

José Caldeira
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Industrial and Commercial Licensing

Decree 39/2003 of 23 September
 Decree 49/2004 of 17 November
 Ministerial Diploma 199/2004 of 24 November



Licenciamento Industrial e Comercial

Decreto nº 39/2003 de 23 de Setembro
 Decreto nº 49/2004 de 17 de Novembro
 Diploma Ministerial nº 199/2004 de 24 de Novembro

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FOREWORD

- *How long does it take to obtain a licence for commercial or industrial activity?*
- *What procedures and documents are required? Which entities should be approached?*
- *Are informal activities also covered by the new Commercial Licensing Regulations?*
- *How do the Commercial Licensing Regulations and the Industrial Licensing Regulations affect commercial activities that are already licensed?*
- *How does the trade and industry inspection system work*

These are just some of the questions that present themselves to new enterprises and investors, large and small, planning to start a business in commerce or industry in Mozambique.

Mindful of the importance of disseminating this new material, Mozlegal has compiled and translated the following legislation into English, and has published it in this book:

- Industrial Licensing Regulations – Decree 39/2003 of 26 November
- Commercial Licensing Regulations – Decree 49/2004 of 17 November.
- Industry and Trade Inspection Regulations – Decree 199/2004 of 24 November
- Ministerial Dispatch establishing how fines and licensing and inspection fees are distributed.

Following on from its other publication initiatives (the Land Legislation and the Law on Private Limited Companies), the publication of other Mozambican legislation on its website **www.mozlegal.com**, and its organisation of seminars, Mozlegal hopes that this publication will contribute to the wider dissemination and understanding of these Regulations.

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Maputo, July 2005

Adrian Frey/José Caldeira

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COUNCIL OF MINISTERS

Decree 39/2003 of 23 September

The implementation of Decree 44/98 of 9 September, which defines industrial licensing procedures, has revealed the need to adjust it so as to achieve the objectives of simplification and decentralisation of competencies to local bodies, as well as speeding up procedures.

Therefore, under the provisions of article 153 (1) (e) of the Constitution, the Council of Ministers decrees:

ARTICLE 1

The Industrial Licensing Regulations, which are attached hereto as an integral part of this Decree, are hereby approved.

ARTICLE 2

The Minister of Industry and Trade shall, by Ministerial Diploma, pass such rules as are necessary to ensure that these Regulations are implemented.

ARTICLE 3

Decree 44/98 of 9 September and all legal provisions containing rules that are contrary to those set down in this Decree are repealed.

Approved by the Council of Ministers, 23 September 2003

Let it be published.

THE PRIME MINISTER

Pascoal Manuel Mocumbi

INDUSTRIAL LICENSING REGULATIONS

CHAPTER I

Preliminary provisions

ARTICLE 1

Object

The purpose of these Regulations is to set down the conditions and procedures for licensing establishments in the manufacturing industry, independently of the regulating bodies, including the pharmaceutical industry in the terms of the article 14 (2) of Law 4/98 of 14 January, Law on Medicine.

ARTICLE 2

Scope of application

These Regulations apply to manufacturing establishments that, regardless of their size, propose to undertake productive activities contained in the Economic Activity Classifier (CAE-Rev. 1), according to Decree 58/99 of 8 September, including the extraction and refining of salt.

ARTICLE 3

Classification of industrial establishments

1. For the purposes of these Regulations, industrial establishments are classified as Large, Medium, Small and Micro, in accordance with the following criteria:

Category	Initial investment (USD)	Power capacity installed or to be installed (KvA)	No. of Employees
Large	Equal to or greater than 10.000.000	Equal to or greater than 1.000	Equal to or greater than 250
Medium	Equal to or greater than 2.500.000	Equal to or greater than 500	Equal to or greater than 125
Small	Equal to or greater than 25.000	Equal to or greater than 10	Equal to or greater than 25
Micro	Less than 25.000	Less than 10	Less than 25

2. For an industrial establishment to be classified in any category, it must meet at least two of the criteria set out in the table referred to in the preceding paragraph.

3. For the purposes of classification of industrial establishments whose parameters lie in three different or intercalated levels, the middle level shall be considered.

ARTICLE 4

Location

1. The location of the establishments referred to in the preceding article in urban centres or those covered by already approved urbanisation plans shall be authorised only within industrial zones that have been planned or, otherwise, against a favourable opinion of the respective municipality or other competent entity and shall further comply with an urbanisation programme, particularly in respect of environmental conservation, sustainable development and public health, paying special attention to the environmental impact on neighbouring communities, in terms of noise, vibrations and emissions.

2. Industrial establishments shall be situated preferably in sanitary places where rainwater is easily drained.

3. Industries that, by reason of various imperatives, have had to be located in unsanitary places shall be equipped with the means of sanitation indispensable to the improvement of such places.

4. Under no circumstances shall industrial establishments be licensed in residential premises.

ARTICLE 5

Manufacturing standards

Industrial establishments shall observe the manufacturing standards laid down in specific legislation on each type of product and activity.

ARTICLE 6

Health and safety conditions

The licensing authority shall provide all applicants with the Industrial Handbook containing the health, sanitary, safety and environmental conditions to be observed.

ARTICLE 7

Industrial register

1. The Ministry of Industry and Trade shall set up and keep a central register of industrial establishments referred to in article 3 (1).

2. The Provincial Directorate of Industry and Trade in each province shall keep a provincial register of industrial establishments.

3. The Local Industry and Trade Authority shall supply the information required for the industrial register every three months.

4. The operating standards of the industrial register shall be established in a manual to be approved by order of the Ministry of Industry and Trade, in consultation with other sectors that supervise industry and the National Institute of Statistics.

CHAPTER II

Licensing

SECTION I

INSTALLATION OF LARGE, MEDIUM AND SMALL ESTABLISHMENTS

ARTICLE 8

Competency

1. The Minister of Industry and Trade shall have the competency to authorise the installation of large and medium industrial establishments.

2. The Provincial Governor shall have the competency to authorise the installation of small industrial establishments.

ARTICLE 9

Delegation of authority

The Minister of Industry and Trade may delegate his or her authority to authorise the installation of medium industrial establishments to the

Provincial Governor, bearing in mind the local existing conditions and capacities, as well as the degree of technological complexity of certain industrial activities.

ARTICLE 10

Application

1. An application for the installation, alteration and extension of large, medium and small industrial establishments shall be set out in a letter of request bearing a certified signature, addressed to the Minister of Industry and Trade and/or the Provincial Director, depending on the size of the establishment and whether there is delegation of authority, containing the following:

- a) Name, nationality and domicile, where the applicant is an individual, or the identification of its representative, where the applicant is a corporate person, as well as the Boletim da República [Government Gazette] in which the deed of incorporation was published, or a copy of the same;
- b) Location where the establishment is installed or is intended to be installed.

2. When the establishments are large, medium or small, the letter of request mentioned in paragraph 1 of this article shall be accompanied by the industrial project.

3. The letter of request for large and medium establishments shall be delivered to the respective Local Industry and Trade Authority.

ARTICLE 11

Presentation of projects

1. The industrial project documents referred to in paragraph 2 of the preceding article, to be delivered by means of filling in the form (annexe IV), are those set out below and shall contain the following particulars:

- a) A topographical plan to a suitable scale of the construction site, including the location of buildings and their access roads, and where it is a new construction, any rustic and urban properties, public roads and water courses bordering the site;
- b) The layout to a suitable scale of the industrial installation site, including workshops, warehouses, water tanks, offices, ablution blocks, canteens, toilet facilities, drains and communications, as well as elevations

and cross sections, showing roofs, chimneys, stairs, the location of appliances, equipment, machinery, burning facilities, power generation facilities, boiler houses, storage of liquid, solid or gas fuels and compressed gases, furnaces, drying kilns, tanks, primers and sealers, lifts, transporters, conveyor belts, cranes, hoists and all other outbuildings and equipment relevant to the establishment's operation;

c) Project specifications that mention:

- i) Manufacturing processes and diagrams;
- ii) Raw materials to be used, their specifications and quantities;
- iii) Production capacity and product compliance with legally-established standards or characteristics;
- iv) Appliances, machinery and other equipment foreseen in subparagraph b) with their respective specifications;
- v) Estimated number and sex of workers to be employed;
- vi) Total electric power capacity to be installed;
- vii) Safety mechanisms and measures foreseen to alleviate or mitigate any harm arising from operations;
- viii) Safety, first aid and social installations;
- ix) Water supply system;
- x) Approximate number of wash basins, showers and toilets;
- xi) Ground plan of the drainage system;
- xii) Waste treatment facilities;
- xiii) Initial investment;

d) An environmental impact assessment approved by the Ministry for the Coordination of Environmental Action for the activities contained in the list annexed to the Environmental Impact Assessment Regulations, Decree 76/98 of 29 December, and a document showing exemption for activities not contained in the said list.

2. In cases of alteration and/or extension, the applicant shall attach only the documents referred to in subparagraphs b) and c) of the preceding paragraph in respect of the respective project.

3. In cases of expansion, the new establishment shall be subject to new licensing.

4. Once the project documents have been delivered, the applicant shall request that a declaration be issued, which can be shown to the competent public and private entities whose assistance the interested party requires for the implementation of the project.

ARTICLE 12*Building licence*

Whenever there is need to carry out civil construction work, the respective project shall be approved and licensed by the competent authority in terms of the law.

ARTICLE 13*Examination of the application*

1. The examination of applications for large and medium establishments shall be within the competency of the National Directorate of Industry and the examination of applications in respect of small establishments within that of the Local Industry and Trade Authority.

2. Where the conditions referred to in article 10 (1) of these Regulations are met, the National Directorate of Industry may delegate its competency to examine applications in respect of large and medium establishments to the Provincial Directorates.

3. In the cases foreseen in the preceding paragraph, the entity that examined the application shall send all the documentation of the examination to the National Directorate of Industry within ten days of completing the inspection.

ARTICLE 14*Decision*

1. The competent licensing entity shall decide on the application within eight days of the date of receipt of the application.

2. The entity responsible for examination of the application shall notify the applicant of the decision on the application within three days of the date of the decision.

ARTICLE 15*Analysis of projects*

1. The installation, alteration, extension or expansion of large and medium industrial establishments shall only take place after approval of the respective projects by the competent authority.

2. The licensing entity shall obtain the opinion of the fire, health and environmental services and other entities, based on the subject matter, within fifteen days.

3. Consideration of the project shall be completed within thirty days of the date of its receipt.

ARTICLE 16*Exemption from project approval*

Small establishments, including those in the food industry, shall be exempt from project approval. However, the applicant shall present the project documents, in the terms referred to in article 11 of these Regulations, to the Local Industry and Trade Authority in the province where the establishment is located at least thirty days before the request for inspection.

ARTICLE 17*Notification and request for inspection*

1. The applicant shall be notified of the decision on the project within three days from the date of its approval.

2. Once notification of the decision referred to in the preceding paragraph has been made, the applicant shall begin the installation of the project within one hundred and eighty days.

3. When the installation is complete, the applicant shall make a request in writing to the competent entity to carry out an inspection.

4. Failure to comply with the time limit set in paragraph 2 above without prior notice to the licensing authority shall result in expiry of the authorisation for installation of the project and shelving of its file.

ARTICLE 18*Approval of conditions and commencement of operation*

1. Operations in large, medium and small establishments shall commence only after approval of the technical and functional conditions of each activity and the sanitary condition of the work places, as well as the hygiene, comfort and public safety of the employees, and such matters shall be subject to the provisions of these Regulations and to special regulations in force.

2. The conditions referred to in the preceding paragraph shall be checked by means of inspection, in the terms and conditions established in these Regulations.

3. The examining entity shall, in coordination with the institutions involved in the licensing process, lead the inspection services, and endeavour to conduct the inspection within six days after the request for inspection was submitted.

4. Once the terms and conditions referred to in paragraph 1 of this article have been complied with, the respective inspection report shall be prepared within eight days and shall be signed by at least two thirds of the representatives of the institutions involved.

ARTICLE 19

Conditional commencement of operation

1. Where any defect is noted during the act of inspection, but which does not affect public health and does not endanger the safety of the employees or the environment, the commencement of operation may be authorised on condition that the defect is remedied within a reasonable period of time, set out in the report.

2. Once the time limit set in the preceding paragraph expires, the licensing authority shall, on its own initiative, proceed with verification of compliance with the conditions imposed.

3. Where the applicant concludes that he or she is not in a position to comply with the time limit set in paragraph 1, the applicant shall inform the licensing authority of the fact before the expiry of the time limit, with a proposal of new time limits.

4. In the event the defect is not remedied within the time limit set in paragraph 3 of this article, the examining entity shall order the measures it deems necessary, including proposing suspension of operation to the competent licensing authority.

ARTICLE 20

Content of the inspection report

1. The inspection report referred to in article 18 (4) shall be written up in its own specific form, and shall contain the findings of the examination of the following:

- a) Satisfaction of the technical and functional conditions proper to the activity and of the sanitary, hygiene, comfort and safety conditions of the employees, defined in legal instruments;
- b) Observance of the conditions established in the decision on authorisation, when these exist;
- c) Dealing with any complaints; and
- d) Any conditions deemed necessary to impose and the time limit for compliance.

ARTICLE 21

Inter-sector Commissions

1. The Local Industry and Trade Authority is created to work within the Ministry Industry and Trade, with the function of considering licensing applications, analysing and approving projects and conducting inspections in the terms of articles 15 (2) and 18 of these Regulations.

2. The Inter-sector Commissions shall be comprised of:
- A representative of the Ministry of Industry and Trade, who shall preside;
 - A representative of the ministry that supervises the activity in question;
 - A representative of the Ministry of Health;
 - A representative of the Ministry for the Coordination of Environmental Action;
 - A representative of the Ministry of Labour;
 - A representative of the Fire Service;
 - A secretary from the licensing authority;
 - Others whose inclusion is justified based on the subject matter.

3. For the purposes of the provision of the preceding paragraph, the head of each organisation that superintends industrial activity shall appoint a representative and an alternate.

ARTICLE 22

Responsibility

1. Opinions presented at sessions of the Inter-sector Commissions are the responsibility of the entities consulted.

2. The provision of the preceding paragraph shall not exempt the persons who are shown to have acted in bad faith from being held answerable in disciplinary terms for damage arising from approval of the project or the commencement of operations, in connection with the opinion given.

ARTICLE 23*Duties of members of the commissions*

The members of the Inter-sector Commissions shall have the following duties:

- a) To prepare properly and in good time for all the meetings to which they are called, by studying and analysing the documents, correspondence, proposals and recommendations on the agenda for consideration;
- b) To be diligent in the preparation and presentation of opinions and recommendations in respect of each matter under analysis;
- c) If a member is unable to attend and cannot be represented by their alternate, the member shall, in advance of the meeting, inform the chairperson of the commission or have the chairperson informed in writing of such fact, as well as of his or her point of view and the position of the organisation represented.

ARTICLE 24*Remuneration of each participant*

1. The members of the Inter-Sector Commission shall be remunerated after the inspection report has been endorsed by the competent authority;
2. The remuneration conditions of the members of the Inter-sector Commission shall be determined by joint order of the Ministers of Planning and Finance and Industry and Trade.

ARTICLE 25*Functioning of the commission*

1. Meetings of the Inter-sector Commissions shall be convened at least five days in advance by means of a note/letter, receipt of which must be immediately confirmed and such confirmation transmitted to the Ministry of Industry and Trade.
2. Approval of projects shall be by a simple majority of the members present.

ARTICLE 26*Imposition of new conditions for operating*

1. The approval of projects and the inspection of establishments shall not preclude the supervisory entities from imposing, at any time, the application

of measures aimed at eliminating problems that may have arisen, including the adoption of new processes for the protection of employees and of the surrounding areas.

2. Whenever the imposition of new measures or the adoption of new processes is found to be necessary, the licensing authority shall give advance notice of a period to be negotiated with the applicant, for adaptation to the new conditions, always taking account of the need to ensure that the enterprises affected continue to operate profitably.

3. Whenever possible, the licensing authority shall support the economic operators covered by the measures foreseen in paragraph 1 of this article, in such a way that they are not prejudiced from the point of view of bearing the costs of conversion.

ARTICLE 27*Licence*

1. The competent Directorates of the Ministry of Industry and Trade shall authorise the operation of industrial establishments in the form of a licence (alvará), according to annexe I of these Regulations.

2. A licence that qualifies its holder to carry out the activity mentioned therein shall not be the object of any form of transaction independent from the industrial establishment to which it relates.

3. The licensing authority shall be notified of any change in the conditions established in the licence, for the purpose of annotation.

4. The licence referred to in paragraph 2 of this article shall be cancelled where work has not commenced within ninety days.

5. The licence shall be valid indefinitely and may be suspended, cancelled or revoked by the licensing authority for violation of the provisions of these Regulations and other applicable legislation or at the request of the holder.

6. For the purpose of keeping the register up to date, industrial operators shall provide information annually about their establishments on forms that shall be provided by the licensing authority.

SECTION II MICRO ESTABLISHMENTS

ARTICLE 28

Specific conditions

1. Authorisation is not required for micro industrial establishments and they only need to be registered.
2. Establishments classified as micro are exempt from project approval and [premises] inspection, and their prior registration shall be done in accordance with annexe II of these Regulations, with the exception of food industries, which shall observe the stipulations of Law 8/82 and Decree 12/82, both of 23 June and of Ministerial Diploma 51/84 of 3 October, all dealing with the conditions to be observed in the production, storage and transport of foodstuffs, and the pharmaceutical industry, which shall observe the stipulations of Law 4/98 of 14 January, the Law on Medicines.
3. Micro establishments, in conducting their activities, shall observe the hygiene, sanitary, safety and environmental standards defined in legislation in force.
4. The registration referred to in paragraph 1 above shall be done at the Local Industry and Trade Authority or, in its absence, at the District Administration where the establishment is located.
5. Where the micro establishments are situated in municipal urban areas, their registration shall be done at the municipality where the establishment is located, while observing the conditions stipulated in article 12 of Law 11/97 of 31 May, which defines and establishes the legal regime of municipal finances and property.

CHAPTER III

*Transfer, cessation and suspension of
operations of establishments*

ARTICLE 29

Notification of transfer

The competent licensing authority shall be notified of the transfer of establishments within fifteen days, and the following must be specified:

- a) The transferor;
- b) The business name of the establishment transferred;
- c) The transferee.

Where the transfer referred to in the preceding paragraph is that of a micro industrial establishment, notification of the transfer shall be given to the local authority that supervises the respective branch of industry or, in its absence, the District Administration where the establishment is located.

ARTICLE 30

Notification of suspension and cessation

1. The licensing authority shall be notified of the suspension of operation of large, medium, small and micro industrial establishments, which is expected to exceed sixty days, with information on the number of days of suspension and the reasons for it.
2. Suspension of operation for the maintenance of equipment shall be excluded from the provision of paragraph 1 of this article when it does not exceed forty-five days.
3. The licensing authority shall be notified fifteen days in advance of the cessation of operation at large, medium and small establishments, which notification shall be accompanied by the respective licence.

CHAPTER IV

Supervision, penalties and fees

ARTICLE 31

Supervisory bodies

The supervisory body of the Ministry of Industry and Trade shall have the competency to perform inspection and supervision of industrial establishments licensed in the context of these Regulations.

ARTICLE 32

Types of supervision and incentives

1. The inspection and supervision of industrial establishments referred to the preceding article shall take the form of:
 - a) Pre-announced inspection, of an educative nature;
 - b) Unannounced inspection, whenever this is justified in the interests of the proper functioning of the industrial sector or if irregularities have been reported.
2. Multi-sector or joint inspections shall be favoured and/or encouraged whenever possible in order to facilitate the activity of industrial economic operators.
3. When it is found that the beneficiary has complied fully with the laws and regulations in force, the supervisory authorities shall issue a supervision exemption certificate valid for six months, without prejudice to inspections in response to denunciations and any cases of flagrante delicto.

ARTICLE 33

Charge sheet

Whenever the officers responsible for supervision are apprised of the existence of any offence against the licensing provisions contained in or arising out of these Regulations, they shall prepare a charge sheet in the terms of article 166 of the Criminal Procedure Code.

ARTICLE 34

Penalties

Without prejudice to other measures provided for in other legislation, violations of the provisions of these Regulations shall be subject to the application of the following measures: reprimand, fine, suspension and closure of the establishment.

ARTICLE 35

Punishment

1. Offences against the provisions of these Regulations shall be punishable as follows:
 - a) The first offence, by registered reprimand;
 - b) Commencement of operation without prior inspection of large and medium industrial establishments, by a fine equivalent to 80 (eighty) times the minimum wage;
 - c) Commencement of operation without prior inspection of small and micro (food industry only) industrial establishments, by a fine equivalent to 40 (forty) times the minimum wage;
 - d) Commencement of operation without prior registration of micro industrial establishments, by a fine equivalent to 10 (ten) times the minimum wage;
 - e) Alteration or extension of large and medium industrial establishments without prior inspection, by a fine equivalent to 40 (forty) times the minimum wage;
 - f) Alteration or extension of small and micro industrial establishments without prior notification, by a fine equivalent to 20 (twenty) times the minimum wage;
 - g) Failure to comply with any conditions imposed during the inspection of large, medium, small or micro (only food industry) industrial establishments, by a fine equivalent to 10 (ten) times the minimum wage;
 - h) Failure to observe environmental, hygiene, sanitary and safety standards in the operation of a micro industrial establishment, by a fine equivalent to 10 (ten) times the minimum wage;
 - i) Failure to report the cessation of large, medium and small establishments, by a fine equivalent to 10 (ten) times the minimum wage and consequent loss of the licence.
 - j) Offences against the provisions of these Regulations for which no other punitive measure is fixed, by registered reprimand;
 - k) Repetition of the offences referred to in the preceding subparagraph, by a fine equivalent to 10 (ten) times the minimum wage.

2. The fines set in paragraph 1 of this article may be imposed in addition to the penalties of suspension of activity, sealing of some or all of the equipment and closure of the establishment, when there is proof that the legal requirements as to safety, hygiene and public health have been breached.

3. For the purposes of these Regulations, minimum wage means the national minimum monthly remuneration earned by industrial workers.

ARTICLE 36

Repeated offences

1. Repetition of an offence is when an offender who has been penalised for an offence referred to in the preceding article, except by reprimand, commits another identical offence within six months counting from the date on which the previous penalty was definitively imposed.

2. In the event of repetition of an offence referred to in the preceding article, the amounts of the penalties stipulated in the preceding article shall be doubled for the first repetition and increased threefold for the second repetition. The licence shall be revoked after a third repetition.

ARTICLE 37

Payment of fines

1. The time limit for voluntary payment of the fines referred to in article 35 of these Regulations is fifteen days, counting from the date of notification.

2. Payment shall be effected by means of a payment form issued by the supervisory body, and shall be deposited at the Tax Department in the area where the establishment is located.

3. If payment is not made voluntarily within the time limit referred to in the preceding paragraph, the case shall be referred to the competent court.

ARTICLE 38

Suspension of operation

1. When it is found that the operation of the establishment is a threat to hygiene, sanitary, safety or environmental conditions, the operation of the industrial establishment shall be suspended.

2. The decision applying the suspension shall indicate the time limit for the offender to correct the fault.

ARTICLE 39

Closure of an establishment

Failure by the offender to comply with the provision of paragraph 2 of the preceding article shall be cause for the closure of the industrial establishment.

ARTICLE 40

Competency to impose penalties

1. The Inspector General of the Ministry of Industry and Trade and the Provincial Directors of Industry and Trade shall have the authority to impose the penalties referred to in article 35 of these Regulations.

2. The National Director of Industry shall have the authority to impose the penalty of suspension foreseen in article 38.

3. The Minister of Industry and Trade and the Provincial Governors shall have the authority to impose the penalties foreseen in article 39 of these Regulations.

ARTICLE 41

Use of proceeds from fines

The use of the proceeds from fines referred to in article 35 of these Regulations shall be defined by joint Ministerial Diploma of the Minister of Industry and Trade and the Minister Planning and Finance.

ARTICLE 42*Fees*

1. Fees are payable for every act that is subject to or arises from licensing, based exclusively on the table appearing in annexe III of these Regulations.
2. Payment of the fees referred to in the preceding paragraph shall be made after a favourable decision on a licensing application for an industrial establishment.

ARTICLE 43*Collection of fees*

The amounts of the fees foreseen in annexe III shall be deposited at the Tax Department in the area where the establishment is located, by means of a model B payment form.

ARTICLE 44*Use of fees*

The use of the revenue from the fees foreseen in article 42 shall be defined by joint Ministerial Diploma of the Minister of Industry and Trade and the Minister Planning and Finance.

ARTICLE 45*Updating of fees and fines*

The amounts of the fees referred to in article 42 of these Regulations shall be revised whenever necessary by joint Ministerial Diploma issued by the Ministers of Industry and Trade and Planning and Finance.

CHAPTER V

Transitory and final provision

ARTICLE 46*Existing Industrial establishments*

Establishments already in operation, including those holding licences/alvarás obtained before the entry into force of Decree 44/98 of 9 September, shall renew these within one hundred and eighty days of the entry into force of these Regulations.

ANNEXE I

Licence to conduct industrial activity

Licence Nr. _____ Category _____ Decree n.º _____

All who read this are hereby informed that, in consideration of the application made by _____

For the issue of a licence for _____ at (full address) _____

In the terms of Articles _____

I have granted the licence so requested by the said _____

Any alterations to the conditions set out herein are prohibited unless prior authorisation has been given in terms of the law, under pain of revocation of this licence.

In order that this fact be known, this licence was drawn and is signed by me and duly certified by the embossing stamp or rubber stamp in use in this

_____, (day) _____ (month) _____ (year) _____

a) _____

(_____)

This document shall always be displayed in the establishment in a position visible to the public and shall be shown to all inspection officers.

Some specific conditions of issue

1. Premises

1.1. Classification of activity and products CAE – Rev.1

Division	
Group	
Class	
Subclass	

1.2. Initial capital invested (value in US dollars) _____ USD

1.3. Production unit and address

2. Annotations

a) Entity

This document shall always be displayed in the establishment in a position visible to the public and shall be shown to all inspection officers.

ANNEXE II

Micro industrial establishment registration form

1. File number _____
2. Name of establishment _____
3. Name of owner or managing shareholder _____
4. ID number _____ issued on ____/____/____ expiry
5. Location of the establishment _____
6. Type of activity _____
7. Installed production capacity _____
8. Main products _____
9. Value of investment (US dollars) _____
10. Volume of investment _____
11. Number of employees _____
12. Number of production units _____

_____, (day) _____ (month) _____ (year) _____

a)
13. Annotations

a) Issuing authority

ANNEXE III

Industrial Licensing Fees Table referred to in Article 40										
Size	Issue of licence (factor*MMW)	Approval of alterations and adaptations in industrial establishments (factor*MMW)	Inspections (factor*MMW)				Sealing, Unsealing, industrial equipment (factor*MMW)	Transport costs /km (Mt)		
			a)	b)	c)	d)			e)	f)
Large	5	4	6	3	3	7	1	1	1	5000 Mt/km
Medium	4	3	4	2	2	7	1	1	1	5000 Mt/km
Small	2	2	2	1	1	4	1	1	1	5000 Mt/km
Micro	1	-	-	-	-	-	-	-	-	-

MMW=Minimum wage

- a. Regulatory inspections conducted in new industrial establishments to check the condition of the premises and operations;
- b. Regulatory inspections conducted of adaptations to establishments to check the condition of the premises and operation;
- c. Supplementary inspections because of failure to comply with regulatory conditions;
- d. Payment to the inter – sector commission
- e. Sealing, unsealing, resealing of industrial equipment
- f. Unsealing for non-observance of regulatory principles
- g. Resealing because of broken seals and for each seal broken

Comment: e.g.; Issue of a licence for a large establishment = 4* minimum wage.

ANNEXE IV



REPÚBLICA DE MOÇAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 NATIONAL DIRECTORATE OF INDUSTRY

INDUSTRIAL ESTABLISHMENT LICENSING FORM
 (To be filled in by the applicant in duplicate)

Name of the Enterprise			
Letter of request for installation addressed to the MIT or Governor	(See chap. III Article 10 of 39/2003). (Template attached)		
Letter of request for inspection addressed to DNI	(To be delivered after authorisation and approval of the project) (Template attached)		
Physical address of the enterprise	Street		
	Number		
	Province		
	District/City		
	Tel/Telex		
	E-Mail		
Postal address			
Main activity			
Other activities			
Legal status			
Copy of B.R/articles of association	(Attach)		
Representative of the enterprise	Name		
	Position		
	Nationality	Place of birth	
Names of shareholders of the enterprise	Domicile		
	BI/DIR Nr	Issued at ____/____/____	
	Mozambican		
Contact person	Foreign		
	Name		
	Position		
Number of employees	Total		
Number of employees by sex/gender	Men		
	Women		
Initial investment (USD)			
Installed power capacity (KvA)			
Installed production capacity			
Volume ^a			
Topographical plan	(Attach)(Not required in the case of alteration and/or extension)		
Industrial installation site layout	(Attach)		
Manufacturing process and diagram	(Attach)		
Raw materials to be used	Description/Quantity		
Appliances, machinery, equipment and their specifications (listed)			
NB: If the space is insufficient attach the list			

^a To be filled in by the licensing authority

Safety mechanisms (specify)				
Safety installations	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Water supply system	Water for production	Source:		
		Treated	<input type="checkbox"/>	Not Treated
Approximate number of wash basins, showers, toilets	Water for human consumption	Source:		
		Potable	<input type="checkbox"/>	Not Potable
Ground plan of drainage	Wash basins			
	Showers			
Waste treatment facility	Toilets			
Environmental Impact Assessment ^b	(Attach)			
Document from MICOA showing exemption ^c	(Attach)			
Type of Licence	New	<input type="checkbox"/>	Alteration	<input type="checkbox"/>
	Extension	<input type="checkbox"/>	Other	<input type="checkbox"/>

ENTERPRISE	THE TECHNICIAN – DNI
STAMP	STAMP
SIGNATURE	SIGNATURE
DATE _____	DATE _____

^b For activities on the list annexed to the Environmental Impact Assessment Regulations, Decree 76/98 of 29 December.
^c For other activities not on the list annexed to the Environmental Impact Assessment Regulations, Decree 76/98 of 29 December.

COUNCIL OF MINISTERS

Decree 49/2004 of 17 November 2004

The conditions, procedures and requirements for registering or licensing commercial activity, foreign business representation and foreign trade operators, respectively, were defined by Decrees 43/98 of 9 September and 71/98 of 28 December, and by Ministerial Diploma 202/98 of 12 November.

As there is a need to adapt these instruments and adopt a single instrument to simplify procedures and facilitate commercial activity, particularly in rural areas, under the provisions of article 3 of Law 6/98 of 15 June, and article 153 (1) of the Constitution of the Republic, the Council of Ministers decrees:

ARTICLE 1

The Commercial Licensing Regulations, which are attached hereto as an integral part of this Decree, are hereby approved.

ARTICLE 2.

Decrees 43/98 of 9 September and 71/98 of 28 December and all legal provisions containing rules that are contrary to those set down in this Decree are repealed.

ARTICLE 3.

The Minister of Industry and Trade shall, by Ministerial Diploma, pass such rules as are necessary to ensure that these Regulations are implemented.

ARTICLE 4.

This Decree shall enter into force ninety days after its publication.

Approved by the Council of Ministers.

Let it be published.

THE PRIME MINISTER

Luísa Dias Diogo

COMMERCIAL LICENSING REGULATIONS

CHAPTER I

Disposições Preliminares

ARTICLE 1

Legal definitions

1. For the purposes of these Regulations:
 - a) *Commercial agent* – means an individual person or corporate entity that has a commercial organisation to negotiate and conclude deals on behalf of one or more national or foreign entities, under an agency contract to conduct business as an agent vis-à-vis importers and producers;
 - b) *Agricultural marketing agent* – means a person who buys agricultural produce in rural areas and sells it in other markets;
 - c) *Stand (banca)* – means a small space in the form of a table or a display set up in a market or other place, where a diverse range of goods is retailed, excluding arms and ammunitions, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles and the tyres and inner tubes thereof;
 - d) *Stall (barraca)* – means a commercial establishment of temporary construction larger than 5m² where a diverse range of goods is retailed, excluding arms and ammunitions, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles and the tyres and inner tubes thereof;
 - e) *General store (cantina)* – means a commercial establishment in rural and suburban areas where a varied range of goods is retailed, excluding arms and ammunitions, industrial machinery, tractors, trailers, aircraft and automotive vehicles;
 - f) *Itinerant trade* – means commercial activity carried out by individuals in one or more markets, consisting of retailing a diverse range of goods that are either carried by hand or using means of transport with a capacity not exceeding 500 kg, excluding arms and ammunitions, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles and the tyres and inner tubes thereof;

- g) *Cumulative trade* – means commercial activity consisting simultaneously of retail and wholesale trading;
- h) *General trade* – means commercial activity consisting of retail trade in various goods or classes of goods, without following the principle of specialisation;
- i) *Wholesale trade* – means commercial activity consisting of the sale of goods by large quantities to retailers;
- j) *Retail trade* – means commercial activity consisting of the sale of goods to public consumers at specific establishments or on an itinerant basis;
- k) *Rural trade* – means retail commercial activity carried out in rural areas, namely, in a shop, general store, booth, stall or stand, including itinerant trade;
- l) *Export* – means the sale of goods or placing of goods for sale in foreign countries, from national territory;
- m) *Import* – means acquiring goods from foreign countries and bringing those goods into national territory and dealing in them there;
- n) *Shop* – means a commercial establishment for retail sales that observes the principle of specialisation;
- o) *Provision of services* – means an undertaking by one party to provide to another a particular product of their intellectual or manual work, in return for consideration;
- p) *Foreign business representation* – means an economic activity carried out in the territory of the Republic of Mozambique through a subsidiary, branch or agency or any other form of representation of an entity domiciled in a foreign country;
- q) *Booth (tenda)* – means a small-scale commercial establishment of provisional construction where a range of goods is retailed, excluding arms and ammunitions, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles and the tyres and inner tubes thereof;
- r) *Rural area* – means any area in the countryside or located outside municipal areas.

2. For the purposes of these Regulations, the different activities indicated in paragraph 1(k) of this article are broken down into categories ranging from A to D, namely:

- a) *Category A* – covers all commercial activity carried out in establishments of permanent construction, designated as general stores or shops, consisting of retailing a diverse range of goods, excluding arms and ammunition, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles;

- b) *Category B* – covers all commercial activity carried out in establishments of temporary construction, designated as stalls and larger than 5m², where a range of goods is retailed, excluding arms and ammunitions, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles;
- c) *Category C* – covers all commercial activity carried out in commercial establishments of permanent construction designated as stands in markets, or establishments of temporary construction designated as booths. In either case, the establishments in this category must not have a surface area greater than 5m² and are authorised only to retail a range of goods, excluding arms and ammunitions, industrial and agricultural machinery, tractors, trailers, aircraft and automotive vehicles;
- d) *Category D* – covers agricultural marketing agents and those carrying out itinerant trade.

3. All container-type or similar establishments fall under category B referred to in paragraph 2 above.

4. The exclusions referred to in paragraphs 1(c) to (f) of this article do not encompass accessories, spare parts, tyres and inner tubes of motorized bicycles and motorcycles.

ARTICLE 2

Object

The purpose of these Regulations is to:

- a) Govern the conditions and procedures for licensing commercial activities contained in annexes I and II of these Regulations;
- b) Govern the conditions and procedures for licensing the representation of foreign businesses in the Republic of Mozambique;
- c) Establish rules on registering foreign trade operators to carry out import and export activities.

ARTICLE 3*Scope of application*

- 1.** These regulations apply to:
 - a) The licensing of commercial agents, agricultural marketing agents, stands, stalls, general stores, itinerant trade, cumulative trade, general trade, wholesale trade, retail trade, rural trade, export, import, shops, provision of services, booths and other commercial activities not regulated by specific legislation, and to the registration of foreign trade operators.
 - b) The licensing of subsidiaries, branches, agencies or other forms of representation of foreign entities wishing to conduct an activity of an economic nature in Mozambique.
 - c) The registration of foreign entities and individuals wishing to provide services under contracts with national enterprises for a period not exceeding six months.
- 2.** Cumulative trade shall be carried out in establishments that are physically and clearly separate.
- 3.** These regulations do not apply to the following forms of representation:
 - a) Those that are subject to special legislation;
 - b) Diplomatic missions accredited in Mozambique and dependant offices;
 - c) Those authorised especially under international agreements and treaties.
- 4.** The provisions of the preceding paragraphs apply without prejudice to the provisions of legislation that governs:
 - a) Conditions of hygiene, safety and public health pertaining to the activities in question;
 - b) The organisation of trade and physical planning in each municipality, with respect to sales from stalls, booths and stands and by itinerant vendors in urban or municipalized areas.
 - c) Trade in goods that require specific treatment, such as pesticides, fertilizers, seeds, chemicals and others.

ARTICLE 4*Illegal commercial activity*

Illegal trade is the carrying out of any of the activities referred to in article 3 of these Regulations without proper authorisation, or any other activity that has been expressly prohibited.

CHAPTER II*Commercial Activities***SECTION I
LICENSING****ARTICLE 5***Compulsory licensing*

- 1.** The commencement or alteration of an activity or change of a location contemplated in article 3 requires authorisation from the Ministry of Industry and Trade or from local State bodies and municipalities in the terms established in these Regulations.
- 2.** The Ministry of Industry and Trade or local State bodies and municipalities shall be given fifteen days prior notice, in the terms established in these Regulations, of the permanent closure of an establishment used for carrying out commercial activities contemplated in article 3, save in cases of force majeure.
- 3.** Licensing to carry out commercial activities shall always take into account:
 - a) Specialisation, in urban areas, according to the classification of merchandise contained in annexe II of these Regulations;
 - b) That specialisation is not mandatory outside urban areas.
- 4.** Establishing a foreign business representation is subject to licensing in the terms of these Regulations, without prejudice to any other applicable legislation, where commercial or industrial establishments or economic operators authorised to carry out productive activities are involved.

ARTICLE 6*Foreign trade operators*

Foreign businesses may carry out the activity of foreign trade operator at the same time, if they so wish, and for this purpose they shall apply under these Regulations for a foreign business representation licence on an agency basis.

ARTICLE 7

Application

1. The application for licensing and inspection shall be set out in a letter of request bearing a certified signature, addressed to the licensing entity in the area where the commercial establishment is to be set up and containing the following particulars:
 - a) Where the applicant is an individual, their name, age, nationality, place of birth, domicile and the number, place and date of issue of their identity document;
 - b) Where the applicant is a commercial company, its name, public notarial deed of incorporation or BR [Government Gazette] in which the deed of incorporation was published, the address of its head office and the identification of its representative;
 - c) The commercial activity being applied for according to the Economic Activity Classifier, CAE-Rev 1 published by Decree 58/99 of 8 September, and the classes of merchandise that the operator plans to trade in, according to annexes I and II, respectively, of these Regulations.
2. An application for a licence to establish a foreign business representation shall, in addition to the requisites referred to in paragraph 1(a) above, contain the following particulars:
 - a) Location of the principal business in its country of origin and that of its local representation in the Republic of Mozambique;
 - b) Detailed description of objectives to be pursued;
 - c) Specification of the desired form of representation;
 - d) Duration of the activity of the representation;
 - e) Request for an inspection of the premises, except for representations on an agency basis.
3. In addition to the requisites mentioned in paragraph 1, when an application is made to license a foreigner to conduct commercial activity as a sole trader, a business visa and/or residency permit that is consistent with the activity applied for is required and the term of the licence (alvará) shall be equivalent to the period of validity of the visa or residency permit.
4. An application for a licence to conduct rural commercial activity in booths, stalls or stands, including itinerant trade and agricultural marketing agents, shall be made using the form contained in annexe IV of these Regulations, which form shall be submitted to the District Directorate of Industry and Trade or to the District Administration or Administrative

Post, as the case may be, and the applicant shall hold an Identity Card or other civil identification document. If the applicant is a foreign national, they shall hold a residency permit that is consistent with the activity applied for, issued by the competent authorities. Foreign nationals wishing to engage in agricultural marketing shall attach a business visa to their application.

5. Economic operators who intend to conduct foreign trade activities shall apply to register as such using the forms contained in annexes VIII or IX of these Regulations, depending on whether the applicant is an exporter or importer, respectively.

ARTICLE 8

Documents to be enclosed

1. A licensing application for commercial activity, except for commercial activity carried out in booths, stalls or stands and agricultural marketing agents, in the terms of these Regulations, shall include the following documents:
 - a) Drawing of the premises to be used for the commercial activity;
 - b) In the case of a commercial company, the public deed of incorporation or BR where the articles of association were published, together with the respective company registration certificate;
 - c) Lease contract or title deeds in respect of the immovable property where the commercial activity is to be carried out;
 - d) Proof of tax registration issued by the Ministry of Planning and Finance.
2. The documents referred to in paragraph 1(a) above are dispensed with for applicants who already carry out commercial activities licensed in the terms of these Regulations and wish to carry out other activities subsidiarily in the same premises.
3. An application for a licence to establish a foreign business representation shall be accompanied by the following documents:
 - a) Authenticated photocopies of the act of incorporation and registration of the applicant in its country of origin;
 - b) Power of attorney stating the powers of representation of the person or enterprise accredited as the applicant's representative/agent in the Republic of Mozambique, according to whether the application is for a branch or agency arrangement, respectively;

- c) Authenticated photocopy of the representative/agent's identity document or identity and residency document for foreigners, or a photocopy of the business licence of the agent where the agent is an enterprise, according to whether the application is for a branch or agency arrangement, respectively;
 - d) Opinion of the authority that supervises the area.
4. An application to register as a foreign trade operator shall be accompanied by the following documents:
- a) Authorisation to conduct business, issued by the competent authority;
 - b) Proof of tax registration issued by the Ministry of Planning and Finance.

SECTION II EXAMINATION OF THE APPLICATION

ARTICLE 9 *Competency*

1. The Ministry of Industry and Trade shall have the competency to authorise applications for foreign business representation licences, as provided for in article 3(1)(b) of these Regulations.
2. Provincial Governors shall have the competency to authorise the commercial activities provided for in article 3(1)(a) and (c) of these Regulations.
3. District Administrators shall have the competency to authorise commercial activities carried out in stalls, booths or stands and itinerant trade, in rural areas or in any urban area that is not covered by the entities referred to in the preceding paragraphs.
4. The National Director of Trade shall have the competency to authorise renewals of foreign business representation licences referred to in article 3(1)(b) of these Regulations.
5. The examination of commercial activity licensing applications shall be within the competency of the licensing entity, in accordance with the authorisation levels set down in paragraphs 1, 2 and 3 of this article.

6. In its proposal to the entity responsible for licensing, the examining office shall formulate conclusions upon which the outcome of the application is to be based.

7. In the event that a licence application is refused, the decision shall specify the grounds of fact and of law upon which it is based.

8. In the event that a licence application is refused, the applicant may resubmit it, provided that the reasons for the refusal have been cured, without prejudice to the applicant's right to appeal.

9. It is considered that a licensing application is resubmitted when the grounds to support the application, the identity of the applicant and the purposes of the application are the same.

10. Foreign trade operators whose registration has been cancelled may be re-registered, provided that it [the application] is done in the manner prescribed in articles 7 and 37, and provided that the reasons for the cancellation, as contemplated in article 22(6) of these Regulations, have ceased.

ARTICLE 10 *Time limits*

1. The examination of applications for commercial activity licences shall be completed and the decision issued within 15 and 8 days, depending on whether the activities are to be licensed at provincial or district level, respectively.
2. Authorisation to market agricultural produce and to conduct rural trade shall be granted in the presence of the applicant.
3. Foreign trade operator cards shall be issued within 7 days.
4. Examination of applications for foreign representation licences shall be completed and the decision issued within 10 days.
5. If the time limit for deciding on a licensing application expires before a decision has been issued, then, provided that there are no technical impediments, the licensing entity shall issue a declaration that is valid for up to 60 days, which can be presented to the competent public and private entities whose support the applicant requires in order to pursue its activities.

ARTICLE 11*Delegation of authority*

1. The Minister of Industry and Trade may delegate his or her authority as referred to in article 9(1) to the Permanent Secretary and/or the National Director of Trade.
2. A Provincial Governor may delegate the authority referred to in article 9(2) of these Regulations to the Provincial Director of Industry and Trade, whenever he/she considers it necessary for any organisational reasons or reason involving an impediment or absence.
3. A District Administrator may delegate the authority referred to in article 9(3) of these Regulations to the District Director of Industry and Trade or to the Head of the Administrative Post in the area where the proposed commercial activity is to be carried out or where the establishment is located or is planned to be set up.

ARTICLE 12*Notification*

1. The examining entity shall notify the applicant of the decision within 5 days, regardless of the levels of licensing competency.
2. If an application is granted, the applicant shall be notified of the date of the inspection, when an inspection is required under these Regulations.
3. A copy of the notification referred to in paragraph 1 above shall be sent to the local office of the Ministry of Industry and Trade in the area where the establishment is located or is planned to be set up.
4. Authorisation of an application to conduct rural commercial activity shall be granted by the licensing entity immediately.
5. Notification of the date of inspection of foreign business representation offices shall be given to the applicant immediately following the lodging of the licence application.
6. An applicant for a foreign business representation licence shall be notified of the decision on the application, by the examining entity, within two days counting from the date of the decision.

ARTICLE 13*Inspection*

1. The licensing entity is responsible for organising and directing the inspection, as well as such other measures as may be necessary for the evaluation, in keeping with the application and with safety, hygiene and public health requirements.
2. Commencement of commercial activity shall be conditional upon an inspection being conducted to verify compliance with the terms and conditions on which the application was authorised, within the time limits established in article 10 of these Regulations.
3. The inspection shall be conducted by a commission comprising:
 - a) A representative of the licensing entity, who shall preside;
 - b) A representative of the local administrative authority;
 - c) A representative of the local health authority;
 - d) A representative of the fire service;
 - e) Other entities, based on the subject matter.
4. The applicant shall provide all collaboration that may be required for the proper execution of the inspection referred to in the preceding paragraph.
5. Failure to conduct the inspection within the time limits established in article 10 of these Regulations will be equivalent to tacit provisional authorisation.
6. An inspection of the establishment is required for the purposes of applying the incentives provided for in article 31, and a request made in writing by the interested party to the competent authority will suffice for this purpose. The inspection is free of charge and shall be done within 5 days, counting from the date when the request is submitted. Failure by the authorities to appear within the said time limit will be equivalent to tacit provisional authorisation.

ARTICLE 14

Exemption from inspection

1. An inspection is not required for licensing rural commercial activity, provided, however, that all other legal requirements established in these Regulations shall be observed.
2. An inspection is not required for licensing foreign business representation on an agency basis, provided, however, that all other legal requirements established in these Regulations shall be observed.

ARTICLE 15

Licences

1. For commercial activity other than rural trade carried out in booths, stalls or stands:
 - a) The licence (alvará) entitles its holder to carry out commercial activity under the terms in which the application was authorised, and in no event may it be substituted or modified without prior authorisation from the licensing entity;
 - b) Once the inspection has been approved and the respective report has been written up, the examining entity shall send the file to the competent entity for the purposes of licensing and issuing the licence (alvará), in accordance with the model set down in annexe III to these Regulations;
 - c) The Provincial Director of Industry and Trade has the authority to issue licences (alvarás), for the authorisation levels referred to in article 9(2) of these Regulations;
 - d) In cases of cumulative trade, separate licences (alvarás) shall be issued for each commercial activity;
 - e) Separate licences (alvarás) shall be issued for those enterprises having one or more branches outside the province where their head office is located.
2. A card in the form of the model contained in annexe V to these Regulations shall be issued for each rural commercial activity, which shall be valid indefinitely and may be suspended, cancelled or revoked by the licensing entity for breach of the provisions of these Regulations and those of other legislation, or at the request of the holder. District Administrators shall be responsible for issuing cards for rural commercial activity, within the authorisation levels referred to in article 9(3) of these Regulations.

3. With respect to foreign business representation:

- a) The licence entitles its holder to carry out the activities of foreign business representation, under the terms in which the application was authorised, and in no event may it be substituted or modified without prior authorisation from the licensing entity;
- b) Once the inspection has been approved and the respective report has been written up, the competent entity shall issue the licence, in accordance with the model contained in annexes VI and VII to these Regulations;
- c) The Minister of Industry and Trade has the authority to issue the licence, for the authorisation levels referred to in article 9(1) of these Regulations.
- d) The National Director of Trade has the authority to renew foreign business representation licences and issue foreign trade operator cards, for the levels of authority referred to in article 9(1) of these Regulations.

4. For the purposes of registration as a foreign trade operator:

- a) Foreign trade operators shall prove their capacity as such to official entities involved in the foreign trade operations process, by means of the identity card issued by the Ministry of Industry and Trade in the form set out in annexes X and XI to these Regulations;
- b) The identity cards of foreign trade operators shall specify expressly whether they are registered as importers or exporters.
- c) At the request of the foreign trade operator, more than one copy of the card referred to in the preceding subparagraph may be issued, against the respective payment, in the terms of article 28(2) of these Regulations.

ARTICLE 16

Trade register

1. The Ministry of Industry and Trade shall set up and keep a central register of the commercial activities referred to in article 3.
2. Provincial Directorates of Industry and Trade shall keep a provincial register of commercial activities.
3. District Administrations shall supply the information required for the trade register every three months.
4. The Minister of Industry and Trade shall approve a regulations manual

on the operation of the trade register, in consultation with the National Institute of Statistics.

ARTICLE 17

Entry in the register

1. All commercial establishments in urban and rural areas, excluding trade carried out in booths, stalls or stands and agricultural marketing agents, subject to any other legal requirements that apply, are required to notify the licensing entity of the following acts for the purposes of registration:
 - a) Transfer and assignment of the operation of commercial establishments;
 - b) Dissolution of commercial companies;
 - c) Alterations to the articles of association/partnership agreement;
 - d) Temporary or permanent closure;
 - e) The purposes of the business;
 - f) The identity of the permanent representative/agent.
2. The temporary closure referred to in paragraph 1(d) of this article shall not exceed ninety days counting from the date of the notice.
3. The time limit set in paragraph 2 of this article may be extended for a further period of equal duration, when there are material reasons to justify this.
4. If the reasons for the temporary closure still persist after the one hundred and eighty days allowed under paragraphs 2 and 3 of this article have elapsed, then the licensing entity shall take whatever decision it deems appropriate, taking into account the opinion of the inspection commission.
5. Foreign business representations shall give the Ministry of Industry and Trade notice of any changes in respect of:
 - a) The purpose of the business representation;
 - b) The identity of the permanent representative/agent;
 - c) Temporary or permanent closure of the representation office.

CHAPTER III

Supervision, penalties and fees

ARTICLE 18

Supervisory bodies

1. The competent body of the Ministry of Industry and Trade shall be responsible for supervising commercial establishments and activities.
2. Other bodies to which such functions have been attributed or delegated may also carry out supervision.
3. The bodies referred to in paragraphs 1 and 2 of this article may, in the performance of their functions, request collaboration from the police or administrative authorities.

ARTICLE 19

Types of supervision

1. Supervision of commercial establishments as referred to in the preceding article shall take the form of:
 - a) Pre-announced audit, of an educative nature;
 - b) Unannounced audit, whenever this is justified in the interests of the proper functioning of the commercial sector or if irregularities have been reported.
2. Multi-sector or joint audits shall be favoured and/or encouraged whenever possible in order to facilitate the activity of those involved in business.
3. When it is found that the beneficiary has complied fully with the laws and regulations in force, the supervisory authorities shall issue a supervision exemption certificate valid for six months, without prejudice to investigations in response to denunciations and any cases of flagrante delicto.

ARTICLE 20

Charge sheet

Whenever the officers responsible for supervision are apprised of the existence of any offence against the licensing provisions contained in or

arising out of these Regulations, they shall prepare a charge sheet in the terms of article 166 of the Criminal Procedure Code.

ARTICLE 21

Penalties

1. Without prejudice to other measures provided for in other legislation, violations of the provisions of these Regulations shall be subject to the application of the following measures: reprimand, fine, suspension and closure of the establishment.
2. Taking the nature of the offence into consideration, if a fine is applicable, the competent supervisory body may apply the penalty of registered reprimand.
3. The penalties referred to in paragraphs 1 and 2 of this article are detailed in article 22 of these Regulations.

ARTICLE 22

Punishment

1. The first offence against the provisions of these Regulations, occurring within 24 months after the last offence, shall be punishable by registered reprimand, except for acts prohibited by law.
2. Offences against the provisions in these Regulations on commercial activity, that are punishable by a fine, shall be graduated as follows:
 - a) Violation of the provisions of article 4 of these Regulations shall be punishable by a fine equivalent to 20 times the minimum wage and seizure of merchandise connected with the offence that is in the possession of the offender, which merchandise shall revert to the State.
 - b) Violation of the provisions of article 5(1) of these Regulations shall be punishable by a fine equivalent to 10 times the minimum wage and seizure of merchandise connected with the offence that is in the possession of the offender, which merchandise shall revert to the State.
 - c) Violation of the provisions of article 17(1) of these Regulations shall be punishable by a fine equivalent to 2 times the minimum wage.
3. With respect to rural commercial activity, offences against the provisions of these Regulations that are punishable by fine shall be graduated as follows:

- a) Violation of the provisions of article 4 of these Regulations shall be punishable by a fine equivalent to 40% of the minimum wage.
- b) Violation of the provisions of article 17 of these Regulations shall be punishable by a fine equivalent to 20% of the minimum wage.

4. Offences against the provisions in these Regulations on foreign business representation, that are punishable by fine, shall be graduated as follows.

- a) Violation of the provisions of article 5 of these Regulations shall be punishable by a fine equivalent to 60 times the minimum wage;
- b) Violation of the provisions of article 13 of these Regulations shall be punishable by a fine equivalent to 6 times the minimum wage;
- c) Violation of the provisions of article 17 of these Regulations shall be punishable by a fine equivalent to 10 times the minimum wage;
- d) Violation of the provisions of article 32 of these Regulations shall be punishable by a fine equivalent to 60 times the minimum wage, per day;
- e) Carrying on activity more than six months after the licence has expired, as referred to in article 33 of these Regulations, shall be punishable by a fine of 6 times the minimum wage.

5. The fines set in paragraphs 1, 2 and 3 of this article may be imposed in addition to the penalties of suspension of activity or closure of the establishment, when there is proof that the legal requirements as to safety, hygiene and public health have been breached.

6. The registration of a foreign trade operator shall be cancelled when the operator has committed a tax, customs or foreign exchange offence or an offence against the rules contained in the regulations of the respective regulating authority in the terms of the Law.

7. The Minister of Industry and Trade may at any time cancel a business representation licence in the following cases:

- a) When the foreign business representation carries out activities that are not included in the purposes of its principal and have not been authorised;
- b) Violation of the labour legislation in force in the Republic of Mozambique;
- c) Commission of acts adversely affecting the national economy or which threaten internal or external security of the Republic of Mozambique.

8. For the purposes of these Regulations, minimum wage means the minimum monthly remuneration earned by public servants.

ARTICLE 23*Repeated offences*

1. In the event of repetition of an offence referred to in the preceding article, the amounts of the penalties stipulated shall be increased threefold.
2. Repetition of an offence is when an offender who has been penalised for an offence referred to in article 22, commits another identical offence within six months counting from the date on which the previous penalty was definitively imposed.

ARTICLE 24*Payment of fines*

1. The time limit for voluntary payment of the fines referred to in article 22 of these Regulations is 15 days, counting from the date of notification. Payment shall be effected by means of a payment form issued by the supervisory body of the Ministry of Industry and Trade, and shall be deposited at the Tax Department in the area where the establishment is located or where the commercial activity is carried out.
2. If payment is not made voluntarily within the time limit referred to in the preceding paragraph, the case shall be referred to the competent court.

ARTICLE 25*Lifting a suspension or closure*

1. When the grounds on which the provisions of article 22(5) were applied have been cured, the suspension or closure shall be lifted within five days after notice of the suspension was given, at the request of the interested party, who shall support his/her request with evidentiary documents.
2. In the case of rural trade, the suspension shall be lifted immediately after payment has been confirmed.
3. If a registration has been cancelled by virtue of one of the situations contemplated in article 22(6) of these Regulations, the foreign trade operator may only be re-registered as provided for in paragraph 4 two years after the reasons for cancellation have been cured.

4. Foreign trade operators whose registration has been cancelled may be re-registered provided that it [the application] is made in the manner prescribed in article 7 of these Regulations and that the reasons that gave rise to the cancellation, as provided for in the provisions of article 22(6) of these Regulations, have been removed.

ARTICLE 26*Competency to impose penalties*

The Inspector General of the Ministry of Industry and Trade, Provincial Directors of Industry and Trade and District Administrators shall have the authority to impose the penalties referred to in these Regulations.

ARTICLE 27*Use of proceeds from fines*

The use of the proceeds from fines referred to in article 22 of these Regulations shall be defined by joint Ministerial Diploma of the Minister of Industry and Trade and the Minister Planning and Finance.

ARTICLE 28*Fees*

1. Fees are payable for every act for which licensing is required in the terms of these Regulations.
2. The Minister of Industry and Trade and the Minister of Planning and Finance shall, by Joint Ministerial Diploma, establish fees for acts that are subject to licensing in respect of commercial activity, registration of foreign trade operators and foreign business representation.
3. The Minister of Industry and Trade and the Minister of Planning and Finance shall specify the use of the revenue derived from the fees referred to in paragraph 1, by joint Ministerial Diploma.

ARTICLE 29*Incorporation of fees*

1. Where simplified fiscal systems are in place, which integrate all the fees due for commercial activity licensing, payment of any other fee established in these Regulations shall not be required.

2. The Minister of Industry and Trade and the Minister of Planning and Finance shall establish methods of payment by joint Ministerial Diploma.

ARTICLE 30

Updating of fees

Amounts of fees shall be revised whenever necessary by joint Ministerial Diploma issued by the Ministers of Industry and Trade and Planning and Finance.

ARTICLE 31

Incentives

When a licensee goes into a higher category of rural trade, in the terms of these Regulations, he/she is entitled to continue to pay the annual fee for the previous category for a period of two consecutive years.

ARTICLE 32

Validity of registration

1. Commercial activity licences (alvarás) and cards shall be valid indefinitely.
2. Foreign business representation licences shall be valid for a minimum of one year and a maximum of three, which may be extended at the request of the licensee.
3. Registration as a foreign trade operator shall be valid for the following periods:
 - a) Import – one year counting from the date of issue of the respective card;
 - b) Export:
 - i) For the same period that the enterprise's authorisation to conduct business is valid for;
 - ii) For a period of 5 years, for enterprises with activity licences without fixed periods of validity and for mining enterprises or other enterprises with exploration licences with periods of validity longer than four years.
4. Opening a foreign business representation in the Republic of Mozambique is subject to registration in the Commercial Registry within ninety days counting from notification of the decision.

5. For the purposes of the registration referred to in the preceding paragraph, the licence will serve as the deed upon which registration is based.

ARTICLE 33

Expiry

Foreign business representation licences expire:

- a) On the expiry of the period of validity, if it has not been extended;
- b) When the powers of the permanent representative/agent cease and no substitute has been appointed;
- c) When the represented entity ceases to exist or when its purposes cease to include the activity for which the licence was granted.

ARTICLE 34

Foreign exchange operations

Entities with business representation in the Republic of Mozambique shall observe the procedures contained in the applicable foreign exchange legislation when they perform foreign exchange operations.

ARTICLE 35

Existing business representation

Foreign business representations that have already been licensed but have not had an inspection are covered by the provisions of article 13 of these Regulations, and shall make an application to the licensing entity within ninety days of the date of publication of these Regulations.

ARTICLE 36

Qualification of foreign trade operators

1. For the purposes of these Regulations, the following entities may be qualified as foreign trade operators:
 - a) Traders holding a licence (alvará) issued by the Ministry of Industry and Trade, to conduct retail and wholesale trade, including import and export;
 - b) Economic operators holding authorisation to carry out a productive activity, issued by the authority that oversees the particular area;
 - c) Development or rehabilitation projects duly confirmed by the competent State bodies;
 - d) Non-governmental organisations and religious denominations with projects that have been approved by the competent State bodies.

2. Only those foreign trade operators referred to in subparagraphs a) and b) of the preceding paragraph may register as exporters.

ARTICLE 37

Renewal

1. An application for renewal of a foreign business representation licence shall be made at least one month before the expiry of the licence, by submitting a letter of request and a photocopy of the licence.
2. Renewal applications for foreign trade operators shall:
 - a) Be made at least one month before the expiry of the validity period stipulated on the operator's card, by presenting the foreign trade operator's authorisation to conduct business and information about the imports/exports carried out in the previous year.
 - b) Be accompanied by a re-registration/renewal form and the operator's card, in accordance with article 7(5).
3. The registration of entities referred to in article 36(1)(c) and (d) of these Regulations may only be renewed upon presentation of a document issued by the authority that oversees the particular area.

ARTICLE 38

Registration exemption for foreign trade operators

1. Importers that fall within the simplified import regime as defined in article 3 of Decree 56/98 of 11 November are exempt from registration as foreign trade operators.
2. The formalities of registration as an importer with the Ministry of Industry and Trade are waived in respect of goods imported by national or foreign individuals or corporate entities that reside in Mozambique, exclusively for personal use.
3. The provisions of the preceding paragraph extend to enterprises domiciled in Mozambique, in respect of imports of samples and advertising and publicity items that have no commercial value.

ARTICLE 39

Appeals

Decisions taken pursuant to these Regulations are subject to hierarchical review and contentious appeal in the terms of the Law.

CHAPTER IV

Transitory provisions

ARTICLE 40

Commercial activity of licensed establishments

All commercial establishments licensed before this Decree enters into force shall apply within 180 days to have their licences and cards updated, for which purpose it shall be sufficient that they fill in the form contained in annexes XII to XVIII to these Regulations.

ANNEXE I

DIVISION*	GROUP*	CLASS**	SUBCLASS	DESIGNATION	CITA-REV3							
50				SECTION G* - WHOLESALE AND RETAIL TRADE: REPAIR OF AUTOMOTIVE VEHICLES, MOTORCYCLES AND PERSONAL AND HOUSEHOLD GOODS.								
				SALE, MAINTENANCE AND REPAIR OF AUTOMOTIVE VEHICLES AND MOTORCYCLES; RETAIL SALE OF VEHICLE FUEL								
				501	5010	50100	SALE OF AUTOMOTIVE VEHICLES	5010				
				502	5020	50200	MAINTENANCE AND REPAIR OF AUTOMOTIVE VEHICLES	5020				
				503	5030	50300	SALE OF SPARE PARTS FOR AUTOMOTIVE VEHICLES	5030				
				504	5040		SALE, MAINTENANCE AND REPAIR OF MOTORCYCLES AND THEIR PARTS AND ACCESSORIES					
				5040		50401	Wholesale and retail sale of motorcycles and their parts and accessories.	p5040				
						50402	Maintenance and repair of motorcycles and their parts and accessories.	p5040				
				505	5050	50500	RETAIL SALE OF AUTOMOTIVE FUEL	5050				
				51				WHOLESALE TRADE AND COMMISSION TRADE, EXCEPT OF AUTOMOTIVE VEHICLES AND MOTORCYCLES.				
								511	5110		AGENTS INVOLVED IN WHOLESALE TRADE	5110
										51101	Agents involved in wholesale trade in agricultural raw materials and textiles, live animals and semi-finished goods.	p5110
										51102	Agents involved in wholesale trade in fuels, ores, metals, chemical products, machinery, industrial equipment, boats and aircraft.	p5110
										51103	Agents involved in wholesale trade in timber, construction material, furniture, household items and hardware.	p5110
		51104	Agents specialising in wholesale trade in foodstuff, beverages and tobacco.									
		51105	Agents specialised in wholesale trade in goods not specified					p5110				
		51106	Agents involved in wholesale trade in miscellaneous goods, with no predominant goods					p5110				
512			WHOLESALE TRADE IN RAW AGRICULTURAL PRODUCTS, LIVE ANIMALS, FOODSTUFF, BEVERAGES AND TOBACCO.									
		5121	Wholesale trade in raw agricultural products and live animals.					5121				
		51211	Wholesale trade in grains, seeds, leguminous plants, oil plants and animal feed.	p5121								
		51212	Wholesale trade in flowers and plants.	p5121								
		51213	Wholesale trade in live animals, hides and leather.	p5121								
		51214	Wholesale trade in unmanufactured tobacco.	p5121								
		5122	Wholesale trade in foodstuff, beverages and tobacco.	5122								
		51221	Wholesale trade in fruit and vegetables.	p5122								
		51222	Wholesale trade in meat and meat based products.	p5122								
		51223	Wholesale trade in milk and milk derivatives, eggs, olive oil, edible fats and oils	p5122								
		51224	Wholesale trade in beverages.	p5122								
		51225	Wholesale trade in tobacco.	p5122								
		51226	Wholesale trade in coffee, sugar, tea, cocoa, confectionary and spices.	p5122								
		51227	Wholesale trade in fish, crustaceans and molluscs.	p5122								
		51228	Wholesale trade in other foodstuff.	p5122								
513			WHOLESALE TRADE IN CONSUMER GOODS EXCEPT FOODSTUFF, BEVERAGES AND TOBACCO.									
		5131	Wholesale trade in textiles, clothing and footwear.	5131								
		51311	Wholesale trade in textiles and clothing.	p5131								
		51312	Wholesale trade in footwear.	p5131								
		5132	Wholesale trade in other consumer goods.	5139								
		51321	Wholesale trade in domestic electrical appliances, radios and television sets.	p5139								
		51322	Wholesale trade in ceramic and glass crockery, wallpaper and cleaning products.	p5139								

DIVISION*	GROUP*	CLASS**	SUBCLASS	DESIGNATION	CITA-REV3				
				51323 Wholesale trade in perfumes, hygiene products and pharmaceutical products.	p5139				
				51324 Other wholesale trade in stationary, books, magazines and newspapers.	p5139				
				51325 Other wholesale trade in consumer goods	p5139				
				514		WHOLESALE TRADE IN NON-AGRICULTURAL INTERMEDIATE GOODS, WASTE AND SCRAP			
						5141	51410 Wholesale trade in liquid, solid and gaseous fuels and derivatives thereof.	5141	
						5142	51420 Wholesale trade in ores and metals.	5142	
						5143	Wholesale trade in timber, construction material, sanitary equipment, hardware and plumbing and heating articles and equipment.	5143	
						51431	Wholesale trade in raw timber and derivatives thereof	p5143	
						51432	Wholesale trade in construction material other than timber and sanitary equipment	p5143	
						51433	Wholesale trade in fittings, hand tools and plumbing and heating articles.	p5143	
						5144	Wholesale trade in other intermediate products, waste and scrap.	5149	
						51441	Wholesale trade in chemical products.	p5149	
						51442	Wholesale trade in non-agricultural intermediate products, waste and scrap, not specified.	p5149	
							WHOLESALE TRADE IN MACHINERY AND EQUIPMENT	5150	
		51501	Wholesale trade in machinery – tools and machinery for construction, agriculture and forestry	p5150					
		51502	Wholesale trade in office machines.	p5150					
		51503	Wholesale trade in other machinery and equipment for industry, trade and navigation.	p5150					
				5190	5190				
				51900	51900	WHOLESALE TRADE NOT SPECIFIED	5190		
						RETAIL TRADE EXCEPT OF AUTOMOTIVE VEHICLES, MOTORCYCLES AND VEHICLE FUEL; REPAIRS OF PERSONAL AND HOUSEHOLD GOODS.			
				521		RETAIL TRADE IN NON-SPECIALISED ESTABLISHMENTS			
						5211	Retail trade in non-specialised establishments, predominantly of foodstuff, beverages or tobacco.	5211	
						52111	Retail trade in supermarkets and hypermarkets.	p5211	
						52112	Retail trade non-specialised establishments, predominantly of foodstuff, beverages or tobacco, not specified.	p5211	
						5212	Retail trade non-specialised establishments, with no predominance of foodstuff, beverages or tobacco.	5219	
						522	5220	RETAIL TRADE IN FOODSTUFF, BEVERAGES AND TOBACCO IN SPECIALISED ESTABLISHMENTS	5220
						52201	Retail sale of fruits and vegetables.	p5220	
						52202	Retail sale of meat and meat based products.	p5220	
						52203	Retail sale of fish, crustaceans and molluscs	p5220	
						52204	Retail sale of bread, pastries and confectionary.	p5220	
						52205	Retail sale of beverages.	p5220	
		52206	Retail sale of foodstuff and tobacco not specified, in specialised establishments.	p5220					
		523	OTHER RETAIL TRADE IN NEW PRODUCTS IN SPECIALISED ESTABLISHMENTS						
		5231	52310 Retail sale of pharmaceutical, medical, cosmetic and hygiene products.	5231					
		5232	Retail sale of textiles, clothing, footwear and leather articles.						
		52321	Retail sale of textiles and clothing.	5232					
		52322	Retail sale of footwear and leather articles.	p5232					
		5233	Retail sale of domestic electrical appliances and household goods and equipment.	p5232					
		52331	Retail sale of household electrical appliances, radios and television sets.	5233					
		52332	Retail sale of furniture and lighting articles.	p5233					
		52333	Retail sale of crockery, cutlery and other similar articles for domestic use.	p5233					
		52334	Retail sale of other household articles not specified.	p5233					

DIVISION*	GROUP*	CLASS**	SUBCLASS	DESIGNATION	CITA-REV3
		5234	52340	Retail sale of hardware, paint, glass, sanitary equipment, tiles and similar articles	5234
			5235	Other retail trade in new products in specialised establishments.	5239
			52351	Retail sale of books, newspapers and stationary items.	p5239
			52352	Retail sale of office machines and other office material.	p5239
			52353	Retail sale of watches, clocks and goldsmiths' ware.	p5239
			52354	Other retail trade in specialised establishments of new products not specified.	p5239
	524	5240	52400	RETAIL TRADE IN SECOND HAND GOODS IN ESTABLISHMENTS	5240
	525			RETAIL TRADE NOT CARRIED OUT IN ESTABLISHMENTS	
		5251	52510	Retail trade by mail.	5251
		5252		Retail trade in stands and fairs.	5252
			52521	Retail trade in foodstuff and beverages in stands and fairs.	p5252
			52522	Retail trade in non-foodstuff and beverages in stands and fairs	p5252
			52530	Retail trade by other methods, not in establishments	5259
	526	5260		REPAIR OF PERSONAL AND HOUSEHOLD GOODS	5260
			52601	Repair of footwear and other leather articles.	p5260
			52602	Repair of household electrical appliances.	p5260
			52603	Repair of watches, clocks and other articles of jewellery.	p5260
			52604	Repair of personal and household goods not specified.	p5260

ANNEXE II

LIST OF CLASSES OF MERCHANDISE

CLASS I

Tools, hardware, construction materials and drugstore articles, including paints, varnishes, brushes and similar articles, timber and timber derivatives.

CLASS II

Electrical articles and radios, household electrical appliances and refrigerators of any sort; torches, light bulbs and dry cell batteries, electrical and decorative lamps, discs and recorded tapes, including audiocassettes.

CLASS III

Photographic articles, precision and optical articles, television sets, videos, videocassettes and communication equipment and material.

CLASS IV

Arms, ammunition and sports articles.

CLASS V

Cloth, fashions and apparel, articles of clothing for men, women and children, imitation jewellery and similar fancy adornments, aprons, dusters and dishcloths, socks, curtains and curtain accessories.

CLASS VI

Domestic and industrial sewing machines, including accessories and parts.

CLASS VII

Footwear and footwear articles.

CLASS VIII

Books, paper stationary, bookbinding, office items, including drawing and painting materials, and school material, excluding furniture and machinery.

CLASS IX

Office furniture, typewriters, calculators, accounting and other similar machines, computer equipment and accessories and parts thereof.

CLASS X

Industrial and agricultural machinery, including tractors, trailers and aircraft and their respective tyres and inner tubes.

CLASS XI

Automotive vehicles, including motorised bicycles and motorcycles and their accessories and parts, as well as their respective tyres and inner tubes.

CLASS XII

Mineral oils, fuel and lubricants.

CLASS XIII

Medicaments, surgical and hospital material and chemical, pharmaceutical and laboratory products.

CLASS XIV

Perfumery, cosmetics and hygiene articles.

CLASS XV

Goldsmith's ware, clocks and watches.

CLASS XVI

Non-motorised bicycles and their accessories and parts, including their tyres and inner tubes.

CLASS XVII

Explosives, for industry and services and pyrotechnic items.

CLASS XVIII

Foodstuff, including wines and other beverages, excluding fresh goods. Tinned goods, bread, milk and milk derivatives.

CLASS XIX

Fresh goods, including fruit and vegetables, green vegetables and herbs, potatoes and onions, fish and seafood, meat and meat derivatives.

CLASS XX

Home-ware, excluding electrical articles, household articles of glass and porcelain, crockery and trinkets, including toys and cutlery, doormats, bathroom mats, brooms and brushes. Arts and crafts and regional artefacts.

Domestic cleaning articles and similar articles, non-electric grills and toasters, paraffin stoves and accessories, corks, wooden spoons and artificial flowers. Ladies bags, handbags, purses and belts. Luggage, saddlery and harness articles. Typically oriental articles, tapestries, oilskins and upholstery. Furniture, bedding and similar articles, floor coverings, picture frames and ornaments. Oil and gas heaters, stoves and iceboxes and aerostats. Musical instruments, scores and other music articles. Keepsakes and toys. Pitchers and jugs, large vases, tall narrow flower vases made of plastic, porcelain, glass, knick knacks made of plastic, metal and glass and all accessories related to the art of floristry.

CLASS XXI

Tobacco and smokers' articles. Live animals, plants and medicinal herbs. Seeds and oil plants. Processed mineral products and base metals. Ploughs, hoes, axes, machetes, sickles and spades. Sundry scrap articles. Fishing gear. Transport materials not included in classes X-XI and XVI. Sheet rubber and plastic, nappa, artificial leathers, pipes and artefacts thereof. Lotteries.

ANNEXE III



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE

LICENCE TO CARRY OUT COMMERCIAL ACTIVITY

Licence (Alvará) number _____ Decree/04 of

I hereby inform all those who read this that, in consideration of the application submitted by _____ for a licence to

at (address in full) _____

In the terms of articles _____

I have granted the licence so requested by the said _____

Any alterations to the conditions set out herein are prohibited unless prior authorisation has been given in terms of the law, under pain of revocation of this licence.

In order that this fact be recorded, this licence has been issued and will be signed by me and authenticated with the embossing stamp in use in this (a) _____

a _____

The _____ of _____ of _____

This licence shall be displayed at a place in the establishment that is clearly visible to the public, and it must be presented to inspection officers on demand.

C.A.E. headings _____, of the said Regulations.

Number of establishments (b) _____

Notes _____

Observations _____

(a) Licensing entity _____

(b) Address of establishments _____

ANNEXE IV



REPUBLIC OF MOZAMBIQUE

Order

Signature

Card number ____/____

PROVINCE OF _____
DISTRICT ADMINISTRATION
OF

RURAL COMMERCIAL ACTIVITY LICENCE CARD

Mr. / Ms. _____ holding identity card number _____,

issued in _____ on ____/____/____,

residing at _____,

with taxpayer's identification number (NUIT) _____ appeared before the District Administration of _____

to request authorisation to carry out rural commercial activity, in terms of Decree

_____, of ____/____/____ in respect of the articles covered by category 1

_____ at the establishment located at _____, locality of

_____, in _____, Administrative Post in this District.

THE EXAMINING OFFICER

Reverse

1 – Categories contained in article 1(2) of this Decree.

Notes _____

Renewals _____

ANNEXE V



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE
NATIONAL DIRECTORATE OF TRADE

Rural Trader's Card

0
2
3
4
5
0

2004

Name:

Province/District: _____

Category:

Reverse

Full name _____

Filiation _____

Number of BI or other civil identification document _____

Address _____

ANNEXE VI



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE

**BUSINESS REPRESENTATION
LICENCE BRANCH**

N.º _____/_____

In the terms of Decree ____/_____, of ____ of ____, and this licence, the enterprise _____ is authorised to carry out the activity of _____ in national territory for the period of _____ counting from this day.

Its agent or representative in the Republic of Mozambique is Mr. / Ms _____ and the office of the branch is located at _____

Maputo, ____/____/_____

ANNEXE VII



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE

**BUSINESS REPRESENTATION
LICENCE AGENCY**

Nr _____/____

In the terms of Decree _____/_____ of ____ of _____, and this licence, the enterprise _____ as agent of the enterprise _____ is authorised to carry out the activity of _____ in national territory, for a period of _____ counting from this day, and the representative office is located at _____

Maputo, _____/____/_____

ANNEXE VIII

EXPORTER'S CARD
To be completed in duplicate

REGISTRATION		REPUBLIC OF MOZAMBIQUE MINISTRY OF INDUSTRY AND TRADE NATIONAL DIRECTORATE OF TRADE	Province	District
RENEWAL				
RE-REGISTRATION			Corporate Entity	
YEAR			Individual Person	
			Code	
Name				
Address				
Post office box			Telex/Fax	
Telephone				
Taxpayer number			Licence number	
Activity				
Products to be exported:				
Legal representatives of the enterprise		Function or position		
DATE ___/___/___		Single fee		
Signature and stamp		Total payable		
Cost of the card				
TO BE FILLED IN BY THE MINISTRY OF INDUSTRY AND TRADE				
Opinion:		Order of the Director		
Date / /		DATE / /		
Observations::		Reception		Treasurer
		Date / /		Date / /

ANNEXE IX

IMPORTER'S CARD

To be completed in duplicate

REGISTRATION		REPUBLIC OF MOZAMBIQUE MINISTRY OF INDUSTRY AND TRADE NATIONAL DIRECTORATE OF TRADE	Province	District
RENEWAL				
RE-REGISTRATION			Corporate Entity	
YEAR			Individual Person	
			Code	
Name				
Address				
Post office box			Telex/Fax	
Telephone				
Taxpayer number			Licence number	
Activity				
Legal representatives of the enterprise			Function or position	
DATE ___/___/___	Single fee			
Signature and stamp	Total payable			
Cost of the card				
TO BE FILLED IN BY THE MINISTRY OF INDUSTRY AND TRADE				
Opinion:			Order of the Director	
Date / /			DATE / /	
Observations::			Reception	Treasurer
			Date / /	Date / /

ANNEXE X

FOREIGN TRADE OPERATOR'S IDENTIFICATION CARD

REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 NATIONAL DIRECTORATE OF TRADE

Foreign Trade Operator's Identification Card

Nº.....

Enterprise as specified in the Authorisation: _____

ACTIVITY-IMP/EXP.

Address: _____

Taxpayer's number: _____

Date of issue: ___/___/___ Valid until: ___/___/___

Signature and stamp of the issuing entity

ANNEXE XI

FOREIGN TRADE OPERATOR'S IDENTIFICATION CARD

REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 NATIONAL DIRECTORATE OF TRADE

Foreign Trade Operator's Identification Card

Nº.....

Enterprise as specified in the Authorisation: _____

ACTIVITY-IMP/EXP.

Address: _____

Taxpayer's number: _____

Date of issue: ___/___/___ Valid until: ___/___/___

Signature and stamp of the issuing entity

ANNEXE XII



REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 NATIONAL DIRECTORATE OF TRADE

FORM FOR LICENSING COMMERCIAL ESTABLISHMENTS –
 SOLE TRADERS/PROPRIETORSHIPS
 (to be completed by the applicant)

Proprietor	Name			
	Age			
	Nationality	Place of birth		
	Address	Road/Ave		
		Number		
	District/City			
BI/DIR Nr	Date of Issue		__/__/____	
NUIT (tax Nr.)				
Contact person	Name			
	Function			
Type of activity	Type of trade	W/out right to Imp/Exp	With right to	
	Retail			
	Wholesale			
	Wholesale and retail			
Service provision				
Main activity (CAE)				
Secondary activities (CAE)				
Attachments – Required documentation	Document	Submitted	Not submitted	
	Description report of premises			
	Lease contract/ title deeds for premises			

ENTERPRISE

 STAMP

DNC TECHNICIAN

 SIGNATURE

DATE _____

ANNEXE XIII



REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 NATIONAL DIRECTORATE OF TRADE

FORM FOR LICENSING COMMERCIAL ESTABLISHMENTS
 COMMERCIAL COMPANIES
 (to be completed by the applicant)

Company name				
Physical address of head office	Road/Ave			
	Number			
	Province			
	District/City			
	Tel/Telex			
	E-Mail			
Postal address				
Physical address of branch (if any)	Road/Ave			
	Number			
	Province			
	District/City			
	Tel/Telex			
	E-Mail			
Postal address				
Legal status				
Share capital			Nr of quotas/ shares	
Managing shareholder/ Director	Name			
	Age			
	Nationality	Place of birth		
	Residential address	Road/Ave		
		Number		
District/City				
BI/DIR N°	Date of issue		__/__/____	
NUIT (tax Nr)				
Names of shareholders in the company	Nationals			
	Foreigners			
Contact person	Name			
	Function			
Type of activity	Type of trade	W/out right to Imp/Exp	With right to Imp/Exp	
	Retail			
	Wholesale			
	Wholesale and retail			
	Service provision			
Main activity (CAE)				
Secondary activities (CAE)				
Attachments – required documents	Document	Submitted	Not submitted	
	Articles of association (notarial deed or BR)			
	Company name reservation certificate			
	Descriptive report of premises			
	Lease contract / title deeds for premises			

ENTERPRISE

 STAMP

DNC TECHNICIAN

 SIGNATURE

DATE _____

ANNEXE XIV



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE
NATIONAL DIRECTORATE OF TRADE

APPLICATION FORM FOR ALTERATION OF PARTICULARS –
COMMERCIAL ESTABLISHMENTS

Identification details - completion of this section is mandatory			
Name of establishment or enterprise			
Representative/proprietor	Name		
	Age		
	Nationality	Place of birth	
	Road/ Ave		
	Address Number		
	District/City		
BI/DIR Nr	Date of issue	_/_/____	
NUIT (Tax Nr.)			
Attachments – required documents			
Document	Submitted	Not submitted	
Licence (alvara)			
Optional sections – complete the section that relates to the alteration desired			
Application to increase classes			
Currently licensed classes			
Classes requested (expansion)			
Application for change of name (applies to sole traders only)			
Current name			
New name			
Application for change of address - premises			
Current address	Road/Ave		
	Number		
	Province		
	District / City		
	Tel/Telex		
	E-Mail		
Postal address			
New address	Road/Ave		
	Number		
	Province		
	District / City		
	Tel/Telex		
	E-Mail		
Postal address			
Application to open a branch			
Address of branch	Road/Ave.		
	Number		
	Province		
	District / City		
	Tel/Telex		
	E-Mail		
Postal address			
Application to suspend activities			
Period of suspension			
Reasons			
Application for temporary cancellation of activities			
Start date of cancellation			
Reasons			

ENTERPRISE/ PROPRIETOR
STAMP

DNC TECHNICIAN

SIGNATURE
DATE _____

SIGNATURE
DATE _____

ANNEXE XV



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE
NATIONAL DIRECTORATE OF TRADE

FOREIGN REPRESENTATION LICENCE APPLICATION FORM –
Agency
(to be completed by the applicant in duplicate)

Name of enterprise				
Country of head office				
Branch of activity				
Name of agent enterprise				
Physical address of enterprise	Road/Av.			
	Number			
	Province			
	District/City			
	Tel/Telex			
	E-Mail			
Postal address				
Contact person				
Name				
Function				
Purpose of representation				
Supervising authority			Licence (Alvara) Nr.	
Legal status of agent				
Attachments – required documents				
Document	Submitted	Not submitted		
Licence (Alvara) (for licensed enterprises or organisations)				
Authenticated copy of the charter or deed of incorporation of the represented enterprise in its country of origin				
Power of attorney in favour of the agent enterprise				
Requested licence period				
Year (s)				
Observations				
Date _/~/____				
Signature and stamp, for the enterprise:				
Company/corporate entity (to be completed in case of a company)				
Company name			NUIT (tax Nr)	
Share capital			Nr of shares/ quotas	
Managing shareholder /Director	Name			
	Age			
	Nationality	Place of birth		
	Road/Av.			
	Address Number			
	District/City			
BI/DIR Nr.	Date of issue	_/_/____		
NUIT (tax Nr.)				
Names of shareholders in the company				
Nationals				
Foreigners				
Proprietor (to be completed in case of a sole trader/proprietorship)				
Proprietor	Name			
	Age			
	Nationality	Place of birth		
	Road/Av.			
	Address Number			
	District/City			
BI/DIR Nr.	Date of issue	_/_/____		
NUIT (Tax Nr.)				

DNC Technician

Date _/~/____

ANNEXE XVI



FOREIGN REPRESENTATION LICENCE APPLICATION FORM –
Branch
(to be completed by the applicant in duplicate)

Name of enterprise				
Country of head office				
Branch of activity				
Agent/representative	Name			
	Age			
	Nationality	Place of birth		
	Residential Address	Road/Ave. Number		
		District/City		
		Tel/Fax		
E-mail				
BI/DIR Nr.	Date of issue	_/_/____		
NUIT (tax Nr.)				
Function				
Purpose of representation				
Attachments – required documents	Document	Submitted	Not submitted	
	Authenticated copy of the charter or deed of incorporation of the represented enterprise in its country of origin			
Power of attorney in favour of the agent/ representative				
Requested licence period	Year(s)			
Observations				
Date	_/_/____	Signature:		

DNC Technician _____ Date _/_/____

ANNEXE XVII



EXPORTER REGISTRATION FORM
(To be completed by the applicant in duplicate)

Registration	Renewal	Re-registration	Year	
Physical address	Road/Ave. Number			
	Province			
	District/City			
	Tel/Telex			
	E-Mail			
	Postal address			
Contact person	Name			
	Function			
Code (in renewal cases)				
Activity				
Supervising entity	Licence (alvara) Nr.			
Legal status				
Goods to be exported				
Attachments – required documents	Document	Submitted	Not submitted	
	Licence (Alvara) (for licensed enterprises or organisations)			
Date	_/_/____	Signature and stamp:		
Single fee				
Fine				
Total amount payable				
To be completed by the Ministry of Industry and Trade				
Observations		Reception	Treasurer	
Date:	_/_/____	Date:	_/_/____	
Company/corporate entity (to be completed in case of a company)				
Company name	NUIT (tax Nr)			
Share capital	Nr of shares/ quotas			
Managing shareholder / Director	Name			
	Age			
	Nationality	Place of birth		
	Address	Road/Ave. Number		
		District/City		
	BI/DIR Nr	Date of issue	_/_/____	
NUIT (tax Nr)				
Names of shareholders in the company	Nationals			
	Foreigners			
Proprietor (to be completed in case of a sole trader/proprietorship)				
Proprietor	Name			
	Age			
	Nationality	Place of birth		
	Address	Road/Ave. Number		
		District/City		
	BI/DIR Nr.	Date of issue	_/_/____	
NUIT (Tax Nr.)				

ENTERPRISE STAMP

DNC Technician

SIGNATURE
DATE _____

SIGNATURE
DATE _____

ANNEXE XVIII



REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 NATIONAL DIRECTORATE OF TRADE

IMPORTER REGISTRATION FORM
 (To be completed by the applicant in duplicate)

Registration	Renewal	Re-registration	Year	
Physical address	Road/Ave.			
	Number			
	Province			
	District/City			
	Tel/Telex			
	E-Mail			
	Postal address			
Contact person	Name			
	Function			
Code (in renewal cases)				
Activity				
Supervising authority		Licence (Alvara) Nr.		
Legal status				
Goods to be imported				
Attachments - required documents	Document	Submitted	Not submitted	
	Licence (Alvara) (for licensed enterprises or organisations)			
	CPI Project certificate (Projects only)			
	Authorisation / opinion of supervising authorities (NGOs only)			
	BR (Govt. Gazette) containing bylaws (State entities only)			
Date	Signature and Stamp:			
	Single fee			
	Fine			
	Total amount payable			
To be completed by the Ministry of Industry and Trade				
Observations	Observations	Observations		
Date:	Date:	Date:		
Company/corporate entity (to be completed in case of a company)				
Company name		NUIT (tax Nr)		
Share capital		Nr of shares/ quotas		
Managing shareholder / Director	Name			
	Age			
	Nationality	Place of birth		
	Address	Road/Ave.		
		Number		
		District/City		
BI/DIR Nr.	Date of issue	_/_/____		
NUIT (Tax Nr.)				
Names of shareholders in the company	Nationals			
	Foreigners			
Proprietor (to be completed in case of a sole trader/proprietorship)				
Proprietor	Name			
	Age			
	Nationality	Place of birth		
	Address	Road/Ave.		
		Number		
		District/City		
	BI/DIR Nr.	Date of issue	_/_/____	
NUIT (Tax Nr.)				

ENTERPRISE STAMP

DNC TECHNICIAN

SIGNATURE
 DATE

SIGNATURE
 DATE

MINISTRY OF INDUSTRY AND TRADE

Ministerial Diploma 199/2004 of 24 November Industry and Trade Inspection Regulations

Ministerial Diploma 161-A/2000 of 21 November, which approved the Organic Charter of the Ministry of Industry and Trade, provides for a General Inspectorate in its structure.

As there is a need to issue regulations on the General Inspectorate of the Ministry of Industry and Trade, bearing in mind that among its other functions the Inspectorate is responsible for preparing and implementing activities to educate economic operators and ensuring that the organs of the Ministry and the institutions it oversees and regulates comply with the applicable legislation, under article 18 of the abovementioned Charter, the Minister of Industry and Trade determines:

ARTICLE 1

The Inspection Regulations of the Ministry of Industry and Trade and the respective annexes, which form an integrated part of this ministerial diploma, are approved.

ARTICLE 2

Ministerial Diploma 170/88 of 28 December and all other provisions that govern the same subject matter and are contrary to these Regulations are repealed.

ARTICLE 3

Doubts and omissions arising from the interpretation and application of these Regulations shall be resolved by order of the Minister of Industry and Trade.

ARTICLE 4

This ministerial diploma shall enter into force immediately.

Ministry of Industry and Trade, Maputo, 1 October 2004

THE MINISTER

Carlos Morgado.

THE REPUBLIC OF MOZAMBIQUE**INDUSTRY AND TRADE
INSPECTION REGULATIONS****CHAPTER I**

General Provisions

SECTION I**DEFINITIONS, OBJECT, NATURE AND SCOPE****ARTICLE 1**

Definitions

For the purposes of these Regulations:

- a) *Inspection activity* – means the range of activities assigned to the General Inspectorate of the Ministry of Industry and Trade (GI-MIT) for the purpose of ensuring that organs, institutions and economic operators in the trade and industry sector comply with legislation;
- b) *Pre-announced inspection activity* – means the range of inspection activities that are carried out with at least ten working days notice, for the purpose of educating economic operators and the general public about the need for and importance of complying with legislation;
- c) *Unannounced inspection activity* – means the range of inspection activities conducted for the purpose of ascertaining the veracity of irregularities;
- d) *Ordinary inspection activity* – means pre-announced inspection activity of an educative nature carried within the framework of a pre-established action plan;
- e) *Extraordinary inspection activity* – means unannounced inspection activity carried out on superior instructions or pursuant to complaints or reports and direct findings of irregularities;
- f) *Agent of authority* – means an officer vested with special powers to check compliance with the law;
- g) *Internal audit* – means the activity carried out by the central organ of the GI-MIT to verify the legality of acts carried out by the organs of the Ministry of Industry and Trade and institutions that are subordinate to it and/or that it oversees;

- h) *Charge sheet* – means the procedural document written up by the inspector before a witness, integrated in a GI-MIT brigade, for the purpose of making it known that a certain offence has been committed;
- i) *Inspection/supervision* – means inspection activity carried out by GI-MIT organs to verify whether activity carried out by economic operators conforms to the rules governing the manufacturing, trade and service provision sector;
- j) *Joint and/or Multisector inspection/supervision* – means inspection activity involving participation from officers from other sectors of public administration;
- k) *GI-MIT* – means the Ministry of Industry and Trade organ with power and authority to carry out internal audits and/or inspection/supervision activities;
- l) *Inspector* – means a GI-MIT officer or an officer appointed by order of the Minister of Industry and Trade, irrespective of his category or professional career, who has authority to direct and/or carry out inspection activity;
- m) *Professional profile of an inspector* – means the combination of competence, attitude and conduct required for an inspector to perform internal audit activities and inspection of the manufacturing, trade and service provision sector.

ARTICLE 2

Object

The purpose of these Regulations is to establish principles guiding the working of industry and trade inspection.

ARTICLE 3

Nature

The GI-MIT is the MIT organ, directly under the Minister, responsible for internal auditing of central and local organs and subordinate institutions and for monitoring manufacturing, commercial and service provision activities for compliance with legal provisions.

ARTICLE 4

Scope

1. The GI-MIT performs its activities throughout the whole of the national territory.

2. Actions of the GI-MIT apply to all structures and organs of the Ministry of Industry and Trade, subordinate institutions and/or institutes it oversees, as well as individual and corporate persons who carry out manufacturing, commercial, service provision or related activities.

SECTION II POWERS AND RESPONSIBILITIES

ARTICLE 5

Powers and responsibilities

1. The GI-MIT shall have the following powers and responsibilities:
 - a) To prepare and implement, in coordination with other entities, activities to educate economic operators and the general public about the necessity and importance of complying with applicable legislation, with a view to promoting ethical values in the performance of their activities;
 - b) To ensure that organs of the Ministry of Industry and Trade and subordinate institutions and/or institutions that it oversees comply with legal instruments;
 - c) To inspect industrial, commercial and service provision activities;
 - d) To ensure observance of professional ethics and deontology;
 - e) To conduct and assist with the conducting of inquiries, investigations, disciplinary inquiries and reviews assigned to it;
 - f) To collaborate with other national authorities within its areas of competence.

CHAPTER II

Inspection activity

SECTION I PRINCIPLES AND ACTIONS

ARTICLE 6

Principles

1. The GI-MIT shall be guided in its actions by the principles of legality, equality, impartiality and transparency.
2. The GI-MIT shall carry out actions of an educative and guiding nature, providing economic operators with information and technical advice aimed at increasing their awareness of the importance of complying with legal provisions in the performance of their activities.
3. Without prejudice to the provision of the preceding paragraph, whenever irregularities are detected during inspection activity, a time limit to correct the irregularities shall be established.
4. In the event that the conditions laid down pursuant to the preceding paragraph are not observed, a registered reprimand shall be issued in the terms of specific legislation.
5. In addition to sanctions provided for in specific regulations, cases of disobedience, resistance and giving of false statements by entities being inspected towards properly identified inspectors shall also be subject to applicable punitive procedures.

ARTICLE 7

Types of inspection activity

Inspection activity shall be conducted in the form of internal audits and inspection/supervision.

ARTICLE 8

Forms of action

The inspection activities of the GI-MIT shall take the following forms:

- a) Pre-announced inspection/supervision, of an educative nature;
- b) Unannounced inspection/supervision on superior instructions or pursuant to complaints or reports and direct findings of irregularities.

ARTICLE 9

Inspection procedures

1. Internal audits shall be conducted by brigades composed of a minimum of two properly credentialed inspectors, except when superior orders stipulate otherwise.
2. Inspection/supervision activities shall be conducted by brigades composed of a minimum of two properly credentialed inspectors.
3. Ad hoc teams may be formed by order of the Inspector General or the Provincial Director of Industry and Trade to carry out specific inspection activities with multi-sector and temporary objectives, and these teams shall be coordinated by inspectors appointed specifically for this purpose.
4. The inspectors shall act in a way that does not disturb the order and discipline required in the places to be audited or inspected/supervised.
5. Brigades conducting inspection/supervision shall consult and fill in the details on the economic operator's record card, as set out in Annexe I, a copy of which shall be kept at the establishment in question.

ARTICLE 10

Inspection method

1. The head of the brigade shall be responsible for drawing up an action plan and for delineating the methods, procedures and resources needed for the internal audit or inspection/supervision.
2. In order to achieve the objectives indicated in the preceding paragraph, the inspection brigade shall have access to the relevant records, to obtain information about the background of the person being inspected, their credits, exemptions and the types and nature of offences that have already been committed and recorded.
3. In ordinary inspection activities, the brigade shall confirm that the

persons being audited or inspected/supervised have been notified that a pre-announced audit or inspection/supervision is going to be carried out.

ARTICLE 11

Report

1. Whenever inspection activity is carried out, the inspection brigade shall submit a brief report within five working days, which shall contain:
 - a) An introduction;
 - b) Findings;
 - c) Conclusions and recommendations.
2. The brigade shall inform the audited or inspected/supervised person about the findings and recommendations.
3. When an extraordinary inspection is carried out, the brigade reserves the right not to disclose the findings of its inspection on site, and in such a case it shall be responsible only for announcing the beginning and the end of its mission.

SECTION II INTERNAL AUDIT

ARTICLE 12

Audit

The GI-MIT shall, when conducting an internal audit:

- a) Verify that administrative acts and procedures are legally compliant, regular and properly managed;
- b) Verify that budget, financial and property management are being conducted in a regular manner;
- c) Propose the adoption of measures that are better suited to realising the objectives mentioned in the preceding paragraph;
- d) Monitor the adoption and implementation of measures that it has proposed;
- e) Conduct inquiries and investigations when it learns of material issues during the performance of its activity;
- f) Carry out such other tasks as are within the framework of the inspection and/or are assigned to it by the Ministry of Industry and Trade Directorate.

SECTION III INSPECTION/SUPERVISION

ARTICLE 13

Inspection/supervision

The GI-MIT shall, when conducting inspection/supervision:

- a) Check that the law is being complied with in the performance of manufacturing, commercial and service provision activities;
- b) Participate in actions for the prevention and deterrence of drugs;
- c) Liaise with other State organs in the inspection/supervision of economic activity.

ARTICLE 14

Charge sheet

1. Whenever the officers responsible for inspection are apprised of the existence of any offence against the provisions governing manufacturing, commercial and service provision activities, they shall prepare a charge sheet in the terms of article 166 of the Criminal Procedure Code.
2. This charge sheet shall contain the following particulars:
 - a) The date and time;
 - b) The location;
 - c) The name, marital status, profession, place of birth and address of the person charged and the complainant (in the case of a denunciation/complaint);
 - d) The name and address of the charging officer;
 - e) The name, marital status, profession and address of witnesses;
 - f) The facts that constitute the offence;
 - g) The circumstances in which the offence was committed;
 - h) The goods that were seized, if any;
 - i) The legal rule that was breached;
 - j) The signatures of the charging officer, witnesses and the person charged, if the latter wishes to sign.
3. The Inspector-General or the Provincial Director shall shelve all cases falling within their legally attributed investigative jurisdiction, when it is found that the facts set out in the record do not constitute an offence.
4. The charge sheet shall be drawn up in the form specified in Annexe II hereto.

ARTICLE 15*Seizure of property*

1. When the charge sheet is being drawn up in inspection/supervision proceedings, the brigade may proceed to seize goods that are directly related to the offence and any other items that may be used as evidence, when this is permitted by law and within legally defined limits.
2. If it is not possible to seize the goods as provided for in the preceding paragraph, the brigade may make the person subject to inspection or another national individual or corporate person a trustee in terms of the civil law.
3. Once the offence has been confirmed, if the property seized in the terms of paragraph 1 is not to be returned or if it is perishable, the legal formalities established in specific legislation and consumer protection provisions shall be observed with respect to such property.

ARTICLE 16*Exemption for ordinary inspection/supervision*

1. An inspection/supervision exemption certificate or other benefit may be granted for full compliance with rules governing industry and trade, in order to encourage economic operators to abide by legislation applicable to the sector.
2. The granting of any benefits in the terms of the preceding paragraph shall not extend to extraordinary inspections conducted as a result of complaints or reports and/or pursuant to the discovery of unlawful acts by other means.
3. Once an unlawful act has been confirmed, the right granted in terms of paragraph 1 hereof will be annulled.
4. When the confirmed unlawfulness takes the form of failure to observe rules on the environment, hygiene, public health and safety, the annulment provided for in the preceding paragraph shall be kept in place for a period of 24 consecutive months.

CHAPTER III*Organisational structure and competency***SECTION I****ORGANISATIONAL STRUCTURE****ARTICLE 17***Organisational structure*

1. At central level, the GI-MIT shall have the following organisational structure:
 - a) Internal Audit Department (IAD);
 - b) Department of Inspection/Supervision of Industry and Trade (DSIT);
 - c) Legal Division (LD);
2. At provincial level, the GI-MIT shall be a provincial inspectorate, which shall have department status.

**SECTION II
CENTRAL ORGANS****ARTICLE 18***General Inspectorate*

The GI-MIT shall be headed by the Inspector-General.

ARTICLE 19*Competency of the Inspector-General*

- The Inspector-General of Industry and Trade shall:
- a) Chair the managing body;
 - b) Order the conducting of internal audits and inspection/supervision;
 - c) Propose the holding of inquiries, investigations and other inquests when the interests of the Ministry of Industry and Trade and those of the State in general are at stake;
 - d) Ensure coordination of the planning of GI-MIT activity and the evaluation of its results;
 - e) Make proposals to the Minister about awarding or cancelling rights

to inspection/supervision exemption certificates, in the form set out in Annex III hereto, or about granting other benefits as a result of compliance with the rules governing industrial, commercial and service provision activities for at least two years;

- f) Apply penalties that he has authority to apply for offences committed in the context of industrial, commercial and service provision activities;
- g) Propose the secondment of any employee of the Ministry of Industry and Trade to the GI-MIT;
- h) Conduct public opinion polls about the activities of the Ministry of Industry and Trade, its subordinate institutions and institutions it oversees, by means of surveys, direct consultations or through the media;
- i) Perform all such other tasks as are assigned to him by superior authority.

ARTICLE 20

Internal Audit Department

The Internal Audit Department is headed by a head of department, who shall:

- a) Guide and direct audits of central and provincial organs and subordinate and overseen institutions within the framework of the functions of the Ministry of Industry and Trade;
- b) Prepare and submit periodic reports and accounts according to timeframes established by superior authority;
- c) Perform all such other tasks as are assigned to him by superior authority.

ARTICLE 21

Department of Inspection/Supervision of Industry and Trade

The Department of Inspection/Supervision of Industry and Trade shall be headed by a head of department, who shall:

- a) Direct, coordinate and inspect/supervise the industry and trade inspection activities, within the framework of the powers and responsibilities of the Ministry of Industry and Trade;
- b) Propose measures and other relevant actions to ensure the effective performance of supervising functions;
- c) Investigate and examine cases involving industry and trade issues and submit them to the Inspector-General for decision;
- d) Give inspectors employed in the area such instructions as are necessary for the proper performance of the tasks assigned to them;
- e) Prepare and submit periodic reports and accounts according to timeframes established by superior authority;
- f) Perform all such other tasks as are assigned to him by superior authority.

ARTICLE 22

Legal Division

The Legal Division shall be headed by a central division head, who shall:

- a) Handle the technical and legal aspects of proceedings pertaining to ongoing cases;
- b) Cause all cases presented by competent departments of the GI-MIT to be referred to the competent institutions;
- c) Ensure that the offices have the administrative support they need to operate properly;
- d) Participate in the drafting of periodic reports and accounts according to timeframes established by superior authority;
- e) Perform all such other tasks as are assigned to him by superior authority.

SECTION III PROVINCIAL ORGANS

ARTICLE 23

Provincial inspectorates

1. Provincial inspectorates are part of the organisational structure of provincial directorates of industry and trade and they shall act pursuant to the powers and responsibilities of the General Inspectorate within their respective areas of jurisdiction.
2. Provincial inspectorates shall be headed by provincial chief inspectors acting under the provincial directors.
3. Provincial chief inspectors shall be appointed by the Minister on the recommendation of the respective provincial director.
4. Provincial chief inspectors shall:
 - a) Organise and plan inspections of industry, trade and services at provincial level;
 - b) Coordinate and monitor the actions of inspectors in the sector;
 - c) Ensure, in coordination with local economic and consumer protection associations, that education programmes are publicised and legislation on industry and trade is disseminated;
 - d) Prepare periodic reports and accounts of activities carried out and remit them to the General Inspectorate;

- e) Contribute to the drafting of the GI-MIT annual plan;
- f) Assess complaints in proceedings that he has confirmed and remit them to the provincial director for a final decision, within the legal time limits;
- g) Direct the investigation and examination of cases involving industry and trade issues and make recommendations on legal measures to the provincial director;
- h) Make proposals to his provincial director about awarding or cancelling rights to inspection/supervision exemption certificates, in the form set out in Annexe III hereto, or to other benefits resulting from compliance with the rules governing industrial, commercial and service provision activities for at least two years;
- i) Promote the technical-professional preparation and training of local inspectors;
- j) Participate in drug prevention and deterrence activities;
- k) Perform all such other tasks as are assigned to him by superior authority.

ARTICLE 24

Subordination and liaison

1. In the performance of their functions, provincial chief inspectors shall obey and be directly subordinate to the provincial director of industry of trade.
2. Without prejudice to the duty of obedience owed to the provincial director, provincial chief inspectors shall liaise with the Inspector General on the technical-methodological and normative aspects of inspection activities.
3. Depending on the economic dimension of each province, provincial inspectorates may have corresponding sectors operating under them at district level, with the necessary adaptations.

SECTION IV PROFESSIONAL PROFILE AND SPECIAL RIGHTS AND DUTIES OF INSPECTORS

ARTICLE 25

Professional profile

Inspectors of the GI-MIT must have the professional profile set out in the directive contained in Annexe IV.

ARTICLE 26

Duties

1. Inspectors of the GI-MIT shall, in particular, have the following obligations:
 - a) To see to it that legislation governing the sector is complied with and applied fairly, and to take measures within the limits of their jurisdiction whenever they find omissions, concealed or censurable matters and, in general, offences or anything else that is prejudicial to the furtherance of public interests;
 - b) Act with the utmost propriety, seriousness, prudence and discretion in their dealings with economic operators.
2. While their functions endure and after they end, inspectors are under an obligation of strict professional secrecy with regard to all matters that they learn about in the course of or as a result of the performance of their functions, under pain of disciplinary, civil and/or criminal proceedings being brought against them.
3. [Inspectors shall] disclaim their competence in cases of incompatibility.
4. Inspectors are forbidden from using their office or invoking their title, the name of the organ they work for, the structure, director or their hierarchical superior for personal gain in personal, commercial or professional relationships, under pain of disciplinary, civil and/or criminal proceedings being brought against them.

ARTICLE 27

Rights

In addition to the rights established in the General Statute of Government Employees and other specific legislation, GI-MIT inspec-

tors shall, in particular, enjoy the following rights in the performance of their functions:

- a) To be considered as an agent of authority for all purposes of articles 250 (examination of the accused) and 252 (examination of suspects) of the Criminal Procedure Code;
- b) To hold a special professional identification card in the form set out in Annexe V, which shall entitle them to free pass at tolls and access to places subject to inspection and supervision, even if prior notice has not been given;
- c) To use and carry a firearm for personal defence, allocated by the State and subject to a licence issued by the competent authority;
- d) To receive assistance from any agent of authority in order to carry out the missions assigned to them;
- e) To receive a special subsidy to which they are entitled under the rules governing the distribution of proceeds from fines and other specific sources.

ARTICLE 28

Incompatibilities

Inspectors are barred from performing any inspection or disciplinary-type actions directed at their spouses, relatives or family members to any degree in the straight line of descent, and up to the third degree in the collateral line, or other persons with whom they live in joint economy or establishments in which they have a personal interest, either directly or through another individual or corporate person.

ARTICLE 29

Duty to collaborate

1. As an administrative authority, the GI-MIT shall, in the performance of its inspection activities, liaise when necessary with other administrative, police or judicial authorities and provide or request collaboration, whenever this is necessary for the performance of its functions.
2. Persons in charge of central, provincial and subordinate organs and those overseen by the Ministry of Industry and Trade shall, in particular, be obligated to:
 - a) Allow properly credentialed GI-MIT inspectors to have free access to all places under their leadership, in the performance of their activities;
 - b) Provide all consultation instruments that they are asked to provide for the fulfilment of their functions.

3. Proprietors, managers, directors, officers in charge and their representatives in industrial, commercial and service provision establishments, as well as other individuals who carry out the aforementioned activities on any other basis, shall, in particular, be obligated to:

- a) Grant free entry and passage to the aforementioned places to GI-MIT inspectors, after they have been properly identified, and allow them to stay as long as is necessary to complete their work;
- b) Present the documentation, records of their activities and other particulars required of them, as well as provide information and statements that are asked of them, within strict bounds of necessity.

ARTICLE 30

Disciplinary offences

GI-MIT inspectors who violate the rules laid down in these Regulations shall be subject to disciplinary proceedings and other sanctions provided for in the General Statute of Government Employees.

CHAPTER IV

Final provisions

ARTICLE 31

Participation of other directorates

1. The Inspector-General or a provincial director of industry and trade may authorise the participation of technicians from other directorates, according to the material in question, for the purposes of performing inspection activities or when this is necessary due to staff shortages.
2. The rights provided for in these Regulations shall not extend to the technicians referred to in paragraph 1 above.

ANNEXE I



REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 GENERAL INSPECTORATE

Department _____

INSPECTION OF INDUSTRY AND TRADE
 Economic Operator Card N...../20....

1. PRELIMINARIES

Inspection order	Inspectors/brigade members	Inspection Time
First (educative)	_____	Date ___/___/___
Re-inspection (following)		Start time _____
Form of inspection		Finish time _____
	Ordinary	
	Extraordinary	

2. ESTABLISHMENT

Designation of establishment _____
 Branch of activity _____ Legal status _____
 Licence (alvará) Nr. _____
 Location _____ Nr. _____ P.O. Box _____
 Telephone _____ Locality _____ District _____
 Head office _____ Date of start of activity ___/___/___

3. REPRESENTATION

Legal representative _____
 Office held _____ ID / Passport Nr _____
 Issued at _____ on ___/___/___ Date of birth ___/___/___
 Place of birth _____ District _____ Province _____
 Father's name _____ Mother's name _____
 Marital status _____ Address _____

4. SUMMARY REPORT

a) Findings

b) Recommendations

c) Other observations

Legible signatures

Inspectors

Persons in charge of establishment

ANNEXE II



REPUBLIC OF MOZAMBIQUE
 MINISTRY OF INDUSTRY AND TRADE
 GENERAL INSPECTORATE

Department _____

CHARGE SHEET

On the _____ day of _____
 in the year two thousand and _____, at the time of _____
 hours and _____ minutes, in this _____
 I, _____,
 Inspector of industry and trade, in the company of inspectors _____

_____, brought a charge against the establishment
 _____ located at

whose branch of activity is _____
 and is represented by its _____
 named _____

who holds ID/ DIRE Nr. _____, issued by the
 identification records office of _____, Marital status _____, age _____
 Father's name _____
 Mother's name _____
 Place of birth _____
 district, residing at _____
 for breach of the provisions of _____

which carries a fine of _____
 graduated to _____ times the minimum wage, in the terms of _____

The offence consists of the following:

The offender _____

Therefore, in fulfilment of the obligation imposed on me by the Industry and Trade Inspection Regulations, I have drawn up this charge sheet, which may be relied upon in court and on the basis of which the appropriate proceedings may be brought. And I do solemnly swear that this charge sheet is true as to its contents and I _____ who drew it up, will sign it

Charging officer

Other inspectors

ANNEXE III



REPUBLIC OF MOZAMBIQUE
MINISTRY OF INDUSTRY AND TRADE
GENERAL INSPECTORATE

Department _____

INSPECTION EXEMPTION CERTIFICATE

In the terms of article ___ paragraph ___, _____ of the Industrial / Commercial Licensing Regulations approved by CM Decree _____, this instrument certifies that the industrial / commercial establishment named _____, is EXEMPT from any inspection activity conducted by the MIT, for a period of _____ months*.

_____, this _____ day of _____ 20__

The Inspector-General/Provincial Director of Industry and Trade

*IMPORTANT

- This EXEMPTION does not extend to EXTRAORDINARY inspection activity conducted as a result of complaints or reports and/or pursuant to the discovery of unlawful acts by other means.
- The General Inspectorate of Industry and Trade reserves the right to annul the EXEMPTION if during the EXEMPTION period the beneficiary commits any confirmed unlawful act.
- When the confirmed unlawfulness takes the form of failure to observe rules on the environment, hygiene, public health and safety, the annulment so declared shall be kept in place for a period of 24 consecutive months.

ANNEXE IV

DIRECTIVE ON THE PROFESSIONAL PROFILE OF INSPECTORS
(Referred to in article 25)

- Industry and Trade Inspectors shall have a professional profile that is based primarily on integrity, objectivity, confidentiality and competence.
- Industry and Trade Inspectors shall, in particular:
 - Be courteous;
 - Be objective;
 - Be fair;
 - Be self-confident in their actions and interactions with others;
 - Be cordial or diplomatic;
 - Faithfully observe physical activity, including the surrounding environment;
 - Be perceptive, with intuition and an ability to understand situations;
 - Consider ideas or alternative points of view;
 - Be decisive and draw opportune conclusions based on logical reasoning;
 - Be diligent and sensible;
 - Be immune from any corruptive practices;
 - Have prior knowledge about the records of the inspected/supervised or audited person;
 - Comply with incompatibility requirements;
 - Be impartial and free from biases and influences that might affect their work;
 - Issue opinions that are based on logic;
 - Be skilled in written and oral communication;
 - Be ready to undertake continuing technical training.

ANNEXE V

PROFESSIONAL IDENTIFICATION CARD OF INSPECTORS

A. Basis

- A.1. The identification card in question is to be used only in the performance of professional functions.
- A.2. The signatures shall be authenticated with the embossing seal in use in the Ministry of Industry and Trade, in such a way that the seal reaches the lower left-hand corner of the photograph of the holder.
- A.3. The card must, compulsorily, be returned to the competent authorities when its holder ceases to perform the functions by virtue of which the card was issued.
- A.4. In the event of loss or damage, a second copy of the card will be issued, which shall mention this fact expressly and shall retain the number of the old card.

B. Characteristics

The professional identification cards of inspectors shall have the following characteristics:

B.1. Front of the card

- B.1.1. At the top, in the centre, is the emblem of the Republic of Mozambique;
- B.1.2. There is a transversal bar at the top, on the upper left-hand tip, with the colours of the national flag;
- B.1.3. It is in 11 x 7.8 cm format;
- B.1.4. It indicates the issuing authority, the identification of the holder and other particulars.

B.2. Back of the card

States the following:

- B.2.1. “The holder of this card has authority in the terms of paragraphs a) and c) of article 27 of the Industry and Trade Inspection Regulations approved by Ministerial Diploma

_____ of _____, to conduct supervision of all industrial, commercial and service provision activities, and shall be given free pass at tolls and other places where goods are traded, in the terms of article 7(b) of the Organic Charter of the Ministry of Industry and Trade approved by Ministerial Diploma 161-A/2000 of 21 November”;


- B.2.2. “Refusal or giving of false statements to an inspector exercising his functions shall be considered a crime in the terms of articles 186, 188 and 242 of the Penal Code and article 27(a) of the Industry and Trade Inspection Regulations”;
- B.2.3. “The holder of this card may, in the exercise of his functions, request assistance from police, administrative and judicial authorities in the terms of article 7(f) of the Organic Charter of the Ministry of Industry and Trade and article 29(1) of the Industry and Trade Inspection Regulations.”

Signature of the holder

_____»

C. Template

Front:

 REPUBLIC OF MOZAMBIQUE MINISTRY OF INDUSTRY AND TRADE GENERAL INSPECTORATE		PHOTO
IDENTIFICATION CARD NR. _____		
FREE PASS		
NAME _____		
CATEGORY _____		
Valid until:/...../..... of		

Back

The holder of this card has authority in the terms of paragraphs a) and c) of article 27 of the GI-MIT Regulations approved by Ministerial Diploma _____, to conduct supervision of all industrial, commercial and service provision activities, and shall be given free pass at tolls and other places where goods are traded, in the terms of article 7(b) of the Organic Charter of the Ministry of Industry and Trade approved by Ministerial Diploma 161-A/2000 of 21 November.

Refusal or giving of false statements to an inspector exercising his functions shall be considered a crime in the terms of articles 186, 188 and 242 of the Penal Code and article 27(a) of the GI-MIT Regulations approved by Ministerial Diploma _____ of _____.

The holder of this card may, in the exercise of his functions, request assistance from police, administrative and judicial authorities in the terms of article 7(f) of the Organic Charter of the Ministry of Industry and Trade and article 29(1) of the GI-MIT Regulations approved by Ministerial Diploma _____ of _____.

Signature of the holder



DISPATCH

As there is a need to regulate the distribution of proceeds from fines and licensing and inspection fees obtained under the commercial and industrial licensing regulations, it is hereby determined:

1. Without prejudice to sums that are channelled to the State budget and sums that are appropriated to the licensing authorities, the amounts that pertain inherently to the intervening parties shall be distributed in the following manner:

- a) 20% - to the General Inspectorate, National Directorate or Provincial Directorate in which the revenue is generated;
- b) 40% - distributed equitably among employees of the Ministry of Industry and Trade;
- c) 40% - for incentives to employees of the Ministry of Industry and Trade, in proportion to their base salaries.

2. The sum allocated according to paragraph 1(a) of this Dispatch shall be subject to approval by the Minister of Industry and Trade, on the recommendation of the Inspector General, the National Director or the Provincial Director.

3. The allocation of incentives to employees shall be done at the end of the financial year, that is, on the 31st of December in each year, and eligibility shall depend on the annual classification that is applied to an employee.

4. The proportion of the allocation of incentives shall correspond to the classification referred to in article 77(1) of the General Statute on State Employees, that is, very good is equal to 100% and good is equal to 60%.

5. Employees who are given a classification value of average or poor shall not be eligible for the incentives referred to herein, and the relevant decision must be sanctioned by the Ministry of Industry and Trade.

6. An Incentives Fund shall be made up of all revenue allocated to intervening parties, and the amount to be established annually by the Minister of Industry and Trade according to the volume of revenue received.

7. For the purposes of implementing these procedures, intervening parties are understood to mean all employees of the General Inspectorate, the National Directorate or the Provincial Directorate in which the revenue is generated.

8. This Dispatch shall come into force ninety days after its signature.

Ministry of Industry and Trade, Maputo, 1 October 2004 –
The Minister of Industry and Trade, Carlos Morgado.