

Angola – New Environmental Regulation for Impact Assessment and Licensing Procedure

Presidential Decree no. 117/20, of April 22nd establishes the new General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure. Thus, legal requirements, criteria and the administrative procedures concerning the environmental impact assessment and the environmental licensing were adapted.

The new General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure revokes the Decree no. 51/04, of July 23rd regulating the Environmental Impact Assessment, and the Decree no. 59/07, of July 13th regulating the Environmental Licensing Procedure.

This new Regulation is, in general, more complex than the above-mentioned revoked Decrees, since it determines new requirements and procedures that the subject entities must comply.

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Activities that, due to its dimension or location, may have implications with the balance and the environmental and social harmony, are subject to a prior process for Environmental Impact Assessment which involves an Environment Impact Study. All the projects that are covered by this new Regulation are listed in an Annex to the Regulation.

Therefore, this new Regulation establishes that all activities which have been listed in the Annex must be subject to prior assessment by the entity who monitors the Environmental Impact Assessment area.

Furthermore, there are specific categories of activities (defined in the Regulation), which are also subject to the submission of a Pre-Feasibility Environmental Study.

Additionally, the Regulation indicates which entities are exempt of both the Environmental Impact Study and the Simplified Environmental Impact Study. This Regulation also defines areas on which no activity is authorized, as it may potentially cause negative and significant impacts on the environment.

By order of the relevant Ministerial Department (responsible for the Environment Sector), a Technical Assessment Commission, with the purpose of analyzing the documents submitted within the scope of the Environmental Impact Assessment.

It was also created an “Integrated Environment System”, an online platform that allows for the submission of the environmental license application and relevant documents.

In contrast to the revoked Decree no. 59/07, of July 13th, the new Regulation expressly foresees, in the Environmental Impact Assessment chapter, the liability of the proponent.

Said Decree also stated that consulting foreign companies or foreign joint-ventures who intended to perform their activity in Angola, were required to

associate to an Angolan consultant or consulting companies of Angolan law. With the coming into force of this new Regulation, such requirement was eliminated.

On the other hand, penalties applied due to violations of this new Regulation, are no longer fixed in Dollars, but rather in Kwanzas.

The new Regulation entered in force on April 22nd, 2020.