

# OFFICIAL GAZETTE

## OFFICIAL PUBLICATION OF THE REPUBLIC OF MOZAMBIQUE

### IMPrensa Nacional de Moçambique, E. P.

#### NOTICE

The contents to be published in the «Official Gazette» (Boletim da República), must be sent as a duly certified copy, one for each matter, and, in addition to the required indications, it must contain the following annotation, signed and notarized:

**To be published in the «Official Gazette of the Republic».**

#### SUMMARY

Banco de Moçambique:

**Notice No. 3/GBM/2022:**

Amends Articles 81 and 83 of Notice No. 20/GBM/2017, of December 27.

**Notice No. 4/GBM/2022:**

Lays down the Rules for the Provision of Information for Drafting Resolution Plans.

### BANCO DE MOÇAMBIQUE

**Notice No. 3/GBM/2022**

of 14 July

In light of the need to improve the regulatory framework regarding general requirements and procedures for the prior authorization by the Banco de Moçambique of credits with a repayment period above two years, following from the import of goods and services, respectively, so as to make the process more flexible and quicker, the Banco de Moçambique, in its capacity as provided by Article 5 of Decree No. 49/2017, of September 11, lays down as follows:

ARTICLE 1

**Amendment**

Articles 81 and 83 of Notice 20/GBM/2017, of December 27, have been amended and now read as follows:

ARTICLE 81

**(Credit associated with the import of goods)**

1. (...)
2. (...)

3. Foreign payment in the settlement of invoices associated with the import of goods is authorized in the case of a delay in the compliance with repayment deadlines, even for a period above two years.

4. The payment process referred to in the preceding paragraph shall be processed with the intermediary bank in compliance with the duties of verification, foreign exchange registration, and other procedures determined by the Banco de Moçambique by Circular.

5. Without prejudice to the provisions of the preceding paragraphs, for payments of debts from invoices regarding goods imports, carried out before April 1, 2019, banks shall request from the importer:

- a) A letter stating the request, along with the reasons supporting why the invoices were not paid within set deadlines;
- b) Single Customs Document (DU);
- c) The commercial invoice or debit note issued by the goods suppliers at the time of the import; and
- d) Reports and accounts concerning the period of prevalence of the debt, and other relevant information to ascertain the reasons that support non-timely payment.

6. If the importer is a natural person, the procedure provided by the preceding paragraphs shall apply, while waiving the presentation of the documents referred to in point d) of the preceding paragraph.

7. Documents from which natural persons are exempted may be replaced by the submission of others, such as contracts, including amendments, physical or electronic that allow for ascertaining the undertaking of the good import, the reasons for non-payment within the deadlines agreed by contract or invoices and the prevalence of the debt at present.

ARTICLE 83

**Credit associated with the import of services**

1. (...)
2. (...)
3. (...)

4. Foreign payment in the settlement of invoices associated with the import of services is authorized in the case of a delay in the compliance with repayment deadlines, even for a period above two years.

5. The payment process referred to in the preceding paragraph shall be processed with the intermediary bank in compliance with the duties of verification, foreign exchange registration, and other procedures determined by the Banco de Moçambique by Circular.

6. With regard to the payment of debts from service provision invoices, the bank shall request the customer to present the following documents:

- a) A letter stating the request, along with the reasons supporting why the invoices were not paid within set deadlines;
- b) Copy of the service contract;
- c) Commercial invoice or debit note;
- d) Amendment to the agreement of the extension of the deadline for payment of services rendered;
- e) Reports and accounts concerning the period of prevalence of the debt, and other relevant information to ascertain the reasons that support non-timely payment; and
- f) Proof of compliance with tax obligations concerning the transaction.

7. If the services importer is a natural person, the procedures provided by the preceding paragraphs shall apply, while waiving the presentation of the documents referred to in point e) of the preceding paragraph.

8. Documents from which natural persons are exempted may be replaced by the submission of others, such as contracts, including amendments, physical or electronic that allow for ascertaining the undertaking of the good import, the reasons for non-payment within the deadlines agreed by contract or invoices and the prevalence of the debt at present.

#### ARTICLE 2

##### Sanctions Regime

The breach of the provisions provided herein is punishable under the applicable foreign exchange legislation.

#### ARTICLE 3

##### Doubt clarification

Any doubts arising from the interpretation and implementation of this Notice must be submitted to the Licensing and Foreign Exchange Control Department of the Banco de Moçambique.

#### ARTICLE 4

##### (Entry into force)

This Notice shall come into effect as of its date of publication. Maputo, May 16, 2022. - The Governor,  
*Rogério Lucas Zandamela.*

### Notice No. 4/GBM/2022

of 14 July

Law No. 20/2020, of December 31, Credit Institutions and Financial Companies Act, established the need for drafting resolution plans in order to enable the planning of resolution measures that may be applied to credit institutions and financial companies and set out, under Article 140, the duty to provide the Banco de Moçambique with information for drafting. Thus, in light of the need to set out procedures for submitting the information elements to be sent for the preparation of resolutions plans, as well as other complementary rules necessary for the enforcement of the duty

to prepare necessary for the enforcement of the duty to prepare resolution plans, the Banco de Moçambique, in the use of the competence conferred on it by Article 130 of Law No. 20/2020, of December 31, determines:

#### ARTICLE 1

##### Object

This Notice lays down the rules for providing information for drawing up resolution plans, in compliance with the provisions of Article 140 (1) of Law No. 20/20, of December 31.

#### ARTICLE 2

##### Scope

The rules for submitting the information concerning this Notice shall apply to banks, microbanks and financial brokerage companies.

#### ARTICLE 3

##### Deadlines for submitting information

1. The information set out herein shall be submitted to the Banco de Moçambique annually by July 31, with reference to June 30.

2. The reporting requirement referred to in the preceding paragraph shall be deemed to have been fulfilled if the institution has submitted revised information elements, in compliance with the duty provided for in Paragraph 2 of Article 138 of Law No. 20/2020, of 31 December, in the 90 days prior to the date provided therein.

3. Within 45 days of receipt of the information provided by the institutions, the Banco de Moçambique may request missing information, which the former shall be present within a maximum period of 15 days.

#### ARTICLE 4

##### Review of Resolution Plans

Following the communication provided by Article 138 (2) of Law No. 20/2020, of December 31 - Credit Institutions and Financial Companies Act, institutions shall present to the Banco de Moçambique a review of the information items, within a maximum period of 60 days.

#### ARTICLE 5

##### Provision of additional information

1. Whenever necessary, the Banco de Moçambique may request institutions to provide the additional information that it deems relevant to the drafting of a resolution plan that allows for the pursuit of purposes provided by Article 131 (1) of Law No. 20/2020, of December 31.

2. The additional information provided by the preceding paragraph may entail greater detail of the information provided or other additional information that the Banco de Moçambique considers relevant for the resolution plan.

#### ARTICLE 6

##### Partial waiver from the reporting requirement

1. An institution intent on obtaining partial waiver from the reporting requirement for the drafting of their resolution plan,

as provided by Article 141 (1) of Law No. 20/2020, of December 31, a specific request for this purpose shall be presented to the Banco de Moçambique.

2. The request referred to in the preceding paragraph shall be duly substantiated based on the criteria provided by Article 141 of the Credit Institutions and Financial Companies Act.

3. The partial waiver request shall be submitted to the Banco de Moçambique by April 30 of each year.

4. The decision to exempt an institution from the reporting requirement for drafting its resolution plan shall remain in effect for 3 years, after which the institution concerned shall submit a new waiver request to the Banco de Moçambique.

5. An institution that no longer meets any of the criteria provided by Article 141 (1) of Law No. 20/2020, of December 31, which has been used as grounds for waiver from the reporting requirement for drafting their resolution plan, must immediately make it known to the Banco de Moçambique.

#### ARTICLE 7

##### **Presentation of information**

The information to be sent must comply with the structure defined by a Circular issued by the Banco de Moçambique.

#### ARTICLE 8

##### **Transitional provision**

Institutions shall comply with the provisions set out herein within 180 days from the date of entry into force.

#### ARTICLE 9

##### **Sanctions Regime**

The violation of the provisions provided herein is punishable under Law No. 20/2020, of December 31.

#### ARTICLE 10

##### **Instructions and clarifications**

1. The Banco de Moçambique issues the instructions necessary to comply with this Notice.

2. Any doubts arising from the interpretation and application of this Notice may be submitted to the Macroprudential Analysis Department of the Banco de Moçambique.

#### ARTICLE 11

##### **Entry into force**

This Notice shall come into effect as of its date of publication. Maputo, March 31, 2022. - The Governor, *Rogério Lucas Zandamela*.

Price — 20,00 MT