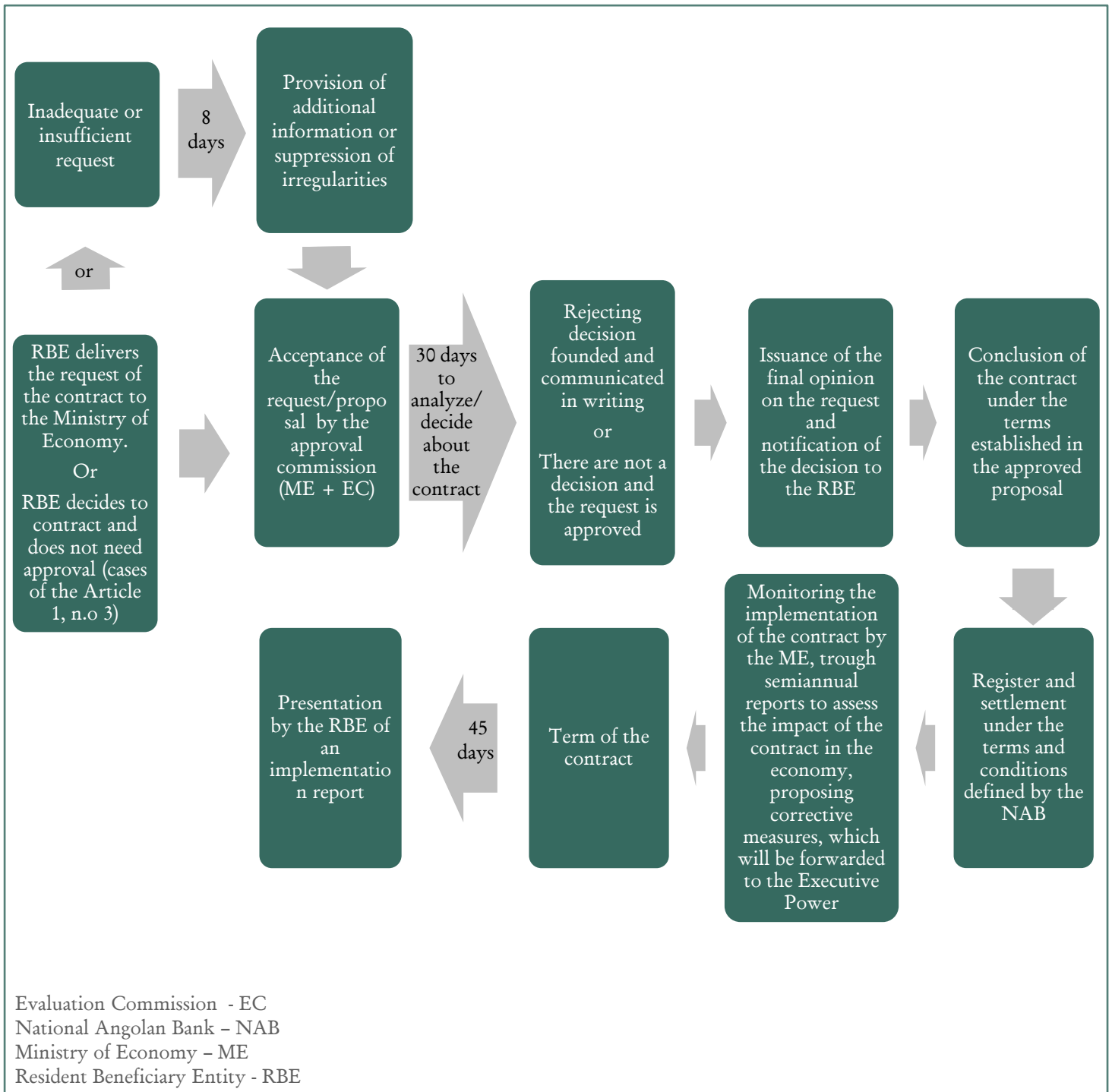


ANGOLA | Regulations on Contracting the Provision of Foreign Technical Assistance and Management Services

In the past October 27 it was published and entered into force the Presidential Decree 273/11 which establishes the terms and conditions to be fulfilled by the Contracts for the Provision of Foreign Technical Assistance and Management Services, to be concluded with private and joint enterprises, and non-resident entities.

- The Presidential Decree defines these contracts as the “acquisition from non-resident legal entities of the specialized administrative, scientific and technical services necessary to maintain, improve or increase production capacity for either goods or services as well as to increase the level of professional training of employees requiring knowledge on the part of the provider that cannot be found in the country”
- All of the contracts for the provision of foreign technical assistance and management services are subject to the rules of the Presidential Decree, except:
 - i. Technology contracts;
 - ii. Individual hiring of specialists;
 - iii. Contracts entered into with public companies;
 - iv. Contracts entered into with companies from the oil and diamond sectors;
 - v. Contracts entered into under the Private Investment Law with the respective foreign associates, except for some particular cases;
 - vi. Contracts concluded between the same parties and whose sum exceeds the annual amount of USD 300.000,00, which are subject to the analysis and decision of the Evaluation Commission which has its own constitution and deliberation rules, set out on Article 11 of the Presidential Decree.
- The term of these contracts shall not exceed 36 months, unless expressly authorized by the Ministry of Economy.
- Requirements for foreign contracting:
 - i. The services, given their expertise and complexity, cannot be obtained in the Country; or
 - ii. The services fall into the implementation of predetermined programs involving expertise; or
 - iii. The contracting of the services entails significant advantages for the company or service which requests it and to the national economy; or
 - iv. Its purpose contributes significantly to the economic development of the country.
- The negotiation, drafting and implementation control of contracts with a value less than or equal to USD 300.000,00 and with deadlines less than or equal to 12 months, are the exclusive responsibility of the resident beneficiary entity (“legal resident person legally exercising its activity in Angola”), and the remaining contracts are subject to prior approval of the Ministry of Economy and the Evaluation Commission.
- These contracts must contain a set of clauses, better identified in Articles 4 and 6 of the Presidential Decree. The Article 5 of the mentioned legislation also lists the forbidden clauses, under penalty of the contract being declared null and void.
- There are five stages of contracting:
 - (1) Negotiation;
 - (2) Acceptance of the proposal/ Approval;
 - (3) Conclusion of the contract;
 - (4) Registry; and
 - (5) Contract for execution.

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