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## NEWS

## TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS

# The General Regulation on Electronic Communications

Presidential Decree 271/25 of 29 December has recently been published, amending and republishing the General Regulation on Electronic Communications (*Regulamento Geral das Comunicações Electrónicas* - “RGCE”). The decree follows approximately nine years of Presidential Decree 108/16 of 25 May being in force. During this time, Angola and the rest of the world have undergone profound and rapid technological transformation.

The electronic communications sector has evolved through the expansion of high-capacity networks, the consolidation of artificial intelligence and the increasing provision of internet-based services and Over the Top (OTT) platforms. These developments have made it necessary to review the legal framework in order to align it with the sector’s new dynamics, challenges and realities.

## Objectives of the new RGCE

Presidential Decree 271/25 not only aims to update the legal framework for electronic communications, but also to ensure that all stakeholders in the sector – including operators, over-the-top (OTT) service providers, infrastructure managers, and the regulator itself – adhere to international best practices and are prepared for current and future technological challenges.

The fundamental objectives are as follows:

- Promoting healthy competition criteria in the electronic communications market.
- Ensuring regulatory predictability by reducing legal loopholes that could restrict the regulator’s actions.

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- Promoting more effective regulation to improve the business environment in the field of information and communication technologies.
- Fostering cooperation between entities, including those that only own physical infrastructure, to maximise the efficient use of resources.

**Main changes****Scope of application**

Among the main changes, we highlight the changes made to Article 3 relating to the subjective scope of application of the RGCE. Following this revision, the RGCE now covers:

- Entities that offer services made available via the internet which are intended to provide interpersonal communications, with or without the use of numbering resources, and the distribution of audiovisual content via streaming, linear services, or other functional services that may replace, complement, or compete with traditional electronic communications services. These services do not depend on the direct operation of their own electronic communications infrastructure.
- Entities that commercially operate infrastructure suitable for hosting, installing, maintaining, or operating electronic communications networks or services, even if they are not providers of such networks or services themselves.

For this purpose, the RGCE **covers entities that own or manage active or passive infrastructure, such as ducts, towers, poles, tunnels, fibre optic cables, power systems, railways, and other physical structures that can be used for electronic communications.** These entities are therefore subject to the principles of transparency, non-discrimination, economic efficiency, and maximisation of infrastructure use.

**General requirements and licensing**

In terms of general requirements, Article 6 of the RGCE now covers the provision and operation of call centres and similar services, meaning they require a licence to operate. The provision of **private electronic communications networks or services that are not accessible to the public, and which do not require an environmental impact assessment, is no longer subject to mere notification. Instead, registration with the Electronic Communications Regulatory Authority is now required.** Registration is subject to the payment of a fee corresponding to 1% of the gross value of the investment made in the respective network, but a licence is not required.

The operation of data centres in Angola is subject to registration and certification by the Electronic Communications Regulatory Authority, under terms to be defined by that entity.

As part of the licensing process, the Electronic Communications Regulatory Authority may grant a provisional licence by reasoned decision. This type of licence allows the holder to install infrastructure and take the necessary actions to demonstrate their technical, economic, and financial capacity. Granting the definitive licence is then conditional upon compliance with applicable legal and regulatory requirements.

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Given the entry into force of the new decree and the revision of the RGCE, all those involved in the sector are recommended to conduct a detailed analysis of their operations and strategies in light of the new legal requirements and opportunities for innovation.

### Infrastructure sharing

Entities that own infrastructure capable of hosting networks and lease or share it with licensed operators, but are not Electronic Communications Operators, **are required to hand over 1% of the income obtained from such agreements to the regulator**. This must be done in accordance with the rules and procedures defined by the entity.

### Competition and significant market power

Chapter IV has been revised to include clearer rules on analysing and defining relevant markets, **with the aim of identifying operators with significant market power (SMP)**. For the purposes of the RGCE, a market share of 50% or more held by an operator constitutes evidence of significant market power, except in exceptional circumstances.

However, an operator, or several operators acting together, may demonstrate that they do not hold SMP, regardless of their market share, by proving that market conditions allow for effective competition, or that they do not exercise dominance over competitors in that market.

### Entry into force

Presidential Decree 271/25 republishes the RGCE in full, as approved by Presidential Decree 108/16 on 25 May. The RGCE came into force on the date of its publication.

Given the entry into force of the new decree and the revision of the RGCE, all those involved in the sector are recommended to conduct a detailed analysis of their operations and strategies in light of the new legal requirements and opportunities for innovation.

Depending on the nature of their activity, entities covered should review their business models and competitive practices. They should ensure compliance, identify areas for expansion or improvement and explore partnership opportunities and asset-sharing mechanisms that could enhance efficiency and profitability. They should also assess whether they need to register or obtain a licence from the Electronic Communications Regulatory Authority.

Cooperation between all stakeholders is essential if the electronic communications sector in Angola is to become more competitive and innovative, and to align with international standards. ■