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MINISTERIAL ORDER N° 002/12/10/TC OF 18/05/2012 DETERMINING THE MODALITIES FOR CONDUCTING INSPECTIONS AND INVESTIGATIONS IN CAPITAL MARKET

ARRETE MINISTERIEL N° 002/12/10/TC DU 18/05/2012 DETERMINANT LES MODALITES DE CONDUITE DES INSPECTIONS ET ENQUETES SUR LE MARCHE DES CAPITAUX

ISHAKIRO

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ITEKA RYA MINISITIRI N° 002/12/10/TC RYO KUWA 18/05/2012 RIGENA UBURYO IGENZURA N'IPEREREZA BIKORWA KU ISOKO RY'IMARI N'IMIGABANE

MINISTERIAL ORDER N° 002/12/10/TC OF 18/05/2012 DETERMINING THE MODALITIES FOR CONDUCTING INSPECTIONS AND INVESTIGATIONS IN CAPITAL MARKET

ARRETE MINISTERIEL N° 002/12/10/TC DU 18/05/2012 DETERMINANT LES MODALITES DE CONDUITE DES INSPECTIONS ET ENQUETES SUR LE MARCHÉ DES CAPITAUX

Minisitiri w'Imari n'Igenamigambi;

The Minister of Finance and Economic Planning;

Le Ministre des Finances et de la Planification Economique;

Ashingiye ku Itegeko Nshinga rya Repbulika y'u Rwanda ryo kuwa 04 Kamena 2003, nk'uko ryavuguruwe kugeza ubu, cyane cyane mu ngingo zaryo, iya 120, iya 121 n'iya 201;

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

Vu la Constitution de la République du Rwanda du 04 juin 2003, telle que révisée à ce jour, spécialement en ses articles 120, 121 et 201;

Ashingiye ku Itegeko n° 13 bis ryo kuwa 28/03/2011 rigenga isoko ry'imari n'imigabane mu Rwanda cyane cyane mu ngingo zaryo iya 37 n'iya 38;

Pursuant to Law n° 13 bis of 28/03/2011 regulating to capital market in Rwanda, especially in Articles 37 and 38;

Vu la Loi n° 13 bis du 28/03/2011 portant régulation du marché des capitaux au Rwanda, spécialement en ses articles 37 et 38

Inama y'Abaminisitiri yateranye ku wa 18/11/2011 imaze kubisuzuma no kubyemeza;

After consideration and approval by the Cabinet in its session of 18/11/2011;

Après examen et adoption par le Conseil des Ministres en sa séance du 18/11/2011;

ATEGETSE:

HEREBY ORDERS:

ARRETE:

UMUTWE WA MBERE : INGINGO RUSANGE

CHAPTER ONE: GENERAL PROVISIONS

CHAPTRE PREMIER: DISPOSITIONS GENERALES

Ingingo ya mbere: Icyo iri teka rigamije

Article One: Purpose of this Order

Article premier: Objet du présent arrêté

Iri teka riteganywa uburyo bukoreshwa mu

This Order determines the modalities for

Le présent arrêté détermine les modalités de

gukora igenzura n'iperereza bikorwa ku isoko ry'imari n'imigabane.

conducting inspections and investigations in capital market.

conduite des inspections et enquêtes se rapportant au marché des capitaux.

Article 2: Ibisobanuro by'amagambo

Article 2: Definitions

Article 2: Définitions

Muri iri teka amagambo akurikira asobanura:

In this Order, the following terms shall mean:

Pour le présent arrêté, les termes suivants ont les significations suivantes :

'Umukozi': umukozi w'ikigo cg cg undi muntu Ikigo cyashyiraho;

"Officer": an officer of the Authority and includes a member of the Authority's staff or an agent of the Authority;

"Fonctionnaire" : un agent de l'Office et inclus un membre du personnel de l'Office ou un agent de l'Office ;

'Ikigo': Ikigo gishinzwe kugenzura isoko ry'imari n'imigabane;

"Authority": Capital Market Authority;

"Office" : l'Office de Marché des Capitaux ;

'Umuntu cyangwa sosiyete yemewe': umuntu ufite cg isosiyete ifite uburenganzira bwo gukora ubucuruzi bw'imari n'imigabane.

"Approved person or company": means licensed person or company to carry out business in the capital market.

"Personne ou société agréée : une personne ou une société autorisée à réaliser des affaires sur le marché des capitaux.

UMUTWE WA II: UBURYO BWO GUKORA IGENZURA N'IPEREZA

CHAPTER II: MODALITIES FOR INSPECTION AND INVESTIGATIONS

CHAPITRE II: MODALITES D'INSPECTIONS ET ENQUETES

Icyiciro cya mbere: Uburyo bwo gukora Igenzura

Section One : Modalities for inspection

Section première: Modalités d'inspection

Ingingo ya 3: Ububasha bw'Ikigo

Article 3 : Powers of the Authority

Article 3 : Pouvoirs de l'Office

Ikigo gifite ububasha bwo gusaba:

The Authority shall have the power to require:

L'Office a le pouvoir d'exiger :

1° umuntu wese biri ngombwa ko agiha ibisobanuro bya ngombwa ku bijyanye n'ibikorwa by'ubucuruzi bw'imari

1° any key person to provide an explanation relevant to the matters of the capital market activities.

1° à toute personne clé de lui fournir une explication concernant les questions liées au marché des capitaux.

- n'imigabane;
- 2° umuntu cg isosiyete yemewe gutanga za raporo cyangwa kugaragaza ibyinjiye mu buryo ikigo kibona bukinogeye. 2° approved person or company to provide such regular reports or returns as the Authority considers appropriate. 2° à une personne ou société agréée de lui présenter des rapports réguliers ou les profits réalisés de la manière que l'Office estime appropriée.
- 3° kibinyujijwe mu nyandiko igezwa ku muntu cg isosiyete yemewe, umukozi nyir'ibikorwa by'ubucuruzi bw'imari n'imigabane, cyangwa uyobora ibyo bikorwa: 3° by notice in writing given to an approved person or company require any employee, owner of the business activities related to capital market or controller of that approved person: 3° par avis écrit donné à une personne ou société agréée, demander à un employé, propriétaire des activités liées au marché des capitaux ou son représentant:
- a. gutanga amakuru runaka yasabwa; a. to provide specific required information; a. de fournir des renseignements spécifiques exigés;
- b. gutanga inyandiko runaka zasabwa; b. to produce specific required documents; b. de produire des documents spécifiques;
- c. kwitaba ahantu runaka hagaragazwa mu nyandiko y'ihamagara kugirango asubize ibibazo mu magambo cyangwa mu nyandiko ikigo, umukozi cyangwa undi wese ugiharariye yamusaba gusubiza. c. to attend at a place and time specified in the notice and answer in writing or orally to questions which the Authority or any duly authorized officer or agent of the Authority may require. c. de comparaître au lieu et heure spécifiés dans un avis pour répondre aux questions ou déposer une déclaration écrite à l'Administration qu'un fonctionnaire ou agent dûment autorisé de l'Office peut raisonnablement lui exiger.

Ingingo ya 4: Kwinjira mu nyubako

Kibifashijwemo n'inzeho zibifitiye ububasha, ikigo gishobora kwinjira mu nyubako zikorwamo n'abahawe ibyemezo kikaganzura inyandiko kihanze cyangwa zitunzwe n'abafite ibyemezo, cyangwa

Article 4: Entry of premises

With the assistance of the competent organs, the Authority may enter any premises owned, controlled or occupied by an approved person or company and examine any documents found on those premises, or in the possession of the

Article 4: Accès aux locaux

L'Office peut, avec l'aide des instances habilitées, pénétrer dans les locaux appartenant, contrôlés ou occupés par une personne ou société agréée et examiner les documents trouvés sur les lieux, ou en

bifitanye isano n'ibikorwa by'ubucuruzi bw'imari n'imigabane.

approved person or company or that may, in any way, relate to the business of the approved person or company, or that may be related to the matters of the capital market.

possession de la personne ou société agréée, ou qui ont un lien avec l'activité de la personne ou société agréée, ou qui se rapportent à des questions liées au marché des capitaux.

Ingingo ya 5: Amakuru n'inyandiko byo mu igenzura

Article 5: Information and documents subject to inspection

Article 5: Informations et documents objet d'inspection

Amakuru n'inyandiko byo mu igenzura bijyanye:

The information and documents subject to inspection are related to:

Les informations et documents objets de l'inspection concernent:

a. n'ubucuruzi cg ibindi bikorwa by'umuntu cg isosiyeti yemewe cg uwigeze guhabwa icyemezo;

a. the business or affairs of the approved person or company or a former approved licensed person;

a. les activités ou les affaires de la personne ou compagnie agréée ou de la personne ou compagnie anciennement agréée ;

b. n'ubudakemwa, ubushobozi, ubushobozi mu rwego rw'imari, imiyoborere by'umuntu cg isosiyete yemewe cg undi mukozzi, nyir'ibikorwa by'ubucuruzi, umuyobozi w'umuntu wemerewe,

b. the integrity, competence, financial standing or organization of any approved person or company, or any employee, owner or controller of an approved person or company;

b. l'intégrité, la compétence, la capacité financière ou l'organisation de la personne ou compagnie agréée, de tout employé, du propriétaire de la compagnie agréée ou de son représentant,

c. n'uburyo umuntu cg isosiyete yemewe yubahiriza iri teka, inyandiko z'amahame, amabwiriza, amategeko ngengamikorere, ibisabwa kugirango umuntu ahabwe icyemezo, icyerekezo gitangwa n'Ikigo no kwamburwa uburenganzira bikoze na cyo;

c. the compliance by approved person or company with this Order, statement of principle, regulation, code, condition of any grant of a license, direction and disqualification issued by the Authority;

c. le respect par la personne ou compagnie agréée du présent arrêté, déclaration de principe, règlement, code, condition d'octroi d'une licence, direction et disqualification faite par l'Autorité,

d. n'ikindi cyose Ikigo cyasabira amakuru kugirango cyuzuze inshingano zacyo.

d. any other matter about which the Authority may require information for the performance of its functions.

d. toute autre question que peut requérir l'Office pour la bonne réalisation de sa mission.

Amakuru cyangwa inyadiko zisabwa muri iri teka bigomba gutangwa mbere y'igihe cyagenwe bikagezwa ahantu hagenwe muri icyo nyadiko y'Ikigo.

Ingingo ya 6: Igenzura ry'inyandiko

Ikigo gishobora gusaba ko:

- 1° amakuru yasabwe mu nyadiko cyangwa mu bundi buryo yatangwa mu buryo Ikigo kibona bukinogeye;
- 2° kigenzura inyandiko yatanze kuba ari umwimerere mu buryo bukinogeye.

Igihe hari ibitabo by'icungamutungo byatanze, Ikigo gishobora gusaba umubaruramari cyangwa indi mpuguke mu ibaruramari kugenzura ibyo bitabo akagiha raporo. Icyo gihe, ibyo bitabo bihabwa umubaruramari cyangwa impuguke mu ibaruramari kugirango ibikorere igenzura.

Ingingo ya 7: Kwanga gutanga amakuru

Igihe ibitabo by'icungamutungo bisabwa bidatanze, ikigo gishobora gusaba umuntu wagombaga kubitanga gusobanura impamvu atatanze ibyo bitabo.

The information or documents to be provided according to this Order must be provided before the end of such period and at such place as may be specified in the notice of the Authority.

Article 6 : Verification of the documents

The Authority may require that:

- 1° any information required, whether in a document or otherwise, to be submitted in such manner as it may require;
- 2° any document provided be verified as far as its authenticity is concerned.

Where books of accounts are produced, the Authority may instruct an accountant or another expert in accountancy to examine the books or any of them and report to the Authority. For that purpose the books may be delivered to the accountant or expert in accountancy for such examination.

Article 7: Refusal to give information

Where books of accounts required are not produced, the Authority may require the person who should have produced them to explain reason of that failure.

Les informations ou documents à fournir selon le présent arrêté doivent être fournis avant la fin du délai fixé et déposés au lieu spécifié dans la notice de l'Office.

Article 6 : Vérification des documents

L'Office peut exiger à ce que:

- 1° les renseignements demandés, sous forme de document ou autre, lui soient transmis d'une manière qu'il peut raisonnablement exiger ;
- 2° tout document fourni soit vérifié quant à son authenticité.

Au cas où des livres comptables sont produits, l'Office peut charger un comptable ou un autre expert comptable d'examiner lesdits livres ou l'un d'eux et de lui faire rapport. A cette fin les livres comptables doivent être remis au comptable ou à l'expert-comptable pour examen.

Article 7 : Refus de donner des informations

Lorsque des livres comptables exigés ne sont pas produits, l'Office peut exiger que la personne qui aurait dû les produire donne des raisons de ce manquement.

Umuntu wese utubahiriza ibiteganywa n'iyi ngingo nta mpamvu yumvikana afite cyangwa unaniza ikigo kuzuza inshingano zacyo aba akoze icyaha gihanwa n'itegeko rigenga isoko ry'imari n'imigabane mu Rwanda.

Any person, who without reasonable excuse, fails to comply with requirements of this Article, obstructs or hinders the Authority in the fulfillment of its mission commits an offence punishable by the Law regulating Capital Market in Rwanda.

Toute personne qui, sans excuse raisonnable, omet de se conformer à une exigence du présent article, entrave ou gêne l'Autorité dans l'accomplissement de sa mission commet une infraction punissable par la loi régulant le marché des capitaux au Rwanda.

Icyiciro cya 2: Uburyo bwo gukora iperereza

Section 2 : Modalities for investigation

Section 2: Modalités d'enquête

Ingingo ya 8: Gukoresha ububasha bwo guperereza

Article 8: Use of investigating powers

Article 8: Exercice des pouvoirs d'enquête

Ikigo gishobora guhitamo umukozi wacyo cyangwa undi muntu ubishoboye gukora mu izina ryacyo iperereza nk'uko biteganywa n'iyi ngingo. Ubwo bubasha bwo gukora iperereza bugaragaza ibintu bikorerwa iperereza.

The Authority may appoint any of its agents or any other competent person to use, on its behalf, all or any of the investigating powers as provided for in this Article. Such representation to investigate shall specify affairs to be investigated.

L'Office peut désigner n'importe qui de ses agents ou toute autre personne compétente pour exercer en son nom et pour son compte tout ou partie des pouvoirs d'investigation qui lui sont conférés par le présent article.

Nta muntu ushobora guhatirwa gukorerwa iperereza rivugwa muri iyi ngingo atabanje kugaragarizwa icyemezo cy'umuyobozi ubifitiye ububasha kimwemerera kumukoraho iperereza.

No person shall be bound to comply with any requirement to be investigated under this Article unless the investigator has produced evidence of his/her power to investigate from the competent authority.

Cette délégation de pouvoir doit spécifier les affaires devant faire l'objet d'enquête. Aucune personne sous investigation n'est obligée de se conformer aux exigences de l'investigation prévue dans le présent article tant que la personne mandatée ne lui ait pas montré la preuve du pouvoir d'investigation lui conféré par l'autorité compétente.

Ingingo ya 9: Gusaba gutanga amakuru

Article 9: Request for information

Article 9: Demande d'information

Ikigo gishobora:

The Authority may:

L'Office peut :

Official Gazette n° 23 of 04 June 2012

- | | | |
|---|--|--|
| 1° gusaba umuntu ukorerwa iperereza cyangwa undi muntu uwo ariwe wese Ikigo cyumva ko afite amakuru akenewe mu iperereza kwitaba Ikigo ku munsu n'ahantu bizwi kugira ngo atange ibisobanuro cyangwa amakuru ajyanye n'ibibazo bikorerwa iperereza. | 1° require any person whose affairs are investigated or any other person that the Authority has reason to believe that he/she has relevant information to the investigation to appear before the Authority at a specified time and place to answer questions or give information with respect to any matter relevant to the investigation. | 1° inviter la personne dont les affaires font l'objet d'une enquête, ou toute autre personne que l'Office estime être détenteur d'informations pertinentes pour l'enquête, à comparaître devant l'Office pour fournir à une date et lieu déterminés des informations concernant l'enquête. |
| 2° gusaba umuntu ukorerwa iperereza cyangwa undi umuntu uwo ari we wese gutanga inyandiko za ngombwa zagifasha mu iperereza. | 2° require the person under investigation or any other person to produce any specified documents which are relevant to any matter under investigation. | 2° exiger que la personne sous enquête ou toute autre personne fournisse des documents spécifiques qu'elle estime pertinents pour l'enquête. |
| 3° gukora kopi z'inyandiko cyahawe cyangwa gusigarana zimwe mu nyandiko kibona ari ngombwa no gusaba abazitanze kuzitnagaho ibisobanuro. | 3° take copies of documents received or keep some of them that it considers necessary and require the person who submitted them to give explanations about those documents. | 3° faire une copie des documents reçus ou garder certains d'entre eux qu'il juge nécessaire et d'exiger de la personne qui les a remis de fournir des explications les concernant ; |

Ingingo ya 10: Amakuru y'ibanga

Umuntu ntashobora gusabwa gutanga amakuru cyangwa inyandiko iyo ariyo yose bifatwa nk'ibanga keretse:

- 1° ari umuntu ukorerwa iperereza cyangwa ufutanye isano na sosiyete ikorerwa iperereza;
- 2° abitegetswe n'Ikigo mu nyandiko;

Article 10: Confidential information

A person shall not be required to disclose any information or produce any documents considered confidential unless:

- 1° he/she is the person under investigation or a person in relation with the company under investigation ;
- 2° he/she has been requested in writing to do so by the Authority.

Article 10: Informations confidentielles

Personne n'est tenu de divulguer une information ou produire des documents considérés comme confidentiels, à moins que :

- 1° il soit la personne sous enquête ou une personne en relation avec une société sous enquête ;
- 2° il lui soit requis par écrit de le faire par l'Office.

Ingingo ya 11: Gutanga amakuru atari yo

Umuntu wese ubajijwe amakuru n'Ikigo agomba gutanga amakuru yose abajijwe kandi ntagomba na rimwe gutanga amakuru atari yo.

Nta muntu ushobora kwanga gutanga amakuru asabwe n'Ikigo yitwaza ko ayo makuru yakoresha nk'ikimenyetso kimushinja icyaha keretse biteganyijwe ukundi mu yandi mategeko.

UMUTWE WA III : INGINGO ZISOZA

Ingingo ya 12: Ivanwaho ry'ingingo zinyuranyije n'iri teka

Ingingo zose z'amateka abanziriza iri kandi zinyuranyije naryo zivanyweho.

Ingingo ya 13: Igihe iteka ritangira gukurikizwa

Iri teka ritangira gukurikizwa ku munsu ritangarijwe mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Kigali, kuwa 18/05/2012

Article 11: Giving false information

Any person requested by the Authority to give information must provide that information and must not provide false or misleading information.

A person shall not refuse to give information required by the Authority on the grounds that the information may be used against him/her as evidence of an offense unless it is provided otherwise by other laws.

CHAPTER III: FINAL PROVISIONS

Article 12: Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 13: Commencement

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

Kigali, on 18/05/2012

Article 11 : Donner de fausses informations

Une personne à qui l'Office demande de fournir des informations doit fournir toutes les informations en sa possession et s'abstenir de donner une information fausse ou mensongère.

Personne ne peut refuser de fournir une information requise par l'Office au motif que cette information peut être utilisée contre lui comme preuve d'une infraction, sauf si d'autres lois le prévoient autrement.

CHAPTER III : DISPOSITIONS FINALES

Article 12: Disposition abrogatoire

Toutes les dispositions antérieures contraires au présent arrêté sont abrogées.

Article 13: Entrée en vigueur

Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, le 18/05/2012

(sé)

RWANGOMBWA John
Minisitiri w’Imari n’Igenamigambi

Bibonywe kandi bishyizweho Ikirango cya
Repubulika:

(sé)

KARUGARAMA Tharcisse
Minisitiri w’Ubutabera/Intumwa Nkuru ya
Leta

(sé)

RWANGOMBWA John
Minister of Finance and Economic Planning

Seen and sealed with the Seal of the
Republic:

(sé)

KARUGARAMA Tharcisse
Minister of Justice/Attorney General

(sé)

RWANGOMBWA John
Ministre des Finances et de la Planification
Economique

Vu et scellé du Sceau de la République:

(sé)

KARUGARAMA Tharcisse
Ministre de la Justice/Garde des Sceaux

ITEKA RYA MINISITIRI N° 003/12/2012
RYO KUWA 18/05/2012 RIGENA
IMITERERE N'IMIKORERE
BY'AKANAMA KIGENGA
K'UBUJURIRE K'ISOKO RY'IMARI
N'IMIGABANE N'ABAKAGIZE

MINISTERIAL ORDER N° 003/12/2012 OF
18/05/2012 DETERMINING THE
ORGANIZATION AND FUNCTIONING
OF THE CAPITAL MARKET
INDEPENDENT REVIEW PANEL AND
ITS COMPOSITION

ARRETE MINISTERIEL N° 003/12/2012
DU 18/05/2012 PORTANT
L'ORGANISATION ET
LE FONCTIONNEMENT DU COMITE
INDEPENDANT DE RECOURS DU
MARCHÉ DE CAPITAUX ET SA
COMPOSITION

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IMITERERE N'IMIKORERE
BY'AKANAMA KIGENGA
K'UBUJURIRE K'ISOKO RY'IMARI
N'IMIGABANE N'ABAKAGIZE**

**MINISTERIAL ORDER N° 003/12/2012 OF
18/05/2012 DETERMINING THE
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**ARRETE MINISTERIEL N° 003/12/2012
DU 18/05/2012 PORTANT
L'ORGANISATION ET
LE FONCTIONNEMENT DU COMITE
INDEPENDANT DE RECOURS DU
MARCHÉ DE CAPITAUX ET SA
COMPOSITION**

Minisitiri w'Imari n'Igenamigambi;

**The Minister of Finance and Economic
Planning;**

**Le Ministre des Finances et de la
Planification Economique ;**

Ashingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo kuwa 04 Kamena 2003, nk'uko ryavugururwe kugeza ubu, cyane cyane mu ngingo zaryo, iya 118, iya 120, iya 121 n'ya 201;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 118, 120, 121 and 201;

Vu la Constitution de la République du Rwanda du 04 juin 2003 telle que révisée à ce jour, spécialement en ses articles 118, 120, 121 et 201;

Ashingiye ku Itegeko n° 01/2011 ryo kuwa 10/02/2011 rigenga Isoko ry'Imari n'Imigabane mu Rwanda, cyane cyane mu ngingo yaryo ya 63;

Pursuant to Law n° 01/2011 of 10/02/2011 regulating the Capital Markets in Rwanda, especially in Article 63;

Vu la Loi n° 01/2011 du 10/02/2011 portant régulation du Marché de Capitaux au Rwanda, spécialement en son article 63;

Inama y'Abaminisitiri yateranye kuwa 18/11/2011, imaze kubisuzuma no kubyemeza;

After consideration and approval by the Cabinet in its session of 18/11/ 2011;

Après examen et adoption par le Conseil des Ministres, en sa séance du 18/11/2011;

ATEGETSE:

HEREBY ORDERS:

ARRETE :

UMUTWE WA MBERE: INGINGO RUSANGE

Ingingo ya mbere: icyo iri teka rigamije

Iri teka rigena imiterere, imikorere by'Akanama Kigenga k'Ubujurire k'Isoko ry'Imari n'Imigabane rikanagena abakagize.

Ingingo ya 2: Ibisobanuro by'amagambo

Muri iri teka, amagambo akurikira afite ibisobanura bikurikira:

- 1° **"Ujurira"**: umuntu uwo ariwe wese washyikirije Akanama ubujurire;
- 2° **"Ikigo"** cyangwa **"CMA"**: Ikigo cya Leta gashinzwe isoko ry'imari n'imigabane mu Rwanda ;
- 3° **"Akanama k'Ubujurire"**: akanama kigenga gashinzwe kwakira ubujurire ku byemezo byafashwe n'Ikigo no ku yindi myanzuro iyo ariyo yose ijyanye n'isoko ry'imari n'imigabane.

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Order

This Order determines the organization, functioning and composition of the Capital Market Independent Review Panel.

Article 2: Definitions

In this this Order, the following terms shall have the following definitions:

- 1° **"Appellant"**: any person who has forwarded an appeal to the Panel;
- 2° **"The Authority"** or **"CMA"**: Public Institution responsible for regulating the capital market in Rwanda ;
- 3° **"The Review Panel"**: the Independent Review Panel on decisions taken by the Authority and any other matter related to the capital market.

CHAPITRE PREMIER : DISPOSITIONS GENERALES

Article premier: Objet du présent arrêté

Le présent arrêté détermine l'organisation, le fonctionnement et la composition du Comité de Recours Indépendant du Marché de Capitaux.

Article 2 : Définitions

Aux fins du présent arrêté, les termes suivants ont les significations suivantes:

- 1° **"Appellant"** : toute personne qui fait appel au Comité de Recours;
- 2° **"L'Office"** ou **"CMA"** : institution publique chargée du marché de capitaux au Rwanda ;
- 3° **"Le Comité de Recours"** : le Comité Indépendant de Recours relatif aux décisions prises par l'Office et à toute autre affaire relative au marché de capitaux.

UMUTWE WA II: IMITERERE, IMIKORERE N'ABAGIZE AKANAMA K'UBUJURIRE

CHAPTER II: ORGANIZATION, FUNCTIONING AND COMPOSITION OF THE CAPITAL MARKET INDEPENDENT REVIEW PANEL

CHAPITRE II: ORGANISATION, FONCTIONNEMENT ET COMPOSITION DU COMITE INDEPENDANT DE RECOURS DU MARCHE DE CAPITAUX

Ingingo ya 3: Abagize Akanama k'Ubujurire

Article 3: Composition of the Review Panel

Article 3: Composition du Comité de Recours

Akanama k'Ubujurire kagizwe n'abantu barindwi (7) bashyirwaho na Minisitiri ufite Imari mu nshingano ze bishingiye ku bushobozi bwabo kandi bagaturuka mu bigo bikurkira:

The Review Panel shall be composed of seven (7) members appointed upon their Competence by the Minister in charge of finance following their skills from the following Institutions:

Le Comité de Recours est composé de sept (7) membres nommés par le Ministre ayant les finances dans ses attributions sur base de leurs compétences et issus des institutions suivantes :

- 1° Minisitiri y'Imari n'Igenamigambi;
- 2° Minisitiri y'Ubutabera;
- 3° Banki Nkuru y'u Rwanda;
- 4° Ishyirahamwe ry'amabanki mu Rwanda ;
- 5° Urugaga rw'Abikorera mu Rwanda;
- 6° Urugaga rw'Abavoka mu Rwandai;
- 7° Amashuri makuru na za Kaminuza zo mu Rwanda.

- 1° the Ministry of Finance and Economic Planning;
- 2° the Ministry of Justice;
- 3° National Bank of Rwanda;
- 4° Bank Association of Rwanda ;
- 5° Private Sector Federation ;
- 6° Kigali Bar Association;
- 7° Institutions of Higher Learning of Rwanda.

- 1° Ministère des Finances et de la Planification Economique ;
- 2° Ministère de la Justice;
- 3° Banque Nationale du Rwanda;
- 4° Association des banques du Rwanda;
- 5° Fédération du Secteur Privé;
- 6° Association du Barreau de Kigali;
- 7° Institutions d'enseignement supérieur du Rwanda.

Icyakora, abayobozi, abakozi n'abagize Inama y'Ubutegetsi y'Ikigo gishinzwe Isoko ry'Imari n'Imigabane ntibemerewe kuba abagize Akanama k'Ubujurire.

However, managers, staff members and members of the Board of Directors of Capital Market Authority shall not be allowed to be members of the Review Panel.

Toutefois, les dirigeants, le personnel et les membres du Conseil d'Administration de l'Office des Marchés de Capitaux ne sont pas autorisés à être membre du Comité de Recours.

Ingingo ya 4: Manda y'abagizi Akanama k'Ubujurire

Abagize Akanama k'Ubujurire bagira manda y'igihe cy'imyaka ibiri (2) ishobora kongerwa inshuro imwe gusa.

Ingingo ya 5: Kureka imirimo

Ugize Inama y'Ubujurire ava muri uwo mwanya iyo:

- 1° manda ye irangiye;
- 2° yeguye akoresheje inyandiko;
- 3° atagishoboye gukora imirimo ye kubera ubumuga bw'umubiri cyangwa uburwayi bwo mu mutwe, byemejwe na muganga wemewe na Leta;
- 4° akatiwe burundu igihano cy'igifungo kingana cyangwa kirengeje amezi atandatu (6) nta subikagihano;
- 5° asibye inama inshuro eshatu (3) zikurikirana nta mpamvu zifite ishingiro;
- 6° bigaragaye ko atacyujuje ibyashingiweho ashyirwa mu Kanama k'Ubujurire ;

Article 4: Term of office for Review Panel members

The term of office for members of the Review Panel shall be two (2) years renewable only once.

Article 5: Cessation of Duties

A member of the Review Panel shall leave his/her position if:

- 1° the term of office expires;
- 2° he/she resigns in writing;
- 3° he/she is no longer able to perform his/her duties due to physical or mental disability certified by an authorized medical doctor;
- 4° he/she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months without suspension of the sentence;
- 5° he/she is absent in meetings for three (3) consecutive times with no justified reasons;
- 6° he/she no longer fulfils the requirements considered at the time of his/her

Article 4: Mandat des membres du Comité de Recours

Les membres du Comité de Recours ont un mandat de deux (2) ans renouvelable une seule fois.

Article 5: Cessation des fonctions

Un membre du Comité de Recours perd la qualité de membre s'il :

- 1° termine son mandat;
- 2° démissionne par écrit;
- 3° n'est plus en mesure de remplir ses fonctions pour cause d'incapacité physique ou mentale constatée par un médecin agréé;
- 4° est définitivement condamné à une peine d'emprisonnement égale ou supérieure à six (6) mois sans sursis;
- 5° s'absente des réunions plus de trois fois consécutives sans raisons justifiées;
- 6° ne remplit plus les conditions requises au moment de sa nomination au Comité de

	appointment in the Review Panel;	Recours;
7° agaragaje imyitwarire itajyanye n'inshingano ze;	7° he/she demonstrates behaviours contrary to his/her responsibilities;	7° démontre des comportements contraires à ses responsabilités ;
8° abangamira inyungu za CMA;	8° he/she jeopardizes the interests of CMA;	8° met en péril les intérêts du CMA;
9° iyo apfuye.	9° he/she dies.	9° meurt.

Ingingo ya 6: Ubujurire

Ubujurire bukorwa mu nyandiko mu gihe kitarenze iminsi cumi n'itanu (15) uherye igihe ujurira yamenyeyeho ibyo ashingiraho ajurira.

Akanama k'Ubujurire kagomba gufata icyemezo mu minsi mirongo itatu (30) uherye umunsi kashyikirijweho ubujurire. Igihe kadashoboye kugera ku mwanzuro mu gihe cy'iminsi mirongo itatu (30) kagomba kumenyesha uwajuriye hamwe n'Ikigo ko hakenewe igihe cy'inyongera. Igihe cy'inyongera nti gishobora kurenga iminsi mirongo itatu (30).

Ingingo ya 7: Itumizwa ry'inama z'Akanama k'Ubujurire

Akanama k'Ubujurire gatumizwa mu nyandiko

Article 6: Appeal

The appeal shall be made in writing to the Review Panel within fifteen (15) days following the time the appellant became aware of the circumstances giving rise to a complaint.

The Review Panel shall take decision within thirty (30) days following the receipt of a complaint. If the Review Panel is unable to issue a decision within thirty (30) days, it shall inform both the applicant and the Authority of the need for additional time. Additional time shall not go beyond thirty (30) days.

Article 7: Convening Review Panel Meetings

The Review Panel shall be convened in writing

Article 6: Recours

Le recours est adressé par écrit au Comité de Recours dans un délai de quinze (15) jours à compter du moment où l'appelant a pris connaissance des circonstances donnant lieu au recours.

Le Comité de Recours rend une décision dans les trente (30) jours qui suivent la réception du recours. Si le Comité de Recours n'est pas en mesure de rendre sa décision dans les trente (30) jours, il en informe l'appelant et l'Office de la nécessité d'un délai supplémentaire. Le délai supplémentaire ne peut pas excéder trente (30) jours.

Article 7: Convocation des Réunions du Comité de Recours

Le Comité de Recours est convoqué par écrit,

ariko gashobora gutumizwa hakoreshejwe ubundi buryo bw'itumanaho mu gihe cyose hari impamvu yihutirwa.

Inama z'Akanama k'Ubujurire zitumizwa na Perezida cyangwa Visi perezida igihe Perezida adahari.

Iyo Akanama k'Ubujurire kagejweho ubujurire bwandikwa mu gitabo cyabugenewe. Perezida w'Akanama yoherereza kopi y'ubujurire abagize Akanama abamenyesha umunsi hazasuzumwa ubwo bujurire.

Ingingo ya 8: Ubufasha bw'inyongera mu Kanama k'Ubujurire

Ikigo gishobora gutiza abakozi bacyo cyangwa kugena undi muntu wese igihe cyose Akanama k'Ubujurire kaba kabisabye kugira ngo kabashe kurangiza inshingano zako. Ariko uwo mukozzi cyangwa undi wese watijwe Akanama k'Ubujurire ntabwo yemerewe gukurikirana imikorere y'Akanama k'Ubujurire cyangwa kugira uruhare mu ifatwa ry' ibyemezo.

Akanama k'Ubujurire kandi gashobora kwiyambaza impuguke. Uko byagenda kose iyo mpuguke ntigomba kuba ifite inyungu iyo ariyo yose haba mu buryo butaziguye cyangwa

but may also be convened through other means of communication in case of urgency.

The meeting of the Review Panel shall be held upon invitation by its Chairperson or in case of his/her absence, by the Vice Chairperson.

When the Review Panel receives the appeal it shall be recorded it in its appeals register. The Chairperson of the Panel shall forward the copy of appeal to other members and he/she shall inform them of the date on which the appeal will be examined.

Article 8: Additional assistance to the Review Panel

The Authority may provide to the Review Panel with its officers or any other person upon request for the proper fulfillment of the Review Panel's function. However, such a person shall not participate in any meetings of the Review Panel as well as in the decision making process.

The Review Panel may seek assistance from an expert. However, such an expert shall not have any interest directly or indirectly in the case, and the Review Panel shall not be necessary

mais il peut également être convoqué par le biais d'autres moyens de communication en cas d'urgence.

La réunion du Comité de Recours est tenue à l'invitation de son Président ou, en cas de son absence, par son Vice-président.

Lorsque le Comité de Recours reçoit un recours, celui-ci est enregistré dans le registre des recours. Le Président du Comité de Recours transmet la copie du recours aux autres membres en les informant de la date à laquelle le recours sera examiné.

Article 8: Appui supplémentaire au Comité de Recours

L'Office peut fournir au Comité de Recours, sur sa demande, tout membre de son personnel ou toute autre personne pour le bon exercice de ses fonctions. Cependant, une telle personne ne peut pas participer aux réunions du Comité de Recours ni au processus de prise de décision.

Le Comité de Recours peut demander l'assistance d'un expert. Cependant, l'expert ne doit pas avoir d'intérêt direct ou indirect dans l'affaire et le Comité de Recours n'est pas

buziguye ku kibazo yatumiwemo, kandi Akanama k'Ubujurire nta nshingano gafite gukurikiza inama yatanzwe n'impuguke mu gufata umwanzuro.

bound by the advice given by the expert when taking its decisions.

obligé d'utiliser les conseils donnés par l'expert lors de la prise de ses décisions.

Ingingo ya 9: Itumizwa ry'abandi bantu mu nama z'Akanama k'Ubujurire

Article 9: Inviting third parties to attend a Review Panel meeting

Article 9: Invitation d'une tierce personne à assister à la réunion du Comité de Recours

Akanama k'Ubujurire gashobora gusaba uwo ari we wese kwitaba inama yako kugirango atange ibimenyetso yaba afite cyangwa acunze, iyo Akanama k'Ubujurire kabona ko bikenewe kugirango karangize inshingano zako. Inyandiko isaba kwitaba igaragaza igihe n'aho inama izabera.

The Review Panel may require any person to attend its meeting to give evidence or to produce any document in his/her possession or under his/her control which the Review Panel considers necessary to fulfill its obligations. Such a request shall specify time and place for the meeting.

Le Comité de Recours peut exiger toute personne à participer à sa réunion pour produire toute preuve ou document en sa possession ou qu'il détient que le Comité de Recours juge nécessaire pour remplir ses obligations. La demande doit préciser la date et lieu de la réunion.

Ingingo ya 10: Kwisubiraho k'uwatanze ubujurire

Article 10: withdrawal of the Appeal

Article 10: Retrait du recours

Ujuriye ashobora igihe icyo aricyo cyose Akanama k'Ubujurire katarafata icyemezo ku bujurire kwisubiraho ku byo yari yajuririye.

An appellant may at any time before the conclusion of the Review Panel proceedings withdraw his/her appeal.

Un appellant peut à tout moment avant les conclusions du Comité de Recours retirer son recours.

Iyo uwajuriye yisubiyeho ku bujurire yari yatanze, Akanama k'Ubujurire gahagarika iryo suzuma hanyuma kakamenyesha Ikigo ko uwajuriye yisubiyeho.

Where an appeal is withdrawn by the appellant, the Review Panel shall immediately cease investigating the complaint and shall immediately inform the Authority of the appeal withdrawal.

Lorsqu'un recours est retiré, le Comité de Recours cesse immédiatement d'instruire la demande et informe immédiatement l'Office du retrait du recours.

Iyo ubujurire bumwe bwatanzwe n'abantu babiri cyangwa barenze babiri, kwisubiraho k'umwe cyangwa kwa benshi ntabwo biha

Where two or more appellants have submitted an appeal to the Review Panel the withdrawal of the appeal by one or more of them shall not

Lorsque deux ou plusieurs appellants ont présenté un recours au Comité de Recours, le retrait du recours par un ou plusieurs d'entre

uburenganzira Akanama k'Ubujurire guhagarika isuzuma ku birebana n'umwe muri bo utigeze yisubiraho.

affect the functions of the Review Panel in respect of the applicant who has not withdrawn the appeal.

eux n'affecte pas les fonctions du Comité de Recours en ce qui concerne l'appelant, qui n'a pas retiré sa requête.

Ingingo ya 11 : icyemezo cy'Akanama k'Ubujurire

Article 11: Review Panel's Decision

Article 11: Décision du Comité de Recours

Icyemezo cy'Akanama k'Ubujurire kiriho umukono wa Perezida wako hamwe n'abagize inteko bose yoherezwa Ikigo, kopi yacyo igahabwa urwego bireba cyangwa uwatanze ubujurire.

The Review Panel's decision signed by the Chairperson of the Review Panel and all persons who participated in the deliberations shall be addressed to the Authority with copies to the concerned organ or applicant.

La décision du Comité de Recours signé par son et toutes les personnes qui ont participé aux délibérations est adressée à l'Office avec copies à tout organe concerné ou à l'appelant.

Mu gihe hategurwa icyemezo, iyo Akanama k'Ubujurire kabona ko hari amakuru ashobora guhungabanya cyagwa kubangamira inyungu z'umuntu aramutse atangajwe, gakora ibishoboka byose ayo makuru akavanwa mu cyemezo mbere y'uko gitangazwa.

When preparing the decision, if the Review Penal finds that some information would or might prejudice the interest of a particular person once published, the Review Penal shall exclude it from the decision before its publication.

Lors de la préparation de la décision, si le Comité de Recours trouve qu'il existe une information qui, une fois publiée, pourrait porter atteinte aux intérêts d'une personne, le Comité de Recours retire cette information de la décision avant sa publication.

Akanama k'Ubujurire gashobora, iyo kabisabwe kandi hamaze kwishyurwa amafaranga ateganywa, guha kopi y'icyemezo umuntu wese urebwa n'icyo cyemezo cyangwa undi wese ubifitemo inyungu yaba umukiriya cyangwa uberewemo umwenda.

The Review Panel may, upon request and on payment of the prescribed fee, give a copy of its decision to any person concerned with the decision or to any other person whose interests as a client or creditor are affected by the appeal.

Le Comité de Recours peut, sur demande et après paiement des frais prescrits, donner une copie de sa décision à toute personne concernée par la décision ou à toute autre personne dont les intérêts en tant que client ou créancier sont affectés par le recours.

Iyo Akanama k'Ubujurire kabona ko hari impamvu ifatika yo kudatangaza igice kimwe cy'icyemezo, gashobora gukura icyo gice mu cyemezo cyako.

If the Review Panel is of the opinion that there is good reason for not disclosing a part of a decision it may remove that part from the final decision.

Si le Comité de Recours est d'avis qu'il y a de bonnes raisons pour ne pas divulguer une partie de la décision, elle peut retirer cette partie de la décision finale.

Ingingo ya 12 : Guhuza ubujurire

Iyo Akanama k'Ubujurire kakiriye ubujurire burenze bumwe kandi ubwo bujuriye bukaba bureba ikibazo kimwe cyangwa ibibazo bifitanye isano, Akanama k'Ubujurire iyo kabona bikwiye, gashobora gutegeka ko iperereza kuri ubwo bujuriye ryakorwa nk'iperereza rimwe.

Iyo Akanama k'Ubujurire kumva ko ari ngombwa ko hakorwa iperereza rimwe, kabimenyesha ikigo ndetse n'uwatanze ubujurire cyangwa abatanze ubujurire bese iyo barenze umwe.

Uwajuriye cyangwa abajuriye bashobora gutanga ibitekerezo ku cyifuzo cy'Akanama k'Ubujurire ku buryo iperereza ryakorwamo mu gihe cy'iminsi itanu (5) uherye igihe Akanama k'Ubujurire kabagerejeho icyo cyifuzo. Uko byagenda kose Akanama k'Ubujurire niko gafata umwanzuro wa nyuma ku bijyanye n'uburyo bukorwaho mu gukora iperereza.

Ingingo ya 13 : Iperereza rikorwa n'Akanama k'Ubujurire

Nyuma yo kwakira ubujurire Akanama k'Ubujurire kagomba kwandikira ikigo kagisaba inyandiko zose za ngombwa zirebana

Article 12: Joinder of Appeals

Where the Review Panel receives more than one appeal which are connected or that relate to a same matter, the Review Panel may, if it considers it necessary, order that the relevant inquiries into the appeal be conducted as a single inquiry.

If the Review Panel is of the opinion that two or more inquiries are to be conducted as a single inquiry it shall give notice in writing to the Authority and the appellant or appellants if they are many.

The appellant or appellants shall be entitled to comment on the mode of inquiry adopted by the Review Panel within five (5) days after receiving the written notice. In any case the final decision on the mode of inquiry to be used shall be vested in the Review Panel.

Article 13: Investigations by the review panel

After receiving the appeal, the Review Panel shall, in writing, request the Authority to provide it with all the documentation related to

Article 12: Jonction de recours

Lorsque le Comité de Recours reçoit plus d'un recours qui sont connexes ou qui portent sur une même question, le Comité de Recours peut, s'il le juge nécessaire, ordonner que les investigations soient menées en une seule enquête.

Si le Comité de Recours est d'avis que deux ou plusieurs enquêtes doivent être menées en une seule enquête, le Comité de Recours doit en adresser un avis écrit à l'Office et à l'appelant ou aux appelants, s'ils sont plusieurs.

L'appelant ou les appelants ont le droit de faire un commentaire sur le mode d'enquête adopté par le Comité de Recours dans un délai de cinq (5) jours après réception de l'avis écrit. Dans tout les cas, la décision finale sur le mode d'enquête revient au Comité de Recours.

Article 13: Enquêtes menées par le Comité de Recours

Après la réception du recours, le Comité de Recours demande par écrit à l'Office de lui fournir toute la documentation relative à ce

n'ubwo bujurire. Ikigo kigomba gushyikiriza Akanama k'Ubujurire inyandiko zose zerekeranye n'ubwo bujurire mu gihe kitarenze iminsi irindwi (7) y'akazi kuva umunsi Ikigo kiboneyeho inyandiko ibisaba.

Ingingo ya 14 : Ibimenyetso

Iyo Akanama k'Ubujurire kifuza kubaza uwo ariwe wese mu gihe cy'iperereza, kagomba kubimumenyeshya mu nyandiko hagaragazwa isaha n'ahantu iryo bazwa rizabera.

Uwajuriye cyangwa abajuriye hamwe n'Ikigo bafite uburenganzira bwo kuba bahari no kubaza ibibazo ku bujurire bukorwaho iperereza.

Ingingo ya 15: Guhagararirwa

Mu gihe Akanama k'Ubujurire kateranye, Ikigo, uwajuriye cyangwa abajuriye bashobora guhagararirwa n'umunyamategeko cyangwa undi muntu wemerewe n'Akanama k'Ubujurire.

Ingingo ya 16 : Umubare w'abagize Akanama k'Ubujurire ufata icyemezo

Akana k'Ubujurire gafata icyemezo iyo hari bibiri bya gatatu (2/3) by'abakagize.

the appeal. The Authority shall within seven (7) days from the day it received the request forward the documents to the Review Panel.

Article 14: Evidence

If the Review Panel wishes to interview any person during investigations, it shall give him/her notice in writing and the notice shall indicate time and place where the interview will be carried out.

The appellant or applicants and the Authority shall be entitled to be present at the interview and to ask questions in relation to the subject matter of the investigation.

Article 15: Representation

During the Review Panel sessions, the Authority, appellant or appellants may be represented by a lawyer or by any other person allowed by the Review Panel.

Article 16: Quorum of the Review Panel

The Review Panel shall take its decisions if two thirds (2/3) of its members are present.

recours. L'Office doit transmettre les documents au Comité de Recours dans les sept (7) jours à partir du jour où il a reçu la demande.

Article 14: Preuves

Si le Comité de Recours souhaite interroger une personne lors d'une enquête, il doit l'en aviser par écrit en indiquant l'heure et l'endroit où l'interview aura lieu.

Le ou les appelants et l'Office ont le droit d'assister à l'interview et de poser toutes les questions se rapportant à l'objet de l'enquête.

Article 15: Représentation

Lors de l'audience, l'Office, l'appelant ou les appelants peuvent être représentés par un avocat ou par toute autre personne autorisée par le Comité de Recours.

Article 16: Quorum du Comité de Recours

Le Comité de Recours prend ses décisions si deux tiers (2/3) de ses membres sont présents.

Icyemezo cy'Akanama k'Ubujurire ni ntakuka kandi kigomba kubahirizwa n'abo kireba bose keretse iyo kijuririwe mu nkiko zibifitiye ububasha.

Ingingo ya 17 : Igongana ry'inyungu

Iyo umwe mu bagize Akanama k'Ubujurire ari we wajuriye, abandi bagize Akanama k'Ubujurire ni bo basuzuma ubujurire nyir'ubwite ahejwe kugeza igihe icyemezo gifatiwe.

Iyo umwe mu bagize Akanama k'Ubujurire afitanye isano iyo ariyo yose cyangwa ubwumvikane buke n'uwajuriye, yandikira Akanama k'Ubujurire akamenyesha icyo kibazo akanagasaba kwiheza muri ubwo bujurire.

Ingingo ya 18 : Ingingo y'Imari y'Akanama k'Ubujurire

Ikigo kigomba kwishyura abagize Akanama k'Ubujurire amafaranga yo kwitabira inama z'Akanama kandi kikanishyura n'ibindi bya ngombwa Akanama kakenera. Ikigo kegenera ingengo y'imari akanama kugira ngo karangize inshingano zako.

The decisions of the Review Panel shall be final and bind all concerned parties unless when appealed before competent courts.

Article 17: Conflict of interests

When a member of the Review Panel has applied for review, he/she shall not take part in deliberations on the request until the decision thereof has been taken.

If a member of the Review Panel has any relationship or misunderstanding with the appellant, he/she shall inform, in writing, the Review Panel of the issue and request for not taking part in the review proceedings.

Article 18: Budget for the Review Panel

The Authority shall pay sitting allowances to Review Panel members present in the meetings and defray all other expenses of the Review Panel. It shall also provide the budget for Review Panel for the fulfillment of its mission.

Les décisions du Comité de Recours sont définitives et obligatoires pour toutes les parties concernées à moins qu'il y' ait appel devant les juridictions compétentes.

Article 17: Conflits d'intérêts

Lorsqu'un membre du Comité de Recours a introduit un recours, il/elle ne prend pas part aux délibérations portant sur la demande jusqu'à la prise d'une décision.

Si un membre du Comité de Recours a un lien quelconque ou n'est pas en bon termes avec l'appelant, il en informe, par écrit, le Comité de Recours et demande sa récusation.

Article 18: Budget du Comité de Recours

L'Office paie les jetons de présence pour les membres du Comité de Recours présents dans les réunions et prend en charge toutes les dépenses du Comité de Recours. Il fournit aussi le budget du Comité de Recours afin de lui permettre de remplir sa mission.

Ingingo ya 19: Raporo y'Akanama k'Ubujurire

Akanama k'Ubujurire gaha raporo y'igihembwe Minisitiri ufite Isoko ry'Imari n'Imigabane mu nshingano ze kakagera Ikigo kopi.

Article 19: Review Panel's Report

The Review Panel shall give a quarterly report to the Minister in charge of capital market with copy to the Authority.

Article 19 : Rapport du Comité de Recours

Le Comité de Recours transmet un rapport trimestriel d'activités au Ministre ayant le marché des capitaux dans ses attributions et réserve une copie à l'Office.

UMUTWE WA III: INGINGO ZISOZA

CHAPTER III: FINAL PROVISIONS

CHAPITRE III : DISPOSITIONS FINALES

Ingingo ya 20: Ivanwaho ry'Ingingo z'amateka zinyuranyije n'iri teka

Ingingo zose z'amateka abanziriza iri kandi zinyuranyije naryo zivanweho.

Article 20: Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 20: Disposition abrogatoire

Toutes les dispositions antérieures contraires au présent arrêté sont abrogées.

Ingingo ya 21: Igihe iteka ritangira gukurikizwa

Iri teka ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Article 21: Commencement

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

Article 21: Entrée en vigueur

Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, kuwa 18/05/2012

Kigali, on 18/05/2012

Kigali, le 18/05/2012

(sé)

RWANGOMBWA John
Minisitiri w'Imari n'Igenamigambi

**Bibonywe kandi bishyizweho Ikirango cya
Repubulika :**

(sé)

KARUGARAMA Tharcisse
Minisitiri w'Ubutabera/Intumwa Nkuru ya
Leta

(sé)

RWANGOMBWA John
Minister of Finance and Economic Planning

**Seen and sealed with the Seal of the
Republic :**

(sé)

KARUGARAMA Tharcisse
Minister of Justice/Attorney General

(sé)

RWANGOMBWA John
Ministre des Finances et de la Planification
Economique

Vu et scellé du Sceau de la République:

(sé)

KARUGARAMA Tharcisse
Ministre de la Justice/Garde des Sceaux

**AMABWIRIZA YA KOMISERI MUKURU
N°13/2012 YO KUWA 26/04/2012 ASHYIRA
MU BIKORWA ITEGEKO N°25/2005 RYO
KUWA 04/12/2005 RIGENA
IMITUNGANYIRIZE Y'ISORESHA
NK'UKO RYAHINDUWE KANDI
RYUJUJWE KUGEZA UBU**

**COMMISSIONER GENERAL RULES
N°13/2012 OF 26/04/2012
IMPLEMENTING LAW N°25/2005 OF
04/12/2005 ON TAX PROCEDURES AS
MODIFIED AND COMPLEMENTED TO
DATE**

**DIRECTIVES DU COMMISSAIRE
GENERAL N°13/2012 DU 26/04/2012
PORTANT MISE EN APPLICATION DE
LA LOI N°25/2005 DU 04/12/2005
PORTANT CREATION DES
PROCEDURES FISCALES TELLE QUE
MODIFIEE ET COMPLETEE A CE
JOUR**

**Komiseri Mukuru w'Ikigo cy'Imisoro
n'Amahoro,**

**The Commissioner General of the Rwanda
Revenue Authority,**

**Le Commissaire Général de l'Office
Rwandais des Recettes,**

Ashingiye ku Itegeko n° 25/2005 ryo kuwa
04/12/2005 rigena Imitunganyirize y'Isoresha
nk'uko ryahinduwe kandi ryujujwe kugeza ubu,
cyane cyane mu ngingo yaryo ya 17 bis;

Given the Law n° 25/2005 of 04/12/2005 on
Tax Procedures as modified and
complemented to date, especially in its article
17 bis;

Vu la Loi n° 25/2005 du 04/12/2005 portant
création des Procédures Fiscales telle que
modifiée et complétée à ce jour,
spécialement en son article 17 bis;

Ashyizeho Amabwiriza akurikira :

Issues the following Rules:

Emet les Directives suivantes:

Ingingo ya mbere: icyo agamije

Article One: Objective

Article Premier: Objet

Aya mabwiriza ashya mu bikorwa Itegeko n°
25/2005 ryo kuwa 04/12/2005 rigena
imitunganyirize y'isoresha nk'uko ryahinduwe
kandi ryujujwe kugeza ubu.

These Rules implement the law n° 25/2005 of
04/12/2005 on Tax Procedures as modified
and complemented to date.

Ces Directives mettent en application la Loi
n° 25/2005 du 04/12/2005 portant Création
des Procédures Fiscales telle que modifiée et
complétée à ce jour.

Ingingo ya 2: Ibisobanuro by'amagambo

Article 2: Definitions

Article 2 : Définitions

Ku birebana n'iyubahirizwa ry'aya Mabwiriza,
ibisobanuro by'amagambo avugwa mu
mategeko y'imisoro ni byo byitabwaho, keretse

For the purpose of these Rules, definitions of
terms mentioned in the fiscal laws apply unless
a different meaning is expressly provided in

Aux fins de l'application de ces Directives, la
signification des termes définis dans les lois
fiscales est d'application à moins qu'une

hari igisobanuro gitandukanye gitangwa muri aya mabwiriza.

Ingingo ya 3: Uburyo bwo kumenyekanisha umusoro ku bihembo

Abasoreshwa bafite igicuruzo rusange ku mwaka kingana cyangwa kiri muni ya miliyoni magana abiri (200.000.000 FRW) z'amafaranga y'u Rwanda bakora imenyekanisha n'iyishyurwa ry'umusoro ku bihembo buri gihembwe. Ku bijyanye n'amezi ya Werurwe, Mata na Gicurasi 2012, kumenyekanisha no kwishyura umusoro ku bihembo w'icyo gihembwe bigomba gukorwa bitarenze tariki ya 15/06/2012.

Ibihembwe bikurikira bimenyekanishwa kandi bikishyurwa bitarenze amatariki akurikira:

- 15 Nzeri;
- 15 Ukuboza; na
- 15 Werurwe.

Abasoreshwa bafite ibyacurujwe bingana cyangwa biri muni y'amafaranga y'amanyarwanda miliyoni magana abiri (200.000.000 FRW) ku mwaka, bahisemo gukora imenyekanisha no kwishyura buri kwezi, basabwa kubanza kubimenyesha Ubuyobozi bw'Imisoro mu nyandiko.

these Rules.

Article 3: Modalities of Pay As You Earn (PAYE) declaration

Taxpayers whose annual turnover is equal or less than two hundred million (200.000.000 RWF) declare Pay As You Earn on quarterly basis. For the months of March, April and May 2012, the deadline for declaration and payment of this quarter is on 15/06/2012.

The deadline for the declaration and payment for the subsequent quarters are fixed on:

- 15 September;
- 15 December; and
- 15 March.

The taxpayers whose annual turnover is equal or less than two hundred million Rwandan francs (200.000.000 RWFR), who opt to declare and pay on a monthly basis are required to inform the Tax Administration in writing.

signification différente ne soit expressément indiquée dans les présentes directives.

Article 3 : Modalités de déclaration de la Taxe Professionnelle sur les Rémunérations (TPR)

Les contribuables dont le chiffre d'affaires annuel est inférieur ou égal à deux cent millions (200.000.000 FRWS) de francs rwandais déclarent et paient trimestriellement la taxe professionnelle sur les rémunérations. Pour les mois de mars, avril et mai 2012, la date limite de déclaration et paiement de ce trimestre est fixée au 15/06/2012.

La date limite de déclaration et paiement pour les trimestres suivants est fixée au:

- 15 Septembre ;
- 15 Decembre; et
- 15 Mars.

Les assujettis dont le chiffre d'affaires annuel est inférieur ou égal à deux cent millions de francs rwandais (200.000.000 FRWS), qui optent pour la déclaration et paiement mensuels sont tenus d'en informer l'Administration Fiscale par écrit.

Iryo hitamo ntirishobora gusubirwamo mbere y'imyaka nibura ibiri.

The option to declare and pay on a monthly basis is irrevocable for at least two years.

Cette option de déclaration et paiement mensuels est irrévocable pendant au moins deux ans.

Abasoreshwa bashya basabwa kumenyekanisha buri gihembwe bagomba kumenyekanisha no kwishyura bitarenze tariki 15 z'ukwezi gukurikira igihembwe biyandikishijemo.

The taxpayers who are newly registered in the system of quarterly declaration must declare and pay not later than the 15th day of the month following the end of the quarter in which this registration took place.

Les assujettis qui sont nouvellement inscrits dans le système de déclaration et paiement trimestriels doivent déclarer et payer au plus tard le 15 du mois suivant la fin du trimestre au cours duquel cette inscription a eu lieu.

Ingingo ya 4: ivanwaho ry'ingingo z'amabwiriza

Article 4: Abrogating provision

Article 4 : Disposition abrogatoire

Amabwiriza yose abanziriza aya kandi anyuranyije nayo avanyweho.

All previous Rules contrary to these Rules are repealed.

Toutes les Directives antérieures et contraires aux présentes Directives sont abrogées.

Ingingo ya 5: Igihe aya mabwiriza atangira gukurikizwa

Article 5: Commencement

Article 5 : Entrée en vigueur

Aya mabwiriza atangira gukurikizwa kuva ku muni yasohokeye mu Igazeti ya Leta ya Repubulika y'u Rwanda.

These Rules come into force on the date of their publication in the Official Gazette of the Republic of Rwanda.

Ces Directives entrent en vigueur le jour de leur publication au Journal Officiel de la République du Rwanda.

Kigali, kuwa 26/04/2012

Kigali, on 26/04/2012

Kigali, le 26/04/2012

(sé)

(sé)

(sé)

Ben KAGARAMA
Komiseri Mukuru w'Ikigo
cy'Imisoro n'Amahôro

Ben KAGARAMA
Commissioner General of the Rwanda
Revenue Authority

Ben KAGARAMA
Commissaire Général de
l'Office Rwandais des Recettes

REPUBLIC OF RWANDA



RWANDA UTILITIES REGULATORY AGENCY

P.O BOX 7289 KIGALI,

Tel: +250 252 584562, Fax : +250 252 584563

Email: dgoffice@rura.gov.rw

Website: www.rura.gov.rw

**REGULATIONS N°004/ICT/RURA/2012 OF 7/05/2012 FOR
INTERNATIONAL GATEWAY TRAFFIC VERIFICATION
SYSTEM**

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ARTICLE 1 PREAMBLE

RURA has legitimate concerns about matters of service quality, key operational statistics for telecommunications, fair competition, transit and roaming traffic practices, telecommunications and network traffic fraud in relation to international incoming electronic communication traffic in the Republic of Rwanda;

The Regulatory Board of Rwanda Utilities Regulatory Agency hereinafter referred to as “RURA”;

Given the Law n° 39/2001 of 13 September 2001 establishing RURA, particularly Articles 5, 6(3), 13, 35, 40, 41, 48, and 50;

Considering Law No. N°21/2011 of 23/06/2011 governing Telecommunications in Rwanda particularly Articles 2, 3, 5 (paragraph 9), 14, 22, 39 (paragraph 7), 41 and 46;

Considering the Presidential Order giving special powers to the Regulatory Board particularly Articles 3 (vi, viii, ix and xi), 6 and 10;

Considering the Ministerial Order N° 5/DC/04 OF 07/06/2004 on the general conditions and pricing principles to be respected in interconnection agreements particularly Article 9 (iii), 10 (i & ii);

Considering the ITU-T Recommendations more specifically D-50 on international Internet connection, D-140 on charging and accounting rate principles in international telecommunication services, D-150 on general tariff principles and D-156 on network externalities in relation to the objectives for the establishment of an IGTVS System in Rwanda;

Considering the specific consultation done with the heads of the concerned licensed network operators on the establishment, operation and management by RURA of an International Gateway Traffic Verification System and its related benefits;

And whereas upon a due consideration and deliberation by the Regulatory Board of RURA in its Session of 07/05/2012;

Hereby issues the following Regulations on the establishment, operation and management by RURA of an International Gateway Traffic Verification System;

ARTICLE 2 DEFINITIONS

- a) Unless the context otherwise requires, the terms used in these Regulations shall have the same meaning, if any, as they have in the Law Governing Telecommunications.
- b) The following terms in these Regulations shall have the meanings provided below. Any references to the singular includes the plural and vice versa and any references in the masculine refer to feminine and vice versa.
- i. **“By-pass”** is the routing of international calls by a licensed network operator to a third party outside of any contractual or beams / trunks dedicated to domestic interconnection.
 - ii. **“CDR”** means Call Detail Records generated by telephone exchanges which contain detailed information about calls originating from, terminating at or passing through the exchange.
 - iii. **“CLI”** means Caller Line Identification.
 - iv. **“Effective Date”** means the date of signature and approval by the Regulatory Board.
 - v. **“Government”** shall mean the Government of Rwanda.
 - vi. **“Gateway”** refers to a device designed to connect telecommunications networks with different architectures or different protocols, or that provide different services from one another.
 - vii. **IBCS** means Interconnect Border Control System.
 - viii. **IGTVS** means International Gateway Traffic Verification System.
 - ix. **“ITU”** means International Telecommunications Union.
 - x. **“International incoming electronic communication traffic”** means incoming traffic to Rwanda including voice traffic.
 - xi. **“Monitoring”** means observation and supervision of telecommunications traffic, in particular C7 signalling, excluding the capability to record, monitor or tap into the content of any electronic communication. This limitation applies to voice communications but also to data communications such as SMS. It is extended also to location data in mobile communications.
 - xii. **“Network Operator”** means and includes licensed telecommunications operators offering fixed and mobile services.
 - xiii. **“OTMU”** means Operator Traffic Management Unit.
 - xiv. **“Regulations”** means these regulations.

- xv. **“Regulatory Authority”** means the Rwanda Utilities Regulatory Agency (RURA).
- xvi. **“VSATs”** means Very Small Aperture Terminal.
- xvii. **“Working day”** shall mean Monday to Friday, but excluding public holidays in the Republic of Rwanda.

ARTICLE 3 PURPOSE

- a) These Regulations determine the establishment and operation by RURA of an International Gateway Traffic Verification System (IGTVS) for ensuring the monitoring of quality of service (QoS), fair competition, fair international transit and roaming practices detect, the fighting and elimination of network traffic fraud and verification of the returns of licensed operators in the Republic of Rwanda for purposes of injecting certitude on the part of all stakeholders in Rwanda’s ICT sector;
- b) Equally, they define and outline conditions for the adoption and operation of an International Gateway Traffic Verification System more specifically a system of control with the conditions for the provision of international incoming electronic communication traffic in Rwanda, including but not limited to the installation and management of the necessary system for the monitoring of traffic by RURA.

ARTICLE 4 SCOPE

- a) These Regulations shall apply to all licensed network operators that enter into international carrier agreements for the termination of International inbound voice services or that send and receive international incoming electronic communication traffic, including transit traffic through their own networks or other networks in the Republic of Rwanda.
- b) The Regulations are applicable to network operators’ local traffic within Rwanda in matters relating to service quality and fraud prevention.
- c) Voice traffic circulating on leased lines and VSATs for private use or use of a closed group users is not affected by these Regulations provided that there shall be no gateway or connection with a public network.

ARTICLE 5 OBJECTIVES OF THESE REGULATIONS

To attain and fulfil the purpose herein laid out, the specific objectives of these Regulations are to:

- i. Provide RURA with adequate regulatory tools that will enable it fulfil its statutory mandate and roles as Rwanda’s National ICT regulator;
- ii. Enable RURA ensure the generation of reliable statistics for all incoming international calls through systems and services for measuring the incoming international traffic;

- iii. Ensure the detection and elimination of network traffic fraud;
- iv. Monitor quality of service (QoS) and ensure fair competition through systems and services for traffic monitoring within the International Gateway Traffic Verification System;
- v. Track, detect and block bypass fraud through an anti-fraud systems and services within International Gateway Traffic Verification System;
- vi. Ensure fair international transit and roaming practices among operators through international gateways monitoring and a billing system and service for incoming international calls;
- vii. Verify the returns of telephone operators and telecommunications in general
- viii. Ensure and enhance local and international traffic revenue assurance and International Market Watch services;
- ix. Creating a secondary opportunity by establishing an IGTVS for the creation of additional source of revenue for all players in the communications sector which revenue could be used further used in enhancing ICT service delivery in Rwanda;

ARTICLE 6 APPLICABLE RATES

- a) A network operator shall charge international carriers the minimum rate per minute for termination in Rwanda of all international incoming electronic communication traffic, including transit traffic, as specified in the Schedule to this Regulation.
- b) Any network operator that charges a lesser rate than that specified in the Schedule to these Regulations shall be liable to pay to RURA a penalty of twice the difference between the specified rate and the rate actually charged.

ARTICLE 7 NO HIGHER FEES BASED ON MINIMUM RATE

- a) No network operator shall, after the introduction of an International Gateway Traffic Verification System (IGTVS), charge its customers a higher fee for its service because of its adoption and application of the minimum rate for international incoming electronic communication traffic.
- b) A network operator that has increased the fees for its services because of the minimum rate for international incoming electronic communication traffic is liable to pay to RURA a penalty of twice the sum of the value of the increase.

ARTICLE 8 INSPECTION

- a) RURA will be carrying out measures for ensuring compliance with the system which measures will include inspections and directing the network operators to provide RURA with any particular data or information in relation to the network operator.

- b) Any data or information so requested by RURA shall be provided by the network operator within seven working days and failure to submit the data or information within the time frame, without a reasonable cause communicated to RURA, shall attract a daily penalty payment of between Five Hundred Thousand Rwanda Francs (Rwf; 500,000) to Five Million Rwanda Francs (Rwf; 5,000,000) after the seventh working day up to the day the information or data is submitted PROVIDED RURA may not apply a penalty where a network operator gave RURA within the seven working days reasonable ground/s for any delay in the provision of the requested data or information.

ARTICLE 9 FRAUDULENT TRAFFIC

- a) RURA shall consider International incoming electronic communication traffic as fraudulent when it is;
- i. managed by an entity without the license or authorization issued by RURA required for the management of international voice traffic;
 - ii. managed by a licensed operator but not declared to RURA;
 - iii. managed by a licensed operator but sold at a rate below the minimum rate as provided for in the Schedule to these Regulations;
 - iv. any traffic by third parties or carriers that transmits traffic to Rwanda where a network operator is unable to bill or collect payment;
 - v. where there is a reasonable expectation that an end user is not likely to pay the telephone bill because the calls are disputed as not originating from the telephone line for which the respective end user is responsible;
 - vi. where calls are being made to inflate payments;
 - vii. The use of the telecommunications network with the intention of avoiding payment or without correct payment or with no payment at all;
- b) RURA shall provide the necessary regulatory surveillance by actively pursuing the elimination of fraudulent traffic. To achieve this and where applicable, RURA may further specifically direct or order for any of the following;
- i. Network operators to effectively carry out or comply with any fraud surveillance obligations;
 - ii. The disclosure of fraud user sim;
 - iii. The deactivation of any fraud user sim;
 - iv. To provision of a balance reporting on a fraud user sim;
 - v. To enhancement of the collection of all bypass fraud evidence;
 - vi. The sharing of fraud information;

- vii. That anything fraud or related criminal activity be further reported to any relevant entity or authority for address;
- c) The acceptance of and termination of international incoming electronic communication traffic are subject to network operators' license terms without regard to the routing protocol used. Any termination or delivery by any person or body corporate without a license is considered as fraudulent.
- d) The delivery and termination of international incoming electronic communication traffic by network operators is limited to the routing of calls to either customers of their own network and to the customers of other network operators with whom they have an interconnection agreement for the provision of transit and roaming service for the international incoming electronic communication traffic.
- e) By-pass is hereby not permitted and must be blocked and reported to RURA by any network operator.
- f) Network operators are allowed to block traffic without CLI or with modified CLI.
- g) Network operators must carry traffic with the CLI (unmodified).
- h) The RURA reserves the right to conduct on-site inspections as part of its mandate.
- i) All network operators must fight, by all means at their disposal, fraud or fraudulent termination of international incoming electronic communication traffic on their network and other network operators when fraud is initiated by one of their customers and or carriers. They are obliged to either cut or block such call terminations where fraud is detected or reported.
- j) The transit of international calls from one local network operator to another is permitted though operators are not required to accept international incoming electronic communication traffic routed through another operator for customers of their networks.
- k) Transit fees or charges for international incoming electronic communication traffic are determined by an interconnection agreement between the network operators.

ARTICLE 10 IGTVS & ANTIFRAUD SERVICE FEE

- a) A network operator shall pay to RURA an IGTVS and antifraud service fee as provided for in the Schedule hereto together with the money to be collected by RURA and payable to the state treasury of Rwanda) for each minute of international inbound voice traffic terminated in their networks or transited to other licensed operators.
- b) RURA shall bill and collect from network operator money due as a result of the minimum rate of all international incoming electronic communication traffic.
- c) RURA shall be responsible and accountable for the further use of the money collected within the law governing its function, operation and mandate.

- d) An invoice by RURA to each operator shall have the following components:
 - i. The number of calls;
 - ii. The number of minutes;
 - iii. The amount owed based on the percentage;
 - iv. The due date for payment
- e) Network operators shall honour bills and invoices in their entirety and payment shall be made not later than fourteen days after their issue date.
- f) Any query relating to an invoice shall be raised and communicated to RURA within two-working days from the date of receipt and all such queries shall be addressed within seven working days.
- g) In the event of a late payment to RURA by a network operator, then RURA will apply a penalty of 5% of the amount due.

ARTICLE 11 IGTVS SYSTEM CAPABILITY

- a) The IGTVS does not have the capability to actively or passively record, monitor or tap into the content of any incoming or outgoing electronic communication traffic, including voice, video and data existing discretely or on a converged platform whether local or international and no further regulatory measure under these Regulations shall give or ensure such capability.
- b) Further, to ensure that, all network operators shall carry a signalling data necessary for the management of the communications (origin, destination, service information, time and path of the call) over a dedicated link, in such a way that the dedicated link does not carry any other data and in particular the content of the electronic communications, location information for mobile services or SMS.
- c) An IBCS or monitoring hardware and software will only be installed over such dedicated links with signalling information where it shall be physically impossible for the public authorities to record, monitor or tap into the content of any electronic communication.

ARTICLE 12 SPECIFIC OBLIGATIONS

Article 12.1 Transparency Obligations

- a) All network operators shall provide RURA with the following information:
 - i. The declaration on traffic including total number of minutes and revenue for the termination of international inbound voice traffic, including transit traffic, in their own network which shall include the statistics of international incoming electronic communication traffic of calls completed on their own network and calls completed on third party networks;
 - ii. Interconnection, transit and roaming agreements signed with third party operators or carriers;

- iii. Statements and invoices by international carriers or operators for the traffic terminated in Rwanda or invoices sent to international carriers or operators;
 - iv. the number of minutes and revenue for traffic terminated to each international carrier contracting the termination service with the licensed operator;
 - v. the CDRs for voice traffic, both for international inbound traffic and for national voice traffic in a format to be defined and determined by RURA.
 - vi. all the necessary information about the management of their networks for the provision of voice services, including their networks SS7 data links, recorded traffic data, contracts and invoices with other carriers etc
- b) The report and CDRs mentioned above shall be submitted to RURA before the sixth calendar day after the end of each calendar month and the CDRs will be subject to CDR comparison process.
 - c) Network operators shall allow RURA, or entity acting on behalf of RURA, to audit the network operator's networks for the objectives not limited to reconciliation process between the operators, RURA and any relevant third party.
 - d) Network operators shall allow RURA or entity acting on behalf of RURA, to monitor in real time any traffic related information.
 - e) RURA will carry out audits to verify the accuracy of any information provided through the IGTVS.

Article 12.2 Site Survey obligations

- a) RURA will initiate site surveys in order to determine and ascertain the aspects of feasibility or requirements for the inter-network connectivity.
- b) Network operators are obliged to allow and permit for the conduct of a survey to facilitate any implementation or connectivity requirements of the IGTVS System.
- c) Any conduct of a site survey by RURA or its authorized representatives will be done together with or in the present of an authorised representative of a network operator.

Article 12.3 Monitoring Process

- a) RURA is responsible for monitoring network operators' monthly statistics of incoming international electronic communication traffic to Rwanda and parameters relating to quality of service and fraud detection. That RURA has the mandate to collect certain information from the network operators including appropriate data in order to ascertain among other things quality of service and calculate the volume of traffic carried over the network of the network operators.
- b) RURA within its mandate is equally authorized to acquire, install and operate monitoring devices and signalling for measuring the volume and quality of local and international incoming electronic communication traffic of the networks operators as well as to

sanction and fight against fraud including the unlawful termination of international telephone to any network in Rwanda.

- c) RURA or any entity acting on its behalf shall be allowed by the network operators, to install on the operator's networks the necessary equipment, including an IBCS, hardware and software, for the monitoring in real time of the voice traffic managed by the network.
- d) All network operators shall collaborate by providing all the required support for the installation of the aforementioned monitoring system including the provision of access to their premises, provision of space in their premises for the installation of hardware and allow for the maintenance of the equipment installed in their premises.
- e) Network operators shall facilitate the interconnection links, including connectivity to any fiber, between RURA's monitoring systems installed at their switch centres and RURA's main operating centre for the transport of signalling messages.
- f) For guaranteeing the correct management of the signalling data extracted from the network operators, signalling data shall be processed and stored exclusively for the purpose of monitoring compliance with the license obligations.
- g) Signalling data received will be stored in modified versions, either encrypted or with the last three digits of the calling numbers with the called numbers eliminated.
- h) All signalling data are to be processed and stored through the right security measure and it shall be stored only for the duration necessary for the purpose of monitoring compliance with the license obligation.
- i) Signalling data received by RURA under these shall never be transmitted or given to third parties, public or private, with the exception of an order of a court of competent jurisdiction.
- j) Network operators shall file or register all signed interconnection and international carrier agreements with RURA and that these agreements shall be kept with the strictest confidence by RURA at all times. This shall help RURA with, among other things, the understanding and effects of any tariff fluctuation resulting from the actions of international carriers directly interconnected with local operators.

Article 12.4 IGTVS Connectivity

- a) As outlined above, there will be a link between the network operators and RURA's OTMU.
- b) All equipment to be connected to or for the IGTVS shall be of international standards with satisfactory quality and fit for their purpose.
- c) A network operator shall allow and permit the installation by RURA in its premises an Interconnection Border Control System and the linking the same to RURA's monitoring centre.

- d) The planning and interfacing with existing networks operators' international gateway shall be performed without affecting or changing their current traffic routing and carrier configurations as provided in their existing international gateway licenses that allow them to terminate and send international traffic in partnership with carriers of their choice.
- e) The network operators shall have the obligation to provide RURA with any information relating to the entity or carrier managing international inbound traffic including but not limited to their International Mobile Subscriber Identity (IMSI) or the Base Transceiver Station (BTS) used for a specific call.
- f) RURA will adopt measures for the control and regulation of international VoIP gateways in Rwanda.
- g) The IBCS and any co-location equipment, for the purposes of IGTVS, shall not cause any interference to the network operators' equipment, plant, facilities, networks and the equipment of any other operator, in the co-location space, including when installing the IBCS equipment. In the event of any interference, all concerned parties shall take in good faith reasonable measures to resolve the problem promptly.
- h) Procedures regarding the physical access to the co-location space and the inspection of the co-location space and equipment by RURA representatives or staff shall be determined by RURA at the time of the installation of the IBCS, any related telephone traffic measurement equipment, anti-fraud software including complex GSM and CDMA fraud detection systems and any other equipment.
- i) In the event of any direct damage to the co-location plant, network equipment or facilities, arising out of or during the course of installation, operation, maintenance, replacement or repair of the concerned co-located plant or network in the premises of a network operator, the damage shall be reported to RURA representative or staff and it shall be, subject to any agreement, rectified without delay.
- j) RURA or its representative shall be responsible for the operation or maintenance of its co-location equipment or as may be mutually agreed with a network operator.
- k) Either party shall ensure that its employees, agents and approved sub-contractors comply with the procedures for access including any further directions put in place by RURA for the effective implementation of these Regulations.
- l) The IBCS and all other co-location equipment must be marked to clearly indicate their specifications and for which party it represents.
- m) RURA and network operators shall ensure that their staff observe and comply with all applicable or specified safety rules for the purposes of the link.
- n) RURA and the network operators shall agree on the costs relating to collocation which cost shall include but not limited to the rent for the collocation space, electricity, the E1 channel needed to put RURA's system into operation, etc.

Article 12.5 Service Suspension

Network operators shall comply with a written request of RURA to suspend service to entities managing international inbound voice traffic in a 24 hours term for reasons or in connection with these Regulations or matters affecting any of its provisions or the implementation thereof.

Article 12.6 Implementing the Regulations

- a) The Director General of RURA shall establish a special committee for purposes of implementing or ensuring compliance with these Regulations especially in the overall required monitoring for service quality and compliance with license terms.
- b) The membership of this special committee shall comprise a representative of each network operator, a representative of any of RURA's independent contractors working on the IGTVS and as many representatives of RURA and members of other public or private entities are appointed.
- c) The Director General of RURA shall be the chairperson of this special committee provided that he or she may delegate a staff of RURA to act on his or her behalf at certain times.
- d) RURA shall maintain a database for the purposes of these regulations.
- e) All other matters relating to dispute resolution arising out of or in the course of the implementation of these Regulations and sufficiently not catered for or addressed by these Regulations shall be determined by the relevant laws and particularly the licensing regulations of RURA.

ARTICLE 13 FURTHER DETERMINATIONS BY RURA

- a) Before or after the setting up of the IGTVS, RURA may determine the following;
- b) Establish a revenue assurance benchmarks before and after the fixation of the minimum rate as per the Schedule hereof;
- c) Consider and adopt a new operator interconnection billing standards and settlement procedures;
- d) Develop a new operator support and supervision agreement in order to facilitate the provisions of any relevant legislation and or these Regulations for the control of international traffic flows, including regional traffic, in and out of Rwanda;
- e) Define the technical terms and conditions of support and supervision among the operators as well as the mechanisms for the supply, maintenance and operation of Rwanda's C7 signalling control systems;

- f) Consider a the planning, migration, operation and maintenance of all parts of the IGTVS for purposes of supervision and management of national and international traffic in Rwanda;
- g) Consider some technical assistance and training on the management of interconnection management systems and infrastructure for the purposes of these Regulations;

ARTICLE 14 SERIOUS BREACHES

The following actions by network operators or their representatives shall be considered as serious breaches of the obligations imposed by these Regulations;

- i. The provision of international inbound voice services without license;
- ii. The termination of all international incoming electronic communication traffic, including transit traffic at a price below the minimum rate stipulated in the Schedule to these Regulations;
- iii. The refusal or delay by a network operator to pay to RURA the fee prescribed by these Regulations;
- iv. The refusal by a network operator to meet the transparency obligations prescribed by these Regulations;
- v. The refusal or obstacle by a network operator to allow the installation of an IBCS or any equipment for monitoring under these Regulations;
- vi. Failure by network operators to file or register all interconnection and international carrier agreements with RURA;

ARTICLE 15 SANCTIONS FOR THE SERIOUS BREACHES

- a) The breaches defined by these Regulations shall be sanctioned by RURA with the higher of the following two quantities:
 - i. Three times the benefit obtained with the action defined as a breach.
 - ii. A payment of 10% of a verified billable amount as may be determined by RURA;
- b) Should the network operator commit three breaches of this regulation, RURA may consider stopping it from the provision of voice services in Rwanda.
- c) Notwithstanding any other provision of these Regulations, a delay in payments to RURA for more than three consecutive months shall be sanctioned with a fine of 50% of the quantity sum invoiced or requested by RURA.

ARTICLE 16 AMENDMENT

The rate and percentage in the Schedule to this Regulation may be amended depending on the circumstances within the sector.

ARTICLE 17 TRANSITIONAL PROVISIONS

- a) It is hereby recognized that a number of actions must be taken by both RURA and the concerned licensed operators before the IGTVS is finally set up and be made ready for operation.
- b) Immediately after the effectiveness and coming into force of these Regulations, the network operators shall, within a period of sixty (60) days (hereinafter called the “transitional period”) address, carry out and or effect the realisation of the following;
 - i. Cause a review and amendment of their existing carrier agreements;
 - ii. File with RURA all their amended interconnection and carrier agreements;
 - iii. Reach an agreement with RURA or its representative, where applicable and necessary, on all matters relating to the collocation of any IGTVS equipment;
 - iv. Having an agreement, where applicable, on all the required network and service parameters for the purposes of these Regulations;
 - v. Identify and appoint a member of their staff as their representative for the special committee in line with these Regulations;
 - vi. Assist RURA’s representatives in the conduct of any survey for the purposes of these Regulations;
 - vii. Having an identified place or space for connection and collocation of the Interconnect Border Control System (IBCS);
 - viii. Identified all requirements for the connectivity of the IBCS to the switch and networks of the concerned operators;
 - ix. An established and complete network with a functional and operational IGTVS;
 - x. Any other thing or requirement further identified by RURA that has the effect of ensuring the effective and efficient implementation of the IGTVS as conceived by these Regulations;
- c) The transitional period begins from date of approval and signature by the Regulatory Board.
- d) It shall be considered as a serious breach on the part of a concerned licensed operator who fails to achieve any of the above transitional terms and or comply with any requirement identified by RURA during the course of the transitional period.

ARTICLE 18 REPEALING PROVISION

All previous provisions or regulations governing, determining or relating to gateway and international incoming electronic communication traffic contrary to these Regulations are hereby repealed.

ARTICLE 19 PUBLICATION

These regulations shall be published on RURA website and in the Official Gazette of the Republic of Rwanda.

ARTICLE 20 COMING INTO FORCE

These Regulations shall come into force from the date of approval and signature by the Regulatory Board.

ISSUED AT KIGALI ON THIS 7TH DAY OF MAY 2012

Sé

EUGENE KAZIGE

CHAIRMAN OF THE REGULATORY BOARD

SCHEDULE TO THE REGULATIONS

N0	Subject Matter	Rate Per Minute
1	Minimum Rate for termination in Rwanda of all international incoming electronic communication traffic;	US\$ 0.22
A	The Operators' share of per minute minimum rate of the international incoming call;	US\$0.12
	RURA's service fees including the repayment for IGTVS system and its operations within the minimum rate;	US\$0.07
	Money to be collected by RURA and payable to the State Treasury (Rwanda) within the minimum rate;	US\$0.03

SEEN ABOVE AND ATTACHED TO THESE REGULATIONS N°004/ICT/RURA/2012 OF 07/05/2012 FOR INTERNATIONAL GATEWAY TRAFFIC VERIFICATION SYSTEM FOR ENSURING THE MONITORING OF QUALITY OF SERVICE (QOS), FAIR COMPETITION, FAIR INTERNATIONAL TRANSIT PRACTICES DETECT AND ELIMINAION OF NETWORK TRAFFIC FRAUD AND VERIFICATION OF THE RETURNS OF LICENSED OPERATORS IN RWANDA

Kigali, on this 7th Day of May 2012

Sé

EUGENE KAZIGE

CHAIRMAN OF THE REGULATORY BOARD

AMABWIRIZA Y'AGATEGANYO YA MINISITIRI W'IBIKORWA REMEZO N° 02/LEGAD/012 YO KU WA 17/05/2012 KU MIRIMO YO GUKORA AMAPULA Y'INYUBAKO, N'IY'UBWENJENYERI MU RWANDA

PROVISIONAL INSTRUCTIONS OF THE MINISTER OF INFRASTRUCTURE N°02/LEGAD/012 OF 17/05/2012 ON ARCHITECTURE AND ENGINEERING SERVICES IN RWANDA

INSTRUCTIONS PROVISOIRES DU MINISTRE DES INFRASTRUCTURES N° 02/LEGAD/012 DU 17/05/2012 SUR LES SERVICES D'ARCHITECTURE ET D'INGENIERIE AU RWANDA

ISHAKIRO

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AMABWIRIZA Y'AGATEGANYO YA MINISITIRI W'IBIKORWA REMEZO N°02/LEGAD/012 YO KUWA 17/05/2012 KU MIRIMO YO GUKORA AMAPULA Y'INYUBAKO, N'IY'UBWENJENYERI MU RWANDA

PROVISIONAL INSTRUCTIONS OF THE MINISTER OF INFRASTRUCTURE N°02/LEGAD/012 OF 17/05/2012 ON ARCHITECTURE AND ENGINEERING SERVICES IN RWANDA

INSTRUCTIONS PROVISOIRE DU MINISTRE DES INFRASTRUCTURES N°02/LEGAD/012 DU 17/05/2012 SUR LES SERVICES D'ARCHITECTURE ET D'INGENIERIE AU RWANDA

Minisitiri w'Ibikorwa Remezo,

The Minister of Infrastructure,

Le Ministre des Infrastructures,

Mu gihe hagitegerejwe Itegeko rigenga Umwuga w'abakora Amapula n'Abenjenyeri mu Rwanda n'ishyirwaho ry'ingaga z'abakora amapula n'Abenjenyeri cyangwa imyuga isa nabyo;

While waiting for the Law Governing Architecture and Engineering services in Rwanda and putting in place the board of registration for architects and Engineers or other similar professions,

En attente de la loi regissant les services des Architectes et des Ingenieurs et la mise en place de l'ordre des Architectes et des Ingenieurs ou autres services similaires;

Mu gihe hagitegerejwe Itegeko rigena uburyo imirimo ijyanye n'iby'ubwubatsi ikorwamo ;

While waiting for the Law establishing the framework for Provision of Real Estate Services;

En attente de la loi portant cadre de prestation des services immobiliers

Hagendewe kuri Politiki iriho yo kwihutisha imirimo y'ubucuruzi mu Rwanda;

Considering current commitment of Doing Business Policy in Rwanda;

Considérant le processus actuel d'accélérer la Politique des affaires au Rwanda

Kubera ko iyo mirimo yose ikeneye amategeko ayigenga kugira ngo itange icyizere ko mpande zose ziyikora;

Considering that those services need to have a legal framework so as to secure the rights of involved parties;

Considérant que ces services ont besoin d'un cadre Legal pour la protection des droits des parties impliquees;

Amaze kubona ko nka Minisitiri ufite Ibikorwa Remezo byose mu nshingano ze, ko byaba byiza hashyizweho uburyo bunoze bwo gutunganya imirimo y'abakora amapula

Considering, in his capacity as the Minister in charge of Ministry responsible for all infrastructure, that it would be appropriate to put in place a proper procedure of regulating

Considérant que, en tant que le Ministre ayant dans ses attributions les infrastructures, il est nécessaire de mettre en place une procédure appropriée regulant les services

n'abenjenyeri:	professional architecture and Engineering services;	des Architectes et des Ingenieurs professionnels
Inama y'Abaminisitiri yateranye kuwa 18 Mata 2012 imaze kubisuzuma no kubyemeza;	After consideration and approval by the Cabinet meeting, in its session of 18 th April 2012;	Après examen et adoption par le Conseil des Ministres, en sa séance du 18 avril 2012 ;
ATANZE AMABWIRIZA AKURIKIRA:	HEREBY ISSUES THE FOLLOWING INSTRUCTIONS:	DONNE LES INSTRUCTIONS SUIVANTES:
<u>UMUTWE WA MBERE: INGINGO RUSANGE</u>	<u>CHAPTER ONE: GENERAL PROVISIONS</u>	<u>CHAPITRE PREMIER: DISPOSITIONS GENERALES</u>
<u>Ingingo ya mbere: Icyo aya mabwiriza agamije</u>	<u>Article one: Scope of the present instructions</u>	<u>Article premier: Champ d'application de ces instructions</u>
Aya mabwiriza y'agateganyo areba ikorwa ry'imirimo yo gukora amapula y'inyubako n'iy'ubwenjenyeri mu Rwanda.	These Provisionnal Instructions concern architecture and engineering services in Rwanda.	Ces Instructions provisoires concernent l'organisation des services d'architecture et d'ingénierie au Rwanda.
Muri urwo rwego amabwiriza :	For that purpose, the instructions:	A cet effet, les Instructions :
1° asobanura imirimo igomba gufatwa nk'iyerekeye gukora amapula y'inyubako cyangwa y'ubwenjenyeri ;	1° defines service provisions to be considered as services related to architecture and engineering;	1° définit les prestations devant être considérées comme relevant de l'architecture ou de l'ingénierie ;
2° agena ibyo abantu bashaka gukora imirimo yo gukora amapula y'inyubako cyangwa imirimo y'ubwenjenyeri	2° defines the conditions which persons willing to provide architecture or engineering services have to fulfill and	2° détermine les conditions que doivent remplir les personnes voulant offrir des services d'architecture ou

bagomba kuba bujuje, kandi rigashyiraho urwego umurimo wo gukora amapula y'inyubako cyangwa w'ubwenjenyeri ukorerwamo ;

sets up the framework for exercising the profession of architect and engineer;

d'ingénierie et établit un cadre d'exercice de la profession d'architecte ou d'ingénieur ;

3° rishyiraho inzego zigenewe kugenzura uburyo abakora imirimo yo gukora amapula y'inyubako n'iy'ubwenjenyeri bubahiriza amategeko agenga umwuga wabo.

3° Sets up professional structures meant to ensure ethical supervision of architecture and engineering services.

3° établit des structures professionnelles appelées à assurer la supervision déontologique des prestataires de services d'architecture et d'ingénierie.

Ingingo ya 2: Ibisobanuro by'amagambo

Article 2: Definitions

Article 2: Définitions des termes

Muri iri tegeko, amagambo akurikira asobanurwa ku buryo bukurikira :

Under this Law, the following terms shall have the following meanings:

Dans le contexte de la présente loi, les termes suivants sont définis comme suit :

1° **Umuntu ukora imirimo yo gushushanya amapula y'inyubako:** umuntu, ku giti cye cyangwa ikigo, ukora imirimo yo guteganya no gutekereza imiterere y'inyubako, imirimo yo gushyira mu bikorwa amapula n'ibishushanyo by'amazu n'inzindi nyubako, no kugenzura ikorwa ry'imirimo yo kubaka;

1° **Architecture services provider:** person who carries out the work of planning and designing the buildings, the realization of execution plans and drawings for buildings and other structures, oversees the overall building projects implementation process, as well as supervision of the execution of works ;

1° **Prestataire de services d'architecture :** personne assurant les prestations de planification et de conception de l'ossature des constructions, de la réalisation de plans d'exécution et des dessins pour des bâtiments et d'autres structures, ainsi que du contrôle de l'exécution des travaux ;

2° **Umuntu ukora imirimo y'ubwenjenyeri :** umuntu, ku giti cye cyangwa ikigo, ukora imirimo y'ubwubatsi, iyo gushyira umurimo mu nyubako n'imirimo ya elegitoroniki, hamwe n'imirimo yo gushyira imashini

2° **Engineering services provider:** person who carries out the work of design and specification of structure, mechanical, electrical and plumbing systems, execute and approves construction, electrical and electronic

2° **Prestataire de services d'ingénierie :** personne réalisant des travaux de construction, d'installations électrique et électronique ainsi que les processus industriels ;

- mu nganda ;
- 3° **Urugaga rw'abakora amapula y'inyubako :** ishyirahamwe ry'umwuga w'abakora amapula y'inyubako, rigenzura uburyo abarigize bubahiriza amategeko agenga umwuga ;
- 4° **Urugaga rw'abenjenyeri :** ishyirahamwe ry'umwuga w'abenjenyeri, rigenzura uburyo abarigize bubahiriza amategeko agenga umwuga ;
- 5° **Urugaga :** Urugaga rwaba urw'abakora amapula y'inyubako cyangwa urw'abenjenyeri cyangwa se zombi bitewe n'ibikubiye mu ngingo ijambo ririmo ;
- 6° **Imirimo yo gukora amapula y'inyubako :** imirimo yo guteganya no gutekereza imiterere y'inyubako, imirimo yo gushyira mu bikorwa amapula n'ibishushanyo by'amazu n'izindi nyubako, no kugenzura ikorwa ry'imirimo yo yo kubaka;
- 7° **Imirimo y'ubwenjenyeri :** ugukora imirimo y'ubwubatsi, yo gushyira
- installation, as well as manufacturing processes;
- 3° **Association of architects:** professional organisation of architects meant to ensure the supervision of its members with regard to respect of professional rules;
- 4° **Association of engineers:** professional organisation of engineers meant to ensure the supervision of its members with regard the respect of professional rules;
- 5° **Association:** Association of architects or Association of engineers or both, depending on the content of provision in which the word is;
- 6° **Architecture services :** services of planning and designing the structure of buildings, realization of execution plans and drawings for buildings and other structures, as well as supervision of execution of works ;
- 7° **Engineering services:** realization works including: construction works,
- 3° **Ordre des architectes :** organisation professionnelle des architectes, appelée à assurer la supervision de ses membres en ce qui concerne le respect des règles de la profession ;
- 4° **Ordre des ingénieurs :** organisation professionnelle des ingénieurs, appelée à assurer la supervision de ses membres en ce qui concerne le respect des règles de la profession ;
- 5° **Ordre :** Ordre des architectes ou ordre des ingénieurs ou les deux selon le contenu de la disposition dans laquelle le mot se trouve ;
- 6° **Services d'architecture :** prestations de planification et de conception de l'ossature des constructions, de la réalisation de plans d'exécution et des dessins pour des bâtiments et d'autres structures, ainsi que du contrôle de l'exécution des travaux ;
- 7° **Services d'ingénierie :** il s'agit de la réalisation des travaux comprenant :

umuriro mu nyubako n'imirimo ya elegitoroniki, hamwe n'imirimo yo gushyira imashini mu nganda. Iyo mirimo ikaba igamije gukora:

- a. imihanda, ibibuga by'indege, inzira ikoresheje ibyuma, amateme, amateme yubatse hejuru y'ibibaya, imihanda inyura i kuzimu n'imiyoboro iri mu rwego rwo gutwara abantu n'ibintu ;
- b. ingomero, imigende, imyaro mitoya n'indi mirimo ijyanye no guteza imbere, gutunganya no gukoresha amazi ;
- c. imirimo ijyanye n'iby'amashanyarazi, n'ubukanishi, iyo gukora ingomero zitanga amashanyarazi, n'iby'indege, ibya elegitoroniki, n'iby'ibibyara ubushyuhe, n'iby'intwano za kirimbuze, n'ibyogukora ibikoresho mu byuma, n'iby'ubucukuzi bw'umutungo uri mu butaka na mini hamwe n'imirimo igamije ikoreshwary'ubutabire n'ubugenge mu buzima busanzwe ;

electrical and electronic installation works, as well as manufacturing processes. The following works concern realization of :

- a. public highways, airports, railways, bridges, viaducts, tunnels and installations linked to a transportation system;
- b. dams, canals, harbours, and all works relating to improvement, management, or use of waters;
- c. electrical, mechanical, hydraulic, aeronautical, electronic, thermal, nuclear, metallurgical, geological, or mineral works, as well as those meant for use of chemistry or applied physics processes;

les travaux de construction, les travaux d'installation électrique et électronique ainsi que les processus industriels. Lesdits travaux portent sur la réalisation:

- a. des voies publiques, des aéroports, des chemins de fer, des ponts, des viaducs, des tunnels et des installations reliés à un système de transport ;
- b. des barrages, des canaux, des havres et de tous les travaux relatifs à l'amélioration, à l'aménagement ou à l'utilisation des eaux ;
- c. des travaux électriques, mécaniques, hydrauliques, aéronautiques, électroniques, thermiques, nucléaires, métallurgiques, géologiques ou miniers ainsi que de ceux destinés à l'utilisation des procédés de chimie ou de physique appliquée ;

d. fondasiyo z'inyubako, ibisenge byazo, gushyira mu mazu uburyo bugenzura ikoreshwa ry'amashanyarazi cyangwa rya mekaniki ;

e. inyubako n'ibikoresho byo mu nganda birinda umutekano w'abantu n'abakozi.

d. foundations, framework, and electrical or mechanical systems of buildings;

e. works or manufacture equipment involving the security of the public or employees.

d. des fondations, de la charpente et des systèmes électriques ou mécaniques des édifices ;

e. des ouvrages ou équipements industriels impliquant la sécurité du public ou des employés.

Ingingo ya 3 : Abakora imirimo yo gukora amapula cyangwa y'ubwenjyenyeri

Imirimo yo gukora amapula cyangwa imirimo y'ubwenjyenyeri ivugwa mu ngingo ya 2 y'iri tegeko ikorwa gusa n'abantu bujuje ibayngombwa bigenwa n'iri tegeko kandi bari mu byiciro bikurikira :

- 1° Abahanga mu gukora amapula;
- 2° Abenjyenyeri muri rusange.

Bitabangamiye ibihano byategekwa n'amategeko ahana, undi wese wakora imirimo y'umuhanga mu gukora amapula cyangwa y'umwenjyenyeri kandi atabifitiye uburenganzira hakurikijwe iri tegeko, ntashobora gusaba mu nkiko, igihembo

Article 3 : Architecture or Engineering service providers

Architecture or Engineering services listed in Article 2 of these instructions, can only be provided by, persons fulfilling all conditions set and in accordance with the rules specified in this Law and clasfied as:

- 1° Architects;
- 2° Engineers in the wide sense.

Whithout prejudice to penalties provided for by criminal provisions, any other person exercising the functions of architect or engineer without having right to in accordance of the present law cannot claim before the courts of justice a remuneration whatever for

Article 3 : Prestataires des services d'architecture ou d'ingénierie

Les services d'architecture ou les services d'ingénierie énumérés dans l'article 2 de la présente loi ne peuvent être assurés que par, les personnes remplissant les conditions édictées et suivant les règles prescrites dans la présente loi et se trouvant dans les catégories suivantes :

- 1° Architectes ;
- 2° Ingénieurs au sens large.

Sans préjudice des peines prévues par les dispositions pénales, toute autre personne exerçant les fonctions d'architecte ou d'ingénieur sans en avoir le droit en vertu de la présente loi, ne peut réclamer devant les juridictions, une quelconque rémunération

cy'imirimo yaba yarakoze muri ubwo buryo. the services possibly provided for in this quality. des services éventuellement rendus en cette qualité.

Nyamara iyi ngingo ntigamije gukumira umunyamwuga usanzwe cyangwa umukozi uzobereye, gukora umwuga we, ntinagamije kubuza umuntu kwikorera cyangwa kugenzura ikorwa ry'imirimo nk'umwubatsi, iyo : However, this provision is neither meant to prevent the simple craftsman or experienced worker from practising their profession nor to prevent any person from carrying out or monitoring works of their own or as contractor, where: Toutefois, la présente prescription ne vise pas à restreindre l'exercice normal de son art ou de son métier par le simple artisan ou par l'ouvrier expert, ni à empêcher une personne d'exécuter ou surveiller des travaux à titre de propriétaire ou d'entrepreneur, quand :

1° iyo mirimo ikorwa yishingiwe n'umuhanga mu gukora amapula cyangwa, hakurikijwe uko iteye, n'umwenzeyeri 1° works are carried out under the authority of an architect or an engineer 1° ces travaux sont exécutés sous l'autorité d'un architecte ou selon le cas, d'un ingénieur

2° ari ugutekereza, uguteganya no kwubaka amazu bwite yo guturamo niba amategeko ataziteganyiriza ibisabwa byihariye. 2° It deals with the design, planning, and construction of personal residence houses when the law does not impose special conditions. 2° il s'agit de la conception, de la planification, et de la construction d'habitations personnelles lorsque la législation n'impose pas de conditions spéciales.

Ingingo ya 4: Ibiteganywa kugira ngo umuntu yemererwe gukora umwuga

Article 4: Conditions for authorization to profession

Article 4: Conditions d'admission à l'exercice de la profession

Kugirango umuntu yemererwe gukora imirimo yo gukora amapula cyangwa imirimo y'ubwenzeyeri mu Rwanda, agomba : In order to be authorized to provide architecture or engineering services in Rwanda, the candidate should: Pour être autorisé à fournir les services d'architecture ou d'ingénierie au Rwanda, le candidat doit :

1° kuba ari umunyarwanda cyangwa asanzwe atuye mu Rwanda nibura mu 1° be a Rwandan national or have lived in Rwanda for at least five years (5) 1° être de nationalité rwandaise ou résider habituellement au Rwanda

gihe cy'imyaka itanu (5) mbere yuko iri tegeko ritangira gukurikizwa ; ariko impunzi ziba mu Rwanda zikaba zisonewe iyo ngingo y'imyaka itanu (5) ;

2° kuba afite impamyabumenyi yemewe mu Rwanda, yerekana ko usaba kwemererwa gukora yakurikiye amasomo ateganyijwe kandi akaba yaratsinze ibizamini biteganywa kugirango abone iyo mpamyabumenyi ;

3° kubisaba Urugaga rw'umwuga w'abahanga mu gukora amapula cyangwa Urugaga rw'abenjenyeri, zishyirwaho n'iri tegeko ;

4° kuba yujuje ibindi bisabwa, hakurikijwe ibiteganywa n'iri tegeko, n'Urugaga rw'umwuga w'abahanga mu gukora amapula cyangwa, hakurikijwe umwuga, n'Urugaga rw'umwuga w'abenjenyeri.

before the commencement thid Law ; however, refugees living in Rwanda for five (5) years are exempted from the five-year residence condition ;

2° be a holder of degree recognized in Rwanda to testify that he or she has followed the required training and that he or she has successfully passed all examinations required to get it;

3° apply for it to the professional Association of architects or, depending on the case, to the professional Association of engineers, established by this Law ;

4° fulfill other professional conditions set by, depending on the case, either the professional Association of architects or engineers in accordance with the provisions of this Law.

depuis au moins cinq (5) ans avant l'entrée en vigueur de la présente loi ; les réfugiés vivant au Rwanda étant toutefois dispensés de cette condition de résidence pendant cinq (5) ans ;

2° être détenteur d'un diplôme reconnu au Rwanda, établissant qu'il a suivi la formation prévue et qu'il a subi avec succès les épreuves requises pour l'obtention de ce diplôme ;

3° en faire la demande à l'Ordre professionnel des architectes ou, selon le cas, à l'Ordre professionnel des ingénieurs, établis par la présente loi ;

4° remplir les autres conditions d'ordre professionnel prescrites par, selon le cas, l'Ordre des architectes ou l'Ordre des ingénieurs conformément aux prescriptions de la présente loi.

Impamyabumenyi yemewe mu Rwanda ivugwa mu gace ka 2° k'igika cya mbere cy'iyi ngingo ni iba yaratanzwe n'ikigo cyo kwigisha cyemewe mu Rwanda, cyangwa impamyabumenyi yemejwe n'inzego zibifitiye ububasha mu byerekeranye n'igereranya

The recognized degree in Rwanda provided for in point 2° of the Paragraph One of this Article shall be either the one delivered by an institution of education recognized in Rwanda, or the one recognized to be equivalent by competent organs in matters of equivalence of

Le diplôme reconnu au Rwanda prévu au point 2° de l'alinéa 1 du présent article est soit celui délivré par une institution d'enseignement reconnue au Rwanda, soit celui reconnu équivalent par les organes compétents en matière d'équivalence des

ry'impamyabumenyi, ko zingana n'izatangiwe mu Rwanda ;

Abantu bujuje ibisabwa mu duce twa 1° na 2° tw'igika cya mbere cy'iyi ngingo, kandi basanzwe bari mu mwuga igihe iri tegeko ritangiye gukurikizwa, basonewe gusaba mu ngaga zivugwa mu gace ka 3° k'igika cya mbere cy'iyi ngingo uburenganzira bwo gukora umwuga. Bagomba gusa kwiyandikisha mu rugaga rureba umwuga wabo.

Ingingo ya 5: Urugaga rw'abakora Amapula n'urw'Abenjenyeri

Hashyizweho Urugaga rw'abahanga mu gukora amapula n'Urugaga rw'abenjenyeri. Buri rugaga rufite ubuzimagatozi.

Ingingo ya 6 : Inshingano rusange

Mu buryo bwa rusange, ari Urugaga rw'abahanga mu gukora amapula ari n'Urugaga rw'abenjenyeri, rugomba gukora ku buryo abitabaza imirimo y'abarugize bashobora kugirira icyizere umwuga wo gukora amapula cyangwa w'ubwenjenyeri.

degrees;

Persons who fulfill the conditions provided for under 1° and 2° above and who already practise the profession before commencement of this Law will be exempted from applying for authorization to one or the other Association indicated in item 3° of the paragraph One of this Article. They will simply be required to register with the Association in which their profession ranks them.

Article 5: Professional Associations of Architects and Engineers

Hereby is established an Association of Architects and an Association of Engineers. Each Association shall enjoy legal personality.

Article 6 : General mission

Generally speaking, the Association of architects as well as the Association engineers insures that the society rightfully maintains trust towards the profession of architecture or engineer.

diplômes ;

Les personnes remplissant les conditions prescrites sous 1° et 2° ci-avant, et exerçant déjà la profession à l'entrée en vigueur de la présente loi, sont dispensées de la demande d'admission à l'un ou l'autre ordre indiqué dans le point 3° de l'alinéa 1 du présent article. Elles ne sont tenues simplement que de se faire enregistrer dans l'Ordre auquel leur profession les range.

Article 5: Ordres des Professionnels des Architectes et des Ingenieurs

Il est créé un ordre des architectes et un ordre des ingénieurs. Chaque ordre jouit de la personnalité civile.

Article 6 : Mission générale

De manière générale, tant l'Ordre des architectes que l'Ordre des ingénieurs s'assure que la société peut, à bon droit, maintenir sa confiance envers la profession d'architecte ou d'ingénieur.

Official Gazette n° 23 of 04 June 2012

Muri urwo rwego, buri rugaga :

- 1° rushyiraho amategeko agenga umwuga kandi rukayubahirisha;
- 2° rugenzura ko abarugize biyubaha, bagira ibanga kandi ari indakemwa mu kazi kabo.

For that purpose, each order :

- 1° shall put in place a code of ethics to regulating the profession and make sure that it is respected ;
- 2° Watches over the honor, discretion, and dignity of the members of the Association while in office or exercising their profession.

A cet effet, chaque ordre :

- 1° établit les règles de la déontologie régissant la profession et en assure le respect ;
- 2° veille à l'honneur, à la discrétion et à la dignité des membres de l'Ordre dans l'exercice ou à l'occasion de l'exercice de la profession.

Ingingo ya 7: Uburenganzira bwo Kwandika Abahanga mu by'Amapula n'Abanjenyeri

Ishyirahamwe ry'Abakora Amapula n'ishyirahamwe ry'abanjenyeri bahawe Uburenganzira bwo kwandika abakora amapula n'abanjenyeri baba ubwabo ku giti cyabo cyangwa amashyirahamwe bahagarariye bo mu gihugu cyangwa abanyamahanga bagiye gukora uwo mwuga mu Rwanda.

Ingingo ya 8: Amafaranga y'imirimo

Ishyirahamwe ry'Abakora amapula n'iry'abanjenyeri bazajya bakira amafaranga ajyanye na serivisi baha abakora amapula n'abanjenyeri

Article 7: Authorization to Register Professional Architects and Engineer

The Architects Association of Rwanda and Engineer Association of Rwanda are authorized to register physical and moral persons; domestic or foreigners allowed performing architectural and engineering profession in Rwanda.

Article 8: Scale of Fees

The Architects Association and the Engineer Association of Rwanda are requested also to implement the scale of fees related to different services to be provided by Architects

Article 7: Autorisation d'Enregistrer les Archtetes Professionnels et Ingenieurs Professionnels

L'association d'architectes du Rwanda et l'association d'ingénieur du Rwanda sont autorisées pour enregistrer les personnes physiques et morales; Nationales ou étrangers autorisees d'exécuter les professions d'architects d'ingenieurs au Rwanda.

Article 8: Frais de services

L'association d'architectes et l'association d'ingénieur du Rwanda devront aussi percevoir les frais liés aux différents services à fournir par les Architectes et les Ingenieurs.

Ingingo ya 9: Iyubahirizwa

Abarebwa n'aya mabwiriza baba ab'inzezo za Leta cyangwa z'Abikorera basabwe guha agaciro no kubahiriza ibikubiye muri aya mabwiriza.

Ingingo ya 10: Igihe aya mabwiriza atangira gukurikizwa

Aya mabwiriza atangira gukurikizwa ku muni atangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Kigali, kuwa 17/05/2012

(sé)

NSENGIYUMVA Albert
Minisitiri w'Ibikorwa Remezo

Article 9: Implementation

All concerned services within public or private sectors are requested to take into consideration these instructions.

Article 10 : : Commencement

These instructions shall come into force on the day of their publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 17/05/2012

(sé)

NSENGIYUMVA Albert
Minister of Infrastructure

Article 9: Execution

Tous les services concernés que ce soit le secteur public ou privés sont priés de prendre en considération ces instructions.

Article 10: Entrée en vigueur

Les présentes instructions entrent en vigueur le jour de leur publication au Journal Officiel de la République du Rwanda.

Kigali, le 17/05/2012

(sé)

NSENGIYUMVA Albert
Ministre des Infrastructures

ABADEPITE B'U RWANDA MU MURYANGO W'AFURIKA Y'IBURASIRAZUBA
(EALA)

Nk'uko biteganywa n'Itegeko n°15/2012 ryo kuwa 03/05/2012 rigena itora ry'Abadepite b'u Rwanda mu Nteko Ishinga Amategeko y'Umuryango w'Afurika y'Iburasirazuba, cyane cyane mu ngingo yaryo ya 21 yerekeranye n'itangazwa ntakuka ry'Abadepite b'u Rwanda muri EALA, amazina y'Abadepite batowe n'Inteko Ishinga Amategeko, imitwe yombi, yateranye kuwa 18 Gicurasi 2012, ni aba bakurikira:

- A. Umuryango wa FPR Inkotanyi n'Imitwe ya Politiki yishyize hamwe nawo :**
- 1. Bwana BAZIVAMO Christophe ;**
 - 2. Bwana HARELIMANA Abdul Karim ;**
 - 3. Madamu HAJABAKIGA MUGORENEJO Patricie ;**
 - 4. Bwana RWIGEMA Pierre Celestin.**
- B. Ishyaka riharanira ukwishyira ukizana kwa buri muntu (PL) : Madamu NYIRAMIRIMO Odette ;**
- C. Ishyaka riharanira Demokarasi n'Imibereho Myiza y'Abaturage(PSD) : Madamu MUHONGAYIRE Jacqueline ;**
- D. Inama y'Igihugu y'Urubyiruko : Bwana NDIKURYAYO Straton ;**
- E. Inama y'Igihugu y'Abagore : Madamu NYIRAHABINEZA Valerie ;**
- F. Inama y'Igihugu y'Abantu bafite Ubumuga : Bwana NDAHIRO James.**