



## The business creation procedure

The **Congolese agency for business creation** was created by law no. 16-2017 of 30 March 2017.

The formalities for declarations relating to the creation, transfer, extension, modification and cessation of commercial activities are carried out at this one-stop shop, the Congolese Agency for Business Creation (ACPCE).

The ACPCE brings together :

- **the departmental trade directorate**: for issuing authorisations to carry on business for commercial activities ;
- **the departmental labour directorate**: to register the opening of a business business;
- **the commercial court registry**: to draw up the trade and personal property credit du crédit mobilier (RCCM) ;
- **the Chamber of Commerce, Industry, Agriculture and Trades (CCIAM)**: for registration;
- **the National Social Security Fund (CNSS)**: for registration;
- **the National Statistics Institute (INS)**: to obtain SCIET - SCIEN numbers.

At the ACPCE, formalities are carried out in a **single place**, with a **single payment**, a **single document** and a **single hour**.

Formalities carried out at the ACPCE :

### **Registration :**

- registration of a sole proprietorship ;
- registration of a company.

### **Changes :**

- opening of a new establishment ;
- change of company name
- extension of activity;
- new operating method;
- lease management.

### **Cessation of business :**

- temporary cessation ;
- total cessation.



All this information concerns nationals and foreigners wishing to work in the Republic of Congo, whether as :

- traders ;
- industrialists
- service providers
- commercial companies
- project promoters.

**A number of documents are required to complete the application for :**

**- Setting up an establishment (sole proprietorship)**

- Four (4) copies of identity papers (national identity card, passport, driving licence or birth certificate , driving licence or birth certificate, residence permit) ;
- Four (4) copies of the tax-registered lease or title deed ;
- Two (2) extracts from the criminal record ;
- Five (5) passport-size photographs ;
- One-off fee: CFAF 100,000

**- Setting up a company**

- Copy of the company's articles of association, for limited liability companies (**SARL**), since decree n°2017-41 on the form of the articles of association and the constitution of the capital of the limited liability companies, it is no longer necessary to have recourse to a notary to draw up the Articles of Association. The partners may draw them up by private deed, provided that they respecting the compulsory information contained in article 3 of this decree. The use of notary is still required for a société anonyme (SA), whose Articles of Association must be in the form of a notarial deed ;
- Copy of the projected operating account for three (3) years ;
- Copy of the lease registered with the tax authorities or title deed ;
- Copy of identity document (national identity card, passport, driving licence or birth certificate)
- Two (2) extracts from criminal records or declaration on honour of no deprivation of civil rights or no convictions ;
- Five (5) photo ID cards.
- Single fee for **SARLs**, sociétés en nom collectif (**SNCs**), sociétés en commandite simple (**SCS**), economic interest group (**GIE**): 300,000 FCFA
- One-off fee for a public limited company: FCFA 500,000
- For foreign nationals outside the CEMAC zone, the application to set up an establishment or company must be completed by a receipt for payment of the sum of FCFA 1,000,000 to the Guarantee Fund, and the identity document required is a passport with a valid entry visa or resident's card.



Once the **Business Start-up Agency (ACPCE)** has received the Declaration of Start-up and payment of the payment of the Single Creation Tax, the following documents are delivered to the ACPCE's within 14 days, the following documents are delivered to the ACPCE's one-stop shop:

- The **RCCM**, the extract of the registration in the Trade and Personal Property Credit Register ;
- The **SCIET** for institutions and the **SCIEN** for companies, the registration document from the National Institute of Statistics;
- The **NIU**, the unique tax identification number;
- The authorisation to carry out a commercial activity.

Once these formalities have been completed, the company is legally created (registered with the **RCCM**), has a tax identification number (**NIU**), is registered statistically (**SCIET** or **SCIEN** number), and is authorised to engage in commercial activity.

All these formalities are completed and the documents are collected from the ACPCE.

There is no need to go to the clerk's office of the commercial court to obtain an extract from the RCCM, to the Directorate General of Taxes to obtain the NIU, to the National Institute of Statistics to obtain the SCIET or SCIEN or to the Directorate General of Trade to obtain authorisation to carry on a commercial activity.

It is these formalities and the issuing of these documents that give a company its legal existence, fiscal and social existence.

Apart from these formalities, the formalities for drafting and authenticating the articles of association by a notary or the drafting of the Articles of Association by the partners themselves in the case of an SARL, registering the articles of association with the tax authorities, opening a bank account bank account and depositing the funds making up the capital are formalities that precede the creation of the company. They cannot be taken into account when assessing the time required to set up a business in the Congo. The period to be taken into account is that which begins on the date of filing of the single declaration of creation with simultaneous payment of the equivalent single tax to the withdrawal of the extract from the RCCM, NIU, SCIET or SCIEN and the authorisation to carry on business.

This period is 14 days. It takes into account due diligence before going to the counter of the Agence congolaise de la création d'entreprises. The time taken to complete these formalities before setting up a business depends on how quickly people complete them.

No longer having to draw up and authenticate the articles of association for the creation of a limited liability company shortens the time taken to complete these formalities before the company is set up.



Similarly, making a declaration on honour before later providing an extract from the criminal record also reduces the time taken to complete the formalities prior to setting up a business.

In any event, the formalities for setting up a business in the Congo take 14 days, pending the effective implementation of the centralisation of formalities for setting up businesses in the Congo (decree no. 2018-154 of 23 April 2018 on the centralisation of formalities for setting up, modification of various businesses) and the institution of the electronic signature at the Congolese agency for business creation (decree no. 2018-155 of 23 April 2018 on the institution of the electronic signature at the Congolese agency for business creation decree no. 2018-155 of 23 April 2018 on the institution of the electronic signature at the Congolese agency for business creation), which will reduce this time to 48 hours, as the objective set by decree no. 2014-243 of 28 May 2014 on simplifying business creation formalities.

### **The various one-stop shops across the Congo:**

#### **Brazzaville**

Avenue Foch (next to DHL)- B.P.2103

Tel: (+242) 222 81 35 24

Mobile: (+242) 06 628 72 90

Email: [cfe\\_congo@yahoo.fr](mailto:cfe_congo@yahoo.fr)

#### **Pointe-Noire**

500m from the Kassaï roundabout and the CNSS B.P. 1137

Tel: (+242) 05 556 98 22

#### **N'Kayi**

20, rue du Niari-face immeuble ARC

Tel: (+242) 05 537 76 93

#### **Dolisie**

43, rue de l'indépendance (opposite école du marché)

Tel: (+242) 05 553 82 60

#### **Owando**

Prefecture headquarters

Tel: (+242) 06 683 44 77

#### **Ouessou**

Administrative district (opposite the tax office)

Tel: (+242) 05 520 63 68