

Order no. 02/2020 of the Angolan Central Bank

On 9 January 2020, the Angolan Central Bank (BNA) published Order No. 02/2020 ("Order 2/2020"), which establishes the new rules and procedures governing foreign currency invisible transactions carried out by corporate entities. This Order expressly repeals the well-known Order no. 13/13, of 31 July 2013.

I - Scope

For the purposes of this Order 2/2020, current invisible transactions carried out by corporate entities are construed as current transactions that are not related to goods or capital, completed between the national and foreign territories or between residents and non-residents, with a maturity not exceeding 360 days.

Current invisible transactions carried out by oil companies are excluded from the scope of this new Order, as well as transactions related to transfers of remuneration resulting from financial and capital investments, including profits, dividends or interest.

II - Execution of Operations

One of the major novelties of Order 2/2020 is that current invisible transactions are no longer subject to licensing by the BNA, regardless of the amount. In fact, the execution of each transaction will only be subject to validation, registration (at the SINOC) and settlement by commercial banks.

For this purpose, commercial banks must make a thorough assessment of the nature, justification and legitimacy of each transaction based on the information they have on their clients and the relevant supporting documentation of the transaction, and are required to ask for additional information whenever their assessment of the operations raises any doubts and must refrain from executing any transaction until satisfactory clarification has been provided by the originator.

Another major innovation of Order 2/2020 is that current invisible transactions with a value not exceeding USD 25,000.00 no longer require a written contract, as the presentation of an invoice will

suffice. However, transfers related to transport services for the importation of goods and for educational, scientific and cultural purposes ordered by corporate entities do not require the presentation of a written contract, regardless of the relevant amount.

III- Additional notes

Order 2/2020 also lists the minimum characteristics that each contract or invoice must contain, reiterating the requirements that were already included in Order no. 13/13. In addition, the possibility of contracts and invoices being written in English or French, rather than Portuguese, is now allowed, provided that the commercial bank in question can understand them.

CONTACTS

João Robles | Partner | jmr@fcblegal.com