

REGULATIONS ON THE ENVIRONMENTAL AUDIT PROCESS

DECREE NO. 45/2024, OF 26 JUNE

VdA EXPERTISE



August 2024

Recognising the need to revise the Regulation on the Environmental Audit Process and in order to bring it into line with the provisions of Decree No. 54/2015, of 31 December (Regulation on the Environmental Impact Assessment Process), the Council of Ministers approved Decree No. 45/2024, of 26 June, which repeals Decree No. 25/2011, of 15 June.

Object and scope

The purpose of the Regulation is to establish the principles and standards that should guide the exercise of environmental auditing in the national legal system, applying to public and private activities in all their phases of implementation, decommissioning and restoration that may directly or indirectly influence environmental components.

The environmental audit aims to verify compliance with environmental legislation, the conditions of environmental licences, the implementation of environmental management and counterbalance plans, the environmental performance of the undertaking, environmental performance and monitoring reports, reports from previous public and private environmental audits and the implementation of action plans.

Public and Private Environmental Auditing

The Regulation maintains the classification of environmental audits into 2 types, namely the public audit (carried out by the sector that oversees the environmental area) and the private audit (carried out by a natural or legal person who has not participated as an environmental consultant in the environmental impact assessment process of the respective activity, duly certified by the environmental entity).

The above audits must be carried out to activities under categories A+, A, B and C at least once a year, in order to bring the labour and functional processes of the undertakings into line with the legal environmental requirements in force.

With regard to the entities responsible for carrying out public audits, the Regulation states that:

- Public audit under A+ and A category projects shall be carried out by the responsible central body, with the possibility of integrating local technicians;
- Public audits under category B and C projects shall be carried out by the responsible provincial body.

Registration of Private Environmental Auditor

The Regulation introduces specific provisions applicable to carrying out the activity, as well as on the registration of private environmental auditors by natural and legal persons, both public and private, national and foreign. In this regard, it should be noted that:

- Only technicians with a degree in environmental sciences or who have taken specific environmental courses, with more than five years' experience, can carry out environmental audits in Mozambique, provided they are registered with the sector that oversees the environmental area. Technicians who do not have the required experience can only carry out environmental audits as team members in legal persons certified for this purpose;
- The requirements for issuing the private environmental auditor certificate have been updated;
- Specific requirements have been introduced for foreign natural persons who reside in Mozambique who wish to work as private environmental auditors. Still in relation to them, their registration as individuals is prohibited.

Private Environmental Auditor Certificate

The private environmental auditor's certificate, which process of issuance is now provided for under the Regulation, is now valid for period of 5 years, renewable. The renewal application, to be submitted 90 days before the end of its validity, must be accompanied by the original of the certificate requiring an update and the performance report on the activities carried out in the previous period.

Fees, infringements and penalties

The fees for issuance of the private environmental auditor registration certificate have been updated to the following:

- For the issuance of the private environmental auditor registration certificate:
 - a) Environmental auditor (natural person): MT 11,000.00;
 - b) Environmental auditor (legal person): MT 55,000.00;

- For the renewal of the private environmental auditor registration certificate:
 - a) Environmental auditor (natural person): MT 8,250.00;
 - b) Environmental auditor (legal person): MT 38,500.00;

- A fee of MT 13,750.00 is charged for the application for a second copy of the private environmental auditor's registration certificate, whether for natural or legal persons.

The amounts of the fines applicable for offences committed under the Regulation have also been updated. Among the offences previewed under the Regulation are:

- Obstructing or hindering a public environmental audit;
- The illegal exercise of the activity of private environmental auditor;
- Failure to submit a private environmental audit report;
- Failure to submit the Action Plan;
- Failure or delay in submitting the Environmental Performance and Environmental Monitoring reports;
- Failure to comply with environmental audit recommendations.

Entry into force

The decree will come into force on 24 September 2024.

Contacts



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