



LEGAL NEWS

Angola

May 2020

COVID-19

Given the public health emergency situation 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](#).

MINING

New Governance Model for Mining Sector Approved

As part of the ongoing restructuring of the sector, a new Governance Model for the Mining Sector was established by means of Presidential Decree No. 143/20, of 26 May 2020. Among other things, the new Governance Model aims at reducing the State's direct presence in the mining sector. The main changes brought about by this statute are the following:

- i. A National Agency of Mineral Resources will be set up to ensure the performance of functions previously assigned to the national concessionaires (Ferrangol E.P. and Endiama E.P.), such as the granting of mining concessions, the negotiation, management and monitoring of mineral investment contracts, and the monitoring of the quality and concentrations of minerals in Angola;
- ii. Sodiam E.P. keeps the role of Diamond-Marketing Public Body;
- iii. A Diamond Exchange Center will be created, through which all diamond transactions in Angola will be made, under Sodiam E.P.'s supervision.

The new Governance Model came into force on 26 May 2020.

FOREIGN EXCHANGE

New Foreign Exchange Regulations Approved for Diamond Sector

Order No. 13/20 of the National Bank of Angola was enacted on 29 May 2020, setting forth the new foreign exchange regulations applicable to the diamond sector. The newly approved foreign exchange regime sets forth special rules when compared to the general foreign exchange regime currently in force, as provided for in the Foreign Exchange Law (Law No. 5/97) and ancillary regulations, notably in respect of access to and operations in foreign currency, and the contracting of financing and opening of bank accounts outside Angola.

The new foreign exchange framework for the Diamond Sector will enter into force 30 days after its publication in the Official Gazette.

OIL & GAS

New Amendment to ANPG's Organic Statute

By means of Presidential Decree No. 145/20, of 26 May 2020, the statute that created the National Agency for Petroleum, Gas and Biofuels ("ANPG") and the relevant Organic Statute were again amended. The amendments have been made to the terms under which ANPG assumes the rights and duties arising from contracts entered into by Sonangol EP, including in respect of abandonment funds, and the rules applicable to the transfer of employees from Sonangol EP to ANPG.

CONSTRUCTION INDUSTRY AND PUBLIC WORKS

New Regulations for Construction Industry and Public Works

Presidential Decree No. 146/20, of 27 May 2020, approved new regulations on: (i) the construction industry; (ii) public works; (iii) construction projects; and (iv) supervision of construction works. The new regulations establish the requirements for granting licenses for said activities, regulate the licensing process (including the documents and data to be submitted), and also set the fines applicable in the event of infringement. Licenses to carry out construction activities, which were hitherto issued by the Civil Construction and Public Works Regulatory Institute alone, will now also be issued by the Municipal Administrations and Provincial Governments. The new legal framework applies to pending licensing applications, which must be adjusted to satisfy the requirements of the new statute within 30 days of its entry into force. Existing licenses will need to be replaced within 2 years of the date of the entry into force of the new regulations.

ENVIRONMENT

National Program for Environmental Quality Approved

By means of Presidential Decree No. 138/20, of 19 May 2020, the President of the Republic approved the National Program for Environmental Quality (“NPEQ”). The NPEQ aims to improve the quality of life for those living in urban, peri-urban and rural areas, focusing on ensuring the quality of air, water and soil through concrete action and the promotion and articulation of various Government plans and programs in the short, medium and long terms.

CONSUMER LAW

National Authority for Economic Inspection and Food Safety - Setting-Up Commission Approved

By means of Presidential Order No. 70/20, of 26 May 2020, the President of the Republic approved the Setting-up Commission for the creation of the National Authority for Economic Inspection and Food Safety (ANIESA). ANIESA will be the only

entity competent to inspect economic activities and control the quality of food products.

ADMINISTRATIVE LAW

New Framework for Local Authority Fees Enacted

By means of Law No. 12/20, of 14 May 2020, the National Assembly approved the Local Authority Fees Framework (“LAFF”). The LAFF establishes the procedure for the creation of Local Authority fees, and determines the principles for setting such fees and their main features. Under the LAFF, Local Authority fees are payable by any natural or legal person for: (i) the specific provision of a local public service; and/or (ii) the removal of obstacles to the exercise of certain activities, notably:

- a) Construction, maintenance and reinforcement of urban infrastructures;
- b) Granting of licenses, authorizations and execution of administrative acts;
- c) Use and enjoyment of assets in the public and private domains of Local Authorities;
- d) Management of traffic and parking areas, public amenities for collective use, and rural and urban amenities;
- e) Provision of services relating to risk prevention and civil protection.

Local Authorities' Financial Regulations Approved

With a view to implementing the principle of local financial autonomy provided for in the Angolan Constitution, the National Assembly approved, by means of Law No. 13/20, of 14 May 2020, the Local Authorities Financial Regime (“LAFR”). The LAFR establishes the fundamental principles of Local Authorities’ finances, determines what are to be considered Local Authorities’ own revenues, provides for the possibility of Local Authorities creating special contributions, and establishes rules on indebtedness, the preparation, approval and execution of Local Authorities’ budgets, as well as rules on budgetary monitoring and accountability.

AVIATION

Agreement on Air Services Approved Between Angola and Switzerland

By means of Presidential Decree No. 139/20, of 20 May 2020, an Agreement on Air Services was approved between the Government of the Republic of Angola and the Swiss Federal Council. Among other things, the Agreement sets forth terms and conditions for the provision of international air services. The Agreement will enter into force when the Contracting Parties, through the exchange of diplomatic notes, notify each other of their compliance with legal formalities with regard to the entry into force of international agreements.

For further information about the content of this Legal News, please contact:

angola@mirandaalliance.com

mirandaalliance

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