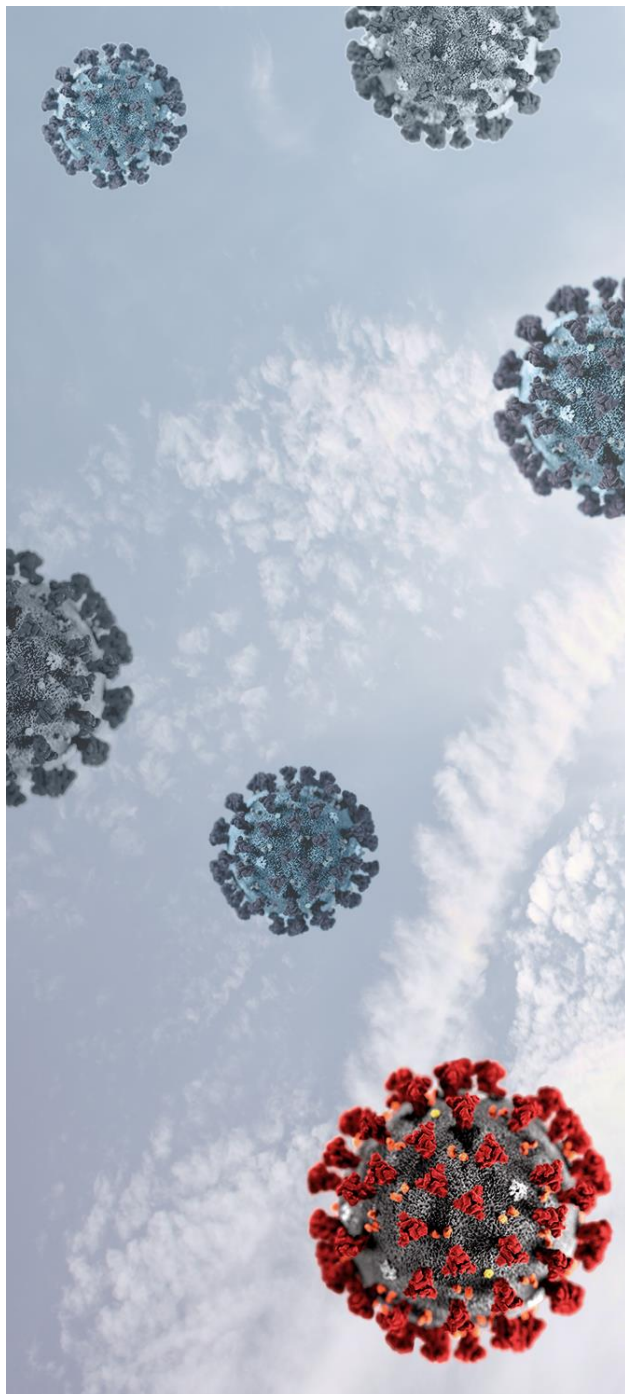

COVID-19: State of emergency in Angola

Newsletter | Angola

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- I. State of emergency in Angola and main measures adopted**
 - II. Sector legislation approved in the context of the pandemic**
 - III. Announcement from the National Bank of Angola**



I. Declaration of national state of emergency and adoption of exceptional restrictive measures

Given that COVID-19 has been declared a pandemic and the urgent need to strengthen provisions adopted to safeguard the life and health of the Angolan population, Transitional Presidential Legislative Decree 1/20 was approved on March 18, 2020.

This decree has imposed several measures to avoid cases being imported to Angola, and to prevent and contain the spread of the virus, including, without limitation: halting cross-border movement, quarantining people entering the country, prohibiting gatherings and recommending restricting physical contact.

With the situation worsening and the first cases of infection appearing in Angola, the President of the Republic declared a state of emergency, through Presidential Decree 81/20, of March 25, due to the imminent public disaster as a result of the pandemic. The state of emergency took effect from midnight on March 27 and will end at 11:59 pm on April 11, although it may be extended depending on how the situation progresses.

Presidential Decree 81/20 defined the scope and extent of the restrictions on citizens' rights, freedoms and guarantees that will be imposed for the duration of the state of emergency, specifically relating to rights of movement and economic freedoms, to prevent and contain the transmission of the virus.

The following day, on March 26, Presidential Decree 82/20 was published, regulating the state of emergency declaration and defining the specific, exceptional and temporary measures adopted to avoid the spread of the coronavirus and the COVID-19 disease while guaranteeing the functioning of essential services and the supply of essential goods.

The main restrictive measures adopted are presented below.

- **RESTRICTIONS ON THE RIGHT OF RESIDENCE AND MOVEMENT**

Moving around outside and staying in the streets is prohibited; citizens are to remain at home.

Citizens will only be permitted to go out when it is urgent and unavoidable for the following purposes:

- a) To buy essential goods and services
- b) To provide essential services
- c) For work and to carry out professional tasks that remain operating while the state of emergency persists
- d) To receive health care
- e) To deliver food products or medication to homes
- f) To care for vulnerable people



- g) To engage in volunteering activities
- h) To participate in public acts in institutions that remain operational
- i) To access banking services
- j) To travel to their place of work, where appropriate
- k) To return home
- l) To transport goods

Private vehicles can use public roads to perform the above activities. Essential goods and services must be bought from the closest establishments and services to citizens' homes.

In exceptional cases, staff of diplomatic and consular missions and international organizations based in Angola are also permitted to leave their homes if the trip is related to official functions.

Patients with COVID-19 or infected with coronavirus and the people for whom the health care authorities establish active surveillance are subject to mandatory quarantine, either in hospital or at home. Breaching quarantine constitutes an offense of disobedience and will also result in quarantine in hospital rather than in-home confinement.

Citizens most vulnerable to COVID-19 infection will receive special attention, i.e., over 60s, those with a chronic illness classed as high risk, and pregnant women and women with children under 12 years of age. If these citizens have a professional link to a public or private company that must provide services during the state of emergency, they will be exempt from going to work. However, this system does not apply to public office positions, to health care professionals, to traffic and mobility support operators, or to members of defense and security bodies.

▪ **NATIONAL AND PROVINCIAL HEALTH CLOSURE**

It is prohibited to enter or leave national territory by any means, and to travel between provinces throughout the national territory. Situations of extreme need and urgency are excluded from this restriction on movement, such as importing and exporting essential goods and services, and humanitarian aid, and moving patients in and out.

▪ **RESTRICTIONS ON OWNERSHIP AND PRIVATE ECONOMIC INITIATIVE RIGHTS**

The authorities can enforce the provision of any service and the use of movable and immovable assets, health care units, business and industrial establishments, companies and other production units, the opening and operation, closure or modification of an activity, volume and price of goods produced, and services provided by certain companies, establishments and production facilities.

Citizens excused from working during the state of emergency may be asked to work remotely. It is up to each public or private entity to define the arrangements for working from home.



▪ **GENERAL WORKERS' RIGHTS AND RIGHT TO STRIKE**

The authorities may compel any worker to show up for work and, if necessary, to perform their functions in a different location, a different entity and in specific working hours and conditions different from their current contract. This essentially applies to health, civil protection, security and defense workers, and other activities necessary for treating patients, preventing and combating the spread of the pandemic, producing, distributing and supplying essential goods and services, ensuring operation of vital economic sectors and critical networks and infrastructure, and maintaining public order and the rule of law.

The remote working system is mandatory if the corresponding functions enable it. Employees working remotely retain their rights, duties and obligations, particularly food allowances. It is prohibited to terminate legal and professional relationships due to workers' absence from the workplace. However, disciplinary measures may be adopted, particularly relating to workers who must provide services during the state of emergency.

The right to strike is suspended if it may compromise the operation of essential infrastructure or health care units, as well as vital economic sectors for producing, procuring and supplying essential goods and services for the population.

▪ **RESTRICTIONS ON THE FREEDOM OF ASSEMBLY AND DEMONSTRATION, POLITICAL ACTIVITY, SPORTING, CULTURAL AND RECREATIONAL ACTIVITIES, WORSHIP, AND RELIGIOUS CELEBRATIONS**

Political activities and events, meetings and demonstrations involving gatherings of over 50 people are prohibited. Recreational and leisure activities in the streets or in public places, sports competitions and training, cultural and artistic activities, and fairs and exhibitions are prohibited. Competitive sports establishments, public spaces used for sports and leisure, and swimming areas will remain closed, along with premises for cultural activities, museums, libraries, theaters, monuments and similar sites. Collective worship and religious celebrations are also suspended.

▪ **RESTRICTIONS ON BUSINESS ACTIVITY**

All private business establishments must remain closed, except the following:

- Wholesale and retail sale of food
- Banks and payment services
- Telecommunications and press, radio and television services
- Hotel sector
- Restaurants offering takeaway or delivery services
- Gas stations and all the services comprising the fuel supply chain
- Funeral parlors and related services
- Car maintenance and repair shops providing urgent maintenance services
- Other essential services for community life, with the competent health care entities' prior approval



The services described above may only close in cases of *force majeure*.

- **RESTRICTIONS ON INDUSTRIAL AND FARMING ACTIVITY**

All industrial units must close, except for the following:

- Food and beverage production
- Essential products for health services
- Oil production and the respective support services
- Mining
- Units working in continuous production cycles, specifically those that use high-temperature furnaces in their production process
- Cardboard, glass and plastic production units
- Any other unit classed as essential for community life, with the competent health care entities' prior approval

Farming production units and the family and subsistence farming activities may continue to operate.

- **PERMISSION TO IMPORT ESSENTIAL GOODS**

Importing foods, medication, biosafety material and other essential products is subject to the exceptional permits system jointly established by the Ministries of Finance, Economy and Planning, Transport and Trade, and the National Bank of Angola.

- **SUSPENSION OF PRESCRIPTION AND LIMITATION PERIODS**

Any legal prescription and limitation period for claims and rights will be suspended during the state of emergency.

- **VALIDITY OF EXPIRED OFFICIAL DOCUMENTS**

The following official documents will remain valid even if they have expired:

- Identity document
- Passport
- Tourist and work visa
- Resident alien document

- **LICENSES AND ADMINISTRATIVE ACTS**

Licenses, authorizations and other administrative acts will retain their validity, regardless of their term, while the state of emergency remains in force.



- **TENANT PROTECTION AND BANK LOANS**

Tenants under residential leases may not be evicted, although tenants will still be obliged to pay rent.

As for bank loans, demands for payment, notices of default and enforcements due to delay in complying with obligations will not take effect if compliance is not feasible as a result of the measures applied under the state of emergency declaration.

- **EXCEPTIONAL SYSTEM OF PUBLIC PROCUREMENT AND EX-POST TAX REGULARIZATION**

An exceptional simplified procurement system will apply to the acquisition of urgent goods and services necessary to control and combat the pandemic.

In terms of taxation, the ex-post regularization system will apply to interest payments on imported food, medication and other essential goods. The system's applicable mechanisms will be determined by the Ministry of Finance.

II. Sector legislation already approved to contain the COVID-19 pandemic

As mentioned above, the first regulation approved by the Angolan state to prevent the outbreak was Transitional Presidential Legislative Decree 1/20, of March 18, establishing the first restrictive measures to prevent and contain the spread of the virus.

That decree provides that the different ministries will take the additional measures they consider appropriate to deal with the COVID-19 pandemic, and so the sector legislation remaining in force was approved under it.

This is the case with Executive Decree 121/20, of March 24, Executive Decree 122/20, of March 24, and Executive Decree 123/20, of March 30.

- A) Executive Decree 121/20, of March 24, of the Ministry of Justice and Human Rights**

This decree suspended the following services to the public for fifteen days from March 24, 2020: registries and notaries, civil and criminal identification, one-stop-shop for business (GUE), and one-stop-shop for business owners (BUE), as well as all the activities of the Extra Judicial Resolution of Disputes (CREL) and the National Institute of Judiciary Studies (INEJ).

Incorporating companies online, holding scheduled weddings and providing minimum death-related services is not affected by that suspension.



B) Executive Decree 122/20, of March 24, of the Ministry of Public Administrations, Labor and Social Security

This decree establishes that all public and private companies, as well as other entities protected by the General Labor Law, must prepare and apply contingency plans under Transitional Presidential Legislative Decree 1/20, of March 18.

It also provides that absences of quarantined workers from the workplace and those whose professional activity has been suspended due to the pandemic must be considered justified, and employers' obligation to pay those workers' salaries in full and on time is unaffected.

C) Executive Decree 123/20, of March 30, of the Ministry of Finance

The administered price system applies to different medications and drugs used to prevent and treat COVID-19; it may subsequently be extended to other medications and drugs.

The regulations apply to all the economic agents who produce, distribute and market goods or provide services in the Angolan territory, except those governed by specific law.

The General Health Inspectorate, in coordination with the General Trade Inspectorate and the Criminal Investigation Services, is responsible for overseeing Executive Decree 123/20.

III. Announcement from the National Bank of Angola

After the state of emergency was declared, in an announcement of March 26, 2020, the National Bank of Angola announced a series of measures to guarantee the continuity of financial services and avoid restrictions on the operation of financial institutions.

These notably included the following measures:

- Financial institutions must guarantee the unlimited normal provision of their services, ensuring that access to their facilities is aligned with the health and safety conditions recommended by the Ministry of Health.
- Financial institutions must accept the submission of documents expiring during the current state of emergency or in the 30 days immediately before or after.
- Financial institutions must provide alternative means, particularly telephone numbers, emails, online banking or other digital solutions guaranteeing customers regular access to their accounts and balances and enabling remote transactions, as well as guaranteeing complete and regular operation of ATMs and payment and POS terminals throughout the national network.



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- With regard to remittance services and receipt of funds, duly authorized financial institutions must guarantee the maintenance of the services and, exceptionally, accept bank transfers from senders to settle transactions, if the anti-money laundering and countering financing of terrorism (AML/CFT) rules are observed.
- Within the context of supervision, to ensure that the institutions continue to play their role in the functioning of the real economy in an appropriate corporate governance and risk control framework during the state of emergency, the National Bank of Angola will suspend and extend the periods for submitting information through the Financial Institutions Portal (PIF), in accordance with a directive to be published shortly.



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Cuatrecasas has set up a Coronavirus Task Force, a multidisciplinary team that constantly analyses the situation emerging from the COVID-19 pandemic. For additional information, please contact our taskforce by email TFcoronavirusPT@cuatrecasas.com or through your usual contact at Cuatrecasas. You can read our publications or attend our webinars on our [website](#).

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