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ANGOLA | NEW LEGISLATIVE PACKAGE FOR THE MEDIA SECTOR

On January 23, 5 new laws were published in the Official Gazette of the Republic of Angola, which introduce substantial changes to the framework regarding access to and carrying out of activities in the Angolan media sector, as follows:

- Media Law ([Law nr. 1/17](#))
- Statutes of the Angolan Regulatory Authority for Media ([Law nr. 2/17](#))
- Law on the Exercise of Television Activity (“Television Law”, [Law nr. 3/17](#))
- Law on the Exercise of Radio Broadcasting Activity (“Radiobroadcasting Law”, [Law nr. 4/17](#))
- Law on the Journalist Status ([Law nr. 5/17](#))

OVERVIEW

Media Law

The new Media Law introduces several important novelties. Amongst them, we highlight:

- The inclusion of online media in the catalogue of media outlets, subject to the regulation stemming from general media legislation
- The clarification of limits to the freedom of the press, including limitatons on the basis of the protection of childhood and youth, State Secrecy, Judicial Secrecy and Professional Secrecy
- The implementation of the Angolan Regulatory Authority for the Media (“ERCA”)
- New rules concerning the approval, modification and infringement of the Editorial Statute
- New rules for Periodic Publications
- Regulation and supervision of News Agencies
- The compulsory registration of Media Companies and Periodic Publications

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- The prior licencing for the exploitation of satellite or cable distribution networks, must-carry obligations and the need for these operators to request and obtain an authorization from the Ministry for Media concerning the content of their programming grid
- New rules relating to the Right of Reply and Rectification
- Criminal liability framework aligned with the Angolan Criminal Code
- The amount of fines payable in case of infringement to Media Law, the rules for their payment and their enforced recovery

Statutes of the Angolan Regulatory Authority for the Media (“ERCA”)

The Statutes of the ERCA proceed to amend the designation of the National Media Council and profoundly reform its nature, prerogatives and functioning. Amongst the most important innovations, we find:

- The definition of the ERCA as an Independent Supervisory Authority
- The broadening of the list of entities subject to the regulation and supervision of the ERCA, including online media outlets
- The broadening of the ERCA’s prerogatives
- Rules on organization and functioning of the ERCA, defining: (a) the relevant capacity, skills and incompatibility requirements for the members of the ERCA; (b) rules on the composition, appointment mandate, termination, attributions, competences, rights, duties and functioning of the different bodies of the ERCA – the Executive Board, the Advisory Board, the Secretariat and the Single Auditor; (c) the definition of ERCA’s assets
- The introduction of a complaint procedure before the ERCA
- The sanctions framework to be applied by the ERCA

Television Law

The previous Media Law determined the end of the State monopoly regarding television activity in Angola, opening the sector to private investment. As such, Law nr. 3/17 now fills a specific regulatory gap concerning the television activity, previously exempted from regulation. Amongst its most important provisions, we point out:

- The compulsory registration of television and cable television distribution (“cable”) operators
- The rules concerning the incorporation, form, corporate purpose and ownership of media operators (which include television broadcasting operators and cable/on-demand audiovisual media services operators are included), where a limitation to foreign entities’ stake in the share capital of television broadcasting and cable operators is contemplated
- The definition of cases where access to the market is subject to a concession, license or authorization

- The boundaries of programming and distribution freedom, with the definition of, notably: (a) contents of mandatory dissemination; (b) prohibition of acquisition of exclusive rights; (c) the adoption of an Editorial Statute and an Editorial Board; (d) the mandatory recording of broadcasts; (e) rules relating to advertisement; (f) rules concerning the language of broadcast and the support to Angolan and African productions
- Rules applicable to audiovisual marketing communications and television advertisement
- Quotas applicable to the broadcasting of Angolan and African productions
- The definition of public television service
- Civil, criminal and administrative liability framework applicable to television activities

Radio Broadcasting Law

This law intends to modernize the sector's regulation, adjusting it to the "new political, economic and social reality of the country". The main novelties introduced are:

- Minimum share capital of entities carrying out radio broadcasting activities
- Rules concerning competition, mergers and ownership of radio broadcasting companies
- The broadening of the purposes of radio broadcasting activities, including contribution "to the common good and education of the people, (...) the defense of democracy, (...) recreation and leisure of populations"
- The compulsory registration of radio broadcasting operators
- The distinction between terrestrial digital radio broadcasting and analogic radio broadcasting
- The rules applicable to tenders, granting of licenses and the exercise of radio broadcasting activities
- The mandatory adoption of an Editorial Statute and mandatory recording and maintenance of broadcasts for a minimum period
- The definition of sanctions applicable to the unlawful exercise of radio broadcasting activities

Law on the Journalist Statute

This diploma disciplines the requirements for journalists to carry out activities in Angola, introducing major changes *vis-a-vis* the prior framework. Amongst them, we stress:

- Specific requirements for carrying out activities as journalists in Angola (minimum age, qualification, Professional Card or Press Card, compulsory registration with the Ministry for Media)
- The distinction between "journalist" and "specialized collaborator"
- The broadening of the incompatibilities regime
- Limitations to the right to access information sources
- New rules concerning journalists' liability in the event of infringement

WHAT'S NEXT?

Given the changes introduced by the new legislative package, companies that are present in the Angolan media sector shall now assess which measures they should adopt in order to comply with the new legal framework, within the deadlines defined by the regulator (which vary between 90 days and 18 months, depending on the pursued activity).

Namely, these companies should now act in view of:

- Adapting/regularize their corporate structure in the light of the legal requirements defined by the legislator, notably in what concerns the ownership of media companies assets and their minimum share capital
- Preparing the communications to be sent to the Ministry for Media, the ERCA and the Angolan Institute for Communications (INACOM), in accordance with the different acts, namely for purposes of registration with the relevant authorities
- Reforming or obtaining the necessary habilitating titles and documents to carry out media activities in Angola
- Restructuring their HR, in order to attain compliance with the requirements defined for local empowerment

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