



## LEGAL NEWS

### Mozambique

November 2018 to January 2019

#### BANKING

### NEW LEGAL REGIME OF SECURITY INTERESTS OVER MOVABLE ASSETS

Law No. 19/2018, of 28 December 2018, which sets forth the Legal Regime on the Creation of Security Interests over Moveable Assets and creates the Security Interests Registration Central, was enacted by the Parliament. The new Law significantly changes the regime and perfection rules applicable to the creation of in rem security interests over movable assets, allowing for the creation of security interests over inventories and a generic security interest over all assets of the debtor, as well as over future assets, among other new features. The full application of the Law is still dependent on (i) the Security Interests Registration Central being set up and operating and (ii) additional regulations being approved by the Council of Ministers. Existing security interests shall be amended or (re) perfected in accordance with the new regime within 6 months after the date on which the Security Interests Registration Central starts operating.

## OIL AND GAS

### NEW SPECIFICATIONS FOR PETROLEUM PRODUCTS

Through Ministerial Statute No. 95/2018, of 7 November 2018, the Minister of Energy and Mineral Resources approved the technical specifications and rules for the quality control of petroleum products traded in Mozambique. The new rules apply to the trade of LNG, gasoline, lamp oil, diesel and fuel oils / maritime diesel, and came into force on 8 November 2018.

## TAX

### FORM FOR VAT REGULARIZATION NOTICE APPROVED

Being it necessary to implement the special VAT regularization regime applicable to the companies operating in the oil and mining sectors, in the production phase, set forth in the VAT Reimbursement Regulations approved by Decree No. 78/202017, of 28 December 2017, the Minister of Economy and Finance approved the form of VAT Regularization Notice, through Ministerial Statute No. 100/2018, of 26 December 2018.

## FOUNDATIONS

### NEW LEGAL REGIME ON FOUNDATIONS

The Parliament approved Law No. 16/2018, of 28 December 2018, which provides for the Legal Regime on Foundations. The new Law, which will enter into force on 30 March 2019, applies to foundations incorporated in Mozambique and to foreign foundations carrying out their activities in the national territory. The new legislation clarifies the rules applicable to foundations, notably the grant of public utility status by the relevant governmental authority when the applicable requirements are fulfilled. The new legal regime will be further regulated by the Council of Ministers within 6 months.

## TELECOMMUNICATIONS

### APPROVAL OF NEW RADIO COMMUNICATIONS REGULATIONS

The Council of Ministers set forth the legal framework applicable to the radioelectric spectrum management, planning, frequency coordination, installation, operation, use and monitoring of radio communications stations, by means of Decree No. 75/2018, of 26 November 2018. The new regime revoked the previous rules provided for in Decree No. 36/2009, of 13 August 2009, and entered into force on 27 November 2018.

## FOREIGN EXCHANGE

### NEW FOREIGN CURRENCY SALES LIMITS

Due to the need to adjust the limits applicable to the sale of foreign currency to the public, including withdrawals from bank accounts for travel purposes and in connection with the entrance and exit of the country of foreign currency notes and coins, the Bank of Mozambique issued Notice No. 11/GBM/2018, of 7 December 2018, which amends Notice No. 20/GBM/2017, of 27 December 2017 (Foreign Exchange Regulations). Pursuant to the new Notice, the limit is now of USD 10,000.00. The new limit has been in force since 10 December 2018.

## PUBLIC PROCUREMENT

### ADDITIONAL PROCEDURES AND GUIDELINES FOR PUBLIC TENDERS FOR THE PROCUREMENT OF GOODS AND SERVICES APPROVED

With a view to make public tenders more efficient, expedient and transparent, the Minister of Economy and Finance approved, by way of Ministerial Statue No. 14/2019, of 22 January 2019, the Administrative Procedures and Additional Guidelines for the implementation of Tenders through Segments for the Procurement of Goods and Services. The new procedures supplement Decree No. 5/2016, of 8 March 2016, which sets forth the State Procurement Regulations. Pursuant to the new rules, which came into force on 23 January 2019, the goods and services that mandatorily need to be acquired by means of public tenders through segments are listed.

## ENVIRONMENT

### RADIOACTIVE WASTE MANAGEMENT REGULATED

So as to protect people, assets and the environment against ionizing radiation exposure resulting from radioactive waste, the Council of Ministers approved, by means of Decree No. 71/2018, of 16 November 2018, the Regulations on Radioactive Waste Management. The rules for the safe management of radioactive waste, such as those applicable to effluent discharges and to the decommissioning of facilities and activities are established. Any entity intending to produce, store or manage radioactive waste must obtain a license for such purpose, under the Radiologic Protection Regulations, approved by Decree No. 49/2018, of 21 August 2018. The new Regulations came into force on 19 November 2018.

## TRANSPORTATION OF RADIOACTIVE MATERIALS WITH NEW RULES

The Council of Ministers approved, via Decree No. 77/2018, of 27 November 2018, the new regulations setting out the rules for the transport of radioactive material, which comprise specifications on the containment system of such material, as well as on the external radiation control levels. Both the transportation (by road, sea or air) and the containment are subject to the supervision and authorization of the relevant authority. The new rules came into force on 28 November 2018.

### CIVIL REGISTRATION

## CIVIL REGISTRATION CODE AMENDED

By means of Law No. 12/2018, of 4 December 2018, the Parliament amended the Civil Registration Code, with a view to simplify and modernize the registration acts through the introduction of an Electronic System of Civil Registration and Vital Statistics (SIRCEV). Pre-existing records will be uploaded on to the system.

### REGULATORY

## NATIONAL QUALITY SYSTEM CREATED

With a view to monitor and control the activities related with the development of products and services, the Parliament approved the creation of the National Quality System (SINAQ), through Law No. 17/2018, of 28 December 2018. The purpose and powers granted to SINAQ are thus defined, notably the activities associated with the quality control regarding the development, guarantee and demonstration of products and services, according to a set of nationally and internationally accepted management procedures. Although still subject to regulations to be approved by the Council of Ministers within 6 months, the new legal regime came into force on 27 November 2018.

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For further information about the content of this Legal News, please contact:

[Paulo.Pimenta@mirandalawfirm.com](mailto:Paulo.Pimenta@mirandalawfirm.com)

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## mirandaalliance

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