

MINISTERIAL No.0002 / CAB / MIN / TVCD / 2021 OF DECREE 2. J.202..FIXING THE REGULATIONS ON CROSS-BORDER TRANSPORTATION OF GOODS FROM THE DEMOCRATIC REPUBLIC OF CONGO.-

The Minister of Transport, means of Communication 13 de Opening up, Seen as amended and completed to date, the Constitution of the Democratic Republic of Congo of February 18, 2006, especially in its article 93:

Considering Law n ° 78-022 of August 30, 1978 on the New Highway Code;

Having regard to Law n ° 017/001 of February 8, 2021 fixing the rules applicable to subcontracting in the private sector, especially in its article 6,

Having regard to Ordinance n ° 18/003 of March 23, 2018 fixing the nomenclature of rights . taxes and fees of the Central Power In view of Ordinance n ° 062/181 of April 25, 1958 determining the technical conditions to which vehicles assigned to the Transport of people and goods must meet;

Considering the Ordinance n ° 062/260 of August 21, 1958 determining the general conditions of operation of the Transport Services by motor vehicle;

Considering Ordinance n ° 89-139 of June 10, 1989, modifying and supplementing Ordinance n ° 79-397 of December 27, 1979 fixing the base and the methods of recovery of the Administrative and Judicial Taxes and Fees to be collected at the initiative of the Department of Transport and Communications;

Having regard to Ordinance No. 21/006 of February 14, 2021 appointing a Prime Minister;

Considering Ordinance No. 21/012 of April 12, 2021 appointing Vice-Prime Ministers, Ministers of State, Ministers, the Minister Delegate and Vice-Ministers;

Considering Ordinance n ° 20/016 of March 27, 2020 on the organization and functioning of the Government, modalities of collaboration between the President of the Republic and the Government, as well as between the members of the Government;

Considering Ordinance n ° 20/017 of March 27, 2020 fixing the attributions of the Ministries:

the Interministerial Decree n ° 023 / CAB / MIN / TVC / 2019 N ° CAB / MIN / FINANCES / 2019/135 of December 11, 2019 relating to fixing of the rates of the duties, taxes and charges to be collected at the initiative of the Ministry of Transport and Ways of Communication;

Considering the OHADA uniform act of March 22, 2003 relating to the contract for the transport of goods by road;

Having regard to the Decree of January 19, 1920 on Commissionaires and Carriers;

Considering the need to regulate the exercise of the Transfrontier Transport of goods from the Democratic Republic of Congo;

On the proposal of the Secretary General Transport, Communication and Access Routes; ORDERS:

### **Article 1**

The exercise of the profession of Public Road Transport Operator in the Democratic Republic of Congo is subject to the prior obtaining of an approval issued by the National Minister having road transport in his attributions. by Order, after a technical investigation by the Experts of the Transport Administration accompanied by a favorable opinion.

### **Article 2**

Can only access to the exercise of the profession of Public Road Transporter of people and / or goods, for his own account or on behalf of third parties in the Democratic Republic of Congo, any holder of an Approval Order. This approval is granted on an individual basis. It cannot be transferred or rented for any reason whatsoever.

### **Article 3**

The Public Road Carrier carrying out cross-border transport is subject to the following obligations:

Obtain operating permits for motor vehicles, in particular the International Transport Roadmap and the International Transport Authorization for transporters; Achieve the corporate purpose in accordance with the regulations in force and following the practices of the profession; Provide the Transport, Communication and Opening-Up Routes administration annually with a detailed report of its activities; Provide statistics to the Transport Administration, Communication Routes and Opening up.

### **Article 4**

It is strictly forbidden for any vehicle not registered in the Democratic Republic of Congo to load goods, in this case mining products from the national territory; In the event of violation of the above paragraph, the goods are immediately unloaded at the shipper's risk.

### **Article 5**

The Secretary General for Transport, Ways of Communication and Opening up is responsible for the execution and monitoring of this Order which comes into force on the date of its signature,

Done in Kinshasa, on 29 JULY 20U2T VISA 410

Chérubin OKENDE SENGA