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SUMMARY

The President of the Republic

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Presidential Decree No. 74/15 :

Approves the Regulation of Non Governmental Organizations - repeals all legislation contrary to the provisions in this Decree, namely Decree No. 84/02 of 31 December.

REGULATION OF NON-GOVERNMENTAL ORGANIZATIONS

CHAPTER I General Provisions

ARTICLE 1 (Subject)

This Decree establishes the legal regime of the activity of exercise and functioning of non-governmental organizations operating in Angola, hereinafter referred to as "NGO", as long as enrolled in the Institute for Community Aid Promotion and Coordination.

ARTICLE 2. (Scope)

This Decree applies to all NGOs operating in the country.

ARTICLE 3. (Legal nature)

For the purposes of this Decree, NGOs are legal collective entities consisting of two or more individual or legal persons and not aiming at achieving economic profit for its associates.

ARTICLE 4.

(Legal regime)

NGOs are governed by Law no. 6/12, of 18 January, by this Regulation and other applicable legislation.

ARTICLE 5.
(Classification)

Under this Regulation, NGOs are classified as national and international, being:

- a) National NGOs, those constituted in Angola, regardless of operating also in other countries;
- b) International NGOs, those legally constituted in a foreign country and registered in Angola.

CHAPTER II
Constitution, Enrolment and Registration of NGOs

SECTION I
National NGOs

ARTICLE 6
(Constitution)

National NGO are constituted and acquire legal personality under the law.

ARTICLE 7
(Enrolment)

1. National NGOs must enrol with the Institute for the Community Aid Promotion and Coordination, by submitting the following documents:

- a) Letter to the relevant Organ from which it requests registration for the exercise of its activities;
- b) Clearance certificate for the NGO association to be issued by the Ministry of Justice and Human Rights;
- c) Certified copy of the Official Gazette that publishes the Statute of the NGO association;
- d) Program and areas of intervention.

2. Subject to observance of the requirements of the preceding paragraph and after analysis of the documentation submitted, one of the following orders is issued within 15 days, as appropriate:

a) Enrolment when the validity of the documentation submitted by the NGO has been checked and assessed;

b) Improvement, in case of lack or invalidity of any submitted document;

3. In case of improvement, when the submitted documentation fails to meet the legal requirements within 10 days, the request is implicitly rejected.

SECTION II International NGOs

ARTICLE 8. (Registration)

1. The NGO legally constituted in a foreign country wishing to engage in activities on the national territory must register with the Ministry of Justice and Human Rights.

2. For registration, the international NGO must submit the following documents:

a) Letter to the Ministry of Justice and Human Rights, requesting registration in Angola;

b) Copy of the statute and the constitution act translated into Portuguese language and authenticated by the diplomatic representation of the Republic of Angola in the country of origin;

c) Letter of intent and programs / projects that the NGO intends to implement in Angola, including their detailed budgets and origin of financial and patrimonial resources;

d) Declaration of suitability issued by the competent organ in the country of origin and authenticated by the diplomatic or consular representation of the Republic of Angola;

e) Curriculum vitae of the representative in Angola;

f) Criminal record of the representative in Angola;

g) Power of Attorney issued by the responsible for its representative in Angola, for which s(he) confers powers to make commitments and arrangements necessary for the regular and proper exercise of activities;

h) A copy of the agreement between the Angolan State and the State of the country of origin of the NGO, when the source of funding comes from this agreement.

3. Subject to the requirements described in the preceding paragraph and analyzed the presented documentation, one of the following orders is issued within 15 days, as appropriate:

- a) Registration, when the suitability of the submitted documentation is assessed;
- b) Improvement, in case of lack or invalidity of any submitted document.

4. In the case of improvement, when the submitted documentation does not meet the requirements within 10 days, the request is implicitly rejected.

5. The registration shall be published in the Official Gazette.

ARTICLE 9. (Description)

International NGOs should, after registration, proceed to their enrolment with the Ministry of External Relations and Institute for Community Aid Promotion and Coordination.

ARTICLE 10. (Enrolment in the Ministry of External Relations)

1. The enrolment of NGOs in the Ministerial Department responsible for External Relations is examined upon presentation of the following documents:

- a) Letter to the Organ to which the enrolment is being requested;
- b) Certified copy of registration certificate issued by the Ministry of Justice and Human Rights;
- c) A copy of the documents mentioned in b), c), d), e), f), g) and h) of no. 2 of Article 8.

2. Subject to the requirements described in the preceding paragraph and analyzed the documentation submitted, is issued within 15 days, as appropriate, one of the following orders:

- a) enrolment, when the suitability of the submitted documentation is assessed;
- b) Improvement, in cases of lack or invalidity of any submitted document.

3. In the case of improvement, when the submitted documentation does not meet the requirements within 10 days, the request is implicitly rejected.

ARTICLE 11. (Enrolment in the Institute for the Community Aid Promotion and Coordination)

1. The registration of international NGOs at the Institute for the Community Aid Promotion and Coordination, hereinafter referred to as 'IPROCAC' is made through submission of the following documents:

a) Letter to the Organ to which the enrolment is being requested with indication of the activity to be undertaken;

b) a certified copy of the certificate of registration issued by the Ministry of Justice and Human Rights and of the documents mentioned in b), c), d), e), f), g) and h) of n.º 2 of Article 8.

2. Subject to the requirements described in the preceding paragraph and analyzed documentation submitted, one of the following orders is issued within 15 days, as appropriate:

a) Enrolment when the suitability of the submitted documentation has been assessed;

b) Improvement, in cases of lack or invalidity of any submitted document.

3. In the case of improvement, when the submitted documentation does not meet the requirements within 10 days, the request is implicitly rejected.

CHAPTER III

Functioning of NGOs

ARTICLE 12.

(Field of activity)

NGOs exercise the activities for which they were established, taking into account local initiatives of receiving communities and the social and economic policies defined by the Executive in the following areas:

u) Humanitarian and social assistance, health, nutrition, food safety and environment;

h) Protection and promotion of human rights;

e) Training, education, culture, recreation, science and technology;

d) Environmental assistance and protection;

e) Social and international solidarity;

f) Demining;

g) Community promotion and development;

h) Recovery and preservation of historical and cultural heritage;

j) Dissemination of information and public awareness, with a view to promoting peace and social well-being

j) Emergency assistance provision, update and dissemination of the implementation of programs;

. k) Psychological assistance, socio-therapeutic and social reintegration of vulnerable groups;

l) Training and socio-professional integration;

m) Other activities permitted by law.

ARTICLE 13 °.

(Partnership and cooperation)

1. NGOs should promote cooperation with the Executive and other institutions in the pursuit of their goals, without prejudice to the partnership between them.

2. The partnership between national and international NGOs should take the sustainability of the former into consideration.

3. Cooperation between two NGOs must respect the identity of each one and does not invalidate the simultaneous establishment of partnerships with communities, institutions and the Executive agencies/State bodies, unless previously agreed and expressed in appropriate instrument.

ARTICLE 14

(Collaboration)

1. NGOs can establish forms of collaboration with other associations aiming at common use of services or equipment, development programs, projects and actions in complementarity regime and mode.

2. NGOs can also establish forms of cooperation with a view to:

a) Organize services of joint interest and action in order to rationalize the means;

b) Develop actions with public and private entities, not prohibited under this law.

ARTICLE 15.

(Sources of funding)

1. At the beginning of their activities, NGOs must communicate to IPROCAC the source or sources of funding and available amounts.

2. NGOs are free to acquire any kind of funding for the implementation of their programs, provided that the source is not an individual or body corporate being investigated in Angola or outside the country for crimes or underlying actions in particular:

- a) Money laundering;
- b) Financing of terrorism;
- c) Tax evasion;
- d) Terrorism;
- e) Mercenary endeavours and activities;
- J) Drug trafficking;
- g) Racism;
- h) Xenophobia;
- j) Trafficking of human organs or in human beings;
- j) Incitement to violence or use of force for removal of democratically instituted powers;
- k) Bribery and corruption;
- l) Other activities contrary to the principles defended by the Angolan people or national sovereign bodies.

3. Without prejudice to provisions as in n.º 2, the financing by any government entity of another country to national and international NGOs operating in Angola should occur, necessarily, based on a signed agreement between the respective States.

4. The financing by other non-governmental foreign bodies, to national or international NGOs operating in Angola, should take place, necessarily, on the basis of an agreement in writing, subject to approval by IPROCAC.

5. Failure to comply with the provisions of the preceding paragraphs shall be grounds for suspension and termination of NGOs, regardless of civil or criminal liability under the law.

6. The Executive may pass and enact specific legislation or an NGO funding scheme using the State General Budget.

ARTICLE 16. (Public interest)

The legally constituted NGOs acquire the status of public utility associations, in accordance with applicable legislation to the matter.

ARTICLE 17 (State support)

1. The State accepts, supports and values the contribution of NGOs in furtherance of the social and economic rights, and development aid.

2. The State support is realized through technical or financial assistance, to be established by agreement or contract program without limitation to the right to free association.

3. Irregularities in the implementation of the financial support by the NGO involve:

- a) The suspension of it and the return of the amounts received;
- b) The prohibition to compete for support for a period of five years;
- c) Civil and criminal liability under the law.

CHAPTER IV Supervision and Coordination

Article 18 (Supervision)

1. In carrying out their activities, NGOs are subject to supervision by the Ministerial Department responsible for Social Welfare and Re-insertion, in collaboration with others corresponding to their activity and the Provincial Government of the area of operation, subject to the control of legality by the State prosecutors.

2. The Ministerial Department in charge of Social Welfare and Re-insertion supervises the activities of NGOs through the IPROCAC, whose duties are defined in its Organic Statute.

ARTICLE 19 (Coordination)

1. IPROCAC is the Executive body mandated to coordinate and monitor the activities of NGOs, as well as set or guide the site of execution of their programs, in consultation with the relevant Ministerial Department for their activities and the Provincial Government of the area of operation.

2. In the exercise of coordination, the State organ or agency responsible for it shall be assisted by a Technical Board, whose competence and functioning is defined in its Organic Statute.

ARTICLE 20. (Powers)

Without prejudice to the provisions of its Organic Statute, the IPROCAC has the following competencies:

- a) coordinates, monitors, controls and supervises the activities of NGOs;
- b) Sets the complementary programs and projects to the actions of the Executive to be developed by NGOs;
- c) Decides, in consultation with the relevant Ministerial Departments and local authorities, provinces or regions of the country where the projects are to be executed;
- d) Supports NGOs on issues of an administrative nature under this Decree;
- e) Audits the accounts of NGOs;
- f) Monitors and controls all funding granted to the Republic of Angola through NGOs;
- g) Exercises any other powers established by law or superiorly determined.

CHAPTER V Rights and Duties

Article 21 (Rights of the beneficiaries)

1. The rights and interests of beneficiaries from the activities of NGOs have precedence over those of the institutions, associates or founders.
2. The dignity and privacy of the beneficiaries' life must be respected and cannot suffer discrimination based on ideological, political, religious or racial criteria.
3. Restrictions to the scope of action covering specific needs of groups or people with certain conditions are not considered as discrimination that violates the provisions of the preceding paragraph.

Article 22 of (Rights of NGOs)

Without prejudice to the enjoyment of other prerogatives as specifically provided in other legislation, NGOs have the following rights:

- a) To exercise their activities, subject to authorization;
- b) Not be terminated except in accordance with law;
- c) To receive public funding when developing programs under the conditions set by the Executive;
- d) Get specific answers on the queries and petitions submitted to Public Administration governing Bodies.

Article 23
(Duties of NGOs)

1. Without prejudice to other duties provided for in specific laws, NGOs are required to:

- a) Respect the Constitution of the Republic of Angola and other legislation in force;
- b) Refrain from the practice of political party actions of or a subversive nature;
- c) Refrain from involvement in or practice directly or indirectly related activities of money laundering, bribery and financing of terrorism, as well as obtaining advantages of illicit origin;
- d) Participate in the implementation of socio-economic programs approved by the Executive;
- e) Implement the projects approved in the country or county as determined by IPROCAC;
- f) Implement the projects under the coordination and supervision of the Provincial Government, in the framework of the planned needs and priorities for the area of intervention,
- g) Provide IPROCAC with information in the form of interim, monthly, quarterly, semi-annual and annual reports, during and at the end of projects;
- h) Open a bank account in the country where the funds for projects should be deposited;
- i) Procure and acquire the material and equipment needed for projects in the domestic market, using only and exclusively imports when proven non-existence of the needed goods and equipment in the country;
- j) Account in the budget of all projects indirect donations made by the Angolan State, in particular with tax and fees exemptions, tax benefits and all the benefits that are subject to the execution of projects;
- k) Submit to IPROCAC, until the month of March, the annual report and past year's exercise of accounts as well as forecasts of internal and external grants receivable in the current year;
- l) Establish partnerships; enter into contracts for the acquisition of goods and services to the individual or body corporate, by open public tender procedure wherever required by law or under special regime;

- m) Promote, preserve and respect the traditional customs and habits of the context in which they operate;
- n) Promote education, civic and technical professional training of its members, workers, employees and beneficiaries of their actions;
- o) Inform the IPROCAC on the movement of expatriate staff, with regard to hiring, transfer and dismissal;
- p) Provide official entities and bodies in charge of matters related to NGOs with information on the terms and according to deadlines as defined in this Regulation;
- q) Promptly comply with tax obligations, requirements of social security, tax on labour income, liability and work injury insurance as well as those of house rent contract payments, equipment rental, livestock consumer goods and public services;
- r) Submit to IPROCAC until October 31 of each year, all projects to be implemented the following year, including their detailed budgets for planning purposes.

2. The report referred to in paragraph g) above must contain, among other information, a table showing the source of funds or financial resources, relation of imported goods and those purchased internally, action plan for the coming year and evaluation of established partnerships.

3. Failure to comply with the provisions of this article shall be ground for suspension or termination of activities of NGOs involved in the case, for the case of national NGOs or ban from acting in the national space, in the case of international NGOs.

CHAPTER VI Regime of Staff

ARTICLE 24 (National workers)

- 1. Recruitment and hiring of workers in NGOs is governed by the General Labour Law and other relevant legislation in force in Angola.
- 2. Unless otherwise agreed between the parties, the duration of the employment contract must coincide with the time allotted for the implementation of the project to develop.
- 3. The employment contract between domestic workers and NGOs may be renewed for periods of time defined in accordance with current legislation.
- 4. The basic pay and other supplements to be allocated to domestic workers should not be less than those assigned for foreign workers with the same function and qualification, except for supplements and subsidies legally assigned for foreign workers only.

Article 25 of
(Foreign workers)

1. NGOs can resort to hiring qualified foreign labour force, resident or not, provided it is not possible to recruit national labour force, in accordance with applicable legislation to this matter.
2. The regime stipulated in n. ° 2 and 3 of the previous article shall extend to foreign workers.
3. Foreign workers who serve in NGOs are exempted from obligation to deposit 5% of basic pay as expressed in the contract, in accordance with the provisions of article 6 of Decree n. ° 5/95 of 7 April.
4. NGOs must provide copies of foreign workers' contract to the Ministerial Department responsible for Public Administration, Employment and Social Security, and to the Migration and Foreigners Service and the IPROCAC.

Article 26
(Entry and stay of foreigners)

1. Workers of NGOs moving into the territory of the Republic of Angola on a mission of rescue, emergency or humanitarian aid, are granted a visa in accordance with the legislation into force.
2. It may be issued visas with duration equal to the project, with multiple entries and exits for expatriate staff, consultants and NGO experts in accordance with the legislation in force.

Article 27 of
(Extension of visas)

1. International NGOs that are in Angola and need issuance or extension of visas in favour of expatriate staff under their dependence should initiate a process with the documentation required under the legislation in force and submit it to IPROCAC for proper treatment.
2. IPROCAC after verifying the conformity of received documentation shall forward the case to the service responsible for Migration and Foreigners.
3. A visa issued to foreign citizens only gives the holder the right to engage in the activity for which it was issued.
4. A permanent or temporary transfer of foreign workers between NGOs should be preceded by an opinion from IPROCAC, requesting approval by the Service for Migration and Foreigners and the Ministerial Department responsible for Public Administration, Employment and Social Security.

5. The Service for Migration and Foreigners may issue a new visa in favour of the transferee or endorse the amendment in accordance with the legislation in force.

CHAPTER VII Customs and Fiscal Regime

Article 28 (Import and export)

1. Without prejudice to the provisions of paragraph j) n.º 1 of Article 23 of this Regulation, the import of goods by NGOs must obey provisions of the legislation.

2. The export of goods and equipment made by NGOs follows the regime established in the Customs Tariff and other legislation applicable to the matter.

Article 29 (Baggage)

1. Baggage and personal effects of foreign technicians with temporary residence in the country as well as the family members who accompany them and live with them are subject to customs concept of luggage according to customs law and other legislation applicable to the matter.

2. Of the goods referred to above, a detailed relation shall be drawn up in triplicate, with one copy returned to the person concerned upon entry.

3. Same procedure as referred to above must be observed with regard to re-exportable property, equipment and materials, purchased with capital of NGOs, and for which taxes due should be paid in case of sale.

Article 30 of (Fiscal regime)

1. NGOs must make entry/enrol in the Ministerial Department responsible for Public Finances, for tax registration.

2. NGOs may be eligible for reduction on taxes and fees due, grace periods or split payments on acquisition of real estate for implementation of their projects, according to the legislation in force.

3. The amount of the exemption is computed as a contribution to the project.

4. The exemptions provided for in the preceding paragraph does not include fines or costs of proceedings for offenses, misdemeanours or similar matters in particular customs and tax matters.

CHAPTER VIII Accountability, Services and Benefits

Article 31
(Accounting)

In the processing of accounting and financial information and data, NGOs must comply with procedures as defined under the laws in force on the matter.

ARTICLE 32
(Supervision)

1. Competent bodies on NGO's areas of activity may order inquiries, investigations and inspections to NGOs.

2. The Executive may, whenever deemed necessary, order to conduct independent audits to NGOs, through public or private bodies authorized for that purpose.

Article 33 of
(Patrimony)

1. The following form part of an NGO's patrimony: values and rights that it holds, property and equipment acquired with own funds and those resulting from the sale of donated goods, but with the written consent of the donor.

2. For the purposes of the preceding paragraph, the following is considered as part of an NGO's own patrimony: own material and equipment acquired without the use of gift or for exclusive use of the organization.

ARTICLE 34
(Disposing of goods)

1. Where NGOs have public projects running or completed they may sell or donate to public entities or other NGOs, material goods or equipment purchased with own funds, in connection with such projects.

2. The sale (alienation) of goods from foreign donations is subject to prior authorization from the Ministerial Department responsible for Public Finances, on the advice of IPROCAC.

3. Goods and equipment purchased or imported using the funds donated to the Angolan people are not likely subject to re-export or sale, but shall be delivered to the community, the Ministerial Department or Provincial Government corresponding to the NGO's activity and area of operation, respectively, at the closing ceremony of the NGO's activities.

ARTICLE 35
(Tax relief)

1. The transfer free of charge of goods and equipment, mentioned in the previous article shall not affect the tax benefits obtained, nor imposes the obligation to pay new taxes or fees.

2. In the case of a costly transfer the benefits are subject to payment of taxes due.

ARTICLE 36

(Collection of service fees)

IPROCAC is allowed to charge service fees on the application for issuance of entry and exit visas, and employment visas for expatriate staff as well as other services in accordance with law in force.

CHAPTER IX

Suspension

ARTICLE 37

(NGO activity suspension)

1. The NGO activity can be suspended by the Public Prosecution Authority where it has strong evidence of the practice of illegal or harmful acts to the sovereignty and integrity of the Republic of Angola.

2. For the purposes of the preceding paragraph, any interested party may make a denunciation to the Prosecutor.

3. Where the Public Prosecutor suspends the activities of an NGO, the decision should be notified to the Ministerial Department corresponding to the activity to which the NGO is dedicated and IPROCAC, for proper monitoring and control.

4. The entities referred to in the preceding paragraph and all stakeholders should, on their own initiative, inform the National Bank of Angola and the Public Prosecutor whenever they suspect or have reasonable grounds to suspect that an operation likely to set the practice of crimes of money laundering or financing terrorism took place, is in progress or was attempted, being assured about non-disclosure of the identity or source of information.

Article 38

(Other causes for suspension)

1. NGOs can be suspended if they do not perform for a period of two years, activities beneficial to the community, or for the social purpose for which they were established.

2. Without prejudice to the provisions of paragraph 4 of Article 48 of the Constitution of the Republic of Angola, NGOs can also be suspended for the verification of the following:

- a) When its purpose or mission has exhausted or has become impossible, or is pursued through illegal or immoral means.
- b) For insolvency;
- c) Pursue activities not in accordance with the statutory objectives;
- d) Practice or influence of prohibited and punishable activities under the rules governing the fight against money laundering and financing terrorism.

CHAPTER X Final and Transitional Provisions

ARTICLE 39 (Extinction of NGOs)

1. National NGOs get extinguished with extinguishing statement of the association, that gave it birth in accordance with the provisions of Article 183 of the Civil Code, with the changes made by Law n. ° 6/12 of 18 January.
2. The international NGOs get extinguished when equal measure is decided in their country of origin or the verification referred to in paragraph 4 of Article 48 of the Constitution of the Republic of Angola.
3. For the purposes of paragraphs 1 and 2, the Prosecutor or any interested party may institute judicial action.

Article 40 (Existing NGOs)

NGOs existing at the date of publication of this Decree must comply with its provisions within 180 days from the date of publication, under sanction of suspension or termination.

The President of the Republic - JOSÉ EDUARDO DOS SANTOS.
