

**BOARD DECISION N°01/BD/TR/RURA/2021 OF 4th MARCH 2021 DETERMINING
MANAGEMENT OF PUBLIC TRANSPORT SUBSIDY**

PREAMBLE

The Regulatory Board of the Rwanda Utilities Regulatory Authority (RURA);

Pursuant to Law n° 09/2013 of 01/03/2013 establishing the Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning;

Pursuant to the Board Resolution of 14th October 2020 reviewing Public Transport Tariff in Rwanda;

Having considered the letter N° 0864-2/10/20/MIN of 7th December 2020 on the Government decision to restore pre-Covid-19 public transport tariffs by providing the financial support to cover the gap for a period of one year;

Considering the letter N° 1064/10/21/MIN of 4th February 2021 from the Ministry of Finance and Economic Planning nominating the members Joint Monitoring Team (JMT) and determining their terms of reference;

Having reviewed the Board Decision N° 02/BD/TR/RURA/2020 of 9th December 2020;

Whereas upon due consideration and deliberation in its Session of 04th March 2021;

Hereby decides:



CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Decision

The purpose of this Decision is to determine the management and functioning of financial support for public transport passengers.

Article 2: Beneficiaries

The beneficiaries of financial support are licensed public transporters and consist of a government subsidy to cover the gap between the approved tariff and pre-covid-19 tariffs.

Article 3: Scope of application

This decision applies to:

- i. Licensed public transport operators;
- ii. Licensed e-ticketing Service providers;
- iii. Licensed fuel providers.

CHAPTER 2: SOURCE OF FINANCIAL SUPPORT AND MANAGEMENT

Article 4: Source of public transport financial support

The public transport financial support consists of a grant from the Government through:

- i. Exemption of excise duty on fuel for public transport;
- ii. Economic Recovery Fund.

Article 5: Management of the financial support

The financial support is managed by Rwanda Utilities Regulatory Authority (RURA) in accordance with the procedure manual governing the management and the process of disbursement of direct financial support approved by the Director General of RURA.

Article 6: Monitoring and evaluation of the financial support

The financial support is monitored and evaluated by a Joint Monitoring Team composed of members from different institutions and nominated by the Ministry in charge of Finance.

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Article 7: Responsibilities of the Joint Monitoring Team

The responsibilities of Joint Monitoring Team are determined by the Ministry in charge of Finance.

Article 8: Responsibilities of the Director General

Under this Decision, the Director General of RURA has the following responsibilities:

- i. To appoint a technical team from RURA staff members;
- ii. To determine the responsibilities of RURA technical team;
- iii. To establish procedure manual governing the management of direct financial support;
- iv. To approve the reports of the Technical Team;
- v. To authorize the disbursement to the public transport operators;
- vi. To submit to the Regulatory Board a quarterly report on the Management of the financial support.

Article 9: Expenses related to Management of the Subsidy

RURA pays expenses related to implementation of this Board Decision as deemed necessary.

CHAPTER 3: OBLIGATION OF OPERATORS

Article 10: Obligations of public transport operators

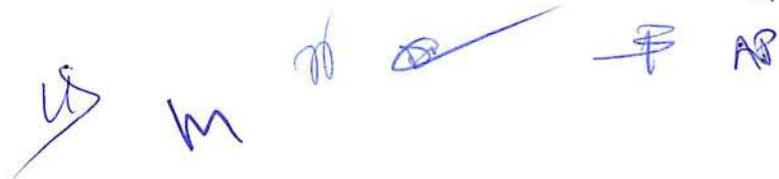
The licensed public transport operator has the obligations to provide accurate data related to:

- i. Passengers;
- ii. operating vehicles;
- iii. fuel consumption;
- iv. revenues;
- v. Any other information that may be required by the Technical Team.

Article 11: Obligations of ticketing Service providers

The licensed e-ticketing Service provider has the obligations to submit data related to:

- i. Passengers;
- ii. Operating vehicles;
- iii. Revenues;
- iv. Operated routes;
- v. Any other information that may be required by the Technical Team.

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With regard to quality of service, the licensed e-ticketing Service provider must:

- i. Ensure that there is availability of service at all times and business continuity with an uptime not less than 99.5%;
- ii. For the case of any downtime, whether scheduled or not, the licensed e-ticketing Service provider must not exceed 30 minutes' duration at any one time and this downtime is immediately reported in writing to RURA;
- iii. Establish a redundancy system to ensure availability of the services and business continuity;
- iv. Maintain Quality of Service in compliance with any directive issued by RURA and in accordance with best-specified international practices and in this respect.

Article 12: Obligations of Fuel providers

The licensed Fuel provider is required to have electronic refueling management system and provide accurate data on fuel consumption by public transport vehicles or any other information required by the Joint Monitoring Team.

With regard to quality of service, the licensed Fuel Provider must:

- i. Ensure that there is availability of service at all times and business continuity with an uptime not less than 99.5%;
- ii. For the case of any downtime, whether scheduled or not, the licensed Fuel Provider must not exceed 30 minutes' duration at any one time and this downtime is immediately reported in writing to RURA;
- iii. Establish a redundancy system to ensure availability of the services and business continuity;
- iv. Maintain Quality of Service in compliance with any directive issued by RURA and in accordance with best-specified international practices and in this respect.

Article 13: Eligibility criteria to the direct financial support

Eligibility to the direct financial support is subject to:

- i. a valid transport license;
- ii. valid authorization for the vehicle;
- iii. Use of e – ticketing system;
- iv. Electronic refueling management system for petrol station.

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Article 14: Disbursement of direct financial support

The disbursement of direct financial support to the qualified licensed public transport operators is made in accordance with the procedure manual approved by the Director General.

CHAPTER 4: ADMINISTRATIVE FAULTS AND SANCTIONS

Article 15: Administrative faults and sanctions for licensed public transport operators

Any licensed public transport operator who provides inaccurate data is liable to an administrative fine of ten (10) times the value of the computed tariff gap for that month.

In case of repetitive faults, RURA applies the following administration sanctions:

- i. Two (2) times the amount of administration fine imposed under paragraph 1 of this article;
- ii. License suspension; or
- iii. License revocation.

Article 16: Administrative faults and sanctions for licensed e-ticketing Service provider

Any licensed e-ticketing service provider who provides inaccurate data is liable to an administrative fine of ten (10) times the value of the total commission for that month.

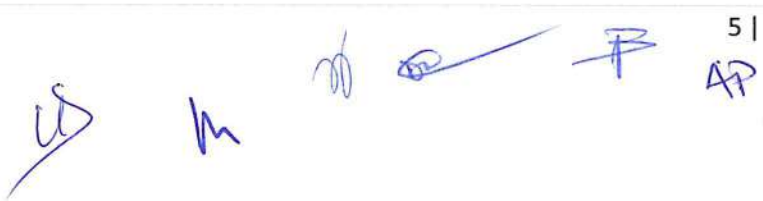
For the non-compliance with the quality of service obligation, the licensed e-ticketing service provider is liable to an administrative fine of between five hundred thousand (500,000) and five million (5,000,000) Rwanda francs.

In case of repetitive faults, RURA applies the following administration sanctions:

- i. Two (2) times the amount of administration fine imposed under paragraph 1 of this article;
- ii. License suspension; or
- iii. License revocation.

Article 17: Administrative faults and sanctions for license fuel provider

Any licensed fuel provider who provides inaccurate data on consumed fuel by a vehicle is liable to an administrative fine of ten (10) times the amount equivalent to the value of quantity of fuel to be exempted.

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For the non-compliance with the quality of service obligation, the licensed fuel provider is liable to an administrative fine of between five hundred thousand (500,000) and five million (5,000,000) Rwanda francs.

In case of repetitive faults, RURA applies the following administration sanctions:

- i. Two (2) times the amount of administration fine imposed under paragraph 1 of this article;
- ii. License suspension;
- iii. License revocation.

Article 18: Appeal

The licensed operator not satisfied by an administrative sanction makes an appeal to the Director General of the Regulatory Authority for review and consideration. The Authority makes its decision within fifteen (15) calendar days and must notify the decision in writing to the concerned licensed operator.

If the operator is not satisfied with the decision of the Director General, he appeals to the Regulatory Board within thirty (30) days from the notification of the decision.

The Regulatory Board makes a decision on the appeal within thirty (30) days.

CHAPTER 5: FINAL PROVISIONS

Article 19: Repealing Provision

The Board Decision N° 02/BD/TR/RURA/2020 of 09/12/2020 is hereby repealed.

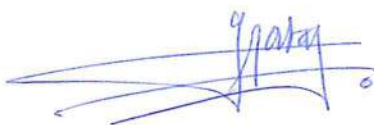
Article 20: Implementation of this Decision

The Director General of RURA is entrusted with the implementation of this Decision.

Article 21: Coming into force

This Decision comes into force on the date of its signature by the Regulatory Board.

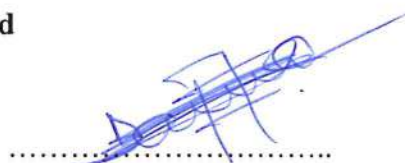
Kigali, on 4th /03/2021



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Dr. Ignace GATARE
Chairperson of the Regulatory Board



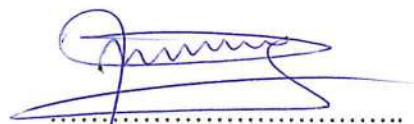
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ABABO Peace
Vice Chairperson



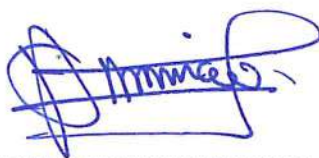
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Dr. KAYIHURA M. Didas
Member



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MUKANDOLI Fortune
Member



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Dr. UFITIKIREZI Daniel
Member



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Dr Ernest NSABIMANA
Member

