

Rwanda

Ministerial Order for granting the Licence for Purchasing and Selling Mineral Substances in Rwanda

Ministerial Order 3 of 2010

Legislation as at 11 October 2010

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Commenced on 11 October 2010

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The Minister of Forestry and Mines;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Law n° 37/2008 of 11/08/2008 on mining and quarry exploitation, especially in Article 96;

After consideration and approval by the Cabinet, in its session of 08/06/2010;

HEREBY ORDERS:

Chapter One General provisions

Article One – Purpose of this Order

This Order determines the modalities for granting the licence for purchasing and selling mineral substances in Rwanda.

Article 2 – Licence to open a mineral trading post

Except for holders of an official mining licence a copy of which is held by the Ministry of commerce, any individual or entity wishing to deal in minerals shall apply to the Minister in charge of commerce for a licence to open a mineral trading post, specifying types of minerals he intends to sell.

Article 3 – Requirement for being authorised to purchase and sell minerals

No licence for the sale of minerals shall be issued to any person not registered in the trade register.

Article 4 – Content of application file

An application file for opening a mineral trading post shall comprise the following items:

1° for individuals:

- a) application letter addressed to the Minister in charge of commerce, submitting an *ad hoc* form comprising of the following details:
 - i. date of application;
 - ii. applicant's names;
 - iii. his/her postal address;

- iv. his/her phone number;
 - v. his/her e-mail address;
 - vi. his/her head office;
 - vii. his/her signature and stamp.
- b) a copy of national identity card for nationals or the passport for foreigners;
 - c) tax clearance certificate;
 - d) at least ten million Rwandan Francs (Rwf 10,000,000) initial capital certified by the bank notice;
 - e) a copy of Trade Registry, for foreigners. That copy shall be accompanied with a residence visa.

2° **for legal entities:**

Application letter addressed to the Minister in charge of commerce, submitting a form comprising the following details:

- a) date of application;
- b) company's name;
- c) company's postal address;
- d) company's phone number;
- e) company's e-mail address;
- f) company's head office;
- g) legal representative's signature and the stamp of the company;
- h) company's certified Articles of association;
- i) for cooperatives, a registration certificate issued by Rwanda Cooperatives Agency;
- j) at least twenty million Rwandan Francs (RWF 20,000,000) initial capitals certified by the bank statement.

Article 5 – Time for reply

Any eligible applicant shall receive authorization within thirty (30) days from the date of submission of the application. If that period exceeds without any response, the licence shall be presumed granted.

Chapter II Running a mineral trading post

Article 6 – Requirements for purchase and sale of minerals

A mineral trading post shall comply with the following:

- 1° to have buildings in durable materials for storage;
- 2° to have equipment and facilities meeting standards for professional, physical and chemical measuring and handling of minerals, approved by the bureau in charge of standards;
- 3° to stick up prices in force on every purchase and/or sale post;
- 4° to submit monthly reports to Minister in charge of commerce and Minister in charge of mines and quarries;

5° to allow duly mandated staff to have access to the documents and facilities;

6° to import and export in accordance with legal procedures.

Mineral purchase and sale posts should not be built within other people's mines or mining concessions.

The Minister in charge of commerce shall grant a certificate certifying that the mineral trading post meets the requirements.

Article 7 – Progress report

Each registered mining exploiter and holder of a mineral trading post shall submit monthly reports including the following details:

1° weight, quality and value of the minerals processed, purchased and sold;

2° addresses of suppliers and consignees of his mineral purchases and sales;

3° challenges and provide proposals of solution to address them.

Article 8 – Mineral purchase and sale authorisation

Any individual or legal entity holder who is authorised to purchase and sell minerals is one with approved extraction licence and mineral trading post; an importer or exporter holder of an appropriate licence, issued by the Minister in charge of commerce; and any other person who has a mineral processing and transformation unit approved by the Minister in charge of industry.

Article 9 – Certificate of origin and delivery note

Minerals shall be accompanied by a certificate of origin and a delivery note.

Article 10 – Validity of a licence to run a mineral trading post

The licence to run a mineral trading post shall be valid for three (3) years renewable. The construction of a mineral trading post must be completed within six (6) months as of the date of issue of the licence. Failure to do so may result in the forfeiture of the license.

Article 11 – Licence renewal for a mineral trading post

The application for licence renewal of mineral trading post shall follow the same procedures as the application for a licence, and shall be done within thirty (30) days before its expiry date.

Article 12 – Licence fees for mineral trading post

The licence to open a mineral trading as above post is granted upon payment of a non refundable fee of three hundred thousand Rwandan francs (Rwf 300,000).

Article 13 – Obligations for exporters of minerals

The exporters of minerals must go through official custom services and shall comply with relevant Laws.

Article 14 – Content of mineral export file

Every mineral exporter must make a complete file including the following items:

1° a pro forma invoice bearing the consignee's full address;

- 2° weight of exported items;
- 3° quality certification of the items exported;
- 4° certificate of origin; shall be in line with the mineral source tracing systems which are in conformity with both national law and international conventions ratified by the Republic of Rwanda,
- 5° value of the exported items.

Article 15 – Refusal of the application for a licence or its renewal

In the case of failure to respect the provisions of this Order, the Minister in charge of commerce may refuse the application for a licence or its renewal.

The Minister responsible for commerce shall, by all means, write to the applicant explaining his decision.

Article 16 – Penalties

Any person who shall contravene this Order shall be liable to penalties in accordance with the Laws governing commerce and industry.

Article 17 – Transitional period

Any holder of a mineral trading post shall have a period of six (6) months to be in conformity with the provisions of this Order as of the date of its publication in the *Official Gazette* of the Republic of Rwanda.

Article 18 – Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 19 – Commencement

This Order shall come into force on the date of its publication in the *Official Gazette* of the Republic of Rwanda.