



## LEGAL NEWS

### Mozambique

November 2019 through January 2020

#### OIL & GAS

##### [New Petroleum Downstream Regulations](#)

The Council of Ministers revised the rules on production, import, reception, storage, handling, distribution, marketing, transportation, exportation, re-exportation, transit and pricing of petroleum products (“Petroleum Downstream Regulations”), by way of Decree No. 89/2019, of 18 November 2019. The previous regulations on petroleum downstream activities set forth in Decree No. 45/2012, of 28 December 2012, were thus revoked. The new Petroleum Downstream Regulations introduce new rules on the different activities, including mandatory registration procedures applicable to petrol stations and installations and transit agents, as well as the licensing requirements for production, storage, distribution, retail, exploitation of pipelines and exportation, among others. The new Regulations came into force on 19 November 2019.

## FOREIGN EXCHANGE

### Opening and Operation of Foreign Currency Bank Accounts with New Rules

The Bank of Mozambique enacted Notice No. 10/GBM/2019, of 20 December 2019, which sets forth new rules and procedures applicable to the opening and operation of bank accounts denominated in foreign currency, thus repealing Notices No. 4/GBM/2018, of 22 March 2018, and No. 8/GBM/2018, of 1 October 2018, as well as Articles 105 and 106 of Notice No. 20/GBM/2017, of 27 December 2017. The new rules clarify the approach that the Bank of Mozambique has been adopting more recently: with a few exceptions, payments between resident entities must necessarily be settled in national currency. The Notice has been in force since 21 December 2019.

## CRIMINAL

### Revision of Criminal Legal Framework

The Parliament, approved three new statutes which introduce important revisions to the legal framework on criminal matters, as follows:

1. New Criminal Code, by way of Law No. 24/2019, of 24 December 2019, which repealed the former Criminal Code, enacted by Law No. 35/2014, of 31 December 2014. Although the new Code will only come into effect on 22 June 2020, it is worth mentioning that the crime of corruption was amended, namely in what concerns the crimes carried out by public servants;
2. New Code of Criminal Procedure, by way of Law No. 25/2019, of 26 December 2019, thus repealing a set of outdated statutes. So as to fit with the other newly enacted statutes, this Code regulates all phases of the criminal procedure and provides for the fundamental principles and all the necessary rules to ensure a fair and legal criminal procedure; and

3. Code on Enforcement of Sentences, by way of Law No. 26/2019, of 27 December 2019, thereby repealing the longstanding Decree-Law No. 26643, of 1936. This statute, which will only come into force on 24 June 2020, sets forth mandatory procedures of sentence enforcement, the different imprisonment regimes and the rights and duties of the prisoner, among other matters.

## International Cooperation on Criminal Matters Enhanced

The Parliament approved Law No. 21/2019, of 11 November 2019, setting forth the Principles and Procedures of International Legal and Judicial Cooperation on Criminal Matters. The new Law, which came into force on 11 December 2019, provides for the different forms of international legal cooperation, further detailing the terms and procedures applicable to each regime, while establishing the terms for the enforcement of foreign sentences, among others aspects of mutual legal assistance between Mozambique and foreign countries.

## MARITIME

### New Law of the Sea Enacted

By means of Law No. 20/2019, of 8 November 2019, the Parliament approved the new Law of the Sea, which repealed Law No. 4/96, of 4 January 1996. Among other matters, the new law introduces new rules on the types of entry permit into the national maritime space applicable to the entry, passage and stay of foreign flagged warships and other foreign flagged non-commercial vessels, as well as on maritime crimes. This statute also created a Permanent Commission for the Investigation of Marine Accidents and Incidents (CMIAM) and the Coordination Centre for Maritime Surveillance Operations (CEFMAR). The new law has been in force since 9 December 2019.

## BANKING

### Legal Framework Applicable to Providers of Payment Services

In order to stimulate the Mozambican financial system and to provide users with alternative payment methods, the Council of Ministers approved Decree No. 99/2019, of 31 December 2019. This Decree sets forth the legal regime applicable to companies providing payment services, namely the incorporation requirements of the relevant entity and certain terms applicable to the conduct of this business. This statute came into force on 2 January 2020.

## TRANSPORTS

### Temporary Import of Motor Vehicles Subject to New Rules

The Minister of Economy and Finance approved, by means of Ministerial Statute No. 105/2019, of 12 November 2019, new Regulations on Temporary Import of Motor Vehicles, thus repealing the former Ministerial Statute No. 15/2002, of 30 January 2002. The new rules and procedures came into force on 13 November 2019.

---

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

**Paulo Pimenta**

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

---

## mirandaalliance

**MEMBERS** ANGOLA | BRAZIL | CAMEROON | CAPE VERDE | CÔTE D'IVOIRE | DEMOCRATIC REPUBLIC OF THE CONGO  
EQUATORIAL GUINEA | GABON | GUINEA-BISSAU | MACAU (CHINA) | MOZAMBIQUE | PORTUGAL | REPUBLIC OF THE CONGO  
SÃO TOMÉ AND PRÍNCIPE | SENEGAL | TIMOR-LESTE **LIAISON OFFICES** FRANCE (PARIS) | UK (LONDON) | USA (HOUSTON)