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**Q1: Respondent details**

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**Q2: Country or customs territory** Democratic Republic of the Congo

**Q3: Organization** Public sector

**Q4: Title of case story**

Unofficial report on the Trade Facilitation Agreement (TFA)

**Q5: Case story focus**

TFA implementation and/or trade facilitation measures more generally (e.g. trade and transport facilitation)

**Q6: Case story abstract**

This unofficial report covers the following TFA-related aspects:

- Overview of the national ratification process
  - Political context regarding trade facilitation
  - Agreement implementation approach
- Overview of existing support: The report describes the technical and financial assistance already provided for the implementation of the Bali recommendations. It also provides details of the projects and programmes contained in the African Development Bank (AfDB) 2013-2017 Country Strategy Paper for the Democratic Republic of the Congo, which cover the following aspects:
- The development of sustainable infrastructure, which will help to enhance production and employment in the Democratic Republic of the Congo's central zone
  - The promotion of trade

**Q7: Funding partner** Multilateral organization, South-South partner

**Q8: Project/Programme type** Single country

**Q9: Text case story**

Unofficial report on trade facilitation  
Democratic Republic of the Congo

I. OVERVIEW

A number of published documents explain why the TFA is needed and refer to its role as an instrument that supports Members' liberalization efforts. Members' efforts to liberalize trade by reducing tariffs and non-tariff barriers began in the GATT years and continue under the Doha Development Agenda (DDA).

In this light, it should be recalled that upon its entry into force, the TFA will also help to reduce international trade costs and generate new investment prospects, particularly for transnational companies, which will take advantage of this reduction in costs to further divide up the production process by assigning, to different countries and regions, production tasks throughout the value chain, with a view to obtaining the best comparative advantage and making efficiency gains. This unofficial report, which provides a brief overview of the ratification process and the national political context, presents the state of play as regards the implementation of the Bali recommendations, and the Democratic Republic of the Congo's approach to TFA implementation.

It also describes the projects and programmes contained in the African Development Bank (AfDB) 2013-2017 Country Strategy Paper for the Democratic Republic of the Congo.

## II. OVERVIEW OF THE NATIONAL RATIFICATION PROCESS

In the Democratic Republic of the Congo, draft legislation ratifying a binding international instrument is prepared by the relevant Ministry and the Ministry of Foreign Affairs and brought before the Council of Ministers for adoption before being sent by the Prime Minister to Parliament for ratification. Once ratified by Parliament, the instrument is submitted to the President of the Republic for approval and enactment.

## III. POLITICAL CONTEXT REGARDING TRADE FACILITATION

The Democratic Republic of the Congo, with its 70 million inhabitants, enjoys a wide range of natural assets. The country has 80 million hectares of arable land, a favourable climate for agriculture, and more than 1,100 listed minerals and precious metals. It shares its borders with nine other countries. Within the context of finding ways and means to convert these assets into sustained growth, the Government introduced the possibility of implementing reforms in all areas, most notably in respect of trade facilitation. Trade facilitation is an area of interest to the Government, since it helps to stimulate the foreign direct investment needed by the country to improve the various elements of its macroeconomic framework. For this reason, reforms have already been implemented in this regard, even before the conclusion of the TFA. They include the following:

- the introduction of a new customs code in 2010;
- a reduction in the number of services operating at the border, which is now limited to four;
- the introduction of a virtual integrated single window for the customs clearance of goods;
- a reduction in import and export fees (from US\$500 to US\$125 for legal persons and US\$250 to US\$75 for natural persons) and in the administrative charge for import and export operations (from 5% to 2% of the c.i.f. value).

## IV. APPROACH TO BE FOLLOWED FOR TFA IMPLEMENTATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

The approach to be followed for the implementation of the TFA falls under the responsibility of the national trade facilitation committee and will entail taking stock of trade facilitation areas, defining the new reforms, implementing the Agreement, and monitoring the progress of its implementation. The various trade facilitation areas will be assessed by the national bodies involved in the implementation of the provisions of the TFA. These bodies are the Ministry of Trade, the Directorate-General of Customs and Excise (DGDA), the Business Climate and Investment Steering Committee (CPCAI), the Congolese Control Office (OCC), the Ministry of Finance, the Official Journal of the Democratic Republic of the Congo, the Ministry of Justice, and the Ministry of Transport and Communications. Below are the Agreement's provisions for each body as regards the assessment of the various areas and the effective implementation of the Agreement:

### 1. Directorate-General of Customs and Excise (DGDA)

- Art. 2.1: Opportunity to Comment and Information before Entry into Force
- Art. 3: Advance Rulings
- Art. 6.1: General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
- Art. 6.2: Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
- Art. 7.1: Pre-Arrival Processing
- Art. 7.3: Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
- Art. 7.4: Risk Management
- Art. 7.5: Post-Clearance Audit
- Art. 7.6: Establishment and Publication of Average Release Times
- Art. 7.7: Trade Facilitation Measures for Authorized Operators

- Art. 7.8: Expedited Shipments in conjunction with the Ministry of Transport
- Art. 9: Movement of Goods Intended for Import under Customs Control
- Art. 10.3: Use of International Standards
- Art. 10.5: Preshipment Inspection in conjunction with the Congolese Control Office (OCC)
- Art. 10.7: Common Border Procedures and Uniform Documentation Requirements in conjunction with the Business Climate and Investment Steering Committee (CPCAI) and the Ministry of Trade
- Art. 11: Freedom of Transit
- Art. 12: Customs Cooperation 3 / 5 Aid for trade - Case story 2017 SurveyMonkey

## 2. Business Climate and Investment Steering Committee (CPCAI)

- Art. 2.2: Consultations
- Art. 8: Border Agency Cooperation
- Art. 10.1: Formalities and Documentation Requirements
- Art. 10.7: Common Border Procedures and Uniform Documentation Requirements in conjunction with the DGDA and the Ministry of Trade

## 3. Congolese Control Office (OCC)

- Art. 5.1: Notifications for Enhanced Controls or Inspections
- Art. 5.2: Detention
- Art. 5.3: Test Procedures
- Art. 7.9: Perishable Goods
- Art. 10.5: Preshipment Inspection in conjunction with the DGDA
- Art. 10.8: Rejected Goods

## 4. Ministry of Finance

- Art. 10.6: Use of Customs Brokers

## 5. Official Journal of the Democratic Republic of the Congo

- Art. 1.1: Publication
- Art. 1.2: Information Available through Internet
- Art. 1.3: Enquiry Points
- Art. 1.4: Notification

## 6. Ministry of Justice

- Art. 4: Procedures for appeal or review

## 7. Ministry of Transport and Communications

- Art. 7.8: Expedited Shipments in conjunction with the DGDA

## 8. Ministry of Trade. All other TFA provisions.

Define the new reforms to be implemented

The reforms will be based on the report of the above-mentioned assessment and must be implemented with the participation of economic operators within the framework of a public and private sector partnership that takes into account the wishes and needs of the main stakeholders.

Implement the provisions of the Agreement

Regarding the effective implementation of the Agreement, the document categorizing the measures, which is due to be notified to the WTO Secretariat, contains the implementation dates for categories B and C. As a least developed country, the Democratic Republic of the Congo has one year to implement category A.

Monitor the progress of TFA implementation

The national trade facilitation committee is also responsible for monitoring the progress of the Agreement's implementation. It will present an annual report on this subject to the Ministry of Trade for decision-making purposes.

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V. OVERVIEW OF EXISTING SUPPORT FOR TRADE FACILITATION

The Democratic Republic of the Congo received technical and financial support from the Organisation Internationale de la Francophonie (OIF), the AIDCOM aid-for-trade programme, and the International Trade Centre (ITC) to organize a national workshop, held in Kinshasa on 23 and 24 March 2014. The workshop provided an opportunity to categorize TFA measures and circulate the information needed to prepare the TFA ratification instrument. Regarding existing support, note should be taken of the projects impacting trade facilitation in the long term that are contained in the African Development Bank (AfDB) 2013-2017 Country Strategy Paper for the Democratic Republic of the Congo.

Here are the details regarding these projects:

1. Development of sustainable infrastructure. This project seeks to contribute to the improvement of production and employment in the country's central zone.

In 2017, the project hopes to achieve the following:

- reduce the transit time between Kinshasa and the country's central zone from three days to one day and a half;
- reduce the cost of transport between Kinshasa and the central zone by 20%;
- increase trade flows by 50%.

The project's mid-term results in 2014 were as follows:

- transit time between Kinshasa and project zone reduced from three days to two days;
- cost of transport between Kinshasa and central zone reduced by 5%;
- 10% increase in trade flows.

2. Improvement of regional integration. This project helps to promote trade at regional level.

The following results are expected in 2017:

- preparation of a study on regional integration challenges and opportunities for the Democratic Republic of the Congo;
- 50% completion of Kinshasa-Brazzaville road-rail bridge;
- 25% completion of river component of multimodal project.

The project's mid-term results in 2014 were as follows:

- validation of Kinshasa-Brazzaville road-rail bridge study;
- validation of Democratic Republic of the Congo-Central African Republic-Chad river navigation study/multimodal project.

**Q10: Lessons learnt**

Regarding the implementation of the Bali recommendations, a programme has been set up with a view to enhancing the coordination of national structures that will be involved in implementing the TFA. This programme brings together their respective experts with a view to conducting an in-depth assessment of technical assistance requirements and discussing the organization of a national workshop. To speed up the TFA ratification process, parliamentarians will be invited to take part in this workshop, the agenda of which will include a presentation on the trade benefits of the TFA. This programme requires technical and financial support from partners.

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