

Version 1.0 | August 2017

Democratic Republic of the Congo List of Applicable Legislation

Timber



This publication has been developed with support from the LIFE programme of the European Union and UK aid from the UK government.



COUNTRY SPECIFIC
TOOLS



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This material has been funded by the UK aid from the UK government; however the views expressed do not necessarily reflect the UK government’s official policies.

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Legal Rights to Harvest

Legal Category	Applicable legislation and regulations	Links to legislation	Legal Authority
1.1. Land tenure and management rights	Law 73/021 dated 20 July 1973 regarding the general property regime, land tenure and property regime, and safety regime; the so-called Land Law, as revised and completed on this day. (Article 53 assures 'The soil and subsoil are the exclusive, inalienable and imprescriptible property of the State').	www.wipo.int/edocs/lexdocs/laws/fr/cd/cd003fr.pdf	The Parliament for areas above 2000 ha The Republic President for areas above 1000 ha and below 2000 ha
	Law 80/008 dated 18 July 1980 completing the Law dated 20 July 1973 regarding the general property regime, land tenure and property regime, and safety regime; the so-called Land Law.	http://www.wipo.int/wipolex/en/details.jsp?id=7500	The Ministry of Land Affairs The Provincial Governor
	Decree dated 20 June 1957 regarding measures and boundary marking.		The Guardian of Land Titles
	Decree dated 27 June 1960 regarding measures and boundary marking.		The Chief of Provincial Division of Rural Land below 2 ha and Urban Land below 5 acres
	Decree 98 dated 13 May 1963 regarding measures and boundary marking.	http://leganet.cd/Legislation/Droit%20civil/O98.13.05.63.mesurage.htm	
	The Land Law; Article 219, states 'The right of use of the land is only legally established through a title registration certificate granted by the State';	http://www.daldewolf.com/documents/document/20151125094842-36_loi_fonci%C3%A8re.pdf	

	<p>Article 387, 'Lands occupied by local communities become, when this law enters into force, state land' and Article 388, 'Lands occupied by local communities are the ones which these communities live on, cultivate or exploit in any kind of way – individually or collectively – in compliance with customs and local practices'</p>		
<p>1.2. Concession licenses</p>	<p>Decree 74/148 dated 2 July 1974 regarding measures for the enactment of the Land Law quoted above.</p>	<p>http://www.leganet.cd/Legislation/JO/2005/JOS.15.10.2005.Ord.86.115.pdf</p>	
	<p>Law 011/2002 dated 29 August 2002 related to the Congolese Forest Code, Article 82, 83, 84, 90, 94, 113, 144 and 155.</p>	<p>http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf</p>	<p>The Parliament for areas above 2000 ha</p>
	<p>Decree 05/116 dated 24 October 2005 on conversion procedures from old forestry titles to forest concession contracts and giving extension for the acquisition of forest logging titles moratorium, Articles 14, 15 and 23.</p>	<p>http://www.leganet.cd/Legislation/JO/2005/JO.25.10.2005.2.pdf</p>	<p>The Republic President for areas above 1000 ha and below 2000 ha</p>
	<p>Decree 08/09 dated 8 April 2008 on the forest concessions' attribution procedure, Articles 37 and 38.</p>	<p>http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/D.08.09.08.04.2008.htm</p>	<p>The Ministry of Land Affairs</p>
	<p>Decree 14/18 dated 2 August 2014 on the forest concessions' attribution procedure to local communities.</p>	<p>http://faolex.fao.org/docs/pdf/cng140362.pdf</p>	<p>The Provincial Governor</p>
	<p>Ministerial Decree 028/CAB/MIN/ECN-TI 27/JEB/08 dated 7 August 2008 related to templates for concession contract for harvesting of forest products and the related specifications, Article 32.</p>	<p>http://pfbf-cbfp.org/docs/news/mars_avril2009/atelier_conversiontitreskinshasa/Arrete%20N%C2%B0028_Cahier%20des%20charges.pdf</p>	<p>The Guardian of Land Titles</p> <p>The Chief of Provincial Division of Rural Land below 2</p>

	Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 regarding forest logging, Articles 1 to 4, 7, 16 and the following.	http://fr.calameo.com/books/000963852b9ac328e584e	ha and Urban Land below 5 acres
	Law 73/021 dated 20 July 1973 regarding the general property regime, land tenure and property regime, and safety regime; the so-called land law, as revised and completed on this day.	www.wipo.int/edocs/lexdocs/laws/fr/cd/cd003fr.pdf	
1.3. Management and harvesting planning	Forest Code, Articles 68, 71 and 76.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	The General Secretary for the Environment, Nature Conservation and Sustainable Development
	Ministerial Decree 036/CAB/MIN/ECN-EF/2006 dated 5 October 2006 on procedures for the elaboration, validation and implementation of management plans of forest concessions, Articles 10, 16 and 20.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AM.036.05.10.06.pdf	The Head of Department of Forest Inventories and Forest Management (DIAF)
	Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 related to forest logging, Articles 1-4, 7 and 16.	http://fr.calameo.com/read/000963852b9ac328e584e	
1.4. Harvesting permits	Law 011/2002 dated 29 August 2002 regarding the Congolese Forest Code, Articles 94, 96, 97, 111, 112 and 113.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	National Minister in charge of forests
	Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 related to timber logging, Articles 1-4, 7 and 16.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AM.035.05.10.06.pdf	General Secretary in charge of the Forestry Ministry Provincial Governor





Taxes and Fees

Legal Category	Applicable legislation and regulations	Links to legislation	Legal Authority
1.5. Payment of royalties and harvesting fees	Forest Code 2002, Articles 54, 81 and 102-125.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	Ministry of Public Finance
	Law 04/015 dated 16 July 2004 establishing the classification of income generating actions, as amended and supplemented by the provisions of law 05/008 dated 31 March 2005.	http://www.droitcongolais.info/files/6.1.35.-Loi-du-16-juillet-2004_Actes-generateurs-des-recettes.pdf http://www.leganet.cd/Legislation/Dfiscal/L05.008.31.03.2005.nomenclature.htm	Department of forest management Directorat General of state revenues
	Decree 007/2002 dated 2 February 2002 – Article 3, concerning the payment method of debts to the State.	http://www.leganet.cd/Legislation/Dfiscal/Dettes/D.007.2002.02.02.2002.htm	Directorate General of Customs and Excise
	Decree 076/CAB/MIN/ECO-FIN-2002 and BUD/2002 dated 11 February 2002 on application measurement of Decree 007/2002 dated 2 February 2002.	http://www.leganet.cd/Legislation/Dfiscal/Dettes/D.007.2002.02.02.2002.htm	Fund for the Reconstruction of Forest Cover
	Inter-Ministerial Decree 006/CAB/MIN/ECN-EF/2007.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AI.006.08.05.2007.htm	Provincial Coordination of the environment (collection agency)
	Decree 004/CAB/MIN/FINANCES/2007 dated 8 May 2007 fixing the rates of rights, taxes and fees to be charged in forestry at the initiative of the Ministry of Environment.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AI.006.08.05.2007.htm	

	Arrêté ministériel n° 050/CAB/MIN/EDD/01/03/BLN/2015 du 23/09/2015 relatif à exploitation forestière du bois d'œuvre.	http://www.greenpeace.org/africa/Global/africa/French/Forets/publications/AM_050_Exploitation_forestiere.pdf	
1.6. Value added taxes and other sales taxes	Forest Code 2002, Articles 120 to 125.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	Ministry of Finance General Secretary for the Environment Department of Forest Management Directorate General of Taxes
	Law 004/2003 dated 13 March 2003, Article 7 (on reforms of tax procedures).	http://www.leganet.cd/Legislation/Dfiscal/Loi004.2003.13.03.2003.htm	
	Regulations on currency exchange, Articles 9 and 13.	http://www.leganet.cd/Legislation/Dfiscal/Loi13005.11.02.2014.htm	
1.7. Income and profit taxes	General Code of Taxes (updated 15 March 2015).	www.droit-afrique.com/boutique/rdc-code-general-des-impots/	Ministry of Finance General Secretary for the Environment Department of Forest Management Directorate General of Taxes
	Forest Code 2002 – Articles 120-125.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	
	Law 004/2003 dated 13 March 2003, Article 7 (on reforms of tax procedures).	http://www.leganet.cd/Legislation/Dfiscal/Loi004.2003.13.03.2003.htm	
	Inter-Ministerial Decree 003 Cab/Min/ECN-T/2010 and Decree 029 Cab/Min/FINANCES 2010 dated 26 April 2010 fixing the rates of rights, taxes and fees to be charged in forestry at the initiative of the Ministry of Environment		



Timber Harvesting Activities

Legal Category	Applicable legislation and regulations	Links to legislation	Legal Authority
1.8. Timber harvesting regulations	Forest Code 2002, Articles 96, 97, 98, 99, 102, 103, 105 and 109.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	
	Ministerial Decree 036/CAB/MIN/ECN-EF/2006 dated 5 October 2006 setting the elaboration, the approval and the implementation procedures regarding the management plans of timber production forestry concessions, Articles 47, 48, 49, 50 and 51.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AM.036.05.10.06.pdf	
	Ministerial Decree 0011/Cab/MIN/ECN-EF/2007 concerning the regulation for authorization regarding industrial harvesting of timber and for timber purchase, sale and export.	http://droit-afrique.com/upload/doc/rdc/RDC-Arrete-2007-11-reglementation-coupe-industrielle-du-bois.pdf	
	Ministerial Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 regarding logging, Article 35.	http://fr.calameo.com/read/000963852b9ac328e584e	
	Ministerial Decree 028/CAB/MIN/ECN-TI 27/JEB/08 dated 7 August 2008 setting contract templates for forestry products logging concessions and the related specifications, Article 32.	http://pfb-cbfp.org/docs/new/mars_avril2009/atelier_conversiontitreskinshasa/Arrete%20N%C2%B0028_Cahier%20des%20charges.pdf	

	Ministerial Decree 021/CAB/MIN/ECN-T/15/JEB/2008 dated 7 August 2008 regarding standards related to facilities to set up within the forestry concessions.	http://fr.calameo.com/read/000963852ddc72925b23b	
	Operational guide setting standards for reduced impact logging.	http://docplayer.fr/12906488-Normes-d-exploitation-forestiere-a-impact-reduit-efir.html	
	Operational guide setting the quinquennial management plan framework published by the Ministry in charge of forests.	http://docplayer.fr/7281546-Canevas-du-plan-de-gestion-quinquennal.html	
1.9. Protected sites and species	Forest Code 2002, Articles 49, 50 and 51.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	General Secretary in charge of forests
	Ministerial Decree CAB/MIN/AF.F-E.T/276/2002 dated 5 November 2002 defining the protected forest species, Articles 1, 2, 3 and 4.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AM.276.2002.05.11.2002.htm	Department of Forest Management
	Ministerial Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 concerning forest harvesting, Article 35.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AM.035.05.10.06.pdf	Congolese Institute of Nature Conservation (ICCN)
	Convention on International Trade in Endangered Species of Wild Fauna and Flora threatened with extinction (signed in Washington on 3 March 1973).	https://cites.org/fra/disc/text.php	
	Arrêté ministériel n° 050/CAB/MIN/EDD/01/03/BLN/2015 du 23/09/2015 relatif à exploitation forestière du bois d'œuvre.	http://www.greenpeace.org/africa/Global/africa/French/Forets/publications/AM_050_Exploitation_forestiere.pdf	

1.10 Environmental requirements	Law 11/009 dated 9 July 2011 on fundamental principles relating to environmental protection.	http://cd.chm-cbd.net/implementation/foI320521/loi-portant-princ-fond-sur-l-env_2011.pdf	Ministry of Environment
	Forest Code 2002, Article 45, 46,47, 48,49, 50, 51, 52, 53 and 54.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	Secretary General for the Environment and Forests
	Decree 14/019 dated 2 August 2014 laying down the operating rules of procedural mechanisms of environmental protection.		Provincial Governor
	Ministerial Decree 028/CAB/MIN/ECN-TI 27/JEB/08 dated 7 August 2008 laying down contract templates for forest operating concessions and specifications relating thereto, Article 10 of Annex 1, al. 3, point 3 and Article 14 of Annex 2.	http://pfbc-cbfp.org/docs/news/mars_avril2009/atelier_conversiontitreskinshasa/Arrete%20N%C2%B0028_Cahier%20des%20charges.pdf	Forest inspectors
	Ministerial Decree 102/CAB/MIN/ECN-T/15/JEB/09 laying down the rules and procedures of forest control, Articles 39, 40, 41, 42 and 52.	http://fr.calameo.com/read/000963852ddc72925b23b	
	Ministerial Decree 021/CAB/MIN/ECN-T/15/JEB/2008 dated 7 August 2008 on standards for facilities to implement in forest concessions, Articles 1, 2 and 17.	http://fr.calameo.com/read/000963852ddc72925b23b	
	Operational Guide setting the reduced impact logging standards issued by the Ministry in charge of Forests.	http://docplayer.fr/12906488-Normes-d-exploitation-forestiere-a-impact-reduit-efir.html	
1.11. Health and safety	Congolese Code of Labour, Articles 160, 161, 163, 164, 165, 167 and 168.	http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-kinshasa/documents/genericdocument/wcms_323484.pdf	Work inspector Committee of Health and Safety

	Decrees 41-48 dated 12 February 1953 on dangerous, unhealthy or troublesome establishments, Articles 3, 4, 5 and 10.		Forestry Inspector of the National Labour Inspectorate and control officials under oath
	National Collective Convention of Agriculture and Forestry operations, Article 40.		
1.12. Legal employment	Code of Labour, Articles 6, 44, 47, 208, 209 and 212.	http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-kinshasa/documents/genericdocument/wcms_323484.pdf	National Labour Inspectorate National Employment Office (ONEM)
	Law 09/001 dated 10 January 2009 on child protection, Article 110 al. 4.	https://www.ilo.org/dyn/natlex/docs/SERIAL/84828/94647/F1949034568/Protection%20de%20lenfant%202.pdf	National Commission of Foreigners' Employment
	Organic Law 1961, Decree on Social Security.	http://www.droitcongolais.info/files/8.1.-Decret-loi-organique-du-29-juin-1961_Securite-Sociale.pdf	National Institute for Social Security
	Departmental Decree 0021 dated 10 April 1978 on Affiliation, Registration, Contributions, Article 12.	http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/9457/94732/F1369569576/securite%20sociale%20(affiliation).pdf	
	Ministerial Decree 12/CAB.MIN/TPS/045/08 dated 8 August 2008 fixing the conditions of child labour, Articles 16 and 18.	http://www.leganet.cd/Legislation/JO/2008/15.08.08.12.45.pdf	



Third Parties' Rights

Legal Category	Applicable legislation and regulations	Links to legislation	Legal Authority
1.13. Customary rights	Forest Code 2002, Articles 36, 38, 39, 41, 44, 82 and 84.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	Secretary General for environment and forests
	Ministerial Decree 023/CAB/MIN/ECN-T/28/JEB/10 dated 7 June 2010 determining the model agreement constituting the social clause of the specifications of the forest concession contract.	http://fr.calameo.com/books/00096385255af66a96130	Director of forest management Forest inspectors
1.14. Free prior and informed consent	Not Applicable		
1.15. Indigenous peoples' rights	Not Applicable		



Trade and Transport

Legal Category	Applicable legislation and regulations	Links to legislation	Legal Authority
1.16. Classification of species, quantities, qualities	Law 73/009 dated 5 January 1973 about trade.	http://www.droit-afrique.com/upload/doc/rdc/RDC-Loi-1973-09-portant-sur-le-commerce.pdf	Ministry of Transport and Lines of Communication
	Law 11/2002 dated 29 August 2002 on the Congolese Forest Code.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	Ministry of Forests Ministry of Economy and Exterior Trade
	Ministerial Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 relating to timber harvesting, Articles 54 and 58.	http://fr.calameo.com/read/000963852b9ac328e584e	Forest inspectors Traffic Police Officers
1.17. Trade and transport	Law 73/009 dated 5 January 1973 regarding trade.	http://www.droit-afrique.com/upload/doc/rdc/RDC-Loi-1973-09-portant-sur-le-commerce.pdf	Ministry of Transport and Lines of Communication
	Law 78/022 dated 30 August 1978 on the New Traffic Regulations.	http://www.leganet.cd/Legislation/DroitPenal/Roulage/Codedelaroute.L78.022.30.08.1978.htm	Ministry of Forests Ministry of Economy and Exterior Trade
	Decree 08/15 dated 28 June 2008 identifying the technical specifications of registration plates within the field of competence of the Directorate General of Taxes, Articles 2 and 3.	http://ww.leganet.cd/Legislation/JO/2009/JO.15.01.09.08.15.pdf	Inspectors of Forest Control

	<p>Ministerial Decree 409/CAB/MIN/TC/0136/2006 dated 18 December 2006 rendering mandatory the carrying of the distinctive Congolese State sign "CGO" and of the reflective sign on all automobile vehicles circulating nationally in the Democratic Republic of the Congo, Article 2.</p>	<p>http://www.droitcongolais.info/files/7.9.4.-Arrete-du-18-decembre-2006_Vehicules-automobiles_port-du-sign-CGO.pdf</p>	Traffic Police Officers
	<p>Ministerial Decree 409/CAB/MIN/TC/002/98 on the regulations of the MOT on automobile vehicles and trailers in circulation in the Democratic Republic of the Congo, Article 9.</p>	<p>http://www.droitcongolais.info/files/Les-impots-en-RDC.pdf</p>	
	<p>Ministerial Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 relating to timber harvesting, Articles 50, 51,52, 53, 54, 55, 56,57 and 58.</p>	<p>http://fr.calameo.com/books/000963852b9ac328e584e</p>	
1.18. Offshore trading and transfer pricing	<p>Law 73/009 dated 5 January 1973 regarding trade.</p>	<p>http://www.droit-afrique.com/upload/doc/rdc/RDC-Loi-1973-09-portant-sur-le-commerce.pdf</p>	<p>Ministry of Forests Ministry of Exterior Trade Department of Forest Management Department of the Congolese Control Office</p>
	<p>Law 11/2002 dated 29 August 2002 on the Congolese Forest Code.</p>	<p>http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf</p>	
1.19. Custom regulations	<p>Law 73/009 dated January 1973 regarding trade.</p>	<p>http://www.droit-afrique.com/upload/doc/rdc/RDC-Loi-1973-09-portant-sur-le-commerce.pdf</p>	Ministry of Finance

	Ruling Law 10/002 dated 20 August 2010 on Customs Code.	http://www.leganet.cd/Legislation/Dfiscal/Douanes/OL.10.002.20.08.2010.htm	Minister of Forests Office of Customs and Excise (OFIDA)
	Law 11/2002 dated 29 August 2002 on the Congolese Forest Code, Articles 121 and 122.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	
	Law 004/2003 dated 13 March 2003 on the reforms of fiscal procedures, Article 7.	http://www.leganet.cd/Legislation/Dfiscal/Loi004.2003.13.03.2003.htm	
1.20. CITES	Law 011/2002 dated 29 August 2002 on the Congolese Forest Code, Articles 49, 50 and 51.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/rdc-loiforets.pdf	Ministry of Environment General Secretary in charge of forests Department of Forest Management Congolese Institute of Nature Conservation (ICCN)
	Decree 035/CAB/MIN/ECN-EF/2006 dated 5 October 2006 relative to timber harvesting, Articles 12, 13, 14 and 15.	http://fr.calameo.com/read/000963852b9ac328e584e	
	Ministerial Decree CAB/MIN/AF.F-E.T/276/2002 dated 5 November 2002 which determines the protected forest species, Articles 1, 2, 3 and 4.	http://www.leganet.cd/Legislation/Droit%20economique/Code%20Forestier/AM.276.2002.05.11.2002.htm	
1.21. Legislation requiring due diligence/ due care procedures	Not Applicable		

About Supporting Legal Timber Trade

Supporting Legal Timber Trade is a joint initiative run by NEPCon with the aim of supporting timber-related companies in Europe with knowledge, tools and training in the requirements of the EU Timber Regulation. Knowing your timber's origin is not only good for the forests, but good for business. The joint initiative is funded by the LIFE programme of the European Union and UK aid from the UK government.



NEPCon (Nature Economy and People Connected) is an international, non-profit organisation that builds commitment and capacity for mainstreaming sustainability. Together with our partners, we foster solutions for safeguarding our natural resources and protecting our climate.

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