



## LEGAL NEWS

### Angola

June 2018

#### PRIVATE INVESTMENT

### NEW PRIVATE INVESTMENT LAW APPROVED

The newly enacted Private Investment Law (Law No. 10/18, of 26 June 2018) sets forth new principles and rules aimed at facilitating, promoting and accelerating private investment operations in Angola, introducing significant changes to the applicable legal framework, such as:

- There are now no minimum investment obligations in order to be eligible for benefits and incentives;
- Local partnerships are no longer mandatory for investing in certain sectors of the economy, notwithstanding the local content requirements provided for in regulations specifically applicable to certain sectors, such as oil & gas;
- The establishment of new Development Zones and Priority Sectors, and the relevant tax benefits;
- The introduction of two distinct regimes for the approval of investment projects – i.e. the prior declaration regime and special regime – with different tax benefits.

The new Private Investment Law entered into force on 26 June.

## BANKING

### NEW REGIME FOR REPATRIATION OF FUNDS

The Law on the Repatriation of Financial Resources was enacted - Law No. 9/18, of 26 June 2018) - establishing the terms and conditions for the repatriation of demand and fixed-term bank deposits, and deposits in the form of savings certificates domiciled in accounts outside Angola.

The new law regulates the procedures applicable to the voluntary repatriation of said financial resources, as well as the relevant legal effects of a taxation, foreign exchange and criminal nature, and the sanctioning framework applicable to the coercive repatriation of illicit resources deposited outside the country. The law entered into force on 26 June.

### NEW EXCHANGE TRANSACTION LIMIT FOR FAMILY ALLOWANCE

Central Bank of Angola ("BNA") Instruction No. 06/18, of 19 June 2018, limited to EUR 1,000.00 the monthly sale of foreign currency per beneficiary in respect of family allowance, while the monthly limit per sender may not exceed EUR 2,500.00. Expenses related to health and education are not subject to said limits when paid directly to the relevant service providers. This Instruction entered into force on 1 July 2018.

### CREATION OF AN INDEPENDENT FUNCTION FOR FOREIGN EXCHANGE CONTROL IN BANKING FINANCIAL INSTITUTIONS

On 19 June 2018, BNA issued Instruction No. 07/2018, which determined the creation by banking financial institutions of an independent foreign exchange control function, aimed at ensuring strict compliance with the foreign exchange legislation and regulations in force.

The Instruction also sets forth the penalties in case of non-compliance with the new rules and determined that Banking Financial Institutions have until 18 August 2018 to comply.

## TEMPORARY SUSPENSION OF FOREIGN EXCHANGE LICENSING OPERATIONS FOR IMPORTATION OF GOODS

BNA issued Instruction No. 08/2018, of 19 June 2018, temporarily suspending the need to license operations of importation of goods pending settlement, with regard to customs clearance orders dated after 1 January 2015. However, foreign exchange operations meant for the settlement of goods imported from abroad which were unloaded prior to 1 January 2015 are still subject to BNA licensing. This Instruction will be in force until 18 September 2018.

## NEW FEES APPROVED FOR THE SECURITIES MARKET

Presidential Decree No. 139/18, of 4 June 2018, established the situations that trigger the obligation to pay fees to the Capital Market Commission as consideration for the provision of services, such as registration fees, supervisory fees and the issuance of certificates and declarations. This Presidential Decree entered into force on 5 June 2018 and repealed Executive Decree No. 209/08, of 26 September 2008.

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