



RWANDA REVENUE AUTHORITY
OFFICE RWANDAIS DES RECETTES

TAXES FOR GROWTH AND DEVELOPMENT

Our Ref :

Your Ref :

**COMMISSIONER GENERAL'S INSTRUCTIONS N° 01/2015 of 31./ 12/2015 ON
ISSUANCE OF TAX CLEARANCE CERTIFICATE**

Pursuant to Law N° Article 52 (4 and 5) of the Law n°16/2005 of 18/08/2005 on Direct Taxes on Income as modified and complimented to date;

Reviewing Commissioner General's instructions on issuance of tax clearance certificates of 08/12/2015.

The Commissioner General issues the following instructions;

Article One: Purpose of these Instructions

These instructions are to provide modalities of issuance of Tax Clearance Certificate to taxpayers applying for exemption of withholding tax of 5% and 3%.

Article 2: Scope of these instructions

These instructions cover requirements to be fulfilled by importers and public tender bidders requesting Tax Clearance Certificate.

Article 3: Requirements for Tax Clearance Certificate Issuance

The Tax Clearance Certificate is issued to importers or public tender bidders fulfilling the following requirements:

1. Has filed at least for 2 previous years their tax declarations on Income tax and one year for Value Added Tax (VAT);
2. Has imported at least 4 times during the year ;
3. Has imported at least the goods with the CIF value of 20 million Rwandan Franc per year;
4. Has not been involved in the following practices intended to evade tax:
 - a) Under reporting of sales proved during the Electronic Billing Machine monitoring;

- b) Under reporting of prices on Electronic Billing Machine Invoices;
 - c) Claiming of fictitious VAT inputs;
 - d) Not declaring VAT output received within the required time;
 - e) Not involved in any form of tax fraud.
5. Has no tax arrears, unless the taxpayer has signed a payment plan with RRA;
 6. Has no difference in VAT and Income Tax turnovers declarations without justification;
 7. Has not filed losses for three consecutive years unless has presented an investment certificate;
 8. Has no unjustifiable losses carried forward;
 9. Has filed financial statements certified as required by the law;
 10. Has filed financial statements signed and stamped;
 11. Has filed VAT declaration with detailed attachments;
 12. Has a commercial registration certificate “Registre de Commerce”;
 13. Has a physical business address in Rwanda (see application form);
 14. Has filled properly the application form;
 15. Has proof of payment for application of tax clearance certificate;
 16. Is not a shareholder, representative / manager of a business that has tax arrears or involved in practices intended to evade tax;
 17. Has no interest or link/relationship with a business involved in practices intended to evade tax or that has tax arrears;
 18. Has not been convicted for tax evasion;
 19. Using Electronic-Payment system in paying taxes;
 20. Has a recommendation letter from the Private Sector Federation (PSF);
 21. Has Electronic Billing Machine and using it properly if VAT registered:
 - a. Airtime loaded in EBM;
 - b. Goods or services description recorded in the Electronic Billing Machine.

Except for the taxpayer convicted for tax evasion, RRA may issue tax clearance certificate at any time to a taxpayer after fulfilling the requirements.

Requirements in points 2 and 3 of this Article do not apply to public tender bidders.

Article 4: Special treatment to investors

Newly registered investor with investment certificate who apply for tax clearance certificates requirements 1, 2, 3,9,10,11,19,21 in Article 3 above are not mandatory. However, for investors who have spent two years operating has to fulfill all the requirements in Article 3.

Article 5: Validity

The Tax Clearance Certificate is issued every year. It is valid only for the year for which it has been issued.

Article 6: Revocation

The Commissioner General of Rwanda Revenue Authority (RRA) shall revoke a Tax Clearance Certificate at any time under the following circumstances:

- a) If it is discovered that there was a mistake or an error at the time of issuing the tax clearance certificate;
- b) If a taxpayer with Tax Clearance Certificate misuses the tax clearance certificate or if he/she breaches one of the requirements in Article 3 of these instructions.

Article 7: Implementation of these instructions

The Commissioner of Domestic Tax Department is entrusted with the implementation of these instructions.

Article 8: Repealing Provision

Commissioner General's Instructions of 08/12/2015 are repealed.

Article 9: Commencement

These instructions shall come into force on the date of signature by the Commissioner General.

Done in Kigali, on 31./12/ 2015



**TUSABE Richard
Commissioner General**

