

DR Congo Legal Framework Analysis: Key Highlights

This one-pager aims to provide a brief overview of the most notable features of Democratic Republic of Congo's national cooperative legal framework, based on the work of national legal experts and ICA member input.

Congolese cooperatives are governed by a basic text: the Uniform Act on the Law of Cooperative Societies adopted on 15 December 2010 in Lomé (Togo). This text is supplemented by other texts that govern, on a sectoral basis, savings and credit, mining and agricultural cooperatives. The application of these various texts is based on the decree of 24 March 1956 on cooperatives. The Uniform Act expressly defines the cooperative and contains provisions which make express reference to cooperative principles.

Main regulations: This table displays a selection of cooperative regulations identified by experts and ICA members. For the full analysis including all relevant regulations, see the full report

Regulation	Brief Description
Law No. 002/2002 & No.003/2002 of 2nd February 2002	<i>For saving and credit cooperatives.</i>
Law No. 007/2002 of 11th July 2002	<i>For mining cooperatives.</i>
Law No. 11/002 of 4 th December 2011	For agricultural cooperatives.

At the financial level, the Uniform Act imposes on cooperatives the constitution of legal reserves and a reserve dedicated to training. It is left to them to set up a free reserve.

Cooperative Friendliness: the Uniform Act creates an environment conducive to the development of cooperatives. However, specifically, the mining code does not allow the emergence of mining cooperatives since the tax code subjects them to too many taxes. On the other hand, agricultural cooperatives benefit from several tax breaks provided for by Law N°11/022 of 24 December 2011 on fundamental principles relating to agriculture. Savings and Credit Cooperatives benefit from tax incentives such as exemption from all taxes and duties relating to their savings collection operations.

Key recommendations for improvement: the amendment of Law No. 18/001 amending and supplementing Law No. 007/2002 of 11 July 2002 on the mining code to lighten the tax regime for mining cooperatives.

Conclusions: Admittedly, the legal framework of cooperatives is problematic, the conditions of operation of cooperatives are also delicate and are hardly taken care of by the state.

