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**REGULATION N° 007/R/SAN-EWS/RURA/2021
OF 04/05/2021 GOVERNING SOLID WASTE
COLLECTION AND TRANSPORTATION
SERVICES**

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Pursuant to Law N° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning, especially in its articles 2, 4, 6, 8 and 20;

Having reviewed the Regulations No 001/EWASTAN/SW/RURA/2014 of 28/8/2014 on solid waste collection and transportation services provision in Rwanda;

Based on the recommendations made during the consultative meeting held on 08th/12/2020 between RURA and different stakeholders in sanitation sector;

The Regulatory Board, upon due consideration and deliberation in its meeting of 04th/05/2021;

Hereby issues the following regulation:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose

This Regulation provides a licensing framework for the provision of solid waste collection and transportation services.

Article 2: Scope

This Regulation applies to any person providing the services of collection, segregation and transportation of solid waste in Rwanda.

This regulation does not apply to operators collecting and transporting hazardous, electronics or toxic waste.

Article 3: Definitions

For the purpose of this Regulation, the terms below have the following meanings:

1° biodegradable: something that can be degraded by microorganisms;

2° collection: lifting and removal of solid wastes from collection points or any other location;

3° construction and demolition debris: materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways;

4° environment: a diversity of things made up of natural and artificial environment. It includes chemical substances, biodiversity as well as socio-economic activities, cultural, aesthetic, and scientific factors likely to have direct or indirect, immediate or long term effects on the development of an area, biodiversity and on human activities;

5° generator of waste: persons or establishments generating solid waste;

6° health and safety policy: a set of measures to prevent, minimize and manage the risks, injuries or any other accidents;

7° person: any company or cooperative involved in waste solid waste collection and transportation services;

8 public premise: a premise with a public access and generally, where many people gather;

8° Regulatory Authority: The National Organ with the mandate to regulate public utilities ;

9° safety: the condition in which persons are protected from the risks of work injury as far as it is practicable;

10° service provider: an operator offering solid waste collection and transportation services in a specific geographic zone;

11° solid waste: consists of household waste, construction and demolition debris, sanitation residue, non-hazardous wastes from industries and waste from streets and commercial areas;

12° transportation: conveyance of solid wastes from generator to waste disposal sites through specially designed transport system to prevent foul odor, littering, unsightly conditions and accessibility to vectors.

CHAPTER II: LICENSING REGIME

Article 4: Provision of solid waste collection and transportation services

Any person providing or seeking to provide solid waste collection and transportation services shall apply for a license issued by the Regulatory Authority.

Section One: Categories of licenses

Article 5: First Category of license

The first category of license is issued to operators in solid waste collection and transportation services operating countrywide.

Article 6: Second category of license

The second category of license is issued to operators in solid waste collection and transportation services operating countrywide except the City of Kigali.

Article 7: Third category of license

The third category is issued to operators in solid waste collection and transportation services operating in Gatsibo, Kirehe, Gisagara, Nyaruguru, Nyamasheke, Rutsiro, Ngororero, Nyabihu, Gakenke and Burera Districts.

Section II: Requirements for license application

Article 8: Requirements for First category license

Any applicant for a first category license of waste collection and transportation services shall submit the following:

- (i) Application letter addressed to the Director General of the Regulatory Authority;
- (ii) Application form duly filled, indicating the full address of the applicant;
- (iii) Business registration certificate issued by the competent Authority;
- (iv) Proof of payment for registration fee of One hundred thousand Rwandan Francs (RWF 100, 0000) non-refundable;
- (v) Business plan for at least five (5) years;
- (vi) Copies of own vehicles log books of at least three (3) trucks, fit for solid waste transportation. The loading capacity for each truck must be at least five (5) tones.

Upon approval of the application, the applicant pays a license fee of two million and five hundred Rwanda Francs (RWF 2,500,000).

Article 9: Requirements for second category license

Any applicant for a second category license of waste collection and transportation services provisions shall submit the following:

- (i) Application letter addressed to the Director General of the Regulatory Authority;
- (ii) Application form duly filled, indicating the full address of the applicant;
- (iii) Business registration certificate issued by the competent Authority;
- (iv) Proof of payment for application fee of fifty thousand Rwandan Francs (RWF 50, 0000) non-refundable;
- (v) Business plan for at least five (5) years;
- (vi) A Copy of own vehicle logbook of at least one (1) truck fit for solid waste transportation. The loading capacity must be at least five (5) tones.

Upon approval of license application, the applicant collects the license after payment of license fee of five hundred thousand (RWF 500,000).

Article 10: Requirements for third category license

Any applicant for a third category license of waste collection and transportation services provisions must submit the following:

- (i) Application letter addressed to the Director General of the Regulatory Authority;
- (ii) Application form duly filled, indicating the full address of the applicant;
- (iii) Business registration certificate issued by the competent Authority;
- (iv) Proof of payment for application fee of fifty thousand Rwandan Francs (RWF 50,000) non-refundable;
- (v) Business plan for at least five (5) years;
- (vi) A Copy of own or rented vehicle logbook of at least one (1) truck fit for solid waste transportation. The loading capacity must be at least five (5) tones.

Upon approval of license application, the applicant collects the license after payment of license fee of two hundred thousand (RWF 200,000).

Article 11: Assessment of license application

The Regulatory Authority conducts a preliminary assessment of the license application to determine if the applicant has properly filled the application form and submitted all the required documents.

After the preliminary assessment, the Regulatory Authority conducts technical and financial assessment of the application in order to determine the technical and financial capacity of the applicant to provide solid waste collection and transportation services.

If the application misses relevant information, the applicant is notified and requested to provide the missing information. Any incomplete license application loses its validity within thirty (30) working days following the official communication from the Regulatory Authority to the applicant requesting to provide the missing information.

Article 12: Decision on license application

The Regulatory Authority may grant or refuse to grant the license to the applicant based on administrative, technical and financial assessment of the application.

In the event that the Regulatory Authority determines to grant a license, it issues the license upon payment of the applicable License Fee. The applicant must pay the license fee within a period not more than thirty (30) days following the notification to pay the license fee. After this period, the license is cancelled.

In the event that the Regulatory Authority determines not to grant a License, the applicant is notified in writing.

Article 13: Obligations of a licensee

Any licensee for solid waste collection and transportation services provision must:

- (i) Provide necessary staff, material and equipment for effective service delivery;
- (ii) Operate in accordance with solid waste management applicable standards;
- (iii) Keep record of its services and submit the report in a specified format to the Regulatory Authority from the commencement of the year in which the license has been issued;
- (iv) Pay regulatory fees as determined by Regulatory Board;
- (v) Provide health insurance to workers;
- (vi) Comply with the tariff set by the Regulatory Authority and provide it with information requested;
- (vii) Apply for the extension of service area to the Regulatory Authority in case of any need to extend the operational area.

Article 14: Validity of license

All licenses for the provision of solid waste collection and transportation services are valid for a period of five (5) years provided that the licensee complies with applicable laws, regulations and license conditions.

Article 15: Loss of license

The licensee must notify the Regulatory Authority about the loss of license and request for the duplicate.

The application for duplicate shall include the application letter addressed to the Director General of RURA and must be accompanied by a certificate of loss provided by a competent authority.

The request for license duplicate is subjected to the payment of a fee corresponding to the application fee depending on license category.

Article 16: License renewal

The Licensee must apply for a License renew two (2) months before the expiration of the current license.

The application for license renew shall be comprised of the following:

- (1) Application letter addressed to the Director General of the Regulatory Authority;
- (2) Copy of the expiring license;
- (3) Business registration certificate;
- (4) Dully filled application form;
- (5) Proof of payment of regulatory fees for the previous years;
- (6) Copies of vehicles log books corresponding to the number of trucks depending on the category of license; and
- (7) License fee depending on the category.

Article 17: Notification for not renewal

The licensee must notify in writing the Regulatory Authority the intention of not to renewing a license at the expiration term to avoid any interruption of service.

The licensee must submit such notification to the Regulatory Authority six (6) months before the expiration of the License.

Article 18: Modification of License

The Regulatory Authority may modify the license terms and conditions during the license term.

Any modification to the license terms and conditions is be applicable to all similar Licensees providing similar services if found to be relevant or affecting the solid waste collection and transportation service provision sector.

The Regulatory Authority grants to the licensee a buffer time zone to adjust activities to the modifications. Such transitional period is given depending on the level of modification and its impact on the licensee's business plan.

Article 19: Suspension of License

The Regulatory Authority may suspend a License for a period of three (3) months in the event that it determines that the Licensee has:

- (1) failed to carry out its obligations under the License;
- (2) failed to pay the regulatory fee and such fee remains unpaid six (6) months after it has become due and the Regulator has given to the Licensee a notice in writing that such payment is overdue and the Licensee has not paid.

The Licensee is not allowed to provide solid waste collection and transportation services during the license suspension period.

Article 20: Procedure for License suspension

A license suspension process is conducted in the following manner:

- a) The Regulatory Authority commences a license suspension process by sending a written notice to the licensee describing the reasons for the suspension and advising the licensee to submit its written representations before proceeding to take a final decision;
- b) If the Regulatory Authority considers it necessary, or if the licensee so requests, the Regulatory Authority may also offer the licensee an opportunity to make oral representations.
- c) After the expiry of the period allowed for the representations, the Regulatory Authority will consider all of the information, evidence and representations submitted and take a final and binding decision.
- d) The Regulatory Authority communicates in writing the decision to the licensee.
- e) If during the course of the suspension proceedings, the licensee cures the violation that gave rise to the suspension proceedings, the Regulatory Authority may, in its sole discretion, terminate the license suspension proceeding.

Article 21: Revocation of License

The Regulatory Authority may revoke the License if the Regulatory Authority determines that the licensee:

- (1) is engaging in a prohibited activity or any activity compromising National security;
- (2) provides false or inaccurate information that may materially affected the decision of the Regulatory Authority;

- (3) is declared bankrupt by the Court of law;
- (4) repetitively fails to comply with the terms and conditions of the license;
- (5) is found to be in continuous breach of a compliance order or directives from the Regulatory Authority.

When the license is revoked, the licensee must cease to provide solid waste collection and transportation services immediately upon the decision of license revocation and must return the license to the Regulatory Authority.

Article 22: Procedure for License revocation

A license revocation process is conducted in the following manner:

1. The Regulatory Authority commences a license revocation process by sending a written notice to the licensee describing the reasons for the revocation and advising the licensee to submit its written representations before proceeding to take a final decision;
2. If the Regulatory Authority considers it necessary, or if the licensee so requests, the Regulatory Authority may also offer the licensee an opportunity to make oral representations.
3. After the expiry of the period allowed for the representations, the Regulatory Authority will consider all of the information, evidence and representations submitted and take a final and binding decision.
4. The decision of the Regulatory Authority is communicated in writing to the licensee.
5. If during the course of the revocation proceedings, the licensee cures the violation that gave rise to the revocation proceedings, the Regulatory Authority may, in its sole discretion, terminate the license revocation proceeding.

Article 23: Suspension of business activities

The licensee who wishes to suspend or stop the business of solid waste collection and transportation service provision must inform the Regulatory Authority six (6) months in advance before business suspension. The licensee must return the license and settle the outstanding regulatory fees.

CHAPTER III: TECHNICAL CONDITIONS FOR SOLID WASTE MANAGEMENT

Article 24: Operation area

The operation area for solid waste collection is a sector in the City of Kigali with one operator per sector. Operation areas within provinces are designed at the district level.

Article 25: Service agreement

Licensee in solid waste collection and transportation service must have a written service agreement with the client specifying the rights and obligations of each party.

The licensee must also have a written service agreement with competent authority representing the clients at the Sector level or District level highlighting rights and obligations of each party;

The following entities have the right to contract with any licensed operator of their choice:

- a) Airports;
- b) Government institutions;
- c) Military barracks;
- d) Hotels;
- e) Industries;
- f) Hospitals and health facilities;
- g) Schools;
- h) commercial complexes;
- i) public markets;
- j) diplomatic mission and international organization offices;
- k) The residence of diplomatic missions' representatives;
- l) Any other entity determined by the Regulatory Authority.

The licensee must submit a copy of contract with the listed entities to the Regulatory Authority.

Article 26: Collection of solid waste

The licensee must collect solid waste in a way that avoids waste littering.

The licensee must:

- (1) Organize house-to-house collection of solid wastes on regular pre-informed timings;
- (2) Remove garbage from where it was generated, directly to transporting trucks and thereafter to the disposal sites;
- (3) Clean the bins or containers wherever placed before they start overflowing;
- (4) Collect separately biodegradable waste in nature emanating from slaughter houses or meat and fish markets, with other waste;
- (5) Separate Bio-medical waste and industrial waste with solid waste.

Article 27: Prohibitions

It is prohibited for any licensee in waste collection and transportation services to do the following:

- 1^o To transfer collected solid wastes from residential and other areas to temporary sites;
- 2^o To mix horticultural, construction or demolition waste or debris collected and dispose off in contravention with applicable regulations;
- 3^o To burn solid wastes including garbage or dry leaves;
- 4^o To collect stray animals with other solid waste.

Article 28: Segregation of solid waste

The generator of waste bears the responsibility to sort waste and avoid littering.

The licensee has the responsibility to transport sorted solid wastes and to organize awareness programmes for segregation of waste and promote recycling or reuse of segregated materials.

Article 29: Transportation of solid waste

The licensee must transport solid waste in specialized vehicles or trucks that are designed to collect and transport solid waste. No other vehicle allowed to transport or collect waste.

Vehicles used for transportation of waste must be covered. Waste must not be visible to public, nor exposed to open environment preventing their scattering. The waste collected must be transported to the waste disposal facilities designated by competent authority.

Article 30: Collection Spillage

The licensee must promptly cleanup all spillages caused by the collection operation and not discharge or allow the discharge of solid waste from the vehicle on the way to the waste disposal facility. If a discharge of waste occurs during transportation, the transporter must take immediate action to contain the waste and to clean up and remove the discharged waste.

Article 31: Specification for wastes generators' containers

Garbage containers must be covered, durable, leak-proof, easily cleanable, and waterproof.

Containers may be metal or plastic, and may be lined with plastic or wet-strength paper bags.

Outside containers must have tight-fitting lids and are kept away from food preparation and storage areas.

Article 32: Specification for Trucks

All vehicles transporting waste must have identification stickers and specific colours representing the company or cooperative.

All trucks must be self-unloading and are maintained in a sanitary condition to preclude odors and fly breeding.

The number of trucks to be used in category one within the city of Kigali shall confirm to the following:

- (1) One sector: Three (3) Trucks;
- (2) Additional two sectors: Three (3) Trucks

The number of trucks to be used in category two shall confirm to the following:

- (1) One District: One (1) Truck
- (2) Additional District: One (1) Truck each.

Article 33: Health and safety

The licensee must provide conditions at workplace that promote health and safety standards.

Service Providers must protect the employees at the workplace from risks resulting from factors adverse to health and take appropriate measures to minimize the risk of its employees by:

- (1) Establishing safe work practices and a safe environment;
- (2) Ensuring that staff injured at work has access to medical attention and rehabilitation;
- (3) Ensuring that workers are placed in jobs and workplaces suited to their physiological capabilities;
- (4) Providing workers with adequate Personal Protective Equipment including but not limited to: overalls/coveralls, appropriate safety shoes, gumboots or other non-slippery close shoes, appropriate gloves, mouth and nose masks, eye goggles and helmets whenever required. For those loading truck on roads, safety jackets must be provided. Additional safety equipment may be required depending on the type and complexity of the services to deliver;
- (5) Ensuring that employees are health ensured and registered for social security.

Employees of Service Providers have the responsibility to work towards eliminating workplace hazards and risks.

Service Providers must put in place the following mechanisms to ensure safety and health of their employees:

- (1) All staff must receive adequate training to be able to safely perform their duties,
- (2) Managers to conduct regular inspections to ensure a safe working environment is maintained;
- (3) Each workplace must have an occupational health and safety committee to look at safety concerns in the workplace;
- (4) All accidents and incidents must be reported and investigated to ensure safe work practices are followed and an ongoing proactive approach is taken to ensure safety in the workplace.

A basic first aid kit as a minimum must be provided for each work site.

Article 34: Staff training

All staff must be trained in solid waste collection and transportation procedures and adequate use of equipment.

Employees of the licensee must receive continuing training to maintain knowledge of best practices and safety governing their activities, proper handling of equipments, techniques and pertinent environment standards.

The licensee must ensure that training for staff is provided by persons suitably qualified with the minimum objective including but not limited to:

- (a) Recognize the safety features of each task;
- (b) Demonstrate the correct procedure for each task together with safety features;
- (c) Implement best practice procedures in their day-to-day work routine.

Article 35: Waste collection and transportation schedule

The licensee collects and transports solid waste from households at least once per week in the first category and second category and once per month in the third category.

However, waste collection in public places, markets, health facilities, and any other similar places shall be conducted depending on the client request.

The licensees must submit to the Regulatory Authority the schedule for waste collection and transportation for each assigned area of operation.

CHAPTER IV: FAULTS AND RELATED ADMINISTRATIVE SANCTIONS

Article 36: Operating without a license

Any service provider operating without a license issued by the Regulatory Authority is liable to a fine of three hundred thousand Rwanda Francs (FRW 300,000) and a closure of business until a license is issued.

Article 37: Operating with expired license

Any service provider who continues to provide solid waste collection and transportation services despite the expiration of the license is liable to a fine of two hundred thousand Rwanda Francs (FRW 200,000) with a suspension of the business until a valid license is issued.

Article 38: Interfering enforcement action

Any service provider who resists, hinders or obstructs the staff of the Regulatory Authority in the course of their duties of enforcement or inspection is liable to a fine of five hundred thousand Rwandan francs (FRW 500,000).

Article 39: Vehicle deficiency

Any licensee who run shortfall of required vehicles below the minimum number provided in this regulation is liable to a fine of two hundred thousand Rwandan francs (FRW 200,000) per missing truck.

Article 40: Transporting waste with inappropriate truck

Any licensee who transport waste with inappropriate truck or truck not well covered is liable to a fine of two hundred thousand Rwandan francs (FRW 200,000).

Article 41: Transporting unsorted waste

Any licensee who transport unsorted waste shall be liable to a fine of two hundred thousand Rwandan francs (FRW 200,000).

Article 42: Failure to operate in designated area

Any licensee who fails to operate in designated area is liable to a fine of three hundred thousand Rwandan francs (FRW 300,000).

Article 43: Failure to comply with tariffs set by the Regulatory Authority

Any licensee who fails to comply with tariffs set by Regulatory Authority is liable to a fine of five hundred thousand Rwandan francs (FRW 500,000).

Article 44: Failure to operate in accordance with the schedule for waste collection and transportation

Any licensee who fails to operate according to the schedule for waste collection and transportation is liable to a fine of three hundred thousand Rwandan francs (Frw 300,000).

Article 45: Failure to clean waste collection site

Any licensee who fails to clean at the collection site is liable to a fine of one hundred thousand Rwandan francs (FRW 100,000).

Article 46: Lack of adequate personal protective equipment

Any licensee who fails to provide appropriate personal protective equipment to employees or fails to ensure that they put on them while on duty, is liable to a fine of one hundred thousand Rwandan francs (FRW 100,000).

Article 47: Failure to report on extension of service area

Any licensee who fails to report on extension of service area is liable to a fine of two hundred thousand Rwandan francs (FRW 200,000).

CHAPTER V: FINAL PROVISIONS

Article 48: Repealing provision

The Regulation No 001/EWASTAN/SW/RURA/2014 of 28/8/2014 on solid waste collection and transportation services provision in Rwanda and all other previous provisions contrary to this regulation are hereby repealed.

Article 49: Coming into Force

This regulation comes into force on the date of approval and signature by the Chairperson of the Regulatory Board.

Done at Kigali 04th /05 / 2021

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Dr. Ignace GATARE
Chairperson of the Regulatory Board