

1. Which government authority in your country has primary responsibility for the regulation of aviation and the registration of aircraft?

The Ministry of Transportation, being Instituto Nacional da Aviação Civil (INAVIC), the body who is responsible for the supervision of the aviation sector.

2. Can foreign-owned aircraft be registered on your national aircraft register, for example when leased to an airline based in your country?

Yes. Foreign-owned aircraft can be registered in Angola if leased to a local airline.

3. Are there any limits/restrictions on the age of the aircraft that may be registered or operated in your country?

To the best of our knowledge there is no limit/restriction on the age of the aircraft that may be registered or operated in Angola.

4. Who is entitled to have their interests recorded on your national aircraft register?

Those with a legitimate interest in the aircraft, including but not limited to the owner of the aircraft, operator, lessor, mortgage holder or any other kind of security are allowed to record such interests with INAVIC.

5. Would a mortgage governed by a foreign law over aircraft and/or engines be recognised in your country?

Yes. It would generally be recognized

6. To be recognised under your laws, must a lease or mortgage over an aircraft and/or engines be in a particular form or language, are there any special terms that it must contain and/or must it be registered or filed anywhere?

If these documents were executed in a foreign language, to be filed or submitted to a court or public body they must be translated into Portuguese and need to be certified before a Notary.

7. If an engine owned by a third party is installed on an aircraft, would your country's law treat that engine as being subject to the same ownership as the aircraft itself? In other words is there a risk that by physical installation, the engine owner loses its title to the engine or that the engine becomes subject to any mortgage which exists over the aircraft on which it is installed? Would a nameplate fixed on the engine, confirming its separate ownership, make any difference?

Yes the engine would be subject to the same ownership as the aircraft itself but subject to Article XIV(3) of the Cape Town Aircraft Equipment Protocol (where it applies).

8. Has your country ratified and brought into force any of the following aviation related conventions: 1944 Chicago Convention, 1948 Geneva Convention and 2001 Cape Town Convention (with its Aircraft Equipment Protocol)?

Angola has ratified 1944 Chicago Convention, 1948 Geneva Convention and 2001 Cape Town Convention with Aircraft Protocol.

9. Does the local civil aviation authority provide assurances to lessors and financiers as to prompt deregistration of the aircraft (for example the IDERA under the Cape Town Convention)?

The IDERA Cape Town declaration was made by Angola. The deregistration of an aircraft is subject to an administrative procedure before INAVIC, who has to issue a certificate confirming deregistration.

10. Are powers of attorney from a local airline in favour of a lessor or mortgagee likely to be effective to allow the lessor or mortgagee to deregister the aircraft? Can such powers be irrevocable, be governed by a foreign law and/or do they need to be in any particular form for local recognition?

Angolan law recognizes the concept of irrevocable power of attorney. Provided that the power of attorney complies with all the translation/notarization/ consularisation requirements there the Angolan authorities should respect and accept it.

11. Are there any charges which would have to be paid before an aircraft can be deregistered from your national register (e.g. local air navigation fees)?

Yes. There are some fees that need to be paid in the deregistration process, and in order to allow INAVIC to issue the certificate stated in point 9.

12. Would courts in your country generally uphold a choice of law and jurisdiction clause in an aircraft lease or loan document entered into between commercial parties?

Yes. The Angolan Civil Code clearly establishes that the parties to an agreement may freely choose the law that governs it.

13. If the lease is terminated for lessee default, would the lessor be entitled to repossess (by taking physical possession) of the relevant aircraft or engine or does it need the prior permission or order of a local court or agency?

The repossession of an aircraft subject to a lease agreement shall always be dependent on a judicial ruling ordering the transfer of possession to the owner. Should the lessee not comply with the court decision, in order to effect repossession the owner must bring enforcement proceedings against the defaulting party.

14. In clear cases of a lessee default is there an effective summary procedure or interim relief available in your courts allowing lessor prompt repossession of the aircraft? Would security be required to avail of such process?

There are several specified interim relief procedures, namely Arresto (seizure) and Arrolamento (inventory of property). Other interim relief procedures may also be available. To resort to interim relief procedures the plaintiff shall attest before the court (i) *fumus boni iure*, e.g., there is a strong probability of it to be the legitimate right holder and (ii) *periculum in mora* e.g., there is a serious danger of that right/asset be hindered or lost if expedited measures are not taken.

15. What is the procedure for a lender to enforce a mortgage over the aircraft or engine in your country when the borrower is in default? For example must the aircraft be sold by the court or can the lender itself take possession and arrange a sale?

The lender can apply an interim relief procedure and start a suit to obtain a final judgment. The aircraft must be sold by the court

16. Do the courts in your country have experience of repossession / foreclosure action involving aircraft? If so, please provide some details and indicate the time such proceedings generally would be expected to take from start to finish.

Yes. The Angolan courts have experience of repossession/foreclosure action involving aircrafts. We cannot predict time lines but the speedy judicial relief declaration has been made under the Cape Town Convention.

17. Where an aircraft is leased to (i.e. not owned by) the airline operating it, can that airline create liens or encumbrances over the aircraft for example if it fails to pay suppliers, airport charges or maintenance providers? If so, would the existence of any such liens (e.g. in respect of unpaid airport charges) prevent an owner or mortgagee from repossessing the aircraft?

Although there is no specific law which regulates the constitution of liens over the aircrafts, the operator is responsible for all outstanding debts it incurs, and in case of a failure of its obligations its assets will be firstly responsible for all debts. Note also answer 11 above.

18. Are there any circumstances under your country's laws where a non-operating lessor, owner or a mortgagee could be held liable for damage caused by the aircraft whilst operated by an airline, even if there is no fault on the part of lessor, owner or mortgagee?

No.

19. Are there any legal requirements in relation to insurance and/or reinsurance of an Aircraft registered in or operated to/from/within your country? For example is there a minimum liability insurance amount required and must some or all of the cover be taken out with local insurers?

Yes. In accordance with Article 115 °, paragraph 3, of the Angolan Civil Aviation Law, aircraft are subject to mandatory civil liability insurance, and there is a minimum liability insurance amount. This insurance must be contracted in Angola with a duly licensed insurance company. The total amount of this insurance depends on the weight of the aircraft.

20. Are there any other specific issues arising under your country's laws that you feel a lessor or financier of aircraft or engines ought to be aware of when considering whether to lease or finance an aircraft to be based or registered in your country?

No but if further queries arise, please do not hesitate to contact us.