



Banking Business and Conditions of approval of a Financial Institution in the Democratic Republic of Congo [DRC]

Conseils pratiques publié le 27/01/2013, vu 2508 fois, Auteur : [YAV & ASSOCIATES](#)

I. Legal framework : Law No. 003/2002 of 2nd February, 2002

II. Conditions relating to the company

- ¥ Be regularly set up as a Congolese company with limited liability ;
- ¥ Demonstrate a minimum subscribed and paid up capital of the equivalent in Congolese Francs of \$US 10,000,000 (ten million us dollars) ;
- ¥ To meet a general or local economic need.

III. Conditions relating to leading managers

No one shall establish, administer, control or manage a bank in any capacity if he has been :

- ¥ Convicted of a violation of the law No. 003/2002 of 02 February, 2002 or of the exchange control regulations.
 - ¥ declared bankrupt and has not been rehabilitated, even when the bankruptcy was opened/declared in a foreign country ;
 - ¥ sentenced in Congo and abroad to a custodial sentence of three months or less, even conditionally, as author or accomplice of the crime or an attempt of one of the following offenses :
 - ? Counterfeit currency ;
 - ? Counterfeiting or forgery of bank notes of government stock, obligation, interest coupons ;
 - ? Counterfeit or forgery of seals, stamps, punches and trademarks ;
 - ? Forgery and use of forgery in writings ;
 - ? Corruption or bribery of public officials ;
 - ? Theft, extortion, misappropriation or embezzlement, fraud or concealment ;
 - ? Bankruptcy, fictitious circulation of commercial paper ;
 - ? Money Laundering.
1. ¥ Condemned for crime of common law and related offenses by law after those listed above.
 2. ¥ If he took part in the administration, the direction or the current management of a Credit institution of which the forced dissolution was ordered or whose bankruptcy has been declared.

IV. Key facts or documents to be sent to the Central Bank of Congo

1. ¥ a letter requesting approval to be addressed to the Governor of the Central Bank of Congo ;

2. ¥ the resolution of the general assembly of the new company ;
3. ¥ the new trade register of the new company ;
4. ¥ National identification number ;
5. ¥ the resolution of the extraordinary general assembly of partners of corporate shareholders of the new bank authorizing them to take part in the capital of the future bank ;
6. ¥ the original of the authenticated statutes [Articles of Association] of the new company ;
7. ¥ evidence of payment of the minimum capital required (certificate from a local or foreign bank to have received on deposit the amount of the above-mentioned capital in order to create bank 'X') ;
8. ¥ the list of shareholders ;
9. ¥ composition of the Board of Directors and the Management Committee of the Bank in creation as well as the curriculum vitae, the criminal records of the members and the latter and individual shareholders ;
10. ¥ certified financial statements for the last three financial years of corporate shareholders ;
11. ¥ setting up and organization forecasts ;
12. ¥ a declaration of the general policy that the bank intends to apply ;
13. ¥ a feasibility study including the forecasts of activities supported by the estimates and profit budgets over a minimum period of 5years which shows the profitability of the project ;
14. ¥ the detailed technical and financial means that the credit institution intends to implement.

It should be noted that in addition to the conditions listed above, approval is subject to obtaining the favorable opinion of the Supervision Authority of the country of origin of the head office by the Central Bank of Congo or main promoters in respect of foreign-owned banks.

In addition, the Central Bank of Congo through its banking supervision body reserves the right to require any other element or information likely to clarify its decision