

MINISTERIAL ORDER N° 4/DC/04 OF 07/06/2004 ON ANNUAL FEES PAYABLE BY PUBLIC UTILITIES

The Minister of Infrastructure,

Given the Constitution of the Republic of Rwanda of 4 June 2003, as amended to date, especially in its Articles 120 paragraph one and 121 paragraph one-2° ;

Given Law n° 39/2001 of 13 September 2001 establishing an Agency for the Regulation of certain public utilities, especially in its Article 35-5° ;

After consideration and approval by Cabinet, meeting in its session of 28 January 2004 ;

ORDERS :

CHAPTER ONE: GENERAL PROVISIONS

Article one : Definitions

In this Order, the terms referred to below shall have the following meanings :

Agency	The Rwanda Utilities Regulatory Agency established by Law n° 39/2001
Turnover	The amount of the operating revenues of the concerned Public Utility, after deduction of VAT and sums paid to other operators for their interconnection services
Board Law n° 39/2001	The Board of Directors of the Agency Law n° 39/2001 of 13 September 2001 establishing an Agency for the Regulation of certain public utilities
Minister Republic	Minister appointed by the President of the Republic The Republic of Rwanda
Public Utility	Natural persons, enterprises or organizations which involved in the following service delivery: telecommunications networks and/or services ; electricity ; water ;grainage of wastes from residential and/or business premises ; extraction and distribution of gas ; passengers/goods transportation.

For all other terms, except as otherwise provided by this Order, the definitions set forth in the Law n° 39/2001 shall, where applicable, apply to this Order.

Article 2 : Scope

In application of Article 35-5° of Law n° 39/2001, this Order sets the percentage of Public Utilities Turnover to be used as the basis for the calculation of annual fees to be paid into the Regulatory Agency's account.

CHAPTER II : ANNUAL FEE

Article 3 : Amount of the fee

Each Public Utility, such as this term is defined in Article One of this Order, shall liable to pay an annual fee as a contribution to the general financing of the Regulatory Agency.

This fee shall be set at an amount equivalent to one percent (1%) of the Turnover generated during the preceding calendar year by the concerned Public Utility.

Payment of the fee shall be made no later than 30 June of each year.

CHAPTER III : MISCELLANEOUS PROVISIONS

Article 4 : List modification

On proposal by the Board, the Minister may modify the percentage of the Turnover to be paid by Public Utilities into the account of the Regulatory Agency, as set forth in this Order.

In such event, the decision for modification shall only be enforceable as of the end of a two-month deadline following its publication in the Official Gazette of the Republic of Rwanda.

Article 5 : Abrogation of prior and contrary provisions

All prior provisions contrary to this Order are hereby repealed.

Article 6 : Entry into force

This Order comes into force on the day of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 07/06/2004

The Minister of Infrastructure
Dr NTAWUKULIRYAYO Jean Damascène
(sé)

Seen and sealed with the Seal of the Republic :

The Minister of Justice
MUKABAGWIZA Edda
(sé)