



## **COVID-19**

### End of Public Calamity Situation

Presidential Decree No. 112/22, of 16 May 2022, declared the end of the Public Calamity Situation in Angola. However, the general duty to protect public health remains applicable to all natural and collective, private and public entities, which must establish and enforce biosafety rules appropriate to contain the spread of the Covid-19 pandemic. In order to enter Angola, a pre-boarding PCR SARS-CoV-2 test, with a negative result, within 72 hours prior to travel, is still required. This legal statute entered into force on 16 May 2022 and revoked Presidential Decrees No. 142/20, of 25 May 2020, and 72/22, of 31 March 2022 (find further information on Miranda Alliance's Legal Alert of 18 May).

## **PRIVATIZATIONS**

Privatization of Banco Caixa Geral de Angola, S.A. and  
SECIL - Companhia de Cimentos do Lobito, S.A.

With the objective of promoting investment and private initiative, the privatization, by initial public offering (IPO), was authorized of 25% of shares representing the share capital of Banco Caixa Geral de Angola, S.A. (BCGA) held by the State.

Order No. 1774/22, of 3 May 2022, approved the launch of the Public Tender for the privatization of the State's 49% share in SECIL - Companhia de Cimentos do Lobito, S.A. The corresponding tender invitation, procedures manual and tender specifications were also approved.

## **NATIONALIZATIONS**

### New Law of Public Appropriation

Given the need to clarify the asset recovery regime carried out by the State, the Law of Public Appropriation was recently approved. The law creates a new regime, establishing three distinct forms of asset appropriation by the State: (i) nationalization; (ii) voluntary surrender; and (iii) judicial declaration of transfer of assets from the private legal sphere to the State's legal sphere. Law No. 13/22, of 25 May 2022, entered into force on the date of its publication and it applies to pending cases and proceedings.

## **TAX**

### Tax Benefits Code Enacted

Law No. 8/22, of 14 April 2022, approving the Tax Benefits Code, was recently enacted. The Tax Benefits Code entered into force on 14 May 2022 (i.e., within 30 days of the gazetting date). This Code consolidates and

regulates, in detail, the tax benefits generally applicable in Angola, thus contributing to greater certainty and simplicity in the granting and implementation thereof. The newly enacted statute repeals several separate laws which previously granted tax benefits, although the tax benefits granted prior to the entry into force of the Code are grandfathered and will remain in force until the end of the period for which they were granted (find further information on Miranda Alliance's Legal Alert of 20 April).

## Avoidance of Double Taxation Agreement between Angola and China Ratified

Ratification Letter No. 2/22, of 5 April 2022, ratified the Double Taxation Agreement between the Republic of Angola and the People's Republic of China. This agreement provides for taxation limits for certain types of income subject namely to Personal Income Tax, Industrial Tax, Property Tax, and Investment Income Tax.

## Procedures for the mandatory use of High Security Tax Stamps

Given the obligation to affix High Security Tax Stamps to alcoholic beverages and liquids, various types of non-alcoholic beverages, and tobacco and its equivalents, the rules for the use of these stamps have recently been approved. Thus, Executive Decree No. 149/22, of 10 March 2022, established the procedures applicable to the use of High Security Tax Stamps, namely with regards to the sealing process; sales prices; rules for requisition and affixing; conditions of use; use and validity periods; definition of package dimensions; and quantities, weight, and the

minimum and maximum number of package units. The entry into force of this statute is suspended until a new effective date is defined.

## **OIL & GAS**

### Licensing Round for Petroleum Concessions

Within the General Strategy for the Award of Petroleum Concessions for the period of 2019-2025, Order No. 1466/22, of 5 April 2022, authorized the Licensing Round for Petroleum Concessions for year 2021 and approved the respective Terms of Reference.

## **LABOUR**

### Drafting and Implementation of Job Qualifiers

Presidential Decree No. 96/22, of 2 May 2022, was approved, subjecting employers to rules on the drafting and implementation of job qualifiers, which have become mandatory for companies with more than ten (10) job posts with different functions. Both the lack of an occupational qualifier and its non-compliance with the rules now approved, are punishable by fines ranging from 3 to 10 times the company's average monthly salary. This legal statute entered into force on 2 May (find further information on Miranda Alliance's Legal Alert of 6 May).

### Mandatory Social Protection for Self-Employed Individuals

The regulations on the mandatory social protection regime for self-

employed individuals have been approved by Presidential Decree No. 97/22, of 2 May 2022. This new statute sets out the rules on the registration and enrollment with the Social Security of individuals that carry out a professional activity without an employment contract or similar document and are not enrolled with the social protection regime applicable to employees (find further information on Miranda Alliance's Legal Alert of 6 May).

## **BANKING**

### [New Rules for the Entry and Exit of Foreign Currency](#)

Through Order No. 6/22, of 3 March 2022, which entered into force on 2 April, the National Bank of Angola (BNA) updated the limits and conditions applicable to the entry and exit of cash (or bearer means of payment) in the country (find further information on Miranda Alliance's Legal Alert of 9 March).

### [New Rules Applicable to the Payment of Insurance and Reinsurance Contracts' premiums in the Oil & Gas Sector](#)

The BNA Order No. 7/22, of 15 March 2022, which entered into force on the same day, established, in certain situations, a preference for payment in Kwanzas of insurance and reinsurance contracts' premiums to which operators in the Oil & Gas Sector in Angola are parties (find further information on Miranda Alliance's Legal Alert of 29 March).

## Changes to Foreign Exchange Rules Applicable to Activities Related to Non-Associated Natural Gas and its By-products

Foreign exchange rules applicable to entities engaged in activities of prospecting, exploration, appraisal, development, production and sale of Non-Associated Natural Gas and its derivatives, such as condensate, Non-Associated Natural Gas liquids and Liquefied Natural Gas, as well as associated services, have been amended by means of BNA Order No. 8/22, of 25 March 2022. This statute repeals Order No. 3/21, of 12 April 2021.

## Housing and Building Loans Special Regimes Approved

By means of Order No. 9/22, of 25 March 2022, the BNA created the special regimes for housing and building loans and defined their respective terms, conditions and applicable costs, as well as the way in which these are taken into account when calculating the reserves requirements. This statute came into force on 5 June 2022.

## Minimum Conditions and Requirements for the Granting of Credit

Through Order No. 10/22, of 6 April 2022, the BNA has established the terms and conditions, the minimum requirements (in number and total value), and their treatment in the calculation of the reserves requirements of the credit that the Banking Financial Institutions must grant to the real sector of the economy.

## New Rules for the Incorporation of Currency and Credit Related Non-Banking Financial Institutions

In order to harmonize the regulations in the Angolan Financial System with international standards, the BNA has determined the new requirements and procedures for the authorization of the incorporation of non-banking financial institutions linked to currency and credit under its supervision. BNA Order No. 11/22, of 14 April 2022, came into effect on the date of its publication and revokes BNA Order No. 7/18, of 29 November 2018.

## Contributions to the Deposit Guarantee Fund

BNA Instruction No. 4/2022, of 29 March 2022, defined the rules and procedures regarding the annual contributions to the Deposit Guarantee Fund in Angola required of Banking Financial Institutions. This Instruction came into force on the date of its publication and revokes BNA Instructions Nos. 11/2020, of 29 May 2020, and 6/2021, of 15 April 2021.

## New Rules on Minimum Share Capital and Own Funds Applicable to Non-Banking Financial Institutions

BNA Order No. 12/22, of 4 May 2022, establishes the minimum share capital and regulatory own funds applicable to Non-Banking Financial Institutions, including, among others, Exchange Offices and Payment Service Providers. This statute revokes BNA Orders No. 8/18, of 29 November 2018, and 18/20, of 12 August 2022, and all regulations

inconsistent with the new provisions.

## Limit for Currency Position of Banking Financial Institutions Updated

Pursuant to BNA Order No. 13/22, of 4 May 2022, commercial banks must comply with a daily foreign exchange position that does not exceed 10% of their regulatory own funds. The Order also sets forth the calculation rules and relevant currency. This statute revokes BNA Order No. 12/21, of 23 December 2021, and BNA Directive No. 07/DSB/DRO/DMA/2019, of 2 January 2019.

### **SECURITIES**

## New Regulations on Autonomous Asset Compartments

CMC Regulation No. 3/22, of 9 March 2022, which came into force on 10 March, established the rules applicable to the incorporation, organization and operation of Investment Companies' Autonomous Asset Compartments.

This statute determines the requirements and procedures for authorization and registration processes, and complements the legal framework for Autonomous Asset Compartments. In particular, it determines the segregation between the assets of each compartment and establishes a minimum limit of Kz 10,000,000.00 as the global net amount after the first six months of activity.



**CRIMINAL**

## Criminal Procedure Code Amended

In order to strengthen suspects' and victims' rights in criminal proceedings, and to speed up criminal justice, the Criminal Procedure Code (CPP) was recently amended through the publication of Law No. 14/22, of 25 May 2022. Among the several changes introduced, the following stand out: (i) the increase of notification mechanisms for accused persons; (ii) the strengthening of the grounds for detention of accused persons out of *flagrante delicto*; (iii) the establishing of the autonomy of preventative detentions as guarantee measures; and (iv) the concept of the guarantee judge (*Juiz de Garantia*) and the definition of their powers. Law No. 14/22, of 25 May 2022, entered into effect on the date of its publication.

**ENVIRONMENT**

## New Table of Fees for Issuance and Renewal of Environmental Licenses for Environmental Impact Assessment

Considering the need to improve the business environment and promote administrative simplification, a new Table of Fees for the Issuance and Renewal of Environmental Licenses for Environmental Impact Assessment and the registration and renewal of certificates of environmental consulting firms was recently approved. Presidential Decree No. 83/22, of 12 April 2022, became effective on the date of its publication.

**RADIOACTIVE WASTE**

**Legal Regime for Radioactive Material Waste Sites  
approved**

The Regulations for Licensing Radiological Facilities, Choosing and Selecting Sites for Naturally Occurring Radioactive Material (NORM) Disposal and other radioactive waste deposits were recently approved, with the purpose of fostering, implementing and developing sustainable forms of good environmental management practices. Presidential Decree No. 105/22, of 10 May 2022, entered into force on the date of its publication.

Pursuing the same goal of protecting the environment and the life and health of citizens from the dangers of activities or sources of ionizing radiation, Presidential Decree No. 106/22, of 10 May 2022, was also published, establishing the general criteria and procedures for licensing initial, intermediate, provisional and final radioactive waste repositories.

**WATER RESOURCES**

**General Framework for the Development and Use of  
Water Resources of the Zambezi and Kwanza Basins  
approved**

Aiming the management optimizing of national water resources, the General Frameworks for the Development and Use of Water Resources of the Zambezi and Kwanza Basins (PGDURHBH Zambeze and PGDURHBH Cuanza) were recently gazetted. These instruments, approved by Presidential Decrees No. 81/22, of 11 April 2022, and 122/22, of 30 of May

2022, respectively, establish the guidelines for the participative, sustainable and equitable management of the basin's water resources, in order to stimulate economic and social development, and environmental conservation.

Covering approximately 1,390,000 km<sup>2</sup>, the Zambezi basin drainage area includes Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe, and is the main water resource for the populations of these regions. On the other hand, the Kwanza basin is the largest and most important hydrographic basin in Angola, reaching 152,570 km<sup>2</sup> of drainage area, and covering the provinces of Bié, Kwanza Norte, Kwanza Sul, Huambo, Luanda and Malanje.

## **FORESTRY**

### **International Tropical Timber Agreement Accession and SADC Protocol on Forestry Ratified**

In order to promote the expansion and diversification of the international tropical timber trade, and simultaneously ensure the sustainable use of forest resources and guarantee the protection of forests and biodiversity, Angola acceded, through Accession Letter No. 4/22, of 13 May 2022, the International Tropical Timber Agreement (ITTA - 2006).

With the same purpose of ensuring the effective management of ecological and forest systems, the provision of goods and services to the countries of the SADC Region, and adopting a common approach, the SADC Protocol on Forestry of 2002 was ratified, through Ratification Letter No. 10/22, of 13 May 2022.

## TOBACCO

### New Technical Regulation on Cigarettes

Executive Decree No. 151/22, of 11 March 2022, approved the Technical Regulation on the Cigarette, which establishes the Angolan Cigarette Technical Standard. In order to mitigate tobacco's adverse effects on public health, this Standard, drafted by the Angolan Institute for Standardization and Quality (*Instituto Angolano de Normalização e Qualidade - IANORQ*), defines the requirements applicable to the production, importation, exportation and commercialization of cigarettes.

## VISAS

### Community of Portuguese Speaking Countries

#### Mobility Agreement ratified

Angola recently ratified, through Ratification Letter No. 9/22, of 21 April 2022, the Agreement on Mobility between the Member States of the Community of Portuguese Speaking Countries (*Comunidade dos Países de Língua Portuguesa (CPLP)*). This agreement aims to significantly contribute to greater mobility and proximity among citizens of the CPLP and to increase cooperation in several areas, notably in the economic and social fields.

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