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New Regulation on Pollution Prevention and Control in National Waters

On June 21 past, the Presidential Decree no. 141/12, of 21 of June was published, approving the Regulation on Pollution Prevention and Control in National Waters ("Regulation"), in compliance with article 19, no. 2 of the Law nr. 5/98, of 19 of June (Angolan Environmental Framework Law).

Object and Scope

The Regulation established the legal regime on prevention, surveillance and control of pollution in national waters by pollutants from ships, vessels, platforms and industrial facilities, and applies to:

- > Ships and Angolan flag navigation vessels or foreign flag navigation vessels in waters under national jurisdiction;
- > Platforms located in waters under national jurisdiction;
- > Industrial facilities, ships or national and foreign vessels subject to inspection by the Environment Authority.

Chapter IX also provides rules for the prevention of air pollution, caused by ships, vessels and platforms.

Pollution Prevention in National Waters

Chapters II to VIII of the Regulation establish rules on prevention, surveillance and control of pollution in national waters, under the following terms:

- > Prevention of Pollution caused by Hydrocarbons;
- > Prevention of Water Pollution caused by Noxious Liquid Substances carried in Bulk;
- > Prevention of Pollution caused by Sewage from Ships, Vessels and Platforms;
- > Prevention of Pollution caused by Waste;
- > Prevention of Voluntary Discharges at Sea of any type of Waste, Debris or other Substances;
- > Water Pollution Prevention and Control Measures regarding loading, unloading and handling of Hydrocarbons;
- > Pollution Prevention and Control Measures regarding Fuel Supply Operations for Ships.

Prevention of Air Pollution caused by Ships, Vessels and Platforms

According to Chapter IX of the Regulation, all ships, vessels and platforms with gross tonnage equal or exceeding 400 tones, operating or sailing on the Republic of Angola waters, shall hold a certificate for the prevention of air pollution.

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Ships and vessels with gross tonnage beneath 400 tones shall also take specific measures to guarantee the minimum compliance with international regulations provided by the International Maritime Organization.

Survey and Inspection

Ships, vessels, platforms and industrial facilities are under the obligation to perform periodical surveys and inspections, in order to assure compliance with the MARPOL Convention 73 and 78, and with the Regulation.

Contamination Prevention Certificates

Ships, vessels and oil platforms are under the obligation to hold all contamination prevention certificates, duly updated, issued by the maritime authorities of the country of registration or by authorized classifying companies.

Insurance Certificate

All ships, vessels, oil companies or industries must hold an insurance to cover damages caused by pollution of the environment. In case of pollution caused by ships, vessels and platforms, assets shall be apprehended or activities suspended until all necessary insurances have been obtained.

Emergency Plan

Each ship, vessel or Angolan flag oil platform shall have on board an emergency plan to fight water pollution, according to the MARPOL Convention and existing legislation, for inspection by the Environmental Authority or other national entities.

Fines and Penalties

Whenever a damage to the environment is verified, resulting in the violation of any legal rule or requirement contained in an environmental license, the polluting agent shall be subject to the payment of a fine ranging between USD 1,000,00 and USD 100,000,00 (one thousand American dollars and one hundred thousand American dollars).

The ship-owner or the operator shall bear all clean-up costs and repair all damages caused, directly or indirectly, to public or private economic operators.

Liability

The ship-owner or operator of any ship, vessel, oil platform or industry, shall be liable for all damages caused, unless if it is proved that the damage was exclusively caused by acts of war, hostilities, civil war, rebellion or exceptional, ineluctable and irresistible natural phenomena.

Entry into force

The Regulation on Pollution Prevention and Control in National Waters entered into force on June 21, 2012.

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