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# MOZAMBIQUE

# CHAPTER 17: MOZAMBIQUE

## Table of contents

<b>17.1</b>	<b>Constitutional requirements for environmental protection in Mozambique</b>	<b>1</b>
<b>17.2</b>	<b>Institutional and administrative structure</b>	<b>2</b>
17.2.1	Ministry of Land, Environment and Rural Development	2
17.2.2	Environmental Impact Assessment Authorities	4
17.2.3	Technical Commission for EIA	5
17.2.4	Specialist Reviewers	5
17.2.5	National Commission for Sustainable Development	5
17.2.6	Inter-sectoral cooperation	6
<b>17.3</b>	<b>Policy and legal framework for EIA in Mozambique</b>	<b>6</b>
17.3.1	National Environmental Policy	6
17.3.2	Climate change policies, strategies and regulations	7
17.3.3	Environment Law	7
17.3.4	Regulations	8
17.3.5	Permits and licences	10
17.3.6	Fees	11
17.3.7	Offences and penalties	11
17.3.8	Guidelines	12
17.3.9	Environmental standards	12
17.3.10	Registration of environmental consultants	16
<b>17.4</b>	<b>EIA procedural framework in Mozambique</b>	<b>16</b>
17.4.1	Application and screening	17
17.4.2	Pre-assessment	18
17.4.3	Process to follow for Category A+ and A projects	19
17.4.3.1	Environmental Pre-feasibility Report and Scope Definition	19
17.4.3.2	Terms of Reference	21
17.4.3.3	Environmental Impact Study	21
17.4.3.4	EIA review and decision-making process	22
17.4.4	Process to be followed for Category B projects	23
17.4.4.1	Terms of Reference	23
17.4.4.2	Simplified Environmental Report	23
17.4.4.3	SER review and decision-making process	24
17.4.5	Public participation process	24
17.4.6	Inspection and audit	25
17.4.7	Strategic environmental assessment	25
17.4.8	Trans-boundary impacts	25
<b>17.5</b>	<b>Other relevant environmental legislation</b>	<b>25</b>
	<b>Appendix 17-1: Category A+ activities</b>	<b>30</b>
	<b>Appendix 17-2: Category A activities</b>	<b>31</b>
	<b>Appendix 17-3: Category B activities</b>	<b>34</b>
	<b>Appendix 17-4: Category C activities</b>	<b>35</b>
	<b>Acronyms</b>	<b>36</b>
	<b>Useful contacts</b>	<b>36</b>

## **List of tables**

17.1	Licensing and consultant registration fees	11
17.2	Offences and penalties	12
17.3	Air quality standards	13
17.4	Standards for emission of gaseous pollutants by industries	13
17.5	Standards for emission of domestic liquid effluents	14
17.6	List of industries that have specific effluent standards	15
17.7	Standards relating to the receiving medium (water)	15
17.8	Components of the EIA process required by project category	17
17.9	Other potentially applicable sectoral requirements	25

## **List of figures**

17.1	Organisational structure of the Ministry of Land, Environment and Rural Development (MITADER)	3
17.2	EIA and SER processes	20

## 17 MOZAMBIQUE

### 17.1 Constitutional requirements for environmental protection in Mozambique

The Constitution of the Republic of Mozambique (2004), which was revised in 2018 (Law No 1/2018) addresses matters relating to the environment and quality of life in Articles 45, 81, 90, 98, 102 and 117. Article 90, which is part of Chapter V (economic, social and cultural rights and duties) of Title III (Fundamental Rights, Duties and Liberties), gives the people of Mozambique the right to live in a balanced environment. Clause 2 of the same Article commits *“the State and local authorities, in collaboration with associations for environmental protection, to adopt policies for the protection of the environment and promote the rational utilisation of all-natural resources”*.<sup>1</sup>

Article 98 deals with state property and the public domain and establishes that *“natural resources situated in the soil and in the subsoil, in internal waters, in the sea, on the continental shelf, and in the exclusive economic zone are the property of the State”*. In Clause 2 of the same Article, items constituting the public domain of the state are listed as: (a) the maritime zone; (b) the airspace; (c) archaeological heritage; (d) nature conservation areas; (e) water resources; (f) energy resources; (g) roads and railways; (h) naturally occurring minerals; and (i) other property as classified by law. Expropriation of land and property may only take place for reasons of public necessity, utility or interest subject to payment of compensation (Article 82).

Article 102 specifies that the state shall determine how natural resources may be exploited so that both human wellbeing and national interests are safeguarded. Article 117 of the Constitution goes further by stipulating that the state is responsible for promoting initiatives that ensure ecological balance and the conservation of the environment for improving the quality of life of the citizens (paragraph 1). According to paragraph 2 of this article,

*“...the State shall adopt policies aiming at:*

- a) preventing and controlling pollution and erosion*
- b) integrating environmental objectives into sector policies*
- c) promoting the integration of environmental values into educational policies and programmes*
- d) ensuring the rational utilisation of natural resources within their capacity to regenerate and bearing in mind the rights of future generations*
- e) promoting territorial planning with a view to ensuring the correct location of activities, and balanced socio-economic development”*

Articles 45(f) and 81(2b) place an obligation on communities to protect their environment and allow for class action relating to environmental issues.

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<sup>1</sup> Republic of Mozambique, 2000. *Programa do Governo para 2000–2004*. Government Bulletin No. 12. Maputo: Government of Mozambique.

Mozambique is experiencing important social, economic, political and environmental transformations arising from the discovery and exploitation of natural resources, especially minerals and natural gas, which provide an opportunity to make the national economy more competitive. The country is also undergoing profound environmental changes, mainly due to changes in climate that can jeopardize the development gains achieved in recent years. In view of this scenario, and in order to ensure greater coordination of the development process, the Government prepared the National Development Strategy, which aims to *"raise the living conditions of the population through structural transformation of the economy, expansion and diversification of the productive base."* The National Development Strategy 2015-35 assumes that the achievement of integrated economic and social development, as envisaged in the Constitution, involves the structural transformation of the economy to a competitive and diversified level of development. This requires focusing on industrialisation as the main way to achieve the vision of prosperity and competitiveness, based on an inclusive growth model and ensuring that natural assets continue to provide the environmental resources and services on which the well-being and continued progress of the Country depends.<sup>2</sup>

## **17.2 Institutional and administrative structure**

### **17.2.1 Ministry of Land, Environment and Rural Development**

The Ministry of Land, Environment and Rural Development (known by its Portuguese acronym, MITADER) replaces the former Ministry for the Coordination of Environmental Action (Ministério para a Coordenação da Acção Ambiental (MICOA)). MITADER's mandate is to promote sustainable and equitable development in Mozambique. Its mission focusses on reducing socio-economic inequalities with emphasis on the rural environment, by promoting a diversified and inclusive economy.<sup>3</sup>

Following a major restructuring and rationalisation of government ministries in 2015, MITADER has broad responsibility for natural resource management in important sectors, including agriculture, livestock, forestry, wildlife and climate change (Figure 17.1). This ministry's National Directorate of Forestry is in charge of managing the country's vast forestry resources outside national parks and reserves, while responsibility for the country's protected area system falls under the National Administration for Conservation Areas which reports directly to the Minister of MITADER.

The National Remote Sensing and Cartography Centre, handles satellite data and is developing a geographic information system (GIS) database.

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<sup>2</sup> Republic of Mozambique (2014). National Development Strategy 2015-35.

<sup>3</sup> [www.mitader.gov.mz](http://www.mitader.gov.mz)

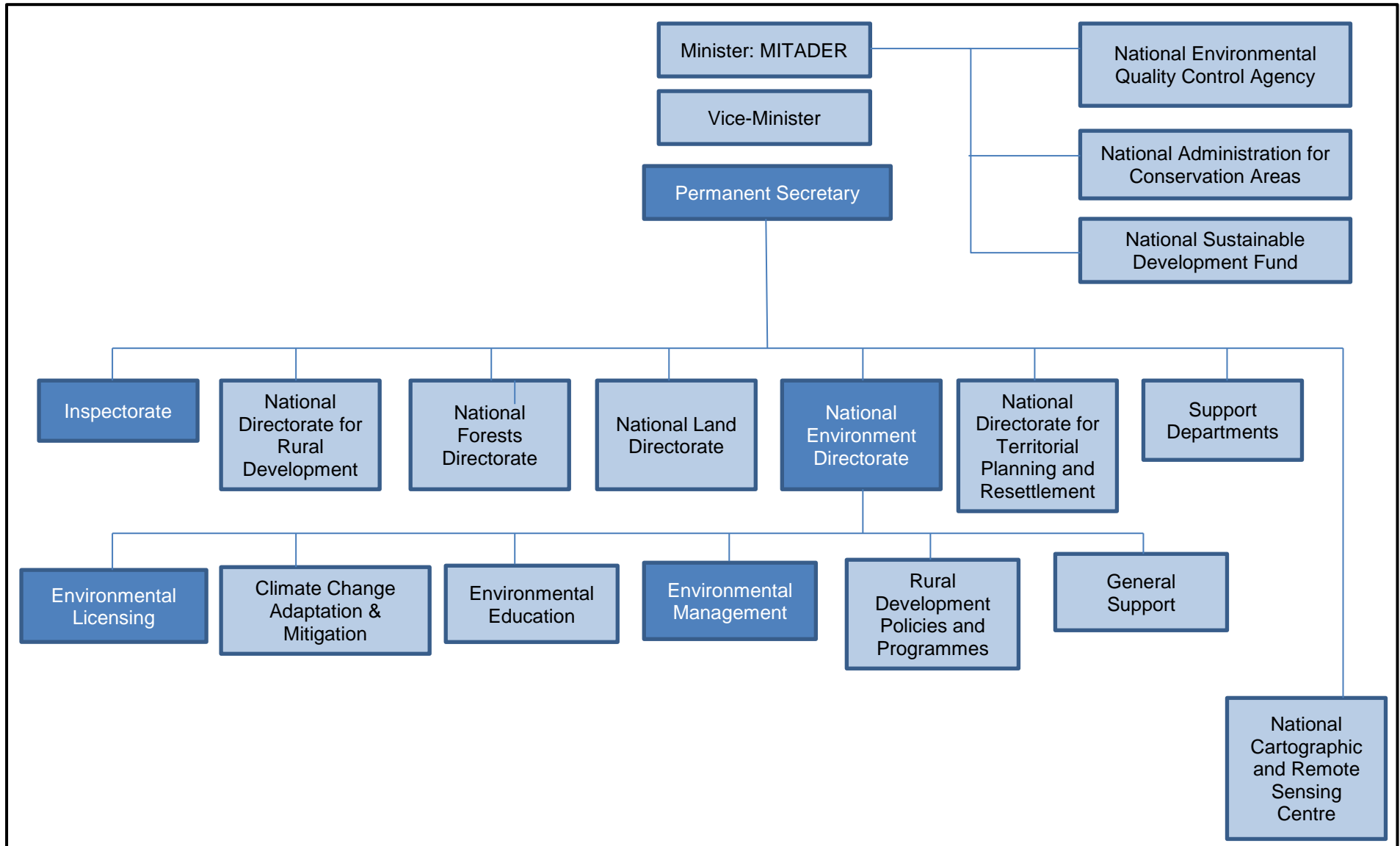


Figure 17.1: Organogram of the Ministry of Land, Environment and Rural Development (MITADER)

## 17.2.2 Environmental Impact Assessment Authorities

Responsibility for the administration of the EIA process in Mozambique falls under the National Environmental Directorate (Figure 17.1), with powers delegated to national and provincial EIA Authorities as described below. The respective roles for the national and provincial level authorities are set out in Article 6 of the EIA Regulations, No 54/2015. Both levels of jurisdiction are responsible for the following activities:

- Manage and coordinate the EIA process
- Issue and release guidelines on the EIA process
- Make a pre-assessment of each activity submitted for consideration
- Designate and chair the Technical EIA Commission for each project submitted for appraisal
- Request the participation of technical specialists from the public sector or begin the process of engaging consultants from the private sector, if necessary, for the EIA process;
- Conduct public hearings and ensure that the public participation process observes the requirements stipulated in Article 15 of the EIA Regulations
- Re-categorise listed activities as or when conditions and/or the results of the EIA indicate such re-categorisation is required
- Notify the proponent about the payment of environmental licensing fees, as per the requirements of the EIA Regulations
- Notify the proponent and the main government stakeholders of the granting of an Environmental Licence
- Ensure that the information concerning the Environmental Licence is made available to the public
- Propose the updating of environmental criteria and standards when required
- In coordination with the protection agencies, set in motion the legal mechanisms to prevent or demolish any illegal work or stop any illegal activities, which by their nature threaten the quality of the environment, and cancel the environmental consultant's certificate.

The **national EIA Authority** has the responsibility to:

- Initiate, guide, review and make decisions on environmental pre-feasibility reports (known by the Portuguese acronym, EPDA), terms of reference (ToR) and Environmental Impact Assessments (EIAs) for Category A+ and A projects (see s. 17.4.1)
- Issue Environmental Licences for projects that must be approved at national level;
- Record, keep and publish the register of professionals and consultancy companies qualified to conduct environmental impact studies (see s. 17.3.10)

The **provincial EIA Authorities** have the responsibility to:

- Guide, review and make decisions on ToRs for Simplified Environmental Reports (SERs) and the development of best practice environmental management procedures (required for Category B and C projects respectively) (see s. 17.4)

- Issue Environmental Licences for activities listed in Categories B and C (see Appendices 17-3 and 17-4)
- Approve the Environmental Management Plans (EMPs) for all mining projects classified as Category B according to the EIA Regulations for Mining Activities (Decree No. 26/2004, as amended)

### **17.2.3 Technical Commission for EIA**

The Technical Commission for EIA has the following tasks:

- Review the EPDAs and ToRs for Category A + and A activities and provide an opinion
- Review the ToRs for Category B activities and draw up an opinion thereon
- Review the EIA reports for Category A + and A activities and provide a report;
- Review the SER reports for Category B activities and prepare their report
- Issue a final statement of the environmental assessment reports submitted to them, and forward their report to the relevant EIA Authorities

The Technical Commission is chaired by a representative of the EIA Authority and includes officials from: the sector responsible for the activity, the local authority, government entities, educational institutions or research centres in the environmental field, health and gender specialists, and specialists in the subject of the proposed project.

### **17.2.4 Specialist Reviewers**

Specialist reviewers will be appointed by the national EIA Authority to review all Category A+ project EIA documents. The specialist reviewers are required to review all the EIA documents submitted and prepare a review report.

### **17.2.5 National Commission for Sustainable Development<sup>4</sup>**

The National Council for Sustainable Development (known by its Portuguese acronym, CONDES) was established by the 1997 Environment Law to promote and coordinate all sectoral efforts towards sustainable use of natural resources while promoting sustainable economic and social development. Its mandate is to promote dialogue on environment issues during the preparation of sector policies pertaining to natural resource use and monitoring of the implementation of all policies of relevance to environmental management.

CONDES is an advisory body of the Minister of MITADER, and is consulted during public hearings on environmental issues, in order to ensure effective and proper coordination and integration of the principles and activities of environmental management in the development of the country. Therefore CONDES is one of the principal instruments integrating sectoral and inter-sectoral and mainstreaming.

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<sup>4</sup> Information obtained from <https://www.ncsds.org/index.php/sustainable-development-councils/country-profiles/86-country-profiles/profiles/178-mozambique>



### **17.2.6 Inter-sectoral cooperation**

Environmental management is also the responsibility of the ministries of: The Sea, Inland Waters and Fisheries; Mineral Resources and Energy; Health; Gender, Children and Social Welfare; Industry and Trade; Transportation and Communications; Culture and Tourism; and Public Works, Housing and Water Resources. An example of inter-ministerial cooperation can be found in the NDC (nationally determined contribution) Partnership Plan, launched on 15th November 2018, to achieve the climate objectives as part of the Paris Agreement. The three-year plan (2018–2021) will kick-start the implementation of the NDC Roadmap (2020-2025) as a means to deliver on the country's commitments under the Paris Agreement by fast-tracking climate action. The Government of Mozambique appointed two government institutions as focal points for the NDC Partnership: the Ministry of Land, Environment and Rural Development (MITADER) will take the lead in close collaboration with the Ministry of Economy and Finance, and will involve other national Ministries, institutions and development partners.

## **17.3 Legal and policy framework for EIA in Mozambique**

### **17.3.1 National Environmental Policy**

The National Environmental Policy was published in 1995 under Resolution No 5/1995. It defines the basis for sustainable development in Mozambique with the aim of progressively eradicating poverty, improving the quality of life for all citizens and reducing the rates of environmental degradation. The aims of the Policy were further elaborated in the same year in the National Environmental Management Programme.

A considerable number of additional sectoral policies which also address sustainable development issues have since been developed, as indicated in Table 17.9.

### **17.3.2 Climate change policies, strategies and regulations**

Mozambique is particularly vulnerable to the impacts of climate change in terms of sea level rise, extreme events such as flooding and droughts, cyclones and perturbations in seasonal rainfall patterns. Over the last ten years, the legal framework has been developed considerably, including: Regulations Regarding the Management of Substances that Destroy the Ozone Layer (Resolution No. 78/2009), the National Strategy for Adaptation and Mitigation of Climate Change 2013-25, the National System for Monitoring and Evaluating Climate Change (October 2014), and Decree No. 23/2018 approving the Regulations for the Implementation of Projects to Reduce Emissions from Deforestation and Forest Degradation and Increase Carbon Reserves (REDD+ Regulations).

The responsibility for managing climate change and coordinating all the programmes lies with the Department for Adaptation and Mitigation of Climate Change in MITADER (see Figure 17.1).

### 17.3.3 Environment Law

The Environment Law (Lei do Ambiente), No. 20/97 of 1 October 1997, is the foundation for the whole set of legal instruments for the preservation of the environment. This is an umbrella law for environmental matters and is an important instrument for the enactment of specific regulations. Article 1(2) defines the environment as:

*“the medium in which humans and other beings live and interact among themselves and with the medium itself, including:*

- a) air, light, land and water*
- b) ecosystems, biodiversity and ecological relationships*
- c) all organic and inorganic matter*
- d) all socio-cultural and economic conditions that affect the lives of communities”*

As established in Article 2, the objective of the Environment Law is to define the legal basis for judicious utilisation and management of the environment and its components, with a view to achieving sustainable development in the country. The ambit of the Environment Law comprises all activities, public or private, which directly or indirectly may influence the environment. Taking into account the constitutional provision for *“an ecologically balanced environment”* for all citizens, Article 4 of the Law establishes, *inter alia*, the following basic principles for environmental management:

- Rational utilisation and management of the environment to promote improved quality of life of citizens and the maintenance of biodiversity and ecosystems
- Recognition of traditions and local knowledge that may contribute to the conservation and preservation of natural resources and the environment
- Precaution, in the sense that activities that might harm the environment must be prevented, especially if there is insufficient scientific certainty about the likelihood of the occurrence of such impacts
- A global, integrated vision of the environment as a grouping of inter-dependent ecosystems that must be managed in such a way as to maintain their functional equilibrium without exceeding their intrinsic limits
- Public participation
- Equitable access to natural resources by all
- Commitment to minimising transboundary impacts
- International cooperation for transboundary environmental solutions

In legal terms, principles can be defined as statements expressing the direction of the law. The above principles appear to be central to the Environment Law, as they contain the main policy statements regarding environment.

The Environment Law sets out the following:

- |              |   |
|--------------|---|
| Chapter I:   | General dispositions, including definitions   |
| Chapter II:  | Environmental management institutions         |
| Chapter III: | Environmental pollution                       |
| Chapter IV:  | Special measures for environmental protection |
| Chapter V:   | Prevention of environmental damage            |

Chapter VI:	Citizens' rights and duties
Chapter VII:	Exercise of economic activities
Chapter VIII:	Environmental supervision
Chapter IX:	Final dispositions

Chapter V of the Environment Law refers to the prevention of environmental damage. Under this clause, activities that are liable to cause significant environmental impacts need to be licensed (see s. 17.4.1). The issuance of an **Environmental Licence** is dependent on an appropriate level of EIA being completed and accepted by the EIA Authority. Importantly, the Environment Law obliges all sectoral legislation that deals in any way with the management of components of the environment to be reviewed and revised so that it conforms to the Environmental Law (Article 32).

### 17.3.4 Regulations

The EIA Regulations (Decree 54/2015 of 31 December 2015)<sup>5</sup> establish the rules governing the EIA process, which apply to all public or private activities that may directly or indirectly impact on the environment. The main entity in this process is the National Directorate for Environment, part of MITADER (Figure 17.1). The National Agency for the Control of Environmental Quality (AQUA), also part of MITADER, oversees the compliance of the EIA regulations during the project life cycle (Figure 17.1). However, the responsibility to ensure compliance with the EIA regulations lies with each project implementing agency whether public or private sector. These Regulations, consisting of 30 articles divided into five Chapters and eight Annexes, include the following:

- The pre-assessment process to which all activities that are likely to have an impact on the environment must be subjected
- The contents of the EIA report and the Simplified Environmental Report (SER)
- The objectives of the Technical Commission for EIA
- The obligations and rights of the Specialist Reviewers
- The public participation process
- The timeframes for conducting studies and EIA decision-making
- Environmental licensing
- The responsibilities of EIA consultants and proponents
- Inspections and audits
- Fees and penalties

The Annexures provide the listed activities for which an EIA or SER may be required (see the Appendices at the end of this chapter), as well as a list of sensitive environments and fatal flaws.

The requirements for EIA set out in these Regulations are elaborated upon more fully in s. 17.4 of this Chapter.

To date (2019), the following additional Regulations relating specifically to the EIA process have been made:

- **Regulations for Environmental Inspection**, Decree No. 11/2006

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<sup>5</sup> These Regulations replace those in Decree No. 45/2004.

- **Standards for environmental quality and effluent emissions**, Decree No. 18/2004 of the 2nd of June, amended by Decree N° 67/2010 of the 31st December
- **Environmental auditing** (Regulamento relativo ao processo de auditoria ambiental), Decree No. 25/2011, of 15th June
- **Regulations on the Resettlement Process resulting from Economic Activities**, Decree No. 31/2012
- This regulation establishes the basic rules and principles on the resettlement process for the purpose of providing an opportunity to improve the quality of life of affected households. Article 4 lists the principles guiding the resettlement process which may result from public or private sector projects. These include the principles of: social cohesion, social equality, direct benefit, social equity, non-change of the income level, public participation, environmental accountability (polluter pays), and social responsibility.
- The Decree also notes that a Resettlement Action Plan (RAP) should be completed in time to submit together with an EIA Report to the EIA Authority. The Decree and subsequent Ministerial Orders are primarily focused on large scale physical resettlement, providing little guidance for cases where only compensation/livelihood restoration is necessary. The Decree is due to be revised under the World Bank's Mining and Gas Technical Assistance Programme. In the absence of specific legal requirements governing projects that cause economic impacts without physical resettlement, most private companies in Mozambique have followed International Finance Corporation (IFC) guidelines to ensure best practice.

Regulations relating to EIA for various sectors are listed in Table 17.9.

### 17.3.5 Permits and licences

According to Chapter III, Article 20 of the EIA Regulations, the environmental licensing process consists of three stages:

1. Issuance of a **Provisional Environmental Licence** (issued after approval of the EPDA)
2. Issuance of an **Environmental Installation Licence** (issued after approval of the Environmental Impact Study and presentation of the approved RAP, if required)
3. Issuance of the **Operations Environmental Licence** (issued after verification/inspection of compliance with the EIA and implementation of the RAP, if required)

The Environmental Licence is a pre-requisite for the issuance of any other licence or permit that may be legally required.<sup>6</sup> Issuance of a licence is contingent upon the payment of fees, as set out in Table 17.1 below. Once the required fee has been paid, the EIA Authority will issue the licence within **15 working days** (Article 21(1)(b)). The activity for which an Environmental Licence has been issued has to start within two years from the date of issue of the licence. If the developer fails to commence activity within that period, s/he can request permission from the EIA Authority to extend the licence period, in

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<sup>6</sup> Article 15(2) of the Environment Law.

writing, no less than 90 days before the licence expires. The EIA Authority will then decide to extend the period of validity, request new information, or request a new EIA.<sup>7</sup>

The Provisional Environmental Licence is valid for 2 years and is non-renewable. The Environmental Installation Licence is also valid for 2 years, but can be renewed if a suitable motivation is provided.

The Operations Environmental Licence is valid for 5 years, renewable for an equal period upon a written request to the EIA Authority and the payment of the required fee (see s. 17.3.6 and Table 17.1). Renewal of the Operations Environmental Licence for the different categories of projects requires the proponent to submit the following documents:

Category A+ projects: an updated EMP and/or Biodiversity Offsets Management Plan;

Category A and B projects: an updated EMP if the environmental audits justify such a need;

Category C projects: an environmental performance report.

The EIA Authorities will conduct a technical visit to the project site at the cost of the proponent prior to renewing the Environmental Licence (Article 22(9)).

### 17.3.6 Fees

Article 27 of the EIA Regulations sets out the fees for environmental licensing and for registration as an environmental consultant, summarised below in Table 17.1.

**Table 17.1: Licensing and consultant registration fees**

Activity	Fee
EIA application	1,000MT
Licensing of Category A+ projects	0.3% of the total value of the investment in the activity
Licensing of Category A and B projects	0.2% of the total value of the investment in the activity
Licensing of Category C projects	0.02% of the total value of the investment in the activity for projects with an investment value of >5 million MT. A unit value of 1,000MT for projects with an investment value of <5 million MT.
Application to renew the Environmental Licence	Category A+: 80,000MT Category A: 60,000MT Category B: 30,000MT Category C: 5,000MT
Change of name of the proponent on the Environmental Licence	10,000MT
Licence to construct a temporary batch plant on a construction site	200 x the gazetted minimum wage value
<b>Registration fees</b>	
Registration and issuance of a Certificate for individual environmental consultants	20,000MT
Registration and issuance of a Certificate for environmental consulting companies	60,000MT
Updating of registration every 3 years for individual environmental consultants	10,000MT
Updating of registration every 3 years for environmental consulting companies	30,000MT

### 17.3.7 Offences and penalties

<sup>7</sup> Article 21 of the EIA Regulations.

The penalties are set out in Article 28 of the EIA Regulations, and the grading of fines is set out in Article 29. A summary of the offences and penalties is provided in Table 17.2. Note that the unit of the penalty is a multiple of the gazetted minimum wage.

**Table 17.2: Offences and penalties**

Offence	Penalty
Failure to update the Environmental Licence as per Article 22(6) of the EIA Regulations	30 – 50 times the minimum wage
Implementation of a listed activity without an Environmental Licence: Category A+ projects Category A projects Category B projects Category C projects	Immediate suspension of the activity, plus: 2,857 – 5,714 x the minimum wage 1,429 – 2,857 x the minimum wage 286 – 1,429 x the minimum wage 1 – 2 x the minimum wage
Conducting an EIA study without being registered in terms of Article 23 of the EIA Regulations; Submitting an application for an Environmental Licence for a listed activity after commencing implementation of said activity; Alteration of a licenced activity without prior approval from the competent authority; Presentation of fraudulent information, falsification of facts, or omissions during the EIA process.	30 – 100 x the minimum wage
Failure to implement the mitigation measures proposed in the Environmental Impact Study, as well as non-compliance with the terms and conditions of the Environmental Licence	30 x the minimum wage
Failure to submit relevant EIA documents within the timeframes specified in Article 19 of the EIA Regulations	MT25,000
Non-payment of the EIA licensing fees within 6 months of the due date	10-20% of the value of the fee payable, plus lapse of licence
Non-renewal of the environmental consultants registration certificate within the stipulated time period in Article 23(12)	25-50% of the value of the registration renewal fee
Failure to conduct an EIA to the required norms and standards and legal requirements	Suspension of registration for up to 3 years
Lapse of 3 years after the due date for the renewal of the registration certificate	Consultant must re-apply for registration

### 17.3.8 Guidelines

Guidelines for conducting an EIA (Ministerial Diploma No. 129/2006) and public participation (Ministerial Diploma No. 130/2006) have been developed, but these both pre-date the latest EIA Regulations of 2015. Generally, guidance on specific EIA activities and for sectoral EIAs is found within the many regulations (see Table 17.9).

### 17.3.9 Environmental standards

Regulations relating to standards for environmental quality and effluent emissions were published in the Government Bulletin on 2 June 2004 (Decree No. 18/2004) and amended by Decree No. 67/2010 of the 31st December 2010. The purpose of these Regulations is to establish standards for environmental quality and effluent emissions, aiming at the control and maintenance of the admissible levels of concentration of pollutants in the environment. The National Agency for Environmental Quality

Control (AQUA), which is a separate agency within MITADER, is responsible for upholding the existing standards and the development of new standards as and when required.

The provisions of these Regulations are applicable to all new public and private activities that may affect the environment directly or indirectly. Existing factories and processing plants have to adapt their equipment to ensure compliance within five years from the date of publication of the Regulations.<sup>8</sup>

Article 6 of the Regulations requires them to be reviewed (and updated) every five years, unless the obligations deriving from an international convention require more urgent action. The Regulations cover air quality (Chapter II), water quality (Chapter III), soil quality (Chapter IV), and noise (Chapter V).

Non-compliance with any of the pollution standards set out in the tables below or failure to report exceedances is punishable with a fine of between MT1 million and MT10 million, graded according to the project category.<sup>9</sup> An application for a special discharge authorisation will cost between MT50,000 and MT500,000.<sup>10</sup>

**Table 17.3: Air quality standards**

Parameter (mg/Nm <sup>3</sup> )	Sampling period			
	1 hour	8 hours	24 hours	Annual arithmetical mean
Sulphur dioxide (SO <sub>2</sub> )	800		100	40
Nitrogen dioxide (NO <sub>2</sub> )	190			10
Carbon monoxide	30 000	10 000		
Ozone	160	120	50	70
Total suspended particles			150	60
Lead (Pb)	3			0.5
Manganese (Mn)				0.05
Mercury (Hg)				1
Arsenic (As)				0.003
Chrome (Cr)				0.96
Nickel (Ni)				0.04
Benzene				4.4 x 10 <sup>-6</sup>
Formaldehyde	0.01 per 30 minutes			
Styrene	0.28 per 30 minutes			
Toluene	0.26 per week			
Tetrachloroethylene	0.25 per 24 hours			

**Table 17.4: Standards for emission of gaseous pollutants by industries**

Type of activity	Total suspended particulates	SO <sub>x</sub>	NO <sub>x</sub>	Others
Aluminium manufacture	30			Total fluorine = 2 // Hf = 1 // VOCs = 20
Cement manufacture	50	400	600	
Chlorine-alkaline industry				Cl = 3
Production and extraction of coal	50			
Coke manufacture	50			Benzene = 5 // VOCs = 20 // reburning of sulphur at least 97%
Copper works	Smelting = 20 Others = 50	1 000 (SO <sub>2</sub> )		As = 0.5 // Cd = 0.05 // Cu = 1 // Pb = 0.2 // Hg = 0.05

<sup>8</sup> Article 26 of the Regulations on environmental quality standards.

<sup>9</sup> Article 24 of the Regulations on environmental quality standards as amended by Decree No. 67/2010

<sup>10</sup> Decree No. 67/2010

Type of activity	Total suspended particulates	SOx	NOx	Others
Dairy	50			Acceptable odour for the neighbours
Ink manufacture (dyeing)				Cl = 10 // VOCs = 20
Electronic manufacture				VOCs = 20 // phosphine 1 // arsine 1 // HF = 5 // HCl = 10
Smelting	20 where there is presence of toxic metals; 50 in others			
Fruits and vegetable processing	50 if >50 Mwe 100 if <50 Mwe	2 000 (SO <sub>2</sub> )	Coal = 750 Oil = 460 Gas = 320	Dioxins = maximum 1 ng/Nm <sup>3</sup>
Glass manufacture	20 where there is presence of toxic metals; 50 in others	1 800 oil burning 700 gas burning	1 000 – 2 000	Pb + Cd = 5 // total of heavy metals = 5 // As = 1 // F = 1 // HCl = 50
Paper and pulp	100 (reburning kiln)		2 Kg/t ADP	H <sub>2</sub> S = 15 (lime kiln) // s TOTAL 1.0 – 1.5 kg/t
Sugar	100 150 for small kilns > 8.7 MW	2 000	Liquid fuel = 460 Solid fuel = 750	Odour acceptable for the neighbourhood
Fur industry (tanning)				Acceptable odour
Textile industry				VOCs = 20
Thermo-electrical stations (new)	50	0.2 per day (500 MW) 0.1 per day (<500 MW)	Coal = 750 Diesel = 460 Gas = 320	
Vegetable oil	50			Acceptable odour
Wood preservation	50			VOCs = 20

Values in mg/Nm<sup>3</sup>. Nm<sup>3</sup>: normal cubic metre (0°C, 101.3 kPa)  
VOC: volatile organic compound

**Table 17.5: Standards for emission of domestic liquid effluents**

Parameter	Permissible maximum value	Units	Remarks
Colour	Dilution 1:20	Presence/absence	
Odour	Dilution 1:20	Presence/absence	
pH, 25°C	6.0 – 9.0	Sorensen scale	
Temperature	35°C	°C	Increase in the receiving medium
Chemical oxygen demand	150.0	mg/l O <sub>2</sub>	
Total suspended solids	60.0	mg/l	
Total phosphorus	10.0	mg/l	3 mg/l in sensitive zones
Total nitrogen	15.0	mg/l	

Appendix III of the environmental quality Regulations specifies the effluent quality limits for a range of industries, listed below. The reader is referred to the Regulations, as the tables are too voluminous for inclusion in this Handbook.

**Table 17.6: List of industries that have specific effluent standards (see Appendix III)**



Aluminium production	Meat processing	Vegetable oil production
Brewery	Production of phosphate and nitrate fertilisers	Wood treatment and preservation
Cement industry	Petrochemical industry	Production of vehicle batteries
Mining and production of coal	Pharmaceutical industry	Sundry chemical industries
Coke production	Petroleum industry	Metallurgy
Dairies	Printing	Minerals and metallurgical processing
Smelting processes	Pulp and paper industry	Production of plastics and synthetics
Vegetable and fruit processing	Sugar industry	Rubber manufacture
Electronics industry	Tanning industry	Production of soaps and detergents
Glass manufacture	Textiles	Workshops and filling stations
Iron and steel production	Thermal power stations	Food processing

**Table 17.7: Standards relating to the receiving medium (water)<sup>11</sup>**

Parameter	Maximum Limit <sup>12</sup>		
Floating solids	Virtually absent		
Oils and grease	Virtually absent		
Substances that produce colour, odour and turbidity	Virtually absent		
Artificial colorants	Virtually absent		
Substances that form objectionable deposits	Virtually absent		
Substances and conditions that give rise to undesirable aquatic life, e.g. invasive organisms	Virtually absent		
Biological oxygen demand	5 at 20°C ≤ 5 mg/l		
Dissolved oxygen	≤ 6 mg/l		
pH	Between 6.5 and 8.5; there should not be a change in the value of normal pH greater than 0.2 units		
<b>Potentially harmful substances (maximum allowable)</b>			
Aluminium (Al)	1.5 mg/l	Phenols	0.5 mg/l
Ammonia (NH <sub>4</sub> )	5.0 mg/l	Soluble iron (Fe)	0.3 mg/l
Antimony (Sb)	0.2 mg/l	Fluoride (F)	10.0 mg/l
Arsenic (As)	0.5 mg/l	Manganese (Mn)	0.1 mg/l
Barium (Ba)	5.0 mg/l	Mercury (Hg)	0.01 mg/l
Beryllium (Be)	1.5 mg/l	Nickel (Ni)	0.1 mg/l
Boron (B)	5.0 mg/l	Nitrate (NO <sub>3</sub> )	10.0 mg/l
Bromine (Br)	0.1 mg/l	Nitrite (NO <sub>2</sub> )	1.0 mg/l
Cadmium (Cd)	0.2 mg/l	Silver (Ag)	0.005 mg/l
Lead (Pb)	0.5 mg/l	Selenium (Se)	0.05 mg/l
Cyanide (CN)	0.2 mg/l	Surface-active substances that react to methylene blue	0.5 mg/l
Residual chlorine (Cl)	0.01 mg/l	Sulphides such as H <sub>2</sub> S	1.0 mg/l
Copper (Cu)	1.0 mg/l	Thallium (Tl)	0.1 mg/l
Total chrome (Cr)	0.05 mg/l	Uranium (U)	0.5 mg/l
Tin (Sn)	4.0 mg/l	Zinc (Zn)	5.0 mg/l

Standards are also provided for organo-chlorines and herbicides (see Table 1A of the amended Regulations on environmental quality standards (Decree No. 67/2010)).

<sup>11</sup> Revised in the amendment to the Regulations on Environmental Quality Standards, Decree No. 67/2010.

<sup>12</sup> In the calculation of the permissible maximum concentrations, the discharge of liquid effluents obtained through the dilution of the effluent with unpolluted water will not be considered (for example, supply water or water used in cooling).

### 17.3.10 Registration of environmental consultants

In terms of Article 23 of the EIA Regulations, only registered individuals or environmental consulting companies<sup>13</sup> can undertake an EIA in Mozambique. In order to register, the consultant must submit the following to the authorities:

- Name, nationality, profession, place of work and residential address
- Proof of residence in Mozambique or Mozambican Identity Document
- Certificates of tertiary academic qualifications
- CV demonstrating relevant experience and environmental knowledge
- Reference letters to vouch for the consultant's experience and environmental knowledge
- Tax numbers and in the case of consulting companies, the company's registration certificate
- Statement to the effect that the consultant is not employed by the EIA Authorities
- Proof of participation in previous EIA studies
- Proof of professional insurance, either for an individual or a company

After receiving the application in writing, together with the fee specified in Table 17.1, the EIA Authority must issue a Certificate of Registration within **fifteen working days** of receiving the application. The registration certificates must be renewed every **three years** on the presentation of an updated CV and payment of fees as shown in Table 17.1.

Non-Mozambican companies that wish to conduct an EIA in the country must either be sub-contracted to a registered Mozambican company or form part of a consortium with a registered company. In addition, the company or individual must submit documentation listing similar projects undertaken, curricula vitae (CVs) and the qualifications of each member of the proposed EIA team, as well as proof of residence and a Mozambican work permit.

## 17.4 EIA procedural framework in Mozambique

The steps to be taken in conducting an EIA are set out in the EIA Regulations, Decree No. 54/2015, and are summarised below. The process to be followed is slightly different depending on whether the project is in Category A+, A, B or C. Table 17.8 and Figure 17.2 will assist readers to determine which components of the process they must follow.

**Table 17.8: Components of the EIA process required by project category**

Component of EIA process	Category A+ projects (EIA required)	Category A projects (EIA required)	Category B projects (EIA or SER required)	Category C projects (no EIA or SER required)
Application	Yes	Yes	Yes	Yes
Pre-assessment	Yes	Yes	Yes	Yes
EPDA	Yes	Yes	No	No
Terms of Reference	Yes	Yes	Yes	No

<sup>13</sup> Consulting companies must comprise more than four specialists

Component of EIA process	Category A+ projects (EIA required)	Category A projects (EIA required)	Category B projects (EIA or SER required)	Category C projects (no EIA or SER required)
EIA	Yes	Yes	No	No
SER	No	No	Yes	No
Public participation programme	Yes	Yes	Yes	No
Review by Technical Commission for EIA	Yes	Yes	Yes	No
Review by Specialist Reviewers	Yes	No	No	No

#### 17.4.1 Application and screening

As a first step, a proponent must consult Annexes I, II, III and IV of the EIA Regulations (reproduced in Appendices 17-1, 17-2, 17-3 and 17-4 respectively of this Handbook) to determine which category the project falls into:

- Category A+ projects (Annex I of the Regulations, and Appendix 17-1 at the end of this Chapter) are those projects that may have a significant impact on the environment because of their complexity, location, and/or irreversibility and magnitude of possible impacts. Thus Category A+ projects require an EIA to be undertaken by independent and experienced EIA specialists;
- Category A projects (Annex II of the Regulations, and Appendix 17-2) are those projects that may have a significant impact on the environment and, therefore, require an EIA
- Category B projects (Annex III of the Regulations, and Appendix 17-3) do not significantly affect communities or environmentally sensitive areas. The likely negative impacts are expected to be of minor duration, intensity, extent, magnitude and significance compared to Category A+ and A projects, and few impacts are likely to be irreversible. The impacts that may occur can readily be mitigated. Therefore, a Simplified Environmental report (SER) is required for Category B projects
- Category C projects (Annex IV of the Regulations, and Appendix 17-4) are likely to have an insignificant, negligible or minimal impact on the environment, none of which are likely to be irreversible. The benefits of the project clearly outweigh the negative impacts. The proponents of these projects do not need to submit either an EIA or a SER, but are required to present a plan of best environmental management procedures and measures to be applied. This plan must be approved by the relevant provincial EIA Authority (Figure 17.2)

All proponents (irrespective of which category of project they may be proposing) must submit the following information to either the national EIA Authority or the respective provincial EIA Authority:

- Description of the activity
- Need and desirability of the project
- Legal framework for the activity
- Brief description of the biophysical and socio-economic structure of the region
- Current land use on the proposed site
- Completion of the preliminary environmental information sheet (Annex VI of the EIA Regulations)

- A provisional land use development permit (known as a DUAT<sup>14</sup>) for the area to be developed
- An exploration plan (for mining project applications)

All applications must be submitted to the relevant provincial EIA Authority, however, if the project affects more than one province, the application must be submitted to the national EIA Authority. The relevant EIA Authority may visit the proposed project site to evaluate the baseline socio-economic conditions. All applications must be in Portuguese.

### 17.4.2 Pre-assessment

In terms of Article 8 of the EIA Regulations, all activities which could cause an impact on the environment, must be subjected to a pre-assessment by the relevant EIA Authority in the project area (Figure 17.2). The pre-assessment is based on the following:

- The information provided in the application (see section 17.4.1 above)
- The assessment criteria listed in Article 9 of the EIA Regulations, which include:
  - Number of affected people and communities
  - Nature and type of affected ecosystems and species and their importance as ecosystem services
  - Location and extent of the area affected
  - Reversibility of anticipated impacts
  - Identification of potential impacts
  - Project components
  - Whether the environmental quality standards of Mozambique can be complied with (s. 17.3.9)

The pre-assessment, which takes **8 working days** to review, may result in the categorisation of the project into one of the four listed categories, or the EIA Authorities may decide that there are fatal flaws which could result in a decision not to proceed.

If the project is classified as a Category C project (i.e. exempt from an EIA or SER), the EIA Authority will issue an Environmental Licence within **ten working days** after approval of the plan of good environmental management procedures and payment of the required licensing fee (see Table 17.1 and Figure 17.2). If the project falls into categories A+ or A, the proponent must conduct an environmental pre-feasibility and scope definition report (EPDA) and prepare Terms of Reference for the EIA (see s. 17.4.3 below). If the project is classified as Category B, the proponent is required to submit a SER as described in s. 17.4.4.

### 17.4.3 Process to be followed for Category A+ and A projects

#### 17.4.3.1 Environmental Pre-feasibility Report (EPDA) and Scope Definition

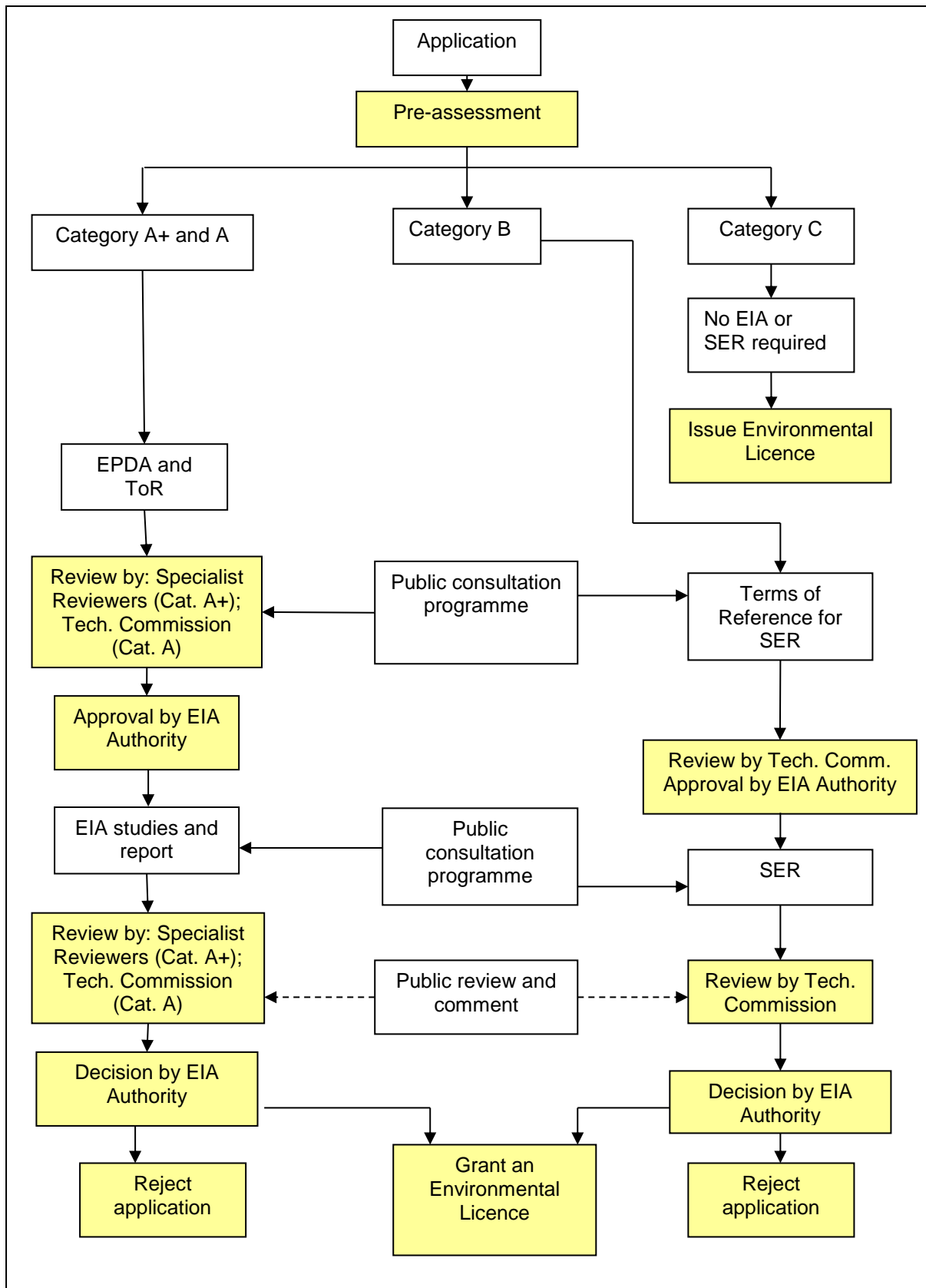
An EPDA is compulsory for all Category A+ and A projects (see Figure 17.2). Its main purpose is to determine any fatal flaws in the project and, if there are none, to determine the scope of the EIA and the design of the ToR. The EPDA must contain the following information as a minimum:

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<sup>14</sup> Dereito do Uso e Aproveitamento da Terra

- 
- Non-technical summary highlighting the main issues and conclusions
  - Names and contact details of the proponent and the EIA consulting team
  - The sphere of influence of the proposed activity (both direct and indirect), and the pre-development land use in this area
  - Description of the activity, including all actions relating to the planning, construction, exploration and decommissioning (if a short-term project) stages and all reasonable alternatives
  - Description of the biophysical and socio-economic environments, including a preliminary identification of ecosystem services and the vulnerability to climate change
  - Identification and assessment of any fatal flaws
  - Indication of potential environmental impacts, including those relating to climate change, if applicable
  - Identification and description of the aspects to be investigated in detail in the EIA (specialist studies)
  - A report on the public participation process as stipulated in Article 15 of the EIA Regulations

The EPDA, written in Portuguese, must be submitted to the EIA Authority together with the ToR for the EIA (see below). The number of copies will be determined during the pre-assessment. For Category A+ activities, the EPDA will be reviewed by a Specialist Reviewers (see s. 17.2.4) whose report must be approved by the EIA Authority before the EIA can proceed. This review can take up to **45 working days**. The EPDA for Category A projects will be reviewed by the Technical Commission for EIA and its findings communicated to the proponent within **30 working days** (see. s. 17.2.3 and Figure 17.2).



**Figure 17.2: EIA and SER processes**

*(Shaded blocks indicate activities by the competent authority)*

### 17.4.3.2 Terms of Reference

The ToR set out the process to be followed in the EIA and should contain at least the following:

- Description of the specialist studies
- Methodology for evaluating existing ecosystem services
- Description of reasonable alternatives that will be investigated in the EIA
- Methodology to be used to identify impacts on climate change, biodiversity and society during each stage in the project life cycle, as well as the methodology to be used to determine the vulnerability of the project to the effects of climate change

The ToR must be submitted to the EIA Authority for approval before commencing with the EIA. In the case of Category A+ projects, the proponent has **270 days** to submit the EPDA and ToR after receiving approval to proceed with the EIA. For Category A projects, the allowable time is **180 days** (Article 19(1)).

### 17.4.3.3 Environmental Impact Study

The proponent is responsible for the preparation of an EIA as per the approved ToR and is thus required to appoint qualified, registered environmental consultants to do this (see s. 17.3.10). Article 11 of the EIA Regulations defines the content of the EIA Report, which must contain at least the following:

- A non-technical summary covering the main issues, conclusions and recommendations
- Names of the proponent and EIA team that carried out the study
- The legal and planning context of the activity
- A description of the activity in the planning, construction, operation and decommissioning phases
- A detailed description and comparison of alternatives
- Geographical location of the area of influence of the activity
- A description of the baseline environmental and social situation, including a qualitative assessment of the existing ecosystem services and an evaluation of the vulnerability of the project to the effects of climate change
- A forecast of the future environmental situation with and without the application of mitigation measures
- A summary of environmental and social impacts and the viability of proposed alternatives
- Identification and analysis of the impact of the project on the health, gender and vulnerable members of affected communities and the mitigation measures proposed to address such impacts
- Identification and assessment of the direct, indirect, residual and cumulative impacts and the proposed mitigation, enhancement and compensation measures
- The provisional or final land use permit (DUAT) for the project area
- An EMP that includes the monitoring of impacts, environmental education, and accident prevention and contingency plans
- The Biodiversity Offset Management Plan as an annex to the EIA report (if required)

- The Physical and Economic Survey Report<sup>15</sup> (Relatório do Levantamento Físico e Sócio-económico (RLFSE)) as an Annex to the EIA report (if required). This report must include details on the stakeholder participation process undertaken during the resettlement process
- A report on the public participation programme as stipulated in Article 15 of the EIA Regulations
- Proof of payment of income tax if the EIA consultants are not domiciled in Mozambique

Proponents of Category A+ projects are allowed up to **360 days** to submit the EIA Report after the approval of the EPDA and ToR, while proponents of Category A projects only have **270 days** to complete and submit their EIA Reports. If the EIA Authorities require any additional information, the proponents of both Category A+ and A have **90 days** to submit the required addendum.

#### 17.4.3.4 EIA review and decision-making process

The EIA report must be submitted to the EIA Authority in Portuguese. The number of copies to be submitted will be determined during the approval of the ToR. For Category A+ projects, the EIA report will be reviewed by the same Specialist Reviewers who reviewed the EPDA. The review report must be received by the EIA Authorities and a decision communicated to the proponent within **60 working days** from receipt of the EIA report. The Authorities may request an extension to this timeframe in writing.

For Category A projects, the EIA report will be reviewed by the same Technical Commission for EIA that reviewed the EPDA. The Commission will submit a report on its comments to the relevant EIA Authority, considering all the comments and submissions made by the public during the review period. During this period, the proponent may be asked to submit additional information to assist the Commission in its review. The findings of the Commission's report will form the basis for the decision taken by the EIA Authority on the granting of an Environmental Licence. The decision-making process for Category A projects is **45 working days**.

Following receipt of the required fee (see Table 17.1), the EIA Authorities will issue the Environmental Licence within **15 working days**. However, if there are serious objections to the project, the EIA Authority will either reject the project outright, request further information before a decision can be made, or re-categorise the project to a higher category, which will require more detailed studies.

### **17.4.4 Process to be followed for Category B projects**

An EPDA is not required for Category B projects, which means that after pre-assessment, the process starts with the preparation of ToR.

#### 17.4.4.1 Terms of Reference

The proponent of Category B projects has **90 working days** to draw up the contents for the ToR for a Simplified Environmental Report (SER), which must include:

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<sup>15</sup> Equivalent to the Resettlement Action Plan and Livelihoods Restoration Plan required by the World Bank/IFC



- The methodology for evaluating existing ecosystem services;
- Description of reasonable alternatives that will be investigated in the SER
- Methodology to be used to identify impacts on climate change, biodiversity and society during each stage in the project life cycle, as well as the methodology to be used to determine the vulnerability of the project to the effects of climate change
- Any other information as required

The ToRs for the SER must be submitted to the relevant EIA Authority for approval which can take up to **15 working days**.

#### 17.4.4.2 Simplified Environmental Report

Once the ToRs for the SER have been approved by the EIA Authorities, the proponent must commence the SER. The report should contain at least the following as set out in Article 12 of the EIA Regulations:

- Non-technical summary of the main issues, conclusions and recommendations of the report
- The location and description of the activity
- The legal framework and the planning context of the activity, particularly in relation to regional plans which may be directly or indirectly affected by the project
- A description of the baseline environmental situation including potential vulnerability to climate change
- Identification and assessment of the potential impacts including possible impacts on climate change and ecosystem services and their mitigation and/or enhancement measures, following the mitigation hierarchy
- The EMP for the activity, which includes impact monitoring, environmental education programmes and communication, emergency and accident contingency plans
- The public participation report, in accordance with Article 15(9) of the EIA Regulations
- Names of the EIA team that carried out the study

The report, written in Portuguese, must be submitted to the relevant EIA Authority within **180 working days** from the date of approval of the ToR. The number of copies will be determined during the approval of the ToR.

#### 17.4.4.3 SER review and decision-making process

The SER must be submitted to the relevant EIA Authority for review, who in turn will convene the Technical Commission for EIA for the purpose of reviewing the SER. The Technical Commission must take into consideration all written and oral statements made within the framework of the public participation process submitted to the local authorities. During the review, the EIA Authority may request supplementary information to address aspects of the approved ToRs that have not been fully met. Following the review, the Technical Commission will draw up a review report and this will form the basis for the decision on environmental licensing by the EIA Authority. This review process takes **30 working days**.

#### **17.4.5 Public participation process**

Article 15 of the EIA Regulations sets out the requirements for public participation during the EIA process. Public participation is mandatory for projects listed in Categories A+, A and B. At least two sets of meetings of public consultations must be held at each location, the first being for the presentation of the draft EPDA report, the EIA ToR, and the collection of comments and suggestions (during EPDA phase), and the second for presentation of the EIA report before being submitted to the Government. The public have a right to be consulted or have their interests represented at public meetings and the public participation process should be carried out in the presence of the EIA Authority and the representatives from the relevant sector to safeguard the activity.

Notices for public meetings or hearings must be published not later than **fifteen days** before the date of the meeting, using means appropriate to the location of the project.

A final report should be prepared within **fifteen days** after each round of public participation.

A public hearing may also take place at the request of citizens, legally constituted environmental organisations, or public or private entities, directly or indirectly affected by the activity under analysis, if in the opinion of at least 50 citizens, the nature of an activity, its characteristics and its foreseeable impacts justify such a hearing.

All the technical reports produced during the EIA process should be available for public consideration in order to ensure wide dissemination of information about the project and the participation of all interested parties. The EIA Authority is responsible for disseminating the documents to relevant government departments for comment. After project approval, all final reports, including the EIA, EPDA, Biodiversity Offsets Management Plan, Resettlement and Compensation Plans and Biodiversity Management Plans, are in the public domain.

#### **17.4.6 Inspection and audit**

In terms of Article 26 of the EIA Regulations, the EIA Authorities must make regular inspections of the construction sites for new activities and the operations of existing facilities. If the situation is complex or where environmental conditions justify it, the authorities can request an environmental audit to be conducted. All A + and A projects shall be inspected and audited at least once a year during the implementation of the project. All audits shall be conducted as per the requirements of the Regulations on Environmental Auditing (Decree No. 25/2011).

#### **17.4.7 Strategic environmental assessment**

The Environment Law makes no specific provision for strategic environmental assessments (SEAs). However, several SEAs have been carried out in the country e.g. for forestry development, oil and gas activities and coastal zone planning.

#### **17.4.8 Trans-boundary impacts**

Mozambique is situated on the east coast of southern Africa, with a long Indian Ocean coastline. The country shares a northern border with Tanzania, Malawi and Zambia, and a western border with Zimbabwe and South Africa. A short section of the boundary in the far south of the country is shared with the Kingdom of Eswatini.

Although there are no specific references in the EIA Regulations to the consideration of trans-boundary impacts in EIAs, there are several joint programmes between Mozambique and its neighbours such as trans-frontier conservation areas, shared river systems and the Agulhas Somali Current Large Marine Ecosystem programme.

## 17.5 Other relevant environmental legislation

The following table provides a brief overview of the various laws and regulations developed by other sectors that may have a bearing on the EIA. Note that this is not an exhaustive list and readers are advised to check with the sector ministries.

**Table 17.9: Potentially applicable sector legislation**

Sector	Primary agency	Title and date of document	Purpose
Water supply	Ministry of Public Works, Housing and Water Resources	Resolution No. 42/2016	National Water Policy,
		Law 16/91	Water Law
		Ministerial Diploma No. 180/2004	Regulations regarding the quality of water for human consumption.
		Resolution No. 40/2018	Approves the Water Sector Action Plan for the Implementation of the Sustainable Development Objectives 2015-30
		Resolution No. 11/2019	Approves the National Plan for Water Resources Management. The aim is to develop and manage water resources in a systematic way for the benefit of socio-economic development.
Marine and inland water resources	Ministry of the Sea, Inland Waters and Fisheries	Decree No. 45/2006	Regulations on prevention of pollution and the protection of the marine and coastal environment.
Air quality and climate change	MITADER: National Environmental Directorate	Decree No. 78/2009	Regulations on the Management of Substances that Deplete the Ozone Layer. The Ministry is responsible for the implementation and monitoring of this Regulation, which sets out potential fines. The Regulations restrict the importation and use of chemicals that deplete the ozone layer.
		Decree No. 23/2018	Regulations for the implementation of projects to reduce emissions from deforestation and forest degradation (REDD) forest conservation and carbon reserves. It aims to regulate, define principles and standards for the implementation of the above mentioned Programmes and Projects, defining the institutional framework and competencies. This Regulation shall apply to REDD+ Programmes and Projects to be implemented in any area of the national territory.
Occupational health and safety	Ministry of Industry and	Legislative Diploma No. 48/73 and Decree No. 62/2013	General Regulations on Hygiene and Safety on Industrial Plant. The Regulations do not specify standards but relate to measures to protect workers.

Sector	Primary agency	Title and date of document	Purpose
	Trade, Dept. of Labour	Law No. 23/2007	The Labour Law regulates all employment relationships relating to Mozambican nationals.
		Decree No. 37/2016 and Decree No. 63/2011	These decrees relate to the employment of non-residents.
Waste – liquid effluents	MITADER	Decree No. 18/2004,	Regulations on the Parameters for Environmental Quality and Effluent Discharges. These Regulations set standards for the discharge of liquid effluents to marine and coastal environments, as well as for surface irrigation of waters using liquid effluent
Solid waste	Each municipality (i.e. only urban)	Municipality Law No. 2/97	Local municipalities need to ensure basic sanitation and quality of life. The Law sets out municipal responsibility to develop programmes for ecological protection and procedures for the removal of solid waste, and the treatment and disposal of solid residues, including medical and hazardous waste.
		Decree No. 94/2014	Regulations on the management of urban solid waste.
	MITADER	Decree No. 83/2014	Regulations on the management of hazardous waste.
		Decree No. 55/2010	Regulations on the banishment of asbestos and its derivative products.
		Decree No. 94/2014	Regulations on waste management
Ministry of Health	Decree No. 9/2003	Regulations on biomedical waste management	
Land use planning and development	MITADER	Land Law No. 19/1997	The Law determines the method and process of land rights. All land in Mozambique is the property of the State but the law grants private persons the right to use and benefit from the land. This right is known as <i>Direito do Uoi e Aproveitamento da Terra</i> (DUAT) or land use permit.  The Law identifies which developments can apply for Partial Protection Zones and the distances, aerial, surface and underground installations of electricity, gas and telecommunications. The Law sets the special licence requirements for activities in the Partial Protection Zones. <sup>16</sup>
		Decree No. 66/98, as amended in 2003, 2010 and Decree No. 31/2012	Land Law Regulations
		Ministerial Diploma No. 181/2010	Directive regarding expropriation of land for purposes of regional land planning.
Mining and mineral resources	Ministry of Mineral Resources and Energy (MIREME)	Law No. 20/2014	Contains the Mining Law.
		Decree No. 26 2004, amended by Decree No. 42/2008 and	Environmental regulations for mining activities. The Diploma provides the rules and directives for environmental management of mining activities.

<sup>16</sup> The law designates Partial Protection Zones, which include the 100 m strip of land surrounding sources of water and the 250 m strip of land surrounding dams and reservoirs.

Sector	Primary agency	Title and date of document	Purpose
		Ministerial Diploma No. 189/2006	
		Resolution No. 21/2004	Provides the policy on corporate social responsibility for the extractive industry
Oil and gas	MIREME National Petroleum Institute (Instituto Nacional de Petróleo)	Petroleum Law, No. 3 of 2001	This Law provides a legal framework for the sector, including the protection of investor rights
		Decree No. 24 of 2004	Petroleum Operations Regulations
		Ministerial Diploma No. 272/2009	Regulations on licensing of facilities associated with petroleum operations
		Decree No. 56/2010	Environmental regulations for the petroleum industry
		Resolution No. 27/2009	Strategy on the concession of areas for oil operations
Energy	MIREME	Resolution No. 10/2009	Sets out the new Energy Policy
		Resolution No. 22/2009	Provides the national policy and strategy on biofuels
		Law No. 8/2017	Provides the framework law on nuclear energy
		Decree No. 7/2018	Regulations on the management of radio-active waste
Conservation, biodiversity, wildlife, forestry, fauna and flora	MITADER: National Administration for Conservation Areas (NACA)	Conservation Policy and Implementation Strategy, 2009	NACA is the primary agency in charge of the protection of national parks, unless these parks have specifically been declared and are administered by another sector agency. The conservation agency is thus not under one jurisdiction, which makes coordination and efficiency difficult to achieve.
	National Directorate of Forestry	Law, No. 10 of 1999	Forests and Wildlife Law. The overall objective of this Law is extremely broad – “to conserve, utilise and develop forest and wildlife resources for the social, ecological and economic benefit of the present and future generations of the Mozambican people”. The holder of the land rights and development rights must obtain a licence for the exploitation of fauna and flora resources. The Law identifies protected areas: national parks, national reserves and cultural heritage sites.
		Decree No. 12/2002,	Regulation for Flora and Fauna Resources Protection. These regulations apply to all activities of protection, conservation, use and production of fauna and flora.
		National Strategy and Action Plan on Biodiversity in Mozambique, 2015	Sets out the strategic plan for biodiversity protection for the 20-year period 2015-25
		Reforestation Strategy, 2009	
		Law No. 16/2014	Law on the conservation of biological diversity
Biosecurity	MITADER	Decree No. 25/2008	Regulation for Control of Alien Invasive Species
		Decree No. 71/2014	Regulations on biosecurity in relation to genetically modified organisms and related products

Sector	Primary agency	Title and date of document	Purpose
Agricultural and land	MITADER: National Directorate for Land; National Directorate for Rural Development	Land Law, No. 19 of 1997, and Regulations (Decree No. 66/98) as amended in 2003 and 2010	This Law provides the legal framework for ownership and control of land and natural resources in Mozambique. It defines certain land use allocations, including areas intended for nature conservation, defence, etc.
		Law No. 19/2007	Provides the legal framework for regional planning
Fisheries	Ministry of Sea, Inland Waters and Fisheries	Law, No. 22/2013	The Fisheries Law, consisting of 4 Titles divided in 112 articles and a Glossary, establishes the new Fisheries basic legislation to be applied in Mozambique. This Law aims at establishing the legal regime for all fishing activities and all complementary related activities performed by National or foreign fishing vessels operating in waters under Mozambican jurisdiction in order to implement measures on protection, management and sustainable use of the National biological aquatic resources. The Law applies for all activities related to fisheries sector (including fishing in high-seas, third countries jurisdictional waters, aquaculture, mariculture, etc.)
		Resolution No. 39/2017	Policy and Strategy of the Sea
		Fisheries Plan 2010-2019	
Transmission (electricity)	MIREME	Law No. 21/1997	The Electricity Law applies to the production, transport, distribution and sale of electric energy in Mozambique, as well as the import or export of electricity
Human resettlement, compensation and rehabilitation	MITADER: National Directorate for Regional Planning and Resettlement	Decree No. 31/2012	Regulations on the resettlement process resulting from economic activities
		Ministerial Diploma No. 155/2014	Regulations on the functions of the Technical Commission for Monitoring and Supervising the Resettlement Process. It sets out the functions of the Commission and establishes the basic principles of resettlement and compensation.
		Ministerial Diploma No. 156/2014	Technical directive on the process of designing and implementing resettlement action plans (RAPs).
Archaeological, historical and cultural	Ministry of Culture and Tourism (Department of Monuments)	Law No. 10/88	The National Heritage Protection law requires the Ministry to be consulted in the context of archaeological finds in the area of a proposed project. Any fortuitous find must be communicated with 48 hours to district administrators or the city council. Work must be suspended to avoid damage.
		Decree No. 27/94	Regulations on the Protection of Archaeological Heritage Property
Gender	Ministry of Gender, Children and Social Welfare	Gender Strategy and Action Plan for the Agrarian Sector, 2016-25	

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Sector	Primary agency	Title and date of document	Purpose
		Gender Policy and Implementation Strategy, 2006	
		Ministerial Order No. 35/2012	Approves the formation of the Ministry relating to gender
Public health	Ministry of Health	National Environmental Health Strategy, 2017-25	

## Appendix 17-1: Category A+ activities

Because of their complexity, location, and/or irreversibility and magnitude of possible impacts, Category A+ projects require an EIA (Annex I of the EIA Regulations).

### Activities related to and/or located in the following areas are part of this category:

- A. The physical and economic displacement of families that does not correspond to the model of resettlement defined in the Regulation on the Resettlement Process Resulting from Economic Activities;
- B. Activities located in areas of high biodiversity value, including:
  - (i) Habitats of significant importance for species that are critically endangered and/or threatened under national or international legislation;
  - (ii) Habitats of significant importance for endemic and/or restricted species;
  - (iii) Habitats of significant importance for protected species in the country;
  - (iv) Habitats that provide conditions for the existence of significant concentrations of migratory and/or congregational species;
  - (v) Highly threatened and/or unique ecosystems;
  - (vi) Areas associated with key evolutionary processes like mangroves.
- C. Activities with potentially irreversible impacts (prior to the application of mitigation measures) in areas where human activity has not substantially modified native ecological functions and species composition;
- D. Activities located in conservation and protection areas and in their buffer areas, with the exception of activities proposed by the managing entity of said Conservation Area, when intended to improve its management; and activities whose implementation directly affects coral reefs and primary dunes, mangroves, wetlands and seagrass where they are affected over an area of more than 1ha;
- F. Populated areas where activity may involve high levels of pollution or other disturbances that could significantly affect local communities;
- G. Zones of unique scenery;
- H. Native forests;
- I. Zones containing animal and/or plant species, habitats and endangered ecosystems.

### Category A+ activities include:

- (a) Treatment and manufacture of dangerous substances classified as carcinogenic, mutagenic or toxic;
- (b) Manufacture of products using genetically modified organisms, and their derivatives;
- (c) Manufacture of pesticides;
- (d) Nuclear power plants;
- (e) Processing and storage of radioactive wastes;
- (f) Extraction and processing of minerals;
- (g) Extraction, storage, transport, processing and production of hydrocarbon derivatives;
- (h) Underground and surface storage facilities for combustible gases.



## Appendix 17-2: Category A Activities

Activities relating to and/or situated in areas with characteristics described below are classified Category A activities (Annex II of the EIA Regulations):

- a) Areas and ecosystems recognised as having special protection status under national and international legislation, such as:
  - Small islands
  - Zones of imminent erosion
  - Zones exposed to desertification
  - Zones of archaeological, historical and cultural value to be preserved
  - Protection areas around water supply springs and fountains
  - Groundwater aquifers
- b) Densely populated areas that imply the need for resettlement
- c) Regions subject to high levels of development or regions where there are conflicts in the distribution and use of natural resources
- d) Areas along rivers or areas used by local communities as a source of domestic water supply
- e) Zones containing valuable resources, e.g. aquatic, mineral and medicinal plants

**The following activities are included in this category:**

### 1. Infrastructure

- a) All activities requiring population resettlement;
- b) Urban sub-division and/or development of new villages or suburbs of more than 20 ha, or the development of multi-functional complexes with more than 80 dwellings
- c) Tourist enterprises outside urban zones or in zones without land use plans – with capacity equal to or higher than 150 beds or an area equal to or greater than 10 ha
- d) Camping sites for more than 650 users or with an area equal to or greater than 5 ha
- e) Theme parks with an area of more than 8 ha
- f) Industrial sub-division of more than 15 ha
- g) Establishment or expansion of recreational areas, such as golf courses, in an area equal to or greater than 5 ha
- h) Marinas and docks with more than 150 mooring points
- i) Works for the transfer of water between catchments where it is intended to augment water shortages in one region and the volume of water to be transferred exceeds 100 million m<sup>3</sup>/year
- j) All main roads outside urban areas
- k) Railway and road bridges more than 100 m long
- l) Railways of length equal to or longer than 5 km
- m) Airports, aerodromes with a runway of length equal to or greater than 1,800 m
- n) Oil pipelines, gas pipelines, submarine cables and fibre-optic cables of more than 5 km in length
- o) Establishment or expansion of ports and port facilities for vessels with tonnage greater than 4,000 gross tonnes
- p) Shipbuilding and repair shipyards with an area equal to or more than 5 ha, or a coastal length of more than 150 m
- q) Dams and weirs with an inundated area equivalent to or greater than 5 ha
- r) Water mains or aqueducts of more than 10 km in length and diameter equal to or greater than 1 m
- s) Exploration for and use of groundwater resources, including the production of geothermal energy, involving the extraction of more than 500 m<sup>3</sup>/h or 12,000 m<sup>3</sup>/day
- t) Dredging of new access channels to the ports
- u) Anchorages or shipping berths
- v) Overhead and underground powerlines
- w) Construction of waterways and canalisation of water courses
- x) Coastal works to combat marine erosion

### 2. Forestry exploration

- a) Exploration, parcelling and exploitation of indigenous vegetative cover with areas, individual and cumulative, greater than 100 ha
- b) All deforestation activities over more than 50 ha, reforestation and afforestation over more than 250 ha

### 3. Agriculture

- a) Activities of parcelling for agriculture of more than 350 ha with irrigation, and more than 1,000 ha without irrigation
- b) Conversion of agricultural land for commercial, urban or industrial purposes
- c) Conversion of uncultivated land equal to, or more than 100 ha to intensive agriculture for more than five years
- d) Introduction of new crops and exotic species
- e) Irrigation systems for areas of more than 350 ha
- f) Activities of intensive animal breeding for more than:
  - 50,000 poultry per year
  - 1,000 pigs and/or 100 breeding sows per year
  - 500 cattle with an individual or cumulative area of less than 1,000 ha
- g) Extensive livestock activities for more than:
  - 500 cattle per year with an individual or cumulative area of less than 2,000 ha (4ha/animal)
  - 2,000/year small stock such as sheep and goats
- h) Aerial or ground spraying of pesticides over areas, individual or cumulative, greater than 1,000 ha

### 4. Fisheries

- a) Industrial fishing activities involving increased pressure on fishery resources
- b) Aquaculture activities with more than 100 tonnes of production per year

### 5. Industry

#### 5.1 Production and processing of metals

- a) Production and processing of metals with a production more than 2.5 t/day
- b) Surface treatment of metals and plastics that use chemical and electrolyte processes – total volume of treatment tanks equal to or greater than 30 m<sup>3</sup>
- c) Manufacture and assembly of motor vehicles with an installation area of more than 15 ha
- d) Manufacture of glass and its derivatives
- e) Manufacture of ceramic products by baking with a capacity of 300 t/day or more
- f) Manufacture of railway equipment

#### 5.2 Chemical industries

- a) Manufacture of pharmaceutical products with a capacity of more than 1,250 t/a
- b) Manufacture of paint and varnish from primary raw materials with a capacity of more than 75,000 t/a
- c) Manufacture of peroxides with a capacity of more than 12,500 t/a
- d) Production of soap products
- e) Production or processing of fertilisers
- f) Processing of tobacco
- g) Manufacture of rubber-based products with a capacity of more than 75,000 t/a

#### 5.3 Food

- a) Factory for animal feed with production of 2,000 t/month
- b) Production of animal oils and fats (production equal or greater than 75 t/day) and vegetable oils and fats (production equal or greater than 300 t/month)
- c) The cultivation of the sugarcane and sugar mills with a capacity of more than 300 t/day final product

#### 5.4 Textiles, tanning, wood and paper

- a) Manufacture of paper and cardboard with a capacity of more than 20 t/day
- b) Cleaning, bleaching, mercerisation or dyeing of fibres and textiles with a capacity of more than 10 t/day

- c) Tanning factory with a capacity of more than 12 t/day
- d) Facilities for production and treatment of cellulose with a capacity of more than 40 t/day

### **5.5 Mining and quarrying industry**

- a) Quarries with a mining concession
- b) Installations and industrial complexes, such as cement and steel mills and coking plants. These activities should be located in an industrial park or where there are no land use plans, and at a minimum of 20 km from the nearest residential area

### **5.6 Energy**

- a) Hydroelectric power plants; thermal power stations; geothermal installations; photovoltaic, wind and wave energy projects
- b) Facilities for surface storage of liquid or solid fuels
- c) Industries manufacturing briquettes, black coal and lignite with production capacity equal to or higher than 150 t/day
- d) 66 kV power transmission and distribution lines

### **5.7 Treatment and disposal of solid and liquid wastes**

- a) Storage, transportation, treatment and disposal of hazardous industrial wastes
- b) Landfills with a capacity to accommodate waste from a population of more than 150,000 people
- c) Storage, transportation, treatment and disposal of hospital waste of central, general and provincial hospitals with maternity and general surgery services
- d) Facilities for the treatment of sewage with capacity for more than 150,000 inhabitants
- e) Cemeteries with an area of more than 50 ha
- f) Waste incinerators

### **5.8 Conservation areas**

- a) Creation of national parks, nature reserves, game reserves, areas of management of fauna and buffer areas
- b) Commercial exploitation of natural fauna and flora
- c) Introduction of exotic species of fauna and flora

## Appendix 17-3: Category B activities

The activities in this category differ from Category A mainly in the scale of the impacts. In general, they do not significantly affect human populations or environmentally sensitive areas. The negative impacts are of minor duration, intensity, extent, magnitude and/or significance compared to those of Category A projects, and few are irreversible. The impacts resulting from these activities allow the application of mitigation measures relatively easily, and these projects only require a SER. Included in this category are:

- a) Wood processing plants
- b) Paint and varnish processing plants
- c) Food and beverage processing plants with production exceeding 10 t/d
- d) Storage areas of scrap more than 5ha
- e) Transmission and distribution powerlines below 66 kV
- f) Tyre re-treading
- g) Infrastructure for the supply of fuel
- h) Production plant for animal feed with production equal to or less than 1,000t/month
- i) Water supply and sanitation systems, pipelines, treatment stations and sewage disposal systems
- j) Cashew nut processing plant
- k) Storage, treatment, transportation and disposal of hospital waste from rural hospitals, health centres and clinics and private clinics with minor surgery services
- l) Apartment blocks with more than 15 flats in non-urbanised areas
- m) Car wash services
- n) Breeding pens with a capacity between 1,000 and 1,500 animals/year
- o) Transformation or removal of native vegetation from areas between 100 and 200 hectares for agriculture without irrigation
- p) Production and processing of juices
- q) Industrial production of bitumen. This type of activity should be located in industrial parks or in areas located at a minimum distance of 6 km from housing areas
- r) Industrial production of cement blocks, slabs and pavers
- s) Quarries with mining certificate
- t) River sand where a mining certificate has been granted
- u) The production of milk and milk products
- v) Industrial flour processing
- w) Production and processing of hair braids and wigs
- x) Hypermarkets with an area of 1 ha or more
- y) Ceramic industry
- z) Slaughterhouses
- aa) Fish processing industry
- bb) Industrial carpentry
- cc) Manufacture of cigarettes, cigars and the like
- dd) Dredging or maintenance of navigation channels, provided that they do not exceed the previously reached bottom levels
- ee) Maintenance and reconstruction of coastal erosion control works
- ff) Activities in conservation areas proposed by the management entity of conservation area, aimed at improving its management
- gg) Schools with a capacity of over 1,500 students

## **Appendix 17-4: Category C activities**

These are activities for which the preparation of an Environmental Impact Report or SER is not normally necessary, since the negative impacts are negligible, insignificant, minimal or even non-existent (Annex IV in the EIA Regulations). There are no irreversible impacts in this category, and the positive ones are clearly higher and more significant than the negative ones. The following are included in this category:

- a) Irrigation systems with individual or cumulative area between 50 and 100 ha
- b) Hotels, hotel-residential, motels, pensions and lodges in cities and towns
- c) Telecommunication towers
- d) Production of plastic bags with a thickness exceeding 30 micrometers
- e) Exploration for and use of groundwater resources including the production of geothermal energy involving the extraction of less than 200 m<sup>3</sup>/year
- f) Installation of equipment within existing iron and steel mills
- g) Consolidation of railway lines
- h) Rehabilitation of various fixed port equipment
- i) Construction of parking lots on flat property
- j) Domestic carpentry and woodwork
- k) Manufacture of biscuits, pasta and sweets
- l) Bakery industry
- m) Fruit and vegetable preservation industry - production of 300 t/d or less
- n) Manufacture of fibre, particleboard and plywood panels
- o) Installation of refrigerators
- p) Power distribution lines of 33 kV
- q) Intensive livestock activities (poultry <1000 animals/year)
- r) Manufacture of toilet paper and napkins
- u) Zinc sheet bending

## Acronyms

<b>AQUA</b>	National Agency for Environmental Quality Control
<b>CONDES</b>	National Commission for Sustainable Development
<b>CV</b>	Curriculum Vitae
<b>DUAT</b>	Direito do Uso e Aproveitamento da Terra (Land Use Permit)
<b>EIA</b>	Environmental Impact Assessment
<b>EMP</b>	Environmental Management Plan
<b>EPDA</b>	Estudo de Pre-viabilidade e Definição do Âmbito (Environmental Pre-feasibility Report and Scope Definition)
<b>IFC</b>	International Finance Corporation
<b>mg/l</b>	milligram per litre
<b>MIREME</b>	Ministry of Mineral Resources and Energy
<b>MITADER</b>	Ministry of Land, Environment and Rural Development
<b>MT</b>	Metacais
<b>NACA</b>	National Administration of Conservation Areas
<b>NDC</b>	Nationally Determined Contribution
<b>Nm<sup>3</sup></b>	normal cubic metres
<b>RAP</b>	Resettlement Action Plan
<b>REDD</b>	Reduction of Emissions from Deforestation and Forest Degradation
<b>SEA</b>	Strategic Environmental Assessment
<b>SER</b>	Simplified Environmental Report
<b>ToR</b>	Terms of Reference
<b>VOC</b>	volatile organic compound

## Useful contacts

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