

country profile											
<b>government structure</b>	<ul style="list-style-type: none"> <li>• <b>Executive:</b> The president is the chief of state, and the prime minister is the head of government. The president is directly elected by absolute majority popular vote, in two rounds if needed for a five-year term and is eligible for a second term. The prime minister is appointed by the president with consent of the National Assembly. Cabinet is appointed by the president on the recommendation of the prime minister.</li> <li>• Burkina Faso experienced two coups in January 2022 and September 2022, and it was announced that a coup attempt in September 2023 was foiled by the country's intelligence and security services. The country's military-led government on 25 May 2024 announced a five-year extension to the transitional period that began following the coup in 2022, which was initially due to end in July 2024.</li> <li>• <b>Legislative:</b> Burkina Faso has a unicameral National Assembly.</li> <li>• <b>Judicial:</b> The highest courts are the Supreme Court of Appeals, Council of State, and Constitutional Council. The subordinate courts are the Appeals Court, High Court, first instance tribunals, district courts, and specialised courts relating to issues of commerce labour, children, and juveniles.</li> <li>• <b>Next presidential elections:</b> July 2029. However, the elections marking the end of the transition may be organised before that date if the security situation enables.</li> </ul>										
<b>economic data</b>	<table> <tbody> <tr> <td>• Nominal GDP (USD billions):</td> <td>23.40</td> </tr> <tr> <td>• GDP per capita (USD):</td> <td>997.37</td> </tr> <tr> <td>• Inflation rate (% change):</td> <td>2.50</td> </tr> <tr> <td>• Government revenue (% of GDP):</td> <td>21.91</td> </tr> <tr> <td>• Government gross debt (% of GDP):</td> <td>47.69</td> </tr> </tbody> </table> <p><i>*Source: IMF (August 2024 estimates)</i></p> <ul style="list-style-type: none"> <li>• In Burkina Faso, minerals are the primary source of potential wealth for the country. There is a substantial amount of foreign investment in the mining sector, particularly gold and manganese mining. Gold accounts for about three-quarters of the country's total export revenues. Cotton also forms part of the country's key exports.</li> <li>• The main industries include cotton lint, beverages, agricultural processing, soap, cigarettes, textiles, and gold.</li> <li>• Burkina Faso's main export partners are Switzerland, the United Arab Emirates, Mali, Singapore, and Côte d'Ivoire. The main export commodities include gold, cotton, oil seeds, coconuts, Brazil nuts, cashew nuts, and zinc ore.</li> <li>• Burkina Faso's main import partners are Côte d'Ivoire, China, Russia, France, and Ghana.</li> </ul>	• Nominal GDP (USD billions):	23.40	• GDP per capita (USD):	997.37	• Inflation rate (% change):	2.50	• Government revenue (% of GDP):	21.91	• Government gross debt (% of GDP):	47.69
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	<ul style="list-style-type: none"> <li>• The main import commodities include refined petroleum, electricity, packaged medicine, plastic products and natural gas.</li> </ul>
<b>risk ratings</b>	<ul style="list-style-type: none"> <li>• S&amp;P Global Overall Country Risk (Q3 2024): 187/211</li> <li>• Corruption Perceptions Index (2023): 83/180</li> </ul>
international treaties and memberships	
<b>international and regional organisations and customs unions</b>	<ul style="list-style-type: none"> <li>• African Continental Free Trade Area Agreement</li> <li>• African Development Bank Group</li> <li>• African Union</li> <li>• Central Bank of West African States (<i>Banque Centrale des Etats d'Afrique de l'Ouest</i> ("BCEAO"))</li> <li>• Community of Sahel-Saharan States</li> <li>• Economic Community of West African States ("ECOWAS")</li> <li>• Group of Five for the Sahel (G5 Sahel)</li> <li>• Group of 77</li> <li>• International Monetary Fund</li> <li>• International Organisation of the French-speaking World (<i>Organisation Internationale de la Francophonie</i>)</li> <li>• Niger Basin Authority</li> <li>• Organisation of African, Caribbean and Pacific States ("OACPS")</li> <li>• Organisation of Islamic Cooperation</li> <li>• Organization for the Harmonization of Business Law in Africa ("OHADA")</li> <li>• United Nations</li> <li>• West African Economic and Monetary Union ("WAEMU") (<i>Union Economique et Monétaire Ouest Africaine</i>, ("UEMOA"))</li> <li>• World Bank Group</li> <li>• World Customs Organization</li> <li>• Burkina Faso receives preferential treatment under the agreements listed here: <a href="http://ptadb.wto.org/Country.aspx?code=854">http://ptadb.wto.org/Country.aspx?code=854</a></li> </ul>
<b>bilateral investment treaties</b>	<ul style="list-style-type: none"> <li>• Burkina Faso has bilateral investment treaties in force with the Belgium-Luxembourg Economic Union, Benin, Canada, Comoros, Germany, Ghana, Guinea, Republic of Korea, Malaysia, Mauritania, Morocco, Switzerland, Taiwan, and Tunisia.</li> <li>• Treaties have been signed with Chad, Singapore, and Türkiye, but these have not yet entered into force.</li> </ul>
<b>investment-related agreements / institutions</b>	<ul style="list-style-type: none"> <li>• Samoa Agreement (succeeding the Cotonou Agreement and its provisional application commencing on 1 January 2024. The Agreement will enter into force upon consent by the European Parliament and ratification by all European Union member states and at least two thirds of the OACPS members)</li> <li>• Multilateral Investment Guarantee Agency</li> <li>• World Trade Organization</li> </ul>

<b>dispute resolution</b>	<ul style="list-style-type: none"> <li>• Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention)</li> <li>• Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention)</li> <li>• OHADA</li> <li>• Permanent Court of Arbitration</li> <li>• United Nations Commission on International Trade Law (UNCITRAL) Model Laws</li> </ul>
<b>intellectual property ("IP") treaties</b>	<ul style="list-style-type: none"> <li>• A comprehensive list of IP-related treaties signed by Burkina Faso is available at: <a href="https://wipolex.wipo.int/en/legislation/members/profile/BF?collection=treaties">https://wipolex.wipo.int/en/legislation/members/profile/BF?collection=treaties</a></li> <li>• See the trade marks section below for further detail.</li> </ul>
<b>legal regime</b>	
<b>applicable legal regime</b>	<ul style="list-style-type: none"> <li>• Burkina Faso's legal system is based on the French civil law system and customary law.</li> </ul>
<b>dispute resolution</b>	<ul style="list-style-type: none"> <li>• There are specialised commercial chambers in the general courts which can deal with dispute resolution, as well as an arbitration and commercial dispute resolution centre under the control of the Chamber of Commerce and Industry.</li> <li>• Burkinabé courts accept international arbitration as a means of settling investment disputes between private parties.</li> <li>• If the dispute is with the government and cannot be resolved amicably, the Investment Code requires that it be submitted to the national courts or international arbitration through the International Centre for Settlement of Investment Disputes or by the Cour Commune de Justice et d'Arbitrage (Common Court of justice and Arbitration located in Abidjan, Côte d'Ivoire created by the OHADA Treaty).</li> </ul>
<b>land acquisition, planning, and use</b>	<ul style="list-style-type: none"> <li>• Foreigners may own land without any restrictions in Burkina Faso.</li> <li>• Burkina Faso's Constitution guarantees basic property rights. These cannot be infringed upon except in the case of public necessity, as defined by the government, which reserves the right to expropriate land at any time for public use.</li> <li>• In instances where property is expropriated, the government must compensate the property holder in advance, except in the event of an emergency.</li> </ul>

<b>competition</b>	
<i>merger control</i>	<ul style="list-style-type: none"> <li>• At national level, the Law on the Organisation of Competition, 2017 (the "<b>Competition Law</b>") regulates competition law in Burkina Faso.</li> <li>• Burkina Faso is a member of WAEMU and is therefore also subject to the competition rules and regulations of WAEMU.</li> <li>• According to Directive 02/2002/CM/UEMOA, the WAEMU Competition Commission and the national competition authority in Burkina Faso (the National Competition Commission ("<b>NCC</b>")) are responsible for monitoring different aspects of competition law in Burkina Faso.</li> <li>• Pursuant to Directive 02/2002/CM/UEMOA, the WAEMU Competition Commission has exclusive jurisdiction to investigate and sanction anticompetitive practices including abuses of dominance (and, as a consequence, merger transactions which are regarded as abuses of a dominant position when they create or reinforce a dominant position leading to a significant impediment to effective competition within the Common Market). Member states are only competent to assist the WAEMU Commission with investigations and to monitor their internal market in order to detect any anticompetitive conduct. In this respect, member states are required to report anticompetitive conduct to the WAEMU Commission, and to transfer to the WAEMU Commission any filing seeking negative clearance, individual exemption, or complaint that they may receive. Under the Competition Law concentrations shall be filed to the NCC and shall be subject to control in terms of the regional community regulation (i.e., the WAEMU Regulations).</li> <li>• In terms of the WAEMU Regulations, a merger is defined as (i) a merger between two or more previously independent undertakings; or (ii) the acquisition by one or more persons already controlling at least one undertaking, or by one or more undertakings, whether by purchase of securities or assets, by contracts or by any other means of direct or indirect control of the whole or parts of one or more undertakings; or (iii) the creation of a joint venture performing on a lasting basis all the functions of an autonomous economic undertaking.</li> <li>• A concentration is defined in the Competition Law as arising from any act, whatever form, which results in the change of ownership of all or part of an undertaking and which allows an undertaking or a group of undertakings, to exercise, directly or indirectly, decisive influence over one or more undertakings.</li> <li>• The WAEMU merger control regime is a voluntary merger notification regime. Merging parties can implement a proposed transaction without prior competition approval (at their own risk).</li> <li>• Parties may seek advance clearance for a transaction and may file to obtain a "negative clearance" or an individual exemption.</li> <li>• Mergers are analysed in light of the provisions applicable to abuses of dominance. Merger transactions will be regarded as an abuse of a dominant position where they create or reinforce a dominant position</li> </ul>



	<p>leading to a significant impediment to or distortion of competition in the market.</p> <ul style="list-style-type: none"> <li>There is no provision for merger filing fees, however parties may be liable for an administrative fee for voluntary merger notifications.</li> <li>Given that merger notification is voluntary, there is no risk of penalty for failure to notify unless the parties are found to have implemented a merger which amounts to an abuse of dominance. In such a situation, parties may face a fine ranging from F.CFA500 000 to F.CFA100-million (which amount can be increased to 10% of the annual turnover of each of the parties).</li> <li>Burkina Faso is also a member of the OHADA regional competition body. OHADA does not yet have an operational regulator and it is understood that its merger control regime is not yet functional.</li> <li>The country also used to be a member of the ECOWAS regional competition body, which has an operational merger control regime. However, in January 2024, Burkina Faso announced its withdrawal from ECOWAS. ECOWAS received formal notification of such withdrawal on 29 January 2024. According to the ECOWAS Treaty, a member state must give a year's notice of its withdrawal and must abide by the provisions of the ECOWAS Treaty in the meantime. The effective date for the withdrawal from ECOWAS will, therefore, be 29 January 2025. Merger activities in Burkina Faso should thus still be conducted with this regional competition body in mind.</li> </ul>
<i>prohibited practices</i>	<ul style="list-style-type: none"> <li>In terms of section 90 of the Competition Law, anti-competitive agreements (i.e., horizontal and vertical agreements) and abuses of dominance (and assimilated practices) are sanctioned in terms of the WAEMU Regulations with regard to competition.</li> <li>In terms of the WAEMU Regulations, horizontal and vertical agreements, decisions, and concerted practices between undertakings, which have as their object or effect the prevention, restriction, or distortion of competition, are prohibited, unless they are exempt.</li> <li>The WAEMU Regulations prohibit cartel conduct (such as price fixing and market division), minimum resale price maintenance, and abuses of dominance.</li> <li>A firm which engages in an anti-competitive horizontal or vertical agreement, or which abuses its dominant position commits an offence and may face sanctions, the amount of which is between F.CFA500 000 and F.CFA100-million and can be increased to the equivalent of 10% of the annual turnover or assets of the infringing companies.</li> <li>The NCC in Burkina Faso remains competent to sanction the following unilateral conduct: refusal to sell, sale below cost, discriminatory practices, resale price maintenance and tying.</li> <li>In Burkina Faso, refusal to sell, tying, discriminatory practices and resale price maintenance are subject to a fine ranging from F.CFA5 000 to F.CFA10-million and/or to 11 days to two years imprisonment.</li> </ul>

	<ul style="list-style-type: none"> <li>OHADA does not regulate prohibited practices. ECOWAS regulates anticompetitive practices. Activities in Burkina Faso should thus be conducted with this regional competition body in mind.</li> </ul>
<b>employment</b>	
<i>immigration</i>	<ul style="list-style-type: none"> <li>Expatriates working in Burkina Faso must hold a valid work visa (<i>visa de contrat de travail</i>), which must be obtained by the employer from the Labour Inspectorate, and a residence permit (<i>visa de séjour</i>).</li> <li>There is no restriction on the number of foreigners that an investor may employ. The investor is, however, required to motivate that the required skill cannot be sourced in Burkina Faso and the application for the <i>visa du contrat de travail</i> requires a favourable opinion of the labour inspectorate.</li> </ul>
<i>local employment vs secondment</i>	<ul style="list-style-type: none"> <li>In terms of Burkina Faso's employment legislation, employees seconded to Burkina Faso must be employed by a local company if an employee will be paid locally during the secondment. Otherwise, the secondment should result from a service agreement executed between the local company and the foreign company.</li> </ul>
<i>fixed-term contracts and temporary employment services</i>	<ul style="list-style-type: none"> <li>Fixed-term contracts are allowed in Burkina Faso.</li> <li>The maximum duration of fixed-term contracts is two years for domestic workers and three years for non-domestic workers. The number of fixed-term contract renewals should not be excessive.</li> <li>The use of labour brokers is permitted in Burkina Faso, but it is not common practice, except among mining companies and in the banking industry.</li> <li>Labour brokers must be duly registered and authorised to provide labour brokering services.</li> </ul>
<i>payment in local currency</i>	<ul style="list-style-type: none"> <li>Remuneration must be paid in local currency.</li> </ul>
<i>restraint of trade agreements</i>	<ul style="list-style-type: none"> <li>Restraint of trade agreements are generally not valid and enforceable in Burkina Faso, however: <ul style="list-style-type: none"> <li>if the employer considers that the restrictions are essential to protect the company's interests, the parties may agree, subject to the judge's discretion in the event of a dispute; and</li> <li>pursuant to Article 39 of the Labour Code, when employment relations are broken by the employee or as a result of gross negligence on the employee's part, the employer may derogate from the prohibition of restrictions, such as prohibiting the employee from engaging in any activity whatsoever on expiry of the contract.</li> </ul> </li> </ul>

foreign investment regime	
<b>investment regime</b>	<ul style="list-style-type: none"> <li>• Law No. 038-2018/AN of 30 October 2018 adopting the Investment Code of Burkina Faso governs foreign investment in Burkina Faso.</li> <li>• The Centre for Business Formalities (<i>Centre des Formalités des Entreprises</i> ("CEFORE")) is the official agency acting as a one-stop shop where all the formalities for company registration are carried out.</li> </ul>
<b>registration / licensing requirements</b>	<ul style="list-style-type: none"> <li>• Companies must register with the CEFORE in order to: <ul style="list-style-type: none"> <li>• complete company registration with the Trade Register and Personal Credit Bureau ("RCCM");</li> <li>• obtain a fiscal identification number (<i>identifiant financier unique, IFU</i>) from the Tax Authority (<i>Direction Générale des Impôts, DGI</i>); and</li> <li>• file declarations before the CEFORE, which are transferred to the National Social Security Fund (<i>Caisse Nationale de Sécurité Sociale</i> ("CNSS")) which, in turn, is mandated to disseminate that information to the ANPE and the Labour Inspectorate.</li> </ul> </li> </ul>
<b>non-industry specific registrations / licences</b>	<ul style="list-style-type: none"> <li>• See above.</li> </ul>
<b>industry-specific licences</b>	<ul style="list-style-type: none"> <li>• Industry-specific licences may also be required.</li> </ul>
<b>incentives</b>	<ul style="list-style-type: none"> <li>• Incentives include: <ul style="list-style-type: none"> <li>• a reduction in corporate income tax, minimum lump-sum tax, and payroll tax due by small enterprises;</li> <li>• benefits available under four separate regimes (A-D) in terms of the Investment Code, including reduced customs duties, exemption from VAT on specific transactions, exemption from business licence duty and payroll tax, an extended loss-carry forward period and a tax deduction on the acquisition of new assets;</li> <li>• benefits available to companies carrying on the exploration and exploitation of mining products;</li> <li>• benefits available to economic growth hubs (<i>pôles de croissance</i>); and</li> <li>• enhanced depreciation allowances available in respect of new fixed assets and machinery used in industrial activities, transport, maintenance, manufacturing, agricultural, and mining operations.</li> </ul> </li> </ul>
<b>exchange control regulation</b>	<ul style="list-style-type: none"> <li>• Burkina Faso is a member of WAEMU and subject to the WAEMU Unified Foreign Exchange Regulations.</li> <li>• In terms of the WAEMU Regulations, investment from outside the monetary union can be made without approval from the local Minister of Finance. However, direct investment must be reported by the relevant</li> </ul>

	<p>local commercial bank to the office of the BCEAO for statistical purposes.</p> <ul style="list-style-type: none"> <li>• The income and capital of foreign direct investments of foreign investors may be repatriated freely from Burkina Faso.</li> </ul>
<b>types of entities available for foreign investment</b>	<ul style="list-style-type: none"> <li>• The forms of doing business available in Burkina Faso are mainly the following provided for by the OHADA Uniform Act on Commercial Companies and Economic Interest Groupings: <ul style="list-style-type: none"> <li>• public limited company (<i>société anonyme</i> ("SA"));</li> <li>• simplified limited liability company (<i>société par actions simplifiée</i> ("SAS"));</li> <li>• private limited liability company (<i>société à responsabilité limitée</i> ("SARL"));</li> <li>• general partnership (<i>société en nom collectif, SNC</i>);</li> <li>• limited partnership (<i>société en commandite simple, SCS</i>);</li> <li>• joint venture (<i>société en participation</i>);</li> <li>• de facto partnership (<i>société de fait</i>);</li> <li>• economic interest grouping (<i>groupement d'intérêt économique, GIE</i>);</li> <li>• registered branch of a foreign company; and</li> <li>• representation or liaison offices.</li> </ul> </li> </ul>
private limited liability company	
<b>minimum number of shareholders</b>	<ul style="list-style-type: none"> <li>• SARL   SA   SAS: A minimum of one shareholder is required.</li> <li>• In principle, local shareholders are not required, but may be required in certain specified sectors such as mining, oil and gas.</li> </ul>
<b>minimum share capital</b>	<ul style="list-style-type: none"> <li>• The following minimum share capital requirements apply: <ul style="list-style-type: none"> <li>• SARL: freely determined by the shareholders but, in practice, an amount ranging from F.CFA5 000 to F.CFA1-million, divided into shares with a minimum face value of F.CFA5 000;</li> <li>• SA: F.CFA10-million, divided into shares with a face value freely determined by the shareholders. In practice, the usual value is at least F.CFA10 000; and</li> <li>• SAS: no minimum required share capital, but in practice F.CFA1-million.</li> </ul> </li> </ul>
<b>directors</b>	<ul style="list-style-type: none"> <li>• SARL: must have at least one managing director (<i>gérant</i>). It is recommended that someone who is either based in or regularly travels to Burkina Faso be appointed as managing director, as it is required for such a person to hold a long-term visa. There is no requirement to appoint directors / managers in addition to the managing director.</li> <li>• SA: must appoint a chairperson of the board who can also act as general manager of the company (<i>directeur général</i>). A board of directors with three to 12 members, including a chairperson, is to be appointed.</li> </ul>

	<ul style="list-style-type: none"> <li>SAS: free to determine its management structure, which should, as a minimum, consist of one chairperson. There is no requirement to appoint a board of directors.</li> </ul>
<b>company secretary</b>	<ul style="list-style-type: none"> <li>There is no requirement to appoint a company secretary in Burkina Faso.</li> </ul>
<b>auditor</b>	<ul style="list-style-type: none"> <li>SARL and SAS: must appoint a statutory auditor when two of the following three conditions are met at the end of the financial year for two consecutive years: <ul style="list-style-type: none"> <li>its total balance sheet exceeds F.CFA125-million;</li> <li>the annual turnover exceeds F.CFA250-million; or</li> <li>the permanent staff exceeds 50 employees.</li> </ul> </li> <li>SA: appointment of an auditor is mandatory.</li> <li>SAS: appointment of an auditor is mandatory where an SAS effectively controls one or more companies, or where an SAS is effectively controlled by one or more companies.</li> </ul>
<b>registered address</b>	<ul style="list-style-type: none"> <li>Every company must have a registered office in Burkina Faso which must be indicated in the Articles of Association.</li> <li>The address of the company's accountants or lawyers may be used as registered address for an interim period.</li> </ul>
<b>shelf companies</b>	<ul style="list-style-type: none"> <li>There are no shelf companies available in Burkina Faso.</li> </ul>
<b>registration process</b>	<ul style="list-style-type: none"> <li>Companies are registered with the CEFORE, and it takes approximately one to two weeks to complete registration once all the required documents have been submitted.</li> </ul>
<b>tax</b>	
<b>tax system</b>	<ul style="list-style-type: none"> <li>Burkina Faso has a residence-based tax system in terms of which residents are subject to tax on their world-wide income, whereas non-residents are subject to tax only on their Burkina Faso-sourced income.</li> </ul>
<b>corporate residence</b>	<ul style="list-style-type: none"> <li>A company is resident in Burkina Faso if it has its registered office or its place of effective management in the country.</li> </ul>
<b>corporate tax rate</b>	<ul style="list-style-type: none"> <li>Resident companies and permanent establishments of foreign companies are subject to corporate income tax at the rate of 27.5%.</li> <li>A minimum lump-sum tax ("IMF") applies to companies with a negative financial result or whose effective corporate tax charge is less than the amount of IMF, which is charged at the higher of 0.5% of turnover or: <ul style="list-style-type: none"> <li>F.CFA1-million for companies under the standard regime; and</li> <li>F.CFA300 000 for companies under the simplified regime.</li> </ul> </li> <li>New companies are exempted from IMF for the first fiscal year.</li> </ul>

<b>capital gains tax</b>	<ul style="list-style-type: none"> <li>Capital gains are generally included in ordinary taxable income and subject to corporate income tax at the standard rate.</li> <li>However, gains from the disposal of securities (including shares) in resident companies are taxed at the rate of 10% and gains from the disposal of mining licences are taxed at the rate of 20%.</li> </ul>		
<b>withholding tax ("WHT") rates</b>	<b>WHT rate</b>		
	<b>payment to</b>	<b>residents</b>	<b>non-residents*</b>
	branch profits	N/A	12.5% on 75% of Burkina Faso profits (effective rate of 9.375%)
	dividends	12.5% 6.25% (mining companies and newly incorporated companies for the first three years)	12.5% 6.25% (mining companies and newly incorporated companies for the first three years)
	interest	25% 6% (interest from Burkina Faso bonds and debentures) 12.5% (income from accounts with a bank, financial establishment, financial broker, or public treasury)	25% 6% (interest from Burkina Faso bonds and debentures) 12.5% (income from accounts with a bank or financial broker)
	royalties	5%	20%
	management, consulting, and technical service fees	5%	20% 10% (ECOWAS residents)
	<i>*The withholding tax rate may be reduced in terms of a relevant double tax agreement.</i>		
<b>double tax agreements ("DTAs")</b>	<ul style="list-style-type: none"> <li>DTAs are in force with Tunisia and WAEMU member states (including Benin, Guinea-Bissau, Côte d'Ivoire, Mali, Niger, Senegal, and Togo).</li> </ul>		
<b>losses</b>	<ul style="list-style-type: none"> <li>Losses may be carried forward for a period of five years.</li> </ul>		
<b>transfer pricing</b>	<ul style="list-style-type: none"> <li>In terms of Burkina Faso's transfer pricing rules, transactions entered into between related persons must be entered into on an arm's length basis.</li> <li>Two companies are deemed to be related when:</li> </ul>		



	<ul style="list-style-type: none"> <li>an enterprise holds directly or indirectly the majority of the share capital of another one, or exercises directly or indirectly the decision-making power; or</li> <li>both companies are placed, under the conditions defined above, under the control of the same undertaking.</li> </ul>																
<b>limitation on interest deductibility</b>	<ul style="list-style-type: none"> <li>Interest paid on shareholder loans is deductible, provided the interest rate charged does not exceed the legal interest rate (<i>taux d'intérêt légal</i>) plus two percentage points as provided by the BCEAO.</li> <li>Interest paid on third party loans is deductible provided that the loan transaction is commercially justifiable, and the interest rate charged does not exceed the legal interest rate as provided by the BCEAO.</li> <li>The overall deductible amount of interest paid on shareholder, or third-party loans may not exceed 15% of the EBITDA.</li> <li>The above limitations do not apply to banks or financial institutions.</li> </ul>																
<b>employee taxes</b>	<p>The income tax rates applicable to resident individuals are:</p> <table border="1"> <thead> <tr> <th>monthly chargeable income (F.CFA)</th> <th>tax rate</th> </tr> </thead> <tbody> <tr> <td>up to 30 000</td> <td>0%</td> </tr> <tr> <td>30 001 – 50 000</td> <td>12.10%</td> </tr> <tr> <td>50 001 – 80 000</td> <td>13.90%</td> </tr> <tr> <td>80 001 – 120 000</td> <td>15.70%</td> </tr> <tr> <td>120 001 – 170 000</td> <td>18.40%</td> </tr> <tr> <td>170 001 – 250 000</td> <td>21.70%</td> </tr> <tr> <td>over 250 000</td> <td>25%</td> </tr> </tbody> </table>	monthly chargeable income (F.CFA)	tax rate	up to 30 000	0%	30 001 – 50 000	12.10%	50 001 – 80 000	13.90%	80 001 – 120 000	15.70%	120 001 – 170 000	18.40%	170 001 – 250 000	21.70%	over 250 000	25%
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over 250 000	25%																
<b>social security contributions</b>	<ul style="list-style-type: none"> <li>Both employees and employers must make monthly social security contributions to the CNSS.</li> <li>The employer contribution rates are as follows with a monthly salary cap set at F.CFA800 000: <ul style="list-style-type: none"> <li>family welfare: 6%;</li> <li>retirement pension: 8.5%; and</li> <li>occupational injuries: 1.5%.</li> </ul> </li> <li>The employee contribution rate is 5.5% per month with a salary cap set at F.CFA800 000 per month.</li> </ul>																
<b>payroll tax</b>	<ul style="list-style-type: none"> <li>A payroll tax (<i>taxe patronale et d'apprentissage</i>) is payable by employers at a rate of 3% of the gross amount of wages, salaries, allowances, emoluments, and fringe benefits.</li> </ul>																
<b>stamp duty</b>	<ul style="list-style-type: none"> <li>Stamp duty (<i>droits de timbre</i>) is levied under the General Tax Code on a number of specified instruments. Negotiable and non-negotiable instruments are subject to stamp duty at the rate of 3% of the market value.</li> </ul>																

	<ul style="list-style-type: none"> <li>Registration duty (<i>droits d'enregistrement</i>) is not generally payable on the sale of shares. However, a fixed amount of F.CFA6 000 is payable when the deed of sale is voluntarily submitted for formal registration.</li> <li>The transfer of immovable property is subject to registration duty at the rate of 5% on the transfer price value.</li> </ul>
<b>value added tax ("VAT")</b>	
<i>taxable supplies</i>	<ul style="list-style-type: none"> <li>VAT is levied on the supply of goods and services in Burkina Faso and on the importation of goods and services.</li> </ul>
<i>VAT rate</i>	<ul style="list-style-type: none"> <li>18%</li> <li>10% (accommodation and catering services provided by hotels, restaurants, and equivalent approved establishments).</li> </ul>
<i>registration threshold</i>	<ul style="list-style-type: none"> <li>Any person who habitually or occasionally carries out taxable transactions in Burkina Faso and has an annual turnover of at least F.CFA50-million must register for VAT purposes.</li> </ul>
<i>reverse VAT on imported services</i>	<ul style="list-style-type: none"> <li>If non-residents have not appointed a tax representative domiciled in Burkina Faso, resident companies are required to account for output VAT in respect of imported services rendered by non-resident companies. Such VAT is available as an input credit if the services are used in the making of taxable supplies.</li> </ul>
<b>trade marks</b>	
<b>international conventions, treaties, and arrangements</b>	<ul style="list-style-type: none"> <li>Madrid Protocol</li> <li>Nice Agreement</li> <li>Paris Convention</li> <li>Trade Mark Law Treaty</li> <li>World Intellectual Property Organization Convention</li> <li>World Trade Organization / Trade-Related Aspects of Intellectual Property Rights (TRIPS) (all <i>Organisation Africaine de la Propriété Intellectuelle</i> ("OAPI") countries are members except Comoros and Equatorial Guinea)</li> </ul> <p><i>*Note</i></p> <p>Burkina Faso is a member of OAPI. OAPI has a central registry in Cameroon which facilitates the central filing of IP rights, including trade marks. An OAPI application automatically covers all member countries, as the member states had to renounce their national IP laws to become members. It is therefore not possible to file individual national applications in any of the OAPI member states.</p> <p>OAPI member states include Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Equatorial Guinea, Gabon,</p>



	Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Republic of the Congo, Senegal, and Togo.
<b>classification</b>	<ul style="list-style-type: none"> <li>The International Classification of Goods and Services (Nice Classification) applies.</li> <li>A single application may cover any number of classes.</li> </ul>
<b>categories of trade marks</b>	<ul style="list-style-type: none"> <li>Provision is made for: <ul style="list-style-type: none"> <li>collective trade marks;</li> <li>ordinary trade marks (goods and service trade marks); and</li> <li>geographical indications.</li> </ul> </li> </ul>
<b>filing requirements</b>	<ul style="list-style-type: none"> <li>Full particulars of the applicant;</li> <li>Power of Attorney, in French or English, simply signed (per application);</li> <li>electronic representation of the trade mark; and</li> <li>a certified copy of the priority document (if applicable), with a verified French or English translation.</li> </ul>
<b>procedure</b>	<ul style="list-style-type: none"> <li>An application is filed at the OAPI office in Cameroon. Applications are examined for compliance with formal requirements only. If the office finds that the formal conditions for registration have been met, the trade mark registers, and the registration is published.</li> </ul>
<b>oppositions</b>	<ul style="list-style-type: none"> <li>Opposition may be lodged within six months following the date of advertisement of the registration. No extensions are allowed.</li> </ul>
<b>duration and renewal</b>	<ul style="list-style-type: none"> <li>A trade mark registration is effective for an initial period of 10 years and, thereafter, renewable for further periods of 10 years.</li> </ul>

ENS is a full-service law firm with significant experience and specialist expertise that spans all commercial areas of law, tax, forensics, and IP across Africa. For more information or assistance please contact:

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LAST UPDATED AUGUST 2024