



LEGAL NEWS

Republic of the Congo

February - April 2019

BUSINESS

RATIFICATION OF THE AFRICAN UNION FREE TRADE AREA TREATY

Law No. 2-2019, of 7 February 2019, has authorized the ratification by Congo-B of the African Union Free Trade Area Agreement. This treaty, which was signed by 49 African States on 21 March 2018, is to create a continental internal market allowing the free movement of people, capital, goods and services. This continent-wide internal market is expected to be the stepping stone for the enhancement of intra-African commerce, as well as for the integration and development of African economies. Having been ratified by 22 States as of 29 April 2019, the treaty shall enter into force on 30 May 2019.

URBAN PLANNING & CONSTRUCTION

URBAN PLANNING AND CONSTRUCTION RULES UPDATED

With a view to consolidate, update and align the existing urban planning and construction rules and policies which are scattered across various statutes, Law No. 6-2019, of 5 March 2019, enacted an

Urban Planning and Construction Code. Henceforth, all operations relating to construction must comply with the code provisions and obtain the required permits. The terms for approval and issuance of such permits, as well as quality control, health and safety measures, and insurance requirements, are some of the other matters that are governed by this statute. Considering the increase in real estate projects over the last couple of years, it is expected that this code be paramount in achieving an adequate real-estate development.

COMPLIANCE & ANTI-CORRUPTION

ELECTED OR APPOINTED SENIOR PUBLIC OFFICIALS REQUIRED TO DELCARE THEIR WEALTH

In furtherance of the Constitutional requirement on the filing of wealth declaration statements by public officials, Law No. 4-2019, of 7 February 2019, was enacted so as to detail the terms under which such a requirement is to be complied with. This statute applies, inter alia, to the President of the Republic, the Chairmen and members of the Senate and the National Assembly, the Prime Minister, Cabinet members and ambassadors, and requires these officials to file the abovementioned statements upon taking and upon leaving office, with a view to promoting greater transparency and to facilitating the investigation of corruption-related crimes, particularly in what concerns unlawful enrichment.

NEW ENTITY IN CHARGE OF INVESTIGATING CORRUPTION-RELATED CRIMES

The High Authority for the Fight Against Corruption, upon which the prevention and combatting of corruption-related crimes is incumbent, has been created by means of Law No. 3-2019, of 7 February 2019. This new entity replaces previous ones (i.e. the National Committee for the Fight Against Corruption, Fraud and Similar Offences, and the Anti-Corruption Observatory) and has powers to investigate corrupt practices, protect the identities of witnesses and other agents, and request information or documents from any public body or private entity on matters related to ongoing investigations, amongst other responsibilities.

LABOR

NATIONAL EMPLOYMENT AGENCY REPLACES ONEMO

In the context of the reforms underway in terms of the monitoring and management of employment, the National Employment Agency has been created by means of Law No. 7-2019, of 9 April 2019. With the purpose of increasing effectiveness in meeting the needs of the employment market, this Agency replaces the National Employment and Labor Office (ONEMO), and is tasked with overseeing the

implementation of employment-related statutes, supervising and assisting with job placements, creating a national database on employment supply and demand, and preparing the related statistical information, amongst other responsibilities.

BANKING & FINANCE

REGULATORY FUNDS TRANSFER AGENCY SEES ITS BY-LAWS APPROVED

The by-laws of the Regulatory Funds Transfer Agency have been approved by means of Decree No. 2019-88, of 9 April 2019. The purpose of this Agency, which was created in 2012, is to guide and monitor transfer of funds activities both inside and outside of the Republic of the Congo, notably by regulating and implementing policies on these activities, supervising them and monitoring foreign direct investments.

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