

PANORAMIC

# PORTS & TERMINALS

Mozambique



LEXOLOGY

# Ports & Terminals

Contributing Editor

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HFW

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## GENERAL

**Key ports**

Which are the key ports in your jurisdiction and what sort of facilities do they comprise? What is the primary purpose of the ports?

The key ports in Mozambique are:

- the port of Maputo (southwestern Mozambique);
- the port of Beira (central Mozambique); and
- the port of Nacala (northern Mozambique).

There are other smaller ports in the provinces of Gaza (the port of Xai-Xai) and Inhambane, as well as in the cities of Quelimane and Pemba.

Despite being small, the port of Pemba gained more relevance in recent years because it became the fourth port to receive petroleum products imported for local consumption. This relevance is increasing with the implementation of the Rovuma Basin gas projects.

The port of Maputo is the biggest Mozambican port in terms of annual volumes of cargo, having handled 30.9 million tons in 2024. The port is composed of two different areas: the Maputo Cargo Terminals, also called the commercial port, and the Matola Bulk Terminals. The Maputo Cargo Terminals cover cabotage, general cargo, liquids (storage in tanks), sugar, grain, containers, cars, steel, iron and molasses terminals. The Matola Bulk Terminals cover coal, petroleum products, grains and aluminium terminals.

The port of Nacala, which was considered the second largest port in terms of volume of cargo in 2023, is the largest deep-water natural harbour on the East African coast and allows access to the northern regions of Mozambique. It currently has a general cargo terminal, container terminal and liquid bulk terminal (the latter connected to fuel depots). The port of Nacala is also connected by rail to the Tete province to allow the export of coal. In October 2023, an inauguration ceremony for the rehabilitation, expansion and modernisation of the port of Nacala took place. In 2024, the port registered a 7.6 per cent increase in cargo handling, reaching a historic milestone of 1.4 million tonnes, including 100,000 twenty-foot equivalent units (TEU). This growth was made possible by the completion of the port's rehabilitation, expansion and modernisation works. The container terminal now features a 400-metre-long quay with a depth of 14 meters, allowing for greater berthing capacity. The acquisition of two new modern tugboats and a pilot boat has further improved docking operations.

The port of Beira, which was considered the third largest port in terms of its annual volume of cargo in 2023, is one of the most relevant ports in Mozambique. In 2023, the port was considered the most efficient in Southern Africa, according to the Container Terminals Performance Index of the World Bank. In the first seven months of 2024, Beira Port's general cargo terminal recorded a 24 per cent increase compared to the same period in 2023, while the container terminal showed robust growth of 40 per cent, handling 226,000 containers. The port also inaugurated a new refrigerated export yard to increase cold cargo handling capacity, particularly for citrus fruits and seafood.

The ports indicated above stand out in the Southern African Development Community region as strategic infrastructures on which hinterland countries rely on for a significant part of their imports and exports.

**Law stated - 16 September 2025**

### **Reform and port models**

**Describe any port reform that has been undertaken over the past few decades and the principal port model or models in your jurisdiction.**

The management of the ports in Mozambique was carried out by the former National Directorate of Ports and Railways until 1989, the year in which that role was taken on by the state-owned company Empresa Nacional de Portos e Caminhos de Ferro de Moçambique (CFM), created by Decree No. 6/89 of 11 May 1989.

With the launch of port concessions by the state, the ports of Maputo, Beira and Quelimane CFM were replaced by the relevant concessionaires as the port operator in each of those ports, and the landlord model, based on public-private partnerships under a concession regime, became the principal port model in Mozambique.

The port of Pemba and the fuel terminals in all ports of the country are directly managed by CFM.

**Law stated - 16 September 2025**

### **State development policy**

**Is there an overall state policy for the development of ports in your jurisdiction?**

Mozambique does not have an overall state policy for the development of ports. However, Resolution No. 5/96 of 2 April 1996, which approved the Mozambican Transport Policy, introduced a chapter on port policy. This chapter established, among others, the following objectives regarding ports in Mozambique:

- increasing operational efficiency of the ports;
- encouraging the modernisation of management techniques, ranging from operational to human resources matters;
- encouraging the participation of private capital in the creation of new infrastructure, port operations and port services, by means of management contracts, or full or partial concessions, in partnership with the state-owned port operator (joint venture); and
- fostering the exploration of specialist terminals by means of full or partial concessions to private parties (joint venture).

**Law stated - 16 September 2025**

### **Green ports**

#### **What 'green port' principles are proposed or required for ports and terminals in your jurisdiction?**

The Regulation for the Prevention of Pollution and Protection of the Marine and Coastal Environment was approved in Mozambique by Decree No. 45/2006 of 30 November 2006.

This regulation establishes the main principle that all ports must have adequate means for the collection and treatment of various types of waste to combat pollution.

As a result of this principle, port operators must have a manual of internal procedures for the management of pollution risks, as well as for the management of the various types of waste generated or derived from the handling and storage activities of oils and harmful substances. Port operators must also have individual contingency plans to combat pollution from oil and harmful substances.

**Law stated - 16 September 2025**

## **LEGISLATIVE FRAMEWORK AND REGULATION**

### **Development framework**

#### **Is there a legislative framework for port development or operations in your jurisdiction?**

There is no specific legal framework for port development or operations in Mozambique. However, this activity is regulated by the Transport Policy and the Public-Private Partnership Law and its associated regulation, as all concessions of ports and terminals awarded to private entities are under the public-private partnership (PPP) regime.

**Law stated - 16 September 2025**

### **Regulatory authorities**

#### **Is there a regulatory authority for each port or for all ports in your jurisdiction?**

The regulation of all ports is the responsibility of a single entity. This role is fulfilled by the Ministry of Transport and Logistics. In August 2021, the government, through Decree No. 84/2021 of 18 October 2021 (the Railway and Ports Authority Law), established the Mozambique Rail and Port Institute (IFEPOM).

**Law stated - 16 September 2025**

### **Regulatory authorities**

#### **What are the key competences and powers of the port regulatory authority in your jurisdiction?**

The port regulatory authority is generally responsible for the supervision, regulation, oversight, and inspection of the activities of the port system, including:

- monitoring the performance of concessionaires and port operators as well as ensuring compliance of their activities with the law and with the respective concession agreements;
- monitoring the implementation and enforcement of port facility security measures;
- certifying the compliance of national port facilities with the standards of the ISPS Code as well as other applicable legislation;
- formulating policy proposals for the development and management of national ports;
- licensing and inspecting port operations and infrastructure;
- licensing and supervising the construction of port infrastructure;
- granting licenses to duly constituted port operators and monitoring the certification of their equipment;
- promoting free competition and preventing and taking necessary measures against anti-competitive practices and abuses of dominant position; and
- regulating the opening or closing of ports and port terminals in coordination with other entities.

**Law stated - 16 September 2025**

## **Harbourmasters**

### **How is a harbourmaster for a port in your jurisdiction appointed?**

The harbourmaster is a naval officer appointed by order of the Minister of Transport and Communications.

**Law stated - 16 September 2025**

## **Competition**

### **Are ports in your jurisdiction subject to specific national competition rules?**

The ports are subject to general competition rules established in Law No. 10/2013 of 11 April 2013, which is the Legal Framework for Competition. Besides, with the approval of the Railway and Ports Authority Law, IFEPOM became competent to promote free competition, prevent and take the necessary measures against anti-competitive practices and abuse of dominant position.

**Law stated - 16 September 2025**

## **Tariffs**

## Are there regulations in relation to the tariffs that are imposed on ports and terminals users in your jurisdictions and how are tariffs collected?

For ports under a concession regime, the concessionaire (private operator) is the entity responsible for establishing the tariff regime to be applied to the provision of port services.

Empresa Nacional de Portos e Caminhos de Ferro de Moçambique (CFM) also has a Port Tariff Book, which is a document approved by its board of directors that applies to the ports or terminals that are under the direct management of CFM. Private operators generally use the Port Tariff Book as a reference for setting up tariffs in the ports operated by them.

**Law stated - 16 September 2025**

## Tariffs

### Are there restrictions relating to the currency applied to the tariffs or to any fees that are payable by a port operator to the government or port authority? Are any specific currency conditions imposed on port operators more generally?

Tariffs or fees payable to the government are always established and payable in Mozambican metical. There are no restrictions on the currency that may apply to the tariffs or to any fees payable to any other entities, notably, to port operators; however, local invoices (issued to Mozambican entities) must be in meticaais. Exchange rates are based on agreements by the parties involved but, in general, can be determined by reference to the exchange rate of a specific commercial bank on the payment date.

**Law stated - 16 September 2025**

## Public service obligations

### Does the state have any public service obligations in relation to port access or services? Can it satisfy these obligations through a contract with a private party?

Port areas in Mozambique are classified by law as partial protection zones and are considered part of the public domain. Therefore, all citizens must be given free access to port areas.

The state transfers certain public service obligations to private operators through concession contracts (for port terminals) and licences (for other port services).

**Law stated - 16 September 2025**

## Joint ventures

### Can a state entity enter into a joint venture with a port operator for the development or operation of a port in your jurisdiction? Is the state's stake in the venture subject to any percentage threshold?

The Mozambican Transport Policy encourages joint ventures between the state entity and private parties (public-private partnerships (PPPs)) for the development and operation of ports in Mozambique. The Public-Private Partnerships, Large-Scale Projects and Business Concessions Law (the PPP Law) will apply. Pursuant to the PPP Law, if a state entity enters into a joint venture with a private entity, the state entity must have a stake in the share capital of the port operator that shall be not less than 5 per cent and more than 20 per cent of the total investment.

Law stated - 16 September 2025

## Foreign participation

### Are there restrictions on foreign participation in port projects?

There is no restriction on the participation of foreigners in port or terminal projects. However, participation may be reserved for sale via the stock market in favour of economic inclusion (preferably of Mozambican natural persons) in commercial market terms. The capital of the enterprise or the capital of the consortium, whether or not involved in foreign investment, should be guaranteed through the Mozambican state or other public entity in a percentage of not less than 5 per cent nor more than 20 per cent of the capital.

Law stated - 16 September 2025

## PUBLIC PROCUREMENT AND PPP

### Legislation

#### Is the legislation governing procurement and PPP general or specific?

The legislation governing procurement and public-private partnerships (PPPs) is general.

Procurement is governed by Decree No. 79/2022 of 30 December 2022, which approves the Regulation of Contracting of Public Works, Supply of Goods and Provision of Services to the State (the Public Procurement Regulation). This new decree repealed Decree 5/2016 of 8 March 2016. This piece of legislation sets out both the procedural rules applicable to public tenders and the substantive regime governing the execution of public contracts, including specific liability rules.

In turn, PPPs are governed by Law No. 15/2011 of 10 August 2011, the Public Private Partnerships, Large-Scale Projects and Business Concessions Law (the PPP Law) and Decree No. 16/2012 of 4 June 2012, the Regulation of the Public Private Partnerships, Large-Scale Projects and Business Concessions Law (the PPP Regulation). The PPP Law and the PPP Regulation establish:

- the guidelines for entering into, implementing and monitoring PPP;
- the principles applicable to the institutional framework, process and procedure;
- specific provisions for each type of project, guarantees and incentives;
- procedures for benefit sharing; and
- irregularities and their administrative treatment.

Law stated - 16 September 2025

### **Proposal consideration**

#### **May the government or relevant port authority consider proposals for port privatisation/PPP other than as part of a formal tender?**

There is room for unsolicited proposals for port PPPs, without prejudice to the application of the procedure established in the Public Procurement Regulation for the award of concessions. Privatisation of ports is currently not permitted under applicable legislation in Mozambique.

Law stated - 16 September 2025

### **Joint venture and concession criteria**

#### **What criteria are considered when awarding port concessions and port joint venture agreements?**

The key consideration for the award of port or terminal concessions is the utmost satisfaction of public interest together with other, more technical criteria that may be defined in the public tender.

The Public Procurement Regulation establishes the following criteria for the award of public services:

- higher price offer for the grant;
- lower tariff or price to be charged from users;
- better quality of services or goods made available to the public; and
- better service and satisfaction of demand.

Law stated - 16 September 2025

### **Model agreement**

#### **Is there a model PPP agreement that is used for port projects? To what extent can the public body deviate from its terms?**

The concession contract is the common contractual structure for port projects. There is no model concession contract that the public body is compelled to use for that purpose. However, the concession contract form must be included in the tender documents, and there is limited room for deviating from it thereafter.

Law stated - 16 September 2025

### **Approval**

## What government approvals are required for the implementation of a port PPP agreement in your jurisdiction? Must any specific law be passed in your jurisdiction for this?

Following the public tender, the government issues a decree with the terms of the concession, therefore establishing the legal basis for the concession to the private operator of the construction, operation, maintenance or management of the port or terminal as a PPP. The terms of the concession are individual and specific to each port or terminal.

Law stated - 16 September 2025

## Projects

### On what basis are port projects in your jurisdiction typically implemented?

Most port concessions awarded to date were brownfield projects. Indeed, given that the ports were designed and built by the government or port authority in the colonial period, the activities transferred to the private operator were limited to the operation and management of the port or terminal.

The construction of new terminals by the private operator was included in more recent concessions, including the concessions awarded in 2018 for the liquefied natural gas and materials off-loading terminals in Afungi, Palma in connection with the Rovuma Basin gas projects, and the concession awarded recently (2024) for the infrastructure of the Chongoene mineral port terminal for the storage and handling of heavy bulk sands.

Accordingly, the most-used PPP models for ports and terminals in Mozambique are rehabilitate-operate-own-transfer and build-own-operate-transfer or design-build-own-operate-transfer, or the parties may opt for a combination of the existing models as agreed under the terms of the concession contract.

Law stated - 16 September 2025

## Term length

### Is there a minimum or maximum term for port PPPs in your jurisdiction? What is the average term?

The law establishes a maximum period of 30 years for greenfield concessions and 20 years for concessions where the infrastructure is already built but requires rehabilitation or expansion. For other types of PPP contracts, the law does not establish a minimum term, and the duration is determined by taking into account the project's economic and financial attractiveness, the time required for its implementation and the time for the recovery of the invested capital.

Law stated - 16 September 2025

## Term length

### On what basis can the term be extended?

Concession contracts for greenfield projects may be extended for a maximum period of 10 years for large projects and where the project life cycle and technological or biological requirements of their implementation, or the process of their implementation, so require.

The government may also, by means of an addendum to the contract, extend its duration for the time required for the compensation of:

- any additional investments made at the express request of the government and agreed in an addendum to the contract approved by the competent entity;
- the price or tariff policy fixed by the government, below the cost price and the agreed profitability; and
- mitigation of the effects of any force majeure event.

**Law stated - 16 September 2025**

### **Fee structures**

#### **What fee structures are used in your jurisdiction? Are they subject to indexation?**

The fee structure is a combination of fixed and variable rates (award and concession) and revenue shares.

The PPP Law foresees the payment of an award or subscription bonus that must be between 0.5 per cent and 5 per cent of the value of the concession assets. In addition, it provides for a concession fee payable monthly, quarterly, semi-annually or annually as agreed between the parties, with an element subject to a variable rate from 2 per cent to 10 per cent of revenue and another to a fixed rate from 2 per cent to 5 per cent of the value of the concession assets.

**Law stated - 16 September 2025**

### **Exclusivity**

#### **Does the government provide guarantees in relation to port PPPs or grant the port operator exclusivity?**

Under the PPP Law, the government may, in the case of a strategic project or of a special socio-economic interest for the country that is not financially viable on its own:

- contribute with financing or provide a financial guarantee to the project;
- facilitate access to guarantees for financing requested from multilateral or governmental institutions; and
- grant subsidies or compensation for the provision of its services at prices or tariffs fixed administratively below or at the tangent of its actual cost.

**Law stated - 16 September 2025**

### **Other incentives**

#### **Does the government or the port authority provide any other incentives to investors in ports?**

The government may grant some tax benefits and incentives under Law No. 8/2023 of 9 June 2023 (the Investment Law) in conjunction with Decree No. 8/2024 of 7 March 2024. There is no specific regime applicable to the port industry.

Notably, the Investment Law and its regulation foresee benefits such as allowance for the repatriation of profits abroad if the capital invested is higher than 6.5 million meticaís, with exemption on imports of goods in class K of the customs tariff. Projects implemented in special economic zones also have benefits, such as exemptions on the importation and exportation of goods produced in those areas.

To be eligible for these benefits, private entities must file an application with the Agency for the Promotion of Investments and Exports, and the project must be approved by this entity.

**Law stated - 16 September 2025**

## **PORT DEVELOPMENT AND CONSTRUCTION**

### **Approval**

#### **What government approvals are required for a port operator to commence construction at the relevant port? How long does it typically take to obtain approvals?**

Ports constitute partial protection zones and, therefore, the government must issue a special licence for their construction or operation. This licence is given to the port operator, with the concession contract attached to the terms of the concession.

The time for obtaining the relevant licences for the commencement of a port construction depends on the specifics of the case. An environmental licence may also be needed. Where the private operator assumes the construction or expansion of a new terminal, it shall be subject to an environmental impact assessment, which may take up to 45 business days for government approval for the activities in Category A of the assessment.

**Law stated - 16 September 2025**

### **Port construction**

#### **Does the government or relevant port authority typically undertake any part of the port construction?**

Most ports in Mozambique were built in the colonial period, and only recently have new terminals been built.

The construction of new terminals may, from a legal point of view, be carried out either by the port authority or the private operator, depending on what is agreed in the concession contract. It is, however, usually the private operator who is responsible for the entire construction, for example, as was the case at the port and logistics terminals of Pemba and Palma in the province of Cabo Delgado, the coal terminal in the port of Beira (Pier 13) in the

province of Sofala, and, more recently, the Chongoene mineral port terminal in the province of Gaza.

**Law stated - 16 September 2025**

### **Port construction**

**Does the port operator have to adhere to any specific construction standards, and may it engage any contractor it wishes?**

The construction standards are commonly agreed upon in the concession contract, and the private operator is expected to use the required quality standards for the construction of the ports or terminals.

The port operator may engage any contractor it wishes unless the identity of or requirements applicable to the contractor are set out in the concession contract.

**Law stated - 16 September 2025**

### **Port construction**

**What remedies are available for delays and defects in the construction of the port?**

In the event of delays or defects in construction, the private operator may be subject to penalties under the concession contract. In the case of a material breach that affects the objectives and purposes of the project, which is not remedied by the port operator, the port authority will be entitled to terminate the contract.

**Law stated - 16 September 2025**

## **PORT OPERATIONS**

### **Approval**

**What government approvals are required in your jurisdiction for a port operator to commence operations following construction? How long does it typically take to obtain approvals?**

No specific approvals are required for the port operator to commence operations following construction, as the right to operate a terminal is given by the concession contract and the terms of the concession.

**Law stated - 16 September 2025**

### **Typical services**

## What services does a port operator and what services does the port authority typically provide in your jurisdiction? Do the port authorities typically charge the port operator for any services?

The services typically provided by the port operators are:

- pilotage;
- towing;
- mooring and unmooring;
- stowage on board ships and at berth;
- cargo handling;
- storage;
- fuelling; and
- water and electricity supply to ships.

The port authority may, unless the concession contract allocates those services to the private port operator, provide the following services:

- ensuring safety of the port area;
- inspecting vessels;
- inspecting goods and equipment in the port area; and
- creating public interest easements.

**Law stated - 16 September 2025**

## Access to hinterland

Does the government or relevant port authority typically give any commitments in relation to access to the hinterland? To what extent does it require the operator to finance development of access routes or interconnections?

Ensuring access to the hinterland (rail, road, etc) is an obligation of the government, and the port authority has no responsibilities in that regard. The operator only has obligations to perform works on land or water in the area of the concession, namely: construction works, maintenance works and dredging, as well as provision of any other services, activities or works that have been duly authorised for achieving the purpose set out in the concession contract.

**Law stated - 16 September 2025**

## Suspension

How do port authorities in your jurisdiction oversee terminal operations and in what circumstances may a port authority require the operator to suspend them?

The powers to inspect port operations are established in the general legislation and in the concession contract.

The causes for suspending or terminating those operations must be specified in the concession contract. The law lists some causes that can lead to suspension or termination, namely:

- material breach of contract or failure to implement its stated objectives;
- abandonment of the activity agreed to in the contract;
- transfer of the rights and obligations of the port operator to a third party, or the operation of another business;
- failure to pay fees or other payments established in the contract; and
- default in the provision of the agreed services.

Before suspending or terminating the port operations, the port authority must notify the port operator in writing that the port operator must comply with its obligations and remedy any outstanding default, and that the port operator must compensate the port authority for any damages resulting from the breach of contract within a period not exceeding 120 days.

If the port operator fails to comply with its obligations or repair the damages caused by its non-compliance by the deadline indicated, the port authority may, unless another procedure has been foreseen in the concession contract, terminate the contract immediately by written communication to the port operator.

**Law stated - 16 September 2025**

### **Port access and control**

**In what circumstances may the port authorities in your jurisdiction access the port area or take over port operations?**

The port authority may take over the port operations if the protection of public interest, public order and public safety so justifies, despite there being no default or responsibility of the port operator. In this case, the operator is entitled to receive compensation for the remaining time of the contract to recover investments if another principle has not been stipulated in the contract.

**Law stated - 16 September 2025**

### **Failure to operate and maintain**

**What remedies are available to the port authority or government against a port operator that fails to operate and maintain the port as agreed?**

The port operator may be subject to penalties in cases of failure to operate and maintain the port as agreed, and if such failure is material and not remedied or capable of being remedied, the port authority has the right to terminate the contract. In any case, the operator

is subject to the general rules of civil liability and, therefore, may be responsible for all damages incurred.

**Law stated - 16 September 2025**

### **Transferrable assets**

**What assets must port operators transfer to the relevant port authority on termination of a concession? Must port authorities pay any compensation for transferred assets?**

The concession contract can foresee the terms under which the reversion and transfer of assets will take place.

In accordance with applicable law, after termination of the concession, the operator must transfer all the assets necessary to operate and maintain the terminal to the port authority, including those that it received at the beginning of the contract and those bought or constructed by the concessionaire. These assets shall revert free of charge and in good working condition, and the operator has no claim to compensation or retention unless otherwise stated in the contract. The operator is, however, entitled to compensation or reimbursement for investments previously agreed upon and realised but not yet amortised.

**Law stated - 16 September 2025**

## **MISCELLANEOUS**

### **Special purpose vehicles**

**Is a port operator that is to construct or operate a port in your jurisdiction permitted (or required) to do so via a special purpose vehicle (SPV)? Must it be incorporated in your jurisdiction?**

The port operator shall be in the form of a commercial company, in accordance with the commercial law applicable in Mozambique. The purpose of the company must clearly be for the implementation of the relevant project, and the duration of the company cannot be less than the period of validity of the concession contract. The new company must be incorporated in Mozambique, but the shareholders can be foreign entities or individuals.

**Law stated - 16 September 2025**

### **Transferring ownership interests**

**Are ownership interests in the port operator freely transferable?**

Generally, the transfer of ownership interests is subject to prior authorisation from the port authority under the relevant concession contract and is not to be unreasonably denied.

**Law stated - 16 September 2025**

### **Granting security**

**Can the port operator grant security over its rights under the PPP agreement to its project financing banks? Does a port authority in your jurisdiction typically agree to enter into direct agreements with the project financing banks and, if so, what are the key terms?**

The port operator may grant security over its rights under the public-private partnership (PPP) agreement to its financing banks, as the creation and enforcement of such security are often subject to the prior authorisation of the grantor. This also applies to the concession assets.

Under the laws of Mozambique, land cannot be privately owned and, accordingly, cannot be mortgaged. Buildings erected on land covered by a right to use and benefit from land (referred to locally as a DUAT) may be privately owned and granted mortgages, unless they are in the public domain. Assets that are in the public domain cannot be encumbered.

Mortgages and pledges are the most common security interests created under the laws of Mozambique, and their terms and formalities vary depending on the type of assets at stake. Assignments of receivables or of future credit rights by way of security are also commonly used as quasi-security interests.

**Law stated - 16 September 2025**

### **Agreement variation and termination**

**In what circumstances may agreements to construct or operate a port facility be varied or terminated?**

The agreements to construct or operate a port facility have, as a rule, specific clauses relating to the modification of the contract and the terms under which the said modification is admissible. The modification of a contract is limited by law and can only occur by agreement between the contracting parties, or for correcting or adjusting situations that arise out of events or factors unrelated to the will and capacity (professional or managerial) of either contracting party, and for the purpose of mitigating the effects of force majeure events.

Termination of the contract can occur in the event of a severe breach or for reasons of public interest. It may also occur in the following cases:

- abandonment, unjustified suspension, or failure to implement the contract or its stated objectives;
- Unauthorised transfer of contractual rights or engagement in a competing business, either temporarily or definitively, without the written approval or consent of the contractor and the entities responsible for the sectoral and financial supervision;
- failure to pay fees or other compensation due under the contract; and
- non-compliance in delivering public service under the contractually agreed terms.

**Law stated - 16 September 2025**

### **Contractual breach**

#### **What remedies are available to a government or port authority for contractual breach by a port operator?**

One of the mandatory clauses in a PPP contract is the indication of applicable sanctions and the manner in which they may be applied in cases of non-compliance or other breaches of contract. Moreover, a serious breach of contract that affects the aims and purposes of the project may lead to termination of the contract.

**Law stated - 16 September 2025**

### **Governing law**

#### **Must all port PPP agreements be governed by the laws of your jurisdiction?**

In accordance with Law No. 15/2011 of 10 August 2011 (the Public-Private Partnerships, Large-Scale Projects and Business Concessions Law (PPP Law)), the contract for the concession of ports or terminals should be governed by Mozambican law. Also, construction contracts entered into in Mozambique must be governed by Mozambican law. Those construction contracts do not need to be executed in Portuguese, although a Portuguese version may be required for registration purposes and other acts before Mozambican public entities.

**Law stated - 16 September 2025**

### **Disputes**

#### **How are disputes between the government or port authority and the port operator customarily settled?**

Disputes are resolved under the terms defined by the parties in the concession contract. Usually, the parties prefer conflict resolution through mediation and arbitration.

Mozambique has a regime of alternative means of conflict resolution established by Law No. 11/99 of 8 July 1999, which is the Law of Arbitration, Conciliation and Mediation. However, we have not seen any disputes referred to arbitration to date.

The parties can also resolve disputes in the general courts.

**Law stated - 16 September 2025**

## **UPDATE AND TRENDS**

### **Key developments of the past year**

#### **Are there any other current developments or emerging trends that should be noted?**

In recent years, Mozambique's port sector has undergone a significant transformation, marked by institutional reforms, major investments and the launch of new infrastructure projects.

The establishment of the Mozambique Rail and Port Institute (IFEPOM) in 2021 and the unveiling of the Economic Acceleration Measures Package by the government in 2022 remain some of the major developments in the sector.

Following the approval of the Organic Statute and the appointment of the Chairman of the Board of Directors in 2022, the Internal Regulations of IFEPOM came into force in November 2023, through Ministerial Order No. 138/2023 of 29 November 2023.

The Economic Acceleration Measures Package is still being implemented. The package includes a commitment to enhance the competitiveness of various logistical corridors (among others). The goal is to facilitate the seamless movement of people and the flow of goods destined for or passing through Mozambique. As part of this initiative, the government pledged to implement incentives for transshipment activities at major ports and to bolster the competitiveness of tariffs utilised within ports and logistic routes.

While expectations remain high over the promised Ports Law announced in June 2019, a draft bill on the merchant navy, ports and related activities was made public in June 2025. The objectives of the draft bill include, among others, the following:

- establishing principles and rules for the exercise of maritime, port and related activities;
- setting the institutional framework for public intervention and private action within the scope of:
  - maritime and related activities, with regard to access to and operation of maritime transport, maritime safety and protection of the marine environment; and
  - port and related activities, with regard to the design, construction, operation, maintenance, expansion and modernisation of port infrastructure, technological solutions, port facilities, and utilities, in order to ensure the provision of quality services and safeguard the public interest.
- defining the rules for access to the exercise of port operation activities and the management of port infrastructure; and
- promoting the establishment of national, regional and international criteria, standards and norms for the design, construction, operation, maintenance, development, protection and security of ports, ensuring their compliance.

In addition to the developments highlighted above, there are others that are particularly noteworthy.

In January 2024, and in view of the need to make additional investments to increase cargo handling capacity at the Port of Maputo, by the Concessionaire MPDC - Sociedade de Desenvolvimento do Porto de Maputo, SA (MPDC), and to respond to national and regional traffic demand, the Council of Ministers, through Decree No. 4/2024 of 23 January 2024, approved:

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the terms of the business plan for additional investments amounting to US\$2,060 million in the port concession area; and

- the terms of the Fourth Addendum to the Concession Contract signed on 22 September 2000, under Decree No. 22/2000 of 25 July 2000, for investments, among others, in the following:
- progressive increase in the capacity of the Container Terminal up to 1 million twenty-foot equivalent units (TEUs);
- progressive increase in the capacity of the Coal Terminal up to 18 million tonnes; and
- investments in the General Cargo Terminal to increase capacity and efficiency.

With a view to recovering the additional investments requested by the government, the concession of the Port of Maputo was extended for an additional period of 25 years from the date of expiry of its second addendum (13 April 2033), with the concession now ending on 13 April 2058.

In September 2024, MPDC signed a strategic agreement with Maputo Grain Terminal SA, in partnership with MEREK Industries, to expand the grain terminal's capacity from 170,000 to 350,000 tons per year, including the construction of new silos and rail improvements.

Lastly, it is important to highlight that on 26 August 2024, with view to meet the logistical demands arising from infrastructure development projects, namely the storage and handling of heavy bulk sands in Chongoene, the Council of Ministers, through Decree No. 64/2024, of 26 August 2024, approved the terms of the concession to Sociedade Terminal de Minérios de Chongoene, SA, granting rights to design, finance, build, own, operate, manage, rehabilitate, maintain and commercially exploit the infrastructure of the Chongoene Mineral Port Terminal in Chongoene, Gaza province.

**Law stated - 16 September 2025**