

**To AGT
GENERAL TAX ADMINISTRATION
HONORABLE PRESIDENT OF THE BOARD
DR. VALENTINE JOAQUIM MANUEL**

**cc:
IMPA - MARITIME AND PORT INSTITUTE,
HONORABLE PRESIDENT
DR. VICTOR CARVALHO**

Ref.^a: ANTA-DG/pm/2015/05/11-07

Luanda, May 11th 2015

Subject: Instruction issued by AGT on the 13th of April 2015 with reference to:
Interpretation and Application of the n. 5 February 19th Notification

HONORABLE PRESIDENT,

Referring to the instruction issued by your excellency on the 13th of April, whereby it becomes possible to "enable the clearance of goods belonging to importers who are" hostages "of the exchange rate situation the country is going through ..." AANTA (Shipping and Forwarding Agencies Association of Angola) comes on this behalf to say :

1. The Original (Bill of Lading) `is a document that allows the execution of a maritime transport, with the assurance that all the obligations and duties of the parties are met.
2. In practical terms, the Bill of Lading (BL) is the Maritime Transport Agreement, which guarantees the Carrier Maritime perform the transport of goods between the source and the named destination and,
3. It is still a Merchandise Property Title, which ensures that the goods can only be delivered on the destination to its rightful owner, who is in physical possession of that Bill of Lading.
4. To fulfill this legitimate delivery, and overall, the Carrier ensures the dispatcher that will only deliver the goods to whom he is presented with the Knowledge of the Original Embark on his behalf or properly endorsed, which is why the agents at the destination require that importers provide them with the Original BL, so that they can then begin the process of importing the goods, upon production of proof the legitimacy of ownership.

5. We can conclude therefore that the goods referred to in the number 1 of that Instruction, still don't belong to the importers at the time they are granted permission to carry out customs clearance and release for consumption.

The above terms are regulated by the International Conventions of Maritime Transport (Hague Rules) and International Trade, which the Angolan state naturally subscribes. In our view, the normative may lead to fraud situations that may occur by allowing entities who have not paid the goods and did not obtain credit agreements with their provider, to engage in the import and take possession of the goods and start its use without being their legitimate owners.

We also want to draw attention to the following:

6. Payment of imported goods can be done in several ways, from payment when ordering or shipping - situation that is very limited, in fact, due to the shortage of foreign exchange to make international payments.
7. As a tool for facilitating the International Trade, is also found frequently traded goods by opening the Letter of Credit in favor of buyers for the sellers with its banks.
8. In these circumstances and in very practical terms, the Bank of buyer must ensure to the Bank of the seller that the goods will be settled within a certain period before or after purchase of BL's documents to the buyer, according to the negotiated conditions.
9. When the seller's bank receives this buyer's bank guarantee, the BL's will be sent to the buyer's bank, which will endorse the buyer or the person appointed and physically deliver them, when they have reasonable assurance of compliance with payment by the buyer.

In the above circumstances, and even though we understand the dramatic situation that our customers are importers are subject to, which can effectively lead to a supply break situation with national proportions, we believe that this issue cannot legally be exceeded with the facilitation of customs clearance, because it is first guarantee that imported goods are paid - or the payment secured through disposal of commercial devices to importers - and that there will be no unauthorized possession of goods by the customs route. Importers should seek means of payment or warranty that allows the release of the Originals BL by the suppliers.

We Also alert to the real possibility of the flexibility in fraudulent use of this provision, which certainly was not the intention of Tax Authority, but that can in fact occur.

A.A.N.T.A.
ASSOCIAÇÃO DOS AGENTES DE NAVEGAÇÃO E TRANSITÁRIOS DE ANGOLA

On the other hand, it is important to take care of the international image of the country as actions undermining the commercial and financial credibility of companies and Angolan institutions or even the breach of international conventions, can be potentially damaging in the short and medium term for our reputation as a respected creditor nation and the credibility in the international trade.

Thus, we request Your Excellency, with the utmost urgency that the matter requires, to preventively suspend the this extraordinary measure, until, together with the Tax Authority, the Maritime and Port Institute and the national Port Authorities, we can propose some other solution to ease the situation of importers.

Certain of the understanding of the importance and urgency of the matter,

With the best regards,

Marc Smulders
President of the Association
AANTA

Joao Teiga
Vice – President of the Association
AANTA