

LAWS OF SOUTH SUDAN

THE INVESTMENT PROMOTION REGULATIONS 2012¹

¹ Text of May 28 2012

THE INVESTMENT PROMOTION REGULATIONS.

Statutory Instrument No of 2012

(Under Section 43 of the Investment Promotion Act, 2009)

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THE INVESTMENT PROMOTION REGULATIONS.

Statutory Instrument No of 2012

(Under Section 43 of the Investment Promotion Act, 2009)

PART I

PRELIMINARY PROVISIONS.

1. Title and Commencement.

These Regulations may be cited as “the Investment Promotion Regulations, 2012” and shall come into force upon signature by the Minister of Commerce, Industry and Investment.

2. Interpretations.

In these Regulations, unless the context otherwise requires, the following words and expressions shall carry the meanings assigned to them –

“**Act**” means the Investment Promotion Act, 2009;

“**The Authority or Investment Authority**” means the South Sudan Investment Authority;

“**Board**” means the Board of the South Sudan Investment Authority established under section 9 of the Act;

“**RSS**” means the Republic of South Sudan;

“**investor**” for the purposes of registration under this Act, means any person or juridical person with the sole interest of entering into business enterprise or enterprises with capital investments equivalent to a minimum of one hundred thousand dollars;

“**Minister**” means the Minister responsible for investment in South Sudan;

“**national**” means any citizen of South Sudan or any company, partnership, association or body, whether corporate or non corporate in which the majority capital or financial interest is owned by South Sudanese and includes a statutory corporation;

“**officer**” includes the Secretary General, the Deputy Secretary General and members of staff of the Secretariat;

“**person**” includes –

(a) a natural person (and heirs, executors, administrators, or other representative of a person) and any corporation or other entity which is given, or is recognized as having legal personality by the law of any country or territory;

(b) the government of a country or territory, any State or local authority in South Sudan or elsewhere and any international organization or body, whether or not its members include South Sudanese and whether it has legal personality or not;

“Secretariat” means the Secretariat of the Investment Authority responsible for the administration and implementation of programmes of the Authority;

“State” means any one of the ten States of South Sudan.

PART II

MEETINGS OF THE BOARD

3. Board to Act Notwithstanding Vacancies.

The Board may conduct business notwithstanding one or more vacancies amongst its members.

4. Resolution in Writing.

Subject to the provisions of the Act, a resolution in writing signed by all the members of the Board shall be as valid and effective as if the same had been passed at a meeting of the Board duly convened and held.

5. Minutes of the Board.

Minutes of each Board meeting, or of a Committee of the Board, shall be kept by the Secretary General and shall be confirmed by the Board at the next Board meeting and signed by the Chairperson of that meeting and when confirmed and signed shall be accepted as decisions of the Board taken at the meeting concerned.

6. Conflict of Interest and Disclosure.

Where an individual is a member of the Board, the Secretary General, a member of staff of the Authority, a member of a Committee of the Board, or a consultant, advisor or other person engaged by the Board has a pecuniary interest or other beneficial interest in or material to any matter including a direct or indirect interest in any person or in an undertaking or property or contract or investment made or proposed to be made or any other matter which has to be considered by the Board or committee of the Board, the individual shall—

(a) declare the nature of the interest to the Board at a meeting of the Board prior to any consideration of the matter;

- (b) cause the disclosure to be recorded in the minutes of the meeting concerned;
- (c) not be present during any deliberations of the Board with respect to the matter;
- (d) not take part or seek to influence any decision of the Board with respect to the matter; and
- (e) not act in relation to the matter.

7. Beneficial Interest.

- (1) For the purposes of regulation 6 above, a person shall be regarded as having beneficial interest if–
 - (a) he or she or a connected person, or any nominee of his or her or the connected person is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in regulation 6;
 - (b) he or she or a connected person is in partnership with or is in the employment of a person who has a beneficial interest in or material to, a matter referred to in regulation 6; or
 - (c) he or she or a connected person is a party to any arrangement or agreement whether or not enforceable concerning a matter referred to in regulation 6.
- (2) For the purposes of this regulation and regulation 6, a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of having an interest in any company or any other body or person mentioned in sub-regulation (1) of this regulation which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question with respect to the matter, or in performing any function in relation to that matter.
- (3) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with the requirements of regulation 6, the question shall be determined by the Board and particulars of such determination shall be recorded in the minutes of the meeting concerned.
- (4) Where a person referred to in this regulation fails to make a disclosure in accordance with regulation 6, the Board shall decide the appropriate action to be taken including removal from office or termination of contract.

8. Conditions Applicable to Committees.

The conditions of office applicable to members of the Board and in particular those conditions on disclosure of interest shall apply to members of committees constituted by the Board.

9. Invitation of Expert(s).

The Board may invite any person with expert knowledge on matters before the Board to take part in a meeting of the Board but the person shall not have any voting rights.

PART III

ADMINISTRATION AND FINANCIAL MATTERS OF THE AUTHORITY

10. Appointment of Secretary General.

- (1) Subject to the provisions of section 2(3) and 15(1) of the Act, the President shall appoint the Secretary General from a list of three suitably qualified and experienced persons, proposed by the Chairman of the Board.
- (2) Subject to sub-regulation (1), the list of candidates shall be submitted to the Chairman of the Board by the Members of the Board not later than three months from notice of vacancy in the position.
- (3) The Secretary General shall hold office for a term of five years and receive remuneration as determined by the President upon recommendation of the Board.
- (4) The President may re-appoint the Secretary General for one further term of five years.
- (5) The Secretary General shall not hold any other office or position or carry on any business or investment without the consent of the Board.
- (6) The provisions of sub-regulations (1) to (4) above shall also apply to the post of Deputy Secretary General.
- (7) Until the Secretary General is appointed, the functions of the Secretary General shall be performed by the Undersecretary of the Ministry.

11. Secretariat.

- (1) Subject to the provisions of the Act, in addition to the Secretary General, the Board shall employ such other officers as the Board may determine who shall ensure that the functions of the Authority as envisaged under the Act are discharged in a manner that translates the activities of the Authority into prompt and efficient services.
- (2) The Secretary General, the officers and other staff shall form the Secretariat of the Authority.

12. Remuneration of Secretary General and officers of the Authority.

- (1) The Secretary General and the officers of the Authority will receive remuneration which is competitive and commensurate with the status of their positions.
- (2) The Secretary General and the other officers will be entitled to other fringe benefits, as shall be determined by the Board.

- (3) The Board shall approve staff regulations which shall be known as the South Sudan Investment Authority Staff Rules and Regulations and which shall come into force on the date determined by the Minister.

13. Responsibilities and Duties of the Secretary General.

- (1) The Secretary General shall participate in the meetings of the Board as an ex officio member and in accordance with section 9(3)(1) of the Act, shall be the secretary to the Board.
- (2) The Secretary General shall execute all resolutions and decisions of the Board and, subject to the control of the Board, shall, in general, supervise and control all the Authority's business and affairs.
- (3) In his or her capacity as secretary to the Board, the Secretary General shall perform the functions of keeping accurate records of all formal proceedings and decisions of the Board, ensuring that the Authority complies with the laws in undertaking its activities, and shall carry out such other functions as the Board may direct.
- (4) Under the supervision of the Board, the Secretary General shall be responsible for the management of the operations, undertakings and property of the Authority, the successful implementation of investment promotion programs, supervision and control of the activities of the officers and other staff of the Authority in the course of their employment.
- (5) The Secretary General shall –
 - (a) ensure that the Board is kept informed of all the activities of the Authority and actual and potential implementation problems;
 - (b) present to the Board an annual budget during a Board Meeting convened for that purpose, and supplementary budgets as necessary, and an annual report of the Authority's activities over the past calendar year and plans for the new calendar year;
 - (c) together with the Chairman or one other member of the Board, witness the official seal of the Authority or sign any deeds, mortgages, contracts and other instruments execution of which the Board has authorized;
 - (d) see that all notices are duly given, keep records of the proceedings and of resolutions of the Board in Minute Books kept in his or her custody; keep all the correspondence files and all other papers and records generated by the business of the Authority; and ensure that minutes of the Board are confirmed by the Board and signed by the Chairman; and
 - (e) ensure that documents setting all material events relating to the Authority's performance and finances, including but not limited to matters affecting investors, dealings and relationships with other departments of the Government, are prepared and circulated in advance of Board meetings.

- (6) Notwithstanding the generality of sub-regulation (1) and (3) of this regulation, the Secretary General shall –
 - (a) maintain accurate copies and records of all organizational documents (including the Act, Regulations and any rules or orders and other records identified by the Board);
 - (b) file reports noting the date of the presentation;
 - (c) issue written notice of meetings;
 - (d) prepare agenda for the Board meetings;
 - (e) maintain a roster of members and their attendance of the Board meetings;
 - (f) prepare and record the minutes of meetings;
 - (g) ensure documents for Board meetings are available to members at reasonable times and places;
 - (h) maintain accurate lists of all committees established by the Board; and
 - (i) notify persons chosen as members of committees.

14. Fees for Services Rendered by the Authority.

- (1) The Authority may charge fees for services rendered under the Act.
- (2) The fees payable under regulation 14 (1) are set out in the First Schedule.
- (3) Notwithstanding regulation 14(1) and 14(2) above, all fees payable to the Government of South Sudan and received on its behalf by the Authority in respect of licenses, land leases and other privileges, which are not fees for services rendered by the Authority, shall be paid to the South Sudan Consolidated Fund.
- (4) The fees payable under regulation 14(1) shall be paid in United States Dollars by foreign enterprises and in South Sudanese Pounds by domestic enterprises.

15. Other Sources of Funds.

Subject to subsection 17(1)(b) of the Act, the Authority may, with the prior written consent of the Minister of Finance and Economic Planning, receive funds by way of schemes, grants, donations or other financial facilities from any source in or outside South Sudan.

16. Control of Funds.

- (1) Subject to the provisions of the Act, the Secretary General shall be responsible for the funds, receipts and disbursements of the Authority.

- (2) Subject to sub-regulation (3) of this regulation, the Secretary General shall receive and keep receipts for monies due and payable to the Authority from any source whatsoever, and deposit all such monies, cheques, and other credits referred to in regulation 14 (2) above, into the Authority's bank account in the Bank of South Sudan or any other commercial bank as shall be determined by the Board.
- (3) The Secretary General shall be in charge of the books of accounts and shall make them available for inspection by auditors whenever required.

17. Financial Regulations.

- (1) The Board shall cause to be made financial regulations which shall be known as the South Sudan Investment Authority Financial Regulations which shall come into force on a date appointed by the Minister.
- (2) The financial regulations applicable in South Sudan shall apply until such time as the Regulations mentioned in sub-regulation (1) above are made.

18. Content of Annual Report.

The annual report under section 20 of the Act shall include an auditor's report of the books and the bank accounts of the Authority and shall include SSIA's report of the achieved results of the investment promotion program and the impact of the program on the economy.

19. Disclosure of Information.

- (1) A person shall not disclose any information obtained—
 - (a) while performing duties as a member of the Board or committee or as a member of staff, legal advisor or consultant to the Board; or
 - (b) as a member of the Board or as a consultant in pursuance of any provision of the Act, while performing duties relating to consultations.
- (2) Nothing in regulation (1) of this regulation shall prevent disclosure of information to the Board or on behalf of the Board to the Government.

PART IV

APPLICATION FOR INVESTMENT CERTIFICATE

20. Application for and Entitlement to Investment Certificate.

Any juridical or natural person who intends to invest in South Sudan, and complies with the requirements of regulation 4, shall apply and be entitled to an investment certificate from the Authority.

21. Conditions for Grant of Investment Certificate.

- (1) A person shall be entitled to an investment certificate where the applicant satisfies the conditions for grant of an investment certificate in this regulation.
- (2) The conditions for grant of an investment certificate shall include proof that the investment–
 - (a) is a minimum of over one hundred thousand United States Dollars;
 - (b) is lawful;
 - (c) is beneficial to the people of South Sudan through –
 - (i) creation of employment for South Sudanese;
 - (ii) acquisition of new skills or technology for South Sudanese; and
 - (iii) contribution to tax revenues or other Government revenues;
 - (d) is, in addition to sub-regulation (1)(b) above, beneficial to the people of South Sudan through any of the following –
 - (iv) transfer of appropriate technology to South Sudan;
 - (v) increase in foreign exchange, either through exports or imports substitution;
 - (vi) production and utilization of domestic raw materials, supplies and services;
 - (vii) adoption of value addition in the processing of local, environmental, natural and agricultural resources using forward and backward linkages strategy;
 - (viii) development of information and communication technology for utilization, promotion, development and implementation of information and communication technology;
 - (ix) contribution to socio-economic and cultural amenities of the local communities, e.g. health centers, schools, feeder roads, water supply, sports, cultural events; and
 - (x) any other factors that the authority considers beneficial to Sothern Sudan;
 - (e) is within the investment priority areas of the Government of the Republic of South Sudan listed in the First Schedule to the Act;
 - (f) the investment is environment friendly in accordance with the relevant environment laws of South Sudan and observes and implements environment friendly corporate rules and regulations under the First Schedule to the Act.

22. Format of Application for Investment Certificate.

- (1) An application for an investment certificate under regulation 20 shall be made by submitting Form **SSIA-1** in the Second Schedule to these Regulations.

- (2) The applicant shall indicate that the application complies with the conditions specified in regulation 20.
- (3) In the application for the investment certificate, the applicant shall indicate the relevant licenses, permits and incentives, including land rights that the applicant intends to apply for in different line Ministries, Land Commission and other government authorities.
- (4) The Authority may require clarification or additional information.
- (5) Where the Authority is satisfied with the application, the Authority shall, upon payment of the prescribed fee, issue an investment certificate to the applicant.
- (6) The applicant shall pay the prescribed application fees.
- (7) In satisfaction of sub- regulation (3) above, the Authority shall provide the applicant with the relevant application forms for the licenses, permits, land and other incentives.
- (8) Every investment certificate issued under this regulation shall be in Form **SSIA-2** in the Second Schedule to these Regulations.
- (9) The Authority shall facilitate the issue or grant of permit(s), licenses, land documentation or incentives to which the holder of an investment certificate is entitled.

23. Powers of the Secretary General.

- (1) Notwithstanding the provisions of regulation 20, the Secretary General may, where the applicant has not met the requirements of the Act, refuse to issue the investment certificate.
- (2) Where the Secretary General refuses to issue an investment certificate under sub-regulations (1), he or she shall, in writing, within seven days of the decision, communicate to the applicant giving reasons why the application is not granted.
- (3) The applicant whose application is not granted may, within thirty days of the communication of the decision, appeal to the Minister, in writing, giving reasons why the enterprise should be granted an investment certificate.
- (4) The Minister shall, within thirty days of receiving the appeal, make a decision on whether or not the enterprises should be granted an investment certificate.

24. Certificate is conclusive evidence.

An investment certificate issued by the Authority in respect of an enterprise shall be conclusive evidence that all the requirements of the Act and these Regulations and of matters precedent and incidental thereto have been complied with.

25. Entitlement to Certain Licenses for Investment Certificate Holders.

- (1) Pursuant to sections 22 and 30 of the Act and regulation 22(3), an enterprise in respect of which an investment certificate is granted shall be entitled to certain licenses obtained under the Act and the applicable relevant sectoral laws on the date of issue of the certificate and the entitlement shall not be amended to his or her detriment by any subsequent legislation.
- (2) The licenses indicated in the application under regulation 22(3) and (7) shall be applied for within twelve months of issuance of the investment certificate.
- (3) The holder of an investment certificate shall, within six months of issuance of such certificate, pay the fees payable under the relevant sectoral legislation for licenses set out in his or her application under regulation 22.
- (4) Pursuant to section 30(4) of the Act, automatic entitlement to receipt of a license shall apply to the initial license, and subsequent renewals of the license shall be done in accordance with the laws applicable to grant of such licenses, including renewal and revocation of such licenses.
- (5) The Authority shall facilitate the issue of licenses to which the holder of an investment certificate is entitled.

26. Entitlement to Entry and Work Permits for Expatriates of Enterprises Holding Investment Certificates..

- (1) Pursuant to sections 22 and 31 of the Act and regulation 22(3) of these Regulations, an enterprise that was granted an investment certificate shall be entitled to receive entry permit(s) or work permits under the applicable laws of South Sudan.
- (2) An entitlement to an entry or work permit under section 31 of the Act shall be conditional upon –
 - (a) the applicant indicating that he or she will require these permits in his or her application for the investment certificate;
 - (b) application being made for the entry or work permit;
 - (c) the applicable fee, if any being paid; and
 - (d) any security deposit or bond required under the Immigration Act being paid or provided.
- (3) Notwithstanding sub-regulation (2)(c) of this regulation, no fees shall be payable for the initial issue of a permit to an investment certificate holder.
- (4) The entry or work permits provided in regulation 22(3) and 22 (7) shall be applied for within twelve months of issuance of the investment certificate.

- (5) The initial issue of a permit shall be for a two year period.
- (6) Where a permit had already been issued at the time the investment certificate is granted, the permit shall be deemed one of the permits which the holder of an investment certificate is entitled for.
- (7) The Authority and the relevant government departments shall facilitate the issue of entry and work permits to which the holder of an investment certificate is entitled.

27. Entitlement to Tax Exemptions and concessions for Investment Certificate Holders.

- (1) Pursuant to sections 32(1) of the Act, an enterprise in respect of which an investment certificate is granted shall be entitled to –
 - (a) tax exemptions and concessions in machinery and equipment, capital and net profits for the period specified in the Third Schedule to these Regulations; and
 - (b) exemption from duty and tax for imported agricultural goods and equipment, such as tools, tractors, pharmaceuticals, animal feeds and seeds, as provided in the taxation law that will be used to increase food and cash crops production.
- (2) Applications for the incentives specified in regulation (1) above shall be made to the Ministry of Finance and Economic Planning through the Authority.
- (3) The Authority shall facilitate granting of the incentives to which the holder of an investment certificate is entitled.
- (4) The application shall be in Form **SSIA-3** in the Second Schedule to these Regulations, and this form shall be prescribed by the Ministry of Finance and Economic Planning.

28. Entitlement to Fiscal Incentives for Investment Certificate Holders.

- (1) Pursuant to section 32(1) of the Act, an enterprise in respect of which an investment certificate is granted shall be entitled to capital allowances, deductible annual allowances and other annual depreciation allowances set out in the Second Schedule to the Act.
- (2) Applications for the fiscal incentives specified in sub-regulation (1) above shall be made to the Ministry of Finance and Economic Planning through the Authority.
- (3) The Authority shall facilitate the grant of the incentives to which the holder of an investment certificate is entitled.
- (4) The application shall be in Form **SSIA-4** in the Second Schedule to these Regulations and this Form shall be prescribed by the Ministry of Finance and Economic Planning.

29. Entitlement to Land for Investment Certificate Holders.

- (1) Pursuant to section 23(1) of the Act, an enterprise in respect of which an investment certificate is granted shall, upon application, be entitled to land.
- (2) The Authority shall facilitate the grant of land to which the holder of an investment certificate is entitled.
- (3) Subject to regulation 22(8) of these Regulations, an application for land shall be made to the relevant authority through the Authority and this Form shall be prescribed by the relevant authority.
- (4) Grant of land for investment shall be subject to the law and conditions specified in the Second Schedule to the Act.

30. Specific Investment Packages in Strategic or Transformational Investments.

- (1) Pursuant to section 32(2) of the Act, a holder of an investment certificate may apply to the Minister of Finance and Economic Planning through the Authority for grant of a specific incentive package including concessions, privileges and preferential treatment.
- (2) The Minister shall recommend to the Minister of Finance the period for which the specific investment package shall apply.
- (3) The following criteria shall be used by the Authority to determine strategic sectors where specific investment package shall be recommended and granted –
 - (a) investment in strategic sector in accordance with the investment strategy; and
 - (b) the nature of the project involves –
 - (i) direct investment in least developed areas of South Sudan;
 - (ii) import substitution or export generation;
 - (iii) integrated rural development;
 - (iv) employment creation to citizens;
 - (v) promotion of scientific and technological advancement;
 - (vi) joint venture or partnerships enterprise where a South Sudanese have at least 30% stake; or
 - (vii) re-investment of at least 20% after tax profits in South Sudan.
- (4) An application for the specific investment package shall be submitted in Form SSIA-5 in the Second Schedule to these Regulations.
- (5) Decisions of the Board shall be made within thirty days of making the application and a decision shall be made in Form SSIA 5(a) in Schedule 2.

31. Conditions upon Grant of an Investment Certificate.

- (1) An investment certificate shall be issued upon the following conditions –
 - (a) that the certificate holder shall submit a feasibility study of the project;
 - (b) that the certificate holder shall submit an investor's report annually;
 - (c) that the certificate holder pays the relevant license fees; and
 - (d) that the certificate holder complies with the laws of South Sudan.
- (2) The Authority may, upon issue of an investment certificate, impose such other conditions as recommended by the relevant department, State, or agency.
- (3) The Secretary General shall ensure that all information related to conditions is published in the Gazette.

32. Application for Transfer of Investment Certificate.

- (1) An investment certificate may be transferred subject to the provisions of section 26 of the Act and these Regulations.
- (2) An application for transfer of a certificate shall be made to the Authority in Form **SSIA-6** in the Second Schedule to these Regulations.
- (3) An investment certificate may be transferred where the applicant satisfies the following conditions –
 - (a) applicant meets the conditions set out in the Act;
 - (b) the applicant continue to pursue the same transaction/business for which the original certificate was granted;
 - (c) the applicant satisfies the Authority that there is need for transfer; and
 - (d) upon payment of the prescribed fees.
- (4) Where the duration of investment certificate is an issue, the transfer certificate shall be granted for the remaining period for which the original certificate was granted.
- (5) The certificate of transfer shall be subject to the conditions set out in the original certificate of investment.
- (6) Notwithstanding the provisions of sub-regulation (5) above, the applicant may, under special circumstances, request the Authority for a variation of the conditions.

33. Application for Amendment of Investment Certificate.

- (1) An application for amendment of an investment certificate may be made to the Authority by the holder under section 27 of the Act.
- (2) An investment certificate may be amended by the Authority upon receiving satisfactory proof from the applicant that, in case of a change of name, ownership or equity control, the change of name, ownership or equity control have been amended in accordance with the statutory requirements under the companies law or any other relevant law governing the change.
- (3) An application for an amendment of an investment certificate shall be in **Form SSIA-7** in the Second Schedule to these Regulations.
- (4) An amended investment certificate shall be in **Form SSIA-8** in the Second Schedule to these Regulations.
- (5) The applicant shall pay the prescribed fees.

34. Revocation of Investment Certificate.

- (1) An investment certificate may be revoked by the Authority under section 28 of the Act.
- (2) An investment certificate may be revoked due to any one of the following grounds that –
 - (a) the certificate was issued on the basis of incorrect information given by the applicant for the certificate;
 - (b) the investment certificate was obtained by fraud;
 - (c) the company is wound up or struck off the register; or
 - (d) a condition of the investment certificate was breached.
- (3) Notice of intention to revoke a certificate of investment shall be in **Form SSIA-9** in the Second Schedule to these Regulations and shall state the grounds for the proposed revocation.
- (4) The Authority shall give the holder an opportunity to make a representation as to why the investment certificate should not be revoked.
- (5) Prior to revocation, the Authority shall give the holder of the investment certificate at least thirty days written notice of intention to revoke the certificate.
- (6) Revocation of an investment certificate shall be in **Form SSIA-10**.

- (7) Where an investment certificate is revoked, the Authority shall notify the holder of the certificate stating the implications of the revocation.

35. Review of the Decision of the Authority.

- (1) A person who is dissatisfied with the decision of the Authority to grant, transfer, amend or revoke an investment certificate under Chapter VI of the Act, or a specific incentive package under section 32(2) of the Act, may request the Minister to review the decision of the Authority.
- (2) The request shall state the reasons for the request and the recourse being sought.
- (3) The request shall be made within 14 days of the receipt of the notification from the Authority about their decision.
- (4) A request for review of the decision of the Authority under this regulation shall be made in **Form SSIA-11 in the Second Schedule of these Regulations.**
- (5) Upon receipt of the request, the Minister shall appoint a panel in accordance with Section 29(2) of the Act.

PART V

INVESTMENT PROMOTION ACTIVITIES.

36. Investment Promotion Program.

- (1) In promoting investment opportunities in South Sudan, the Director General for Investment Promotion shall—
 - (a) prepare and submit to the Board an Investment Promotion Program, herein referred to as the “Program” and the Board shall consider the Program and approve it with or without amendments;
 - (b) on approval by the Board, the Authority shall take all steps necessary to ensure that the Program is implemented.
- (2) The Program may be amended by the Secretary General during the course of a year and where the amendment is substantial, it shall be submitted to the Board for its prior approval which approval shall not be unreasonably withheld by the Board.

- (3) The Program and any amendments to it shall be published in the media, on the web site of the Government and of the Authority and notice of its publication shall be inserted in the Government Gazette.

37. Implementation of the Program.

- (1) For purposes of implementing the Program, the Authority shall—
 - (a) market South Sudan as an investment destination to potential local and foreign investors by disseminating information, organizing public relations activities and advertising investment opportunities to build and improve the image of South Sudan as a desirable investment destination;
 - (b) keep under review the progress made in the attainment of the objectives and purposes of the Act including number of jobs created; percentage increase in GDP; total capital invested; number of companies investing; investment leads created; investment leads into South Sudan; site visits converted into real investments; investment leads and within the strategic sectors; and re-investments;
 - (c) publish reports and provide information for the purpose of enhancing investor's and public awareness of progress made and of the problems and remedies that exist in relation to the investment climate in South Sudan; and
 - (d) develop professional knowledge, skills and other technical capacity to advise the Government on investment policy and other investment related matters.
- (2) The Authority shall provide established and prospective investors guidance and support –
 - (a) throughout the investment and, or re-investment process through the provision of information and liaising with all Government agencies and private sector for the granting of all necessary licenses, permits and authorizations;
 - (b) in resolving any problems or obstacles found in the initial establishment or re-investment process with the governance agencies and private sector for the granting of all necessary licenses, permits and authorizations.

PART VI

REQUIREMENT TO FILE INFORMATION.

38. Investor's Report.

- (1) Every enterprise granted an investment certificate under the Act shall, in accordance with section 25 of the Act, annually, during the implementation period, submit information to the Authority on the implementation of the project.

- (2) The information required from the investor shall contain –
 - (a) capital injection to meet the investment for which an investment certificate was granted;
 - (b) copy of annual return filed with the Registrar of Companies, Associations, Societies and NGOs including information on shares issued to members of the enterprise for cash, shares issued as fully or partly paid up otherwise than in cash;
 - (c) number of jobs created; and
 - (d) new technology.
- (3) The returns shall be in accordance with Form **SSIA-12** in the Second Schedule to these Regulations or near thereto as circumstances permit and may be part of the statutory audited accounts of the enterprise.

PART VII

CO-ORDINATION OF INVESTMENT FACILITATION

39. Stationing of Officers at the Authority.

- (1) Pursuant to the provisions of section 41 of the Act, and in conformity with an Order issued by the President to this effect, the officers who shall be stationed at the One Stop Shop of the Authority together with the officers of the Authority, shall be charged with the duty of making fast track arrangements with the responsible ministries, Government departments and agencies for purposes of facilitating investor relations under the Act and the one stop shop facility.
- (2) Without prejudice to sub-regulation (1), the officers stationed at the Authority shall, in co-ordination with the responsible ministries or Government agencies –
 - (a) receive and process application for titles for land designated for investment purposes;
 - (b) receive and forward applications for other land for investment to relevant authorities.
 - (c) receive from investors applications in writing for tax exemptions, tax assessment or review of the tax assessment made by Government authorities and shall co-ordinate and facilitate the processing of the applications or decision by the relevant tax authority within ten working days of receipt of such application;
 - (d) co-ordinate and facilitate the processing of relevant registration of businesses on the basis of applications channeled through the Authority by

investors, so as to secure registration within two working days of receipt of such applications; and

- (e) co-ordinate and facilitate the processing of relevant permits, such as entry and work permits, on the basis of applications channeled through the Authority by investors, so as to secure issuance of the permits and licenses within fourteen working days of receipt of such applications.

40. Investments in strategic sectors.

- (1) Subject to the provisions of section 4(3) and 30(2) of the Act the Authority shall issue an investment certificate to any investor holding a license granted under the relevant law.
- (2) Subject to the Act and the provisions of any other relevant written laws for the time being in force, an investor in a non-strategic sector shall be accorded similar treatment by Government authorities as is accorded to other investors upon receiving his or her certificate of investment issued by the Authority.

41. Co-ordination of Committees.

The Authority shall co-ordinate the activities of the various committees to be composed either by the Authority or other Government authorities to facilitate, determine and resolve investment matters for creation of a conducive investment climate in South Sudan.

PART VIII

MISCELLANEOUS PROVISIONS

42. Engagement of Experts.

- (1) Subject to the provisions of any other written laws, the Authority may, from time to time engage advisers, consultants or managers for the discharge of its duties, powers and functions and may contract with any person for the performance of any of its duties, powers and functions and the carrying out of any work it is authorized to do.
- (2) Subject to the provisions of the Act, the Authority may enter into an agreement with a person to delegate, pursuant to sub-regulation (1), its duty to do the work and thereupon he or she shall have concurrent right to exercise the powers conferred to the Authority.
- (3) References in these Regulations to doing work by the Authority shall be construed as including doing work by a contractor authorized under this regulation.

43. Procurement Committee.

- (1) Subject to the provisions of the procurement law, the Secretary General shall appoint the Procurement Committee, from among the staff of the Authority to carry out duties within pecuniary limits set out under the procurement law.
- (2) The Secretary General shall keep the Board informed of the decisions of the Procurement Committee and their implementation.

44. Implementation of the Financial and Staff Regulations.

The Secretary General shall be responsible for the effective implementation of the Republic of South Sudan Financial Regulations and Staff Rules and Regulations and shall report to the Board at least twice each year on the implementation of these Regulations.

SCHEDULES

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

FEEES

Regulation 14

TYPE OF SERVICE	CHARGES
Application for Investment Certificate	10 USD
Investment Certificate	600 USD
Application for Transfer of Investment Certificate	150 USD
Application for Amendment of Investment Certificate	150 USD
Application for Review of Decision	150 USD

SECOND SCHEDULE

FORMS

FORM SSIA-1

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

APPLICATION FOR INVESTMENT CERTIFICATE

(Section 21 of the Investment Promotion Act, 2009)

Regulation 22(1)

To: The Secretary General,
South Sudan Investment Authority,
P.O. Box,
Juba, South Sudan.

(1) I/We..... a director/directors/agent of
.....(name of business enterprise)
apply for investment certificate under section 21 of the Act and Part V of the
Investment Regulations.

2. Copies of the following documents are attached to this application:
- (i) The Memorandum and Articles of Association/or partnership agreement.
 - (ii) Certificate of Incorporation/Registration

- (iii) A copy of the Project Profile or Feasibility Study showing the implementation period, programme of implementation and operative date.
3. The head office of the Company will be situated at.....
 4. The Principal Officers of the Company are.....
 5. The authorized share capital of the Company is SP/US\$.....
 6. The intended capital investment of the enterprise is SSP/US\$.....
 8. The enterprise will be beneficial to the people of South Sudan. Tick relevant box(es).
 - Creation of employment for South Sudanese.
 - Acquisition of new skills or technology for South Sudanese.
 - Contribution to tax revenues or other Government revenues.
 - Transfer of technology to South Sudan.
 - Increase in foreign exchange, either through exports or imports substitution.
 - Production and utilization of domestic raw materials, supplies and services.
 - Adoption of value addition in the processing of local, environmental, natural and agricultural resources using forward and backward linkages strategy.
 - Development of information technology for utilization, promotion, development and implementation of information and communication technology.
 - Contribution to socio-economic and cultural amenities of the local communities, e.g. health centers, schools, feeder roads, water supply, sports, cultural events - Please specify.
 - State any other factors that the investor considers beneficial to South Sudan.....
 9. State area of investment.....(The investment is within the priority areas of the Republic of South Sudan listed in the First Schedule to the Act)

10. State where the investment is/will be.....
11. The investment is environment friendly and observes and implements environment friendly, corporate rules and regulations under the First Schedule to the Act.
12. The nature of the project involves (tick relevant)
 - Direct investment in least developed areas of South Sudan.
 - Import substitution or export promotion.
 - Integrated rural development.
 - Employment creation to citizens.
 - Promotion of scientific and technological advancement.
 - Joint venture or partnerships enterprise where a South Sudanese have at least 30% stake.
 - Re-investment of at least 20% after tax profits in South Sudan.
13. The following permits, licenses, incentives will be required:
 - a) Licenses.....
 - b) Permits.....

Note: Failure to provide all the required information will result in the return of the application by the Authority.

I/We enclose a cheque made payable to the South Sudan Investment Authority for SSP/US\$being the application fees. In the event this application is unsuccessful we understand that this fee will not be refunded.

I,.....of P.O. Box,, do solemnly and sincerely declare that I am a Director/Duly authorized agent of,

AND that all the requirements of the Investment Promotion Act, 2009 in respect of matters precedent to the grant of investment certificate under the Act and incidental thereto have been complied with.

FORM SSIA-2

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

INVESTMENT CERTIFICATE

(Issued under Section 24 of the Investment Promotion Act, 2009)

Regulation 22(8)

No: _____

This is to certify that

.....
.....

of address

has been granted an Investment Certificate to invest in a new/rehabilitation/expansion of the enterprise known as:

.....

which is/will be located at

Further particulars required by the Investment Regulations are set out overleaf.

.....

Secretary General

Sothern Sudan Investment Authority

Juba.

Dated.....

This certificate is issued in accordance with the provisions of section 22 of the Investment Promotion Act, 2009 subject to the conditions prescribed under items 14 and 15 hereafter:

1. Shareholders

.....

.....

..... Nationality

.....

.....

..... Shareholdings (%)

.....

.....

.....

2. Description of Enterprise

3. Type of Enterprise:

.....

4. Investment Cost: Foreign..... Local.....

Total (foreign)..... Total (local).....

5. Operative date

6. Investment Incentive:

(i) Applicable import duty as per Financial Laws –indicate citation of the relevant law.

(ii) Applicable withholding tax as per Financial Laws – indicate citation of relevant law.

 (iii) List all relevant laws bearing incentives in

7. Protection of Investment as set out in Chapter VII of the Act.

8. Conditions attached to this Investment Certificate –

(i) Subject to law, Certificate not to be transferred, assigned or amended.

(ii) Failure to commence implementation within two years invalidates Certificate.

(iii) Failure to undertake the investment must be notified to the Authority.

(iv) Changes in shareholding, description of business enterprise and capital invested must be notified to the Authority.

(v) Date of commencement of investment must be notified to the Authority.

9. Additional conditions attached to Certificate:

.....

.....

Signed

Secretary General.

FORM SSIA-3

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

APPLICATION FOR TAX EXEMPTION BY INVESTMENT CERTIFICATE HOLDER

(Section 32(1) of the Investment Promotion Act, 2009)

Regulation 27

(This application form shall be issued by the Ministry of Finance and Economic Planning)

FORM SSIA-4

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

APPLICATION FOR FISCAL INCENTIVE BY INVESTMENT CERTIFICATE HOLDER

(Section 32(1) of the Investment Promotion Act, 2009)

Regulation 28

(This application form shall be issued by the Ministry of Finance and Economic Planning)

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

APPLICATION FOR SPECIFIC/SPECIAL INVESTMENT PACKAGE

(Section 32(2) of the Investment Promotion Act, 2009)

Regulation 30

To: The Secretary General,
South Sudan Investment Authority,
P.O. Box,
Juba,
South Sudan.

1. I/We..... a director/directors/agent of
.....(name of business enterprise)
holders of Investment Certificate No..... issued on.....

apply for Special Investment Package

2. Reasons for application for special package
.....
.....
.....
.....
.....

3. Copies of the following documents are attached to this application:
(i)
(ii)

Note: Failure to provide all the required information will result in the return of the application by the Authority.

I/We enclose a cheque made payable to the South Sudan Investment Authority for SSP/US\$being the application for special package certificate fees. In the event this application is unsuccessful we understand that this fee will not be refunded.

I,.....of P.O. Box,, do solemnly and sincerely declare that I am a Director/Duly authorized agent of,

AND that all the requirements of the Investment Promotion Act, 2009 in respect of matters precedent to the transfer of the investment certificate under the Act and incidental thereto have been complied with.

AND I make this solemn declaration conscientiously believing the same to be true.

Declared at Juba

Applicant

the day of 20...

Before me:

.....

Commissioner for Oaths

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY
INVESTMENT CERTIFICATE

(Issued under Section 32(2) of the Investment Promotion Act, 2009)

Regulation 30

No: _____

This is to certify that

.....
.....

of address

has been granted a Specific/Special Investment Package of

.....
.....

to invest in a new/rehabilitation/expansion of the enterprise known as:

.....

which is/will be located at

Further particulars required by the Investment Regulations are set out overleaf.

.....

Secretary General
South Sudan Investment Authority
Juba.
Dated.....

This certificate is issued in accordance with the provisions of section 32(2) of the Investment Promotion Act, 2009 and Regulation 30 subject to the conditions prescribed under items 14 and 15 hereafter:

1. Shareholders

.....
.....

..... Nationality

.....
.....

..... Shareholdings (%)

.....

.....
 2. Description of Enterprise

3. Type of Enterprise:

4. Investment Cost: Foreign..... Local.....
 Total (foreign)..... Total (local).....

5. Operative date

6. Investment Incentive:
 (i) Applicable import duty as per applicable financial laws (.....-indicate citation of the relevant law).
 (ii) Applicable withholding tax as per applicable financial laws(- indicate citation of relevant law).
 (iii) List all relevant laws bearing incentives

7. Protection of Investment as set out in Chapter VII of the Act.

8. Conditions attached to this Investment Certificate –
 (i) Subject to law, Certificate not to be transferred, assigned or amended.
 (ii) Failure to commence implementation within two years invalidates Certificate.
 (iii) Failure to undertake the investment must be notified to the Authority.
 (iv) Changes in shareholding, description of business enterprise and capital invested must be notified to the Authority.
 (v) Date of commencement of investment must be notified to the Authority.

9. Additional conditions attached to Certificate:

Signed

Secretary General.

REPUBLIC OF SOUTH SUDAN

SOUTH SUDAN INVESTMENT AUTHORITY

APPLICATION FOR TRANSFER OF INVESTMENT CERTIFICATE

(Section 26 of the Investment Promotion Act, 2009)

Regulation 32

To: The Secretary General,
South Sudan Investment Authority,
P.O. Box,
Juba,
South Sudan.

1. I/We..... a
director/directors/agent of

.....(name of business enterprise)

apply for transfer of Investment Certificate No..... issued on.....to
..... (state name of beneficiary).

2. Copies of the following documents are attached to this application:

- (i) The Original Investment Certificate
(ii) Documents related to the original certificate.

3. Reasons for application to transfer certificate
.....
.....

Note: Failure to provide all the required information will result in the return of the application by the Authority.

I/We enclose a cheque made payable to the South Sudan Investment Authority for SSP/US\$being the application for transfer of certificate fees. In the event this application is unsuccessful we understand that this fee will not be refunded.

I,.....of P.O. Box,, do solemnly and sincerely declare that I am a Director/Duly authorized agent of,

AND that all the requirements of the Investment Promotion Act, 2009 in respect of matters precedent to the transfer of the investment certificate under the Act and incidental thereto have been complied with.

AND I make this solemn declaration conscientiously believing the same to be true.

Declared at Juba

Applicant

the day of 20...

Before me:

.....

Commissioner for Oaths

.....

FOR OFFICIAL USE ONLY

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

APPLICATION FOR AMENDMENT OF INVESTMENT CERTIFICATE

(Section 27 of the Investment Promotion Act, 2009)

Regulation 33(3)

To: The Secretary General,
South Sudan Investment Authority,
P.O. Box,
Juba,
South Sudan.

1. I/We..... a director/directors/agent of
.....(name of business enterprise)
apply for an amendment to the investment certificate No..... issued on.....
2. Copies of the following documents are attached to this application:
 - (i) The Original Investment Certificate
 - (ii) Documents related to the original certificate.
3. Reasons for application:.....

Note: Failure to provide all the required information will result in the return of the application by the Authority.

I/We enclose a cheque made payable to the South Sudan Investment Authority for SSP/US\$being the application for amendment of

certificate fees. In the event this application is unsuccessful we understand that this fee will not be refunded.

I,.....of P.O. Box,, do solemnly and sincerely declare that I am a Director/Duly authorized agent of,

AND that all the requirements of the Investment Promotion Act, 2009 in respect of matters precedent to the amendment of investment certificate under the Act and incidental thereto have been complied with.

AND I make this solemn declaration conscientiously believing the same to be true.

Declared at Juba

Applicant

the day of 20...

Before me:

.....

Commissioner for Oaths

FORM SSIA-8

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

AMENDED INVESTMENT CERTIFICATE
(Section 27 of the Investment Promotion Act, 2009)

Regulation 33

No: _____

This is to certify that

.....
.....

of address

and previously holding Certificate No

has been granted a Investment Certificate to invest in a new/rehabilitation/expansion of the enterprise known as:

.....

which is/will be located at

Further particulars required by the Investment Regulations are set out overleaf.

.....

Secretary General

South Sudan Investment Authority

Juba.

Dated.....

This certificate is issued as an amendment to Certificate No.in accordance with the provisions of section 27 of the Investment Promotion Act, 2009 subject to the conditions prescribed under items 14 and 15 hereafter:

State change in details and conditions below, if any.

1. Shareholders

.....

.....

..... Nationality

.....

.....

..... Shareholdings (%)

.....

.....

.....

2. Description of Enterprise

3. Type of Enterprise:

.....

4. Investment Cost: Foreign..... Local.....

Total (foreign)..... Total (local).....

5. Project Financing:

Equity Loans Total.....

6. Source, terms and conditions of loan:

.....

7. Assets to be invested:

Foreign Local Total

- (i) Capital items
 - (ii) Raw material
8. Technology Agreement
 9. Date of Approval
 10. Implementation
 11. Operative date

12. Investment Incentive:

..... (i) Applicable import duty as per Financial Laws –indicate citation of the relevant law.

..... (ii) Applicable withholding tax as per Financial Laws – indicate citation of relevant law.

..... (iii) List all relevant laws bearing incentives in

13. Protection of Investment as set out in Chapter VII of the Act.

14. Conditions attached to this Investment Certificate –

- (i) Subject to law, Certificate not to be transferred, assigned or amended.
- (ii) Failure to commence implementation within two years invalidates Certificate.
- (iii) Failure to operate investment must be notified to the Authority.
- (iv) Changes in shareholding, description of business enterprise and capital invested must be notified to the Authority.
- (v) Date of commencement of investment must be notified to the Authority.

15. Additional conditions attached to Certificate:

.....

Signed

Secretary General.

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

NOTICE OF INTENTION TO REVOKE INVESTMENT CERTIFICATE

(Section 28 of the Investment Promotion Act, 2009)

Regulation 34

.....
.....

of address

and holding Certificate No

This is to notify you that the Authority intends to revoke your Investment Certificate due to the following reasons (tick as applicable)

- (a) the certificate was issued on the basis of incorrect information given by the applicant for the certificate
- (b) the investment certificate was obtained by fraud
- (c) a condition of the investment certificate was breached.

Explain.....
.....

.....

You may make a representation to the Secretary General within 30 days of issue of this notice indicating why the certificate should not be revoked.

.....

Secretary General

South Sudan Investment Authority

Juba.

Dated.....

FORM SSIA-10

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

NOTICE OF REVOCATION OF INVESTMENT CERTIFICATE

(Section 28 of the Investment Promotion Act, 2009)

Regulation 34

.....
.....

of address

and holding Certificate No

This is to notify you that the Authority has revoked your Investment Certificate due to the following reasons (tick as applicable)

- (a) the certificate was issued on the basis of incorrect information given by the applicant for the certificate
- (b) the investment certificate was obtained by fraud
- (c) a condition of the investment certificate was breached.

State implications:.....
.....
.....
.....

.....

Secretary General
South Sudan Investment Authority
Juba.
Dated.....

REPUBLIC OF SOUTH SUDAN

SOUTH SUDAN INVESTMENT AUTHORITY

REQUEST FOR REVIEW OF DECISION OF THE AUTHORITY

(Section 21-29 of the Investment Promotion Act, 2009)

Regulation 35

To: The Minister of Finance and Economic Planning,

Government of South Sudan,

P.O. Box

Juba,

South Sudan.

- 1. I/We..... a director/directors/agent of
.....(name of business enterprise)

Request a review of the decision of the Authority made under Sectionof the Investment Promotion Act, 2009, to(to revoke, not to grant, amend or transfer) the Investment Certificate No..... issued on.....

- 2. Reasons for this request are:
 - (i)
 - (ii)

.....

Directors

Date.....

REPUBLIC OF SOUTH SUDAN
SOUTH SUDAN INVESTMENT AUTHORITY

REPORT ON INVESTMENT

(Section 25 of the Investment Promotion Act, 2009)

Regulation 38

I,

Director/Partner/Proprietor in being conversant with the particulars of the Investment Programme forming part of the project profile/feasibility study submitted to the Authority on

Do SOLEMNLY AND SINCERELY state that the particulars contained herein are true and correct and make this report conscientiously believing the same to be true.

(1) Project Financing

.....
.....
.....

(2) Allotments.....

(Allotment form filed with the Registrar of Companies, Associations, Societies and NGOs. attached.)

Signature:.....

Date:.....

THIRD SCHEDULE

TAX EXEMPTION AND CONCESSIONS

(Section 32(1) of the Investment Promotion Act, 2009)

Regulation 27

ITEM	PERIOD OF EXEMPTION
Machinery and equipment	
Capital and net profits	