



## LEGAL NEWS

### Angola

January through April 2020

#### **COVID-19**

Given the state of emergency declared due to COVID-19, a number of statutes have been approved establishing measures to avoid the spread of the disease and mitigate its effects. For more detailed information about the statutes published in response to the pandemic, please consult this [link](#).

#### **OIL & GAS**

##### **ANPG's Organic Statute Amended**

By means of Presidential Decree No. 1/20, of 6 January 2020, the statute that created the National Agency for Petroleum, Gas and Biofuels ("ANPG") and the relevant Organic Statute was amended. The amendments refer to the terms of ANPG taking over the rights and obligations arising from the contracts entered into by Sonangol EP, including in respect of abandonment funds.

## Mapping of Filling Stations

By means of Presidential Decree No. 25/20, of 5 February 2020, the President of the Republic approved the national mapping of fuel filling stations. This statute identifies the filling stations existing in the Country, as well as the areas where none exist, with a view to: i) improving the distribution network for fuels and lubricants throughout the territory, through an increase in storage capacity; ii) promoting the entry of new players in the sector; and iii) encouraging the construction of new filling stations.

## **BANKING AND INSURANCE**

### Goods Operations Liberalized

Goods importation operations with a settlement period of more than 360 days, counted from the date of customs clearance at landing, are exempted from prior licensing with the BNA, pursuant to BNA Order No. 1/20, of 9 January 2020.

### Current Invisible Operations by Legal Entities Liberalized

Under BNA Order No. 02/20, of 9 January 2020, current invisible exchange operations carried out by legal entities are no longer subject to prior licensing with the BNA.

### New Rules for Preventing and Combating Money Laundering, Financing of Terrorism and Proliferation of Weapons of Mass Destruction

A new law was approved for the Prevention and Combating of Money Laundering, the Financing of Terrorism, and the Proliferation of Weapons of Mass Destruction (Law No. 5/20, of 27 January 2020). The law strengthens the duties of prevention and control applicable to the entities subject to it, as well as increasing the powers of the relevant supervisory authorities, particularly the Financial Information Unit.

## Regulations on Incorporation and Operation of Insurers Amended

Executive Decree No. 99/20, of 4 March 2020, amended the Regulations on the Rules and Authorization Procedures for the Incorporation and Operation of Insurance Companies. The new statute determines that part of the own revenue collected by the Angolan Agency for Insurance Regulation and Supervision in the exercise of its regulatory and supervisory function should revert to the State through the Single Treasury Account.

## New Procedures Approved for Sale of Foreign Currency by Petroleum Companies

BNA Instruction No. 2/20, of 30 March 2020, determined that petroleum companies and banking financial institutions wishing to trade foreign currency must do so through the Bloomberg negotiation platform, FXGO. The FXGO procedures apply to: i) the sale of foreign currency by the National Concessionaire and by both domestic and foreign investing companies, irrespective of their status as operators, including entities engaged in the production of liquefied natural gas; ii) the purchase and sale of foreign currency on the interbank market; and iii) the purchase and sale of foreign currency by BNA, in certain circumstances.

## New Process for Creation of Reference Exchange Rates

BNA Instruction No. 03/20, of 30 March 2020, determined that the BNA should publish on its institutional website, at 4 p.m. on each business day, the market exchange rates for the Euro and the US Dollar in relation to the Kwanza.

## **SECURITIES CODE**

### Securities Code Amended

The Securities Code was amended by means of Law No. 9/20, of 16 April 2020. The new statute changes the amounts of the fines applicable for violations foreseen in the Code, in order to allow a wider variation between their minimum and maximum limits.

## ENVIRONMENT

### Ratification of Angola's Accession to Kyoto Protocol

Through Accession Letter No. 3/20, of 17 March 2020, the Republic of Angola ratified accession to the Kyoto Protocol to the United Nations Framework Convention on Climate Change. The main objective of the Kyoto Protocol is to obtain commitments to take measures to limit or reduce greenhouse gas emissions, in order to minimize the adverse effects of climate change.

### National Program for Environmental Standardization Approved

In order to adopt measures to reduce the effects of greenhouse gas emissions in the atmosphere and to promote and protect the quality of the environment in Angola, the President of the Republic approved the National Program for Environmental Standardization ("NPES"), by means of Presidential Decree No. 99/20, of 13 April 2020. The Environmental Technical Standards contained in the NPES establish a set of guidelines, procedures and mechanisms that guarantee prior environmental control over manufacturing and/or potentially polluting activities in order to standardize and harmonize the technical criteria for the analysis and granting of environmental licenses and for the control and inspection mechanisms to which said activities are subject.

### Law on Environmental Conservation Areas Approved

By means of Law No. 8/20, of 16 April 2020, the National Assembly approved the Law on Environmental Conservation Areas. This statute establishes the categories of environmental conservation areas, as well as the rules for their creation, classification and management through principles aimed at safeguarding their preservation, conservation and sustainable use. The statute also determines the competent entity that will grant the right to explore the Environmental Conservation Areas, and establishes the legal framework in respect of sanctions for infractions committed in violation of its provisions.

## New Environmental Licensing Regulations Approved

New regulations were approved for Environmental Impact Assessment and Environmental Licensing Procedures (“Environmental Licensing Regulations”), by means of Presidential Decree No. 117/20, of 22 April 2020. The Environmental Licensing Regulations contain new rules on Environmental Impact Assessment (EIA), with a view to regulating environmental and administrative procedures related to the implementation of public and private projects. Engagement in activities that may have an impact on the environment is subject to authorization, which is conditional upon meeting the requirements defined in the Regulations. The Environmental Licensing Regulations also set out the rules on the Environmental Licensing Procedures applicable to the activities which, by their very nature, location or scale, are likely to have a significant environmental and social impact. In particular, the procedures to be followed for the purposes of licensing and the rights and obligations of license holders are all regulated. The annexes to the Environmental Licensing Regulations specify the activities that are subject to EIA, the different types of licensing applicable, and the templates of the environmental licenses.

## Convention on Nuclear Safety Ratified

By means of Ratification Letter No. 5/20, of 28 April 2020, the President of the Republic of Angola ratified accession to the Convention on Nuclear Safety. This Convention has as its main objectives: i) to achieve and maintain a high level of nuclear safety worldwide by strengthening national measures and international cooperation; ii) to establish and maintain in nuclear facilities effective mechanisms of defense against potential radiological hazards in order to protect individuals, society and the environment from the harmful effects of ionizing radiation produced by those facilities; and iii) to prevent accidents with radiological consequences and to mitigate those consequences if they occur.

## Convention on Physical Protection of Nuclear Materials Ratified

The Convention on the Physical Protection of Nuclear Materials, and respective amendment, was ratified by the President of the Republic of Angola through Ratification No. 6/20, of 28 April 2020. The Convention aims to establish effective measures to improve the levels of physical protection of nuclear materials and radioactive substances during national and international transportation.

## Ratification of Convention on Complementary Compensation for Nuclear Damage

By means of Ratification Letter No. 7/20, of 28 April 2020, the President of the Republic of Angola ratified accession to the Convention on Complementary Compensation for Nuclear Damage. The Convention aims to establish a worldwide liability framework to complement and reinforce the measures provided for in the Vienna Convention on Civil Liability for Nuclear Damage and in the Paris Convention on Civil Liability in the Field of Nuclear Energy, thereby increasing compensation amounts for nuclear damage.

## Ratification of Angola's Accession to the Code of Conduct on Security and Protection of Radioactive Sources

By means of Accession Letter No. 4/20, of 28 April 2020, the President of the Republic of Angola confirmed the Republic of Angola's accession to the Code of Conduct on the Security and Protection of Radioactive Sources. This Code of Conduct aims to harmonize policies in the field of radioactivity and to guide States in the development of laws and regulations on the technological and physical security of radioactive sources.

## PRIVATE INVESTMENT

### AIPEX Amendment Approved

Presidential Decree No. 8/20, of 24 January 2020, amended the Organic Statute of the Agency for Private Investment and the Promotion of Exports (AIPEX). In addition to the Minister of State for Economic Coordination, the following are now part of the AIPEX Supervisory Board: i) Minister of Fisheries and the Sea; ii) Minister of Energy and Water; iii) the President of the Republic's Secretary for Economic Affairs; and iv) Governor of the National Bank of Angola.

### Angola/Portugal Investment Protection Treaty Approved

The Agreement between the Government of the Republic of Angola and the Government of the Portuguese Republic on Reciprocal Promotion and Protection of Investments was approved by Presidential Decree No. 41/20, of 27 February 2020, and by Letter of Approval No. 1/20, of 18 March 2020.

## VIDEO SURVEILLANCE

### Video Surveillance Law Approved

The legal framework for video surveillance ("VS") was approved by means of Law No. 2/20, of 22 January 2020. The statute sets out the rules for the installation of VS systems in public spaces such as squares and streets, as well as the mandatory installation of VS equipment in private spaces of general use that require special protection, such as banks, gas stations, pharmacies, hotels, jewelry stores, ports, airports, art galleries, shopping malls, etc. The installation of VS equipment is subject to authorization from the competent authority. The new legal framework does not apply to VS systems in strictly private or reserved places, provided that video recordings are limited to the property of the owner of the equipment and do not include images of the surrounding properties.

## CUSTOMS

### New Ways of Preparing Transport and Customs Documents Approved

Presidential Decree No. 89/20, of 6 April 2020, established a new legal framework for the use of electronic means to prepare transport tickets, to submit cargo manifests and the respective on-board documentation, as well as to carry out controls over means of transport. The new rules, which entered into force on 6 April 2020, apply to all entities that transport imported goods by sea, air, road and rail, while a temporary framework has been defined, applying to customs posts that have not yet implemented the new model of autonomized management of customs data.

## GAMING

### Licensing and Authorization Models For Gaming Approved

By means of Executive Decree No. 94/20, of 3 March 2020, the Minister of Finance approved licensing models for games of chance, social games and online remote games, and the authorization model for random combinations for advertising promotions, betting, raffles and similar of an occasional nature.

### Gaming Zones Approved

Executive Decree No. 101/20, of 6 March 2020, sets out the regions in Angola where the practice of gaming is legally permitted, in accordance with the standards legally established in the law that regulates this activity, and the respective regulations. The following national provinces are deemed to be gaming zones: Cabinda, Luanda, Malange, Benguela, Huila and Namibe.

## LABOR

### Angola's Accession Ratified to Convention No. 144 on Tripartite Consultation to Foster International Labor Standards

By means of Accession Letter No. 1/20, of 3 March 2020, the Republic of Angola ratified the accession to Convention No. 144 on the Tripartite Consultation to Foster International Labor Standards. The main objective of the Convention is to put into practice procedures which ensure effective consultation between representatives of the Government, employers and workers on questions related to the activities of the International Labor Organization.

## PENAL

### Undercover Operations Law Approved

Law No. 10/20, of 16 April 2020, allows the criminal police and other national security, defense and intelligence bodies of the State to expand the methods of obtaining evidence by the performance of undercover operations, with the concealment of the agent's identity and mission.

### Electronic Surveillance Law Published

Law No. 11/20, of 23 April 2020, established the legal framework for the identification or location of persons by means of their cell phone and for the electronic surveillance of persons and goods, in public or private spaces or those with restricted access.

Identification or location is the exclusive competence of the Criminal Police bodies, which may work in collaboration with the other bodies of security and public order, national defense, and State security.

## STATE

### New Legal Framework for Public Institutes

The President of the Republic approved the new Legal Framework on Public Institutes through Presidential Legislative Decree No. 2/20, of 19 February 2020 (as amended subsequently by Presidential Legislative Decree No. 3/20, of 9 March 2020). The statute aims to adapt the legal framework of Public Institutes to the current political, economic and social situation in the country, and establishes rules on the creation, organization and liquidation of Public Institutes.

### New Powers for IGAPE

By means of Presidential Decree No. 72/20, of 20 March 2020, the President of the Republic amended the statutes of the Institute for the Management of State Assets and Holdings (IGAPE) in order to extend this entity's range of legal powers. IGAPE now has powers pertaining to: i) asset management and loans granted by the State; ii) support to the State in coordinating income and pricing policies; and iii) determining and awarding subsidies granted by the State.

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