



LEGAL NEWS

Mozambique

May through July 2018

CONSTITUCIONAL

REVISION OF THE CONSTITUTION OF THE REPUBLIC OF MOZAMBIQUE

So as to enable the administrative decentralization in the Mozambican territory agreed between the main political parties having seat in the Assembly of the Republic, the latter approved an amendment to the Constitution by means of Law No. 1/2018, of 12 June 2018.

ENERGY

FUEL ADULTERATION WITH NEW CONTROL MECHANISM

The Ministry of Energy and Mineral Resources approved the Mechanism for the Implementation of the Fuel Tagging Programme, by means of a Dispatch of 29 June 2018, whereby the procedures for tagging and transport gasoline, lamp oil and diesel were defined. The billing and payment procedures applicable to the adulteration control tests are also set forth therein. The new Mechanism, which came into force on 21 July 2018, further imposes specific obligations on companies operating petroleum facilities at distribution terminals.

INSURANCE

NEW MINIMUM SHARE CAPITAL AND SECURITY AMOUNTS FOR INSURANCE SECTOR

Through Decree No. 39/2018, of 5 July 2018, the Council of Ministers updated the minimum share capital and security amounts applicable to the incorporation of insurance, reinsurance and brokerage companies, including the local incorporation fund for companies with registered offices outside Mozambique. The new amounts rates came into force on 6 July 2018, with previously licensed entities having a period of 3 years within which to adjust to the minimum share capital and security amounts.

AVIATION

AIR TRANSPORT WITH SPECIFIC COMPETITION RULES

On 30 May 2018, by means of Decree No. 35/2018, the Council of Ministers approved the Competition Regulations for Air Transportation Services. The implementation of the new rules, which came into force on 28 August, will be a responsibility of the Competition Regulatory Authority.

MARITIME

CERTIFICATION OF QUALIFICATIONS OF HARBOUR AND PORT PILOTS WITH NEW RULES

The Council of Ministers approved, by means of Decree No. 24/2018, of 7 May 2018, the new Regulations for the Certification of Qualifications of Harbour and Port Pilots. The regulations set forth general requirements to obtain such certification, as well as the entity with authority to issue same. Previously certified pilots have 90 days to apply for a new certification under the new rules, which are now in force since 8 May 2018.

STATE

STATE COMPANIES' SECTOR RULES REVISED

On 19 June, the Assembly of the Republic enacted Law No. 3/2018, which sets for the new principles and rules applicable to the State's company sector. The new statute applies to companies where the State is the sole or the majority shareholder. The new rules provide for the State's function as a shareholder, as well as the organization, functioning and management of each corporate body of the relevant

companies. Law No. 2/81, of 30 September 1981, and Law No. 6/2012, of 8 February 2012, on the same subject, were thus revoked.

ORGANIZATION AND FUNCTIONING OF PUBLIC INSTITUTES, FOUNDATIONS AND FUNDS WITH NEW RULES

By means of Decree No. 41/2018, of 23 July 2018, the Council of Ministers approved the rules governing the powers, budgetary autonomy, organization and functioning of public institutes, foundations and funds.

REGULATIONS ON MANAGEMENT OF STATE ASSETS APPROVED

Through Decree No. 42/2018, of 24 July 2018, the Regulations on the Management of State Assets were approved and the former regime set forth by Decree No. 23/2007, of 9 August 2007, was repealed. The new Regulations shall apply to all Public Administration bodies and institutions, either of the direct and indirect State Administration, including local authorities, the Country's foreign representations abroad and other public authorities, such as State-owned companies, and shall come into force on 22 October of the current year.

LABOUR

MINIMUM WAGES UPDATED

Through Ministerial Orders Nos. 40/2018 through 47/2018, all of 16 May 2018, new minimum wages were approved for the following business sectors: (i) agriculture, cattle breeding and other related activities; (ii) fishing; (iii) mineral extraction industry; (iv) manufacturing; (v) production and distribution of electricity, gas and water; (vi) construction; (vii) non-financial services; and (viii) financial services.

FOREIGN TRADE

NEW ELEGIBILITY CRITERIA FOR PROCESSED WOOD EXPORTERS

The eligibility criteria for wood industrial operators to export processed wood of native species in Mozambique were amended by means of Decree No. 54/2018, of 12 June of 2018, of the Ministry of Land, Environment and Rural Development. Among the new criteria, it is worth pointing out the

increase of the investment amount to MZN 750,000.

GAMBLING

GAMBLING LAW REGULATIONS AMENDED

The Gambling Law Regulations were amended by the Council of Ministers, through Decree No. 33/2018, of 28 May 2018. Among other amendments, the additional requirements to be complied with in order to obtain the relevant permits are noteworthy.

SANITARY LICENSING

SANITARY LICENSING FEES UPDATED

The fees payable for the provision of licensing services, sanitary certification and laboratory analysis were updated by means of Ministerial Statute No. 58/2018, of 18 June 2018, issued by the Ministry of Economy and Finances and the Ministry of the Sea and Inland Waters and Fisheries. The fees foreseen in Ministerial Statute No. 99/2004, of 2 June 2004, were thus repealed.

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