



November 2014 through January 2015

MINING LAW

TRACEABILITY PROCEDURES MANUAL FOR MINING PRODUCTS: FROM EXTRACTION TO EXPORT

Joint Ministerial Order no. 0149/CAB.MIN/MINES/01/2014 and 116/CAB/MIN/FINANCES/ 2014 of 5 July 2014 have adopted a new Traceability Procedures Manual for tradable mining products from the extraction phase up until their export ("Manual"). The Manual aims to ensure transparency and good governance within the mining sector in compliance with the EITI and OECD requirements. In addition, the Manual provides a schedule for all steps involved in the tracing of the mining products. It specifies for each stage (i) the relevant authorities involved; (ii) any documents that need to be filed or obtained; and (iii) any applicable taxes, levies, duties or fees. It also includes an annex with the official templates of any documents, forms and other certificates used for the different procedures.

LABOR – IMMIGRATION

HIRING FORMALITIES FOR FOREIGN WORKERS

Ministerial Order no. 168/CAB/MIN/ETPS/MBL/SGET/dag/2014 of 21 October 2014 adopted operating guidelines for the National Commission for the Employment of Foreigners ("Commission"). The Commission's main responsibility is to issue work permits for foreigners. The Order deals with the formalities to be complied with regarding (i) the hiring of foreign employees; (ii) work permit renewal; (iii) the hiring of active partners; (iv) the hiring of foreign employees for the rendering of short-term services (with no definition provided for the word *short-term*) or a specific assignment in the DRC; (v) foreign physical persons owning a business. In any case, the work permit request must be submitted prior to the individual entering the DRC.

REAL ESTATE

TRANSFER OF IMMOVABLE PROPERTY TITLES

Circular Note no. 007/CAB/MIN/AFF.FONC/2014 of 26 November 2014 sets forth the terms for the processing of applications for the transfer of immovable property titles. It specifically lists the documents that should be submitted along with the application, as well as the delays to be observed by the administration. It is underlined in the Note that any processing fees must be specifically set forth in a statute.

COMMERCIAL COMPANIES

BY-LAWS AND SHARE CAPITAL OF SARL COMPANIES

Under the enabling provisions of the Uniform Act on Commercial Companies and Economic Interest Groups, certain OHADA stipulations on Private Limited Liability Companies (SARL) were overridden by way of Joint Ministerial Order no. 002/Cab/MIN/JGS&DH/014 and 243/CAB/MIN/FINANCES/2014 of 30 December 2014. For example, SARL companies may be incorporated without minimum share capital, and without need to present a notary certification of deposit of the incorporation funds.

For further information about the contents of this Legal News, please contact:

Rui Amendoeira: rui.amendoeira@mirandalawfirm.com

Paulin Mbalanda: paulm@mbm-avocats.cd or

Matthieu Le Roux: matthieu.leroux@mirandalawfirm.com

mirandaalliance

www.mirandaalliance.com

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