

Doing Business in Burundi: 2014 Country

Commercial Guide for U.S. Companies

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Chapter 1: Doing Business In Burundi

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Market Overview Return to top

• Since the late 1980s, in consultation with the World Bank and the International Monetary Fund, Burundi has made progress in moving from an economy heavily dependent on public and semi-public companies toward a market-oriented economy.

- Twelve years of civil war, from 1993-2005, interrupted progress towards a marketoriented economy. One result of the war was a reduction in the GDP and a dramatic
 decline in purchasing power. Since the installation of a democratically-elected
 government in 2005, Burundi has had no sustained outbreak of political violence
 actively deterring foreign investors. Please see Chapter 2 for details on the current
 political situation.
- Burundi's economy is based largely on subsistence agriculture and is heavily dependent on foreign aid. Coffee and tea are the major exports, accounting for 54% of the government's export revenue in 2013.
- In 2007, Burundi joined the East African Community (EAC), which also includes Kenya, Tanzania, Rwanda and Uganda. As the region's largest economy, Kenya tends to dominate most regional markets, but Rwanda has become increasingly competitive in the coffee and handicrafts sectors. The EAC continues to work towards integration and instituted a customs union in 2009 and a common market in 2010. An agreement on monetary union is under discussion among the EAC monetary authorities. The U.S. currently has no significant commercial interests in Burundi. Outside of the EAC, the country's major trading partners are the Benelux countries, France, China, India and Japan.
- Basic economic indicators:
 - Population (2013): \$10.2 million*
 - o Total GDP (2013): \$ 2.7 billion
 - o GDP per capita (2013): \$264
 - o Total imports (2013): \$811 million
 - o Total Exports (2013): \$91.6 million
 - o Inflation rate (2013) (annual average): 7.9%

Source: World Bank, Burundi Central Bank

*: (computed from WB data based on population growth rate of 3.28%)

Market Challenges

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- Burundi is landlocked and transportation costs are high.
- Infrastructure is underdeveloped and has been neglected in the aftermath of Burundi's 12-year civil war. Roads are particularly underdeveloped and in poor condition.
- Hydroelectric turbines generate virtually all of Burundi's electricity, but the machinery is old and poorly maintained. Although the Government received World Bank support in 2008 to upgrade facilities and expand capacity, power supplies are unreliable and the country can generate only about 25 MW. Climate change has lowered the level of water in the hydropower-dams and drought conditions have reduced generating capacity. The state-run company REGIDESO frequently resorts to rotating power cuts that cause major gaps in service throughout the country. Capacity to expand production rapidly to service new industries is limited. The government is pursuing additional power generation capacity, but it will be a number of years before these projects will be online. If the domestic and regional power projects underway are completed by 2018-2019 as projected, the country will have an additional capacity of approximately 200 MW.
- Despite some government efforts to address corruption, it remains a structural issue.
 Independent groups in civil society regularly denounce this problem and have raised public awareness of corruption.
- Outside of the capital, the workforce is composed largely of subsistence farmers, and skilled labor is difficult to find.

Market Opportunities

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After more than a decade of civil war, Burundi is liberalizing trade policies intended to encourage economic reconstruction and development. The Investment Code enacted in September 2008 encourages foreign direct investment and provides tax deferrals for new investors. Tax and customs reforms were completed in July 2009 to enable Burundi to comply with the EAC's customs union; this included the introduction of an EAC-compatible value-added tax and harmonized customs procedures. Please see Chapter Five for full details. International financial institutions such as the World Bank and the African Development Bank are funding infrastructure projects designed to increase Burundi's capacity to transport goods internally and to neighboring countries, as well as to supply more electric power and water to consumers. In 2010, the government created the Investment Promotion Authority (known by its French acronym API) to facilitate investment and to aid investors to meet the regulatory and legal requirements for operating in Burundi. In 2013, Burundi continued to institute economic reforms to encourage foreign investment; for example, in registering a business, obtaining construction permits, registering property, and trading across borders. With the new reforms, it now officially takes less than one day to establish an enterprise. The country improved its ranking in the World Bank's 2014 "Doing Business" report, from 159 out of 189 countries to 140 out of 189 countries.

Good prospects for investment are:

Agribusiness and Food Processing – The World Bank has assisted with the
privatization of the coffee sector, Burundi's largest export earner. In 2008, Burundi
began direct sales to foreign coffee buyers, and Burundian coffee has been

consistently praised in specialty coffee markets for its excellent quality. Several washing stations won the presidential award at the 2012 Cup of Excellence, recognizing Burundi coffee as world class. A Swiss company acquired thirteen coffee washing stations in late 2009, but privatization of more coffee washing stations was suspended before the summer 2010 elections. In November 2011, the government announced an international tender to privatize the remaining coffee washing stations as well as two dry mills. Other potential growth opportunities exist in the local production of fruit juices, canned foods, and dairy products. USAID and the Netherlands launched a "business incubator" in 2010 to stimulate the local private sector.

- Telecommunications and Information Technologies -The state-owned telecommunication company ONATEL's assets are being evaluated for potential privatization. Several new private service providers have entered the market. Please see "Telecommunications" in Chapter Four for a full discussion of this topic. Internet services are increasingly in demand for both business and personal use, and the number of cybercafés in the capital is growing. A fiber optic backbone linking Burundi to Tanzania and Rwanda has been installed and could bring new business opportunities in the information technology sector.
- Energy Burundi's dependence on an outmoded, unreliable system of hydroelectric production and distribution is a major impediment to economic development. In 2008, Burundi signed an agreement with the World Bank for a five-year, \$50 million project to expand capacity through the rehabilitation of existing hydropower plants and the construction of a new hydroelectric dam. In 2012 the European Union signed an agreement with the EAC to construct an interconnector between Rwanda and Burundi to link the two power grids and to facilitate distribution of power within the region. The project is expected to be operational in 2015.
 - Five domestic hydroelectric projects with a total capacity of about 100 MW are at different levels of development. All are expected to be operational in 2017-2019 assuming funds are available. However, the government has not proposed privatization of the government owned utility company REGIDESO. Its doing so might open up the market to new investors and possibly improved services. Please see "Energy" in Chapter 4 for a full discussion of this topic.
- Mining A comprehensive survey of Burundi's mineral resources conducted in the 1980s confirmed the existence of large nickel deposits near the country's northern border with Tanzania. Although large, commercial-scale mining has not begun, a number of foreign investors are interested in working in this region. The exploitation of gold is being restructured following the promulgation of the new mining code, but production and marketing are not yet transparent and reliable published data are not available.

Market Entry Strategy

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Companies considering doing business in Burundi are strongly encouraged to visit
the country first. Personal contacts are essential when entering the Burundian
market and the presence of a local representative is very important. For assistance
in selecting a representative, contact the Burundi Investment Promotion Authority
(contact@investburundi.com), the Burundi Federal Chamber of Commerce
(ccib@cbinf.com) and/or the Burundi Enterprises Network
(Ben2006burundi@yahoo.com). A local company, Intercontact

- (http://www.intercontactservices.com/en/), specializes in assisting foreign companies in establishing a business presence in Burundi.
- Foreign companies considering economic opportunities in Burundi should also confer with international financial institutions such as the World Bank (www.worldbank.org), the International Monetary Fund (www.imf.org) or the African Development Bank (www.afdb.org).

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Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

http://www.state.gov/r/pa/ei/bgn/2821.htm

Chapter 3: Selling U.S. Products and Services

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Using an Agent or Distributor

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The use of an agent or a distributor is highly recommended. An agent or a distributor will help overcome communication and cultural barriers. His or her knowledge of local practices will help in reducing costs as well as in identifying distribution networks.

For the selection of a reliable agent or distributor, it is essential to visit the country. The Embassy can assist in establishing contact with an agent or distributor. Refer to "Market Entry Strategy" in Chapter One for information on selecting an agent.

Establishing an Office

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The registration of new businesses is mandatory in Burundi. Once company bylaws have been submitted to the government for approval, the process of registration takes one day following the creation of a "one stop shop" program for starting a business.

Here are the steps required to establish a business:

- Drafting the bylaws of the business.
- Notarizing the bylaws through a local notary public.
- Opening a bank account in the name of the new company.
- Registering the business for publication in the Official Government Gazetta.
- Registering the business with the Tribunal of Commerce, a special court for business issues/disputes.
- Getting the Tax Identification Number of the business from the Burundi Revenue Authority.

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Although legal requirements for franchising correspond to international norms, very few franchised companies are operating in Burundi. This is probably due to the weakness of the economy and low purchasing power of the population. Commercial options should grow as economic development continues. The only U.S. franchisees in Burundi are Federal Express and Western Union.

Direct Marketing

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Direct marketing channels are extremely limited. Very few persons make online purchases from Burundi, and the use of credit cards is virtually non-existent in Burundi's banking system. However, internet cafes are popular in Bujumbura and the major towns, and local companies could advertise profitably through the internet due to low cost. In all cases, protective measures should be taken to ensure payment.

Joint Ventures/Licensing

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Opportunities for joint ventures and licensing are few, but growing. Foreign capital participation is welcomed, since many Burundian businesses lack the required capital to expand their enterprises. There are no legal obstacles to foreign companies working in partnership with Burundian firms. Burundi has been a member of the East African Community (EAC) since 2007 and issued a revised and more attractive Investment Code for local and foreign investors in 2009. The new code was also designed to bring government investment policies into compliance with EAC legal requirements. This Investment Code, as well as Burundi's entry into the EAC customs union in 2009 and the Common Market in July 2010, has created an atmosphere conducive to joint ventures.

Selling to the Government

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The Government issues tenders for all procurement transactions in excess of \$15,000. International companies are encouraged to bid. The time between the issuance of tenders and the closing of bids is customarily between one and two months. The use of a local agent is encouraged. There have been no cases of the Government of Burundi failing to pay its international suppliers.

Opportunities for selling to the government include pharmaceuticals, laboratory equipment, agricultural equipment, chemical products and fertilizers, automobiles and office equipment.

Knowledge of the French language is essential in all formal dealings with the government.

Distribution and Sales Channels

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In Burundi, all importers are considered wholesalers. Upon arrival of imported items, the importer pays customs duties prior to the warehousing of goods. It is illegal for a business to operate as both an importer and retailer of the same commodity. Foreign companies must identify importers for distribution or establish their own subsidiaries. Bujumbura is the country's only commercially-viable lake port and operates at less than

half of its capacity. Formal trade between Burundi, the Democratic Republic of the Congo, and Zambia is underdeveloped. Most commercial goods enter Burundi overland via Tanzania and Rwanda. Bujumbura, Burundi's capital, is the central point for distribution of goods throughout the country.

Selling Factors/Techniques

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A foreign company should make a distinction between selling to the government and selling to a private company. To sell to the government, a foreign company must monitor the issuance of tenders in the local media. To sell to a private business, a foreign company must identify and contact local importers of the intended product. If the product is new, the foreign company must identify new local importers.

All sales materials should be in French. However, since Burundi's entry into the EAC, the government and private sector are promoting the use of English.

Electronic Commerce

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There is little electronic commerce in Burundi. A few local buyers have used the internet to purchase vehicles abroad. No local company sells electronically. As the cost of internet use gradually becomes more affordable, e-commerce should develop. The use of personal computers is very limited. According to the most recent government estimate (2013), 2% of the population are internet subscribers primarily through their smart phones. Internet cafes are plentiful, however, in Bujumbura and available in all of Burundi's major towns. The government Telecoms Regulation and Control Agency (ARCT) estimates that 10% of the population has access to the Internet via cybercafés. A major impediment to the expansion of e-commerce remains the unreliability of Burundi's electric power infrastructure. Frequent outages due to insufficient rainfall or aging power plants mandate the use of costly individual, diesel-powered generators for continuous business operations.

Trade Promotion and Advertising

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Burundi has no locally-established trade fair authorities. In August 2009, the German travel company EOS Visions (http://www.eos-visions.com) organized the "Buja en Fête" trade fair in Bujumbura (http://bujaenfete.bi/index_main.php) to showcase local and regional businesses, provide a forum for African investors to share ideas, and encourage trade between Burundi and its neighbors. This event, the first of its kind in Bujumbura. set an encouraging precedent for the development of import and export markets. In 2010, Egypt and Kenya each hosted trade fairs jointly with the Burundian government. There was also an EAC trade and craft fair in Bujumbura in 2013 hosted by the Burundian Ministry of Commerce. Most of the commercial advertising takes place on billboards, in newspapers, and on local radio stations. Radio is the most popular medium in Burundi, and reaches the widest audience. Four private radio stations operate their own websites, with advertising: Radio Isangiro (http://www.isanganiro.org), RPA Radio (http://www.rpa-radiyoyacu.org/), RSF Bonesha (http://www.bonesha.bi) and Radio Rema (http://www.remafm.com/). Local television advertising is still in its infancy, with a handful of independent channels and one state-run station that have very limited audiences outside urban areas.

Advertising is also available through the Burundi Chamber of Commerce (email: ccib@cbinf.com) or through the Burundi Enterprises Network (email: Ben2006burundi@yahoo.com). Advertising rates vary widely across media. It is essential for advertisers to have a reliable local contact to negotiate advertising contracts.

Pricing Return to top

In Burundi, the Government sets prices for gasoline, diesel fuel, locally-produced sugar, beer, and soda pop. For all other products, market forces determine pricing. The former 17% "transaction fee" on goods became an 18% value-added tax (VAT) in July 2009, in a move to harmonize Burundi's pricing system with that of other EAC countries.

Sales Service/Customer Support

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After-sales service in Burundi is often problematic, as most local firms lack Western-style customer service. A firm that could offer quality customer service would enjoy a competitive advantage.

Protecting Your Intellectual Property

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Burundi is a party to major international conventions. Within the Ministry of Commerce and Industry is an office charged with problems related to intellectual property. Please refer to Chapter Six, under the subheading Protection of Property Rights.

Protecting Your Intellectual Property in Burundi:

Several general principles are important for effective management of intellectual property ("IP") rights in Burundi. First, it is important to have an overall strategy to protect your IP. Second, IP is protected differently in Burundi than in the U.S. Third, rights must be registered and enforced in Burundi, under local laws. Your U.S. trademark and patent registrations will not protect you in Burundi. There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer copyright protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

Registration of patents and trademarks is on a first-in-time, first-in-right basis, so you should consider applying for trademark and patent protection even before selling your products or services in the Burundi market. It is vital that companies understand that intellectual property is primarily a private right and that the U.S. government generally cannot enforce rights for private individuals in Burundi. It is the responsibility of the rights' holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies may wish to seek advice from local attorneys or IP consultants who are experts in Burundian law. The U.S. Foreign and Commercial Service (as represented by the Economic Section at Embassy Bujumbura) can provide a list of local lawyers upon request.

While the U.S. Government stands ready to assist, there is little the government can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their IP in a timely fashion. Moreover, in many countries, rights holders who delay enforcing their rights on a mistaken belief that the U.S. Government can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines such as statutes of limitations, laches, estoppel, or unreasonable delay in prosecuting a law suit. In no instance should U.S. Government advice be seen as a substitute for the obligation of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. Negotiate from the position of your partner and give your partner clear incentives to honor the contract. A good partner is an important ally in protecting IP rights. Consider carefully, however, whether to permit your partner to register your IP rights on your behalf. Doing so may create a risk that your partner will list itself as the IP owner and fail to transfer the rights should the partnership end. Keep an eye on your cost structure and reduce the margins (and the incentive) of would-be bad actors. Projects and sales in Burundi require constant attention. Work with legal counsel familiar with Burundian laws to create a solid contract that includes non-compete clauses, and confidentiality/non-disclosure provisions.

It is also recommended that small and medium-size companies understand the importance of working together with trade associations and organizations to support efforts to protect IP and stop counterfeiting. There are a number of these organizations, both Burundi or U.S.-based. These include:

- The U.S. Chamber and local American Chambers of Commerce
- National Association of Manufacturers (NAM)
- International Intellectual Property Alliance (IIPA)
- International Trademark Association (INTA)
- The Coalition Against Counterfeiting and Piracy
- International Anti-Counterfeiting Coalition (IACC)
- Pharmaceutical Research and Manufacturers of America (PhRMA)
- Biotechnology Industry Organization (BIO)

IP Resources

A wealth of information on protecting IP is freely available to U.S. rights holders. Some excellent resources for companies regarding intellectual property include the following:

- For information about patent, trademark, or copyright issues -- including enforcement issues in the US and other countries -- call the STOP! Hotline: 1-866-999-HALT or register at www.StopFakes.gov.
- For more information about registering trademarks and patents (both in the U.S. as well as in foreign countries), contact the US Patent and Trademark Office (USPTO) at: 1-800-786-9199.

- For more information about registering for copyright protection in the US, contact the US Copyright Office at: **1-202-707-5959**.
- For more information about how to evaluate, protect, and enforce intellectual
 property rights and how these rights may be important for businesses, a free
 online training program is available at www.stopfakes.gov.
- For US small and medium-size companies, the Department of Commerce offers a "SME IP Advisory Program" available through the American Bar Association that provides one hour of free IP legal advice for companies with concerns in Brazil, China, Egypt, India, Russia, and. For details and to register, visit: http://www.abanet.org/intlaw/intlproj/iprprogram_consultation.html
- For information on obtaining and enforcing intellectual property rights and
 market-specific IP Toolkits visit: www.StopFakes.gov This site is linked to the
 USPTO website for registering trademarks and patents (both in the U.S. as well
 as in foreign countries), the U.S. Customs & Border Protection website to record
 registered trademarks and copyrighted works (to assist customs in blocking
 imports of IP-infringing products) and allows you to register for Webinars on
 protecting IP.
- The U.S. Commerce Department has positioned IP attachés in key markets around the world. You can get contact information for the IP attaché who covers Burundi at: bujumburaecon@state.gov.

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Due to widespread corruption in the private and public sectors, investors would be wise to perform due diligence on potential local partners, distributors, or agents. The U.S. Embassy's Economic Section can assist in compiling an international company profile (ICP) for selected Burundian enterprises. Burundi is a small country where most people in the business community know each other. Considerable value is placed upon personal relationships, hence the need for a reliable local representative who fully understands local norms.

Local Professional Services

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- In a small market like Burundi, professional service providers come and go, and the quality, reputation, and capacity of local providers often changes from year to year. The Embassy's Economic Section remains available to assist in identifying qualified local service providers, such as lawyers and professional servicing companies. The Embassy's Consular section also maintains a list of local lawyers. Complete contact information for the U.S Embassy in Bujumbura may be found at http://burundi.usembassy.gov/index.html.
- Intercontact, a local company specializing in assisting foreign companies in establishing a business presence in Burundi, may be reached via http://www.intercontactservices.com/en/.

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- Burundi Investment Promotion Authority: contact@investburundi.com
- Burundi Chamber of Commerce: ccib@cbinf.com
- Burundi Enterprises Network: Ben2006burundi@yahoo.com
- Intercontact (Burundian company assisting foreign investors): http://www.intercontactservices.com/en/
- U.S. Embassy Bujumbura Website: http://burundi.usembassy.gov/index.html
- Private Burundian radio stations:
 - o Radio Isangiro: http://www.isanganiro.org/
 - Radio Rema: http://www.remafm.com/
 - o RPA Radio: http://www.rpa-radiyoyacu.org/
 - o RSF Bonesha : http://www.bonesha.bi

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Chapter 4: Leading Sectors for U.S. Export and Investment

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Telecommunications

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Until recently, Burundi's telecommunications sector was a monopoly controlled by the government and operated by the state-owned company, ONATEL. ONATEL continues to control all telephone landlines and a small part of the cellular phone market. In 1997, liberalization in the telecommunication sector allowed private companies to compete for cellular phone business. A number of private cellular phone companies operate in Burundi, most notably: LEO (formerly U-COM; owned by the Egyptian company Orascom), Africell (majority owned by VTL Holdings of Dubai) and Econet (a 65% owned subsidiary of Econet Wireless South Africa).

A new Vietnamese company (Viettel) has been granted a cell phone and landline license. Established operators have complained about the conditions of Viettel's agreement, stating that Viettel was given benefits that established operators did not receive and which go beyond what is provided for in the Investment Code.

There were about 2.6 million cell phone subscribers at the end of 2013. LEO alone controls approximately 64 percent of the market. The sector continues to enjoy steady growth. The landline phone system had 80,000 subscribers in 2013. The government agency with oversight of the telecommunications industry is the "Agence de Régulation et de Contrôle des Télécommunications (ARCT)." The Burundi Backbone Network is a consortium which includes the government and private telecommunications companies and is financed in part by the World Bank. It is creating a fiber optic network allowing Burundi high speed connectivity to neighboring countries. The network is in its final phase of completion, with the metropolitan area already connected.

Sub-Sector Best Prospects

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All telecommunications equipment is imported. U.S. businesses may find commercial opportunities in the following areas:

- Equipment for radio broadcasting stations
- Equipment for mobile cellular operators
- Internet services and equipment

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The telecommunications sector in Burundi will continue to grow. Liberalization of the sector has opened opportunities for foreign businesses seeking to enter the market.

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Burundi Investment Promotion Authority http://www.burundi-investment.com contact@investburundi.com

Energy

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Burundi's outmoded, unreliable system of electric power production and distribution poses a major impediment to economic development. The supply capacity of energy in the country is far short of demand. The country's primary source of generation is hydropower. Burundi's average power output is 25 MW; another 15 MW is imported from the Democratic Republic of Congo. Most international organizations estimate that 3.0-4.0 percent of Burundi's population is connected to the power grid. This rate remains one of the lowest in the world.

Sub-Sector Best Prospects

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Burundi needs to make important investments in the energy sector. Existing hydropower stations will have to be refurbished and new ones developed, and equipment and machinery will have to be imported. Geothermal, solar, wind and biofuel are potential energy sources. The power grid needs to be updated and expanded.

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Sales, installation and maintenance related to:

- Hydropower turbines
- Rural energy projects
- Solar energy for rural and urban use
- Electricity transmission equipment

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Ministry of Energy and Mines P.O. Box 1860 Bujumbura, Burundi Telephone: (257) 22-225909

Burundi Electric Supply Company (REGIDESO) dgregie@cbinf.com

P.O. Box 660 Bujumbura, Burundi

Telephone: (257) 22-223412

Burundi Investment Promotion Authority http://www.burundi-investment.com contact@investburundi.com

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Burundi's economy is agriculture-based. Its principal export products are coffee and tea. Although the climate is good for these crops, high population density and small plot sizes limit prospects for expanding the amount of land now under cultivation. There is potential in the production of subtropical fruits and dairy products, though local food processors may not meet international health and packaging standards.

Best Prospects/Services

There is a potential market for expertise and technology throughout the agribusiness sector, particularly as the privatization of coffee-related enterprises continues and Burundi's access to regional markets expands through membership in the EAC. Relatively small investments in food processing infrastructure have the potential to provide an enormous stimulus to the local economy, and a number of fledgling local businesses could benefit from joint ventures.

Opportunities:

- Specialty coffee processing
- Production of fruit concentrates and juices
- Tea processing
- Cut flowers and essential oils
- Canning vegetables
- Production of dried herbs and spices

Resources:

Burundi Chamber of Commerce: ccib@cbinf.com

P.O Box 313 Bujumbura, Burundi

Telephone: (257) 22222280

Burundi Enterprises Network: Ben2006burundi@yahoo.fr

Burundian Investment Promotion Authority: http://investburundi.com/

Chapter 5: Trade Regulations, Customs and Standards

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Burundi harmonized its tariff regime with those of other EAC countries in July 2009 and now applies two import tariff regimes depending on the origin of the merchandise:

Preferential Trade Area: All commodities imported from COMESA countries (the Common Market for Eastern and Southern Africa, which comprises Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe) are exempt from custom duties.

Other countries: Imported commodities which are deemed essential, such as industrial and building materials have tariffs of 5% to 10%, while non-essential products, such as alcoholic beverages and imported food items, have a tariff of 25%. However, import tariffs on raw industrial materials for capital goods and pharmaceutical products have been virtually eliminated.

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Aside from the import tariffs described above, there are no trade barriers for U.S. companies exporting to Burundi.

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- A Certificate of Incorporation issued by the Bujumbura-based Commercial Court.
- An Importation Identification Certificate issued by the Department of External Commerce within the Ministry of Commerce.
- A Tax Identification Number, issued by the Burundian Revenue Authority.

 A Certificate of Intention to Import, issued by the General Oversight Company (Société Générale de Surveillance, or SGS). A pre-shipment physical inspection certificate is required for goods valued at more than \$3,000 for pharmaceutical products and more than \$5,000 for other items.

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Aside from the normal regulations restricting the export of items listed on the U.S. Government's Commerce Control List (CCL) – which apply mainly to sensitive information and defense technologies – there are no specific export controls for U.S. firms exporting to Burundi.

The CCL may be accessed via the Export Administration Regulations (EAR) database at http://www.access.gpo.gov/bis/ear/ear_data.html#ccl.

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Temporary importation is authorized for all commodities entering Burundi. The importer must deposit an amount equivalent to the value of the merchandise. Reimbursement of the deposit is made upon presentation of documentation proving that the merchandise has exited the country.

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The National Standards Bureau has adopted standards on food labeling, chemicals, environmental impacts and electronics that comply with the UN's Codex Alimentarius (Codex Stan 1-1985 rev. 1-1994).

Prohibited and Restricted Imports

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Arms, munitions, drugs, toxic waste, pornographic products, ivory, and any other product listed under CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna) are prohibited.

Customs Regulations and Contact Information

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For merchandise classification and codification, Burundi uses the standardized system of the World Organization of Customs. For customs evaluations, Burundi relies on World Trade Organization guidelines. Customs data are managed by the Automated System for Customs Data (ASYCUDA) devised by the UN Conference on Trade and Development (UNCTAD). Burundi's Bureau of Customs can be reached at: bdicustoms@cni.cbinf.com.

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The Burundian Bureau of Standards (Bureau Burundais de Normalisation et Controle de la Qualité, or BBN) was established in 1992. The BBN exercises oversight of preshipment inspection certificates concerning the importation of goods. Its primary functions are:

- Formulation of national standards;
- Promotion of management and quality assurance;
- Promotion of training for technical staff;
- Participation in appropriate technology research;
- Creation of, and assistance to, committees and commissions involved in standardization activities;
- Representation of the national interest regarding international institutions involved in standardization and quality management;
- Establishing, via its Metrology Center, the appropriate unit of measurement for all goods imported into Burundi.

Due to a lack of expertise and appropriate equipment, the BBN does not operate efficiently.

Standards Organizations

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The BBN has four divisions:

- Standardization and Metrics.
- Training and Technical Assistance to Companies.
- Certification, Accreditation, and Surveillance of Laboratories
- Documentation on Standards

The BBN does not routinely develop annual plans, but it does conduct a series of conformity assessments; please see following section on conformity assessment.

NIST Notify U.S. Service

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries.

Notify U.S. is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that can affect your access to international markets. Register online at Internet URL: http://www.nist.gov/notifyus/

Conformity Assessment

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The BBN conducts quality audits in the following sequence:

- Preliminary assessment
- Documentation audit
- On-site assessment
- Conformity audit
- Overall audit
- After-registration surveillance

Product Certification

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Certification begins with an inspection of products. Samples are analyzed in a laboratory appointed by the Certification, Accreditation and Surveillance of Laboratories Division of BBN. If laboratory results conform to standard requirements, the laboratory results and a certificate are provided to the owner of the product. The appropriate division will conduct follow-up investigations to ensure that the products are in the same condition upon delivery to consumers. A copy of the certificate is registered with the BBN.

Burundi has no Mutual Recognition Agreements (MRAs) with U.S. organizations.

Accreditation Return to top

The Certification and Accreditation Division appoints laboratories to perform product sampling tests, and also performs regular oversight visits to ensure tests are carried out according to the criteria established by the Government of Burundi. All laboratories operating in the health and food processing sectors should be certified, but the government lacks the resources to ensure complete compliance.

Publication of Technical Regulations

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The law on standards was approved by Parliament on December 10, 2010 and promulgated in January 2011.

Labeling and Marking

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The National Standards Bureau has adopted standards on food labeling which comply with the UN's Codex Alimentarius (Codex Stan 1-1985 rev. 1-1994).

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 Burundian Bureau of Standards (Bureau Burundais de Normalisation et Contrôle de la Qualité, or BBN)

21 Boulevard de l'Indépendance B.P 3535 – Bujumbura – Burundi

Tel: (257) 22 1815 E-mail: bbn@onatel.bi

 Federal Chamber of Commerce (Chambre Fédérale de Commerce, d'Industrie et de l'Artisanat, or CFCIB)

Avenue du 18 Septembre

BP 313

Tel: (257)22-2280 Fax: (257)22-7895 E-mail: info@cfcib.org

• Burundi Enterprises Network (BEN)

BP.6819

Bujumbura-Burundi Tel: (257) 25-0403

E-mail: Ben2006burundi@yahoo.fr

INTERCONTACT Services

19, Avenue de l'Industrie B.P 982, Bujumbura-Burundi Tel (257) 22-6666/18

Fax (257) 22-6603

Website: http://www.intercontactservices.com/en/

General Oversight Society (Société Générale de Surveillance, or SGS)

Burundi Liaison Office 19 bis, Avenue de l'Industrie BP 75 Bujumbura-Burundi Website: www.sgs.com

Trade Agreements

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- East African Community (EAC): Kenya, Uganda, Tanzania, Rwanda and Burundi; http://www.eac.int
- Common Market for East and Southern Africa (COMESA): www.comesa.int Note: COMESA countries comprise Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe.
- Economic Community for the Great Lakes Region (CEPGL): Rwanda, Burundi and the Democratic Republic of Congo
- African Growth and Opportunity Act (AGOA): http://www.agoa.gov
- US-East African Community Trade and Investment Framework Agreement (TIFA): http://www.ustr.gov/trade-agreements/trade-investment-framework-agreements

Web Resources Return to top

- Burundian Bureau of Standards (Bureau Burundais de Normalisation et Contrôle de la Qualité, or BBN): bbn@onatel.bi or mivubazacharie2000@yahoo.fr
- Burundi Chamber of Commerce: ccib@cbinf.com
- Burundi Enterprises Network: Ben2006burundi@yahoo.com
- Intercontact Services (Burundian company assisting foreign investors): http://www.intercontactservices.com/en/

Chapter 6: Investment Climate

- Openness to Foreign Investment
- Conversion and Transfer Policies
- Expropriation and Compensation
- Dispute Settlement
- Performance Requirements and Incentives
- Right to Private Ownership and Establishment
- Protection of Property Rights
- Transparency of Regulatory System
- Efficient Capital Markets and Portfolio Investment
- Competition from State Owned Enterprises
- Corporate Social Responsibility
- Political Violence
- Corruption
- Bilateral Investment Agreements
- OPIC and Other Investment Insurance Programs
- Labor
- Foreign-Trade Zones/Free Ports
- Foreign Direct Investment Statistics
- Web Resources

Openness to Foreign Investment

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The Government of Burundi's (GOB) Investment Code of September 2008 aims to attract and reassure foreign investors. The Code encourages and promises to facilitate acquisitions, as well as the production, transformation, and distribution of goods and services. In August 2009, a series of amendments designed to clarify the vague provisions of the new Code came into effect. These amendments spell out substantial tax exemptions for real estate related to new investments, tax reductions for goods used to establish new businesses, and profit-tax breaks for investors employing more than 50 Burundian workers. The paperwork for creating a business has been made easier and most proposals receive a response within three to four days after an application is submitted. Along with the new code, the government has created the Burundian Investment and Promotion Authority (known by its French acronym API). The Authority is independent and its main objectives are not only to inform and assist potential investors, but also ensure that new laws and regulations that benefit investors are being upheld as well as promote reforms that aim to improve the business climate. In 2012, API set up a "one stop shop" investment center to facilitate and simplify business registration in Burundi. In the 2014 World Bank Doing Business Report, Burundi was ranked 140 out of 189 countries.

Burundi is still recovering from a civil war, its population suffers from extreme poverty, and the effects of many recent economic reforms have not been fully realized. Burundi's landlocked location and infrastructure constraints limit transportation of goods and

services. Energy demand significantly exceeds capacity and rolling blackouts are common. Scarcity of skilled labor limits growth in manufacturing and industry. Additionally, corruption is pervasive.

Burundi's legal code recognizes the sanctity of contracts. In disputes involving foreign interests, plaintiffs have the option of referring complaints to the national courts or an international arbiter. In 2007, the GOB created a Center for Arbitration and Mediation to handle such disputes.

The GOB has no economic or industrial strategy that discriminates against foreign investors, nor are there any general limits on foreign ownership or control of enterprises. There are no established processes or criteria to screen or review foreign investments. Foreign investments having to do with weapons, munitions, and any sort of military or paramilitary enterprises are generally forbidden, however. Private investment in this sector is rare, as almost all military transactions are conducted on a government-to-government basis. Foreign investment is not restricted in any other sector, nor are there sectors where foreign investors are denied identical treatment given to domestic firms.

The investment code does not distinguish between domestic and foreign investment except in the defense sector. The new Investment Code sets forth no specific bidding criteria for the acquisition of GOB interests by private firms. Burundi's coffee industry – the largest source of foreign exports – was recently privatized giving rise to a specialty coffee sector which was internationally recognized during Burundi's first Cup of Excellence competition in 2012. Forty eight washing stations and a coffee hulling plant (SODECO-Gitega) have been privatized and generated \$4.1 million to the state budget since 2009. The next phase of privatization will involve the remaining 82 washing stations and the SODECO-Bujumbura hulling plant.

Although Burundi has a long list of state-owned enterprises (SOEs) to be privatized, none has been privatized over the last year. A draft privatization law for several companies has been sent to the National Assembly, but has yet to be adopted. Examples of SOEs that may be privatized include ONATEL (telecommunications), Air Burundi (national air transport company), SOSUMO (sugar), SIP (real estate) and OTB (tea).

There is no explicit discrimination against foreign investors at any stage of the investment process, nor are there any laws or regulations specifically authorizing private firms to adopt articles of incorporation or association limit or prohibit foreign investment, participation, or control.

While Burundi's economy has been liberalized and is open to foreign investors, corruption hampers many business activities; domestic and foreign.

Investment has risen in Burundi. In API's four years of operation, it has approved 193 investment projects worth 824 billion Burundian Francs (BIF) (about \$588 million USD). The sectors being promoted are tourism, energy, agribusiness, transportation and light assembly plants. Foreign investors are mostly from the East African Community, India, and China.

Measure	Year	Index/Ranking
TI Corruption Index	2013	157 out of 177

Heritage Economic Freedom	2013	148 out of 184
World Bank Doing Business	2014	140 out of 189
MCC Gov't Effectiveness	2014	-0.41 (22%)
MCC Rule of Law	2014	-0.19 (36%)
MCC Control of Corruption	2014	-0.55 (4%)
MCC Fiscal Policy	2014	-3.8 (36%)
MCC Trade Policy	2014	71.8 (62%)
MCC Regulatory Quality	2014	-0.21 (36%)
MCC Business Start Up	2014	0.966 (92%)
MCC Land Rights Access	2014	0.77 (92%)
MCC Natural Resource Protection	2014	30.3 (40%)
MCC Access to Credit	2014	14 (13%)
MCC Inflation	2014	11.8%

Conversion and Transfer Policies

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The GOB imposes no restrictions on the converting or transferring of funds associated with an investment into freely usable currency at the official market rate. The new Investment Code allows free access to foreign exchange for investment remittances. There are no regulatory barriers to obtaining foreign exchange, but the Central Bank's stock of foreign currency is rather small.

The average delay for remitting investment returns, after all taxes have been paid, is three months. Delays are attributable to general inefficiency in the banking sector and the rarity of such transactions in an economy characterized by scarce foreign direct investment. There is no stated legal limit on the inflow or outflow of funds for remittances of profits, debt service, capital, capital gains, returns on intellectual property, or imported inputs. No mechanism allows investors to remit funds through a legal parallel market using convertible negotiable instruments.

Expropriation and Compensation

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Burundian law permits the GOB to expropriate property for "exceptional and state-approved reasons," but stipulates that "a just and prior compensatory allowance is required." There have been no recent cases in Burundi involving expropriation of foreign investments, nor have foreign firms pending complaints about compensation. In such disputes, the Investment Code offers plaintiffs recourse to the national court system or international arbitration.

There have been no expropriations in Burundi in the past or policy shifts that would lead one to believe that the GOB may be contemplating such action.

Dispute Settlement

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Burundi's legal system guarantees the right to private property and the enforcement of contracts. The GOB has been known to impede judicial procedures in cases having

political or human rights overtones, but it generally does not interfere in business matters.

Burundi has a written and consistently applied commercial law that allows for the judgments of foreign courts to be accepted and enforced by local courts. Monetary judgments are usually made in the investor's currency. A bankruptcy law granting equal rights to foreign and domestic creditors exists, but has not been widely resorted to.

In rare cases involving international disputes, the GOB accepts binding international arbitration, and recognizes and enforces foreign arbitral awards. In investment disputes between private parties, international arbitration is accepted as a means of settlement provided one of the parties is an extra-national. In 2007, the GOB created a Center for Arbitration and Mediation to handle such disputes, but it has not heard any such case. Although the GOB has enacted no specific legislation for the enforcement of the World Bank's International Center for Settlement of Investment Disputes (ICSID) decisions, it is a member of the ICSID and enforces its awards.

Performance Requirements and Incentives

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The GOB has not notified the World Trade Organization (WTO) of measures the GOB may have that are inconsistent with the WTO's Trade Related Investment Measures (TRIMs), nor have there been independent allegations that the GOB maintains such measures.

Burundi imposes no performance requirements on foreign investors. Its tax incentives apply uniformly to domestic and foreign firms. All new investors qualify for tax deferral based on the rate, duration, and nature of their investments. The standard incentive offered to potential large investors, foreign or domestic, is one or more years of tax-free operation. Amendments adopted in August 2009 to the Investment Code include exemption of charges for real estate purchases related to new investments, tax exemptions for goods used to establish new businesses, and profit-tax breaks for investors employing more than 50 Burundian workers. Burundi's investment code allows unrestricted transfer of foreign assets and income after payment of taxes due, as well as protects private property against nationalization or expropriation of investments. API and the Burundian Revenue Authority (known by its French acronym OBR) are reviewing together tax exemptions to ensure that they are consistent with Burundi's excise law, the investment code, and in harmony with those of the East African Community.

The GOB imposes no performance requirements on investors in order for the latter to establish, maintain, or expand their investments, or to benefit from tax and investment incentives. Nor are investors required to purchase from local sources or export a certain percentage of their output, or access foreign exchange only in relation to their exports. Neither does the GOB require that nationals own shares in foreign investments or that the share of foreign equity be reduced over time or that technology be transferred on certain terms.

Article 26 of the new mining code nevertheless provides that the granting of an industrial mining license gives rise to the attribution to the GOB of <u>at least</u> ten percent (10%) of the shares of the operating company.

The GOB imposes no offset requirement linking major procurements to investments in specified sectors of the economy or specifying performance requirements. Nor does the government attach conditions relating to geographic location, local content, local equity, employment of nationals, use of domestic employment agencies, import substitution, export targets, technology transfer, or local funding sources.

There is no foreign direct investment in the research sector in Burundi. The only known scientific research being conducted involves agricultural production and is largely funded by foreign donors.

The GOB does not impose discriminatory or excessively onerous visa, residence, or work permit requirements inhibit foreign investors' mobility, nor does the GOB pursue discriminatory or preferential export-import policies affecting foreign investors.

Right to Private Ownership and Establishment

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Foreign and domestic private entities have the right to establish and own business enterprises and to engage in all forms of remunerative activity permitted under Burundian law. Private entities may freely establish, acquire, and dispose of interests in business enterprises. Private enterprises can compete on equal terms with public enterprises with respect to access to markets, credit, and other business operations.

Protection of Property Rights

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Secured interests in both real and movable property are recognized under Burundian law. The legal system in general and the new Investment Code in particular protect and facilitate the acquisition and disposition of all property rights. The law also guarantees adequate protection for such intellectual property as patents, copyrights, and trademarks, but has no provision regarding trade secrets or semiconductor chips. During the past year, however, the National Commission for Land and Other Possessions (known as its French acronym CNTB) has arbitrated cases that have resulted in the restoration of property to repatriated refugees reportedly without compensation being granted to the former property owners. CNTB's rulings have not affected foreign investors.

Burundi has adopted the 1995 agreement on Trade-Related Aspects of International Property Rights (TRIPS), which introduced global minimum standards for the protection and enforcement of virtually all intellectual property rights (IPR). The only relevant sector in Burundi where TRIPS applies is the protection of pharmaceutical products, most of which are imported and distributed under the auspices of international donors in full compliance with WTO regulations. Burundi is a signatory to the 1997 and 2000 UN World Intellectual Property Organization (WIPO) treaties governing industrial property and patent law.

Transparency of Regulatory System

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While the GOB's generally welcomes investment, the government has no stated, transparent policies for fostering competition or establishing a regulatory framework.

The GOB has no explicit tax, labor, environment, or health and safety policies that discourage investors nor has the GOB bureaucratic requirements,—beyond registering with Burundi's Revenue Authority (OBR), for investors —to launch or invest in a new enterprise. There are no informal regulatory processes managed by NGOs or private sector associations.

Before the government enacts laws and regulations concerning investment policy, private consultants generally conduct and publish reports on the draft legislation for review and comment by the private sector. Consultants submit comments to the government for consideration before the legislation is voted upon. This procedure was followed during the drafting of the most recent Investment Code.

Burundi's legal system is not transparent and is often subject to judicial roadblocks in cases pertaining to politics and human rights. Regarding trade and investment, however, Burundi's regulatory and accounting systems are generally transparent and consistent with international norms. There is no evidence that the government or private sector has engaged in efforts to restrict foreign participation in the setting of industry standards.

Efficient Capital Markets and Portfolio Investment

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Foreign investors have access to existing credit instruments. There are no explicit restrictions on foreign investors' access to local credit, but demand exceeds supply by a large margin. Given this lack of resources, Burundi has no regulatory system encouraging and facilitating portfolio investment. Foreign technical experts including the U.S. Treasury are helping Burundi's Central Bank (known by its French acronym BRB) to develop such a system and to establish a more active bond market.

The financial sector remains dominated by insufficiently capitalized banks burdened by many non-performing loans. According to their 2012 annual reports, the assets of Burundi's three largest commercial banks totaled USD 484.5 million when the reports were published (Interbank Burundi (IBB), USD 193 million; Burundi Credit Bank (BCB), USD 190.5 million; and Burundi Commercial Bank (BANCOBU), USD 101 million.) The formal banking sector serves Burundi's small elite of wealthy business people and government officials, as well as its miniscule middle class, composed mostly of civil servants. Most Burundians have no access to formal credit and rely on informal credit markets or on micro-finance institutions that dispense commercially-negligible amounts. Hedging against currency risk via Burundi's commercial banking system is not possible.

Private firms in Burundi have no arrangements by whereby they restrict foreign investment through mergers and acquisitions. Private firms also have no specific mechanisms or strategies to prevent hostile takeovers.

Competition from State Owned Enterprises

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Private enterprises are allowed to compete with public enterprises under the same terms and conditions with respect to access to markets, credit, and other business operations, such as licenses and supplies.

Corporate governance of state-owned enterprises (SOEs) is structured from the top down, with government ministers in charge, a board of directors, and a general manager. The management reports directly to the board of directors, whose decisions must be approved by ministers within 15 days to be valid. Ministers may overrule decisions made by boards if ministers consider the decisions to be "against the general interest" – a catch-all phrase that allows ministers to have the last word in any dispute. SOEs are required to prepare annual reports, but do not routinely submit to independent audits.

There are no sovereign wealth funds in Burundi.

Corporate Social Responsibility

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In Burundi, there is no general awareness of corporate social responsibility (CSR) among producers or consumers. The national brewery, Brarudi, which is managed and predominantly owned by the Dutch company Heineken, follows the OECD Guidelines for Multinational Enterprises. Since 2002, Brarudi has introduced programs to conserve water and electric power while reducing industrial waste; the company has also donated construction materials for schools and equipment to local NGOs.

U-COM Burundi, which operates under the brand name LEO, is a mobile company owned by ORASCOM Telecom of Egypt. It accepts its CSR and has introduced a program to help 2,000 primary and secondary school children by providing school fees, educational materials, and student uniforms. To promote educational excellence, LEO has granted several top ranking high school graduates university scholarships. LEO's program cost for the year 2013 was \$257K.

ECONET, Burundi's second largest telecommunications provider, has also set up a scholarship program for gifted orphans to study at international universities.

Political Violence Return to top

The U.S. Embassy in Burundi knows of no incident involving politically-motivated damage to the projects or installations of foreign investors. Burundi held democratic elections in 2005 and 2010. Banditry and extortion by armed criminals, some of whom are rumored to have links to the security forces or the ruling political party and might benefiting from —impunity, —discourage foreign investment. All visitors to Burundi — and all U.S. Mission employees — should exercise caution and vigilance. The U.S. embassy has seen no evidence of anti-foreign sentiment or threats toward foreign investors.

Security throughout the region is volatile, particularly in neighboring eastern Democratic Republic of Congo. While the actual or potential conflicts pose little direct threat to Burundi's security, they do increase instability and tension in the region.

Corruption Return to top

Corruption, including bribery, raises the costs and risks of doing business. Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and

the broader business climate. It also deters international investment, stifles economic growth and development, distorts prices, and undermines the rule of law.

It is important for U.S. companies, irrespective of their size, to assess the business climate in the relevant market in which they will be operating or investing, and to have an effective compliance program or measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms operating or investing in foreign markets should take the time to become familiar with the relevant anticorruption laws of both the foreign country and the United States in order to properly comply with them, and where appropriate, they should seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, by requiring them to uphold their obligations under relevant international conventions. A U. S. firm that believes a competitor is seeking to use bribery of a foreign public official to secure a contract should bring this to the attention of appropriate U.S. agencies, as noted below.

U.S. Foreign Corrupt Practices Act: In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA), which makes it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to foreign public officials for the purpose of obtaining or retaining business for or with, or directing business to, any person. The FCPA also applies to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. For more detailed information on the FCPA, see the FCPA Lay-Person's Guide at: http://www.justice.gov/criminal/fraud/

Other Instruments: It is U.S. Government policy to promote good governance, including host country implementation and enforcement of anti-corruption laws and policies pursuant to their obligations under international agreements. Since enactment of the FCPA, the United States has been instrumental to the expansion of the international framework to fight corruption. Several significant components of this framework are the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Antibribery Convention), the United Nations Convention against Corruption (UN Convention), the Inter-American Convention against Corruption (OAS Convention), the Council of Europe Criminal and Civil Law Conventions, and a growing list of U.S. free trade agreements.

OECD Antibribery Convention: The OECD Antibribery Convention entered into force in February 1999. As of March 2009, there are 38 parties to the Convention including the United States (see http://www.oecd.org/dataoecd/59/13/40272933.pdf). Major exporters China, India, and Russia are not parties, although the U.S. Government strongly endorses their eventual accession to the Convention. The Convention obligates the Parties to criminalize bribery of foreign public officials in the conduct of international business. The United States meets its international obligations under the OECD Antibribery Convention through the U.S. FCPA. Burundi is a party to the OECD convention.

UN Convention: The UN Anticorruption Convention entered into force on December 14, 2005, and there are 158 parties to it as of November 2011 (see http://www.unodc.org/unodc/en/treaties/CAC/signatories.html). The UN Convention is

the first global comprehensive international anticorruption agreement. The UN Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption. The UN Convention goes beyond previous anticorruption instruments, covering a broad range of issues ranging from basic forms of corruption such as bribery and solicitation, embezzlement, trading in influence to the concealment and laundering of the proceeds of corruption. The Convention contains transnational business bribery provisions that are functionally similar to those in the OECD Antibribery Convention and contains provisions on private sector auditing and books and records requirements. Other provisions address matters such as prevention, international cooperation, and asset recovery. Burundi is a party to the UN convention.

OAS Convention: In 1996, the Member States of the Organization of American States (OAS) adopted the first international anticorruption legal instrument, the Inter-American Convention against Corruption (OAS Convention), which entered into force in March 1997. The OAS Convention, among other things, establishes a set of preventive measures against corruption, provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment, and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation. As of December 2009, the OAS Convention has 34 parties (see http://www.oas.org/juridico/english/Sigs/b-58.html) Burundi is not a party to the OAS convention.

Council of Europe Criminal Law and Civil Law Conventions: Many European countries are parties to either the Council of Europe (CoE) Criminal Law Convention on Corruption, the Civil Law Convention, or both. The Criminal Law Convention requires criminalization of a wide range of national and transnational conduct, including bribery, money-laundering, and account offenses. It also incorporates provisions on liability of legal persons and witness protection. The Civil Law Convention includes provisions on compensation for damage relating to corrupt acts, whistleblower protection, and validity of contracts, inter alia. The Group of States against Corruption (GRECO) was established in 1999 by the CoE to monitor compliance with these and related anti-corruption standards. Currently, GRECO comprises 49 member States (48 European countries and the United States). As of December 2011, the Criminal Law Convention has 43 parties and the Civil Law Convention has 34 (see www.coe.int/greco.) Burundi is not a party to the CoE convention.

Free Trade Agreements: While it is U.S. Government policy to include anticorruption provisions in free trade agreements (FTAs) that it negotiates with its trading partners, the anticorruption provisions have evolved over time. The most recent FTAs negotiated now require trading partners to criminalize "active bribery" of public officials (offering bribes to any public official must be made a criminal offense, both domestically and transnationally) as well as domestic "passive bribery" (solicitation of a bribe by a domestic official). All U.S. FTAs may be found at the U.S. Trade Representative Website: http://www.ustr.gov/trade-agreements/free-trade-agreements. Burundi does not have an FTA with the United States.

Local Laws: U.S. firms should familiarize themselves with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department's U.S. and Foreign Commercial Service can provide assistance with navigating the host country's legal system and obtaining a list of local legal counsel.

Assistance for U.S. Businesses: The U.S. Department of Commerce offers several services to aid U.S. businesses seeking to address business-related corruption issues. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting their due diligence as part of the company's overarching compliance program when choosing business partners or agents overseas. The U.S. Foreign and Commercial Service can be reached directly through its offices in every major U.S. and foreign city, or through its Website at www.trade.gov/cs.

The Departments of Commerce and State provide worldwide support for qualified U.S. companies bidding on foreign government contracts through the Commerce Department's Advocacy Center and State's Office of Commercial and Business Affairs. Problems, including alleged corruption by foreign governments or competitors, encountered by U.S. companies in seeking such foreign business opportunities can be brought to the attention of appropriate U.S. government officials, including local embassy personnel and through the Department of Commerce Trade Compliance Center "Report A Trade Barrier" Website at tcc.export.gov/Report_a_Barrier/index.asp.

Guidance on the U.S. FCPA: The Department of Justice's (DOJ) FCPA Opinion Procedure enables U.S. firms and individuals to request a statement of the Justice Department's present enforcement intentions under the anti-bribery provisions of the FCPA regarding any proposed business conduct. The details of the opinion procedure are available on DOJ's Fraud Section Website at www.justice.gov/criminal/fraud/fcpa. Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies general guidance to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information, see the Office of the Chief Counsel for International Counsel, U.S. Department of Commerce, Website, at http://www.ogc.doc.gov/trans_anti_bribery.html. More general information on the FCPA is available at the Websites listed below.

Exporters and investors should be aware that generally all countries prohibit the bribery of their public officials, and prohibit their officials from soliciting bribes under domestic laws. Most countries are required to criminalize such bribery and other acts of corruption by virtue of being parties to various international conventions discussed above.

Officially, Burundi has laws and regulations prohibiting corrupt practices like bribery, nepotism, preferential hiring and promotion, and embezzlement. The government rarely enforces these measures partly because senior government officials and high ranking police officers are among those involved in such practices. The U.S. embassy in Burundi has no evidence of a particular bias for or against foreign investors in the enforcement of these statutes.

Burundi is a signatory to the UN Anti-Corruption Convention and the OECD Convention on Combating Bribery. Burundi has also been a member of the East African Anti-Corruption Authority since joining the East African Community in 2007. Corruption is most pervasive in Burundi in the government procurement sector; the purchase and sale of government property takes place in a non-transparent environment that nurtures frequent allegations of bribery and cronyism. Customs officials are reportedly very corrupt, and allegedly regularly extort bribes from exporters and importers.

In Burundi, giving or receiving bribes, including bribes by local companies to foreign officials, is a criminal act punishable by six months to ten years in prison. Such bribes are not tax-deductible. The GOB's Anti-Corruption Brigade is charged with enforcing the law, but has very limited jurisdiction. Cabinet members, parliamentarians, and anyone appointed by presidential decree is immune from prosecution on corruption charges by the Anti-Corruption Court, nurturing a culture of impunity.

The Anti-Corruption and Economic Malpractice Observatory (l'Observatoire de lutte contre la corruption et les malversations économiques, OLUCOME) is an independent, non-governmental anti-corruption organization based in Burundi. OLUCOME continues to decry the Government of Burundi's lack of transparency and pervasive corruption.

Anti-Corruption Resources

Some useful resources for individuals and companies regarding combating corruption in global markets include the following:

- Information about the U.S. Foreign Corrupt Practices Act (FCPA), including a "Lay-Person's Guide to the FCPA" is available at the U.S. Department of Justice's Website at: http://www.justice.gov/criminal/fraud/fcpa.
- Information about the OECD Antibribery Convention including links to national implementing legislation and country monitoring reports is available at:
 http://www.oecd.org/department/0,3355,en_2649_34859_1_1_1_1_1_1,00.html.
 See also new Antibribery Recommendation and Good Practice Guidance Annex for companies: http://www.oecd.org/dataoecd/11/40/44176910.pdf.
- General information about anticorruption initiatives, such as the OECD Convention and the FCPA, including translations of the statute into several languages, is available at the Department of Commerce Office of the Chief Counsel for International Commerce Website: http://www.ogc.doc.gov/trans_anti_bribery.html.
- Transparency International (TI) publishes an annual Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in 180 countries and territories around the world. The CPI is available at: http://www.transparency.org/policy_research/surveys_indices/cpi/2009. TI also publishes an annual *Global Corruption Report* which provides a systematic evaluation of the state of corruption around the world. It includes an in-depth analysis of a focal theme, a series of country reports that document major corruption related events and developments from all continents and an overview of the latest research findings on anti-corruption diagnostics and tools. See http://www.transparency.org/publications/gcr.
- The World Bank Institute publishes Worldwide Governance Indicators (WGI). These indicators assess six dimensions of governance in 213 countries, including Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. See http://info.worldbank.org/governance/wgi/index.asp. The World Bank Business Environment and Enterprise Performance Surveys may also be of interest and are available at: http://data.worldbank.org/data-catalog/BEEPS.

- The World Economic Forum publishes the Global Enabling Trade Report, which
 presents the rankings of the Enabling Trade Index, and includes an assessment of
 the transparency of border administration (focused on bribe payments and
 corruption) and a separate segment on corruption and the regulatory environment.
 See http://www.weforum.org/s?s=global+enabling+trade+report.
- Additional country information related to corruption can be found in the U.S. State Department's annual *Human Rights Report* available at http://www.state.gov/g/drl/rls/hrrpt/.
- Global Integrity, a nonprofit organization, publishes its annual *Global Integrity Report*, which provides indicators for 106 countries with respect to governance and anti-corruption. The report highlights the strengths and weaknesses of national level anti-corruption systems. The report is available at: http://report.globalintegrity.org/.

Bilateral Investment Agreements

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Burundi has a long-standing mutual investment agreement with the BENELUX nations. Although Burundi is eligible to take part in the African Growth and Opportunities Act (AGOA), Burundi has taken little advantage of it. The GOB does not have a bilateral investment or taxation treaty with the United States.

OPIC and Other Investment Insurance Programs

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Burundi is a member of the Multilateral Investment Guarantee Agency, and signed an agreement with the Overseas Private Investment Corporation (OPIC) in 2006. The U.S. Embassy in Bujumbura knows of no OPIC-affiliated enterprise operating in Burundi. In the unlikely event that OPIC had to pay an inconvertibility claim, it would have to do so in Burundian francs (BIF). As of June 2014, the embassy purchased local currency at an official rate of 1550 BIF to one USD. Given the weakness of Burundi's economy, the risk is high that the value of the Burundian franc will continue to depreciate against major market currencies.

Labor Return to top

Unskilled local labor is widely available. Workers from the neighboring Democratic Republic of Congo and Rwanda often provide skilled labor. Burundi has signed the International Labor Organization (ILO) convention protecting workers' rights. In the private sector, labor-management relations are generally conducted according to international standards that allow for collective bargaining and freedom from reprisal against employees who engage in union activities. Labor leaders in the public sector have occasionally been subjected to harassment and arbitrary detention. Burundi has no stated policy allowing differential treatment of labor or requiring the hiring of host country nationals to certain positions.

Foreign-Trade Zones/Free Ports

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Burundi has no designated foreign trade zone or free port. The new Investment Code makes the entire country a de facto foreign trade zone, but the language of the Code has few details regarding specific policies and procedures.

Foreign Direct Investment Statistics

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The following data from the GOB shows a gradual increase in foreign direct investment followed by a dramatic decrease in 2013. This decline may reflect over-valuations in previous years and investor reluctance in anticipation of the 2015 elections.

Year	Foreign Direct Investment
2009	< \$20 million USD
2010	\$80 million USD
2011	\$104 million USD
2012	\$ 255 million USD
2013	\$ 0.6 million USD

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Export-Import Bank of the United States: http://www.exim.gov

Country Limitation Schedule: http://www.exim.gov/tools/country/country_limits.html

OPIC: http://www.opic.gov

Trade and Development Agency: http://www.tda.gov/

SBA's Office of International Trade: http://www.sba.gov/oit/

USDA Commodity Credit Corporation: http://www.fsa.usda.gov/ccc/default.htm

U.S. Agency for International Development: http://www.usaid.gov

USTR US-EAC Trade and Investment Framework Agreement: http://www.ustr.gov/trade-agreements/trade-investment-framework-agreements

Burundian Investment Promotion Authority: http://investburundi.com/
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Chapter 7: Trade and Project Financing

- How Do I Get Paid (Methods of Payment)
- How Does the Banking System Operate
- Foreign-Exchange Controls
- U.S. Banks and Local Correspondent Banks
- Project Financing
- Web Resources

How Do I Get Paid (Methods of Payment)

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Burundi uses irrevocable letters of credit for international trade. For small transactions, cash payment is common. For larger transactions, certified bank checks are preferred. There are no credit rating companies or collection agencies in the country.

How Does the Banking System Operate

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The Central Bank (Bank de la Republique du Burundi, or BRB) exercises oversight over the commercial banks, all of which have financial connections to one or more international banks.

The banking sector is largely under private ownership, although the government maintains controlling shares in two of the seven commercial banks operating in Burundi. See "Efficient Capital Markets and Portfolio Investment" in Chapter 6 for further information on Burundi's major banks.

Foreign-Exchange Controls

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Burundian law allows citizens to hold bank accounts in foreign currency. Foreign exchange is regulated by the market and is not an impediment for U.S. companies.

U.S. Banks and Local Correspondent Banks

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There are no U.S. banks operating in Burundi. Two local banks have direct connections with Citibank and others have connections with U.S. banks through their European correspondents.

Project Financing

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Most development projects are funded by multilateral banks. Some donor countries have injected funds into the National Bank for Economic Development to lend to local entrepreneurs in specific sectors. Local commercial banks fund commercial and industrial projects.

The World Bank and IMF are funding institutional reform projects, largely in the financial sector. The World Bank is supporting rehabilitation and expansion of Burundi's hydroelectric system. The African Development Bank funds projects in road infrastructure, hydroelectric power, watershed management, and rural water infrastructure. The U.S. Agency for International Development focuses on health and governance, but has funded small and medium agri-business projects. The African Development Foundation has also provided grants to help entrepreneurs expand their businesses.

Burundi also receives funds from numerous bilateral donors including the Belgium, France, Germany, Switzerland, Japan, the Netherlands, Norway, and the United States.

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Export-Import Bank of the United States: http://www.exim.gov

Country Limitation Schedule: http://www.exim.gov/tools/country/country_limits.html

OPIC: http://www.opic.gov

Trade and Development Agency: http://www.tda.gov/

SBA's Office of International Trade: http://www.sba.gov/oit/

USDA Commodity Credit Corporation: http://www.fsa.usda.gov/ccc/default.htm

U.S. Agency for International Development: http://www.usaid.gov

The African Development Bank: http://www.afdb.org

The African Development Foundation: http://www.adf.gov

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Chapter 8: Business Travel

- Business Customs
- Travel Advisory
- Visa Requirements
- Telecommunications
- Transportation
- Language
- Health
- Local Time, Business Hours and Holidays
- Temporary Entry of Materials and Personal Belongings
- Web Resources

Business Customs

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Burundi's business community is comfortable working with foreign investors, but the professional environment is often more formal than in the United States. A coat and tie for men and a business suit for women are standard attire at most business gatherings. Burundian businessmen and women generally prefer direct contact with prospective partners. The telephone is used to initiate appointments, but business is most often conducted on a personal level. It is helpful for the business traveler to have pre-printed business cards. Gifts, especially in the early phases of a business relationship, are not commonly expected or given.

Travel Advisory

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The U.S. State Department provides detailed information for travelers to Burundi at http://travel.state.gov/travel/cis_pa_tw/cis/cis_1078.html

Visa Requirements

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A valid U.S. passport with an expiry date of at least six months after the date of arrival in Burundi is mandatory for entry. The type of passport and the reason for the stay determines the type of visa.

A visa for Burundi should be obtained at a Burundian embassy before departure. In January 2010, Burundi's Ministry of External Relations issued an official notice stating that visas would no longer be issued at the airport in Bujumbura. While U.S. citizens are able to obtain visas at the airport, the directive of 2010 could be enforced at any time. All U.S. citizens planning travel to Burundi are encouraged to contact the nearest Burundian embassy before traveling to Burundi. Consular Information for the Burundian embassy in Washington, DC is accessible at http://www.burundiembassy-usa.org/Consularinfo.html.

U.S. companies that require their Burundian contacts to travel to the United States should know that U.S. security evaluations of visa applicants are handled via an interagency process. Further information is available at the State Department website http://travel.state.gov/visa/.

All U.S. citizens visiting Burundi are advised to register online with the U.S. Embassy in Bujumbura before arrival. They can do at https://travelregistration.state.gov/ibrs/. The U.S. Embassy can be contacted at Avenue des Etats-Unis or via telephone (257) 22-207000, fax (257) 22-222926, and email BujumburaC@state.gov.

Telecommunications

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Cell phone network coverage in Burundi is sporadic, and networks are often not available due to heavy usage. SIM cards can be purchased from the main offices of most of Burundi's cell phone companies in Bujumbura, including:

- ONAMOB provided by the government-owned network ONATEL.
- LEO (formerly known as U-COM)
- AFRICELL / TEMPO
- ECONET

Ownership of personal computers is rare except among the elite and expatriate community.

Internet service providers include:

- OSA
- USAN
- ONATEL
- LEO
- ECONET
- CBINET
- SPIDERNET

Computer centers and cyber cafés are available in Bujumbura and the larger towns. Most internet connections are slow by western standards.

Transportation Return to top

For international travel to and from Bujumbura, connections on international carriers are available through Addis Ababa via Ethiopian Airlines, Nairobi via Kenya Airways, Kigali via Rwanda Air Express, and Johannesburg via South African Airways. Brussels Airlines operates three flights per week with a direct connection to Brussels. All international flights arrive at Bujumbura airport, ten miles from the center of town.

Public and private buses facilitate local connections daily between the major towns of the country. There are also regular bus connections between Burundi and other countries in the region. But public transportation is unreliable and often dangerous due to poor vehicle maintenance and bad road conditions. Private vehicles are also available for hire with or without drivers. There are no passenger railroads or ferries.

Language Return to top

The indigenous language is Kirundi, which is spoken throughout the country. French is the administrative and official language. Kiswahili is widely spoken in the capital and in the eastern region of the country near the border with Tanzania. In response to Burundi's 2007 entry into the East African Community, the government added English and Swahili instruction, beginning in first grade, to the public school curriculum.

Many government officials and businessmen and women speak English; however, it remains essential that business travelers speak French or have access to interpreters. The U.S. embassy in Bujumbura can provide names of local interpreters upon request.

Health Return to top

A certificate of yellow-fever vaccination is required for entry into Burundi. While immigration officials rarely examine a traveler's vaccination record, it is strongly recommended that visitors keep their inoculations up-to-date. Bujumbura is a malarial area and malaria prophylaxis is recommended. Travelers should consult a licensed physician in the United States before departure to determine which form of prophylaxis is most appropriate. In addition, travelers are encouraged to use insect repellent and proper clothing (i.e., long sleeves and slacks in the evening) to prevent mosquito bites.

Local tap water is not potable. Bottled water is safe to drink and can be purchased locally. Food prepared in local restaurants is generally safe if served hot, but visitors should avoid eating in establishments without running water. Uncooked greens should also be avoided, and travelers requesting ice in their beverages should ensure that the ice has been made from purified water.

Medical facilities are rudimentary in Burundi. Emergency medical services and ambulances are virtually non-existent. Medicines and prescription drugs are in short supply, and occasionally unavailable. Sterility of equipment can be questionable and treatment is often unreliable. Travelers are encouraged to carry a sufficient supply of properly-labeled prescription drugs and other medications to cover their stay in Burundi.

Local Time, Business Hours, and Holidays

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Local Time: GMT+2

Business Hours:

The hours of operation of the Government of Burundi are 07:00 a.m. to 15:00 p.m., with a long lunch hour. Working hours for the private sector, international agencies, nongovernmental organizations, and embassies are generally 08:00 a.m. to 17:00 p.m.

Public holidays:

Jan 1	New Year's Day
Feb 5	Unity Day
Apr 6	President Ntaryamira Remembrance Day
May 1	Labor Day
May**	Ascension Day
July 1	Independence Day
Aug*	Eid-El-Fitr
Δμα 15	Assumption Day

Assumption Day Aug 15

Assassination of Prince Louis Rwagasore Oct 13 Oct 21 Assassination of President Ndadaye

Oct* Eid-El-Qurban Nov 1 All Saints Day Dec. 25 Christmas Day

Temporary Entry of Materials and Personal Belongings Return to top

Burundi authorizes temporary entry of business-related materials such as building supplies and equipment, and personal items such as furniture and household belongings. A request for temporary entry must be addressed to the Ministry of Finance. Authorization is granted for one year, renewable annually.

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The U.S. State Department provides detailed information for travelers to Burundi at: http://travel.state.gov/travel/cis pa tw/cis/cis 1078.html

State Department Visa Website: http://travel.state.gov/visa/index.html

United States Visas.gov: http://www.unitedstatesvisas.gov/

U.S. Embassy Bujumbura Consular Section: http://burundi.usembassy.gov/visas.html

^{*} Eid-el-Qurban and Eid-el-Fitr are Islamic holidays and the dates change according to the lunar calendar.

^{**} Ascension Day is a Christian holiday and the date changes according to the Christian calendar.

Chapter 9: Contacts, Market Research and Trade Events

- Contacts
- Market Research
- Trade Events

Contacts Return to top

Before visiting, U.S. travelers and businessmen and women seeking contacts in specific sectors may wish to communicate directly with the U.S. Embassy in Bujumbura for assistance in reaching potential contacts. They should also contact the Burundi Enterprise Network and the Burundi Chamber of Commerce.

- U.S. Embassy Bujumbura website: www.bujumbura.usembassy.gov
- Burundi Enterprise Network (BEN): Ben2006burundi@yahoo.fr
- Burundi Federal Chamber of Commerce: ccib@cbinf.com
- Burundi Investment Promotion Authority: http://investburundi.com/

Market Research Return to top

To view market research reports produced by the U.S. Commercial Service please go to the following website: http://www.export.gov/mrktresearch/index.asp and click on Country and Industry Market Reports.

Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, and is free.

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Please click on the link below for information on upcoming trade events.

http://www.export.gov/tradeevents/index.asp

U.S. Commercial Service link for East Africa (based in Nairobi, Kenya):

http://www.buyusa.gov/eastafrica/en/

Chapter 10: Guide to Our Services

The President's National Export Initiative aims to double exports over five years by marshaling Federal agencies to prepare U.S. companies to export successfully, connect them with trade opportunities and support them once they do have exporting opportunities.

The U.S. Commercial Service offers customized solutions to help U.S. exporters, particularly small and medium sized businesses, successfully expand exports to new markets. Our global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research
- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers
- Gain access to the full range of U.S. government trade promotion agencies and their services, including export training and potential trade financing sources

To learn more about the Federal Government's trade promotion resources for new and experienced exporters, please click on the following link: www.export.gov

For more information on the services the U.S. Commercial Service offers to U.S. exporters, please click on the following link: http://www.buyusa.gov/

U.S. exporters seeking general export information/assistance or country-specific commercial information can also contact the U.S. Department of Commerce's Trade Information Center at (800) USA-TRAD(E).

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.