impulse of the Directorate General of Customs and Excises, a new Customs Code has been proclaimed by the President by means of Ordinance-Law nr. 10/002 dated 20 August 2010 which entered into force on the 21st of February 2011.

Declarations: besides the normal regime where a declaration must be done three days after the arrival of the goods, a new regime allowing declarations prior to arrival of the goods has been installed, thus allowing to anticipate and facilitate the release of goods. Moreover, there is also a possibility to make a provisional or incomplete prior declaration and, if necessary, modify the latter.

Representation: one of the other novelties is the possibility to have a representative take care of the customs formalities.

### Important Laws

- Decree n°011/42 of November 22nd, 2011 regarding implementation measures of the Government Decree n°10/001 of August 20th, 2010 regarding institution of the Value Added Tax;
- Ministerial Decree n°065/CAB/MIN/FINANCES/2011 of 29th November, 2011 determining the complementary repayment mode of the Value Added Tax credit;
- Ministerial Decree n°071/CAB/MIN/FINANCES/2011 of 30th December, 2011 suspending the collection of the Value Added Tax on some vital commodities;
- Interministerial Decree n°019/CAB/MINAFFET/2011 and n°317/CAB/MINFINANCES/2011 of 23rd December, 2011 which institute a commission in charge of examining quotas of goods intended to official usage of consular and diplomatic missions and representations of international organizations to be exempted from the Value Added Tax;
- Ministerial Decree n°072/CAB/MIN/FINANCES/2011 of 30th December, 2011



suspending the collection of the Value Added Tax on import for producing oil companies and mining enterprises depending on conventional regime;

- Ministerial Decree n°067/CAB/MIN/FINANCES/2011 of 29th November, 2011 determining approval conditions of tax representatives of indebted people for Value Added Tax established or domiciled out of the Democratic Republic of Congo;
- Interministerial decree n°016/CAB/MIN/SANTE/2011 and n°328/CAB/MIN/FINANCES/2011 of the 28th December, 2011 determining the list of pharmaceutical inputs exempted from the Value Added Tax;
- Ministerial decree n°037/CAB/FINANCES/2011 of 11th August, 2011 regarding change of the liability threshold at Value Added Tax;
- Memorandum n°01/0197/DGI/DG/CR/TSHI 2011 regarding provision on the mode of statements of stocks by the retailer of imported products.

## 7.8. The Mining Code

The Congolese Mining Code makes a clear distinction between ownership of mineral materials and surface exploitation rights. In no way may a holder of surface rights avail himself of his title to claim any right of ownership whatsoever over the deposits of mineral materials, including the underground water and geothermal deposits which his concession may contain.

The Mining Code regulates the following activities; the prospecting, exploration, exploitation, processing, transportation and sale of mineral materials, and not the preliminary geological work, exploration and extraction of liquid or gaseous hydrocarbons, as well as the activities or operations relating to thermal or mineral waters, which are excluded from the scope and are governed by special laws.

To benefit from the Mining Code, the investor needs to be eligible to obtain mining or quarry rights. Any Congolese individual or legal entity having mining as its corporate purpose and having its administrative office in the DR Congo is eligible to obtain these rights. Foreign individuals or legal entities however, are required to elect domicile with an authorized mining and quarry agent located in the DR Congo, and must act through this intermediary. The Mining Code also excludes certain categories of persons from eligibility but this article relates mostly to officials and those not having obtained legal capacity yet.

The Mining Code makes a distinction between mining and quarry rights, both subject to different regimes. The following are classified as quarries: deposits of

non-metallic mineral materials, which can be used in the ceramics industry as building materials, ballasting materials and road building materials, to improve land cultivation. These deposits include in particular: sand, chalk, gravel, limestone and cement, laterite, fullers earth, clay, fossil, resins and diatomite, with the exception of marble, granite, phosphates, nitrates, alkaline salts and other associated salts. All deposits of mineral materials not classified as quarries will be treated as mines.

## 7.9. The Forestry Code and the Farming Code

There is a strict distinction between ownership of the resources and the right to exploit the resources; the State remains the owner of the forests but private parties can exploit them.

### 7.9.1. Forest Code

All forests are being divided into three categories in function of the legislator's degree of intervention. Depending on the level of protection the legislator accords to each type we can distinguish: classified forests (forêts classées), protected forests (forêts protégées), and permanent exploitable forests (forêts de production permanente)

### 7.9.2. Farming Law

The Farming Law applies to all agricultural exploitation, research and training, and the financing and commercialising of agricultural activities. Stock farming, fishery and aquaculture however, are excluded from the scope of application.

The acquisition of farm land is reserved to Congolese nationals or Congolese companies of which the majority shareholders are Congolese nationals

## 7.10. Banking sector

The DR Congo financial system is divided into three main sectors: the intermediation sector (banks and non-banks), the capital market and micro-finance institutions. The informal sector has penetrated all the economic activities and the government has undertaken an incentive policy for micro-finance with the introduction of financial intermediaries.

All credit institutions are governed by the Banking Law creating a uniform regime for all enterprises conducting banking activities on a regular basis.

The banking activities are divided into three sub

categories: public fund raising, credit transactions, and payment management.

However, credit institutions are not limited to these three activities. Besides these main activities, credit institutions are equally allowed to conduct connected activities such as e.g.: exchange transactions, issue of commercial paper, equity participation, etc.

Once an enterprise is conducting one of these banking activities on a regular basis, it will fall within the scope of the Banking Law and it will be classified as one of the following credit institutions: bank, savings and loans cooperative, savings bank, specialized financial institution, or financing company.

The Congolese Central Bank has to grant the authorization to conduct banking activities on a regular basis within the DR Congo. Besides granting authorization, the Central Bank is also the monitoring agency.

#### **Anti-money laundering law**

This law imposes certain obligations upon credit institutions whenever a transfer is being made of which the origin is vague, or when the amount exceeds the equivalent of USD 10,000.

The *raison d'être* of the law is prevention and therefore all credit institutions are obliged to keep information on the true identity of their clients, report any suspicious transactions, and keep records of financial transactions which must be handed over to the Congolese Central Bank upon request. Furthermore, whenever an intermediary is being consulted, the latter is not allowed to invoke any professional secrecy by which he might be bound.

Besides these general obligations, the anti-money laundering law also imposes additional obligations to specific categories of businesses such as credit institutions, exchange offices, and casinos.

#### **Important Laws**

- Law No. 003/2002 of 2nd February, 2002

### **7.11. Telecommunications**

This law issues all principles, rules and institutions regulating telecom activities, networks, and services. The DR Congo telecommunications sector is governed by two regulators each possessing specific tasks. First of all, the Minister of Telecommunications is competent for determining the general policy and for

issuing the regulatory framework governing the sector. Secondly, the National Regulatory Authority (“Autorité de regulation de la poste et des telecommunications” or “ARPTC”) can be seen as a watchdog.

#### **Concession Licence**

In order to be allowed as a telecom operator in the DR Congo, a future operator has to apply for a licence with the Minister of Telecommunications. Every legal person obtaining an exploitation licence must however take the form of a Public Limited Company, of which at least 30% of the social capital is held by Congolese nationals. Furthermore this licence will set out the nature of the activity, and will also determine the framework for execution of the granted concession

#### **Public Network Operator**

The Public Network Operator is granted exclusive rights to render telecom services within the DR Congo and all other operators are operating as concessionaires. This temporary exclusivity is granted over the only network to which all concessionaires must be interconnected to transit their national and international telephone traffic. However, a concessionaire may exceptionally obtain authorization to possess his own network for handling long distance and international calls.

### **7.12. Arbitration**

The Congolese Code of Civil Procedure sets out a framework in articles 159 to 201. These are mandatory rules in relation to arbitration clauses (articles 159 to 174), ground rules for arbitral procedures (articles 175 to 177), and arbitral awards and their execution (articles 178 to 194).

Some private initiatives have been put into place in conformity with the mandatory rules of the Code of Civil Procedure: the “Centre d’Arbitrage du Congo - CAC” founded by former President of the national Bar, and the “CENACOM” which is the arbitration centre of the “Fédération des Entreprises Congolaises – FEC”.

#### **International Arbitration**

The DR Congo State, the state owned companies and Congolese operators can validly accept international arbitration (ICC, UNCITRA) and their specific rules.

The DR Congo adhered to the Geneva Convention of 26 September 1927 on the execution of foreign arbitration awards but not yet to the New-York Convention of 10 June 1958 on the recognition and enforcement of foreign arbitral awards.





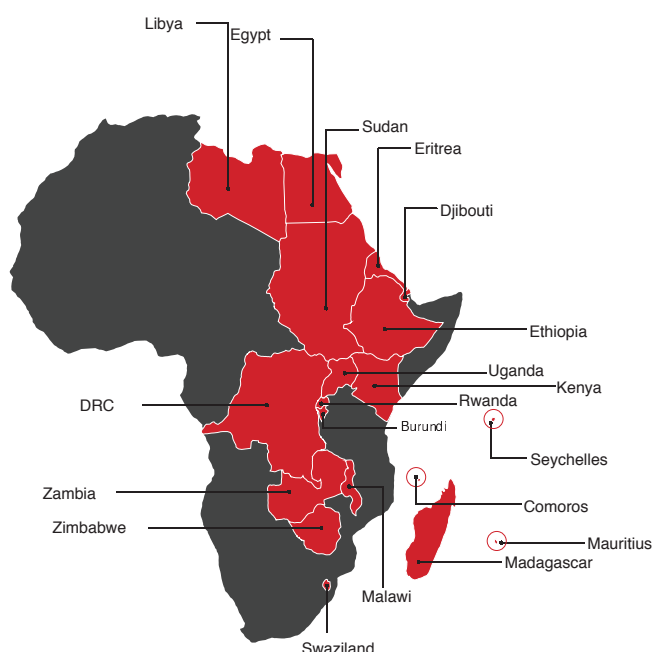
International  
Organizations  
Membership

## 8. International Organizations Membership

### Common Market for Eastern and Southern Africa

DR Congo is one of the 19 Member States forming the Common Market for Eastern and Southern Africa (COMESA), the largest Regional Economic Community (REC) in Africa, with a population of over 430 million, and a combined GDP of over USD 447 billion.

### MAP OF THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA



Source: COMESA Regional Investment Agency

Having successfully launched its Customs Union in 2009, COMESA is continuing on the road of regional integration by supporting the continual creation of better investment conditions, making it an increasingly internationally competitive economic community.

COMESA Member States include: Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia & Zimbabwe.

### Economic Community of Central African States (ECCAS)

DR Congo is one of the 11 Member States forming the Economic Community of Central and Eastern Africa States (ECCAS), the Regional Economic Community (REC) in Africa encompassing most Central African countries. Apart from DR Congo other ECCAS Member States include Angola, Burundi, Cameroon, Central African Republic, Chad, Equatorial Guinea, Gabon,

Republic of Congo, Rwanda, and Sao Tome and Principe.

### Southern African Development Community

Currently SADC has a membership of 15 Member States, namely; Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

With a population of 257.7 million inhabitants and a GDP of USD 471 billion, SADC's Vision is that of a common future, a future within a regional community that will ensure economic well-being, improvement of the standards of living and quality of life, freedom and social justice and peace and security for the people of Southern Africa. This shared vision is anchored on the common values and principles and the historical and cultural affinities that exist between the people of Southern Africa.

SADC Mission is to promote sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation and integration, good governance, and durable peace and security, so that the region emerges as a competitive and effective player in international relations and the world economy.

### Economic Community of the Great Lakes Countries (ECGLC)

DR Congo is one of the 3 members of the Economic Community of the Great Lakes Countries (ECGLC). ECGLC membership includes Burundi, DR Congo and Rwanda. ECGLC is a sub-regional organization aiming at ensuring the safety of member states, favoring the creation and the development of activities of public interest, promoting the trades and the traffic of the persons and the possessions, establishing the cooperation in a narrow way in all the domains of the political, economic and social life.

### African Trade Insurance Agency

DR Congo is a Member of the African Trade Insurance Agency (ATI), one of the COMESA Institutions. ATI is a multilateral financial institution providing export credit insurance, political risk insurance, investment insurance and other financial products to help reduce the business risks and costs of doing business in Africa. ATI facilitates exports, foreign direct investment into and trade flows within the continent.

Members include: Benin, Burundi, Ivory Coast, DR Congo, Djibouti, Eritrea, Gabon, Ghana, Kenya, Liberia,

Madagascar, Malawi, Rwanda, Sudan, Tanzania, Togo, Uganda, and Zambia

Other members include: African Reinsurance Corporation, Atradius Group, SACE, the Eastern and Southern African Trade and Development Bank (PTA Bank), and the PTA Re-Insurance Company (Zep Re).

#### **Bilateral Investment Treaties**

Germany, France, Belgium, Luxemburg, Egypt, Greece, Israel, Jordan, South Africa, United State, Swaziland, Italy, South Korea, and China (PRC) have signed bilateral investment agreements with the DR Congo.

The United States and the DR Congo (then-Zaire) signed a Bilateral Investment Treaty (BIT) in 1984 that entered into force in 1989. This treaty guarantees reciprocal rights and privileges to each country's investors. The BIT provides for binding third-party arbitration in the event of an investment expropriation dispute.

#### **Multilateral Investment Guarantee Agency (World Bank)**

MIGA is a member of the World Bank Group which provides political risk insurance guarantees to private sector investors and lenders. DR Congo is among its 177 members. MIGA's guarantees protect investments against non-commercial risks and can help investors obtain access to funding sources with improved financial terms and conditions. Since its inception in 1988, MIGA has issued more than USD 24 billion in political risk insurance for projects in a wide variety of sectors, covering all regions of the world.

#### **Double taxation convention between the DR Congo and Belgium**

Very recently, a double taxation convention between the DR Congo and Belgium has been signed and entered into force since January 2012. It aims to diminish trade barriers between the two countries by creating an

advantageous fiscal framework. Other double taxation agreements exist with South Africa and Spain.

#### **Accession to the OHADA Treaty**

The OHADA Treaty (African Organization for the Harmonization of Business Law) aims at harmonizing certain areas of business law in the Member States, and moving towards more economic integration and harmonization.

Its simple and effective regulations will facilitate cross-border trade between the Member States and contribute to more legal certainty and security, thus promoting a climate of confidence and attracting international investors.

The harmonization process is mainly being achieved by the enactment of uniform acts which are directly applicable and binding in all Member States. There are currently eight different Uniform Acts in areas of general commercial law; commercial companies and economic interest groups; securities; simplified recovery procedures and enforcement measures; collective insolvency proceedings; arbitration; transport of goods by road; and accounting law. In order to prevent these Uniform Acts from being interpreted in a different manner depending on which Member State's judicial bodies are applying them, the OHADA Treaty has installed a system of supranational supervision by a Common Court of Arbitration and Justice.

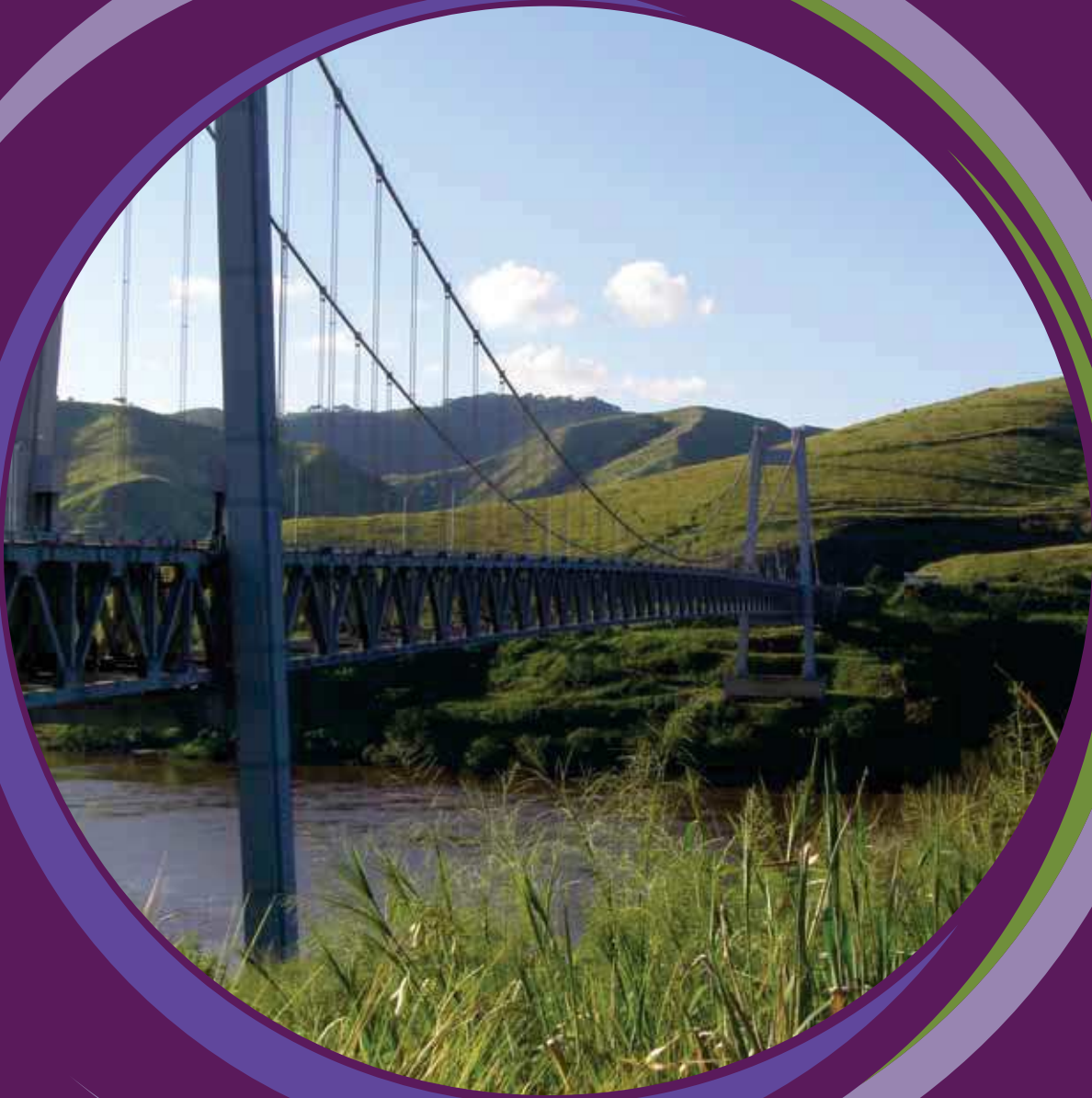
The Uniform Acts are directly applicable and binding in all Member States. The DR Congo's accession to the OHADA system in 2012 will impact on the following matters in the DR Congo's business law: (1) general commercial law; (2) commercial companies and economic interest groups; (3) securities; (4) simplified recovery procedures and enforcement measures; (5) collective insolvency proceedings; (6) arbitration; (7) transport of goods by road; and (8) accounting law.





# 9

## Transportation Infrastructure



## 9. Transportation Infrastructure

The government programme about the five blueprints, the implementation of which should particularly express through the revolution of modernity, lists basic infrastructures amongst priority sectors of the DR Congo's Government. That is a growth sector which offers lots of opportunities to investors.

### 9.1. Road Transport

DR Congo has a main road network distributed as follows:

- Public roads: 58,129 km;
- Local roads: 86,871 km;
- Urban roads: 7,400 km;
- Asphalted roads: 2,823 km.

The two main highways are:

- National Road No.1 connecting the Atlantic seaports to Kinshasa and southeast Katanga, the most important economic areas of the country.
- National Road No.2, Kisangani-Bukavu-Goma, connecting the principle waterway systems in the country, namely Kinshasa-Kisangani on the Congo River and the Lake Kivu and Lake Tanganyika systems on the eastern edge of the country.

From a priority network of 23,140 km, an ultra-priority network of 15,836 km was defined to urgently contribute to the reunification and re-launch of the country's economy.

### 9.2. Rail Transport

In relation to railway network, DR Congo has non-interconnected railways with 5,033 km. Three public institutions namely, the Commercial Company of Transports and Ports (ex ONATRA), the Railways of Uélé and the SNCC, ensure at the same time investments, management and exploitation of the existing infrastructures.

- Three regional non-interconnected railways are used only partially due to the dilapidated state of railway infrastructures and bad performance of some clearance work;
- Lack of uninterrupted railway network due inter alia to the difference of gauge between rails (1,067 m, 1.0 m and 0.6 m).

Hence, the standardization project of the gauge of rails in terms of reconstruction of railways infrastructures is greatly expected.

In terms of rates between Kinshasa and Matadi:

- Transport saw-logs and sawn wood: 36.6 Euros/ton;
- Merchandise transport: 60 USD/ton.

### 9.3. Maritime Transport

The waterways network being 16,238 km long – more than any other country in Africa – includes the maritime reach Banana-Matadi (150 km), the average reach Kinshasa-Kisangani, Kasai river and its tributaries (13,458 km) and the high reach of Lualaba and lakes (2,630 km). 40 fluvial and lake ports are built on this network. It also links with other countries in the region.

In terms of infrastructures, the Government aims at ensuring the integration of the Congolese economy both at internal level and sub-regional markets by setting up communication networks (roads, rails, etc.) turning on 4 corridors:

- North corridor;
- West/ North-East corridor;
- North/South corridor;
- West/South-East corridor.

Port	Main Quay Length	Main Draft Length	Capacity
Matadi	110-400m	6.10-6.25	up to 60,000 sqm
Boma	155-175m	7-7.7	up 60,000 sqm
Muanda/Banana	75m	5.5m	N/A

Without any restriction, infrastructure sector offers to all private investors opportunities to make their capital profitable, by developing a win-win partnership with the Congolese State, namely through B.O.T. (Built-Operate-Transfer), or contracts for implementation of works. Similarly, investors may develop partnership with existing public institutions in order to reinforce capacities of production, exploitation and management.

The Democratic Republic of Congo has three major seaports, Matadi, Banana and Boma. They are all linked to Kinshasa by highway No.1 and by the Matadi-Kinshasa Railway.

### 9.4. Air Transport

Although river travel is a cheap way of moving around the country, another really effective means of moving between many places at speed within the country is by air.



Regarding air transport, the DR Congo has 500 landing runways managed by RVA (air management Government Company). Congo's primary airport is N'djili Airport in Kinshasa, but in addition the country has 270 aerodromes, 101 of which are opened to public traffic, 164 private aerodromes and 5 military aerodromes.

Among the 101 runways opened to public traffic, RVA manages 51, of which 3 are international (Kinshasa, Lubumbashi, Kisangani).

Intense rehabilitation works of international airports of Kinshasa, Lubumbashi and Kisangani are being carried out since 2012.

### Air Cargo

There are four main companies which transport cargo from the airport. These are:

- Avient Aviation (flying to and from Sharjah, UAE);
- Cargolux (flying to and from Luxemburg);
- Ethiopian Airlines (flying to and from Addis Ababa);
- Services Air.

### Passengers Airlines

Currently there are 13 international airlines flying to and from N'djili airport including:

Other domestic airlines such as Compagnie Africaine d'Aviation, Korongo Airlines, and FlyCongo fly to destinations inside the Congo from this airport.

Names	Frequency on a Weekly Basis	Destinations
Brussels Airlines	7	Kinshasa (via Douala-Yaoundé et Luanda) and Kinshasa-Brussels
Turkish Airlines	4	Kinshasa-Istanbul
South African Airways	4	Kinshasa-Jobourg
Air France	3	Kinshasa-Paris
Ethiopian Airlines	7	Kinshasa-Addis Abeba-New Dehli or China
Kenya Airways	9	Kinshasa-Nairobi via Lubumbashi-New Dehli or China
Asky	3	Kinshasa-Lomé-Lagos-Libreville-Benin-Yaoundé-Douala-Bangui
Royal Air Maroc	2	Kinshasa-Casablanca-EU Countries

# Services and Cost of Doing Business **10**



Services and Cost  
of Doing Business

# 10. Services and Cost of Doing Business

## 10.1. Dealing with Construction Permits

Procedure	Time to Complete	Associated Costs
Obtain cadastral extract BuildCo needs to obtain the survey map abstract which accompanies the plot occupancy deed.	15 days	USD 5
Obtain building permit	60 days	USD 2,600
Request a New property Title at the Property Registry	7 days	USD 21
Visit of the property and obtain PV de mise en valeur	15 days	no charge
Obtain the New Property Title	7 days	no charge
Apply to the water corporation for connection to the water mains	1 day	USD 100
Water corporation inspects the site and prepares an estimate	1 day	no charge
Receive connection to water mains	14 days	no charge
Apply for telephone connection	1 day	CDF 1,120
Phone company inspects the site and prepares and estimate	1 day	no charge
Obtain telephone connection	14 days	USD 280



## 10.2. Getting Electricity

### 10.2.1. Procedures

Procedure	Time to Complete	Associated Costs
Submit application for electricity connection and await and receive external inspection by Société Nationale d'Electricité (SNEL)	7 calendar days	no charge
Obtain approval for electricity connection (substation) at the Ministry of Energy	7 calendar days	no charge
Hire an electrical contractor and submit plans for private substation at Société Nationale d'Electricité (SNEL) and await approval of plans	7 calendar days	USD 159
Electrical contractor builds private substation	30 calendar days	USD 35,000
Société Nationale d'Electricité (SNEL) carries out external inspection of the private substation	7 calendar days	no charge
Obtain external connection works to connect substation to the network of SNEL, installation of meter and final connection	7 calendar days	USD 16,684

### 10.2.2. Rates Electric Energy for High and Medium Voltage Subscribers

#### a. High Voltage Hydrolic Sector

Power (MW)	Rates (USD/KMW)
From 1 to 9,9 MW	0.0569
From 10 to 29,9 MW	0.0522
From 30 to 80 MW	0.0472
Above 1 to 9,9 MW	0.0435

#### b. Medium Voltage

Two-part rates average reference rate of 0,098 USD/Kwh for all clients in this category. These clients are mainly those using rotating machines (motors, compressors, etc.)

For clients using electric resistance to melt metals, rates are as described as follows:

Power (MW)	« A » (USD/KWh)	« B » (USD/KWh)
0 - 99	6.0088	0.0897
100 - 399	5.7148	0.0805
400 - 1.599	5.4402	0.0735
1.600 - 3.999	4.9220	0.0678
4.000 - plus	4.5720	0.0632
Meter rent	30.69 USD/ month	

« A » refers to royalties for agreed upon investment and « B » to the client's consumption. The rent of the meter refers to the amortization cost of the meter installed by SNEL.

#### c. Medium Voltage Steam Power

Two-part average reference rate of 0.095 USD/Kwh to reach in four semestral adjustments: 0.0508 USD/Kwh; 0.0655 USD/Kwh; 0.0803 USD/Kwh and 0,095 USD/Kwh.

Brackets Hours/month	USD/Kwh			
	1 <sup>st</sup> adjustment	2 <sup>nd</sup> adjustment	3 <sup>rd</sup> adjustment	4 <sup>th</sup> adjustment
1-200	0.0508	0.0655	0.083	0.0950
201-360	0.0502	0.0648	0.0794	0.0941
361-480	0.0497	0.0642	0.0786	0.0931
481-600	0.0492	0.0635	0.0778	0.0922
601-720	0.0487	0.0629	0.0770	0.0912
Meter rent	11.42	11.42	11.42	30.69

d. Medium tension heating for cooking and for transformation of raw materials (except metals)

Two-part average reference rate of 0.097 USD/Kwh.

Power (MW)	« A » (USD/KWh)	« B » (USD/KWh)
0-99	5.9474	0.0887
100-399	5.6565	0.0797
400-1,599	5.3847	0.0728
1,600-3,999	4.8718	0.0671
4,000-more	4.5254	0.0625
Meter rent	30.69 USD/month	



e. Medium tension for offices

Two-part average reference rate of 0.098 USD/Kwh.

Power (MW)	« A » (USD/KWh)	« B » (USD/KWh)
0-99	6.0088	0.0897
100-399	5.7148	0.0805
400-1,599	5.4402	0.0735
1,600-3,999	4.9220	0.0678
4,000-more	4.5720	0.0632
Meter rent	30.69 USD/month	





f. Medium tension steam power

Two-part average reference rate of 0.095 USD/Kwh to reach in four semestrial adjustments of 0.0508 USD/

Kwh; 0.0655 USD/Kwh; 0.0803 USD/Kwh and 0.095 USD/Kwh.

Brackets Hours/month	USD/Kwh			
	1 <sup>st</sup> adjustment	2 <sup>nd</sup> adjustment	3 <sup>rd</sup> adjustment	4 <sup>th</sup> adjustment
1-100	0.0520	0.0643	0.083	0.0950
101-200	0.05020515	0.0636	0.0794	0.0941
201-300	0.0510	0.0642	0.0786	0.0931
301-400	0.0505	0.0635	0.0778	0.0922
401-500	0.0500	0.0629	0.0770	0.0912
501- +	0.9494			
Meter rental	11.42	11.42	11.42	30.69



### 10.3. Registering Property

Procedure	Time to Complete	Associated Costs
Sale deed authenticated by the Property Registrar and application made for replacement of registration certificate	7 days	2-3 % of the value of the property notary fees USD 23 Actes rédigés par le Conservateur (registrar prepares the documents) USD 16 Certificate of non-encumbrances – not written USD 6 New Property title USD 5 New cadastral map in the name of the buyer
An order of payment for state taxes is issued by the tax agent (DGRAD)	3 days	no cost
The state fees are paid at a commercial bank	1 day	3% of property value (Registration fee) + Bank fees USD 23 Actes rédigés par le Conservateur (registrar prepares the documents) USD 16 Certificate of non-encumbrances – not written USD 6 New Property title USD 5 New cadastral map in the name of the buyer
An expert from the Cadastre inspects and values the property and prepares the cadastral plan	15 days	paid in procedure 3
Conclusion of contract for Ordinary occupancy	7 days	no cost
New title deed in the name of the buyer is issued	21 days	no cost

### 10.4. Export Procedures

Export Procedures	Duration (days)	US\$ Cost
Documents preparation	23	1,200
Customs clearance and technical control	5	300
Ports and terminal handling	14	805
Inland transportation and handling	2	750
Totals	44	3,055

### 10.5. Import Procedures

Import Procedures	Duration (days)	US\$ Cost
Documents preparation	41	790
Customs clearance and technical control	11	300
Ports and terminal handling	9	945
Inland transportation and handling	2	1,250
Totals	63	3,285

## 10.6. Drinking Water Rates

Subscriber Fees for Drinking Water (USD) in 2010	
<b>Residential</b>	
1-10 m <sup>3</sup>	0.23
11-25 m <sup>3</sup>	0.42
26-40 m <sup>3</sup>	0.54
Over 40 m <sup>3</sup>	0.61
<b>Intermediaries</b>	
Social	1.11
Agro-pastoral	1.24
Autres	1.31
<b>Commercial</b>	
1-100 m <sup>3</sup>	2.12
101-1000 m <sup>3</sup>	2.54
More than 1000 m <sup>3</sup>	2.98
Official use	0.85
Industry – non-conventional	3.80

## 10.7. Interurban transport of goods

Kinshasa – Matadi

- 40 feet container: USD 5,200
- 20 feet container: USD 2,000

## 10.8. Fuel

Kinshasa:

- Gasoline: 1.340 CDF
- Diesel: 1.335 CDF

En provinces (average):

- Gasoline: 2.200 CDF
- Diesel: 2.000 CDF

## 10.9. Telecommunications

Many international firms operate in DR Congo in mobile telephony including: Vodacom, Airtel and Tigo, Congo Chine Telecom. Numbers of users have passed from 158,000 to 12 million between 2001 and 2009.

As far as land lines are concerned, companies include: Standard Telecom et la Société Congolaise des Postes et Télécommunications.

Internet Providers include: Cielux, Iburst Africa, Microcom, Standard, Vodacom Congo, Global Net Work, etc.

- Rates: 256 Mo/s = USD 300 per month
- Wireless connection with modem: 128 Mo/s = USD 125 per month
- Connection fees = USD 1,500

## 10.10. Banking/ Financial Services

Since launching reforms in the financial sector in 2001, the government and the Central Bank of Congo (BCC) has made good progress in strengthening the legal framework for the financial system, improving monetary management, cleaning up the financial sector and restructuring the Central Bank.

Investors and customers seem to be gaining confidence in the and country now has 22 commercial banks, up from a dozen in 2005, and the number of bank accounts has soared from 60,000 in 2005 to 1,000,000 in 2012. Their assets amount to USD 2.64 billion and the sector offers several new products: bank cards, automatic teller machines, special accounts and so on.

Microfinance institutions and savings and loans co-operatives are developing rapidly. To encourage these institutions the government established in 2011 a national microfinance fund (FNM) to strengthen their regulatory framework. In addition the Central Bank is negotiating with some development partners and the microfinance institutions with a view to setting up a central credit register in the microfinance sector.

The insurance sector is undergoing a process of liberalisation. Seeking to fall into line with international standards of financial information the Central Bank has set in motion the reform of the general accounting plan. New accounting principles for commercial banks, the microfinance institutions and non-governmental organisations (NGOs) will have to be used during the coming years. Finally the Central Bank acquired in 2011 BSA.

Banks in the DR Congo:

Banque Commerciale du Congo (BCDC); Banque Congolaise (BC); Banque Internationale pour l'Afrique au Congo (BIAC); Banque Internationale du Crédit (BIC); CITIBANK; RAWBANK; ECOBANK; Trust Merchant Bank (TMB); Procrédit; Afriland First Bank; Access Bank; Solidaire Banque Internationale (SBI); Mining Bank Congo; First International Bank; Invest Bank Congo; Sofibanque; La Cruche Banque; Standard Bank; Bank of Africa; Advans Bank; Byblos Bank; BGFibank; and United Bank of Africa.

Micro-finance Companies and Credit Cooperatives:

FINCA; IMF-HOPE; Coopec IMARA; and Coopec Fonds.

Insurance Companies:

Société Nationale d'Assurance

NB: The Congolese Government is committed to liberalising the insurance sector in a near future.

# 11

## Living in the DR Congo



Living in  
the DR Congo

# 11. Living in the DR Congo

The Democratic Republic of the Congo is a vast Central African country that has immense natural resources. It is home to the large Congo River, diverse rainforests, an extraordinary wildlife including the rare white rhino, giraffes, elephants, hippos, gorillas, okapis and pygmy chimpanzees, as well as volcanoes and the lakes of the Rift Valley in the east of the country.

Five of the national parks in DR Congo are listed as UNESCO World Heritage Sites. For example, the Garamba National Park is a large area with savannas and forest areas, and the Okapi Wildlife Reserve in the Northeast of DR Congo protects parts of the famous Ituri Forest with its many threatened animal species. The latter also hosts beautiful waterfalls and indigenous pygmy hunters, and offers organized activities and camping possibilities.

The DR Congo is a multi-ethnic state with over 400 ethnic groups and 242 local languages. It is a vast country with a large array of traditional cultures and the most important biodiversity in Africa. It is also the home of one of the greatest rivers in the world, the Congo. The Congo river is navigable to large river barges from Kinshasa to Kisangani, and many of the tributary rivers are navigable, too.

Kinshasa is an important Central African metropolis along the Congo River with a lively nightlife and music scene and interesting nearby nature attractions. It is the second-largest city in sub-Saharan Africa as well as the second-largest French-speaking city in the world.

## Tourist Attractions

Also called “Kin la Belle”, “the beautiful Kinshasa”, Kinshasa has both modern shops and restaurants and traditional markets and roadside stalls selling bushmeat. The city is a melting pot of Congolese cultures, famous for its local music and arts and hosting a very lively nightlife.

The major sights in and around Kinshasa include the vibrant central market, the Kinshasa Museum, the tomb of the former president Laurent Kabila, Lola ya Bonobo, Ma Valee, Kinshasa University, Kinkole Fish Market, Chutes de Lukaya, Kisanto Botanical Gardens and the fine arts academy. The main districts in Kinshasa that are of interest for visitors include the central area of Gombe, The Cité de L’OUA that is the governmental center of the country, and the Matonge area, the major district for nightlife in Kinshasa. The main port area of Kinshasa is Le Beach Ngobila, and local art can be purchased from Le Marché des Valeurs.

## Outdoor Attractions

Symphonies Naturelles is a relaxing park area of 200 hectares, located 12 km from Kinshasa city center, where it is possible to hike and fish. Other interesting places to visit close to Kinshasa include the rapids of Kinsuka in the Congo River and the Bonobo Reserve in Lac de ma Vallée that is home to the endangered Bonobos or Pygmy Chimpanzees. The waterfalls of Zongo and Bombo-Lumene Game Reserve, both located some 130 km from Kinshasa are other popular places for visiting.

Virunga National Park near the city of Goma in the east of the country contains high mountains, volcanoes, jungles, savannas and the famous Mountain Gorillas that once made Goma the touristic capital of the country. Apart from gorilla tracking, climbing the adjacent Nyiragongo volcano is the main activity in Goma. Among the many other cities in the Democratic Republic of Congo is the town of Kisanto with its beautiful botanic garden.

## Nightlife

Kinshasa is a large city with many lively bars, restaurants and nightclubs to go to. The main district for nightlife in Kinshasa is called Matonge. It is filled with dancing bars and night clubs with Congolese popular music, often performed live. The district of Bandal also have many nightlife options.

## Vaccinations and medical care

Vaccination against yellow fever, tuberculosis, diphtheria, cholera, hepatitis A and B, typhoid, meningococcus, tetanus and rabies is needed. Yellow fever vaccination is mandatory. In addition, anti-malarial drugs and measures to avoid insect bites should be taken. It is also recommended to avoid drinking tap water.

## Hotels

There is a growing number of good hotels in Kinshasa and the rest of the country. The oldest and most expensive hotels in Kinshasa include the Grand Hotel and Memling. They also have the best amenities such as satellite TV’s and swimming pools. Other good standard hotels and guesthouses can be found throughout the city. Small hotels in Kinshasa are concentrated in Gombe and Ngaliema areas.

## Local Transport

Local transport in Kinshasa is handled by minivans, buses and trains. There are three local railway lines, as well as few bus routes, but the main methods of transportation are the taxis, that are actually small minivans



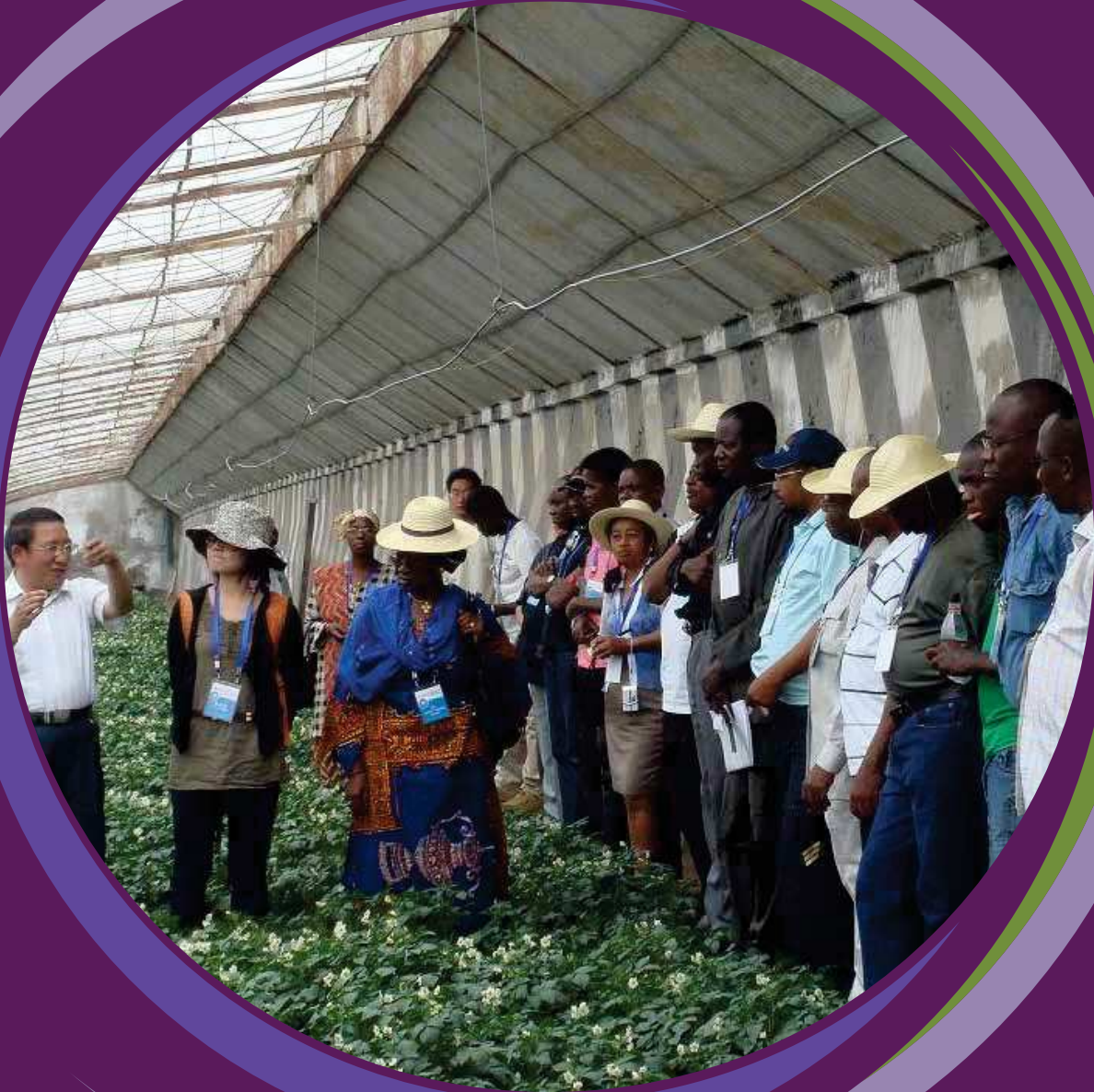
that have distinct routes. Since they are not easy to use for visitors, traditional taxis are also available and can also be hired for the whole day. Car rental in Kinshasa is available, and cars can be rented with a local driver.

### Restaurants

There are many restaurants in Kinshasa, including local ones as well as international restaurants where it is possible to pay in dollars. In addition to the local Congolese cuisine, many international dishes as well as Belgian, Greek, Lebanese and Portuguese food is also available. Cheaper roadside food stalls can be found outside the city center. Gombe is the main restaurant district in Kinshasa. Local specialities include the freshwater prawns called Cossa Cossa from the Congo river and the national dish moambe, that consists of palm nuts, chicken, fish, peanuts, rice, cassave leaves, bananas and hot pepper sauce.



## Sectoral Opportunities **12**



Sectoral  
Opportunities

# 12. Sectoral Opportunities

## 12.1. Transport Infrastructure

Investment opportunities in transport infrastructure include:

- Construction and/or repairing of main road sections of the country;
- Kikwit-Tshikapa-Kananga-Mbuji-Mayi;
- Pweto-Kalemie-Fizi, Uvira-Bukavu;
- Kananga-Lodja-Ilebo-Kisangani;
- Mbuji-Mayi-Kasongo-Bukavu;
- Bunia-Isiro-Gemena-Gbadolite-Zongo.
- Maintenance of roads for agricultural purposes;
- Construction of roads for interconnection of sub-regions of Central Africa, Eastern and Southern Africa;
- Rehabilitation of existing railway networks (Ubundu-Kisangani, Sakania – Ilebo, Kamina-Kalemie, Uele railway);
- Beacons of navigable reaches (Kinshasa – Kisangani);
- Rehabilitation of N'djili International Airport and those of Lubumbashi and Kisangani;
- Creation of enterprises of air, fluvial, road and urban transport;
- Equipping and modernizing ports (Matadi, Kinshasa, Ilebo, Mbandaka, Kisangani);
- Construction of a deep water port in Banana (Bas-Congo);
- Construction of a railway line Matadi-Boma;
- Dredging work in the Congo River bed (Matadi – Atlantic Ocean);
- Improvement of the navigability of the main water courses through dredging and beaconing.

Without any restriction, infrastructure sector offers to all private investors opportunities to make their capital profitable, by developing a win-win partnership with the Congolese State, namely through B.O.T. (Built-Operate-Transfer), or contracts for implementation of works. Similarly, investors may develop partnership with existing public institutions in order to reinforce capacities of production, exploitation and management.

## 12.2. Energy

The DR Congo has abundant energy resources capable of supporting various forms of energy, including hydro, wind, solar, biogas, biofuel, etc. The country could produce alone enough electricity to meet the needs of the entire African continent, but now it is in a situation of energy shortage.

Indeed, the country has a hydropower potential, estimated approximately at 106,000 MW, or 37% of the total potential of Africa and almost 6% of worldwide potential. About 44% of this potential is concentrated

at the site of Inga.

Despite this potential, the national electrification rate is only estimated at 6%. The fleet of hydropower available is approximately 2,100 Mw out of about 6,000 MW installed.

However, forecasts of energy demand throughout the DR Congo would amount to 3,194.3 MW (regardless the requirements for mining projects). Accordingly, the Government has implemented a policy of openness focussed on the release of the sector.

This policy aims to encourage and facilitate foreign and local investments in a partnership focused on both private-private, public- public rather than public-private partnerships in order to finance various projects seeking funding, including:

- Construction of Inga III power station provided with a power of 4,320 MW and 16 generators of 270 MW each;
- Construction of the Grand Inga power station of 39,000 MW with 52 generators of 750 MW each;
- Rehabilitation of Inga I (351 MW) and II (1424 MW);
- Construction of the second line Inga - Kinshasa;
- Construction of various micro-power stations and other lines scattered across the country and the MW of which range from 1 to 700 MW.
- Construction of the Tshala 2 hydroelectric power station (12.8 MW);
- Erection of civil engineering works in order to achieve the Wanie Rukula hydroelectric power station 700 MW;
- Production of biofuel throughout DR Congo from *Jatropha* ;
- Construction of the Semiliki hydroelectric power station in North- Kivu (72 MW) ;
- Building of hydroelectric power station at Lusanga, in Katanga (300 MW) ;
- Promotion and development of renewable energies (wind, biomass, biofuel) ;
- Setting up production units of network materials (transformers, circuit-breakers, conductives, connexion and fixation tools, etc.).

Regarding renewable energy, attention will be focused towards potential investors interested in biofuel, wind, solar for rural electrification, and the exploitation of methane gas from Lake Kivu.

## 12.3. Water

Investment opportunities in water include:

- Improving drinking water distribution networks throughout the country;
- Input provision;



- Construction of pipe-lines (Congo – African Deserted Areas Project).

## 12.4. Building, Civil engineering and Housing

Investment opportunities in building, civil engineering and housing include:

- Construction, rehabilitation and equipment of basic infrastructures (hospitals, residential blocks, administrative blocks and commercial building);
- Rehabilitation of Congo International Trade Centre (CCIC);
- Construction of 3 million low-rent houses in different urban centres (Kinshasa, Kananga, Matadi, Bandundu, Mbuji-Mayi, Mbandaka, Kisangani, Goma, Bukavu, etc);
- Developing sites and building houses in all big cities of the country.

## 12.5. Agriculture, fishing and breeding

In view of its assets, the DR Congo may become in short term an attic for the whole Africa and even for the world. It has at the same time large arable and fertile land, huge reserves of fresh water, an important rainfall making it possible for to have lots of harvests in a year, a lot of sun etc. To boost agriculture regarded as priority of the priorities by the Congolese Government, a law on agriculture has just been promulgated at the beginning of 2012. Hereunder, a view of various cultures which can be practiced in the country and the location of the production sites.

### a. Agriculture

#### Perennial crops

Hevea:

- Equateur is a true giant of the culture of hevea. This culture of Hevea is practiced in the forest areas with a high concentration in Lisala, Bokungu, Boende, Budjala, Bikoro and Ikela;
- Maniema (Kibombo territory, Elila and Kailo);
- Eastern Province (Isiro Yangambi, Lokutu, etc.);
- Bandundu (Kesengo, Bokolo, Pongoboli, etc.);

Cotton:

- Equateur;
- Eastern Province (in the territories of Bongo, Ango, Niangara, Dungu, and Bambesa Rungu);
- Western Kasai;
- Eastern Kasai;
- Maniema (Pangi, Kabambare, Kibombo, Lubutu).

Palm oil:

- Equateur (Bosondjo, Yaligimba, Ebondo, Lisafa);
- Eastern Province (Lokutu, Isiro, Lunde, etc.);
- Eastern Kasai (Lusambo Sankuru, etc.)
- Maniema (Pangi, Kabambare, Kibombo, Lubutu);
- Western Kasai (Mapango, Ilebo, Mweka, Demba);
- Bandundu (along the Lukeni River).

Coffee:

- South Kivu (in the highlands of Fizi Territory);
- Eastern Province, North Kivu (Beni and Rutshuru);
- Maniema (Kibombo, Pangi, Punia, and Kabambare Lubutu);
- Domestic production in 2007: 31,930 tons.

Tea, Cinchona and Pyrethrum:

- North Kivu (Kabare, Goma, Lubero, Rutshuru and Masisi).

Cocoa:

- The province of Equateur is also distinguished for its cocoa which ranks first in domestic production;
- The province of Eastern Kasai in the district of Sankuru also has the assets needed for the crop;
- Domestic production in 2007: 5,550 tonnes.

Tobacco:

- This culture is practiced in Katanga with strong distribution in the territories of Kaniama, Kongolo, Kabongo and Sandoa;
- North Kivu (Masisi and Rutshuru);
- Eastern Province: Ituri, and Faradje watsha;
- Bandundu: Bagata, Kenge, Mayi-Ndombe;
- Bas-Congo: Seke-Banza.

### Food crops

Rice:

- Equateur (territory of Bumba);
- Eastern Province;
- South Kivu (Fizi highlands);
- Maniema.

Rice cultivation is practiced in many provinces, but with a wider distribution in the forest areas of Yahuma, Banalia, Opala, Bafuasende, Aketi and Buta in the Eastern Province. Bumba territory in the Equator Province is also favourable for this crop. The domestic production in 2007 was 316,180 tons

Soybeans:

- Eastern Kasai (Kabinda);
- Equateur.

Sugar cane:

- Bas-Congo (Kwilu-Ngongo);
- South Kivu (Kiliba);

- Eastern Province (Lotokila, Yanonge);
- Bandundu (Mushie pentane).

#### Cassava:

- Bandundu (Kwango districts, Kwilu, Plateau and Mai-Ndombe);
- Bas-Congo;
- Domestic production in 2007: 15,004,430 tons.

#### Corn:

- Eastern Province, Katanga and both Kasai;
- Domestic production in 2007: 1,155,720 tons.

#### Bean:

- North Kivu, South Kivu, Kasai Occidental Eastern Province, Katanga, Bas-Congo and Bandundu;
- Domestic production in 2007: 112,250 tons.

#### Peanut:

- Bandundu (Idiofa, Bulungu, Masimanimba, Bagata, Gungu and Mushi territories);
- Katanga (Tanganyika District and Haut-Lomami);
- Domestic production in 2007: 369,370 tons.

#### Plantains:

- North Kivu (Beni, Rutshuru, Masisi, Walikale, Kabare, Fizi and Mwenga territories there is fertile soil, mainly of volcanic origin;
- Domestic production in 2007: 488,810 tons.

#### Potato:

- North Kivu Province (Masisi, Rutshuru, Walikale, Lubero);
- South Kivu (Uvira, Kabare, Bukavu);
- Domestic production in 2007: 93,560 tons.

#### Wheat:

- North Kivu (Masisi and Lubero);
- Katanga (Moba Lubudi and Mitwaba);
- Domestic production in 2007: 8,690 tonnes.

#### Investment opportunities in agriculture include:

- Resumption of palm oil exploitation (Bandundu, Equateur);
- Relaunch of income-generating farming in all provinces of the Republic;
- Production and transportation of rough timber (Equateur, Eastern Province, Western Kasai, Bandundu and Mayombe in Bas-Congo);
- Industrial processing of timber (Kinshasa, Kisangani, Kananga);
- Exploitation of hevea (Equateur, Bandundu, Bas-Congo);
- Exploitation of Quinquina (South Kivu);
- Production of wood pulp (Kinshasa).

## b. Fishery

Fishing in the DR Congo is done in the Congo River and its tributaries, lakes and rivers and on the Atlantic Coast.

As an indication, the DR Congo halieutic potentials in fish are as follows:

- Tanganyika Lake (214 species): *stolothrissa tanganicae*, *limnothrissa miodan*, latest and *luciolates*, etc.;
- Kivu Lake: *barilins ubangensis*, *barbus*, *clarias*, and *tilapia haptochronis*, etc.;
- Albert Lake: *baremore*, *hyd'ocynus porskalili*, *lates niloticus albertinus*, *tilapia*, *hydocyon goliath ubangensis* *gagi*, etc.;
- Moero Lake: *Tilapia macrochir*, *clarus*, *synodontis*, *barbus attirelis*, *mormyridae*, etc. ;
- Tshangalele Lake: *tilapia*, *serrono chromis*, *Clarias*, etc.;
- Nzilo Lake: *labex*, *barbus*, *clarias*, *tilapia*, etc.;
- Congo River: *tilapia*, *haplochromis melander*, *athiopius protopterus*, *protopterus senegalus*, etc.;
- Edward Lake: *tilapia*, *catfish*, *barbs*, etc.;
- Atlantic Coast: *captain*, *ray*, *conger*, *perch*, *soles*, *bream*, *daradas*, *catfish (arius)*, *sardinella (mackerel)*, etc.

Investment opportunities in fisheries include:

- Development of fluvial, sea and lake fishing activities.

## c. Breeding

The DR Congo has the assets needed to perform the breeding of cattle, pigs, goats and poultry. All the provinces of the DR Congo are favourable for breeding. For example, the Bas-Congo Province yearly produces approximately 95,700 head of cattle, 254,400 head of swine, 74,508 head of sheep, 237,110 head of goats and 1,756,120 poultry. In South Kivu, livestock operations have more than 90% of beef cattle, sheep, goats, pigs and poultry.

Investment opportunities in breeding include:

- Setting up poultry and pig breeding economic units around big urban centres;
- Production of milk (Katanga, Kivu, Eastern province, Bas-Congo);
- Rehabilitation of the presidential agro-industrial domain of N'sele.

## 12.6. Mines and hydrocarbons

On the global plane, DR Congo is justly regarded as a "geological scandal" due to the presence in its subsoil



of rare metals and/or sought after precious metals by selected emerging economies worldwide.

DR Congo offers a possibility to tap a quasi-full range of minerals existing on the planet and important hydrocarbon quantities.

Only 30% of mining concessions have been distributed so far to investors for research and/or exploitation. With reference to hydrocarbons, work has not started yet. So, over 70% of concessions are expecting buyers.

In the next lines is a summary of mineral ores which could be tapped by the enterprises interested and their location.

### Basic metals

Iron ore:

- The Eastern Province is the attic of the iron of the DR Congo with reserves of about 5 billion tons. Deposits of Banalia have a high iron content of over 65% (low tenor SiO<sub>2</sub>);
- Reserves: 20 million tons.

It is worth noting that in Katanga Province in the northern part of SAKIBINDA and TENKE, there are deposits and indices of iron more in the north in the copper concession.

These high concentrations of minerals (magnetite, hematite, mastitis, and goethite) are estimated at ± 120 million tons of reserves at a grade between 54 and 66% of iron and 3% and 21% silica without many impurities.

Kasai Provinces contain at Luebo, Luiza, Mwene-Ditu, Gandajika and Djoku-Punda deposits with reserves estimated at 10 million tons of iron with 50% Fe of content.

Bas-Congo, one of the few provinces of the DR Congo to have a lot of bauxite laterites in Mayumbe and also owns the iron ore deposit of mount Sali whose reserves are estimated at 87,000 tonnes grading less than 50%.

Other clues are recognized at Luozi, Kindulu-Wana and elsewhere.

### Non-ferrous metals

Aluminium:

- Large reserves of bauxite laterite are concentrated in the province of Bas-Congo.

Copper:

- Large deposits of copper ore are found in Katanga

Province, mainly in the South: Sodimico concession at Musoshi, and at Kapulo where Anvil Mining operates: Ex: SERMIKAT concession;

- Reserves: 62,331,514 tons.

Tin:

- The major known tin deposits in the Democratic Republic of Congo are located in the Provinces of Katanga, Maniema, South Kivu and North Kivu.

Lead and Zinc:

- Lead and zinc are concentrated in the copper deposits of Kipushi in Katanga Province. Currently, the mining operation is shut down. In Bas-Congo Province at Bamba-Kilenda, there is also evidence of mineralization in copper-lead-zinc.
- Zinc reserves: 4,055,403 tonnes.

### Alloy metals

Chromium-Nickel:

- Many indices are reported in a large area straddling the two Kasai and specifically at Nkonko, Lutshatsha and Luiza. Estimated reserves: 22.5 Mt of ore at an average grade of 1.45% and 3.8% Cr. The deposits also contain cobalt at an average grade of 0.8% Co.
- Reserves: 22.5 million tonnes.

Wolframite:

- The tin wolframite deposit is located in North Kivu to a hundred kilometres in the west of Butembo.
- Another wolframite deposit is at Bishasha, located at 25 km in the south of Masisi, on the edge of the granite massif of Hango. The reserves are estimated to be about a few thousand tonnes.

Manganese:

- The only exploitable concentrations, located in the Province of Katanga at Kasekelesa Kisenge are operated by the mining company Kisenge Manganese "EMK-Mn".

Vanadium:

- A deposit of lead vanadate exists in the towns of Senge and Nkusu (Bamba-Kilenda), about 25 km northwest of Inkisi, in the province of Bas-Congo. With an output of 0 to 2 meters, this deposit has an average grade ore from 25 to 30% lead and 5 to 6% vanadium;

Cobalt in Katanga:

- Reserves: 4,920,060 tonnes.

### Strategic metals

They are used in advanced technology. The main metals are:

#### Beryllium:

- Beryllium ore reported to date in the Democratic Republic of Congo, beryl. Two types of deposits have been identified:
- The pegmatite of the area of Kamituga-Kobokobo in South Kivu has been exploited and has produced 5,886 tons of beryl from 1954 to 1965;
- Pneumatolytic training of Mitwaba in Katanga. Other indices are reported in Maniema. Monazite (ore of cerium, lanthanum, thorium, Yttrium).

Many detrital monazite deposits were discovered in the provinces of Maniema, South Kivu, Katanga and both Kasai.

#### Lithium:

- Some indices are reported in the pegmatitic deposits of detrital of Manono in Katanga.

#### Colombo-tantalite:

- Manono deposit (Katanga): Existence of several deposit types, primary, secondary and heaps. Reserves are estimated at 882 tonnes in five sites. The acreage is owned by Congo-Etain, state enterprise;
- Ona Obaye-Kabereke deposit (South Kivu, Maniema). The cumulative reserves are estimated at 1,507 tons on a detrital deposit type. The Mine belongs to Sakima;
- Luangashi Lukeno-Shienzi deposit (Katanga). Reserves are to be assessed on the detrital deposit type, pegmatite vein. The acreage is owned by Gécamines;
- Mitwaba Bukeni-Kabombo deposit (Katanga). Reserves are unknown and the deposit is of detrital type. The acreage owned by the mining company in Congo (EMC);
- Lueshe and Bingo mine. Existence of a project to rehabilitate the mill and mine of Pyrochlore at Lueshe. Currently the reserves are estimated at 33,441,300 tonnes of ore at 2.42% Nb<sub>2</sub>O<sub>3</sub>, or 808,700 tons of Nb<sub>2</sub>O<sub>3</sub>.

### Precious and semi-precious minerals

#### Gold:

The largest deposits are in the Eastern Province and those of Maniema and North Kivu. Other indices in Bas-Congo both Kasai, Bandundu and Equateur Provinces.

The largest deposits are in the Eastern Province and

those of Maniema and North Kivu. Other indices in the Bas-Congo, the two Kasai, Bandundu and Equateur.

#### The deposits of Eastern Province

- The mining company that operates almost all the concessions is Kilo-Moto (SOKIMO) and accumulated reserves are estimated for Moto branch (Gorumbwa deposits, Durba, Agbarobo, Administrative Centre WATS) to 3,095,458 tons. In around 5 years, the DR Congo will become the first producer of Gold. Kibali Goldmines, AGB, RIO TINTO, and Banro Corporation will make their products available on the market;
- For kilo branch (D7-Kanga deposits, Guelley, Adidas, Senzerre, N'zebi, and Creek\_center administrative MONGBALU): 8,914,644 tons.

#### The deposits of Maniema, North and South Kivu

- The Mobale Cottage, located a few kilometres in south of Kamituga (South Kivu);
- The Namoya Cottage, north of Kabambare (Maniema). The cumulative reserves known to date are estimated at 28,300 Kg of gold with an average grade of 5.54 Kg/ T;
- The Twangiza Cottage, south of Bukavu (South Kivu). The reserves were estimated at several tons of gold in 1972 and the levels were considered insufficient to ensure the profitability of the operation.

#### Layers in the remaining part of the Democratic Republic of Congo

- In other layers of the rest of the Democratic Republic of Congo, the primary deposits that have produced only small amounts of gold have been abandoned, it is the case of:
- The Musefu Cottage (Western Kasai);
- The Kalemie cottage (Katanga);
- The Mayumba cottage (Bas-Congo).

Reserves: 3,095,458 tonnes

#### Silver:

- The indices of silver are reported in the following Provinces: Western Kasai, Katanga and South Kivu and Eastern Province. The primary silver production comes from the mineral processing of copper and silver-lead of Kipushi.

#### Platinum:

- Prospecting for minerals Platinum is not sufficiently advanced. However, indices are reported in the Eastern Province and those of Western Kasai, North Kivu and Katanga.
- Auro-platiniferous placers have been exploited in

an area in the west of Lubero (North Kivu).

- In Katanga Province, the platinum, gold, palladium and vanadium association is known in Musonoi, Ruwe and Shinkolobwe deposits.

Diamond:

- The diamond deposits operated in the DR Congo can be distinguished:
- The alluvial deposits of Western Kasai grouped around Tshikapapa;
- The alluvial deposits of Bushimay accompanying kimberlite pipes in Bakwanga in Eastern Kasai.

Reserves: 140 million tons

### Other mineral resources

Oil:

The country has four sedimentary basins, namely:

- The Coastal Basin: 5992 km<sup>2</sup> in area, is located along the Atlantic coast to the west of the DR Congo, specifically in Muanda in Bas Congo Province;
- Sedimentary Basin of the central basin: 800,000 km<sup>2</sup> in area with over 4 km thick of sediment.
- Graben of Tanganyika Basin: it is part of the western branch of the East African Rift system and extends to the eastern part of the DR Congo on a remote area of about 1500 km from north to south.
- Albertine Graben.

NB: The DR Congo production is expected to considerably increase very shortly.

Limestone:

The presence of several large deposits of limestone, clay, coal, gas, etc. can be essential to the establishment of cement factories.

The large deposits of limestone, clay and coal are:

- Eastern Kasai (at Lubilanj) clays in abundance, possibility of building a hydroelectric plant, close to the railway, limestone reserves estimated at 165 million tonnes.
- Bas-Congo (massive limestone, Lufu/ Kimpese, Kiasi-Kolo and crystalline limestone, Tombangadio);
- Katanga (limestone of Kundelungu super groups);
- Eastern Province (limestones of Group Linde of Maiko and Uma rivers).

Shale:

- Bas Congo

Methane gas:

- Kivu Lake

Investment opportunities in mining and hydrocarbons

include:

- Rehabilitation of mines of Copper, Cobalt (Katanga), Cassiterite (Kivu) and Gold (Eastern Province);
- Exploitation of mines of Diamond (Eastern Kasai, Western Kasai, Bandundu, Eastern Province, Equateur), and of Gold (Kilo Moto) in the Eastern Province, Maniema, South Kivu and Western Kasai Provinces.
- Geological and mining investigations throughout the national area.
- Rehabilitation of Moanda Refinery (Coastal basin of Bas-Congo);
- Geological research in the Coastal basin (Bas-Congo);
- Prospecting in the Central Basin;
- Deposit exploitation in Ituri (Eastern province);
- Building transport infrastructures and those for oil products distribution in urban centres.

Investment opportunities in Mining are in the download section.

## 12.7. Industry

Investment opportunities in industry include:

- Setting up building-material industries (cement factories, ceramic factory, glass factory, etc.) and pharmaceutical Industries;
- Setting up manufacturing industries and packing manufacturing industries (food-product manufacturing, tobacco industry, textile and leather industry and wood and paper industry, chemical industry and chemical product manufacture, oil and coal by-products, rubber and plastic items, manufacturing of building materials, cement works, etc.);
- Basic Metallurgic industries (Steel industry, production and first processing of non-ferrous metals, manufacture of metallic items, appliances and electric supplies, manufacturing of automotive vehicles).

## 12.8. Housing

Real estate market in the Democratic Republic of Congo is vast, especially for large urban centres, including the capital city, Kinshasa.

Sustained population growth over the last thirty years and the changing socio-economic development led to a rapid development of Congolese towns and a strong demand relative to supply. Hence, the overall housing deficit estimated at 3 million for the period 1999 to 2011, or 300,000 homes to be built per year. The needs of the city of Kinshasa are estimated at 54.4% of the overall deficit.

Currently, real estate sector in DR Congo is characterized by:

- a very low number of developers (private or public);
- the absence of property developers both public and private;
- the lack of institutions specializing in the financing of real estate;
- the mismatch between the development of Congolese towns and service infrastructure;
- the absence of barriers of entry for new investors, resulting in easy penetration of the market.

## 12.9. Forest

The total forest area of the DR Congo is 1,232,000 m<sup>2</sup>, more than 45% of the African equatorial forest and 6% of the world tropical reserves. Congolese forest contains more or less 1,000 species of trees, including those in high demand worldwide. These include the following species:

Kambala:

- Equateur (Businga, Gbadolite, Bikoro, Lisala, Djolu, Bongandanga, Lukolela, Monkoto, Bumba);
- Eastern Province (Bafwasende Isangi and Opala, Ubundu, Yahuma, Banalia, Basoko, etc.);
- Maniema (Kibombo);
- Bandundu (Bolobo, Oshwe, etc.);

Ebony:

- Equateur (Lisala).

Tiama:

- Equateur (Businga, Bikoro, Lisala, Djolu, Bongandanga, Lukolela, Monkoto, etc.).

Sapelli:

- Equateur (Businga, Gbadolite, Lisala, Djolu, Bongandanga, Bumba);
- Eastern Province (Bafwasende Isangi and Banalia, Basoko, Ubundu, etc.);
- Bandundu (Bolobo and Oshwe).

Sipo:

- Equateur (Lisala, Djolu, Bongandanga, etc.);
- Eastern Province (Aketi, Basoko).

African Mahogany

- Equateur (Bongandanga, Bumba);
- Eastern Province (Aketi and Basoko).

Wenge

- Equateur (Bikoro and Lukolela);
- Eastern Province (Opala);
- Bandundu (Bolobo, Mushie, Inongo and Oshwe).

Afromosia

- Equateur (Lisala, Djolu, Bongandanga);
- Eastern Province (Bafwasende, and Ubundu Isangi).

Limba

- Equateur (Lukolela);
- Bandundu (Bolobo).

Bomanga

- Western Kasai (Mweka and Demba);
- Eastern Province (Isangi and Opala, and Ubundu Basoko);
- Maniema (Kibombo, Lubutu);
- Bandundu (Bolobo, Mushie, Inongo and Oshwe);
- Equateur (Bikoro and Lukolela).

Limbali

- Equateur (Businga, Gbadolite, Bikoro, Lisala, Djolu, Bongandanga, Lukolela, Monkoto, Bumba, etc.);
- Eastern Province (Bafwasende, Ubundu Isangi, Banalia, Aketi, Basoko);
- Western Kasai (Mweka and Ilebo);
- Maniema (Kibombo and Lubutu);
- Bandundu (Mushie, Bolobo and Oshwe).

## 12.10. Financial Services

Investment opportunities in financial services include:

- Setting-up business banks and development banks;
- Establishing commercial banks in all urban centres;
- Setting-up non-banking financial institutions (micro-credits, saving cooperatives);
- Setting-up new insurance and reinsurance companies.

## 12.11. ICT and Telecommunications

The telecommunications industry is the success story of the decade in the Democratic Republic of Congo. New information technologies are playing an increasingly important role in nearly all areas of the national economy of a country.

The cellular network is growing, notwithstanding the current difficulties caused by the global financial crisis. The number of users of mobile phones has increased in eight years (2001 to 2009) from 158,000 to 15 million, changing the penetration rate from 0.3% to 35%. This high rate shows the potential of the Congolese market when conditions are met to attract international investors. This is the most dynamic sector of the economy, with a turnover of over USD 850 million, placing it second only to mining. In 2008, he has provided over USD 160 million to the state budget. This sector presents huge opportunities in the DR

Congo of which the main ones are:

- Creation of the national broadband network;
- Development of Internet centres throughout the country;
- Development of ICT applications in universities, colleges as well as in primary and high schools;
- ICT development in the promotion of agriculture through planning and adoption of new working methods for sustainable purposes;
- The setting up and management of Internet exchange points in Congo, that is to say, centres of interconnection networks deployed by Internet providers;
- Provision of standard Internet services: web browsing, email, file transfer, interpersonal communication, etc... ;
- Availing of intranet and Internet solutions for businesses, such as the interconnection of business sites at metropolitan, regional or national level. They are able to interconnect the branches of a company spread over almost the whole area of the Republic;
- Development and implementation of applications of advanced technology such as videoconferencing, telemedicine, distance learning, even the virtual university, regional development, mining, forestry and oil prospecting.

Investment opportunities in ICT and Telecommunications include:

- Rehabilitation of SCPT cabled network;
- Spreading out cabled networks of mobile and fixed telephones across the national area;
- Establishing a short wave transmitter-receiver covering the whole country.

## 12.12. Tourism

Despite its enormous tourist wealth, the DR Congo has not yet come to take up this challenge while tourism is one sector that can contribute substantially to the “Employment” aspect in the Government Programme.

The DR Congo has enormous tourism potentialities that can be summarized as follows:

- The multiplicity and diversity of fauna (7 national parks, 57 reserves and hunting areas of large and small animals of Africa as well as rare species) and flora (a lush vegetation in a dense forest and 3 botanical gardens and 3 biosphere reserves); historical and cultural sites scattered in all provinces
- The originality of these natural sites, unique natural assets characterized by their abundance, uniqueness, beauty (Congo River with countless more attractive waterfalls, the Atlantic coast of

37 km, lakes, rivers, volcanoes, mountain ranges, etc.);

- Opportunities for access to more spaces and tourism markets within and outside the country;
- Opportunities to develop various forms of tourism and generate large scale services to develop a paradise that has not yet revealed its entire emergence.

NB: The Congolese Government has already sent a Tourism Law to Parliament providing some facilitation to tourist desiring to visit the DR Congo.

This sector has the following advantages:

- Several forms of tourism can be developed in the DR Congo: mass tourism and niche (swimming, safaris, ecological, scientific, cultural, historical, etc.)
- Many viable and secured sites;
- Many hotels under construction in the country;
- Quality-price balance of services;
- Existence of international networks and advanced promotional tools;
- Efforts made by the Government to improve the business environment including the cost of entry visas.

The most important tourist flows: RSA, Kenya, Tanzania, and Botswana;

With regard to the potential tourism market, it presents as follows:

- The national tourist routes: the sights are deployed on 2,345,410 km<sup>2</sup>, in the 11 provinces of the country and connected by the airways, waterways, road, lake and rail;
- The sub-regional tourist circuits: they are opened by the various communication channels above the 9 neighbouring countries directly accessible and three tourist large influx regions in the North East to the North corridor, South-East to Great Lakes countries and South to the SADC countries.

Investment opportunities in tourism include:

- Tourist site management;
- Building new sites;
- Developing hotel activities in several urban centres (Kinshasa, Lubumbashi, Mbuji-Mayi, Kananga, Tshikapa, Munkamba lake, Kisangani, Bukavu, Mbandaka);
- Modernizing of national parks.



## Sources

AfDB, OECD, UNDP, and UNECA, African Economic Outlook 2012 – DR Congo  
Agence Nationale pour la Promotion des Investment (ANAPI)  
De Wolf and Partners, Investing in the Democratic Republic of Congo: A Legal Guide, March 2012  
Economist Intelligence Unit, DR Congo Country Report, June 2012  
KPMG, Democratic Republic of Congo Fiscal Guide 2012  
IMF, World Economic Outlook 2012  
UNCTAD, World Investment Report 2012  
US Commercial Services, Doing Business in DR Congo, 2012  
World Bank, Bi-Annual Economic Report, Spring 2011  
World Bank, DR Congo Doing Business Report 2012  
World Bank, Resilience of an African Giant, 2011

## For more information please contact:

The National Agency for the Promotion of Investment (ANAPI)  
PO Box 1797 Kinshasa I  
Avenue Colonel Ebeya No. 54, 2nd Floor  
Immeuble de la Reconstruction (ex-Sozabanque)  
Kinshasa, Gombe, Democratic Republic of Congo  
Tel: +243 99 99 25 026 / +243 99 26 88 528  
[anapirdc@anapi.org](mailto:anapirdc@anapi.org)  
[www.anapi.org](http://www.anapi.org)