

## LEGAL ALERT

### NEW LEGAL FRAMEWORK FOR FREIGHT FORWARDING ACTIVITY

Presidential Legislative Decree no. 9/23, of October 23, was published, approving the Legal Framework for Freight Forwarding Activity. This decree revokes, among others, Decree no. 68/89, of December 11, which approved the Statute of the Freight Forwarder. The Legal Framework for Freight Forwarding Activity defines the rules for accessing, exercising and supervising the freight forwarding activity and applies to all public and private entities that conduct this activity in national territory. Excluded from the scope of application are those private entities whose main corporate purpose is to exercise the activity of shipping agent, clearing agent, shipowner and management of port, airport, rail and road terminals.

The Legal Framework for Freight Forwarding Activity has made the characterization of freight forwarding activity and the respective access and exercise regime more precise. It is important to mention the changes made to the classification of freight forwarder, which now includes classes A, B, C and D. Classes B, C and D correspond, respectively, to the levels internationally known as 3PL, 4PL and 5PL. Among the most significant changes, we would like to highlight the updating of the minimum share capital requirements for commercial companies engaged in freight forwarding activities, depending on the class/level they fall into, as well as the limits on commissions charged in the course of the activity.

The Angolan Cargo and Logistics Certification Regulatory Authority plays a leading role, with extensive regulatory and supervisory powers. For example, there is a special duty to notify the Angolan Cargo and Logistics Certification Regulatory Body of any changes to management bodies. Chapter V of the Legal Framework for Freight Forwarding also includes the rules on fines and ancillary sanctions. By way of example, failure to notify the Angolan Cargo and Logistics

Certification Regulatory Authority of the “condition of the members of the management bodies” is punishable by a minimum fine of AOA 997,217.51 and a maximum fine of AOA 2,717,171.51, which, depending on the seriousness of the offense, can be combined with an ancillary sanction of being banned from exercising management duties.

The licenses issued under the revoked legislation expire within the period provided for in the respective Freight Forwarding Licenses. Commercial companies that conduct freight forwarding activities and whose licenses have expired or will expire may apply for a new license provided they meet the access requirements set out in the Legal Framework for Freight Forwarding Activities. Presidential Legislative Decree no. 9/23, published on October 23, enters into force after 60 days after publication.

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