ANNEX 2: CONGO, REPUBLIC OF THE

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1 ECONOMIC ENVIRONMENT

1.1 Main features of the economy

1.1. The Republic of the Congo (Congo) has a wide variety of natural resources representing considerable economic growth potential. Oil, wood, potash, magnesium, natural gas, hydropower and iron ore are only a few of the natural resources Congo can rely on for its development.[1]

1.2. The country has a coastline stretching for some 170 km along the Atlantic Ocean, a deep-water port at Pointe-Noire and a marine area of 200 nautical miles. Congo also provides access to the sea for two landlocked Central African countries (Chad and the Central African Republic). Given its position, the country plays an important geostrategic role in the subregion in terms of the entry and exit of goods.

1.3. Congo also has a highly developed hydrographic network, a climate conducive to farming, biodiversity of global importance and mineral resources. Its forests occupy the third-largest area in Africa and have a high carbon stock. Congo has always been an important tropical timber producer, with logs being the main forestry output. However, the country also exports a limited volume of sawn timber and wood-based panels. Forestry output includes firewood, charcoal, non-timber forest products, food and medicines. Congo also has considerable growth potential in the food production and cash crop sectors.

1.4. Congo's huge resources and reserves remain largely untapped. The country's economy lacks diversity and is heavily dependent on the petroleum sector, which on average accounts for 40% of GDP and around 80% of export revenue. Agriculture remains underdeveloped, contributing an average of 5% to GDP. Manufacturing is also underdeveloped (about 8% of GDP) due to supply-side constraints, including the scarcity of inputs such as electricity, the poor state of transport infrastructure and logistics, and a financial system focusing mainly on import-export activity. Driven by telecommunications and tourism, the services sector accounts for about 30% of GDP (Table 1.1).

1.5. Due to shortcomings in structural policies, economic management, social inclusion and equity policies, Congo's economy remains fragile; it is in fact still heavily reliant on petroleum and hence highly vulnerable to fluctuations in global oil prices. Around 67% of the population lives below the poverty line, and the country also has one of the highest unemployment rates in sub-Saharan Africa. Moreover, 60% of the population has no access to electricity, and social protection services are limited.[2]

1.6. The Congolese Government has initiated a wide-ranging programme of structural reforms and enhanced governance, oriented towards inclusion through job creation, economic transformation and diversification centred on agriculture, tourism, and industry, all driven by the private sector. The Government of Congo intends to use these programmes and reforms to expand its productive base, create jobs and reduce poverty.[3]

1.7. According to the authorities, as in many other African countries, the informal sector occupies a very important position in the Congolese economy, with a significant proportion of the population relying on what would elsewhere be described as odd jobs for their livelihood. Although there is a lack of statistical data on this sector at the domestic level, the Congolese Ministry of Small and Medium-sized Enterprises reports that 58.8% of the informal sector is made up of individual businesses and 40.1% of corporations, and that this sector creates 97% of jobs in the country. However, the informal sector is not subject to any type of taxation, audit or enumeration and the main industries concerned are crafts, commerce and related activities (carpentry, mechanical work, shoemaking, welding).[4] The low level of formalization of businesses is partly due to their distrust of

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[1] Office of the President of the Republic of the Congo: National Development Plan of Congo (PND Congo) 2012-2016. According to the US Energy Information Administration (EIA), Congo has significant oil reserves with proven reserves estimated at 1.6 billion barrels, the fourth largest proven oil reserves in sub-Saharan Africa.

[2] IMF (2021). Country Report No. 21/225, p.37.

[3] See the Congo National Development Plan (Congo PND) 2012-2016 and the National Development Plan 2018-2022. See also Central Document of the Strategic Development Framework of the PND 2018-2022, and the Synopsis: DSCERP 2012-2016.

[4] Report on Mapping of the Informal Sector in Congo (Brazzaville and Pointe-Noire), prepared by the Ministry of Small and Medium-sized Enterprises (2018).

fiscal or parafiscal authorities, whose influence is made more burdensome by the limited tax base. Tax incentives for formalization are not persuasive enough and sometimes even encourage formal enterprises not to declare their real income.

1.8. Congo is a member of the Central African Economic and Monetary Community (CEMAC) and the Central African Monetary Union (CAMU). The common currency among CAMU member States is the CFA franc used for financial cooperation in Central Africa, which is pegged to the euro (Common Report, Sections 1 and 2).[5]

1.2 Recent economic developments

1.9. Since its last Trade Policy Review (TPR) in 2013, the Republic of the Congo has experienced irregular and generally sluggish economic growth, which has even been negative since 2015, with sharp downturns of -12.2% in 2016 and -6.11% in 2020. These downturns have affected most key sectors of the economy, including the non-petroleum and gas sector (Table 1.1). The petroleum sector, the backbone of the country's economy, has been unable to play its traditional role of driving the country's growth. The COVID-19 pandemic, fluctuations in oil prices and the decline in domestic petroleum output, as well as debt overhang, among other factors, have all had major economic repercussions for Congo, especially in 2020 and 2021. Difficulties experienced by the petroleum sector have impacted other sectors of the country's economy and led to a deep recession.

1.10. Trends in revenue (petroleum and non-petroleum) and public spending have shaped social developments. Income growth has remained insufficient to reduce poverty and substantially improve living conditions. With the population growing by around 2.6% per year, negative real economic growth since 2015 has resulted in a marked decline of about 50% in real per capita income, intensifying the deterioration in living conditions. GDP per capita, which was USD 4.492 in 2014, stood at USD 2.240 in 2020 (Table 1.1).

1.11. The CEMAC member States, which include Congo, pursue common monetary and exchange rate policies within the CAMU framework (Common Report, Section 1). In a monetary union where, on the one hand, the Bank of Central African States (BEAC) implements a prudent monetary policy and, on the other, member States' recourse to the BEAC to finance their public deficits is strictly regulated, inflation in Congo depends largely on the imported component of foodstuff and petroleum product prices, which are generally subject to control and regulation (Section 3). The monetary component of inflation has been controlled through the Community monetary policy (Common Report, Sections 1 and 2) and the prudent budgetary policy implemented by the authorities as part of the Government's economic programme supported by the International Monetary Fund (IMF). Consequently, since 2013, with the exception of 2016 (4.6%), inflation has stayed below the regional convergence criterion of 3%, albeit with slightly variable rates ranging from 1.1% in 2020 to 2.3% in 2021.

Table 1.1 Basic economic indicators, 2012-21

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Miscellaneous										
GDP at current market prices (CFAF billion)	9,033.2	9,009.3	9,450.4	7,856.1	6,885.9	7,413.9	8,060.5	8,226.8	6,400.9	7,852.5
GDP at current market prices (USD billion)	17.7	18.2	19.1	13.3	11.6	12.8	14.5	14.0	11.1	14.2
Real GDP growth rate	15.3	-1.1	6.7	-1.0	-12.2	-0.2	1.1	-0.2	-6.1	-1.3
Real GDP growth rate excluding oil and gas (%)	25.3	3.9	8.5	1.0	-14.6	-4.3	-12.5	-1.4	-3.8	6.1
GDP per capita (USD)	4,372.9	4,391.5	4,492.2	3,039.2	2,589.6	2,772.9	3,074.2	2,897.9	2,240.1	2,777.7
Population (million)	4.0	4.2	4.3	4.4	4.5	4.6	4.7	4.8	5.0	5.1
Inflation (African consumer prices, annual average)	5.0	4.7	0.9	1.7	4.6	0.7	1.2	2.3	1.1	2.3
National accounts at current prices (% of GDP)										
Consumption	37.5	40.6	47.3	58.7	63.5	60.4	39.2	38.0	49.7	41.6
Public (Government)	13.8	12.3	14.2	13.9	12.6	14.4	6.0	4.8	4.8	8.6
Private	23.7	28.3	33.2	44.8	50.9	46.0	33.1	33.2	44.9	33.0
Gross investment	43.8	46.7	50.7	74.6	59.7	41.6	36.6	37.3	38.1	42.6
Gross fixed capital formation	38.2	40.9	47.3	71.4	62.1	44.5	34.8	35.5	35.8	40.7

[5] 1 EURO = 655.957 CFAF since 1 January 1994.

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Public	9.1	9.7	10.9	15.1	10.6	7.2	1.5	1.7	2.9	3.8
Private	29.0	31.2	36.4	56.3	51.5	37.3	33.2	33.8	32.9	36.9
Petroleum sector	20.9	22.6	20.6	39.0	44.4	11.8	11.5	12.4	5.6	14.0
Non-petroleum sector	8.2	8.6	15.7	17.2	7.1	25.5	21.8	21.4	27.3	22.9
Changes in inventories	5.7	5.8	3.5	3.2	-2.4	-2.9	1.8	1.8	2.3	1.9
Net exports	18.7	12.7	1.9	-33.3	-23.2	-2.0	24.3	24.7	12.2	15.8
Exports of non-factor goods and services	58.1	52.1	49.7	38.2	39.6	49.8	63.3	60.7	46.6	54.7
Imports of non-factor goods and services	-39.4	-39.4	-47.8	-71.6	-62.7	-51.8	-39.1	-36.0	-34.4	-38.9
Sectoral distribution (% of nominal GDP at factor cost)										
Agriculture	4.0	4.8	4.8	6.3	8.0	8.0	7.2	7.3	9.1	8.2
Agriculture, livestock, hunting and fishing	3.2	4.0	4.0	5.2	6.4	6.2	5.7	5.9	7.0	6.2
Forestry and logging	0.8	0.8	0.8	1.1	1.6	1.9	1.5	1.5	2.1	2.0
Mining and quarrying	50.5	45.2	41.2	26.7	25.5	32.8	47.3	46.5	34.1	41.3
Oil	49.4	44.6	40.6	25.9	25.1	31.6	46.3	45.5	33.3	39.7
Gas	1.1	0.6	0.6	0.8	0.4	0.4	0.3	0.3	0.4	0.7
Copper	,,	,,	,,	,,	,,	0.8	0.7	0.7	0.5	0.6
Iron ore	,,	0.0	,,	,,	,,	,,	0.0	,,	0.0	0.0
Zinc	,,	,,	,,	0.0	0.0	0.0	0.0	0.0	0.0	0.2
Manufacturing	5.0	6.0	6.3	8.3	8.9	8.1	7.1	7.8	9.2	8.4
Electricity, gas and water	0.6	0.7	0.7	0.8	1.2	1.2	1.0	1.1	1.4	1.2
Construction and public works	12.0	14.6	16.0	21.6	14.5	10.1	6.2	7.0	9.2	8.1
Services	28.1	28.7	31.1	36.3	42.0	39.8	31.2	30.3	37.0	32.9
Transport and telecommunications	6.4	7.2	7.7	8.0	8.1	7.2	4.9	5.4	6.1	5.7
Transport	5.1	5.6	6.0	5.9	5.9	5.3	3.6	4.1	4.4	4.0
Telecommunications	1.3	1.6	1.7	2.1	2.2	1.9	1.3	1.3	1.7	1.7
Commerce, restaurants and hotels	7.5	7.9	8.6	11.9	13.0	11.3	8.7	7.9	10.3	9.1
General government	8.4	7.8	8.9	9.2	8.8	9.6	9.0	8.7	11.5	10.0
Other services	5.8	5.9	5.9	7.3	12.1	11.8	8.7	8.2	9.2	8.1
Public finances (% of GDP)										
Total revenue	32.8	34.4	35.1	20.5	22.2	19.1	23.4	24.2	19.9	21.6
Petroleum revenue	25.4	25.8	26.0	8.9	10.2	9.2	16.0	15.7	10.2	13.4
Non-petroleum revenue	7.5	8.6	9.1	11.6	12.1	9.9	7.4	8.4	9.7	8.3
Total expenditure	28.1	30.1	45.5	36.9	36.3	25.1	18.1	19.5	22.5	20.5
Current expenditure	11.3	12.5	22.3	21.8	23.5	19.5	16.4	16.5	19.1	17.6
Capital expenditure	16.7	17.6	23.2	15.2	13.0	5.5	1.8	3.0	3.3	2.9
Budgetary balance, commitments basis, excluding grants (deficit (-))	4.8	4.3	-10.5	-16.5	-14.0	-6.0	5.2	4.7	-2.6	1.2
Budgetary balance, commitments basis, including grants (deficit (-))	4.9	4.6	-10.1	-15.9	-13.5	-5.6	5.3	5.3	-1.0	1.6
External sector										
Real effective exchange rate (% change)[a]	-5.2	6.3	1.2	-5.5	4.0	-0.6	2.5	0.1	5.1	-1.0
CFAF per USD (annual average)	510.6	493.9	493.8	591.2	592.6	580.7	555.4	585.9	575.6	554.5
Current account balance (% of GDP)[a]	2.6	-11.7	3.6	-34.9	-44.0	2.6	8.4	15.7	-3.5	10.8
Total debt outstanding (% of GDP)	,,	,,	28.8	38.7	47.3	80.1	71.7	74.6	103.1	103.5
Outstanding external debt (% of GDP)	20.0	20.4	24.7	33.7	41.5	55.1	49.2	52.0	58.9	52.4
External reserves (in months of imports of goods and services)	9.4	8.5	7.2	2.9	1.2	1.1	1.1	2.5	3.3	2.2
Foreign direct investment (FDI) inflows (USD million)	-282.8	609.4	1,659.5	3,803.3	1,611.6	4,417.0	4,315.3	3,366.1	4,015.5	3,690.8

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
% of GDP	-1.6	3.3	8.7	28.6	13.9	34.6	29.7	24.0	36.1	26.1
Inward FDI stock (USD million)	9,164.4	9,773.8	11,433.3	15,236.5	16,848.2	21,265.1	25,580.4	28,946.5	32,962.0	36,652.8
% of GDP	51.8	53.6	59.7	114.7	145.0	166.5	176.3	206.2	296.4	258.8

.. Not available.

[a] A minus sign indicates depreciation.

Note: The CFA franc used by the CEMAC countries is pegged to the euro at a rate of EUR 1 = 655.96.

Source: Information provided by the authorities; BEAC. Viewed at: https://www.beac.int/economie-stats/statistiques-economiques/; UNCTAD. Viewed at: http://unctadstat.unctad.org/EN/Index.html. IMF, International Financial Statistics. Viewed at: http://elibrary-data.imf.org/ and UNCTADstat.

1.12. On the fiscal front, total annual revenue (as a percentage of GDP) remained stable between 2012 (32.8%) and 2014 (35.1%). However, since 2015 (20.5%), a downward trend has been observed in petroleum revenues, together with a shrinking of the tax base following negative, sluggish GDP growth in 2015. However, a slight improvement was experienced in 2018 and 2019. As a proportion of GDP, expenditures trended upwards from 2012 to 2016, with sharp increases between 2012 and 2014, before recording a downward trend as from 2017. Capital expenditure showed an upward trend between 2012 and 2016, reflecting the impetus of major public infrastructure construction works, before falling significantly from 2017 onwards (Table 1.1).

1.13. Against this backdrop of falling public revenues and high expenditure (current and capital spending), the budget deficit (cash basis, excluding grants), which stood at 4.8% of GDP in 2012, fluctuated during the period under review, albeit with an upward trend reaching 16.5% in 2015. The subsequent increase in financial needs was met by internal (bank) and external financing (accumulation of arrears). As a result, the private sector was crowded out, and debt (domestic and external) rose to 80.1% of GDP in 2017 before reaching 103.5% of GDP in 2021, well above the 70% cap set by CEMAC (Table 1.1). Between 2017 and 2021, Congo benefited from several million US dollars in external debt relief and cancellation (Table 1.2).

1.14. The external component remains predominant in the composition of Congo's public debt, having accounted for 55.1% and 52.4% of such debt in 2017 and 2021, respectively (Table 1.1). Governance and debt overhang problems had prompted Congo to negotiate and conclude an extended credit facility (ECF) programme with the IMF in 2019. However, the COVID-19 pandemic and oil price shocks preceding the Ukraine crisis seriously undermined Congo's finances, raising concerns about debt viability. Consequently, the Congolese authorities are negotiating adjustments in the payment of outstanding external arrears to ease their financial burden.[6]

1.15. Despite a strongly positive external trade balance, Congo's current account balance has seesawed, with large deficits of around 11.7% of GDP in 2013, 34.9% of GDP in 2015, 44.0% of GDP in 2016, and a slight deficit in 2020 of 3.5% of GDP. The decline in petroleum revenue is the main cause of these deficits, together with a significant contraction in the country's external reserves. As a result, the coverage rate of imports by external reserves narrowed significantly from nine and a half months in 201 to a single month in 2018 and 2019, before rising to two months in 2021. The balance of services is largely negative due to the high cost of transport and travel services, reflecting Congo's remoteness from its import markets in particular. The balance of payments was negative overall, partly due to dwindling exports of petroleum products (Tables 1.1 and 1.2).

Table 1.2 Balance of payments, 2012-21

(USD million)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Current account balance	458.5	-2,125.9	684.1	-4,635.6	-5,115.2	338.2	1,219.4	2,208.5	-393.2	1,531.7
Foreign trade balance	4,789.5	2,780.1	3,468.9	-1,109.4	-2,066.3	2,845.2	6,041.6	4,863.7	2,169.8	4,161.4
Exports	10,274.5	9,030.8	8,878.7	4,680.2	4,358.7	6,250.0	9,501.7	8,259.3	4,951.3	7,421.1
Imports	-5,485.0	-6,250.7	-5,409.7	-5,789.6	-6,425.0	-3,404.8	-3,460.1	-3,395.6	-2,781.5	-3,259.7
Balance of services	-2,995.2	-3,773.4	-3,092.6	-3,318.3	-2,144.4	-951.5	-2,805.7	-1,877.1	-1,967.4	-2,158.8
Balance of revenue	-1,426.1	-1,214.6	267.3	-65.8	-390.8	-1,558.6	-2,020.0	-810.9	-771.2	-510.3

[6] IMF (2021). Country Report No. 21/225.

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Current transfers balance	90.3	82.0	40.7	-142.1	-513.7	2.9	3.4	32.8	175.5	39.5
Capital and financial account	-23.3	453.7	-79.2	1,920.5	4,114.5	-1,228.1	-794.9	-1,948.6	1,003.3	-2,287.5
Capital account	19.6	69.0	-4.7	-10.8	58.0	77.8	2.2	86.5	22.8	47.2
Public (net)	19.6	69.0	7.3	0.0	68.2	86.1	10.8	96.6	33.0	57.7
Private (net)	0.0	0.0	-11.9	-10.8	-10.1	-8.3	-8.6	-10.1	-10.3	-10.5
Financial account	-42.9	384.7	-74.5	1,931.3	4,056.5	-1,305.9	-797.0	-2,035.1	979.9	-2,334.8
Direct investment (net)	609.7	903.4	2,247.7	3,788.7	2,932.3	-490.1	408.9	-3,282.6	-3,080.5	-1,543.3
Portfolio investment (net)	-1.8	-1.6	-1.6	-1.4	-34.4	72.3	-1.4	-1.4	-1.4	-1.4
Other net investment	-650.9	-517.1	-2,320.6	-1,856.0	1,158.6	-888.1	-1,204.6	1,248.8	4,062.5	-790.0
Errors and omissions	-609.7	1,058.5	-210.0	460.9	-582.3	423.0	-698.7	-76.0	299.5	407.2
Overall balance	-174.3	-613.7	394.7	-2,254.2	-1,583.0	-466.9	-274.0	184.0	909.7	-348.6
Financing	174.3	613.7	-394.7	2,254.2	1,583.0	466.9	274.0	-184.0	-909.7	348.6
Changes in official reserves (+ = decrease)	177.1	544.8	-394.3	2,245.6	1,485.1	367.2	-39.8	-472.4	-908.3	404.5
Exceptional financing	-2.7	68.8	-0.6	8.5	97.9	99.7	314.0	288.4	-1.4	-55.9
Variations in external arrears (reduction (-))	-121.0	-0.6	-0.6	8.5	97.9	0.2	120.6	160.4	-92.9	-229.0
Debt relief and cancellation	118.3	69.6	0.0	0.0	0.0	99.7	193.4	128.0	91.6	173.1

Source: Information compiled by the WTO Secretariat on the basis of BEAC annual reports (2014-21).

1.3 Trade and investment performance

1.16. During the period under review, the ratio of trade (exports and imports) of goods and services to GDP remained above 90%, with peaks of around 120% in 2015 and 2016 (Table 1.1). This reflects the importance of international trade for the Congolese economy. The country imports most of the consumer goods it needs and exports most of its main products, hence its high dependence on international trade.

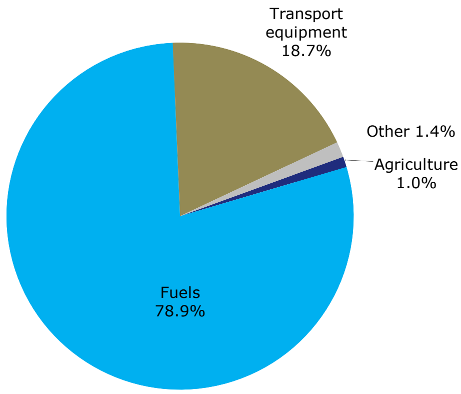
1.17. The structure of Congo's exports has remained largely unchanged since its last review. More than half of them continue to be concentrated in mining and quarrying, including fuels and hydrocarbons, at 78.9% in 2012 and 55.1% in 2021. Machinery and transport equipment (re-exports) occupy second position, followed a long way behind by agricultural products, including timber (Chart 1.1 and Table A1.1). Asia, primarily China, has become Congo's biggest trading partner. The volume of trade in goods with Asian countries increased considerably during the period under review, rising from 21.5% to 45.8% for China and from 33.3% to 57.0% for all Asian countries, including China. The European Union (EU-27) and the United States saw their share drop from 38.7% to 6.4% and from 6.1% to 0.6%, respectively, over the same period. Although the share of Congo's trade with other CEMAC member States has increased slightly, intra-community trade remains low, and Congo exports little to other African countries (Chart 1.2).

1.18. Despite a sharp decline, manufactures continue to account for a large share of imports (59.4% in 2021 compared to 92.0% in 2012). They are followed by agricultural products (33.1% in 2021, compared to 6.4% in 2012). The European Union remains Congo's largest import market, and its market share increased during the period under review, from 21.5% in 2012 to 30.8% in 2021. The share of African countries in Congo's total imports remains low, falling from 52.9% in 2012 to 19.6% in 2021 (Chart 1.2 and Table A1.3).

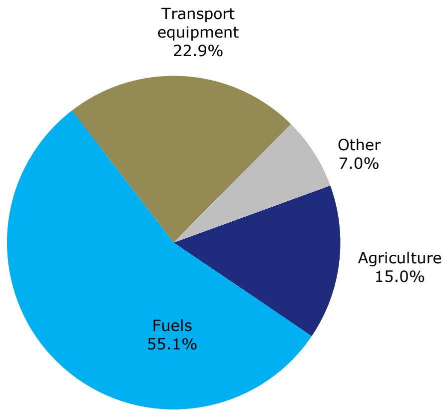
Chart 1.1 Patterns in merchandise trade, 2012 and 2021

2012 | **2021**

(a) Exports (f.o.b.)

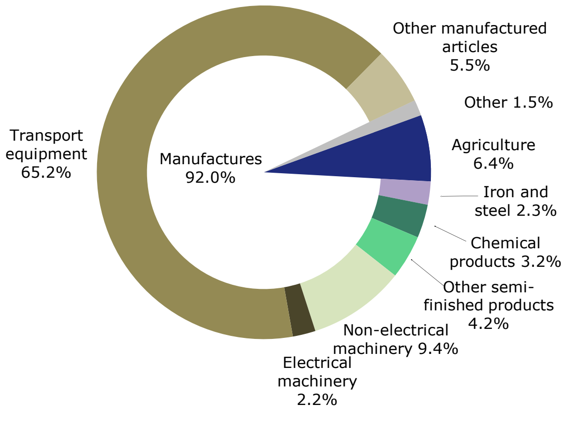


Total: USD 7,437.9 million

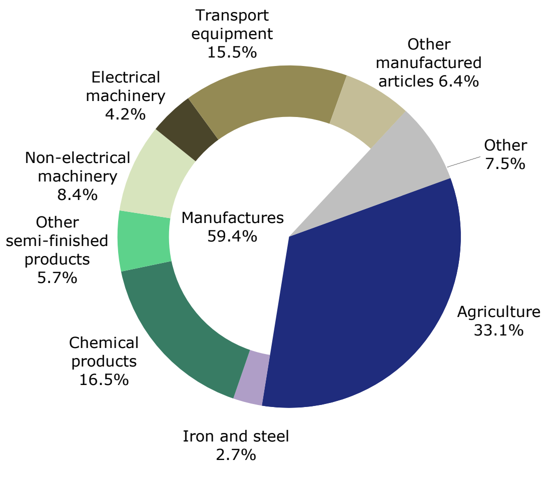


Total: USD 2,362.2 million

(b) Imports (c.i.f.)



Total: USD 7,348.6 million



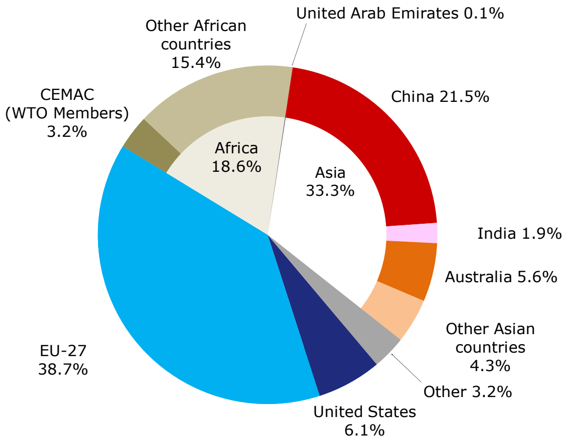
Total: USD 2,315.5 million

Source: WTO Secretariat calculations based on data from the United Nations Statistical Division (UNSD) Comtrade database (SITC Rev.3).

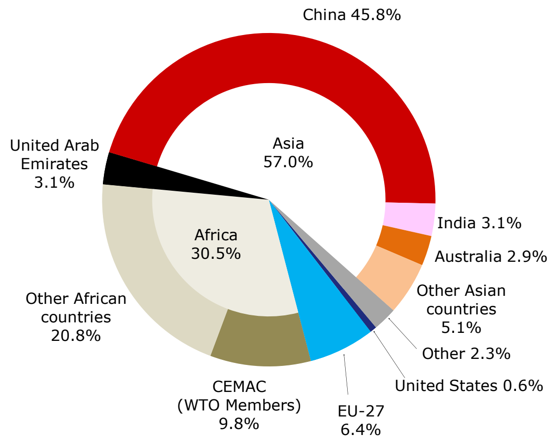
Chart 1.2 Direction of merchandise trade, 2012 and 2021

2012 **2021**

(a) Exports (f.o.b.)

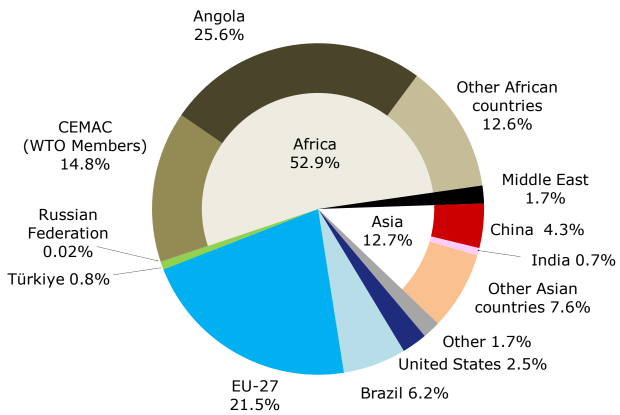


Total: USD 7,437.9 million

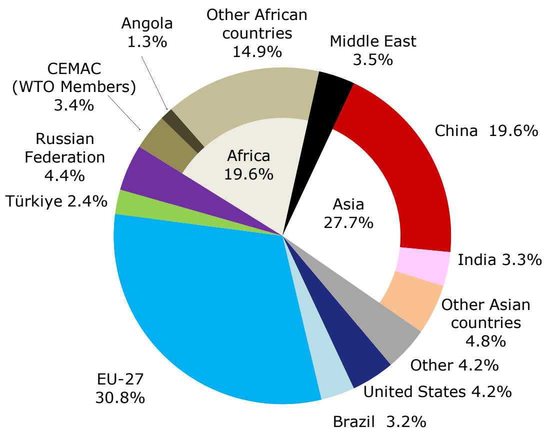


Total: USD 2,362.2 million

(b) Imports (c.i.f.)



Total: USD 7,348.6 million



Total: USD 2,351.5 million

Source: WTO Secretariat calculations based on data from the United Nations Statistical Division (UNSD) Comtrade database.

2 TRADE AND INVESTMENT REGIMES

2.1 General framework

2.1. The Republic of the Congo's new constitution was promulgated in November 2015.[7] It enshrines the separation of powers.[8] Under the Constitution, the President of the Republic is elected by direct universal suffrage for a term of five years, renewable twice. The President of the Republic is the Head of State, head of the executive branch, Supreme Commander of the Armed Forces and President of the Judicial Service Commission. He appoints the Prime Minister, who is Head of Government. On the latter's proposal, he also appoints ministers. He determines their powers by decree and chairs the Council of Ministers. Presidential elections were last held on 21 March 2021. They resulted in the re-election of the current President, in power from 1979 to 1992 and from 1997 to the present.

2.2. Parliament is bicameral and is composed of the National Assembly, with 151 deputies elected for five years by direct universal suffrage, and the Senate, with 72 senators elected for six years by indirect suffrage (there are elections for one third of the Senate seats every three years). Legislative elections were held in July 2022 and senatorial elections will be held in 2023. Once adopted by Parliament[9], a draft law becomes law after it has been promulgated by the Head of State and published in the Official Journal.[10]

2.3. The legal aspects of trade matters are dealt with at the national level, except in the event of recourse to the OHADA Arbitration Act[11], more specifically to the Common Court of Justice and Arbitration (CCJA) (Common Report, Section 2). At the national level, arbitration is administered by the Centre for Arbitration and Mediation of Congo (CEMACO), which has been in place since 27 January 2012 and sits at the headquarters of the Chamber of Commerce, Industry, Agriculture and Trades at Brazzaville, with satellites at Pointe-Noire, Ouesso, and Dolisie.[12]

2.4. The President of the Republic (or his/her delegate) negotiates, signs and promulgates treaties and international agreements; where necessary, these are submitted to Parliament for ratification.[13] The WTO Agreement came into force in Congo after its ratification by the President of the Republic on 21 April 1997 (Law No. 07-97 of 21 April 1997), following authorization by Parliament on 27 March 1997.

2.5. The hierarchy of laws follows the monist system under which treaties and international agreements, once ratified, take precedence over laws, with the proviso that each individual agreement or treaty is applied by the other parties, except in the case of human rights treaties. Upon their entry into force, treaties and international agreements are directly applicable as law in

[7] The first Constitution dates from 2 May 1961; the second, of 8 December 1963, was repealed and replaced by the *Acte fondamental* of 16 August 1968; the third, of 31 December 1969, was suspended by the *Acte fondamental* of 5 April 1977; the fourth dates from 8 July 1979; the fifth, of 15 March 1992, was suspended in 1998; and the sixth Constitution dates from 20 January 2002.

[8] Executive power is vested in the President of the Republic and his/her Government; legislative power rests with Parliament; and judicial power is exercised by the Supreme Court, the courts of appeal, the Court of Audit and Budgetary Discipline, and other national courts.

[9] Pursuant to Article 147 of the 2015 Constitution, draft laws are first considered by the first chamber seized, on the basis of the text introduced by the Prime Minister. Once that chamber has voted to approve the draft, it is referred to the other chamber, which then considers the text before it. Pursuant to Article 150, draft laws are considered by the two chambers in successively with a view to the adoption of an identical text; in the event of disagreement, the Prime Minister may convene a joint (equi-representational) committee to propose a draft on the provisions yet to be agreed.

[10] Organic laws cannot be promulgated until they have been ruled constitutional by the Constitutional Court.

[11] OHADA's Uniform Act on Arbitration was adopted by Congo on 11 July 1999 and entered into force 90 days after its adoption (Article 9 of the Treaty on the Harmonization of Buisness Law in Africa).

[12] According to the authorities, CEMACO's main responsibilities are to organize and administer mediation and arbitration procedures referred to it, to provide training or assistance to facilitate the promotion of a culture of trade dispute settlement in Congo and to contribute to improving the business environment (Article 2 of the CEMACO statute).

[13] Title XVII of the 2015 Constitution. The Constitutional Court rules on the constitutionality of treaties and agreements. When the Constitutional Court has ruled that an international commitment contains a clause that is contrary to the Constitution, ratification or approval cannot be authorized until the Constitution has been amended.

Congo and automatically legally binding. Consequently, the WTO Agreements may be invoked directly before the national courts, although this has hitherto not happened. After treaties, international agreements and the Constitution come laws, decrees and orders, in descending order. Ordinances are the exclusive purview of the President of the Republic. Decree-laws are not customary in Congo.

2.6. The preparation and implementation of Congo's trade policy are the responsibility of the Ministry of Trade and Supply. The Ministry deals with issues relating to Congo's participation in the WTO and in regional, subregional and bilateral trade mechanisms. A Ministry representative acts as the Executive Secretary to the National Committee for Monitoring and Coordinating Multilateral Trade Negotiations.[14] It has not been fully functional since 2017 due to the financial crisis affecting the country.

2.7. According to the authorities, the Ministry has undergone restructuring, as a result of which the former Directorate-General of Trade has been broken up into three different Directorates-General, namely the Directorate-General for Foreign Trade, the Directorate-General for Domestic Trade, and the Directorate-General of Supply. A degree of confusion has ensued. For example, aspects of foreign trade, in particular import-related matters, sometimes fall within the remit of the Directorate-General of Domestic Trade and sometimes that of the Directorate-General of Supply, for reasons that are not altogether clear. By carving up this important Ministerial department and dividing its functions among the resulting Directorates-General in an unclear manner, the effectiveness and coordination of the activities of the new Directorates-General is undermined, which gives rise to competency conflicts and substantial additional costs to the country.

2.8. Other ministries are involved in drafting and implementing trade policy in their respective areas of competence, in particular the ministries responsible for the economy, finance, planning, foreign affairs, international cooperation, agriculture, tourism, transport and justice.

2.9. The private sector and civil society continue to interact formally or informally with the government. The private sector, in this case the Chamber of Commerce, Industry, Agriculture and Trades (CCIAM)[15], the Employers' and Interprofessional Union of Congo (UNICONGO), one of the leading employers' associations in the country, the Congolese Shippers' Council (CCC) (Section 3), as well as consumer associations, civil society, and NGOs are all represented in the National Committee for Monitoring and Coordinating Multilateral Trade Negotiations.[16] However, apart from the legislature, which is constitutionally empowered to monitor the actions of the executive branch, no other national body is responsible for evaluating Congo's trade policy.

2.10. Each ministry initiates the legal instruments relating to its area of competence. The principal legal instruments relating to trade are set out in Table 2.1.

Table 2.1 Principal trade-related laws and regulations of Congo, July 2022

Area	Instrument/text
Customs legislation	CEMAC Customs Code Customs tariff Decree No. 2019-40 of 11 March 2019 establishing, organizing and allocating single goods' control points at the autonomous port of Pointe-Noire.
Trader status	Uniform Act on General Commercial Law adopted on 15 December 2010 at Lomé; OHADA Official Journal[17] Law No. 19-2005 of 24 November 2005. Decree No. 2008-447 of 15 November 2008 laying down the conditions for modifying, extending and transferring commercial activities and the amount of statutory charges
Customs valuation	Decree No. 2001-387 of 31 July 2001.
Preshipment inspection	Decree No. 95-147 of 8 August 1995 and Decree No. 99-167 of 23 August 1999

[14] Decree No. 2003-48 of 20 March 2003.
[15] Decree No. 95-245 of 4 December 1995.
[16] Decree No. 2003-48 of 20 March 2003.
[17] Viewed at http://www.droit-afrique.com/pays/congo/.

Area	Instrument/text
Value added tax, excise duties, and customs fees	General Tax Code
Import prohibitions and licences	Law No. 7-94 of 1 June 1994. Order No. 2853 prohibiting the manufacture, import, distribution, possession, sale or free offer of cigarettes with flavour capsules, as well as flavoured cigarettes and waterpipes
Sanitary and phytosanitary measures: Human health and phytosanitary measures Animal health	Laws Nos. 6-94 and 7-94 of 1 June 1994 Decree No. 67/182 of 17 July 1967 Order No. 3312 of 26 April 2017 on the creation, powers and organization of the plant breeding and improvement laboratory
Investments	Law No. 6-2003 of 18 January 2003 Law No. 7-96 of 6 March 1996 amending certain provisions of Law No. 008-92 of 10 April 1992 on the Investment Code Law No. 008-92 of 10 April 1992 on the Investment Code Decree No. 2003-57 of 22 April 2003 on the establishment, powers and composition of the National Investment Commission Decree No. 2004-30 of 18 February 2004 on the modalities to approve enterprises for the benefits derived from the Investment Charter Decree No. 94-568 of 10 October 1994, as amended by Decree No. 95-183 of 18 October 1995 establishing the Business Administrative Formalities Centre
Procedures and regulations for the establishment of private commercial enterprises	Seven Uniform Acts of the Organization for the Harmonization of Business Law in Africa (OHADA) Decree No. 2011-258 of 25 March 2011 on the establishment, powers and organization of the High Council for Public-Private Dialogue (HDCPP decree)[18]
Protection of patents, industrial designs, and trademarks, new plant varieties	Bangui Agreement (1999)
Protection of copyright and related rights	Law No. 24/82 of 7 July 1982
Competition and prices	Law No. 6-94 of 1 June 1994.
Privatization of state-owned enterprises	Law No. 21-94 of 10 August 1994
Government procurement	Decree No. 02/329 of 22 April 1982 Decree No. 2009-156 of 20 May 2009 enacting the Government Procurement Code[19]
Forestry	Law No. 33-2020 of 8 July 2020 on the Forestry Code
Fisheries	Law No. 2-2000 of 1 February 2000 Order No. 6 prohibiting fishing vessels and other craft from maritime fishing in the zone reserved for non-industrial fishing and aquaculture
Mining	Law No. 4-2005 of 11 April 2005 Order No. 12326 of 7 September 2022 on drawing up specifications in the mining sector
Hydrocarbons	Law No. 2016-28 of 12 October 2016 on the Hydrocarbons Code
Electricity	Law No. 14-2003 of 10 April 2003 Decree No. 2020-133 of 18 May 2020 setting the energy consumption bands applicable to different categories of electrical utility users Order No. 673 setting the terms and conditions for the issuance and renewal of electricity import and export licenses
Water	Law No. 14-2003 of 10 April 2003

[18] Viewed at https://www.wbginvestmentclimate.org/toolkits/health-in-africa-policy-toolkit/upload/DECRET-HCDPP.pdf.

[19] Government Procurement Regulatory Authority, Viewed at http://www.armpcongo.org/Decret-n-2009-156-PR_a34.html.

Area	Instrument/text
Telecommunications and postal services	Decree No. 84/078 of 19 January 1984 Ordinances Nos. 8-2001, 10-2001 and 11-2001 of 1 July 2001 Law 29-2019 of 10 October 2019 on the creation of personal data Law No. 37-2019 of 12 December 2019 on electronic transactions Decree No. 2019-150 of 17 June 2019 approving the national strategy for the development of the digital economy Decree No. 2015-242 of 4 February 2015 setting the terms and conditions for the regulation of tariffs for electronic communications services Decree No. 2014-596 of 3 November 2014 regulating electronic signatures for electronic transactions Order No. 8787 on the management of ".cg" and ".gouv.cg" Internet domain names
Tourism establishments Tourist agencies	Decree No. 84-078 of 19 January 1984 Decree No. 83-853 of 22 November 1983 Law No. 29-2021 governing the tourism sector Decree No. 2022-241 setting classification standards for tourist accommodation establishments Decree No. 2022-242 setting out the modalities for classifying, downgrading and reclassifying tourist accommodation establishments
Banking services	Bank of Central African States (BEAC) and Central African Monetary Union provisions
Insurance	Insurance Code of the Inter-African Conference on Insurance Markets (CIMA) Law 37-2014 of 27 June 2014 instituting the universal insurance system
Standards	Law No. 20-2015 of 29 October 2015 governing the national standardization and quality management system Law No. 19-2015 of 29 October 2015 creating the Congolese Standardization and Quality Agency (ACONOQ)
Special Economic Zones	Law No. 24-2017 of 9 June 2017, on the creation of special economic zones, and the definition of their regime and their organization Law No. 25-2017 of 9 June 2017, creating the agency for the planning, promotion and development of special economic zones Law No. 36-2019 of 26 November 2019, creating the regulatory authority for special economic zones Decree No. 2018-213 of 5 June 2018, setting the conditions for granting and withdrawing investor approval for the special economic zones regime Decree No. 2019-120 of 3 May 2019 on the creation, powers and operation of one-stop shops in special economic zones

Source: Congolese authorities.

2.11. According to the authorities, with the entry into force of the OHADA Treaty, the legal framework for business in the Republic of the Congo is in principle based on the different OHADA Uniform Acts (Common Report, Section 2).[20] However, the alignment of the national laws with these provisions is not yet complete. The process of harmonizing domestic law with certain OHADA Uniform Acts, including by referring to national laws for certain aspects of the Acts' implementation, is still underway. On the legal front, other sectoral texts could also be improved, in particular the Hydrocarbons Code and the Mining Code, which could promote investment and the development of exploration, as well as the Investment Charter, by introducing provisions favourable to the development of small and medium enterprises (SMEs) through joint ventures between local and foreign private companies.

2.2 Trade policy objectives

2.12. The country's trade policy is based on regulations established at the supranational (i.e. multilateral, regional and subregional) level, and at the national level for all aspects not covered elsewhere (Common Report, Section 2). This commitment to integration is part of Congo's overarching trade policy goal of poverty reduction thanks to the positive spill-over effects that should result from further liberalizing the trade regime (including trade facilitation); diversifying exports;

[20] The revised OHADA Treaty was ratified in 2009.

and accelerating the privatization programme and sectoral reforms (agriculture, mining, services and industry). In each sector to be promoted, the primary aim is to increase the competitiveness of local goods and services for export, in order to boost revenues and reduce poverty.

2.13. The Republic of the Congo's economic and social development strategy is based on plans. Following the National Development Plans (PND) that covered the periods 2012–16 and 2018-22, the Government has drawn up a new plan for 2022–26 (PND 2022–26).

2.14. According to the Congolese authorities, the PND 2022–26 aims, among other things, to build a strong, diversified and resilient economy based on growth-generating activities, including agriculture in the broadest sense (arable farming, livestock, fishing, fish farming, agroforestry), industry, special economic zones, tourism, the digital economy and real estate.

2.15. Foreign trade has accounted for 114.8% of GDP on average over the last five years. In that respect, the PND 2022–26 sets out to make trade one of the main drivers of growth in the Congolese economy, the aim being to provide the local market with a sufficient, regular supply and so reduce the level of food imports. The Government will promote the marketing and processing of agricultural products, modernize agriculture, provide the country with at least two quality-control laboratories in Brazzaville and Pointe-Noire, and build at least two wholesale markets in those two major cities, as well as warehouses for the storage and conservation of agricultural products.[21]

2.16. The success of the PND 2022-26 will also depend to a large extent on the private sector's contribution to the financing of activities relating directly or indirectly to the various pillars of the PND. The Government faces two major challenges in achieving this: improving the business climate; and introducing incentives to make companies more competitive.

2.3 Trade agreements and arrangements

2.3.1 WTO

2.17. Congo is an original Member of the WTO (Common Report, Section 2).[22] Between January 2019 and May 2022, it was subject to "administrative measures" imposed on countries that have outstanding contributions, which has limited Congo's participation in WTO activities. Since June 2022, the country has regularized its situation by paying its outstanding contributions to the WTO.

2.18. During the period under review, the Republic of the Congo submitted very few notifications to the WTO (Common Report, Section 2). Consequently, Congo's trade policy remains something of an unknown quantity to WTO Members. Congo has not been involved in any formal WTO disputes.

2.3.2 Other agreements and arrangements

2.19. In addition to its reciprocal trade preferences within the CEMAC and ECCAS frameworks, Congo benefits from the non-reciprocal preferential treatment offered by the EU, the United States and other developed or developing countries in accordance with their national preference schemes, including the Generalized System of Preferences (Common Report, Section 2).

2.20. Congo is a member of the following regional and subregional organizations: the African Union, the Economic Commission for Africa, the African Continental Free Trade Area, the Economic Community of Central African States (ECCAS), and CEMAC (Common Report, Section 2). Congo has also concluded framework trade facilitation agreements with China, Rwanda, France and Senegal.

2.4 Investment regime

2.21. Since the Republic of the Congo's last TPR, the Investment Promotion Agency (API) has been set up. According to the statutes adopted in April 2013 (Decree No. 2013/32), the API's mandate

[21] PND 2022–26.

[22] Congo inherited the status of contracting party on 3 May 1963 (Article XXVI:5(c) of the GATT 1994) after applying the GATT *de facto* as from 15 August 1960. It ratified the Marrakesh Agreements on 27 March 1997.

covers three main areas: devising and promoting the Republic of the Congo's brand image to attract potential investors; implementing government investment policy through activities to promote and facilitate private investment; and contributing to improving the business environment.

2.22. The Ministry of the Economy and Finance formulates national investment policy. The National Investment Commission (CNI) is responsible for implementing government investment policy and following it up with the approved enterprises and the national authorities involved in the relevant incentives. It works to implement economic investment regulations by considering applications for approval, granting the benefits of preferential regimes to approved businesses, ensuring compliance with the commitments entered into by the companies approved under the various regimes, and certifying the end of the companies' start-up period. The CNI is chaired by the Minister of the Economy and Finance and holds four regular meetings a year, though extraordinary sessions may be convened at the initiative of its chair.

2.23. The API works in parallel with the CNI. Its role is to implement government investment policy through activities to promote and facilitate private investment; contribute to improving the business environment; and devise and promote a brand image to attract potential investors to Congo. The API makes economic, commercial and technical information available to investors, or conducts studies on investment opportunities. It is managed by a general manager, under the supervision of a Management Committee, which comprises a chair, representatives of the Office of the President of the Republic, the ministry responsible for promoting the private sector, employers, private-sector users, the general manager of the body and staff, as well as two persons recognized for their abilities appointed by the President of the Republic.

2.24. Adopted in 2003, the Investment Charter of Congo remains the principal regulatory framework for investments and coexists with OHADA standards. As is the case for all the other members of CEMAC, the Charter transposes Community provisions on investment into national law (Common Report, Section 2). The national charter is supplemented by regulations adopted at the beginning of 2004. It defines the eligibility conditions and criteria for the various regimes/benefits; investment procedures and the approval authority; and the obligations incumbent upon approved enterprises, infringements, penalties, miscellaneous provisions, and other practical information.[23]

2.25. The Investment Charter provides guarantees to all investors, irrespective of nationality. It reaffirms that every investor is free to engage in business; the right to property, including intellectual property; the right to repatriate capital invested and profits realized, as well as savings made on salaries by expatriate staff; the right of access to foreign exchange and free movement of capital; and the transparent application of business law and labour law.

2.26. Specific regulatory frameworks also apply to mining, forestry and oil companies (Section 4). Although trade is, in principle, an activity excluded from the ambit of Charter, in exceptional circumstances it applies to commercial activities associated with the collection, storage, distribution and export of locally manufactured products (other than alcoholic beverages and tobacco) with a view to promoting exports of local manufactures. Other activities are not open to private investment, however, including the sugar industry (Section 4.2), certain services related oil operations (Section 4.3) and goods or services supplied under a state monopoly (water, postal services and fixed telecommunications) (Sections 3 and 4). The electricity sector has been liberalized. Moreover, market stall trading, bread-making and urban transport activities are reserved to traders of Congolese nationality.[24]

2.27. In addition to various guarantees (including non-discrimination, free movement and free transfer of revenue), newly formed companies operating in one of the eligible sectors can benefit from the customs, tax and land-ownership measures provided for at the Community level (Common Report, Section 3), including: (i) exemption from the profits tax during the company's first three years of operation; (ii) the option to implement degressive or accelerated amortization and, during the first years of operation, authorization to carry losses over to subsequent years; (iii) companies with subsidiaries may deduct the income from shares or ownership interests in those subsidiaries from their taxable profits; and (iv) tax reduction measures when profits are reinvested.

[23] Decree No. 2004-30 of 18 February 2004.
[24] Law No. 19-2005 of 24 November 2005.

2.28. Other measures are available as a result of the Republic of the Congo's application of the provisions of the OHADA revised Uniform Act on General Commercial Law. They include the abolition of fees for the publication of a company incorporation notice (a simple notification to the Commercial Court or on the website of the Business Formalities Centre and its single-window facility now suffices) and the submission of a sworn statement instead of a copy of a police record (Common Report, Section 2).

2.29. According to the United Nations Conference on Trade and Development (UNCTAD), several cross-cutting constraints hinder the Congo's attractiveness to investors. They include "the limited level of private-sector development, particularly outside the oil industry; the shortage of skilled labour; poor transport infrastructure; the energy challenge; institutional weaknesses in the public administration; and, above all, the challenges of governance and the fight against corruption".[25]

2.30. Since the last TPR, according to the authorities, the Congolese government has been making efforts to strengthen governance and combat corruption. Key measures include the Government Procurement Law (Decree No. 156-2009 of 20 May 2009), as amended in 2012 (Act No. 31-2012), and the 2017 Transparency Law (Law No.10 of 9 March 2017). At the international level, in 2005, Congo signed the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. At the national level, Congo has enacted a series of anti-corruption laws, including Law No. 5 of 22 September 2009 on corruption, extortion, fraud and related offences. The country has also set up the National Commission to Combat Corruption, Extortion and Fraud (CNLCCF). In addition, the Anti-Corruption Observatory was established to enable civil society to provide advice to the CNLCCF and monitor its activities. The National Financial Investigation Agency (ANIF) was set up in 2008, and Congo joined the Extractive Industries Transparency Initiative (EITI) in 2007.

2.31. The Government has also introduced a number of reforms to make it easier to do business, including the creation of a brick-and-mortar one-stop shop, the Congolese Agency for Business Creation (ACPCE), bringing all the authorities involved in setting up a business under one roof (Law No. 16-2017 of 30 October 2017[26]). It has also established the Maison de l'Entreprise (MEC), which also aims to simplify business creation in Congo.

2.32. Other measures have also been taken to make it easier to do business, including the establishment of the Interministerial Committee to Improve the Business Climate (Decree No. 2017-42 of 28 March 2017); the National Committee for Consultation between the Private Sector and Public Administrations (Decree No. 2018-340 of 27 August 2018); the Single Customs Clearance Window (GUD), the Single Cross-Border Transactions Window (GUOT) and the Single Payment Counter (GUP); and the easing of requirements for setting up companies, including scrapping the minimum capital requirement for establishing an SARL-type company (Decree No. 2017-41 of 28 March 2017).

2.33. Disputes between the State and investors are settled in accordance with the rules of the national courts or the provisions of the international treaties and conventions to which Congo is party (Common Report, Section 2). Congo has also concluded a number of bilateral agreements on the reciprocal protection and promotion of investments with the following countries: Germany (1967), Switzerland (1964), United Kingdom (1990), United States (1994) and Italy (1994, but which came into force on 10 January 2003). Congo has concluded two conventions with France (1986 and 1987), to prevent double taxation and tax evasion. In October 2005, it signed an agreement with Tunisia on the reciprocal promotion and protection of investments, together with a double-taxation convention. A reciprocal investment promotion and protection agreement was signed with South Africa in October 2005. Lastly, the Republic of the Congo has also signed reciprocal protection and promotion agreements with China (2000), Mauritius (2010) and the Republic of Korea (2006). There have been no changes to these agreements since the last review.

[25] UNCTAD (2014), *L'examen de la politique d'investissement de la République du Congo*, pp. 4–5.
[26] Viewed at https://www.acpce.cg/download/loi-n-16-2017-du-30-mars-2017/.

3 TRADE POLICIES AND PRACTICES BY MEASURE

3.1 Measures directly affecting imports

3.1.1 Registration

3.1. Since Congo's last trade policy review (TPR) in 2013, all economic operators must be registered and entered in the Trade and Personal Property Credit Register, irrespective of the type of company or establishment; be registered in the files of the National Institute of Statistics (INS); obtain a unique identification number (NIU) from the Directorate-General of Taxes; be registered with the Chamber of Commerce, Industry, Agriculture and Trades; and be registered with the National Social Security Fund. These conditions apply to both nationals and non-nationals.[27]

3.2. Congo does not require separate registration to engage in foreign trade; registration to operate as a trader is all that is required. For registration purposes, all traders must appear before the Congolese Agency for Business Creation (ACPCE), where they meet with a business advisor in order to fill out a single form and attach the original identity card or other equivalent document, as well as two photocopies of these documents, three identity photographs and, for a married person, a copy of the marriage certificate.

3.3. According to the authorities, in order to facilitate and simplify the business start-up formalities, by enabling entrepreneurs to complete the declarations required under laws and regulations in the same place and in the same document. All administrative procedures associated with business activities can be carried out at the Congolese Agency for Business Creation (single window)[28] in Brazzaville, Pointe-Noire, Ouesso, Nkayi, Dolisie or Owando. All administrative formalities are carried out at ACPCE departmental and interdepartmental offices throughout the country. The average time taken to complete these formalities is 72 hours in Brazzaville and Pointe-Noire, and slightly longer in other departments if the person registering the business has all of the necessary documents. Registration costs vary depending upon the nature, class and locality of the activity.[29]

3.4. Upon payment of the required fees[30], the single window handles the formalities with the following offices on the trader's behalf: the Registry of the Commercial Court (RCCM); the Chamber of Commerce; the National Social Security Fund; the National Institute of Statistics; the departmental Tax Directorate; the departmental Labour Directorate; and the departmental Trade Directorate. The operations delegated to the single window cover all of the formalities associated with registering a business and issuing the NIU, as well as a temporary trading permit.

3.5. The number of registrations to engage in trade has grown significantly since the last review, confirming the economic upturn in Congo. Between 2019 and 2021, the single window was used to help to set up approximately 5,500 sole proprietorships and 2,000 capital companies (Table 3.1).

Table 3.1 Number of businesses set up, 2019-21

	2019	2020	2021	Total
Sole proprietorship	1,643	1,742	2,110	5,495
SA (*société anonyme* - public limited company)	29	35	39	103
SAS (*société par actions simplifiée* - simplified joint-stock company)	15	23	28	66
SARL (*société à responsabilité limitée* - limited liability company)	196	275	388	859
SAU (*société anonyme unipersonnelle* - single-member public limited company)	8	10	13	31

[27] Law No. 03 of 24 January 2007 regulating imports, exports and re-exports. See also the 2013 Budget Law.

[28] Law No. 16-2017 of 30 March 2017, creating a public administrative body called the Congolese Agency for Business Creation (ACPCE).

[29] Articles 277-327 of the General Tax Code.

[30] Law No. 36-2011 of 29 December 2011 on the 2012 Budget Law institutes a single tax, levied upon starting a business. The amount is set at CFAF 500,000 for capital firms, CFAF 300,000 for partnerships and economic interest groups, and CFAF 100,000 for sole proprietorships. The fee for obtaining a temporary trading licence is CFAF 10 million and the cost for renewing it is CFAF 25 million.

	2019	2020	2021	Total
SASU (*société par actions simplifiée unipersonnelle* - single-member simplified joint-stock company)	5	6	9	20
SARLU (*société à responsabilité limitée à associé unique* - single-member limited liability company)	202	231	372	805
Economic interest group (EIG)	2	4	3	9
SARL branch	2	3	2	7
SA branch	..	2	6	8
SCS (*Société en commandite simple* - limited partnership)	..	..	..	..
Other forms	12	22	39	74
Total	**2,115**	**2,353**	**3,009**	**7,477**

.. Not available.

Source: Congolese Agency for Business Creation (ACPCE).

3.6. Import, export and re-export activities are regulated by law[31] in Congo. The Law provides for two import procedures: (i) the import declaration (DI) regime, which covers goods or merchandise which can be imported free of quotas, with the value threshold set at CFAF 1 million; and (ii) the special import authorization (ASI) regime, which covers any goods or merchandise which are specifically subject to a duly justified restriction. This ASI requires a visa from the Directorate-General of Currency. Products that may affect public health, the environment and security, in particular, are subject to a special import authorization (Section 3.1.9). There is also a regime for self-service declaration for imports and procedures through the Single Window for Cross-Border Operations (GUOT).

3.7. The different procedures for declaring imports are: simplified declarations; direct imports and clearance for home use (IM4); direct currency imports (IMF4); the granting of temporary admission (IM5); importation of goods under the warehousing procedure (IM6 and IM7); and authorization to move goods from one place to another (IM8).

3.8. In Congo, all imports and exports, irrespective of the origin/destination and the applicable customs procedure, must have been issued with an electronic cargo tracking note (BESC) by the Congolese Shippers Council, a state agency under the ministry in charge of the merchant marine. This applies to all modes of transport, including land, air, maritime and river transport. However, goods in transit or transhipment are not required to have an BESC.[32]

3.9. In Congo, an BESC is required, *inter alia*, for customs declarations. It informs the customs authorities of the approximate value and tonnage of the cargo, and the type of goods being shipped. It also provides data that allow the goods to be tracked from the port of loading to the port of discharge, thereby also playing a key security role. The BESC must be sent electronically at least 48 hours prior to the cargo's arrival.[33]

3.10. The International Maritime Bureau manages BESCs and collects fees according to the following tariff, 70% of which goes to the Congolese Shippers Council: a flat fee (EUR 55 per BESC for shipments from Europe and Africa; EUR 100 per BESC for shipments originating in other continents) plus a component that varies depending on the package type (Table 3.2). There is a flat fee of CFAF 3,000 for BESCs for exports to any continent.

3.11. There are no Community regulations in respect of BESCs (Common Report, Section 3.1). This measure duplicates the work done by Customs and adds to the costs of importing into Congo, which seems to run counter to the WTO Trade Facilitation Agreement ratified by Congo.

Table 3.2 Variable component of the BESC tariff 2022

Imports from Africa and Europe	
Bulk	EUR 82 per bill of lading (BL) / 500 tonnes maximum
Break bulk	EUR 82 per BL / 500 tonnes maximum

[31] Law No. 03-2007 of 24 January 2007.
[32] Ministry of Maritime Transport and the Merchant Marine: Order No. 1033/MTMMM of 14 May 2008.
[33] Circular Note No. 126/MFB/DGDDI-DRC, of 23 June 2017 on the requirement to send manifests electronically.

Imports from Africa and Europe	
20 ft container	EUR 60 per BL / 2 units
40 ft container	EUR 60 per BL / 1 unit
Vehicle of up to 5 tonnes	EUR 60 per BL / 1 unit
Vehicle of over 5 tonnes	EUR 60 per BL / 1 unit
Imports from Asia, America and the rest of the world	
Bulk	EUR 110 per BL / 500 tonnes maximum
Break bulk	EUR 110 per BL / 500 tonnes maximum
20 ft container	EUR 110 per BL / 2 units
40 ft container	EUR 110 per BL / 1 unit
Vehicle of up to 5 tonnes	EUR 110 per BL / 1 unit
Vehicle of over 5 tonnes	EUR 110 per BL / 1 unit

Note: In addition to the fees set out above, transfer fees, bank charges and the currency adjustment factor (CAF), which are EUR 40 per BESC, will be paid to the representative of the CCC and port officers .

Source: Information provided by the Congolese Shippers Council.

3.1.2 Customs procedures

3.12. Congo has ratified and applies the Kyoto Convention on the Simplification and Harmonization of Customs Procedures.[34] Like all the other CEMAC member countries, since 2001 Congo has applied the Community Customs Code[35] to the importation, exportation and re-exportation of goods (Common Report, Section 3.1.1). The documents required for customs procedures in Congo are: the bill of lading; purchase invoice; freight invoice; insurance certificate; import declaration; import inspection certificate; and, where necessary, the original BESC, certificate of origin, and phytosanitary certificate.

3.13. The detailed declaration is filed either by approved customs agents (or forwarding agents) or directly by the importers. There were 97 approved customs agencies in Congo in 2022, and no limitations are in place on customs posts, meaning that they cover the entire national customs territory.

3.14. With the exception of low-value imports, a customs agent must handle any customs formalities relating to the detailed declaration. However, economic operators wishing to declare their goods themselves must have prior authorization to do so. The prerequisites and terms (duration, renewal, geographical limitations or fees) for approval of customs agents and, where applicable, for authorizing an importer to file their own declaration are governed by the provisions of Articles 148 to 155 of the CEMAC Customs Code and Regulation No. 11/10-UEAC-207-CM-21 of 28 October 2010 laying down the regulations for approved customs agents.[36]

3.15. The import procedure consists of seven stages: obtaining the import declaration, certificate of conformity and certificate of origin; carrying out the inspection of goods; obtaining compulsory local insurance for imports (2013 Budget Law); carrying out pre-inspection checks by

[34] Law No. 44-2017 of 29 December 2017 authorizing the ratification of the International Convention on the Simplification and Harmonization of Customs Procedures; and Decree No. 2017-520 of 29 December 2017 on the ratification of the International Convention on the Simplification and Harmonization of Customs Procedures.

[35] Regulation No. 5/01-UDEAC-097-CM-06.

[36] These include: the application for approval sent to the Directorate-General of Customs; submitting proof of a bank guarantee in the amount of CFAF 25 million; membership of a trade union; articles of association; registration in the Trade and Personal Property Credit Register; a certified copy of the minutes of the meeting at which company directors were appointed if they were not appointed under the Articles of Association; the birth certificate(s) for the appointed director(s); the individual application for approval by the persons appointed to represent the company and their birth certificates; a certificate stating that the applicant has worked for a least five years, in a public or private sector, in the area of transit, goods clearance or international trade; a certified copy of the degree or an equivalent higher education diploma in the same field recognized by the State; a certificate, duly signed by the Directorate-General of Customs, confirming sufficient years of service for former customs officers; registration with the consular chamber; a certificate of good standing; the manager's certificate of nationality; a certificate or approval from the Ministry of Transport; the company and manager's NIU; the company website; a file-processing fee of CFAF 300,000; files examined by the National Advisory Committee; files which have received the approbation of the National Advisory Committee are transmitted to the CEMAC Commission; the CEMAC Valuation Committee examines the files; and approval is granted. Approval is granted for an indeterminate period and is valid nationwide and/or Community-wide.

COTECNA/WEBFONTAINE for goods valued at over CFAF 3 million; and domiciling payments. It should be noted that the import declaration applies to all products admitted freely and without quotas, and a number of documents must be obtained from the Directorate-General of Domestic Trade. These include a valid copy of the trade register, a current business import licence, the NIU and the *pro forma* invoice. A valid prior import declaration (DPIV) is required for all imports.

3.16. Exports of forestry products are subject to special conditions of approval. Special conditions also apply to persons who are approved to import petroleum products.[37]

3.17. In Congo, nearly 98% of customs-declaration processing has been computerized using the Automated System for Customs Data (ASYCUDA World) since 2014. A data-processing fee is applied to imports, set at the following percentages of the c.i.f. value: 2% for imports with a c.i.f. value of up to CFAF 100 million; 1% for imports with a value of over CFAF 100 million; and 0% for imports for diplomatic missions and similar bodies.

3.18. A risk management mechanism for processing customs declarations is in place in Congo. Import and export declarations allow goods to be routed into one of three risk selectivity lanes: green for immediate release, orange for scanning, and red for physical inspection and documentary checks. The assessment methodology is based on a matrix of risk indicators built into the ASYCUDA World system, which include the characteristics and compliance record of the importer and customs broker, as well as the nature (fresh food, frozen or not), packaging (containerized goods or not), customs procedure ((IM), export or not) and origin of the consignment. According to the authorities, the risk engine within the IT system is not powerful and these criteria have not been updated for years.

3.19. The authorities have indicated that Congo does not publish data on imported goods subject to the various inspection types (such as no inspection, documentary checks, physical inspections). They have stated that the risk management mechanism is not in operation in all customs posts. Only the Pointe-Noire and Brazzaville offices have these channels, with the orange channel only available at the Pointe-Noire port customs office.

3.20. CEMAC customs regulations apply throughout Congo (Common Report, Section 3.1.3). Furthermore, perishable goods; products which constitute a hazard to store; relief, humanitarian or emergency shipments; and oil company machinery and equipment are subject to a simplified direct clearance procedure. Additionally, a bank guarantee in the amount of CFAF 30 million made out to Customs is required for tax-exempt imports approved under the Investment Charter regime.[38] Goods in these import categories can be collected directly under an exceptional direct collection authorization (AETEX), obtained from departmental directorates or customs offices. CEMAC provisions on customs and excise bonds are applied in Congo and the national surtax rate is set at 9.25%.

3.21. Congo applies the CEMAC provisions on transit (Common Report, Section 3). Furthermore, customs disputes are settled in accordance with the provisions of the CEMAC Customs Code, either out of court or through legal proceedings.

3.1.3 Preshipment inspection and customs valuation

3.22. According to the authorities, up until 2015, all imports to Congo were subject to a preshipment inspection by the company COTECNA. In April 2015, Congo and COTECNA signed services contract No. 0043, which introduced destination inspections for all goods with an f.o.b. value of CFAF 1 million or more. The inspection fees are 0.60% of the f.o.b. value.[39]

[37] Decree No. 2005-83 of 28 December 2005. Service Note No. 0005/MCAC-CAB of 20 February 2018 on products subject to special import arrangements. A fee of CFAF 700 million must also be paid in order to obtain approval as an importer of petroleum products.

[38] Service Note No. 0077/MFBPP/DGDDI/DRC of 14 March 2012.

[39] The company COTECNA had been authorized by the Government to conduct preshipment inspections on Congo's behalf since March 2006 (Contract No. 009/2006/PR/AO/DGTT of 20 July 2006). According to the contract, COTECNA inspections included documentary checks of the quality, quantity, price, origin, tariff heading and customs value of goods imported into Congo, and the eligibility of goods for one of the customs schemes. Inspections are carried out at the places of production, storage, or loading, and the importer is

3.23. COTECNA used scanners for the inspections and helped to obtain information about the nature and the value of the goods. The inspection procedure gives rise to an inspection report. If the results of the inspection are satisfactory, an import (ADVI) or export (ADVE) verification certificate is issued. If the results of the inspection are not satisfactory, COTECNA issued a report detailing anomalies; an internal COTECNA appeals procedure was available in the event of disputes. The ADVI is mandatory for clearing imports. The ADVI indicates the tariff heading, the customs value and the total amount of duties and taxes payable; it must be accompanied by the import certificate endorsed by the bank with which the transaction is domiciled (if the value is more than CFAF 5 million), the commercial invoice, the transport documents and, where applicable, the certificate of origin, the certificate of conformity and the health or phytosanitary certificate.

3.24. In 2018, the contract with COTECNA was terminated and the company WEBB FONTAINE has performed these tasks since 2020, in accordance with service concession contract No. 2018-03025/PR/ARMP MC of 27 September 2018.[40]

3.25. Preshipment inspection fees, which are paid by the importer, are fairly high. These fees are not harmonized at the Community level. They are not commensurate to the services rendered, and they increase the prices of the imported goods and complicate the clearance procedure (Common Report, Section 3.1.1.2). According to the authorities, notwithstanding the objectives, the mandatory nature of this inspection is increasing the cost of the imported goods and is duplicating the work of Customs. Moreover, the Import Declaration for COTECNA/WEBFONTAINE and the corresponding import verification declaration (ADVI) are not digital documents; COTECNA/WEBFONTAINE are not linked electronically to the Customs computer platform (ASYCUDA World), complicating and further delaying the import process.

3.26. In principle, Congo has applied the WTO Customs Valuation Agreement since 1 August 2001[41], and its provisions have been transferred without amendment into the relevant section of the CEMAC Customs Code (Common Report, Section 3.1.3).[42] However, the country is experiencing problems in applying the Agreement in practice. Congolese Customs applies the transaction value for some products, and occasionally uses the reference, market and guide list values for others.[43]

3.27. Congo has notified the category of its assistance requirements under the Trade Facilitation Agreement, which the country ratified on 5 October 2017. Technical assistance is requested to improve implementation of this Agreement and the multilateral provisions on customs valuation.

3.1.4 Rules of origin

3.28. Congo applies the rules of origin as defined by the Community authorities through CEMAC and ECCAS acts, decisions and regulations (Common Report, Section 3.1.2).

3.29. The National Origin Committee was created by Decree No. 2019-303 of 16 October 2019. Three meetings have already been held (including one in December 2020 and two in July 2021).[44] No Congolese product has been approved since the introduction of the Community system. According to the authorities, the procedure for approval and for issuing of certificates of origin, and the procedure for verifying certificates of origin upon importation is regulated at the national level.[45]

3.30. Applications submitted for obtaining origin status must contain the following information: the characteristics of the product for which origin status is requested so that it can be approved under

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required to present to Congolese Customs a prior import declaration (DPI) endorsed by the preshipment inspection company. Also required are the *pro forma* invoice/purchase order and the receipt for payment of the inspection fee (0.9% of the f.o.b. value, with a minimum fee of CFAF 65,000).

[40] Service concession contract No. 2018-03025/PR/ARMP MC of 27 September 2018 signed between Congo and the company FONTAINE GROUP FZ-LLC.

[41] Decree No. 2001-387 of 31 July 2001.

[42] Title I, Chapter IV, Section IV.

[43] Customs also refers to the guide list value when granting customs clearance for second hand vehicles. For the export of timber and scrap metal, market values (f.o.b.) have been published. It should be noted that as the legal bases of those values are rarely amended, they lower the prices of the goods concerned. Local offices also apply market values as a simplification measure.

[44] Decree No. 2019-303 of 16 October 2019, creating the National Committee of Origin.

[45] Order No. 486 of 20 September 1998 regulating certificates of origin.

the CEMAC generalized preferential tariff; a brief description of the production or manufacturing process for said product; a list of the originating products or raw materials used; the name of the resulting product as well as its designation under the CEMAC Harmonized Tariff Classification system.

3.31. The company submits an application to the National Origin Committee, on the basis of CEMAC texts and national rules, determining the origin. Customs authenticates the certificates. Origin is one of the elements checked by COTECNA/WEBFONTAINE during the preshipment inspection.

3.32. A zero-rated generalized preferential tariff (GPT) is applied to local goods and traditional handicrafts of CEMAC origin.[46] Likewise, Community origin is awarded to industrial products manufactured in the CEMAC zone if one of the following conditions is verified: (i) the product is wholly obtained from raw materials of Community origin; (ii) Community raw materials account for at least 40% of the value of the raw materials used; and (iii) the local value added is equal to at least 30% of the ex-factory price.[47]

3.33. Congo applies the GPT for products of CEMAC and ECCAS origin. The ECCAS GPT has been in force in Congo since the 2018 Budget Law.[48]

3.34. A clearing fund had been planned. Established at the BEAC, this fund should cover any revenue losses caused by: the goods being cleared for home use in any CEMAC State (i.e. a State where they were not manufactured); or the goods being re-exported to a member State other than that in which they were initially released for home use. For this fund to be set up, the customs union must be fully established first, something which has still not come to fruition 40 years on. However, the impending enactment by CEMAC and ECCAS of the Act introducing additional community codes will go some way to raising the profile of this compensation.

3.35. The CEMAC rules of origin (Common Report, Section 3.1.2) apply throughout Congo. Since 2021, 9 companies and 50 Congolese products have been approved under these CEMAC rules. For imports, certificates of origin are issued by the supplier and verified at the national level by Customs for free within a maximum of 48 hours.

3.1.5 Customs levies

3.1.5.1 Import duties and taxes

3.36. The Directorate-General of Customs is still one of the State's chief sources of budgetary and total revenues (Table 3.3).

3.37. All CEMAC countries, including Congo, apply a common external tariff (CET) to imports of goods originating from third countries (Common Report, Section 3.1.3.1). However, each CEMAC country unilaterally grants CET exemptions, often without consulting or notifying the other members.[49] Therefore, Congo uses the five-band CEMAC CET, with rates set at 0%, 5%, 10%, 20% and 30%.[50] It applies CET exemptions on 242 tariff lines (HS8), to lower prices, particularly on essential goods, machinery or equipment for farming, livestock breeding and fisheries, as well as other agricultural inputs and fertilizers.[51] These exceptions apply to 9% of tariff lines.

3.38. Furthermore, according to the authorities, there is a reduced rate of 5% on goods imported by TotalEnergies E&P and ENI (two oil companies) under Ordinances Nos. 021/89 and 023/89. The

[46] Regulation No. 21/07-UEAC-1505 U-CM-16 of 18 December 2007 amending Article 10 of Act No. 1/98-UDEAC-1505-CD-61 of 28 July 1998 amending Articles 9 and 10 of the Annex to Act No. 7/93-UDEAC-556-CD-SE1 of 21 June 1993.

[47] The procedures for determining the local value added are set out in Circular No. 179/CEMAC/SE/DMC/SDAD of 24 October 2003 and its Corrigendum No. 027/CEMAC/SE/DMC/SDAD of 11 February 2004.

[48] Additional Act No. 7/93-UDEAC-556-CD-SE1 of 21 June 1993 revising the common external tariff and establishing the procedures for the application of the GPT.

[49] Decision No. 21/07-UEAC-1368-U-CM-15 of 17 March 2007 approving the update of the CEMAC CET in accordance with the 2007 version of the Harmonized System.

[50] Regulation No. 10/17-UEAC-CM-010 A-30-SE of 13 November 2017. See also the CEMAC Customs Code, 2020 edition.

[51] Circular Note No. 00555/MFB/CAB of 13 June 2008 on measures to combat the high cost of living. See also the Budget Laws of 2018, 2020 and 2021.

2018 Budget Law redefined the concept of an overall reduced rate. Circular No. 00555/MEFB-CAB of 13 June 2008, adopted to combat the high cost of living, introduced a reduced rate of 5% on some products.

3.39. Circular No. 024/MEFBP-CAB of 7 September 2017 removed a number of imports included in Circular No. 00555/MEFB-CAB from the list of products that must be treated as essential goods. These items were rebar, cement, oil-based paint, pasta, wheat flour, household soaps and corrugated iron sheets.[52] The same regulation lowered the CET rate on agricultural imports to zero. According to the authorities, in June 2022, as part of efforts to address the food crisis, the Government established a one-year resilience plan, under which, basic staple foods and agro-pastoral and fishery inputs are exempt from customs duties, VAT and the data-processing fee (RedI), but are still liable for Community taxes. These items included wheat, refined vegetable oil, frozen meat and edible offal, frozen saltwater fish, rice, powdered milk, table salt put up for retail sale, baby food, fertilizers, cattle feed, cattle feed inputs, breeding stock, seeds, incubation eggs and other inputs.[53]

3.40. In addition to the CET, Congo applies other Community duties and taxes (Common Report, Section 3.1.3.5). It also imposes a data-processing fee of between 0% and 2%, based on the value and destination of the imported or exported goods, as well as inspection fees for transactions subject to inspections.

3.41. The data-processing fee (RedI) is only applied at a rate of 0.5% of the c.i.f. value of goods in international or community transit. In addition, a proportional guarantee to the suspended customs duties and taxes is required. The guarantee is released immediately upon proof of the exit of the goods being furnished by the customs office of exit.

Table 3.3 Major sources of government revenue, 2014-21

(CFAF billion)

	2014	2015	2016	2017	2018	2019	2020	2021
Non-oil revenue	858.7	910.1	831.5	736.0	636.5	668.6	621.6	645.7
Fiscal revenue	847.9	896.4	807.9	725.0	580.6	604.8	558.0	559.3
Taxes and duties (domestic)	693.0	748.0	682.0	617.0	485.8	501.6	455.4	445.7
Direct taxes	293.0	357.0	355.0	321.0	252.7	261.1	237.1	232.0
Taxes on non-oil companies	168.9	193.4	157.5	152.7	120.2	115.8	105.1	102.9
Personal income tax (IRPP)	98.5	114.3	114.7	111.2	87.6	84.4	76.6	75.0
Wealth tax	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other direct taxes	25.6	49.3	82.8	57.1	45.0	60.9	55.3	54.1
Indirect taxes	400.0	391.0	327.0	296.0	233.1	240.5	218.3	213.7
Value added tax (VAT)	264.3	246.3	216.9	205.3	161.6	159.5	144.8	141.7
Domestic consumption duty CORAF water and rent	0.0	0.0	0.0	0.0	0.0			
Other indirect taxes	135.7	144.7	110.1	90.7	71.4	81.0	73.5	72.0
Customs revenues	154.9	148.4	125.9	108.0	94.8	103.2	102.6	113.6
Import duties and taxes	154.9	148.4	125.9	108.0	94.8	103.2	102.6	113.6
Export duties and taxes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Registration revenues	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Registration duties and charges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other combined taxes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Non-tax revenue	10.8	13.7	23.6	11.0	55.9	63.8	63.6	86.4
Revenue from state domain (land tenure, forestry, mining)	0.0	0.0	0.0	0.0	0.0			
Revenue from services	8.7	10.4	5.6	0.0	49.6	8.9	5.3	21.4
Revenue from state-owned companies	..	..	..	..	..	..	..	..
Fines, confiscation and distraint	..	..	..	..	..	..	..	..
Asset transfers	..	..	..	..	..	..	..	..
Other non-tax revenue	2.1	3.3	18.0	11.0	6.3	54.9	58.3	65.0

.. Not available.

Source: Information provided by the Congolese authorities.

[52] A number of products were declassified in 2008, with measures to combat the high cost of living (frozen saltwater fish, cement, rebar, pasta, corrugated iron sheets and flour), before some products were reclassified in 2017 (cement, corrugated iron sheets, rebar, pasta and household soap); declassified in 2018 (liquefied butane gas); reclassified in 2018 (flour); and declassified in 2018 (materials and equipment, fertilizers and other agricultural inputs).

[53] Congolese Government. Ministry of Finance: Decree No. 2022-370 of 29 June 2022 approving the food crisis resilience plan 2022-23.

3.1.5.2 Bindings

3.42. Congo has bound 18.2% of its tariff lines (Common Report, Section 3.1.3.2). A low percentage of bindings means that the tariff regime's predictability cannot be guaranteed, raising predictability issues, which may cause any partner, either a trading partner or potential investment partner, to hesitate. Furthermore, on two tariff lines (clinical waste and coolers), the applied rates are higher than the bound rates (Common Report, Section 3.1.3.2).

3.1.6 Internal taxes

3.43. In conformity with the schemes laid down at the Community level[54], Congo applies value added tax (VAT) at a standard rate of 18%[55], and excise duty (DA) of between 12.5% and 25% on certain products (Common Report, Section 3.1.4). However, there are exceptions to the VAT directive, such as the exemptions or concessions granted to oil companies or companies with an establishment agreement or a public procurement contract.[56]

3.44. Some essential goods are, in principle, exempt from VAT (as well as customs duties).[57] The exemption granted to the oil-related activities of companies approved under the Hydrocarbons Code and their subcontractors has been codified since 1999.[58] Budget Law No. 41-2012 of 29 December 2012 extended the exemption afforded to the following products until 2016: inputs, materials and equipment for use in the agro-pastoral and fisheries sector.[59] Furthermore, some locally produced goods, such as wheat flour produced by MINOCO[60] and mineral water produced by SN PLASCO, were granted a VAT exemption, unlike competing imports.

3.45. Congo applies the VAT ceiling and reduced statutory rates for essential goods. The 2016 Budget Law required companies exempt from VAT under establishment agreements to pay at least 5% VAT. Furthermore, the 2018 Budget Law granted a VAT exemption to imports of butane gas, agricultural, horticultural, forestry and fishery machines and apparatus, as well as fertilizers and other agricultural inputs. In addition, in the framework of implementing the food crisis resilience plan 2022-23, a certain number of products (194 tariff subheadings) are exempt from customs duties, VAT and RedI for one year.[61] Altogether, according to the Secretariat's estimates, VAT is applied in principle to 4,949 of the 5,794 lines in the Congolese tariff system. Exports are zero-rated.

3.46. In accordance with CEMAC regulations[62], Congo levies an excise duty, set at the following rates depending on the product type: (i) 25% on precious stones, luxury food products, perfumes, cosmetics, apparatus for games of chance and recreational games, arms, munitions and jewellery; (ii) 15% on motor vehicles of a cylinder capacity exceeding 3000 cc and on motorcycles; and (iii) 16.5% and 12.5% on tobacco and alcoholic beverages, respectively. However, a 10% tax rate is applied in a discriminatory manner to beverages and tobacco that are produced locally, which poses a problem with regard to the WTO principle of national treatment. Furthermore, according to the authorities, a 12% excise duty was introduced on imports of second-hand vehicles, road tractors, trailers and semi-trailers over 15 years old.[63]

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[54] Act No. 1/92-UDEAC-556-CD-SE1, amended by Act No. 4/94-UDEAC-556-CD-SE1 and Act No. 1/96-UDEAC-556-CD.

[55] Law No. 12-97 of 12 May 1997, as amended by successive budget laws.

[56] Directive No. 03/19-UEAC-010ACM-33 of 8 April 2019 harmonizing States' legislation on excise duty. See also the General Tax Code and the 2019 Budget Law.

[57] Annex III, texts relating to VAT, General Tax Code. The goods concerned include: wheat flour; milk; bread; meat and poultry; baby food; powdered milk; medicines; medical appliances and carriages for disabled persons; spectacles; books; fertilizers, insecticides and pesticides.

[58] Decree No. 99-186 of 26 October 1999, repealed by Decree No. 2001-522 of 19 October 2001. The equipment and products eligible for duty- and tax-free entry for mineral and oil exploration purposes are listed in Annex IV to Chapter V, General Tax Code.

[59] Law No. 33-2003 of 31 December 2003.

[60] Law No. 20-2004 of 30 December 2004 extends the VAT exemption within CEMAC.

[61] Congolese Government. Ministry of Finance: Decree No. 2022-370 of 29 June 2022 approving the food crisis resilience plan 2022-23.

[62] Act No. 1/92-UDEAC-556-CD-SE1, amended by Act No. 4/94-UDEAC-556-CD-SE1 and Act No. 1/96-UDEAC-556-CD. The products liable for excise duty are listed in Annex II to Chapter V, General Tax Code.

[63] Act No. 1/92-UDEAC-556-CD-SE1, as amended by Act No. 4/94 UDEAC-556-CD-SE1 and Act No. 1/96-UDEAC-556-CD. See also Directive No. 7/11-UEDAC-028-CM-22 harmonizing VAT and Directive

3.47. There is no free circulation of goods regime in force within the Community area. Furthermore, in the absence of free circulation, goods cleared for home use in a CEMAC country are subject to import duties and taxes whenever they cross borders between member States. According to the Congolese authorities, this measure exists due to the lack of clearing facilities at the CEMAC and ECCAS levels, meaning that goods cannot circulate freely. As soon as clearing facilities are put in place, double taxation will be stopped.

3.1.7 Tariff preferences

3.48. Congo has removed all restrictions, including tariff restrictions, on imports originating in other CEMAC countries. Moreover, the Community Integration Contribution (CCI) does not apply to intra-ECCAS trade and the OHADA tax does not apply to intra-OHADA trade.

3.1.8 Duty and tax concessions

3.49. In addition to schemes granting concessions and exemptions from Community duties and taxes (Common Report, Section 3.1.3.3), Congo grants exemptions from duties and taxes to businesses approved under the National Investment Charter (Section 2), the Forestry Code (Section 4.2), the Mining Code (Section 4.3) and the Hydrocarbons Code (Section 4.3). Some of these measures are reserved to export and import substitution activities. Imports of agricultural inputs, machinery and equipment have been exempt from customs duties and VAT since 1 January 2018.

3.50. The loss of revenue attributable to exemptions (in the oil sector under Acts No. 2/92 and No. 2/98/UDEAC,, in the form of investment allowances and other types of exemptions (Table 3.4)), which has been growing since the last review, shows that the taxation system is ill-suited to the structure of the economy. For the years for which we have data, all of these exemptions together are, on average, equivalent to more than 600% of the State's customs revenues (Section 3.1.5.1, Table 3.3), which greatly deprives the State of substantial resources with which to implement its various programmes.

Table 3.4 Breakdown of losses attributable to tax exemptions, 2016-19

(CFAF)

DESCRIPTION	2016	2017	2018	2019
Diplomatic privileges and similar	3,751,032,715	4,903,986,150	8,511,165,960	6,731,042,638
Exceptional exemptions to the Customs Code	4,390,460,455	373,534,405	555,265,504	2,080,668,290
NGOs	14,999,796	52,594,522	396,246,448	273,665,293
External financing	0	23,949,940	257,283,058	1,533,028,461
Investment allowances	829,909,561,615	316,278,361,134	417,375,593,115	331,773,617,058
Other social or cultural exemptions	4,498,917,483	1,009,369,242	912,095,333	18,565,297,085
Exceptional exemptions	1,122,978		2,634,381,486	7,223,540,895
Other additional codes	68,504,076,730	44,772,670,617	184,772,590,506	318,384,332,418
Total	**911,070,171,772**	**367,414,466,010**	**615,414,621,410**	**686,565,192,138**

Source: Congolese Directorate-General of Customs.

3.1.9 Prohibitions, quantitative restrictions and licensing

3.51. Apart from the registration formalities applying to all foreign trade activities (Section 3.2.1), control measures may be applied to imports of certain products for security reasons, either in order to protect public health and morality or because of their strategic nature.

No. 03/19-UEAC-010ACM-33 of 8 April 2019 harmonizing States' legislation on excise duty, the General Tax Code, and the 2019 and 2022 Budget Laws.

3.52. Since the last TPR, Congo has not notified the WTO of its import prohibition, authorization or licensing regimes. However, Law No. 03-2007 of 24 January 2007 regulating imports, exports and re-exports introduced two procedures: the import declaration (DI) regime and the special import authorization (ASI) regime. Special import authorizations are similar to import licences.[64]

3.53. Import prohibitions concern, in particular, food waste[65], and dangerous and war toys.[66] Controls are imposed through import declarations in order to protect consumers, live animals, plants and the environment, in particular within the framework of the international conventions to which Congo is a signatory.[67]

3.54. According to the authorities, a number of products are subject to an import and export prohibitions; they include drugs, psychotropic substances, arms and munitions, plastic sacks and bags (plastic sacks and bags for industrial use are allowed, subject to pre-approval by the Ministry of Trade), war-like children's toys, fully protected animal species, elephant tusks, counterfeit goods, scrap metal and industrial waste. Breaches of this prohibition are subject to penalties as laid down in the texts in force.[68]

3.55. Sugar is the only product imported under a quota. The marketing of sugar is a monopoly granted to SARIS Congo. In the event that sugar production (part of which is exported) should prove insufficient to meet local demand, SARIS Congo would issue shortage certificates, on the basis of which the Ministry of Trade would issue an import certificate (Section 4.2). Congo bans imports of refined cane sugar. However, other types of sugar not produced in Congo may be imported and marketed.

3.56. According to the authorities, flour quotas are no longer in force in Congo. The flour milling industry comprises five soft-wheat-flour production companies. The flour production sector is very competitive. Since the CET was raised from 5% to 30%, there has scarcely been any demand for flour imports, with the exception of specific flours not produced in Congo.

3.57. In their traditional forms, import and export licences have been abolished in Congo.[69] However, the export of some products is still regulated by specific codes (Table 3.5), as well as by the Forestry, Mining and Hydrocarbons Codes. The Directorate-General of Customs and Indirect Duties is responsible for implementing CEMAC provisions on prohibitions and licensing (Common Report, Section 3.1.5).

Table 3.5 Import controls, 2022

Responsible body	Document required	Product
Ministry of Internal Affairs	Authorization	Arms and munitions; radio equipment (transmitters and receivers)
Ministry of Health	Authorization	Pharmaceutical products, human laboratory reagents, and medical furniture and equipment
Ministry of Agriculture (veterinary service)	Health certificate	Fresh meat and fish
Ministry of Agriculture (live animals) and of Forest Economy (protected species)	Health certificate and CITES certificate	Live animals and protected species
Ministry of Hydrocarbons	Authorization	Fuels
Ministry of Finance and the BEAC	Authorization	Foreign exchange

Source: Directorate-General of Customs. Contingency measures

[64] Law No. 3/2007 of 24 January 2007 regulating imports, exports and re-exports.
[65] Decree No. 2001-524 of 19 October 2001. The following, in particular, are affected: old frozen meat and fish; turkey rumps; fatty meat, in particular "*capas*" (low-grade cuts); cuts of meat, "*rasées ou épluchées*" (shaved or skinned); and chicken feet.
[66] Circular No. 931/MCCA-CAB of 19 November 2003.
[67] Online information. Viewed at: https://www.wto.org/english/thewto_e/countries_e/congo_e.htm.
[68] In accordance with Law No. 03/2007 of 24 January 2007 regulating imports, exports and re-exports, the penalties for these breaches are as follows: a fine of between CFAF 1 million and CFAF 150 million; for repeat offenses, the establishment or company may be temporarily or permanently closed down; trader status may be temporarily or permanently withdrawn; a prison sentence of between six months and five years.
[69] Law No. 03/2007 regulating imports, exports and re-exports.

3.58. Congo has no national legislation on anti-dumping, countervailing or safeguard measures; the relevant CEMAC provisions (Common Report, Section 3.1.6) are applicable in Congo. According to the authorities, Congo has never implemented any of these measures.

3.1.10 Other measures

3.59. Since 2017, in order to avoid shortages of some basic staple foods, Congo has taken a number of measures to create and maintain buffer stocks/reserve stocks. Congo does not participate in countertrade transactions.

3.60. Congo applies the trade sanctions imposed within the framework of the UN or the regional bodies of which it is a member. No agreement has been concluded by Congo or Congolese enterprises with foreign governments or enterprises with a view to influencing the quantity or value of goods and services exported to Congo.

3.2 Measures directly affecting exports

3.2.1 Registration and customs procedures

3.61. The registration formalities required to import goods for commercial purposes are also applicable to exports (Section 3.2.1). The status of exporter is awarded to any operator meeting the requirements for the status of trader. The export of forestry products is subject to special conditions of approval, except in the case of forestry companies.[70] Holders of mining rights may transport and export the minerals to which those titles relate[71]; export operations may also be carried out by purchasing offices.[72] Special conditions apply to persons who have received approval to export petroleum products or to engage in transit and re-exportation activities involving these products.[73] An export license is not required in Congo. Instead, there are special authorizations for certain products deemed to be sensitive or that are subject to restrictions, such as sugar. No distinction is made between Congolese and foreign traders in the award of special export authorizations/export declarations; foreign traders need only furnish documentary evidence that their establishment has a presence in Congo.

3.62. The preshipment inspection procedure, entrusted to COTECNA/WEBFONTAINE (Section 3.1.3), applies to imports as well as exports, except for forestry products where inspections are the responsibility of the Forestry Product Export Controls Unit (SCPFE) attached to the Ministry of Forest Economics. The situation is similar for petroleum products, where inspection is the responsibility of Bureau Veritas, acting on the State's behalf. All exports must be the subject of a customs declaration. A document concerning the foreign exchange commitment endorsed by the bank with which the transaction is domiciled is also required for all export operations. The foreign exchange commitment includes the obligation to repatriate export earnings from countries outside CEMAC and convert them into CFA francs within 30 days of the goods being shipped.[74]

3.63. In support of the customs declaration, exporters of forestry products must also produce specification sheets certified by the water and forestry administration. These specification sheets "contain the product references, the name of the holder of the contract or permit and that person's tax category, indicated by a triangular hammer mark".[75] The duty is levied by Customs on exporters upon presentation of the specification sheet and the export verification certificate supplied by the SCPFE following the inspection.

3.2.2 Export duties and taxes

3.64. Exports of goods are subject to exit duties and taxes of 2%, with the exception of the following specific goods, which are subject to a 4% rate: rough diamonds and unwrought precious metals,

[70] Articles 127 and 128 of Decree No. 2002-437 of 31 December 2002.
[71] Article 78 of Law No. 2005-4 of 11 April 2005.
[72] Article 80 of Law No. 2005-4 of 11 April 2005.
[73] Decree No. 2002-265 of 1 August 2002. Decree No. 2005-83 of 28 December 2005 establishes a fee of CFAF 500 million for approval to engage in export activities, and of CFAF 700 million for approval to engage in transit and re-exportation activities.
[74] CEMAC Regulation No. 2.
[75] Article 135 of Decree No. 2002-437 of 31 December 2002.

crude palm oil, fish meal, maize, resin and other exudates extracted from trees in natural and planted forests.

3.65. The export duty for timber varies according to its grade and degree of processing. In the case of rough wood taken from natural forests it is 10% of free on truck (f.o.t.) value for okoume, afrormosia and ebony and 9% for other varieties. In the case of processed wood: 4% for green lumber and reconstituted wood; 1.5% for dry-sawn timber; 0.5% for sliced veneer, plywood, panels, glulam and other; 1% for rotary-cut veneer; and 0% for flooring, mouldings, doors and windows, furniture parts and other finished products. In the case of processed wood from planted forests: 1.5% for eucalyptus bundles; 1% for green lumber; and 0.5% for eucalyptus poles, eucalyptus wood chips, and dry-sawn timber.

3.66. However, all exports of rough wood beyond the 85/15 quota remain subject to an additional tax of 30% of the f.o.t. value. Moreover, for all rough wood exports the road fund collects CFAF 75/m^3.

3.67. Timber is taxed as follows: a 1% levy for the SCPFE[76] and the timber exports tax based on the transport costs associated with the four logging zones (Section 4.2)[77], applied to the f.o.b. value according to the species and degree of processing. In addition, there is a 15% surtax on rough wood exported above the quota of 85% of the production of each forestry company[78], and a contribution to the road fund assessed on timber for export or in transit.[79] The tax base is the f.o.b. value.

3.2.3 Export prohibitions and controls

3.68. All exported and re-exported goods and services are subject to export and re-export declarations issued by the Ministry responsible for trade. There are two export regimes: the export declaration regime and the special export authorization regime.[80] The export declaration regime applies to any good or service not specifically subject to a duly justified restriction. The special export authorization regime applies to those goods or services that are specifically subject to such a restriction. This special export authorization regime is applicable in particular to goods and services exported pursuant to Article 17 of Law No. 3-2007 of 24 January 2007 regulating imports, exports and re-exports in the Republic of the Congo. Timber and oil exports require prior authorization from the appropriate ministry (an export verification certificate from either the SCPFE, for timber, or from Bureau Veritas for petroleum) to accompany the export declaration issued by the Ministry responsible for trade.[81]

3.69. According to the Forestry Code, only finished or semi-finished processed wood products and rough wood of heavy and hardwood species, the machining of which involves a specific technology, may be exported.[82] In practice, however, forestry companies must not export more than 15% of their respective total production volume of rough wood. That limit is often exceeded, resulting in a surtax. The surtax on rough wood exports in volumes exceeding 15%, but less than 50%, of annual production, is 15% of the f.o.b. value, according to the quality of the variety concerned, in all tax zones. For rough wood exports in volumes exceeding 50% of annual production, the surtax is 20% of that f.o.b. value, according to the quality of the variety, in all tax zones.

3.70. Under the Mining Code, every shipment of precious minerals requires an export authorization (licence), issued by the central mining authority.[83] Congo has been participating in the diamond trade's Kimberley Process (KP) since 10 June 2003.

3.71. On the export of hydrocarbons, the Government has signed an agreement with another inspection company, Bureau Veritas. Where hydrocarbons and their refined and gaseous derivatives

[76] Article 78 of Law No. 2005-4 of 11 April 2005.

[77] Order No. 6383/MEFB of 31 December 2002 and Order No. 6387/MEFB of 31 December 2002.

[78] Order No. 2731/MEFE/MEFB of 17 March 2004.

[79] The contribution is CFAF 75/m^3 for Congolese timber, CFAF 250/m^3 for timber from non-CEMAC countries, CFAF 0/m^3 for wood from CEMAC countries.

[80] Law No. 7-94 of 1 June 1994, Article 18. See also Law No. 16-2000 of 20 November 2000 on the Forestry Code and Law No. 4-2005 of 11 April 2005 on the Mining Code.

[81] Contract No. 009/2006/PR/AO/DGTT of 20 July 2006.

[82] Law No. 33-2020 of 8 July 2020 on the Forestry Code, Article 97(1).

[83] Article 80 of Law No. 4-2005 of 11 April 2005.

are concerned, this company acts on Congo's behalf alongside the Société générale de surveillance (SGS), which acts on the purchaser's behalf. The inspection costs and charges of Bureau Veritas are borne by the State.

3.72. Exports of scrap metal and non-ferrous metal waste are prohibited in Congo. Exceptions, however, are permitted for semi-finished or finished products, such as ingots, made from recycled and recovered non-ferrous metals.[84]

3.2.4 Export subsidies and promotion

3.73. Apart from the zero rate of VAT and the various suspensory procedures provided for at the Community level (Common Report, Section 3), Congo has not established any other benefits for exports.

3.74. According to the authorities, Congo does not have any operational free zones. However, four special economic zones (SEZs) have been established (Ouesso, Oyo-Ollombo, Ignié-Brazzaville and Pointe-Noire) for markets in the CEMAC/ECCAS subregion and Africa in general.

3.75. The SEZs have their own regulatory and institutional framework. A ministry devoted entirely to them was established five years ago, the Ministry of Special Economic Zones and Economic Diversification. In addition to the Ministry, the institutional framework includes guidance and management bodies: the National Guidance Committee for SEZs, the Regulatory Authority for SEZs and the Agency for SEZ Planning, Promotion and Development.[85]

3.76. Companies, including SEZ promoters and developers, can benefit from a package of incentives entitling them to fiscal and customs exemptions. Companies that qualify shall benefit over a clearly specified period from, *inter alia*, the right to import raw materials, equipment and other goods free of all duties and taxes levied at the customs cordon (except Community levies); the right to export these same goods duty-free outside the national territory; an exemption from all income taxes; the application of a 15% corporate tax rate; the possibility of entering into fixed-term five-year contracts; an exemption from flat-rate employer contributions or any other tax based on wages paid and borne by the company; and an exemption from the minimum flat-rate corporate tax.[86]

3.77. The Congolese Foreign Trade Centre (CCCE) was established in 2005[87] to promote exports; provide producers, traders and trade associations with available marketing, technical and regulatory information conducive to expanding exports; provide assistance to exporters; and work, in concert with the ministry responsible for cooperation, to establish partnership agreements. The CCCE organizes and coordinates all commercial events in the Republic of the Congo and supports the participation of Congolese economic operators in trade fairs and similar events. The CCCE is essentially funded by an annual state subsidy (transfer budget).

3.3 Measures affecting production and trade

3.3.1 Incentives

3.78. Congo has not notified the WTO of any subsidies or aid. The main support measures in effect relate to the benefits available to companies approved under the Investment Charter (Common Report and Sections 2.4 and 3.2.4), the Forestry Code (Section 4.2), the Mining Code (Section 4.3) or the Hydrocarbons Code (Section 4.3). Benefits are also granted to promote SMEs (Section 4.4). The State employs various measures to support agriculture (Section 4.2). Public services such as electricity (Section 4.3), water (Section 4.3) and transport (Section 4.5) receive state support as well.

[84] Order No. 14 857/MTDIPSP/MC/MFBP of 9 November 2011 prohibiting the export of ferrous scrap metal in the Republic of the Congo; and Order No. 22-78 of 27 February 2014 prohibiting the export of non-ferrous metal waste.

[85] Law No. 2017-06 of 6 January 2017 on special economic zones.

[86] Law No. 2017-07 of 6 January 2017 on the package of incentives applicable in special economic zones, and Decree No. 2017-1174 on the implementation of Law No. 2017-07 of 6 January 2017.

[87] Law No. 23-2005 of 30 December 2005 establishing the Congolese Foreign Trade Centre.

3.79. Law No. 22-2005 of 28 December 2005, as amended by Law No. 30-2012 of 11 October 2012, created the administrative public body known as the Agricultural Support Fund, tasked with providing finance for agricultural, pastoral and fisheries production, marketing and conservation, as well as institutional support. In 2008, the Agricultural Support Fund enabled development activities to be conducted in technical centres, together with seminars and training workshops, to enhance human resource capacity in the sector. Order No. 6967 of 22 September 2010 on the establishment, powers and organization of the Project to Support the Marketing of Agricultural Products charges the Fund with ensuring the primary collection, transportation and distribution of agricultural products; studying the mechanism regulating marketing channels for agricultural products; and establishing the conditions for private economic operators to resume marketing activities.[88] Congo launched an Integrated Development Project for Agricultural Value Chains (PRODIVAC) on 24 September 2020 to promote competitive and resilient agriculture through the development of agri-food value chains, with support from the African Development Bank in the amount of EUR 73.2 million.[89]

3.3.2 Standards, technical regulations and accreditation

3.80. Since 2015, Congo has instituted reforms by setting up a national regulatory framework for standardization and quality management.[90] The Congolese Standardization and Quality Agency (ACONOQ) was created, *inter alia*, to implement a national standardization and quality management system and equip the country with food testing laboratories to control product quality, such as those operated by La Congolaise des Eaux (LCDE) and the National Institute for Research in Engineering, Innovation and Technology (INRSIIT).[91]

3.81. According to the authorities, Congo is conscious of the role played by standardization in the process of national development and has been active in introducing regulations to that effect. (Box 3.1).

Box 3.1 Legal provisions on standards and technical regulations

- Law No. 19-2015 of 29 October 2015 establishing the Congolese Standardization and Quality Agency;
- Law No. 20-2015 of 29 October 2015 regulating the national standardization and quality management system;
- Decree No. 2022-260 of 18 May 2022 establishing procedures and modalities for certifying conformity with standards;
- Decree No. 2022-261 of 18 May 2022 establishing the modalities for legal metrological controls, the characteristics of verification marks and conditions for affixing them to measuring instruments;
- Decree No. 2022-483 of 16 August 2022 establishing a system for marking tobacco products produced in or imported into Congo;
- Decree No. 2022-1855 of 12 October 2022 establishing the list of legal and authorized inspections and responsible bodies for private sector enterprises;
- Order No. 6594 of 19 July 2022 approving and providing for the mandatory application of 42 IEC international standards;
- Order No. 6595 of 19 July 2022 approving and providing for the mandatory application of the Codex Alimentarius standards;
- Order No. 6596 of 19 July 2022 approving and providing for the mandatory application of four ISO standards relating to wastewater services;
- Order No. 6597 of 19 July 2022 approving and providing for the mandatory application of two Congolese standards relating to water for human consumption and bottled water;
- Order No. 113 MEIPP/CAB approving the Congolese standard on cement;
- Order No. 11236/MDIPSP/MSP/MCA approving the standard on iron-fortified wheat flour;
- Order No. 19522 of 5 August 2015 approving the Congolese standard on the labelling of pre-packaged foods.

Source: Information provided by the authorities.

3.82. The ACONOQ is the national standardization agency charged with activities relating to standardization, metrology, the promotion of quality, certification and accreditation for all sectors of

[88] Law No. 30-2012 of 11 October 2012 amending certain provisions of Law No. 22-2005 creating the administrative public body known as the Agricultural Support Fund.

[89] Decree No. 2020-366 of 24 September 2020 ratifying the loan agreement between the Republic of the Congo and the African Development Bank.

[90] Law No. 20-2015 regulating the national standardization and quality management system

[91] Law No. 19-2015 of 29 October 2015 establishing the Congolese Standardization and Quality Agency.

socioeconomic activity in the Republic of the Congo. Since 2015, the ACONOQ has developed national standards and adopted several international standards.

3.83. The following national standards have been developed and made mandatory (technical regulations): NCGO 0004-1:2017-09 standard on the composition, specifications and conformity criteria of cement; NCGO 002:2015-03 Congolese standard for the labelling of pre-packaged foods; NCGO 001:2013 Congolese standard for iron-fortified wheat flour; NCGO 200-1:2021-03 Congolese standard on water for human consumption; NCGO 200-2:2021-03 Congolese standard on bottled water.

3.84. Congo has also adopted a series of international standards (technical regulations) and provided for their mandatory application (Table A3.1).

3.85. In the absence of a national standard or divergence, regional or international standards apply.

3.86. To date, Congo has not signed any mutual recognition agreement. It has put in place a programme of pre-shipment conformity assessment for goods. All imports of goods into Congo must have a conformity certificate issued by the ACONOQ.[92]

3.87. According to the Congolese authorities, standards have been established for salt and flour. The latter must contain 60 ppm iron. Salt marketed in Congo must be iodized. A standard for cement has been adopted, and the technical regulation (order of approval) is in the process of being published.[93] Pending the determination of regulatory costs involved in adopting these standards they are not yet being applied.

3.88. The checks carried out upon importation further to technical standards and regulations are documentary and quality controls. For border controls, importers must present the conformity certificate issued by the ACONOQ.

3.89. Congo has not submitted any notification to the WTO in this regard.

3.3.3 Sanitary and phytosanitary measures

3.90. No measure (ordinary or emergency) has been notified to the WTO SPS Committee since the last review of Congo's trade policies, in 2013; the country does not have an SPS enquiry point. The lack of an operational SPS system and the country's inadequate infrastructure hinder the export of Congolese products.

3.91. The Ministry responsible for health is responsible for applying SPS measures relating to human health and food, and the Ministry responsible for agriculture is in charge of applying phytosanitary measures and the protection of animal health[94], in both cases in collaboration with the Ministry responsible for trade.[95] Congo complies with the provisions of the FAO International Plant Protection Convention; the FAO and WHO Codex Alimentarius; and the World Organisation for Animal Health (WOAH).

3.92. The importation and exportation of animal and plant products are subject to prior authorization and the issuance of animal health and phytosanitary certificates. The importation into the Republic of the Congo of live animals other than carnivores is subject to an authorization issued

[92] The 2022 Budget Law.

[93] Order No. 11236/MDIPSP/MSP/MCA approving the standard on iron-fortified wheat flour; Decree No. 2004-471 of 17 November 2004 laying down the conditions for the import and marketing of iodized salt; Order No. 19522 of 5 August 2015 approving the Congolese standard on the labelling of pre-packaged foods; and Order No. 19523 of 5 August 2015 approving the Congolese standard on edible palm oil.

[94] Decree No. 67/182 of 17 July 1967 concerns the animal health inspectorate; and Law No. 17/67 of 30 November 1967 concerns the penalties for related infringements. Order No. 4646/BE 47-14 of 16 December 1968 concerns the importation of live animals and establishes the obligation to obtain an authorization issued by the Veterinary Inspection Service; Order No. 4645/BE 47-14 of 16 December 1968 regulates the movement of cattle on Congolese territory.

[95] Law No. 6/94 of 1 June 1994 on competition (Section 4(ii)) and Law No. 7/94 of 1 June 1994 on the trade regime (Section 2) provide the regulatory framework for such measures.

by the Veterinary Inspection Service (Ministry of Agriculture and Livestock).[96] The importation of some food products of animal origin is prohibited[97], and the movement of cattle on Congolese territory is subject to the issuance of a health permit by the Veterinary Inspection Service following a cattle health visit from the head of the veterinary sector of the place of origin.[98]

3.93. The health inspection of markets and establishments for trade in and processing of products of animal origin, whether fresh, prepared or processed, and of facilities for processing raw materials is compulsory.[99] Compound products intended for cattle feed are subject to controls and their sale is subject to prior declaration of their composition authorized by the Ministry of Agriculture and Livestock.[100] Representatives of the departments of the Ministry, acting as phytosanitary inspectors, are present at the main customs posts to check plants' origin and quality.[101]

3.94. In Congo, SPS controls are performed at several levels and for various reasons. Phytosanitary controls are conducted to prevent the introduction and spread of organisms harmful to plants. Animal health controls are intended to prevent the introduction of animals carrying diseases that could infect animals and humans. Lastly, the objective of food safety inspections is to prevent contamination.

3.95. With respect to the customs cordon, at the operational level, the various structures operating at the country's borders work under the umbrella of Customs, but there is no regulatory framework for the coordination of such activities. The customs administration is responsible for the borders, functioning essentially in a supervisory capacity for all services operating there. It oversees imports and exports of goods and verifies that trade transactions at the borders are conducted properly. It develops and proposes regulations to facilitate international trade and secure the logistics chain.[102]

3.3.4 Labelling, marking and packaging requirements

3.96. Congo has no national rules (or associated taxes) in respect of packaging. For labelling, on the other hand, Law No. 03-2007 of 24 January 2007 requires that products imported into Congo bear a notice in French.[103] Decree No. 2018-217 of 5 June 2018 on the packaging and labelling of tobacco and its by-products explains the requirements relating to health warnings and images describing the harmful effects of tobacco consumption in both French and local languages.

3.3.5 Competition and price controls

3.97. Apart from the relevant CEMAC regulations, which in principle are directly applicable in all member States, Congo does not have a national competition regime (Common Report, Section 3.3.3). According to the authorities, some aspects are covered by national provisions dating from 1994 (Law No. 6-94 of 1 June 1994), namely product price regimes for goods and services of all kinds; market transparency; anti-competitive practices; trading standards; stockholding; and the detection and prevention of fraud. A new competition law, currently being drafted, will provide for the establishment of a national competition authority.

3.98. Consumer protection is also among the law's objectives, as are market transparency and product quality. For example, traders must inform consumers of the prices of the goods or services offered for sale and must provide a commercial invoice upon request. The law punishes offences such as counterfeiting and deceptive or misleading advertising, particularly in respect of counterfeit or toxic products, and thus concerns, indirectly, sanitary measures (Section 3.3.3), counterfeiting and fraud in the provision of services, and fraud relating to importation, production and sale. The

[96] Order No. 4646 of 16 December 1968 on the importation of live animals into the Republic of the Congo.

[97] Decree No. 200-524 of 19 October 2001 prohibiting the import of certain food products of animal origin. These include old frozen meat and fish; turkey rumps; fatty meat, in particular *capas*; cuts of meat, shaved or skinned; table eggs transported in non-refrigerated containers; and chicken feet.

[98] Order No. 4645 of 16 December 1968 on the movement of cattle on Congolese territory.

[99] Order No. 1778 of 8 June 1940 regulating the health inspection of markets and establishments for trade in and processing of products of animal origin.

[100] Ordinance No. 63-18 of 26 November 1963 establishing controls on products intended for cattle feed.

[101] Order No. 3401 of 23 June 1976.

[102] Decree No. 2010-565 of 3 August 2010 on the functions and organization of the Directorate-General of Customs and Indirect Taxation, Title 1: Functions.

[103] Order No. 19522 of 5 August 2015 approving the Congolese standard on the labelling of prepackaged foods.

law also applies to offences relating to the exercise of the profession of trader and the enforcement of relevant provisions on internal or external trade. A draft consumer protection law is being drawn up and provides, *inter alia*, for the introduction of a national consumer rights protection council.

3.99. Prices are in principle determined by free competition, except in the case of staple goods.[104] Order No. 16/MCAPMEA/CAB of 23 August 2000 identifies products subject to a price authorization regime, including meat, poultry, marine fish, salted fish, wheat flour, edible oils, rebar, corrugated iron sheets, salt, mineral water and sugar.[105]

3.100. Under the special regimes establishing exceptions, the State also determines the prices of petroleum products (Section 4.3); water (Section 4.3); electricity (Section 4.3); postal and telecommunication services, with the exception of Internet and mobile telephony(Section 4.5); locally manufactured beverages, sugar and wheat flour; locally manufactured products; and public transport. The Directorate-General of Competition and Prevention of Fraud represents the country as part of CEMAC's Competition Monitoring Body (Common Report, Section 3.3.3).

3.101. Two types of checks – random and scheduled – are performed for activities relating to all goods and services. These checks relate to compliance with the rules on trading standards in such areas as production; the use of measuring and weighing instruments; transport conditions; certification conditions for the entry of products for consumption; counterfeit products; counterfeiting and fraud relating to product importation; accounting documents and records; anticompetitive practices; and stockholding.

3.102. Congo refers to the following CEMAC directives relating to competition: Regulation No. 06/19-UEAC-639-CM-33 of 7 April 2019 on competition; and Regulation No. 000350 of 25 September 2020 on the application procedure for rules on competition.[106]

3.3.6 State trading, state-owned enterprises and privatization

3.103. Congo has not notified the WTO of any state trading enterprises within the meaning of Article XVII of the GATT.[107] The process of state withdrawal from economic activities dates from 1994, but the effective liberalization of the economy is ongoing. Nevertheless, the State's presence in business activities remains significant (Table 3.6). The Société nationale d'électricité (SNE), for example, continues to hold a monopoly over the generation, supply and importation of electricity. Saris Congo is still the only company producing and importing sugar in Congo. And in areas where there used to be a monopoly (such as hydrocarbons), Decree No. 2008-15 of 11 December 2008 lays down the procedures for the allocation of mining titles for liquid and gaseous hydrocarbons.

Table 3.1 State involvement in the economy, 2022

Company	Share held by the State		Area(s) of activity	Prerogatives
	2012	2022		
Congo-Telecom	100%	100%	Telecommunications	Monopoly on fixed-line telephony services
Energie électrique du Congo	100%	100%		Monopoly on electricity generation, transmission and distribution
Centrale électrique du Congo (CEC)		100%	Energy	Gas-fired power plant

[104] According to Law No. 5-94 of 1 June 1994, as supplemented by Circular Note No. 16/MCAPME/CAB of 23 August 2000, the authorization process consists of the approval of maximum selling prices by the Ministry responsible for trade, on the basis of a breakdown provided by the economic operator in accordance with the price structure and statutory profit ratios. Authorization must be obtained before the goods concerned can be offered for sale. Wholesale importers must indicate the authorized retail selling price on their wholesale invoices.

[105] Circular Note No. 16-MCAPMEA/CAB of 23 August 2000 on the price and approval regime.

[106] Revised rules on competition were adopted in April 2019; this revision deals with anti-competitive trade practices attributable to state enterprises and practices affecting trade between member States. The competition regulations are aimed at three kinds of practice: certain unlawful agreements, certain concentration operations and abuses of dominant position.

[107] WTO document G/L/971/Rev.1 of 7 November 2011.

Company	Share held by the State		Area(s) of activity	Prerogatives
	2012	2022		
La Congolaise des Eaux		100%		Monopoly on the production, transport and distribution of water
Agency for Land-Use Planning (AFAT)		100%	Land development	
National Civil Aviation Authority (ANAC)		100%	Transport	Air safety and air traffic control
Congo-Ocean Railway (CFCO)		100%	Transport	Monopoly on railway transport
Assurance et réassurance du Congo (ARC)		100%	Insurance	Insurance services
Congolaise de Gestion de Loterie		90%	Games of chance	Recreational services
Société des transports publics urbains (STPU)		100%	Urban public transit	Public transit services
Société congolaise de transport fluvial (SOCOTRAF)		100%	River transport	
Banque Congolaise de l'Habitat (BCH)		84%	Financial services	

Source: Information provided by the authorities.

3.3.7 Government procurement

3.104. In 2009, Congo adopted a new government procurement management framework[108] that transposed CEMAC legislation in this field into national law (Common Report, Section 3.3.3). According to the authorities, the new code seeks to promote transparency and competition in the allocation and monitoring of public contracts in accordance with international standards. However, Decree No. 2009-156 of 20 May 2009 covers only three types of procurement: works contracts; supply and intellectual services contracts; and purchases of food products or ironmongery.

3.105. During the period under review, improvements were made to the government procurement system to supplement certain provisions and categorize some of those by type of procurement.

3.106. The new code formally establishes several bodies, including the Government Procurement Regulatory Authority, to provide high quality services to government procurement stakeholders. The Ministry of Land-Use Planning and Major Works was also established and is charged with awarding and enforcing government procurement contracts and public service concessions on behalf of the State and other legal persons under public or private law.

3.107. A government procurement management unit, answerable to the person in charge of government procurement, is responsible for carrying out all government procurement and public-service concession procedures, as well as for planning government procurement and public service concessions. The Directorate-General for Government Procurement Control monitors implementation of regulations on government procurement and public service concessions.

3.108. The current thresholds for public contracts subject to calls for tender are CFAF 50 million or more for works and supply contracts, and CFAF 10 million or more for intellectual services contracts.[109] As part of the evaluation of the tenders, bids from candidates based in Congo/the CEMAC zone have a 10-point advantage.

3.109. Article 11 of the Decree No. 2009-162 sets the thresholds for public contracts tendered internationally at CFAF 2 billion or more for works and CFAF 500 million or more for the supply of goods or services.

[108] Decree No. 2009-156 of 20 May 2009.

[109] The thresholds for government procurement in the Republic of the Congo are set out in Decree No. 2009-162 of 20 May 2009 establishing the thresholds for the award, control and approval of government procurement contracts, and Decree No.2011-843 of 31 December 2011, amending and supplementing certain provisions of Decree No. 2009-162 of 20 May 2009 establishing the thresholds for the award, control and approval of government procurement contracts.

3.110. Contracts for works, supplies and services below the thresholds set for domestic calls for tender are awarded by a simplified process of comparing at least three bids.

3.111. The Code allows for preference to be given to Congolese businesses, a provision that can be invoked only if it has been provided for in the tender documents. It allows domestic bidders' offers to be reduced by between 7.5% and 10% for works contracts and by up to 15% for other types of procurement contracts.[110]

3.112. Congo is neither a party nor an observer to the WTO Agreement on Government Procurement.

3.3.8 Protection of intellectual property rights

3.113. Congo, like all the other CEMAC countries (Common Report, Section 3), is a member of the African Intellectual Property Organization (OAPI), created by the Bangui Agreement in 1977 (Common Report, Section 3.3.6).[111] Congo ratified the revised Bangui Agreement (1999) in 2001.[112] The revised Agreement entered into force on 28 February 2002 and applies in Congo, pursuant to the 2015 Constitution (Section 2.1), as automatically legally binding state law. In addition to the revised Bangui Agreement (1999), Congo has passed national legislation on copyright and related rights. Congo has been a party to the Convention Establishing the World Intellectual Property Organization (WIPO) since 9 July 1973.[113] Congo has notified the Bangui Agreement (1999) to the WTO.[114]

3.114. The regulatory and institutional framework for the country's intellectual property regime did not change or evolve during the period under review.

[110] Article 62 of the Government Procurement Code.

[111] The Bangui Agreement (1977) created the African Intellectual Property Organization (OAPI) to replace the African and Malagasy Industrial Property Office, set up in 1962. OAPI's members include Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal and Togo. Viewed at: http://www.oapi.wipo.net.

[112] Law No. 7-2001 of 19 October 2001.

[113] Ordinance No. 24-73 of 9 July 1973.

[114] WTO documents IP/N/1/COG/C/1 and IP/N/1/COG/C/2 of 29 April 2002.

4 TRADE POLICIES BY SECTOR

4.1 Agriculture, livestock, fisheries and forestry

4.1.1 Overview

4.1. Congo covers an area of 342,000 km^2, of which 60% is forest and 40% savannah (Section 1.1). There is abundant rainfall and the hydrographic network, fed chiefly by the Congo and Oubangui Rivers, is extensive and dense. Congo has relatively large fisheries resources; it has a 170 km long coastline, a 11,300 km^2 continental shelf and a vast exclusive economic zone (EEZ) (Section 1.1).

4.2. With its farmable land, water resources and growing, mainly young population, Congo has huge potential to become an agricultural producer and exporter. Climatic conditions, including rainfall, vary greatly from one region to another and offer an excellent basis for the development of a range of agricultural, forestry and livestock activities. The steady growth of domestic demand should also favour the sector's development. Furthermore, the country's position on the equator and its diverse plant life support year-round agricultural activity. It has plans to expand cultivation of crops such as bananas, cassava, rubber, oil palm, cocoa and coffee in forest regions, while the savannah areas are deemed well suited to growing grain legumes, cereals, rice and cotton, and to farming livestock.[115]

4.3. Despite its considerable potential, the sector has lagged in becoming a vehicle for economic diversification and poverty reduction in a country that has turned its focus almost exclusively to petroleum production. Its contribution to national wealth (GDP) has fallen steadily from 20% in the 1980s to a mere 1.6% in 2020. The share of the population employed in the agricultural sector is also falling. In 1998 the sector accounted for over 40% of the workforce, yet by 2018 it accounted for less than 20%. An estimated 500,000 people (70% of whom are women) are engaged in agricultural work on some 75,000 farms. The total cultivated area is 245,000 hectares (just over 2% of the 10 million hectares suitable for agriculture), giving an average area of 0.4 hectares per farm. The farms mainly produce crops; there is little livestock farming. The types of farming practised are traditional farming, which accounts for approximately 80% of the cultivated area, and peri-urban sedentary farming, which makes up the remaining 20%. Traditional crop-growing practices are followed and there is little use of modern production inputs (agricultural machinery, selected/improved seeds, irrigation, fertilizers and pesticides). Cassava is the main food crop, followed by plantains, yam and other fruits and vegetables.[116]

4.4. Because of its low agricultural output, the Republic of the Congo is highly dependent on food imports. Family farming, which accounts for over 90% of domestic production and 80% of the cultivated area, is unable to cover the population's food needs owing to this low productivity. As a result, food is imported in huge volumes (CFAF 700 billion in 2021).[117]

4.5. The agricultural sector's share of GDP (including livestock farming, fisheries and forestry) remains quite small relative to the country's potential (Section 1), principally because of the importance assigned to the petroleum subsector in Congo's economy (Section 4.3). The small size of farms does not allow for economies of scale. They are unprofitable and employ rudimentary production techniques. As a result of rural exodus, Congo's population is currently highly urbanized and is thus a relatively long way away from the centres of agricultural production. Agriculture is nonetheless the main source of income and employment for around one third of the population. Moreover, agriculture continues to be disadvantaged by structural weaknesses associated in particular with: inappropriate agricultural techniques; the high costs of factors of production, including hard-to-access credit; the poor state of the road network; and the weakness of support and extension services.

4.6. According to the authorities, the factors posing the biggest limitations to the potential of the agricultural sector relate to, *inter alia*, land (poor access to land, the small size of farms and a

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[115] Republic of the Congo (2012), *Plan national de Développement 2012–2016, Livre 1: Document de stratégie pour la croissance, l'emploi et la réduction de la pauvreté (DSCERP 2012-2016)*, Brazzaville. See also African Union, Republic of the Congo, ECCAS and NEPAD (2013). *Revue documentaire du secteur agricole du Congo – Rapport*, November.

[116] FAO (2014). Economic situation: FAOSTAT country profiles. Viewed at: https://www.fao.org/countryprofiles/index/en/?iso3=COG.

[117] National Development Plan (PND) 2022-26.

frequent absence of land titles, etc.); human capital (limited technical capacity, a lack of training and the consequent lack of skilled labour, etc.); the low level of public investment in the sector (well below the 10% of the state budget recommended by NEPAD in the Maputo Declaration in 2003); inadequate infrastructure; and weak private sector involvement. The result is that, aside from the sugar and beverages subsector, which nevertheless relies on imported inputs (maize, hops, malt, fruit concentrate, etc.), the agri-food industry remains almost non-existent.

4.7. Legally, the State owns the land, but the customary regime of land ownership is observed in the rural areas, and this prevents the establishment of an official land market.[118]

4.1.2 Agricultural policy

4.8. The Ministry responsible for agriculture is in charge of formulating and implementing agricultural policy. However, in line with the composition of the Government of 28 December 2019, as reshuffled on 24 September 2022[119], a number of other departments also play a role in the agricultural sector, including the Ministry of Forestry Economics and Sustainable Development and the Ministry of Fisheries and Aquaculture. By definition, the sector involves many departments, and the absence of coordination between them is a major handicap. Moreover, the legislative and regulatory framework of agricultural policy has included the adoption of several laws and regulations that are not consistent and have no assessment mechanism.

4.9. Since Congo's last TPR, there have been no updates to the regulatory framework, some laws and texts of which date back to the 1950s. State interventions have focused on mechanizing production, managing perimeters, providing seeds and subsidizing fertilizers.

4.10. According to the authorities, the new agricultural policy set out in the 2018-22 National Development Plan (PND) aims to make agriculture one of the main pillars of diversification, growth, competitiveness and sustainable job creation. Specifically, the Congolese Government intends to (i) increase agricultural production capacity to support diversification of the economy; (ii) guarantee food and nutritional security; and (iii) reduce poverty.

4.11. The new strategy for agricultural development is based, on the one hand, on an integrated approach to the development of value chains in the agriculture, livestock, fisheries and aquaculture sectors, and, on the other, on institutional support for the private sector, with a view to stepping up the level of processing in agriculture and thus driving economic development.

4.12. The principal support measures for farmers are: exemption from the business licence fee[120]; exemption from personal income tax (IRPP) for those with income under CFAF 265,000[121]; distribution (free of charge) of tested seeds by the authorities (rice, cassava, maize, groundnuts, potatoes); exemption from duties and taxes on agricultural inputs and equipment; and various investments to develop the rural sector (including the repair of rural roads). Agri-food enterprises may receive subsidies under the National Investment Charter (Section 2). An Agricultural Techniques Demonstration Centre has been opened to train agricultural technicians.

4.13. However, with the support of the African Development Bank, Congo has, since 24 September 2020, been implementing an Integrated Agricultural Value Chains Development Project (PRODIVAC), a EUR 73.2 million project aimed at promoting competitive and resilient agriculture through the development of agri-food value chains.[122] The specific goals of the project are to improve the performance of agricultural value chains and foster a business environment conducive to the promotion of profitable small agricultural enterprises.

4.14. Based on the ISIC definition, the simple average rate of CEMAC's CET applied to agricultural products (including livestock, fisheries and forestry activities) is 23.6%, which is significantly higher than the overall average of 18.1%. The mixed escalation of the tariff on agricultural products should

[118] Law No. 10-2004 of 26 March 2004 establishing general principles for the state land and property regime (Articles 32-37).

[119] Decree No. 2022-1850 of 24 September 2022 on the appointment of members of the Government.

[120] Article 279 of the General Tax Code.

[121] Article 95 of the General Tax Code.

[122] Decree No. 2020-366 of 24 September 2020 on ratification of the loan agreement between the Republic of the Congo and the African Development Bank.

also be noted, caused by the relatively strong protection afforded to unprocessed agricultural products (Common Report, Section 3). The tariff structure affects the competitiveness of Congolese products, especially processed agricultural products. Other duties and taxes, including internal taxes, are also levied on agricultural products.

4.15. Moreover, staple foods (for example sugar, wheat flour, rice and frozen fish) require approval of their ceiling prices (Section 3) in order to make them more accessible to low-income groups. In principle, sugar may not be imported and imports of wheat flour are subject to a quota of 12,000 tonnes per quarter (Section 3). Agricultural products (including food) may also be subject to sanitary and phytosanitary measures such as a ban on importing live animals of the avian species and products derived therefrom (Section 3). In addition, the agricultural product import regime requires permits from the Ministry responsible for agriculture and a special import authorization from the Ministry responsible for trade, which leaves room for ambiguity (Section 3).

4.16. There is little processing in the livestock farming sector and no SPS regime in place to guarantee the quality of exported products. The authorities have promised to seek technical assistance from the Standards and Trade Development Facility (STDF) in order to set up an SPS regime.

4.1.3 Policy by subsector

4.1.3.1 Sugar

4.17. The sugar subsector is organized around the Agricultural Company for the Industrial Refining of Sugar (SARIS-Congo)[123], an agro-industrial sugar complex comprising sugar cane plantations and a plant for raw sugar production and refining in Nkayi in the south west of the country. SARIS-Congo has a monopoly on sugar production in Congo.

4.18. In addition to its monopoly, SARIS-Congo has been approved under the G regime of the National Investment Charter (Section 2) and is given preferential tariff quotas for sugar on the United States market. In 2020, SARIS-Congo exported 5,700 tonnes of sugar.[124]

4.19. Imports of refined sugar (made from sugar cane) are among the most protected agricultural products in Congo. In addition to a customs duty of 30%, there is also a ban on importing refined sugar, with the possibility of obtaining a special import authorization in the event of shortages (Common Report, Section 3.1.4); the product is also subject to approval of a ceiling price (Section 3).

4.1.3.2 Fisheries

4.20. The Congolese fisheries and aquaculture subsector has the potential to support and drive growth and employment. It provides a living for thousands of people and supplies around 60% of the fish protein consumed nationally (the remainder comes from imports).[125] The Republic of the Congo has a 170 km long coastline, a 11,300 km^2 continental shelf and a 62,968 km^2 EEZ. The hydrographic network, with its basin and Kouilou-Niari drainage areas and other bodies of water (lakes, lagoons and ponds), is a high-potential fishing resource stretching over 205,000 km^2.

4.21. In 2017, 166,822 people were employed in small-scale inland and marine fisheries. Of those, 72,282 were employed in catching activities, 37,090 in processing activities and 57,450 in marketing activities. The permanent jobs created by the small-scale fishing industry employ 7.01% of the active population, which was estimated at 2,380,700 people in 2017.

[123] SOMDIAA holds 66% of its capital and the remainder is held by the Congolese State.
[124] *Rapport d'analyse comparative du cadre légal et réglementaire de la protection phytosanitaire des États de la zone CEMAC*, STDF/PRASAC 2022.
[125] Republic of the Congo (2010), *Rapport national sur l'analyse de la situation et estimation des besoins en santé et environnement dans le cadre de la mise en œuvre de la déclaration de Libreville,* 140 pages, September.

Table 4.1 Production by type of fishery, 2013-21

(Tonnes)

Type of fishery	Production								
	2013	2014	2015	2016	2017	2018	2019	2020	2021
Small-scale marine fisheries	15,140	13,864	3,011	13,018	13,682	2,274	4,066	4,441	4,407
Industrial marine fisheries	21,976	21,484	28,911	31,915	42,431	55,622	27,126	27,119	25,884
Sardine fisheries	12,249	12,983	11,726	22,361	22,629	46,561	..	..	..
Trawler fisheries	9,727	8,501	17,185	9,554	19,802	11,043	..	..	..
Total marine fisheries	37,116	35,348	31,922	44,933	56,113	57,896	31,193	31,560	30,291
(Small-scale) inland fisheries	35,990	38,090	37,320	39,988	38,842	41,034	38,860	..	..
Total domestic production	73,106	73,438	69,242	84,921	94,955	98,930	70,053	..	..

.. Not available.

Source: Ministry of Agriculture, Livestock and Fisheries (MAEP).

4.22. Annual catches stagnated during the review period, going from 73,106 tonnes in 2013 to 70,053 tonnes in 2019, with a spike in 2017 and 2018. Catches by small-scale fisheries dropped considerably from 15,140 tonnes in 2013 to 4,407 tonnes in 2021. The total numbers for marine and inland fishing have changed by the same proportions (Table 4.1).

4.23. Both marine and inland fishing is practised in Congo. Inland fishery activities in the country are exclusively small-scale, while an industrial marine fishing fleet operates out of the port of Pointe-Noire. The fish caught near consumption centres is sold fresh, whereas in the interior it is processed on the spot, either by smoking or by salting and drying, since there are no preservation facilities. This task is performed exclusively by women, who are very active in the processing and marketing process, taking care of around 80% of the activities associated with smoking, drying and salting fish for consumption. Aquaculture, based on tilapia farming, is still in its early stages.

4.24. The management of fisheries resources falls under the remit of the Ministry responsible for fisheries and aquaculture, which defines the policy governing the sector and oversees its implementation. The work of the Ministry is supported by other departments with responsibilities and tasks that are closely linked to the management and development of fisheries and aquaculture, specifically, the Ministry of Scientific Research and Technological Innovation, the Ministry of Tourism and Leisure, and the Ministry of Forestry Economics, Sustainable Development and the Environment. It also collaborates with the Ministry of National Defence, Transport and Civil Aviation and the Ministry of the Interior and Decentralization through their Directorates-General (Naval Force, Merchant Navy and Police Force).

4.25. Although Congo's fisheries have potential (around 80,000 tonnes per year for marine waters and some 100,000 tonnes per year for inland waters), fisheries development is nonetheless hampered by obstacles such as institutional instability, old and unsuitable means of production, and a lack of infrastructure.

4.26. The Congolese authorities are seeking to establish fisheries and aquaculture as a modern, industrialized subsector ready to play a full role in providing food and employment. They thus intend to provide fisheries and aquaculture with viable basic equipment and infrastructure, such as fishing ports, fish markets, microbiological and chemical analysis laboratories and modern landing points, as well as international class facilities for preserving and drying fish that will enable fishers and fish farmers to work in conditions meeting the necessary hygiene standards. The aim is to increase production.

4.27. The Government also seeks to improve aquaculture, in particular fish farming. Aquaculture production should supplement inland and marine fisheries production. The Government is relying on aquaculture development to ensure the sustainability of the country's fisheries resources.

4.28. The legal and regulatory framework for fisheries in Congo comprises laws, decrees, orders and circulars. The law establishes two types of fishing zone: the first covering a distance of 0 to 6 nautical miles, reserved for small-scale marine fisheries; and the second covering a distance of 6 to 200 nautical miles, for industrial fisheries. Marine fishing is currently governed by Law No. 02-2000 of 1 February 2000 on the organization of marine fishing in the Republic of the Congo. Access to resources is therefore subject to obtaining a catch quota (for industrial fisheries) or a fishing permit (for small-scale fisheries) from the Ministry responsible for fisheries. Inland fishing and aquaculture are governed by Law No. 3-2010 of 14 June 2010 on the organization of inland fishing and aquaculture.

4.29. Quotas are allocated per vessel or per canoe at the beginning of each calendar year and at the request of the shipowner (in the case of industrial fisheries) or the artisan fisher (in the case of small-scale fisheries). Prices are set after the relevant tax has been calculated: either the industrial fishing licence tax or the small-scale professional fishing permit tax.

4.30. Marine fishing requires an annual fishing licence granted by the Ministry of Fisheries and Aquaculture. The licence is subject to the payment of fees depending on the vessel's autonomy. A fishing licence is an administrative document indicating a vessel's allocated quota. It is issued by the marine fisheries authority following technical visits to the vessel and full payment of the fishing licence tax. There are no costs attributable to the fishing licence; the fee for the industrial fishing quota covers the costs of the fishing licence.

4.31. In addition to the taxes laid down by law, Congo has an extensive, complex system of parafiscal charges, chiefly of regulatory and institutional origin, which were introduced by administrative entities without any mandate to do so. This parafiscal system is the work of a large number of actors and/or structures; it applies both to professional small-scale marine fishing and to inland fishing. Moreover, it has a considerable impact on small-scale marine fishing, as shown in the summary of levies below (Table 4.2).[126]

4.32. The average tariff protection rate for fishing activities is 24.8%, with rates ranging from 10% to 30% (Common Report, Section 3.1.4).

4.33. According to the authorities, the existing legal framework for marine fishing does not fully meet the management needs of national fisheries, nor is it consistent with international regulations that cover fishing-related activities on the high seas, the management of shared and straddling fish stocks, and illegal, unregulated and unreported (IUU) fishing. The authorities recommend drafting a new law.

4.34. The principal obstacle to the development of the fishing industry in Congo, including the limited appeal to foreign vessels of the Congolese flag, is excessive taxation. The fiscal and parafiscal tariff structure does nothing to encourage efforts to improve competitiveness in the subsector, including substantial investment in the renewal of industrial fishing equipment and the motorization of dugout canoes.

Table 4.2 Parafiscal levies on fishing, 2020

No.	Levy	Amount in CFAF	Entity concerned
1	Tax on shark fishing permit - large vessels	300,000 F/year	Ministry of Fisheries
2	Shark tax - small vessels	150,000 F/year	Ministry of Fisheries
3	Shark tax - fixed nets	12,500 F/year	Ministry of Fisheries
4	Tax on shark fins	2,000 F/fish	Ministry of Fisheries
5	Hygiene tax for fish processing	75,000 F/year	Ministry of Health
6	Extinguisher tax	20,000 F/year	Fire service
7	Sardine cannery tax	25,000 F/year	Ministry of Fisheries
8	Railway transportation tax	3,000-4,000 F depending on item	Ministry of Transport
9	Charge for small-scale fishing card	10,000 F/year	Ministry of Small and Medium-Sized Enterprises
10	Registration of canoes	2,000 F	Ministry of Fisheries
11	Shipping manifest	200 F/tide	Congolese Navy

Source: Information provided by the Congolese authorities.

4.35. According to the authorities, the fisheries subsector in Congo is facing a rise in demand, resulting in increased pressure on resources and a need for stronger conservation measures, such as protection for "sensitive" habitats. Congo has taken certain technical measures to promote

[126] *Stratégie pour un développement durable de pêche en République du Congo, volume 1, bilan diagnostic de la pêche*, December 2011, p. 21.

sustainable fisheries, including reinforcing the regulatory framework[127], establishing two types of fishing zone and introducing sea patrols.

4.36. The authorities believe the overfishing of fish stocks in Congolese waters to be a result of the chronic overcapacity of the fishing fleet. This critical situation stems not only from the inadequacy of conservation measures (regarding catch and/or fishing effort quotas and technical measures) and their implementation follow-up, but above all from the disconnect between these measures and the rules on sharing production potential among operators in these ecosystems.

4.37. Congo has fisheries and aquaculture cooperation agreements with a number of countries in the subregion, including Angola, Gabon, Namibia, Morocco and Senegal. However, Congolese legislation provides that industrial fishing in waters under Congolese jurisdiction is also reserved for the vessels of foreign operators who have concluded a contract with the marine fisheries authority authorizing them to fish in waters under Congolese jurisdiction, and for fishing vessels chartered by a Congolese operator. The Fishing Vessel, Boat and Craft Observation Centre (CONBEP) in Pointe-Noire has a VMS satellite monitoring system and is primarily tasked with the monitoring, control and surveillance of the fishing activities of vessels fitted with beacons. The Centre's surveillance activities are currently limited by a shortage of patrol boats, although the Congolese State plans to acquire vessels of this type.

4.1.3.3 Forestry

4.38. Forestry is the largest subsector in Congolese agriculture. It is the main private sector employer; it provides some 14,000 direct and 7,000 indirect jobs for the active population and is the second largest source of export revenue after petroleum (Section 1).

4.39. Congo's forests are found in three mountainous areas: the Kouilou-Mayombe mountains (1.5 million hectares) and the Chaillu-Niari mountains (4.38 million hectares) in the south of Congo, and the Nord-Congo forested mountain range (15.9 million hectares) in the north. Of the country's approximately 22.5 million hectares of forest, some 18.4 million hectares can be exploited commercially and 10 million hectares are concession areas. Congo also has 70,000 to 83,000 hectares of limba and eucalyptus plantations in the Pointe-Noire region.

4.40. According to the authorities, Congo has 16 protected areas: four national parks, three wildlife reserves, two hunting areas, one hunting reserve, three great ape sanctuaries, one forest reserve (urban protected area), one biosphere reserve and one community reserve. In all, there are over 3.7 million hectares of land spread over three national parks, six reserves, three hunting areas and three sanctuaries.

4.41. Under the National Forestry Action Plan (PAFN) adopted in 1994, the main regulatory instrument in this subsector is the Forestry Code enacted in 2000.[128] This Code requires 85% of rough wood to be processed on the spot.[129] In practice, processing mainly takes the form of sawing and has not reached the 85% target, with the shortfall being the subject of a surcharge (Section 3.1). According to the International Tropical Timber Organization (ITTO), this regulatory framework provides the basis for sustainable forestry management.[130] The forests in the Congo Basin are covered by the Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa.[131]

[127] Decree No. 2009-33 of 6 February 2009 laying down provisions on the mesh-size of nets and maritime fishing gear; Regulation on Access to Fishing by Law; Decree No. 2011-695 of 21 November 2011 establishing an observation centre for fishing vessels and craft.

[128] Law No. 16-2000 of 20 November 2000. The other texts include: Law No.48-83 of 21 April 1983 determining the conditions for the conservation and exploitation of wild fauna; Law No. 52-83 of 21 April 1983 containing the Code on State Land and Property (the implementing texts of which have never been adopted); and Law No. 03-91 of 23 April 1991 on environmental protection.

[129] Article 48 of Law No. 16-2000 of 20 November 2000.

[130] The ITTO (2005) defines sustainable forest management (SFM) as: "The process of managing forest to achieve one or more clearly specified objectives of management with regard to the production of a continuous flow of desired forest products and services without undue reduction of its inherent values and future productivity and without undue undesirable effects on the physical and social environment."

[131] This treaty, which established the Central African Forests Commission (COMIFAC), was adopted at the Summit of Heads of State of Central Africa, held in Brazzaville on 4 and 5 February 2005. The

4.42. According to the Code, forests are classified into state forest, national public forest and private forest. State forest is split up into Forest Management Units (UFAs), as established by order of the Minister responsible for water resources and forests; there are 34 such Units ranging between 0.2 and 1 million hectares in area.[132] In the mountains in the south of the country (where logging dates back to the colonial era), the Units are of medium size, but they are much larger in the north (where logging only started recently) with a view to attracting investors capable of exploiting the timber on a large scale (at least 100,000 m^3 annually) by building roads and setting up facilities for on-the-spot primary processing. Access to the port of Pointe-Noire makes it easier to ship timber in the south of the country than in the north, where the timber must be transported along 1,200 km of rural roads to the port of Douala in Cameroon.[133] Completion of the works on national road No. 2 to Ouesso will greatly facilitate the shipping of timber in the north of the country.

4.43. UFAs are exploited for commercial purposes by the holders of concessions issued by the water resources and forestry administration. The concessions comprise industrial processing agreements (for a maximum period of 15 years); management and processing agreements (for a maximum period of 25 years); permits for the harvesting of plantations; and special permits (restricted to Congolese nationals, non-governmental organizations and associations established under Congolese law). Industrial processing agreements and management and processing agreements are awarded following a tendering process. In total, concessions awarded in 2010 covered 12,669,626 of the country's estimated 17,116,583 hectares of forest area. This figure relates only to the long-term forest concessions (more than 15 years) that account for the bulk of Congo's exploitable forest.

4.44. The forestry administration shall ensure on both a national and departmental level that any activity authorized in national forests shall be carried out without destroying the area. UFAs are the base units for development, management, conservation, regeneration and production tasks, as established by decree in the Council of Ministers. Concession holders draw up management plans in collaboration with foreign or Congolese business consultants for the hectares of forest given over to logging. The aim is to have all forestry concessions managed by concession holders. A forest management programme launched in 2000 has seen 11.7 million hectares of forestry concessions brought under management; of these, 6,227,724 hectares already have a management plan in place and around 2,500,000 hectares have been certified. As part of this programme, the French Development Agency (AFD) implemented a support project for the sustainable management of forestry concessions in the centre and south of Congo. Congo's first forestry management plan was adopted in March 2006 in Ouesso and covers the Kabo UFA, an area of 296,000 hectares allocated to CIB-OLAM. The current situation is as follows: 32 UFAs divided into 60 forestry concessions; 57 allocated concessions (15,036,738 hectares); 21 managed concessions (8,711,285 hectares); 8 certified concessions, of which 5 FSC, 2 OLB and 1 LS (3,935,597 hectares); and 3 unallocated concessions (322,816 hectares).

4.45. The state forest covers 22.5 million hectares, of which 12.7 million are allocated to the production of commercial timber by concession holders. Logging is dominated by a few large companies including CIB and Industrie Forestière de Ouesso (IFO). Since 1 January 2010, all exports of rough wood have been prohibited with a view to promoting domestic value added within the industry.[134] The authorities have indicated that this measure has led to an increase in the number of processing facilities.

4.46. The sector is growing fast (Table 4.3). In line with the authorities' aim to encourage the industrialization of the timber sector, operators in the industry are increasingly required to step up the local processing of rough wood taken from the forests. The minimum processing rate required by the State is generally 85%. However, pursuant to Article 97.1 of Law No. 33-2020 of 8 July 2020 on the Forestry Code concerning the prohibition of the export of rough timber products originating

implementation of the convergence plan drawn up for this purpose links donors to the Congo Basin Forest Partnership (CBFP), launched at the Johannesburg summit in September 2002.

[132] Online information from the Treasury of the French Republic. Viewed at: http://www.tresor.economie.gouv.fr/pays/congo.

[133] In order to ship timber through the port of Pointe-Noire, it has to be sent down by water, taken out of the water and stored in Brazzaville and then transported by rail to Pointe-Noire. This means that timber cannot be shipped within the time limits expected by operators. The Congolese authorities estimate the loss in terms of service purchases for shipping timber through Cameroon at around CFAF 40 billion.

[134] The Forestry Code sets aside 15% of log production from each enterprise for export and 85% for local processing to promote domestic value added within the industry.

from natural and planted forests in the Republic of the Congo, as of 1 January 2023 only timber in a finished or semi-finished state may be exported.

Table 4.3 Trend in the production of forest woods, 2013-19

Unit (m^3)

	2013	2014	2015	2016	2017	2018	2019
Rough timber	1,623,374	1,506,857	1,536,840	1,581,653	1,750,000	1,811,065	1,612,821
Sawn timber	326,999	350,236	369,502	362,988	335,947	284,258	357,178
Veneer	72,521	59,256	59,139	64,131	53,297	45,450	37,896
Plywood	28,181	28,066	25,756	24,537	23,656	..	11,737
Round wood	146,225	3,447	187	..	..	..	..
Chips	141,303	15	..	..	..	..	..

.. Not available.

Source: Ministry of Forestry Economics

4.47. Various taxes are levied on timber exports (Section 3.1). Since 2003, Congo has brought its taxation into line with that in other countries in the subregion. Together with the cost of timber shipment, this change has been a factor in holding back growth in the subsector, especially in the north of the country.

4.2 Mining, energy and water

4.2.1 Mining products

4.48. Congo has large deposits of mineral resources, although their extent is not yet fully clear because no in-depth studies have been conducted. The resources include gold, copper and diamonds. Promoting the mining sector is a response to the objective of diversifying the basis of Congo's economy, as set out in the PRSP II.

4.49. The award of the "Boko Songho" and "Yanga-Koubanza" permits will enable copper, lead and zinc production to resume in the west Bouenza mining basin. The Kouilou potash and magnesium project led by the Canadian company MagIndustries makes provision for the imminent mining of potash and magnesium deposits. It is also expected that one of its subsidiaries, Mag-Metals, will install an on-site smelting furnace for magnesium with a view to producing 60,000 tonnes of this metal, or 15% of world consumption.

4.50. The regulatory framework has not changed substantially since the last review in 2013. The 2005 Mining Code, administered by the supervisory Ministry, governs the prospection, exploration, exploitation, holding, transport and processing of mineral or fossil substances. According to the Code, the State owns the mineral or fossil substances present in deposits in national territory, including those in territorial waters, as well as all the relevant technical data and information collected by mining companies.[135]

4.51. Decree No. 2007-274, adopted on 21 May 2007, lays down the conditions governing the prospection, exploration and exploitation of mineral substances, and conditions governing administrative supervision. According to Article 5 of the Decree, a mining title must be obtained in advance in accordance with Articles 18, 25, 39, 45, and 57 of Law No. 4-2005 of 11 April 2005 (Mining Code) for any activity involving the prospection, exploration or exploitation of mineral substances. The mining titles required are the following: prospecting permit (for one year, renewable for one further year); exploration permit (for three years, renewable for two further two-year periods); small-scale mining permit (three years, tacitly renewable for the same period); industrial mining permit (five years, renewable for five-year periods); operating permit (for a maximum of 25 years, renewable for periods of maximum 15 years); and permits to hold, transport and process precious mineral substances.

4.52. Since 2007, the country has once again been party to the Kimberley Process and adopted the following texts to give effect to its participation: Decree No. 2008-336 of 22 September 2008 on the establishment and composition of the Kimberley Process Permanent Secretariat; Decree No. 2008-337 of 22 September 2008, establishing procedures for implementing the Kimberley

[135] Law No. 4-2005 of 11 April 2005.

Process Certification Scheme; and the Order supplementing certain provisions of Decree No. 2007-247 of 21 May 2007, with a view to the implementation of the Kimberley Process Certification Scheme.[136]

4.53. The Mining Code discourages speculation by requiring any company that holds permits in Congo to use them. Article 100 of the Code empowers the Government to award itself, free of charge, a minimum share of 10% of the capital from each mining project with the option to purchase further shares.

4.54. According to the authorities, the mining sector is one of the strongest links in the diversification of Congo's economy. Following the promulgation of Law No. 4-2005 of 11 April 2005 on the Mining Code, there was intense prospection and exploration activity, which led to the discovery of large iron, copper and potash deposits. The Law also laid the foundations for the development of the small-scale mining sector with the adoption of a strategy and action plan with support from the UNDP and geological mapping.

4.55. For these large-scale projects, the challenge ahead is to adopt a more attractive legal framework and create storage, transport and processing infrastructure. A committee involving the public and private sector, civil society and unions has been set up to prepare the new Mining Code.

4.56. The support measures to the sector include freedom for approved companies to transfer profits and dividends abroad, along with proceeds from the sale of their investments. The temporary admission procedure (with relief from import or export duties and taxes, except for the automation fee) applies to machinery and equipment needed for geological surveying and mapping, as well as during the exploration and start-up phases and when expanding capacity. Holders of mining permits must pay the standing charges, an area royalty, a mining royalty on export earnings and a tax on geomaterials for building.[137]

4.57. Imports of mining substances are subject to the payment of duties and taxes, including the CET at the maximum rate of 30%, VAT of 18% and excise duty of 24% on precious stones (Section 3). The export of mining products is regulated. In addition to producers, State-approved offices that buy and sell precious mineral substances are recognized as exporters. According to the authorities, trade in uncut diamonds in Congo continues. Following its suspension from the Kimberley Process in 2004, Congo was readmitted as a full member of the Process in 2007. Additionally, the legislation provides for a 2% supplementary exit duty (DAS) and the possibility of exemptions, but in practice there are no exports that could justify application of the exemption.

4.2.2 Petroleum products and natural gas

4.58. Oil remains one of the main resources in Congo. The country has proven reserves of 1.6 billion barrels, as indicated in a report by the Ministry of Hydrocarbons, and is the fifth largest oil producer in Sub-Saharan Africa after Nigeria, Angola, Gabon and Equatorial Guinea. Oil production remains considerable (10-15 million tonnes/year), and there are still large reserves in existence. In 2020 and 2021, Congo's oil production was, respectively, 112,029,959 barrels (or around 306,093 barrels/day) and 99,897,987 barrels (or around 273,693 barrels/day), and its proven reserves (1P) were 938,698,000 barrels (2020) and 877,939,000 barrels (2021). Most of the oilfields are offshore and are operated by foreign companies, in some cases with participation by the Société Nationale des Pétroles du Congo (SNPC) (Table 4.4.).

4.59. Although it holds all permits (Article 9 of Law No. 28-2016 of 12 October 2016 on the Hydrocarbons Code), the national company (the SNPC in this case) does not manage the State's share of production. It markets this share in accordance with a specific mandate signed with the State, which tasks it with marketing the State's share of hydrocarbons in all permits in the Republic of the Congo.

4.60. The oil industry in Congo has a diversified structure. Many companies hold operating permits (Table 4.4. Structure of the oil industry). Since 2008, TotalEnergies E&P has operated the deepwater

[136] PRSP Completion Report 2008-11.

[137] Article 157 of Law No. 2005-04 of 11 April 2005. Taxes are 5 per cent on metals and precious stones, 1% on thermal or mineral waters, 5% on geomaterials for building and on materials for the ceramics and other industries, and 3% on all other mineral substances.

permit for Moho-Bilondo, where the contracting group (TotalEnergies E&P Congo (53.5%), Chevron (31.5%), SNPC (15%)) had invested over USD 2.9 billion by the end of 2010 for production of around 90,000 barrels/day. Its principal competitor, the subsidiary of the Italian company ENI, produced half, i.e. 30% of the total (97,000 barrels/day). The other actors are subsidiaries of the groups Maurel & Prom (France), Perenco (France/United Kingdom), Esso (United Kingdom) and Murphy (United States). Once again, the Congolese public company SNPC does not manage the national wells. It is the operator of a permit (MKB II) and holds participating interests (minimum of 15%) in all permits in the Republic of the Congo.

4.61. According to the authorities, total output is expected to be over 100 million barrels per year once the new Litanzi and Nsoko oilfields are on stream. Congolese oil is generally of fairly good quality, not very heavy and containing little sulphur. Congo is one of the leading oil-exporting African countries, behind Angola, Nigeria and Equatorial Guinea. Oil accounts for almost 90% of export receipts and 2/3 of GDP.

Table 4.4 Structure of the oil industry, 2012 and 2021

Companies[a]	Field	Annual capacity (thousands of barrels) in 2012	Annual capacity (thousands of barrels) in 2021
TotalEnergies E&P Congo: 53.5; Chevron Overseas (Congo) Ltd: 31.5; SNPC: 15	Nkossa	25,000	5,201
Eni Congo S.A.: 52; SNPC: 38; AOGC: 10	Kitina II	15,000	581
Perenco Congo S.A.: 40; SNPC: 15; HEMLA: 20; Kontinent Congo: 10; AOGC: 10; Petro Congo:5	Tchibouéla II	15,000	5,183
Following the withdrawal of companies Eni Congo and TotalEnergies, the permit is provisionally operated by the SNPC in January 2022	Zatchi II	12,000	658
PERENCO S.A.: 42.5; SNPC: 39; Petro Congo: 18.5	Yombo-Masseko	6,100	3,279
TotalEnergies EP Congo: 65; Eni Congo S.A.: 35	Sendji	6,000	2,275
Perenco Congo: 55; SNPC: 20; Petro Congo: 15; AOGC: 10	Likalala II	3,900	1,011
Perenco Congo: 55; SNPC: 20; Petro Congo: 15; AOGC: 10	Kombi II	3,900	260
Congorep: 65; Agip Congo S.A.: 35	Likouala	3,800	6,184
Perenco Congo: 40; SNPC: 15; HEMLA: 20; Kontinent Congo: 10; AOGC: 10; Petro Congo: 5	Tchibéli II - Litanzi II	3,700	890
TotalEnergies EP Congo: 65; Eni Congo S.A.: 35	Yanga	3,500	1,553
Congorep (subsidiary of Perenco Group): 69.3800; SNPC: 15.0038; Perenco: 15.6162	Emeraude II	3,300	3,629
Eni Congo S.A.: 58; SNPC: 34; AOGC: 8	Foukanda II	3,000	595
Perenco Congo S.A.: 40; SNPC: 15; HEMLA: 20; Kontinent Congo: 10; AOGC: 10; Petro Congo:5	Tchendo II	3,000	1,495
Eni Congo S.A.: 58; SNPC: 34; AOGC: 8	Mwafi II	2,800	724
Eni Congo S.A.: 50; SNPC: 40; AOGC: 10	Djambala II	1,500	64
Eni Congo SA: 50; Burren: 25; SNPC: 25	Kouakouala	500	140
Africa Oil and Gas Corporation: 55; SNPC: 20; Petroleum 13; Ifouret: 12	Pointe-Indienne	50	51

a The figures show the percentage share of the capital.

Source: Mobbs, P.M. (2004) for 2004 and Congolese authorities for 2012 and 2021.

4.62. The regulatory framework has changed substantially since the last review in 2012. The hydrocarbons sector is now governed by Law No. 2016-28 of 12 October 2016 on the Hydrocarbons Code.[138] This new Law sets out the legal, tax, customs and foreign exchange regimes applicable in the Republic of the Congo to upstream activities in the hydrocarbons sector, as well as the rights and obligations of contractors operating in this area and the rules they must comply with on hygiene, health, safety and the environment, and on boosting local content (Article 1).

4.63. The Code stipulates that the hydrocarbons contained in the soil and subsoil of the territory of the Republic of the Congo are part of the national heritage (Article 4). All basic technical data and information acquired in the context of petroleum operations, including information on the determination of hydrocarbon reserves, is considered exclusive property of the State, with the exception of information or technology protected by industrial property rights (Article 24). The State,

[138] Office of the President of the Republic (2016), Law No. 2016-28 of 12 October 2016 on the Hydrocarbons Code, Official Journal of the Republic of the Congo, Special Edition No. 8-2016.

through the Ministry responsible for the hydrocarbons sector, acts as regulator of the sector by ensuring compliance with the requirements of the law by all parties involved (Article 4). The SNPC, to which all mining titles constituting an operating permit are exclusively allocated, supports the State in implementing the national petroleum policy in the exploration/production sector (Articles 7, 8 and 9). For all hydrocarbon exploration and/or exploitation operations, the new Code introduces production-sharing contracts and service contracts.[139]

4.64. The Code defines a production-sharing contract as any petroleum contract under which the State assigns a contractor the rights to carry out hydrocarbon exploration and/or exploitation operations within a given area. In the case of production, the contractor receives a share of production for recovery of petroleum costs and another share as remuneration (Article 16). Petroleum contracts in which the State assigns a contractor the rights to carry out hydrocarbon exploration and/or exploitation operations within a given area, in exchange for fixed or variable remuneration paid either in cash or in kind, are considered service contracts. A service contract may be concluded in order to assign the rights to carry out petroleum operations (Article 17).

4.65. Persons authorized to carry out upstream activities in the territory of the Republic of the Congo must be accredited contractors, composed of one or more legal persons with the necessary technical and financial capacities to undertake petroleum operations. Where a contractor does not itself have the necessary technical or financial capacities to undertake petroleum operations, each of its members must provide a commitment from their parent company guaranteeing the member's proper fulfilment of the obligations linked to the prospecting permit or mining title and the petroleum contract (Articles 18 and 19).

4.66. State participation in upstream petroleum activities consists of holding a participating interest in petroleum contracts via the SNPC and, if required, direct ownership of shares in oil companies. The national company, or companies, together where applicable, hold a mandatory non-transferable participating interest of minimum 15% in all petroleum contracts. However, except where the SNPC acts as an operator, the contribution obligations linked to the mandatory minimum participation above shall be borne entirely by the other members of the contractor, in proportion to their respective participating interests, until the date of publication of the decree awarding the operating permit for the area of operation concerned.

4.67. The Code stipulates that the members of the contractor are required to register in the Trade and Personal Property Credit Register and to complete any other formalities linked to this registration, in accordance with applicable law in the Republic of the Congo. During exploration, the operator is authorized to open a branch in Congo under the conditions laid down in the regulations in force in order to conduct petroleum operations. However, during exploitation, the operator must be a company incorporated under Congolese law with its registered office in the territory of the Republic of the Congo (Article 20).

4.68. The petroleum contract sets out the conditions under which the contractor must carry out petroleum operations within the areas covered by the mining titles to which the contract refers. These include conditions for carrying out petroleum operations, and methods and conditions relating to remuneration of the contractor, the distribution of production under production-sharing contracts, remuneration of the contractor for petroleum operations, remuneration of the contractor under service contracts, the accounting procedure and the contractor's local content commitments. (Articles 73-80).

4.69. The new Code establishes mechanisms for boosting hydrocarbon prospection, exploration and exploitation activities, with a view to evaluating hydrocarbon resources and ensuring the balanced distribution of petroleum revenue. The Law also establishes the principles that will from now on govern the refining, transport/storage and distribution of petroleum products. The marketing segment of petroleum products remains liberalized, but the State plays a role via supply contracts and price regulation. These new provisions offer business opportunities in terms of subcontracting, private investment and public-private partnerships.

[139] Under production sharing, the contractor is the party contracting with the State, composed of one or more legal persons, including the national company and any legal person who is a beneficiary of a regular transfer of a participating interest in a mining title. Under a service contract, the contracting party is one or more legal persons with which the State has signed a service contract.

4.70. Petroleum companies are eligible for a special VAT-exempt regime for goods (whether imported or of national origin)[140] and for services and works provided by subcontractors working directly in petroleum activities.[141] Petroleum companies must give priority to local personnel when recruiting and to Congolese suppliers for services. Companies engaged in prospecting, exploration, exploitation and transport are subject to corporation tax[142] and a mining royalty proportional to output. This proportional mining royalty is set at 15% for liquid hydrocarbons, 5% for natural gas, 12% for permits in hard-to-access areas and those located at water depths of more than 500 metres, or requiring the use of excessively costly technologies.[143]

4.71. Only duly authorized persons may export petroleum products and engage in their transit and re-export. Exports of crude hydrocarbons are exempt from all duties and taxes. However, exports of refined hydrocarbons are subject to payment of a number of duties and taxes (Section 3). According to the authorities, the export of oil is not possible in the downstream petroleum sector.

4.72. As part of the reforms introduced in the hydrocarbons sector, the Government has established a regulatory body known as the Downstream Petroleum Regulatory Authority (ARAP)[144], which is responsible for ensuring the proper implementation of mechanisms to stabilize the supply and regularize the distribution of petroleum products on the national market, overseeing the accumulation and management of strategic stocks and security stocks, ensuring the proper implementation of mechanisms to stabilize the price of petroleum products on the national market by means of a fund, and monitoring compliance with regulations, terms and conditions and standards applicable to downstream petroleum sector activities. Transparent management of the financial resources earned from the petroleum industry in Congo and its improvement are one of the cornerstones of state action.

4.73. For downstream activities, the SNPC is responsible for marketing the State's share of petroleum under production-sharing agreements. Responsibility for distributing and marketing petroleum products has also been given to Totalenergies Congo S.A. (formerly Total/Fina/Elf), Chevron/Texaco, Afric', and the Puma Energy/X-Oil (PEX) consortium.[145] The Société Congolaise de Logistique (SCLOG), set up in July 2002, is responsible for the storage and mass transport of finished petroleum products within Congo.[146] Gas and liquefied petroleum (LPG) assets were sold to the joint venture FAAKI/SNPC in October 2001 and the sale of SNPC shares to Congolese operators should take place in the near future; the lubricant manufacturing plant (UFALU) has been privatized and repurchased by SOLUPAC, a subsidiary of the SAPRO Group.

4.74. The company Congolaise de raffinage (CORAF) manages the only refinery; it has nominal capacity to handle 1,200,000 tonnes/year.[147] CORAF's technical facilities comprise six basic production units including a topping and conversion plant alongside utility units (storage and boilers) and off-site units (pipes, wharves). Its output of butane, premium grade petrol, white spirit, jet fuel, gas oil and light fuel oil covers all Congo's needs, estimated to be around 530,000 tonnes of crude annually; the remainder of its output is exported.[148] All of its production is transported to the SCLOG storage facilities, where it is stored for provision to approved marketers for distribution and marketing. The Government is in the process of modernizing its infrastructure.

4.75. The ceiling price of petroleum products marketed and consumed on the domestic market is regulated by Order No. 9195/MH/MCAC/MFB of 9 October 2018 revising the prices of finished liquid

[140] Decree No. 2001-522 of 19 October 2001.
[141] Law No. 3-2000 of 1 February 2000. Subcontracting in the petroleum sector requires approval by the Minister responsible for hydrocarbons and payment of an annual fee amounting to CFAF 1.5 million (Order No. 1214 of 19 March 2001).
[142] For companies legally established in Congo, the rate is 38% on profits. In the case of companies that "operate intermittently or are in a precarious situation", the rate is 35% on 22% of the turnover (Article 126*ter* of the General Tax Code).
[143] Article 159 of Law No. 28-2016 of 12 October 2016 enacting the Hydrocarbons Code.
[144] Law No. 31-2006 of 12 October establishing the Downstream Petroleum Regulatory Authority.
[145] Decree No. 2002-260 of 1 August 2002.
[146] SCLOG comprises the following companies: TotalEnergies Congo S.A.: 50%; PEX consortium (Puma/X-Oil): 25%, i.e. 12.5% each; SNAT consortium (AOGC/SNPC-D): 25%, i.e. 15% AOGC and 10% SNPC-D.
[147] *Interview avec M. Nestor Mawandza, Directeur Général de la CORAF*. Viewed at: http://www.winne.com.
[148] Articles 9 and 10 of Law No. 6-2001 of 19 October 2001 organizing refining, import, export, transit and re-export activities.

petroleum products covered by the price structure, and Order No. 9194/MH/MCAC/MFB of 9 October 2018 revising butane gas prices covered by the price structure. The pricing procedures for finished petroleum products are established by Decree No. 2005-699 of 30 December 2005 determining the classification and pricing methodology for petroleum products. However, the price structure itself is established by Joint Order of the Minister responsible for hydrocarbons, the Minister responsible for trade and the Minister responsible for finance, whether or not the product is part of CORAF's output or imported, and takes into account global prices. The factors taken into account by the Technical Committee for the sector downstream of petroleum activities when determining the price of petroleum products include the profitability of the following: logistics companies authorized to engage in storage and mass transport (SCLOG), approved refining companies (CORAF and any other company to be set up in the subsector), authorized distribution and marketing companies (Total/Fina/Elf, Chevron/Texaco and the Puma Energy/X-Oil (PEX) consortium, Afric', SNPC Distribution), and approved transport companies (SCLOG and small private transporters). Profit margins are determined annually by negotiation with the companies concerned. The ceiling price takes into account the 10% customs duty on imported petroleum products (8% on imported staple products), value added tax (18% of the import price), and the VAT charged on each service provided.[149] The consumer price is based on the distribution mark-up determined on the basis of the simple average of import prices (converted from United States dollars into CFA francs) and the price of the product delivered by CORAF. The distribution mark-up (at the pump) is updated in line with any significant variation in the components of the price structure. The ceiling price for the sale of petroleum products to the end consumer is therefore determined and updated quarterly on the first of the month in a joint order issued by the Ministers responsible for hydrocarbons, finance and trade, on the basis of the components of the price structure.[150]

4.76. The Government may subsidize the price of petroleum products in order to promote domestic industry.[151] Butane gas, the basic energy used to prepare food, and kerosene, used for lighting in villages, are subsidized by the State.

4.77. Congo signed the Extractives Industries Transparency Initiative (EITI) in 2004.[152] However, Congo stopped publishing its reports at the end of 2017. The resumption of drafting and publication of these reports would help improve the transparency of petroleum accounting and reconcile the State's petroleum revenues with production levels.

4.2.3 Electricity

4.78. Congo has vast potential as regards hydroelectricity, gas and petroleum, yet people's access to various forms of energy (electricity, oil and gas) is very poor. According to the results of the Congolese Household Survey, in urban areas, the most common form of lighting is oil lamps (70.1%) followed by electricity (27%). In rural areas, oil lamps are the principal source of lighting (97%). Around 70% of poor people use wood fuel for cooking compared to 44.1% of average income households.

4.79. The authorities intend to increase national power capacity to around 1,400 MW by 2022. Mining enterprises in the process of being set up are showing high demand for electricity. With the liberalization of the sector that followed the adoption of the Electricity Code (Law No. 14-2003 of 10 April 2003) new generating plants were set up, including: Imboulou – 120 MW, the Djeno power plant (CED) – 50 MW, the Congo power plant (CEC) – 484 MW, and the Brazzaville power plant (CTB) – 32.25 MW. Various feasibility studies are also underway, namely: Sounda 800 – 1,000 MW, Chollet (Dja) – 600 MW, Mourala – 101 MW, and the Djoué power plant – 50 MW.

4.80. Despite supply from these new companies, Congo's electricity deficit persists. Output levels remain low and the country faces serious load shedding problems (Table 4.5). Current production is affected by problems with extra-high voltage electricity transmission and low- and medium-voltage

[149] Decree No. 2001-522 of 19 October 2001 determines the applicability of VAT in the petroleum subsector. With the exception of the consumption required for the exploration, development, production, transport, storage and marketing of crude hydrocarbons, petroleum products are subject to VAT when they are put up for sale on the domestic market.

[150] See, for example, Order No. 4268 of 26 May 2006.

[151] For example, Article 28 of the Establishment Agreement between the Republic of the Congo and the company SARIS Congo, 24 March 2005, grants this company a concessional VAT rate on hydrocarbons corresponding to 35% of the taxable value.

[152] Viewed at: http://www.itie-congo.net.

distribution. The Government, via the Ministry of Energy and Water Resources, has drawn up two large-scale projects for the rehabilitation of the distribution network in Brazzaville and Pointe-Noire that are awaiting adequate funding. Moreover, despite its near monopoly on distribution, the company Énergie Électrique du Congo (E2C), which was created based on the former Société Nationale d'Électricité (SNE) by Decree No. 2018-295 of 7 August 2018 authorizing the creation of a public limited company for the management of public electricity assets, is struggling to fulfil its statutory remit, causing many power cuts (around 150 per year).

4.81. Facilities are maintained and repaired on an *ad hoc* basis and only in response to emergencies; the equipment is obsolete or inoperative. Most industrial users have to employ standby generators to protect themselves from the frequent interruptions in supply and to avoid serious production losses, a factor that increases their production costs.

4.82. The legal framework for the energy industry continues to be provided by Law No. 14-2003 of 10 April 2003 enacting the Electricity Code. Other laws and their implementing texts have also been issued. These include Law No. 015-2003 establishing the National Rural Electricity Agency (ANER), Law No. 016-2003 of 10 April 2003 establishing the Electricity Regulatory Agency (ARSEL), and Law No. 017-2003 of 10 April 2003 establishing the Electricity Development Fund (FDSE).[153]

Table 4.5 Electricity generation in Congo in 2018 and 2019 per plant

(MWh)

Power plant	Installed capacity	Location	Production		Description
			2018	2019	
Moukoukoulou	(4x18.5) or 74	Bouenza	449,043	413,487	Hydropower
Djoué (not in operation)	(2x7.5) or 15	Brazzaville	..	..	To be restored (hydro)
Djeno power plant (CED)	(2x25) or 50	Pointe-Noire	..	..	Gas/fuel
BZV thermal power plant (CTB)	(10x3.259) or 32.25	Brazzaville	3,011	0.388	Fuel/diesel
Imboulou	(4x30) or 120	Léfini	645,305	433,103	Hydropower
Congo power plant (CEC)	(2x157)+170 or 484	Pointe-Noire	1,719,226	2,115,266	Gas (Ipp)
Liouesso	(3x6.4) or 19.2	Ouesso	25,657	25,762	Hydropower
Total	651.5				

.. Not available.

Source: Ministry of Energy and Water Resources of Congo.

4.83. There are three main operators in the Congolese electricity sector: (i) Énergie Électrique du Congo (E2C), the long-standing operator responsible for electricity transmission, distribution and marketing, which also has four hydropower plants, three of which are currently in operation (Moukoukoulou, Imboulou, Liouesso) and one which is out of service (Djoué); (ii) Congo power plant (CEC), an open-cycle gas-fired power plant based in Pointe-Noire, and an independent producer in which the Congolese State has an 80% stake, with the remaining 20% granted as a concession to the company ENI Congo; and (iii) Aksa-Congo, concession holder for the Djeno power plant since 2021.

4.84. Taking into account Congo's energy balance, the country is an exporter and importer of energy via the interconnection between Lingwala (Democratic Republic of the Congo) and Mbouono (Republic of the Congo). In view of the energy deficit which affected the country in the 1990s, an electricity supply contract to supply the city of Brazzaville was signed between the two electricity companies. Since the construction of the Imboulou power plant, the city of Brazzaville has been supplied with energy from this plant. To maintain the interconnection, energy exchanges take place between the two networks, which justifies the status of importer and exporter. Congo thus imported 27,996 MWh and 23,331 MWh in 2018 and 2019 respectively. It exported 25,606 MWh and 44,030 MWh in 2018 and 2019 respectively.

[153] The role of the Electricity Development Fund (FDSE) is to secure financing for the construction of electricity production, transmission and distribution facilities throughout national territory.

4.85. The selling prices of electricity are determined by government decree following a proposal by the Electricity Regulatory Agency.[154] These prices are the same throughout Congo. The current price scale dates back to 1994.[155] The import and export of electricity require a permit issued by the Ministry responsible for electricity, following consultation with the Electricity Regulatory Agency. Electricity imports are subject to the CET rate of 10% and VAT (18%).

4.2.4 Water

4.86. The country has an estimated population of 5 million, 35% of which lives in a rural environment. The national rate of access to a basic drinking water supply is 68%. Actions planned under the 2018-22 PND aim to increase the rate of access to drinking water to 90%.

4.87. Law No. 13-2003 of 10 April 2003 on the Water Code determines the requirements for engaging in activities in the subsector and those governing the entry of new producers.[156] The country also has a regulatory framework for rural water engineering. This takes the form of Law No. 38-2008 of 31 December 2008 establishing the National Rural Water Engineering Agency. The Water Regulatory Authority (ORSE) is responsible for regulating, overseeing and monitoring the activities of water services operators in Congo. Its terms of reference, approved under Decree No. 2008-66 of 3 April 2008, determine its composition and its rules of operation.

4.88. The National Water Supply Company (SNDE) has been privatized, becoming the Congolaise des Eaux (LCDE), a public limited company created by decree with capital of CFAF 100,000,000 divided into 1,000 shares of CFAF 100,000. The LCDE has a monopoly on the means of production and the supply of drinking water, and on waste water sanitation works. Article 58 of the Water Code determines the selling price of water to users throughout national territory. For operators, the prices are set by state regulation after consultation with ORSE. Order No. 680 of 29 March 1994 on the revaluation of the selling price per cubic metre of water sets the price at CFAF 130/m^3 for households, at the rates of CFAF 6,000/month for subscribers with meters and CFAF 11,200 for fixed price subscribers.

4.3 Manufacturing

4.89. Since Congo's last TPR, neither the structure nor the regulatory framework of its manufacturing sector has undergone any significant changes. Congo's manufacturing sector is fairly modest, representing less than 5% of GDP (Section 1) and is essentially made up of agri-food companies (e.g. the sugar company, bakeries and cake manufacturers, and dairy, mineral water, tobacco and beverage industries), companies manufacturing packaging, paints and aluminium articles, cement works, companies processing wood into articles or furniture, and the petroleum-based chemical industry.[157] Like the economy as a whole, the manufacturing sector has long been disadvantaged by the socio-political crisis that the country experienced in the 1990s. Processing units have been cut off from their sources of supply, as a result of which they have been unable to operate at full capacity.

4.90. The sector is characterized by a structural imbalance which hinders the expansion of other upstream and downstream activities of the subsectors. The sector's poor performance is explained in part by its high dependence on imports of foreign capital goods (70%-90%), a limited and undiversified production base, poor integration of industrial units in their subsector and in other sectors of the national economy, frequent power cuts and high financing costs.[158]

4.91. Congo has never had a formal industrial policy - it has always referred to its "policy paper on the industrialization of Congo", which is now supplemented by the "National Industrialization Strategy" drawn up by the Government. Congolese industry is therefore neither modernized nor

[154] This authority was created by Law No. 16-2003 of 10 April 2003. The price of electricity is: CFAF 49.08/kWh, plus VAT at 18% and a surcharge of CFAF 2/kWh.

[155] Order No. 681 of 19 March 1994. Low-voltage electricity costs CFAF 49.08/kWh, plus VAT at 18% and a surcharge of CFAF 2/kWh.

[156] Law No. 13-2003 of 10 April 2003.

[157] Viewed at: http://www.congo-site.biz/v1x/ebiz/annu_cat.php?id=18.

[158] Republic of the Congo, Office of the President of the Republic: *Lettre de politique d'industrialisation du Congo*, Brazzaville.

diversified, and continues to face all of the above-mentioned difficulties. Support structures have been created in order to revive the sector, but these have not yet produced results.

4.92. The need for industrial policy based on the processing of local inputs has been highlighted by the authorities. The approach taken by the authorities is that of so-called "structuring" industries intended to create synergies around other industries upstream and downstream in the subsectors. The authorities intend to develop these in the country's various departments in the form of industrial parks and free zones, on the basis of the assets and specificities of each one. With regard to the National Industrialization Strategy, the main elements of national trade policy can be summed up as: reserving and developing areas in which industry can set up; promoting and supporting industries via direct and indirect state aid; dissemination of technical progress in industrial enterprises, and institutions tailored to the development requirements of industry.

4.93. The principal trade measures applied to the sector consist of protective rates that vary somewhat irregularly from one industry to another. Imported manufactures are also subject to internal taxes such as VAT and, in some instances, excise duty (Section 3). The highest rate of taxation applies to beverages (85%), as a result of the CEMAC CET rate of 30%, the excise duty of 24% and VAT of 18%, among other charges.

4.94. The simple average of CET rates applied in the manufacturing sector (ISIC definition) is 18.4%, with a large number of imported manufactures subject to a 30% rate and also to other import duties and taxes (Common Report, Section 3). This CET structure does not encourage investment in agri-food industries because the relatively strong protection afforded to agricultural raw materials makes those materials relatively high cost. In addition, the high level of effective protection given to the majority of industries, with the exception of those specializing in timber, articles of wood and non-metallic mineral products (Common Report, Section 3), affects the competitiveness of the Congolese manufactures concerned on foreign markets. Furthermore, the tariff structure does not support the objective of promoting exports of processed wood or non-metallic mineral products. According to the authorities, two new mills have been set up, prompting the Congolese government to remove quantitative import restrictions on flour and cap customs duties on flour at 30%.[159]

4.4 Services

4.4.1 Telecommunication services

4.95. Table 4.6 provides key telecommunication indicators for Congo in 2020. Table 4.7 shows the average price for different types of service in 2021.

Table 4.6 Key telecommunication indicators, 2020

Indicator	Data
Population covered by a mobile-cellular network	88%
Population covered by at least a 3G mobile network	87%
Population covered by at least a 4G mobile network	85%
Individuals owning a mobile phone	..
Households with Internet access at home	1%
Households with a computer at home	4%
Mobile-cellular subscriptions per 100 inhabitants	95
Fixed-telephone subscriptions per 100 inhabitants	0
Active mobile-broadband subscriptions per 100 inhabitants	16
Fixed broadband subscriptions per 100 inhabitants	0
International bandwidth per Internet user (kbits/s)	14
Individuals using the Internet, total	9%
Average Internet traffic per fixed broadband subscription (MB)	..
Average Internet traffic per mobile broadband subscription (MB)	2,065

.. Not available.

Source: ITU Digital Development Dashboard.

[159] 2019 Budget Law.

Table 4.7 Average price for different types of service, 2021

Type of service	Price (% of gross national income (GNI) per capita)
Fixed broadband basket	30.9%
Data-only mobile broadband basket	12.4%
Mobile data and voice high-consumption basket	15.6%
Mobile data and voice low-consumption basket	6.7%
Mobile cellular low-usage basket	6.5%

Source: ITU Digital Development Dashboard.

4.96. There are two mobile phone operators in Congo: Airtel (33% market share), subsidiary of an Indian company, and MTN (67% market share), subsidiary of a South African group.

4.97. The incumbent operator Congo Telecom, owned by the State, is the country's only provider of fixed telephony services, meaning that is has a *de facto* monopoly over those services. Congo Telecom provides ADSL fixed broadband access, while several Internet service providers offer fixed wireless access. Congo Telecom also offers fibre-optic Internet services.

4.98. The Republic of the Congo obtained its first submarine cable connection (WACS), and thus broadband access, in 2012. With Chinese assistance, the Government has now launched several fibre-optic backbone projects. The national telecommunications coverage project (PCN) is intended to extend connectivity throughout the country, using the national electric company's existing fibre-optic network for some segments. As part of the "Central African Backbone" project, Congo's fibre-optic network was connected in a first phase with that of Gabon (with World Bank financing), and in a second phase with that of Cameroon (with financing from the African Development Bank). Work has begun on a third phase to connect Congo with the Central African Republic, also with financing from the African Development Bank.

4.99. The Ministry of Postal Services and Telecommunications is responsible for formulating policies for this sector, while it is regulated by the Postal and Electronic Communications Regulatory Agency (ARPCE), established in 2009. ARPCE also manages domain names and pilots various fibre-optic projects. Domain names are co-managed by ARPCE and the Digital Economy Development Agency (Law No. 69-2022 of 16 August 2022 establishing the Digital Economy Development Agency). The latter is also responsible for implementing the national digital economy development strategy. The Ministry in charge of public works manages the PCN, for national fibre-optic coverage.

4.100. In terms of market access, the telecommunications regime did not undergo substantial changes during the period under review. However, several technical regulations were adopted during this period. These included ARPCE Decision No. 079 of 22 June 2015 setting the price ceilings for off-net voice and SMS telephone communications provided by the dominant operators, Airtel and MTN; Decree No. 2015-242 establishing the modalities for regulating the prices of electronic communication services; Decree No. 2015-244 establishing the modalities for managing the national numbering plan and the conditions for the use of numbering resources; and Law No. 33-2015 of 31 December 2015 amending the rates and taxes levied on electronic communications traffic.

4.101. The following types of service have been fully liberalized: cable television, data, fixed wireless broadband, international mobile telephony (3G, 4G), international gateways, Internet services, leased lines, wireless local loop, mobile satellite services, paging, very small aperture terminals (VSAT) and digital subscriber lines (DSL).

4.102. Still subject to a *de facto* monopoly, on the other hand, are the following: long-distance domestic fixed traffic, fixed-satellite services, fixed international services and fixed local services.

4.4.2 Postal and express services

4.103. The Ministry of Postal Services, Telecommunications and the Digital Economy is responsible for policy in this sector. It regulates the postal sector through the ARPCE, established by Law No. 11-2009 of 25 November 2009, for which the implementing legislation are under preparation.

4.104. The designated operator, the Congo Postal and Savings Company (SOPECO), was born of the dismantlement and corporatization of the former National Office of Postal Services and Telecommunications, in July 2001. SOPECO is a financially autonomous industrial and commercial corporation. The Congolese State is its only shareholder.

4.105. Law No. 10-2009 of 25 November 2009 regulating the postal sector establishes the principle of separation between operational and regulatory activities, and delineates the services reserved to the public operator so that it can cover the cost of the universal postal service. These "reserved services" currently consist of the collection, sorting, transport and distribution of mail weighing up to 2 kg and of parcels up to 20 kg.

4.106. Outside of these services, SOPECO competes with private operators, particularly, since 1987, in the high value-added express segment. Private and express mail operators were able to establish themselves in Congo as of that date without authorization, thanks to a legal vacuum. SOPECO sets its rates based on its operating costs and submits them for approval to the Ministry of Postal Services and Telecommunications. SOPECO employs two categories of staff – civil servants and contract workers – but all wages are set by collective agreement negotiated between SOPECO and the unions. SOPECO is intended to be self-financing but was recapitalized by the Government under ongoing postal reforms.

4.4.3 Transport services

4.4.3.1 Land transport

4.4.3.1.1 Road transport

4.107. Congo's road network extends over 23,234 km, 3,111 km of which are paved. Climate conditions make their maintenance particularly difficult. The period under review saw the completion of a programme to asphalt two of the country's main roads: RN1 from Pointe-Noire to Brazzaville (548 km) and RN2 from Brazzaville to Ouesso (820 km). The third main artery, RN3 from Ouesso to Enyelle-Betou is well-maintained but still not asphalted, and thus impassable during the rainy season. A 1,400 km-long transnational road, "corridor 13", connecting Cameroon, the Republic of the Congo and the Central African Republic, financed by the African Development Bank, is under construction and was due to be completed in 2021. Various other road projects were envisaged, but their implementation has mostly been suspended owing to the financial crisis. The needs identified by Central African countries to strengthen trade within the ECAAS zone have led to the formulation of 184 projects as part of the Consensual Master Plan on Transport in Central Africa (PDCT-AC).

4.108. The country's road transport operators vary in size. The largest operators, including foreign companies such as Bolloré Africa Logistics (recently acquired by the Italian/Swiss ship-owner MSC), are concentrated in Brazzaville and Pointe-Noire.

4.109. Congo's road transport regime, established in 2011, did not change during the period under review. Exercise of the profession requires an authorization from the Ministry of Transport. The sector is open to foreign-owned enterprises, with cabotage open to foreign-registered hauliers. Traffic on the country's largest road, RN1 from Brazzaville to Pointe-Noire, has been increasing significantly in recent years: from 371,208 vehicles/day in 2020, to 421,117 vehicles/day in 2021 and to 449,201 vehicles/day (estimated) in 2022. Data on tonne-kilometres during this period are not available.

4.4.3.1.2 Railway transport

4.110. The Congolese railway network consists of two main lines totalling 886 km. The first main line connects Pointe-Noire and Brazzaville and is used for both goods and passengers. A branch line connecting Bilinga and Dolisie is used for passenger traffic only. The second main line, connecting with the first, runs northward to the Gabonese border. No modernization project is currently planned for this network.

4.111. The network is managed by the Congo-Ocean Railway (CFCO), a financially autonomous public corporation the legal structure of which dates from 2000. CFCO subcontracts its maintenance work to independent contractors through tenders.

4.4.3.1.3 River transport

4.112. Congo's inland waterways, totalling 2,187 km in length, consist essentially of the Congo and Oubangui Rivers and their tributaries. Except for the Congo River, these waterways are navigable in the rainy season only. The country's inland ports are managed by a parastatal company, the Autonomous Port of Brazzaville and Secondary Ports (PABPS). However, the cranes at the Brazzaville are managed by a private company, Terminaux des Bassins du Congo (TBC). Originally granted as a concession to a public-private partnership, subsequently acquired by the Bolloré Group in 2017, TBC carries out all handling and stevedoring operations along the Brazzaville/Pointe-Noire/Kinshasa/Bangui strategic corridors. Cargo and passenger traffic is carried by private operators using barges, pushboats and smaller vessels called "whaling boats".

4.4.3.1.4 Maritime transport and port services

4.113. A 27-year concession for the Pointe-Noire Autonomous Port (PAPN), the country's only maritime port, was granted to the French Bolloré Group in 2008. Container port throughput there was 580,000 twenty-foot equivalent units (TEU) in 2018.[160] A vast rehabilitation, expansion and modernization programme has been initiated for the infrastructure of the PAPN, consisting notably of:

- widening and deepening (to -16 m) the access channels and turning basin;
- extending the outer seawall by 500 m;
- rebuilding Wharf D (700 m with foundation at -15 m);
- developing reclaimed land (32 ha for Wharf G and 6 ha for Wharf D);
- acquiring 6 ship-to-shore gantry cranes and 32 yard gantry cranes for the container terminal; and
- creating a 4.5 ha container loading and unloading area with dedicated access by road (1,000 m) and rail.

4.114. The concessionaire has injected some CFAF 262 billion (over EUR 400 million) into the container terminal over the last 10 years. The PAPN can now accommodate 400 m-long vessels carrying up to 14,000 containers. Container port throughput increased from 322,000 TEU in 2009 to 921,000 TEU in 2019. Since 2009, productivity per vessel has risen from 15 to 60 movements per hour; and large vessel berthing capacity has increased from 2,400 TEU to more than 8,000 TEU. The average time required for the largest ships has fallen from three days to 24 hours, ending the long waits for incoming container ships. Overall, average port loading/unloading performance has improved from 7 to 13 containers/hour, and the current target is 25 containers/hour within 10 years. PAPN's annual turnover rose from CFAF 27 billion in 2009 to CFAF 41 billion in 2018.

4.115. As of 2020, Congo had a national-flagged fleet of 11 merchant vessels with a total capacity of 6,100 deadweight tonnes, (less than 0.01% of world tonnage capacity). These vessels included a tanker and two general cargo ships, but no container ships or bulk carriers. Congo also had ownership of a much larger foreign-flagged fleet (241,000 deadweight tonnes) in the same year.

4.116. Auxiliary maritime services are open to foreign enterprises provided they partner with Congolese national interests, in proportions determined by order of the Minister of Transport.

4.4.3.2 Air transport services

4.117. The review period saw the construction of a new terminal and a new runway at the Brazzaville airport and a new terminal at Pointe-Noire. Congo has three international airports (Brazzaville, Pointe-Noire and Ollombo), all owned by the State and managed by AERCO under a 25-year concession, signed in 2011. Ownership of AERCO is divided into a 55% share held by the

[160] UNCTAD. Maritime Profile: Congo. Viewed at: https://unctadstat.unctad.org/CountryProfile/MaritimeProfile/en-GB/178/index.html.

pan-African company, SEGAP, and the French operator, Egis, and a 15% share held by the Congolese State, with the remaining 30% held by two private Congolese shareholders. As Tables 4.8-4.11, on aircraft movements, and passenger, freight and mail traffic, show air traffic declined during the review period, reaching its lowest level in 2020, during the COVID-19 pandemic.

Table 4.8 Aircraft movements, 2015-21

Year	2015	2016	2017	2018	2019	2020	2021
Aircraft movements	37,886	31,350	25,808	21,107	19,634	10,617	15,747
Variation (%)	0.0%	-17.3%	-17.7%	-18.2%	-7.0%	-45.9%	48.3%

Source: Information provided by the authorities.

Table 4.9 Passenger traffic, 2015-21

Year	2015	2016	2017	2018	2019	2020	2021
Passengers	2,303,454	1,733,591	1,415,012	1,069,690	1,025,123	515,929	859,794
Variation (%)	0.0%	-24.7%	-18.4%	-24.4%	-4.2%	-49.7%	66.6%

Source: Information provided by the authorities.

Table 4.10 Freight traffic, 2015-21

Year	2015	2016	2017	2018	2019	2020	2021
Freight (tonnes)	26,826	20,065	12,545	11,004	10,741	8,068	11,073
Variation (%)	0.0%	-25.2%	-37.5%	-12.3%	-2.4%	-24.9%	37.2%

Source: Information provided by the authorities.

Table 4.11 Mail traffic, 2015-21

Year	2015	2016	2017	2018	2019	2020	2021
Mail (tonnes)	49	56	71	43	37	40	6
Variation (%)	0.0%	14.3%	26.8%	-39.4%	-14.0%	8.1%	-85.0%

Source: Information provided by the authorities.

4.118. The Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) provides air navigation and meteorology services to all the CEMAC countries, including Congo. Ground handling services are provided by Congo Handling, a subsidiary of the French Europe Handling Group. Self-handling is authorized for national companies only, pursuant to Decree No. 2010-826 of 31 December 2010 establishing the conditions for providing ground handling services. Mutual assistance agreements between airlines, on the other hand, are not authorized.

4.119. Table 4.12 contains information on Congo's bilateral air services agreements with countries that are not members of CEMAC, provided according to the WTO's Quasar methodology.[161]

Table 4.12 Air Services Agreements, 2022

Partner	Date	Entry into force	5th	7th	Cabotage	Cooperative arrangements	Designation	Withholding	Tariffs	Capacity	Statistics	ALI
Burkina Faso	17.07.1984		Y	N	N	N	M	SOEC	DA	PD	Y	10.0
Algeria	08.04.1973		Y	N	N	N	M	SOEC	DA	PD	Y	10.0
Burundi	20.10.1980		N	N	N	N	M	SOEC	n.a.	PD	Y	4.0
Democratic Republic of the Congo	28.05.1979		N	N	N	N	M	SOEC	n.a.	PD	Y	4.0
Denmark	27.02.1967		Y	N	N	N	S	SOEC	DA	PD	Y	6.0
France	02.05.1962		Y	N	N	N	M	SOEC	DA	PD	Y	10.0
Germany	30.10.1962		N	N	N	N	S	n.a.	n.a.	n.a.	N	1.0
Ghana	21.05.1964		Y	N	N	N	M	SOEC	DA	PD	Y	10.0
Guinea	19.02.1983		Y	N	N	N	S	SOEC	DA	PD	Y	6.0

[161] For more information on this methodology see WTO document S/C/W/270/Add.1 of 30 November 2006.

Partner	Date	Entry into force	5th	7th	Cabotage	Cooperative arrangements	Designation	Withholding	Tariffs	Capacity	Statistics	ALI
Democratic People's Republic of Korea	29.05.1978		N	N	N	N	S	n.a.	n.a.	PD	N	1.0
Mali	10.03.1964		Y	N	N	N	M	SOEC	DA	OR	N	13.0
Netherlands	03.02.1969		Y	N	N	N	S	SOEC	DA	PD	Y	6.0
Nigeria	02.2018											
Portugal	03.07.1979		N	N	N	N	S	SOEC	DA	PD	Y	0.0
Romania	21.07.1978		Y	N	N	N	S	SOEC	DA	PD	Y	6.0
Russian Federation	28.09.1964		Y	N	N	N	S	SOEC	DA	PD	N	7.0
Sao Tome and Principe	20.07.1984		N	N	N	N	M	SOEC	n.a.	PD	Y	4.0
Spain	08.01.1986		N	N	N	N	S	SOEC	DA	PD	Y	0.0
Sweden	27.02.1967		Y	N	N	N	S	SOEC	DA	PD	Y	6.0
Switzerland	24.10.1964		Y	N	N	N	S	SOEC	DA	B1	Y	10.0
United States	12.2018											
Morocco												
Kenya												
Togo												
Mauritania												
Ethiopia												
Equatorial Guinea												
Côte d'Ivoire												
Angola												

n.a. Not applicable.

Note: "5th" = fifth freedom rights; "7th" = seventh freedom rights; "Cabotage" = domestic traffic; "ALI" = Air Liberalization Index.
"Y" = yes; "N" = no; "S" = single designation; "M" = multiple designation; "FP" = free pricing; "DA" = dual approval; "PD" = pre-determination; "FD" = free determination; "SOEC" = substantial ownership and effective control; "OR" = "other restrictive"; "B1" = Bermuda 1.

Source: WTO Secretariat, according to information provided by the Congolese authorities.

4.120. The network created by these bilateral agreements, plus the plurilateral Libreville Treaty covering all the CEMAC countries, is used only partially. As far as Congolese air services are concerned, Trans Air Congo, a private company, provides service to Gabon. Canadian Airways Congo (the majority shareholder of which is a Congolese national) provides domestic flights only. Airlines based in its bilateral partners, and providing services to Congo, include Air France, Air Côte d'Ivoire, Royal Air Maroc, Asky (Togo), TAAG (Angola), Ceiba (Equatorial Guinea), Ethiopian, Afrijet (Gabon), Transair (Senegal), Rwandair (Rwanda) and Mauritania Airlines. Implementation of the Yamoussoukro Decision, which seeks to liberalize intra-African air traffic, would allow many African airlines to serve the Congolese market.

4.4.4 Tourism services

4.121. Table 4.13 provides the principal indicators for Congo's tourism sector between 2012 and 2018. Data for 2019-21 are virtually unavailable, owing to COVID-19.

Table 4.13 Tourism, 2012-18

	2012	2013	2014	2015	2016	2017	2018
Inbound tourism							
Arrivals ('000)	**259**	**345**	**229**	**224**	**213**	**151**	**158**
Overnight visitors (tourists)	256	343	226	220	211	149	156
Same-day visitors (excursionists)	3	2	3	4	2	2	2
By region							
Africa	149	262	143	138	145	84	88
Americas	10	10	8	6	4	4	5
East Asia and the Pacific	20	25	22	13	11	9	10
Europe	76	46	52	63	50	50	52
Middle East	3	1	3	3	2	1	1
South Asia	2	2	2	2	1	2	2
By main purpose of trip							

	2012	2013	2014	2015	2016	2017	2018
Personal purposes	159	221	171	168	163	108	85
Holidays, leisure	100	141	89	90	75	59	64
Other personal reasons	59	80	82	78	88	49	21
Business and professional purposes	100	124	58	56	50	43	73
By mode of transport							
Air	136	150	151	163	133	97	96
River	123	195	78	61	80	53	62
Expenditure (USD million)	**68**	**52**	**57**	**47**	**43**	..	..
% of exports of goods and services	*0.7*	*0.6*	*0.6*	*0.9*	*0.9*	..	..
Travel	63	52	55	46	41	..	..
Passenger transport	5	0.4	2	1	2	..	..
Outbound tourism							
Departures ('000)	**161**	**180**	..	..	..	..	..
Expenditure (USD million)	**308**	**360**	**435**	**557**	**457**	..	..
% of imports of goods and services	*4.4*	*5.0*	*4.8*	*5.9*	*6.3*	..	..
Travel	173	204	257	324	251	..	..
Passenger transport	135	156	178	233	206	..	..
Tourism industries							
Number of establishments	**1,573**	**2,008**	**2,165**	**2,558**	**2,250**	**1,894**	**1,631**
Visitor accommodation	..	..	..	..	..	..	..
of which "hotels and similar establishments"	987	1,270	1,381	1,629	1,343	1,152	976
Restaurants and bars	534	680	718	848	815	663	584
Passenger transport	..	..	..	..	..	..	..
Travel agencies and other reservation service activities	52	58	66	81	92	79	71
Other tourism subsectors	..	..	..	..	..	..	..
Visitor accommodation in hotels and similar establishments							
Number of establishments	987	1,270	1,381	1,629	1,343	1,152	976
Number of rooms	12,427	14,583	15,644	18,588	15,585	11,778	10,196
Number of bed-places	24,854	29,166	31,288	37,176	31,170	23,556	20,205
Memo:							
Room occupancy rate (%)	30.6	24.0	23.0	28.3	17.3	10.0	14.3
Average length of stay (nights)	2.7	2.5	2.9	3.9	2.8	2.3	2.6
Available capacity (bed-places per 1,000 inhabitants)	5.4	6.1	6.4	7.4	6.1	0.3	0.2
Employment							
Number of employees per tourism subsector ('000)	..	**22**	**25**	**27**	**27**	**11**	**8**
Visitor accommodation services (hotels and similar establishments)	..	7	9	9	9	7	4
Restaurants and bars	..	15	16	17	17	4	3
Passenger transport	..	..	..	..	..	..	..
Travel agencies and other reservation service activities	..	0.3	0.4	0.4	0.5	0.3	0.3
Other tourism industries	..	..	..	..	..	..	..

.. Not available.

Source: World Tourism Organization, Yearbook of Tourism Statistics (2015 and 2019 editions) and Compendium of Tourism Statistics (2018 and 2019 editions).

4.122. As Table 4.13 illustrates, inbound tourist flows declined throughout the period under review. Two thirds of those flows came from the African continent, far exceeding those from Europe, and only half were attributable to tourism *per se*. Air and river traffic reflect the relatively short distance travelled by most visitors to the country. Visitor expenditure was similarly limited during the review period, well below that registered by outbound Congolese tourists.

4.123. The number and capacity of hotel and restaurant establishments grew during part of the period, only to recede again later, to their initial levels. Tourism employment also declined. Both of these trends appear to be strongly correlation with volatile performance of the oil sector.

4.124. Tourism policy is formulated by the Ministry of Cultural, Tourism, Artistic and Leisure Industries. The Congolese Agency for Wildlife and Protected Areas, created in 2012, has been operational since 2016. The most recent regulatory development was the adoption of three laws on

25 November 2019. The first established the Congolese Tourism Engineering Company (SCIT), charged with implementing public policies in the area of the development of tourism and tourist facilities; the second introduced a Single Window for Tourism (GUT) to support and assist investors and operators in the tourism and hotel sectors; and the third provided for renovation of the Office of Tourism Promotion (OPIT) and its transformation into a commercial public institution responsible for developing and promoting the brand "Destination Congo".

4.125. As reflected by Congo's commitments under the General Agreement on Trade in Services, the opening of a hotel or restaurant by either a Congolese or foreign national requires an operating approval from the tourism ministry. The same ministry must also provide prior authorization or a license for a travel agency or tour guide to undertake a commercial tourism activity. The granting of authorizations, approvals and licenses is subject to specifications duly approved by the tourism ministry, including obligations incumbent on the operator in carrying out the activity concerned.

4.4.5 Financial services

4.4.5.1 Banking and micro-finance services

4.126. The Central African Banking Commission (COBAC) is responsible for the regulation and supervision of banking activity.

4.127. As of year-end 2021 the Congolese banking system consisted of 10 operating credit institutions. As measured by deposits, the largest banks were BGFI Bank (16.80%), Banque Postale du Congo (16.78%), Ecobank (10.85%) and Crédit du Congo (CDC) (10.75%). In terms of credit to the economy, the largest banks were BGFI Bank (26.59%), Banque Postale du Congo (10.21%) and Ecobank (10.07%). Regarding the distribution of bank capital by country of origin, a majority of the shares in all banks operating on national territory were held by Congolese nationals, followed by Moroccan nationals.

4.128. Table 4.14 provides banking system indicators for Congo for 2015-21.

Table 4.14 Banking system indicators for Congo, 2015-21

(Ratios and rates in %; amounts in CFAF million)

	2015	2016	2017	2018	2019	2020	2021
Operating expense ratio (general expenses + depreciation charges)/net banking income	54.3	59.8	59.2	58.3	66.8	56.2	44.1
Return on equity (net income/total equity)	11.6	7.1	6.5	5.12	1.19	5.09	15.59
Net profit margin (net result/net banking income)	20.4	14.5	13.7	10.35	2.42	10.24	27.05
Gross non-performing loans ratio (gross non-performing loans /gross total loans)	6.7	8.5	16.6	..	28.14	21.71	17.24
Provisioning rate (provisions for non-performing loans/gross non-performing loans)	41.3	38.6	35.8	36.69	35.90	53.04	64.20
Net banking income (NBI)	173,902	158,027	155,693	146,359	142,332	140,998	170,135
Net income or loss	35,539	22,845	21,344	15,149	3,454	14,451	46,031

Source: Central African Banking Commission.

4.129. Overall there is evidence of a recent improvement in banking indicators, owing to a higher level of financial intermediation (credits to the economy and customer deposits).

4.130. In its Country Report No. 23/89 of May 2023, the IMF observed the following:

i. Non-performing loans (NPLs) have been around 17% over the past year as the impact of the economic contraction brought on by the pandemic in 2020 were outweighed by the benefits from domestic arrears' payments. These payments along with reduced government borrowing from the banking system (due to large oil revenues) has freed liquidity, supporting private sector credit growth (5% in August 2022). The capital adequacy ratio reached 24% at end-April 2022, reflecting improved risk-weighted assets and positive credit and deposit trends. Restructuring plans are still being considered for two small weak banks. Banking system developments will need to be closely monitored as the pandemic-related relaxation of prudential measures are unwound.

4.131. Financial inclusion has improved: the share of adults with an account at a formal financial institution rose from 23% in 2017 to 49% in 2021, well above the average for sub-Saharan Africa.

4.132. Despite a slowdown in the micro-finance sector in 2021, it plays a significant role in the Congolese population's access to banking services with 67 micro-finance establishments – 22 independent institutions and 45 belonging to a network called Mutuelles Congolaises d'Épargne et de Crédit (MUCODEC). There are also 24 mutual savings and loan funds (CMEC) spread over 5 of Congo's 12 departments (Cuvette-Ouest, Plateaux, Bouenza, Lékoumou and Niari).

4.133. These are government-recognized funds established for various public projects (PRODER I, PRODER II, PADEF) with support from the International Fund for Agricultural Development (IFAD). The micro-finance sector employs 1,626 agents. As of year-end 2021, micro-finance institutions held deposits totalling CFAF 184,591 billion (of which, CFAF 164,681 was held by MUCODEC establishments), and had CFAF 116,658 billion outstanding credit (of which CFAF 102,186 billion was with MUCODEC establishments). The micro-finance sector is subject to regulatory provisions issued by the monetary authority (the Ministry responsible for currency and credit - DGIFN), and supervision by COBAC and the Bank of Central African States (BEAC).

4.4.5.2 Insurance services

4.134. Eight insurance companies operate in Congo, of which six are non-life insurers and two are life insurers (one Congolese company and one foreign). Of the eight companies, three are nationally owned and five are foreign owned. A list of these eight companies, showing the nationality of their majority shareholders, is provided in Table 4.15.

Table 4.15 Insurance companies operating in Congo

Ranking	Insurers	Nationality of majority shareholder
	NON-LIFE INSURERS	
1	Assurances et Réassurances du Congo (ARC)	Congolese State
2	Assurances Générales du Congo (AGC)	Congolese
3	Africaine des Assurances du Congo (AAC)	Beninese
4	Saham Assurances Congo	Ivorian
5	Sunu Assurances du Congo	Franco-Senegalese
6	Nouvelle Société Interafricaine d'Assurances (NSIA) Congo	Ivorian
	LIFE INSURERS	
7	Assurances Générales du Congo Vie (AGC Vie)	Congolese
8	Nouvelle Société Interafricaine d'Assurances vie Congo (NSIA Vie)	Ivorian

Source: information provided by the authorities.

4.135. The volume of premiums collected by these companies rose from CFAF 62.8 billion in 2020 to CFAF 70.5 billion in 2021, an increase of 12.21%. That increase took the insurance penetration rate (premiums collected as a percentage of GDP) to 5.63% and insurance density (premiums per capita) to USD 18.79.

4.136. As described in the Common Report, Congo's insurance sector is regulated and supervised by the Inter-African Conference on Insurance Markets (CIMA), comprising the member States of CEMAC and the West African Monetary Union (WAMU).

5 APPENDIX TABLES

Table A1.1 Structure of exports, 2012-21

(USD million and %)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
World (USD million)	**7,437.9**	**10,453.1**	**8,673.4**	**8,623.0**	**7,900.6**	**8,252.0**	**11,155.0**	**5,575.9**	**4,893.1**	**2,362.2**
	(Percentage share)									
Total primary products	**79.9**	**76.8**	**47.7**	**32.6**	**21.7**	**50.0**	**85.6**	**91.6**	**82.9**	**74.8**
Agriculture	1.0	1.1	1.5	1.3	2.2	3.1	2.4	6.1	7.0	15.0
Food products	0.2	0.1	0.2	0.2	0.3	0.3	0.2	0.4	0.4	0.8
Agricultural raw materials	0.8	0.9	1.3	1.1	1.9	2.8	2.2	5.7	6.6	14.2
2475 - Wood of non-coniferous species, in the rough or roughly squared	0.8	0.6	0.7	0.6	1.2	2.2	1.5	3.4	3.7	7.1
2484 - Wood of non-coniferous species, sawn or chipped lengthwise	0.0	0.3	0.4	0.5	0.7	0.6	0.6	2.2	2.8	6.9
Extractive industries	78.9	75.7	46.2	31.3	19.5	46.8	83.1	85.5	75.9	59.7
Ores and other minerals	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.1
Non-ferrous metals	0.0	0.0	0.0	0.0	0.0	2.2	0.9	1.5	0.8	4.6
6821 - Copper, refined and unrefined	0.0	0.0	0.0	0.0	0.0	2.2	0.9	1.5	0.8	3.3
6861 - Zinc and zinc alloys, unwrought	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.3
Fuels	78.9	75.7	46.2	31.3	19.5	44.6	82.2	83.9	75.1	55.1
3330 - Crude oils of petroleum and bituminous minerals	77.7	73.3	45.7	31.0	19.3	44.2	81.7	79.1	70.5	45.4
3421 –Propane, liquefied	0.6	0.7	0.2	0.2	0.1	0.2	0.3	0.4	0.5	0.3
Manufactures	**20.1**	**23.2**	**52.3**	**67.4**	**78.3**	**50.0**	**14.4**	**8.4**	**17.0**	**25.1**
Iron and steel	0.1	0.0	0.2	0.1	0.1	1.0	0.2	0.2	0.2	0.1
Chemicals	0.1	0.0	0.1	0.1	0.1	0.1	0.0	0.1	0.1	0.1
Other semi-manufactures	0.7	0.3	0.2	0.2	0.8	0.7	0.5	0.6	0.5	1.4
6911 - Structures and parts of structures	0.0	0.0	0.0	0.0	0.1	0.3	0.0	0.0	0.0	0.6
Machinery and transport equipment	18.7	22.6	51.4	66.6	76.8	47.6	13.4	7.1	15.9	22.9
Power-generating machinery	0.1	0.1	0.1	0.2	0.2	0.3	0.1	0.2	0.1	0.3
Other non-electrical machinery	0.9	0.6	0.7	0.8	1.8	1.1	0.8	1.2	0.8	2.2
7239 - Parts n.e.s., of machinery of 723	0.3	0.3	0.2	0.2	0.3	0.2	0.1	0.2	0.2	0.5
Office machines and telecommunications equipment	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Other electrical machinery	0.1	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Automotive products	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.1	0.1	4.8
7812 - Motor vehicles for the transport of persons, n.e.s.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.7
Other transport equipment	17.5	21.8	50.5	65.4	74.6	45.8	12.3	5.4	14.9	15.3
7935 -Light vessels, fire-	8.2	10.0	25.7	21.3	48.0	27.5	5.7	2.3	10.3	7.2

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
floats, dredgers, floating cranes, and other vessels										
7932 - Ships and boats	8.5	10.5	22.7	42.0	24.9	15.1	6.2	2.7	3.3	6.2
7937 - Tugs and pusher craft	0.5	1.1	1.8	2.0	1.2	1.9	0.3	0.1	0.6	0.8
7923 - Aeroplanes and other aircraft, mechanically-propelled	0.2	0.0	0.2	0.0	0.3	0.3	0.1	0.2	0.4	0.5
7921 - Helicopters	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3
Textiles	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Clothing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Other consumer goods	0.5	0.2	0.4	0.4	0.6	0.5	0.3	0.3	0.3	0.5
Other	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.1**	**0.1**

Source: WTO Secretariat calculations, based on data from the United Nations Statistics Division (UNSD) Comtrade database (SITC, Rev. 3).

Table A1.2 Structure of imports, 2012-21

(USD million and %)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
World (USD million)	**7,348.6**	**8,371.6**	**10,098.9**	**10,549.7**	**11,270.3**	**4,560.3**	**3,485.6**	**2,242.4**	**1,908.3**	**2,351.5**
	(Percentage share)									
Total primary products	**7.8**	**9.0**	**7.9**	**10.4**	**6.0**	**18.4**	**21.1**	**31.0**	**37.5**	**38.3**
Agriculture	6.4	7.1	6.5	5.3	4.2	14.3	16.1	26.2	32.7	33.1
Food products	6.1	6.9	6.2	5.1	4.0	13.8	15.5	25.0	31.3	31.7
0123 - Meat and edible offal of poultry, fresh, chilled or frozen	0.8	1.0	0.9	0.8	0.6	2.5	3.2	4.9	6.3	6.9
0412 - Other wheat (including spelt) and meslin, unmilled	0.3	0.5	0.4	0.4	0.2	0.8	1.1	2.1	2.8	4.1
4222 - Palm oil and its fractions	0.4	0.5	0.2	0.2	0.2	1.0	1.2	2.0	3.1	2.4
0342 - Fish, frozen	0.2	0.4	0.4	0.3	0.2	1.0	1.1	1.7	2.2	2.2
0989 - Food preparations, n.e.s.	0.6	0.6	0.6	0.4	0.4	0.7	1.2	1.7	2.4	2.0
0351 - Fish, dried, salted or in brine, but not smoked	0.3	0.4	0.4	0.3	0.2	0.5	0.8	1.6	1.6	1.8
0423 - Rice, semi-milled, whether or not polished, glazed, parboiled or converted	0.5	0.3	0.2	0.1	0.2	0.9	0.8	1.5	1.7	1.7
Agricultural raw materials	0.4	0.3	0.3	0.2	0.2	0.5	0.6	1.2	1.4	1.4
Extractive industries	1.4	1.9	1.4	5.1	1.8	4.1	5.0	4.8	4.7	5.2
Ores and other minerals	0.1	0.1	0.2	0.2	0.1	0.4	0.5	0.6	0.7	0.5
Non-ferrous metals	0.2	0.2	0.2	0.2	0.1	0.2	0.3	0.6	0.4	0.4
Fuels	1.1	1.6	1.1	4.8	1.6	3.4	4.3	3.6	3.6	4.3
Manufactures	**92.0**	**90.9**	**92.0**	**89.5**	**93.9**	**81.5**	**78.7**	**68.7**	**62.1**	**59.4**
Iron and steel	2.3	2.1	3.0	4.4	1.4	4.8	4.2	3.6	3.0	2.7
Chemicals	3.2	3.1	2.9	2.9	2.1	4.9	7.3	11.2	12.2	16.5
5989 - Chemical products and preparations, n.e.s.	0.4	0.3	0.3	0.4	0.2	0.5	0.6	1.0	0.6	2.9
5429 - Medicaments, n.e.s.	1.0	0.8	0.8	0.7	0.6	1.2	1.6	2.5	3.0	2.9
5542 - Organic surface-active agents	0.1	0.2	0.1	0.1	0.1	0.2	1.3	1.7	1.9	2.5
Other semi-manufactures	4.2	4.7	5.0	5.8	5.4	8.0	5.9	7.1	6.3	5.7
Machinery and transport equipment	76.8	78.0	78.2	73.3	82.4	59.9	56.8	40.6	35.1	28.0
Power-generating machinery	1.0	0.8	0.7	0.8	0.6	1.0	1.8	2.2	1.6	1.1
Other non-electrical machinery	8.4	6.0	6.3	6.6	4.9	8.3	11.4	11.2	9.0	7.3
Office machines and telecommunications equipment	0.7	0.6	0.7	0.6	0.6	1.5	1.4	2.4	2.7	1.6
Other electrical machinery	1.5	2.2	1.6	2.1	2.2	2.7	2.5	3.5	2.6	2.5
Automotive products	2.9	3.2	2.9	2.2	0.9	4.3	2.4	3.0	3.7	4.5
7812 - Motor vehicles for the transport of persons, n.e.s.	1.3	1.4	1.4	0.8	0.4	2.7	0.7	1.4	1.7	2.9
Other transport equipment	62.2	65.3	65.9	60.9	73.2	42.2	37.4	18.2	15.4	11.0
7935 - Light vessels, fire-floats, dredgers, floating cranes, and other vessels	22.2	26.2	39.8	28.3	50.6	18.9	16.5	1.1	4.4	5.0
7932 - Ships and boats	38.1	34.0	23.6	28.3	21.0	20.7	19.2	15.4	7.2	4.4
Textiles	0.2	0.2	0.2	0.3	0.2	0.7	0.4	1.2	1.0	0.9
Clothing	0.3	0.2	0.3	0.1	0.1	0.5	0.3	0.4	0.5	0.5
Other consumer goods	5.0	2.6	2.5	2.6	2.2	2.9	3.7	4.6	4.1	5.1
Other	**0.1**	**0.1**	**0.1**	**0.1**	**0.1**	**0.1**	**0.2**	**0.3**	**0.5**	**2.3**

Source: WTO Secretariat calculations, based on data from the UNSD Comtrade database (SITC, Rev. 3).

Table A1.3 Destination of exports, 2012-20

(USD million and %)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
World (USD million)	**7,437.9**	**10,453.1**	**8,673.4**	**8,623.0**	**7,900.6**	**8,252.0**	**11,155.0**	**5,575.9**	**4,893.1**	**2,362.2**
	(Percentage share)									
America	**7.5**	**7.9**	**4.1**	**6.4**	**1.3**	**5.3**	**3.7**	**3.4**	**5.1**	**0.7**
United States	6.1	5.1	2.9	2.7	1.2	3.4	2.2	3.3	2.9	0.6
Other America	1.3	2.8	1.2	3.7	0.1	1.9	1.5	0.2	2.2	0.1
Europe	**40.5**	**17.3**	**14.7**	**24.3**	**37.8**	**23.7**	**12.5**	**12.0**	**15.4**	**8.6**
EU-27	38.7	12.7	13.3	22.5	36.5	18.4	11.5	10.6	12.8	6.4
Belgium	0.3	0.3	0.1	0.1	0.1	0.3	0.2	0.6	0.6	1.9
France	12.5	5.2	3.1	0.9	1.5	1.4	1.2	0.7	0.8	1.7
Italy	2.0	0.7	4.0	3.8	4.6	4.0	6.6	1.3	0.4	0.9
Netherlands	14.2	3.1	0.5	0.7	0.6	0.7	0.8	4.1	0.6	0.7
Spain	3.6	2.4	3.0	10.6	28.5	11.2	1.9	2.6	8.6	0.5
EFTA	0.2	0.0	0.2	1.5	0.3	0.3	0.8	0.1	0.7	0.6
Norway	0.2	0.0	0.1	1.4	0.2	0.3	0.8	0.1	0.1	0.6
Other Europe	1.5	4.7	1.3	0.4	1.0	5.0	0.2	1.3	1.9	1.6
United Kingdom	1.5	3.9	1.3	0.2	1.0	1.2	0.2	1.3	1.8	1.4
Commonwealth of Independent States (CIS)[a]	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Africa	18.6	17.7	32.9	39.8	33.3	21.9	11.6	5.5	10.6	30.5
Côte d'Ivoire	0.6	0.9	0.7	0.5	1.4	0.7	0.6	0.2	0.0	8.6
Togo	0.1	0.0	0.1	10.9	0.0	0.1	0.8	0.1	1.9	7.5
Cameroon	0.9	2.1	3.4	1.5	3.6	5.1	1.6	1.2	0.5	5.4
Gabon	2.3	1.2	8.2	4.9	8.3	1.4	3.5	1.2	4.6	4.0
Angola	5.0	8.5	12.0	10.4	10.7	6.3	2.4	1.3	1.4	2.2
South Africa	0.3	0.4	1.2	0.7	1.8	0.0	0.0	0.0	0.0	1.3
Central African Republic	0.0	0.0	0.0	0.1	0.0	0.0	0.1	0.1	0.1	0.4
Middle East	**0.2**	**0.1**	**0.4**	**0.1**	**1.1**	**1.0**	**0.9**	**1.2**	**0.1**	**3.2**
United Arab Emirates	0.1	0.1	0.4	0.0	1.1	0.3	0.2	0.1	0.1	3.1
Asia	**33.3**	**56.9**	**39.0**	**20.8**	**13.6**	**42.5**	**71.0**	**77.7**	**68.7**	**57.0**
China	21.5	40.4	23.3	16.0	11.7	36.3	62.7	59.8	63.8	45.8
Japan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3
Other Asia	11.8	16.5	15.8	4.9	1.9	6.2	8.3	17.9	5.0	10.9
India	1.9	0.0	0.8	1.4	0.0	0.6	0.9	13.2	2.3	3.1
Australia	5.6	7.8	7.9	1.2	1.3	2.9	1.3	2.0	0.3	2.9
Singapore	0.6	0.9	5.3	0.7	0.0	2.0	4.1	0.6	0.5	2.3
Viet Nam	0.0	0.0	0.1	0.8	0.0	0.4	0.2	0.3	0.7	0.8
Malaysia	2.9	2.8	0.5	0.7	0.0	0.3	0.9	1.1	0.6	0.7
Other	**0.0**	**0.0**	**8.8**	**8.5**	**13.0**	**5.6**	**0.3**	**0.2**	**0.0**	**0.0**
Memo:										
CEMAC (WTO Members)	3.2	3.3	11.6	6.5	11.9	6.6	5.2	2.5	5.3	9.8
EU-28	40.2	16.5	14.6	22.6	37.5	19.7	11.7	11.9	14.6	7.8

a Commonwealth of Independent States, including certain associate and former member States.

Source: WTO Secretariat calculations, based on data from the UNSD Comtrade database.

Table A1.4 Origin of imports, 2012-20

(USD million and %)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
World (USD million)	**7,348.6**	**8,371.6**	**10,098.9**	**10,549.7**	**11,270.3**	**4,560.3**	**3,485.6**	**2,242.4**	**1,908.3**	**2,351.5**
	(Percentage share)									
America	9.2	6.6	19.2	13.7	18.3	5.7	4.4	7.5	10.1	9.4
United States	2.5	2.1	3.9	7.4	9.5	2.8	2.9	4.9	6.7	4.2
Other America	6.8	4.6	15.2	6.3	8.8	2.9	1.5	2.6	3.4	5.2
Brazil	6.2	3.4	0.7	0.7	0.3	0.5	0.8	1.1	1.7	3.2
Argentina	0.4	0.5	0.2	0.4	0.1	0.4	0.4	0.7	0.9	1.3
Europe	23.4	28.8	46.8	33.2	35.1	35.2	36.3	41.6	37.9	35.4
EU-27	21.5	26.3	31.0	21.9	18.4	24.9	29.0	36.7	33.4	30.8
France	8.2	9.1	6.3	6.3	6.0	7.9	11.5	15.0	14.5	12.5
Belgium	4.9	4.7	0.8	0.9	0.9	8.1	6.5	10.3	7.4	9.0
Italy	3.5	2.3	3.5	3.8	1.8	3.7	5.7	4.1	2.6	2.2
Germany	0.3	0.8	1.6	2.2	1.5	0.7	0.7	1.3	1.5	1.8
Netherlands	0.8	2.3	11.5	1.5	0.8	2.4	0.7	1.3	1.2	1.7
EFTA	0.3	0.4	11.4	6.3	8.0	7.4	4.8	1.2	1.0	0.9
Other Europe	1.6	2.1	4.4	4.9	8.7	2.9	2.6	3.7	3.5	3.7
Türkiye	0.8	0.5	0.7	1.1	1.3	1.1	1.3	2.2	2.2	2.4
Commonwealth of Independent States (CIS)[a]	0.0	0.1	0.2	0.2	0.2	0.6	0.7	1.7	2.9	4.4
Russian Federation	0.0	0.1	0.2	0.2	0.2	0.6	0.7	1.7	2.8	4.4
Africa	52.9	51.8	5.0	7.2	2.8	32.8	28.6	26.3	15.7	19.6
Namibia	2.0	1.6	0.1	0.0	0.0	8.8	2.2	3.5	1.0	3.7
Democratic Republic of the Congo	0.5	2.5	0.0	0.0	0.1	0.5	1.0	0.1	0.2	2.5
Gabon	12.0	12.2	1.9	0.1	0.1	3.0	6.9	2.3	1.0	2.2
South Africa	2.5	0.7	0.6	0.9	0.2	0.7	2.5	1.6	1.8	1.7
Angola	25.6	15.1	0.2	4.1	0.2	7.1	4.8	6.1	1.6	1.3
Cameroon	2.8	2.2	0.3	0.3	0.2	1.7	2.9	3.6	1.1	1.2
Mozambique	0.0	0.0	0.0	0.0	0.0	0.0	0.8	0.0	0.0	1.1
Nigeria	3.0	2.6	0.0	0.1	0.1	2.6	1.1	0.8	1.2	1.0
Middle East	1.7	1.3	1.8	1.7	0.6	1.1	1.7	3.7	2.6	3.5
United Arab Emirates	1.4	1.0	1.5	1.5	0.5	0.9	1.2	3.3	2.0	2.8
Asia	12.7	11.4	27.0	44.0	43.0	14.4	26.2	19.3	30.8	27.7
China	4.3	5.0	7.9	10.0	8.2	7.8	13.7	11.4	18.7	19.6
Japan	0.1	0.1	1.5	3.7	4.8	0.0	0.1	0.1	0.4	0.1
Other Asia	8.2	6.3	17.6	30.3	30.0	6.5	12.4	7.8	11.6	8.0
India	0.7	0.7	2.0	1.2	1.1	1.4	1.3	2.0	2.7	3.3
Indonesia	0.3	0.2	2.9	1.7	3.3	0.9	1.2	1.7	3.4	2.1
Other	0.0	0.0	0.0	0.0	0.0	10.2	2.1	0.0	0.0	0.0
Memo:										
CEMAC (WTO Members)	14.8	14.4	2.1	0.3	0.3	4.8	9.7	5.9	2.1	3.4
EU-28	22.2	27.7	32.7	24.2	22.7	26.5	30.1	37.8	34.3	31.6

a Commonwealth of Independent States, including certain associate and former member States.

Source: WTO Secretariat calculations, based on data from the UNSD Comtrade database.

Table A3.1 Mandatory International Electrotechnical Commission (IEC) Standards (technical regulations) in the Congo

The international standards that have been adopted and made mandatory (technical regulations) are:

IEC Standards

No.	Congolese reference	Title of the Standard
01	NCGO IEC 60051-1	Direct acting indicating analogue electrical measuring instruments and their accessories - Part 1: Definitions and general requirements common to all parts
02	NCGO IEC 60064	Tungsten filament lamps for domestic and similar general lighting purposes - Performance requirements
03	NCGO IEC 60269-1	Low-voltage fuses - Part 1: General requirements
04	NCGO IEC 60269-2	Low-voltage fuses - Part 2: Supplementary requirements for fuses for use by authorized persons (fuses mainly for industrial application) - Examples of standardized systems of fuses A to K
05	NCGO IEC 60282-1	High-voltage fuses - Part 1: Current-limiting fuses
06	NCGO IEC 60335-1	Household and similar electrical appliances - Safety - Part 1: General requirements
07	NCGO IEC 60335-2-14	Household and similar electrical appliances - Safety - Part 2-14: Particular requirements for kitchen machines
08	NCGO IEC 60335-2-3	Household and similar electrical appliances - Safety - Part 2-3: Particular requirements for electric irons
09	NCGO IEC 60335-2-30	Household and similar electrical appliances - Safety - Part 2-30: Particular requirements for room heaters
10	NCGO IEC 60335-2-36	Household and similar electrical appliances - Safety - Part 2-36: Particular requirements for commercial electric cooking ranges, ovens, hobs and hob elements
11	NCGO IEC 60335-2-4	Household and similar electrical appliances - Safety - Part 2-4: Particular requirements for spin extractors
12	NCGO IEC 60335-2-40	Household and similar electrical appliances - Safety - Part 2-40: Particular requirements for electrical heat pumps, air-conditioners and dehumidifiers
13	NCGO IEC 60335-2-43	Household and similar electrical appliances - Safety - Part 2-43: Particular clothes dryers and towel rails
14	NCGO IEC 60335-2-5	Household and similar electrical appliances - Safety - Part 2-5: Particular requirements for dishwashers
15	NCGO IEC 60335-2-7	Household and similar electrical appliances - Safety - Part 2-7: Particular requirements for washing machines
16	NCGO IEC 60335-2-8	Household and similar electrical appliances - Safety - Part 2-8: Particular requirements for shavers, hair clippers and similar appliances
17	NCGO IEC 60335-2-80	Household and similar electrical appliances - Safety - Part 2-80: Particular requirements for fans
18	NCGO IEC 60335-2-9	Household and similar electrical appliances - Safety - Part 2-9: Particular requirements for grills, toasters and similar portable cooking appliances
19	NCGO IEC 60432-1	Incandescent lamps - Safety specifications - Part 1: Tungsten filament lamps for domestic and similar general lighting purposes
20	NCGO IEC 60432-2	Incandescent lamps - Safety specifications - Part 2: Tungsten halogen lamps for domestic and similar general lighting purposes
21	NCGO IEC 60598-1	Luminaires - Part 1: General requirements and tests
22	NCGO IEC 60669-1	Switches for household and similar fixed-electrical installations - Part 1: General requirements
23	NCGO IEC 60669-2-6	Switches for household and similar fixed electrical installations - Part 2-6: Particular requirements - Fireman's switches for exterior and interior signs and luminaires
24	NCGO IEC 60745-1	Hand-held motor-operated electric tools - Safety - Part 1: General requirements

No.	Congolese reference	Title of the Standard
25	NCGO IEC 60745-2-2	Hand-held motor-operated electric tools - Safety - Part 2-2: Particular requirements for screwdrivers and impact wrenches
26	NCGO IEC 60745-2-3	Hand-held motor-operated electric tools - Safety - Part 2-3: Particular requirements for grinders, polishers and disk-type sanders
27	NCGO IEC 60906-1	IEC system of plugs and socket-outlets for household and similar purposes - Part 1: Plugs and socket-outlets 16 A 250 V a.c.
28	NCGO IEC 60947-1	Low-voltage switchgear and controlgear - Part 1: General rules
29	NCGO IEC 60947-2	Low-voltage switchgear and controlgear -Part 2: Circuit-breakers
30	NCGO IEC 60947-3	Low-voltage switchgear and controlgear - Part 3: Switches, disconnectors, switch-disconnectors and fuse-combination units
31	NCGO IEC 60950-1	Information technology equipment - Safety - Part 1: General requirements
32	NCGO IEC 60968	Self-ballasted fluorescent lamps for general lighting services - Safety requirements
33	NCGO IEC 60969	Self-ballasted compact fluorescent lamps for general lighting services - Performance requirements
34	NCGO IEC 61010-1	Safety requirements for electrical equipment for measurement, control, and laboratory use - Part 1: General requirements
35	NCGO IEC 61029-1	Safety of transportable motor-operated electric tools - Part 1: General requirements
36	NCGO IEC 61029-2-12	Safety of transportable motor-operated electric tools - Part 2-12: Particular requirements for threading machines
37	NCGO IEC 61050	Transformers for tubular discharge lamps having a no-load output voltage exceeding 1000 V (generally called neon-transformers). General and safety requirements
38	NCGO IEC 61558-1	Safety of transformers, reactors, power supply units and combinations thereof - Part 1: General requirements and tests
39	NCGO IEC 61936-1	Power installations exceeding 1 kV AC - Part 1: Common rules
40	NCGO IEC 62552-1	Household refrigerating appliances - Characteristics and test methods - Part 1: General requirements
41	NCGO IEC 62552-2	Household refrigerating appliances - Characteristics and test methods - Part 2: Performance requirements
42	NCGO IEC 62552-3	Household refrigerating appliances - Characteristics and test methods - Part 3: Energy consumption and volume

Codex Standards

No.	Codex reference	Congolese reference	Title of the Standard
1	CXS 3-1981	NCGO CXS 3-1981	Standard for Canned Salmon
2	CODEX STAN 36-1981	NCGO CODEX STAN 36-1981	Standard for Quick Frozen Finfish, Uneviscerated and Eviscerated
3	CODEX STAN 38-1981	NCGO CODEX STAN 38-1981	Standard for Edible Fungi and Fungus Products
4	CODEX STAN 33-1981	NCGO CODEX STAN 33-1981	Standard for Olive Oils and Olive Pomace Oils
5	CODEX STAN 52-1981	NCGO CODEX STAN 52-1981	Standard for Quick Frozen Strawberries
6	CODEX STAN 57-1981	NCGO CODEX STAN 57-1981	Standard for Processed Tomato Concentrates
7	CODEX STAN 42-1981	NCGO CODEX STAN 42-1981	Standard for Canned Pineapple
8	CODEX STAN 67-1981	NCGO CODEX STAN 67-1981	Standard for Raisins
9	CODEX STAN 75-1981	NCGO CODEX STAN 75-1981	Standard for Quick Frozen Peaches
10	CXS 78-1981	NCGO CXS 78-1981	Standard for Canned Fruit Cocktail
11	CODEX STAN 97-1981	NCGO CODEX STAN 97-1981	Standard for Cooked Cured Pork Shoulder
12	CODEX STAN 111	NCGO CODEX STAN 111	Standard for Quick Frozen Cauliflower
13	CODEX STAN 104	NCGO CODEX STAN 104	Standard for Quick Frozen Leek
14	CODEX STAN 112-1981	NCGO CODEX STAN 112-1981	Standard for Quick Frozen Brussel Sprouts
15	CODEX STAN 41-1981	NCGO CODEX STAN 41-1981	Standard for Quick Frozen Peas
16	CODEX STAN 114-1981	NCGO CODEX STAN 114-1981	Standard for Quick Frozen French Fried Potatoes
17	CODEX STAN 117-1981	NCGO CODEX STAN 117-1981	Standard for Bouillons and Consommés
18	CODEX STAN 154-1985	NCGO CODEX STAN 154-1985	Codex Standard for Whole Maize (Corn) Meal
19	CODEX STAN 18	NCGO CODEX STAN 18	Standard for Canned Sweet Corn

No.	Codex reference	Congolese reference	Title of the Standard
20	CXS 115-1981	NCGO CXS 115-1981	Standard for Pickled Cucumbers (Cucumber Pickles)
21	CODEX STAN 116	NCGO CODEX STAN 116	Codex Standard for Canned Carrots
22	CODEX STAN 177-1991	NCGO CODEX STAN 177-1991	Standard for Desiccated Coconut
23	CODEX STAN 61	NCGO CODEX STAN 61	Codex Standard for Canned Pears
24	CODEX STAN 68	NCGO CODEX STAN 68	Codex Standard for Canned Mandarin Oranges
25	CODEX STAN 160	NCGO CODEX STAN 160	Codex Standard for Mango Chutney
26	CODEX STAN 132	NCGO CODEX STAN 132	Codex Standard for Quick Frozen Whole Kernel Corn
27	CODEX STAN 199	NCGO CODEX STAN 199	Codex Standard for Wheat and Durum Wheat
28	CODEX STAN 201	NCGO CODEX STAN 201	Codex Standard for Oats
29	CODEX STAN 163-1987, Rév. 1-2001	NCGO CODEX STAN 163- 1987, Rév. 1-2001	Standard for Wheat Protein Products Including Wheat Gluten
30	CODEX STAN 176-1989	NCGO CODEX STAN 176-1989	Standard for Edible Cassava Flour
31	CODEX STAN 16	NCGO CODEX STAN 16	Codex Standard for Canned Green Beans and Wax Beans
32	CODEX STAN 13	NCGO CODEX STAN 13	Standard for Preserved Tomatoes
33	CODEX STAN 133	NCGO CODEX STAN 133	Codex Standard for Quick Frozen Corn-on-the-Cob
34	CODEX STAN 56	NCGO CODEX STAN 56	Codex Standard for Canned Asparagus
35	CODEX STAN 118	NCGO CODEX STAN 118	Codex Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten
36	CODEX STAN 81	NCGO CODEX STAN 81	Codex Standard for Canned Mature Processed Peas
37	CODEX STAN 55	NCGO CODEX STAN 55	Codex Standard for Canned Mushrooms
38	CODEX STAN 77	NCGO CODEX STAN 77	Codex Standard for Quick Frozen Spinach
39	CODEX STAN 140	NCGO CODEX STAN 140	Codex Standard for Quick Frozen Carrots
40	CODEX STAN 144	NCGO CODEX STAN 144	Codex Standard for Canned Palmito (heart of palm)
41	CODEX STAN 225-2001	NCGO CODEX STAN 225-2001	Standard for Asparagus
42	CODEX STAN 219	NCGO CODEX STAN 219	Codex Standard for Grapefruits
43	CODEX STAN 183	NCGO CODEX STAN 183	Codex Standard for Papaya
44	CODEX STAN 184	NCGO CODEX STAN 184	Codex Standard for Mangoes
45	CODEX STAN 187	NCGO CODEX STAN 187	Codex Standard for Carambola
46	CODEX STAN 197	NCGO CODEX STAN 197	Codex Standard for Avocado
47	CODEX STAN 204	NCGO CODEX STAN 204	Codex Standard for Mangosteens
48	CODEX STAN 205	NCGO CODEX STAN 205	Codex Standard for Bananas
49	CODEX STAN 214	NCGO CODEX STAN 214	Codex Standard for Pummelos
50	CODEX STAN 215	NCGO CODEX STAN 215	Codex Standard for Guavas
51	CODEX STAN 245	NCGO CODEX STAN 245	Codex Standard for Oranges
52	CODEX STAN 70	NCGO CODEX STAN 70	Standard for Canned Tuna and Bonito
53	CODEX STAN 12-1981	NCGO CODEX STAN 12-1981	Codex Standard for Honey
54	CODEX STAN A-4	NCGO CODEX STAN A-4	Standard for Sweetened Condensed Milks
55	CODEX STAN 92	NCGO CODEX STAN 92	Standard for Certain Vegetables
56	CODEX STAN 171	NCGO CODEX STAN 171	Standard for Certain Pulses
57	CODEX STAN 212-1999	NCGO CODEX STAN 212- 1999	Codex Standard for Sugars
58	CODEX STAN 165	NCGO CODEX STAN 165	Standard for Quick Frozen Blocks of Fish Fillets, Minced Fish Flesh and Mixtures of Fillets and Minced Fish Flesh
59	CODEX STAN 166	NCGO CODEX STAN 166	Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets - Breaded or in Batter
60	CODEX STAN 190	NCGO CODEX STAN 190	General Standard for Quick Frozen Fish Fillets
61	CODEX STAN 153-1985	NCGO CODEX STAN 153-1985	Codex Standard for Maize (Corn)
62	CODEX STAN 198-1995	NCGO CODEX STAN 198-1995	Codex Standard for Rice
63	CODEX STAN 169	NCGO CODEX STAN 169	Codex Standard for Whole and Decorticated Pearl Millet Grains
64	CODEX STAN 172	NCGO CODEX STAN 172	Codex Standard for Sorghum Grains
65	CODEX STAN 155	NCGO CODEX STAN 155	Codex Standard for Degermed Maize (Corn) Meal and Maize (Corn) Grits
66	CODEX STAN 200	NCGO CODEX STAN 200	Codex Standard for Peanuts
67	CODEX STAN 32	NCGO CODEX STAN 32	Codex Standard for Margarine
68	CODEX STAN 210	NCGO CODEX STAN 210	Standard for Named Vegetable Oils
69	CODEX STAN 143	NCGO CODEX STAN 143	Standard for Dates
70	CODEX STAN 202	NCGO CODEX STAN 202	Standard for Couscous

No.	Codex reference	Congolese reference	Title of the Standard
71	CODEX STAN 150-1985	NCGO CODEX STAN 150-1985	Codex Standard for Food Grade Salt
72	CODEX STAN 159	NCGO CODEX STAN 159	Standard for Canned Mangoes
73	CODEX STAN 37-1981	NCGO CODEX STAN 37-1981	Standard for Canned Shrimps or Prawns
74	CODEX STAN 88-1993	NCGO CODEX STAN 88-1993	Standard for Corned Beef
75	CODEX STAN 89	NCGO CODEX STAN 89	Standard for Luncheon Meat
76	CODEX STAN 90	NCGO CODEX STAN 90	Standard for Canned Crab Meat
77	CODEX STAN 94	NCGO CODEX STAN 94	Standard for Canned Sardines and Sardine-Type Products
78	CODEX STAN 96	NCGO CODEX STAN 96	Standard for Cooked Cured Ham
79	CODEX STAN 110	NCGO CODEX STAN 110	Standard for Quick Frozen Broccoli
80	CODEX STAN 189	NCGO CODEX STAN 189	Standard for Dried Shark Fins
81	CODEX STAN 130	NCGO CODEX STAN 130	Standard for Dried Apricots
82	CODEX STAN 146	NCGO CODEX STAN 146	General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses
83	CODEX STAN 188	NCGO CODEX STAN 188	Standard for Baby Corn
84	CODEX STAN 147	NCGO CODEX STAN 147	Standard for Cocoa Butter Confectionary
85	CODEX STAN 64	NCGO CODEX STAN 64	Standard for Concentrated Orange Juice Preserved Exclusively by Physical Means
86	CXS 99-1981	NCGO CXS 99-1981	Standard for Canned Tropical Fruit Salad
87	CXS 17-1981	NCGO CXS 17-1981	Standard for Canned Applesauce
88	CODEX STAN 80	NCGO CODEX STAN 80	Individual Codex Standard for Citrus Marmalade
89	CODEX STAN 79	NCGO CODEX STAN 79	Codex Standard for Jams (Fruit Preserves) and Jellies
90	CODEX STAN 247-2005	NCGO CODEX STAN 247-2005	General Standard for Fruit Juices and Nectars
91	CODEX STAN C-11	NCGO CODEX STAN C-11	International Individual Codex Standard for Cottage Cheese including Creamed Cottage Cheese
92	CODEX STAN C-31	NCGO CODEX STAN C-31	International Individual Codex Standard for Cream Cheese
93	CODEX STAN C-35	NCGO CODEX STAN C-35	International Individual Codex Standard for Extra Hard Grating Cheese
94	CODEX STAN C-33	NCGO CODEX STAN C-33	International Individual Codex Standard for Camembert
95	CODEX STAN A-1	NCGO CODEX STAN A-1	Standard for Butter
96	CODEX STAN A-2	NCGO CODEX STAN A-2	Codex Standard for Milkfat Products
97	CODEX STAN A-6	NCGO CODEX STAN A-6	Codex General Standard for Cheese
98	CODEX STAN A-7	NCGO CODEX STAN A-7	Standard for Whey Cheeses
99	CODEX STAN 208	NCGO CODEX STAN 208	Codex Standard for Cheeses in Brine
100	CODEX STAN 206	NCGO CODEX STAN 206	Codex General Standard for the Use of Dairy Terms
101	CODEX STAN 209	NCGO CODEX STAN 209	Codex Standard for Powdered Milk
102	CODEX STAN A-8a	NCGO CODEX A-8a	Codex General Standard for Process(ed) Cheese and Spreadable Process(ed) Cheese
103	CODEX STAN A-8b	NCGO CODEX STAN A-8b	Codex General Standard for Named Variety Processed Spreadable Cheese
104	CODEX STAN A-8c	CODEX STAN A-8c	Codex Standard for Process(ed) Cheese Preparations
105	CODEX STAN A-9	CODEX STAN A-9	Codex Standard for Cream and Prepared Creams
106	CODEX STAN A-15	CODEX STAN A-15	Codex Standard for Whey Powders
107	CODEX STAN 243-2003	NCGO CODEX STAN 243-2003	Codex Standard for Fermented Milks
108	CODEX STAN 174	NCGO CODEX STAN 174	Codex Standard for Vegetable Protein Products
109	CODEX STAN 175-1989	NCGO CODEX STAN 175-1989	General Standard for Soy Protein Products
110	CODEX STAN 218-1999	NCGO CODEX STAN 218-1999	Standard for Ginger
111	CODEX STAN 19	NCGO CODEX STAN 19	Codex Standard for Edible Fats and Oils not Covered by Individual Standards
112	CODEX STAN 211-1999	NCGO CODEX STAN 211-1999	Standard for Named Animal Fats
113	CODEX STAN 86	NCGO CODEX STAN 86	Codex Standard for Cocoa Butter
114	CODEX STAN 141-1983	NCGO CODEX STAN 141-1983	Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake
115	CODEX STAN 106-1983	NCGO CODEX STAN 106- 1983,	General Standard for Irradiated Foods
116	CODEX STAN 182	NCGO CODEX STAN 182	Codex Standard for Pineapple

No.	Codex reference	Congolese reference	Title of the Standard
117	CODEX STAN 107	NCGO CODEX STAN 107	Codex General Standard for the Labelling of Food Additives when sold as such
118	CODEX STAN 181	NCGO CODEX STAN 181	Standard for Formula Foods for Use in Weight Control Diets
119	CODEX STAN 180	NCGO CODEX STAN 180	Codex Standard for Labelling of and Claims for Foods for Special Medical Purposes
120	CODEX STAN 74-191	NCGO CODEX STAN 74-191	Codex Standard for Processed Cereal-Based Foods for Infants and Young Children
121	CODEX STAN 203	NCGO CODEX STAN 203	Codex Standard for Formula Foods for Use in Very Low Energy Diets for Weight Reduction
122	CODEX STAN 300-2010	NCGO CODEX STAN 300-2010	Standard for Bitter Cassava
123	CXS 319-2015	NCGO CXS 319-2015	Standard for Certain Canned Fruits
124	CXS 322R-2015	NCGO CXS 322R-2015	Regional Standard for Non-Fermented Soybean Products
125	CXS 325R-2017	NCGO CXS 325R-2017	Regional Standard for Unrefined Shea Butter
126	CXS 330-2018	NCGO CXS 330-2018	Standard for Aubergines
127	CODEX STAN 307-2011	NCGO CODEX STAN 307-2011	Standard for Chilli Peppers
128	CODEX STAN 238-2003	NCGO CODEX STAN 238- 2003	Standard for Sweet Cassava
129	CODEX STAN 243-2003	NCGO CODEX STAN 243-2003	Codex Standard for Fermented Milks
130	CODEX STAN 311 - 2013	NCGO CODEX STAN 311 - 2013	Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish
131	CODEX STAN 206-1999	NCGO CODEX STAN 206-1999	General Standard for the Use of Dairy Terms
132	CODEX STAN 192-1995	NCGO STAN 192-1995	General Standard for Food Additives
133	CODEX STAN 53-1981	NCGO CODEX STAN 53-1981	Standard for Special Dietary Foods with Low-Sodium Content (Including Salt Substitutes)
134	CODEX STAN 229-1993, Rev.1-2003	NCGO CODEX STAN 229-1993 Rev.1-2003	Analysis of Pesticide Residues: Recommended Methods
135	CODEX STAN 193-1995	NCGO CODEX STAN 193-1995	Codex General Standard for Contaminants and Toxins in Foods
136	CAC/RCP 13	NCGO CAC/RCP 13	Recommended International Code of Hygienic Practice for Processed Meat and Poultry Products
137	CAC/RCP 5	NCGO CAC/RCP 5	Recommended International Code of Hygienic Practice for Dehydrated Fruits and Vegetables including Edible Fungi
138	CODEX STAN CAC/RCP 21	NCGO CAC/RCP 21	Recommended International Code of Hygienic Practice for Foods for Infants and Children
139	CAC/GL 22-1997 Rev.1-1999	NCGO CAC/GL 22-1997 Rev.1-1999	Revised Regional Guidelines for the Design of Control Measures for Street-Vended Foods in Africa
140	CAC/RCP 44-1995, AMD.1-2004	NCGO CAC/CRP 44-1995, AMD.1-2004	Recommended International Code of Practice for the Packaging and Transport of Fresh Fruit and Vegetables
141	CAC/RCP 1-1969, Rev.4-2003	NCGO CAC/CRP 1-1969, Rev.4-2003	Recommended International Code of Practice - General Principles of Food Hygiene
142	CAC/GL 31-1999	NCGO CAC/GL 31-1999	Codex Guidelines for the Sensory Evaluation of Fish and Shellfish in Laboratories
143	CAC/RCP 28-1983	NCGO CAC/CRP 28-1983	Recommended International Code of Practice for Crabs
144	CAC/RCP 23-1979, Rev.26- 1993	NCGO CAC/CRP 23-1979, Rev. 26-1993	Recommended International Code of Hygienic Practice for Low-Acid and Acidified Low-Acid Canned Foods
145	CAC/GL 16-1993	NCGO CAC/CRP 16-1993	Guidelines for the Establishment of a Regulatory Programme for Control of Veterinary Drug Residues in Foods

Source: Information provided by the authorities.