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ENVIRONMENT | Mozambique: New Regulations on Waste Management

The Government of Mozambique recently approved new Regulations for the Management of Solid Municipal Waste and for the Management of Hazardous Waste, as described below.

Solid Municipal Waste

Decree no. 94/2014, of 31st December approved the **Regulation for the Management of Solid Municipal Waste** (“Regulation”), revoking the Regulation on Waste Management, approved by Decree no. 13/2006, of 15th June.

Object and Scope

The Regulation establishes the rules for the management of solid municipal waste within the territory of Mozambique and applies to every individual, as well as to public and private companies that are involved in the production and management of solid municipal waste or of industrial and hospital waste similar to municipal waste.

The Regulation does not apply to (i) hazardous industrial waste, (ii) biomedical waste, (iii) radioactive waste, (iv) emissions and discharges of effluents, (v) wastewater, and (vi) other waste subject to specific regulations.

Attributions

The attributions concerning the management of solid municipal waste are divided between the Ministry that supervises the Environment Sector and the Municipal Councils and District Governments, within their respective areas of jurisdiction.

Classification

Solid municipal waste is classified according to the Mozambican Rule NM339 – Solid Waste – Classification.

Integrated Management Plan for Solid Municipal Waste

All public and/or private entities that carry out activities connected with the management of solid municipal waste, must produce and implement an integrated management plan for the solid municipal waste they manage, including, at least, the information set forth in **Annex I** of the Regulation.

Environmental Licensing

Every facility destined to the treatment and final deposit of solid municipal waste is subject to previous environmental licensing according to the Regulation on Environmental Impact Assessment.

Mozambique:

New Regulations on Waste Management

Collection and Transport, Treatment and Recovery

The methods or processes of collection and transport of solid municipal waste and the systems of treatment and recovery of this waste shall be established and approved by the Municipal Councils or District Governments.

Selective Collection, Sorting and Storage

The system of selective collection is subject to the approval of Municipal Councils or District Governments, and the waste must be separated according to the categories foreseen in article 14.

Final Disposal

The final disposal of solid municipal waste shall comply with the operational rules established by the Ministry that supervises the Environment Sector and must be carried out in landfill sites.

Offences and Penalties

The obstruction, without fair ground, to the execution of monitoring activities by the competent authorities constitutes an administrative offence, punished with a fine correspondent to 150.000,00 MT. The breach of articles 4, 6, subparagraphs d), e), f), g) e h) of article 16 and 17 of the Regulation, is punished with a fine in the amount of 240.000,00 MT.

Entry into force

The new Regulation for the Management of Solid Municipal Waste entered into force on **31st of March, 2015**.

Hazardous Waste

Decree no. 83/2014, of 31st December, approved the **Regulation for the Management of Hazardous Waste** ("Regulation").

Object and Scope

The Regulation establishes the rules for the production and management of the hazardous waste within the territory of Mozambique and applies to every individual as well as to public and private companies that are involved in the management of hazardous waste and in the import, distribution and sale of both used and new tires after their expiry date.

The Regulation does not apply to (i) biomedical waste, (ii) radioactive waste, (iii) emissions and discharges of effluents, except for those containing the hazardous characteristics foreseen in **Annex III** of the Regulation (iv) wastewater, except for those containing the risk characteristics set forth in **Annex III** of the Regulation, and (v) other hazardous waste subject to specific regulations.

Attributions

The management of hazardous waste is attributed to the Ministry that supervises the Environment Sector.

Classification of Hazardous Waste

Hazardous waste is classified according to the different types of activities foreseen in **Annex IX** of the Regulation and, for exporting purposes, according to **Annex X** of Regulation.

Environmental Licensing and Certification

Every facility and equipment destined to the preliminary storage, transport, disposal, treatment, recovery or elimination of hazardous waste, is subject to previous environmental licensing, according to Regulation on Environmental Impact Assessment.

Operators and transporters of hazardous waste must be certified by the Ministry that supervises the Environment Sector, the certificate request being made according to **Annex I** of Regulation.

Hazardous Waste Management Plan

Every public and/or private entities that carry out activities connected with the management of hazardous waste, must produce, prior to the start of activity, a hazardous waste management plan, including, at least, the information set forth in **Annex II** of the Regulation.

Sorting, Identification and Storage

Hazardous waste shall be separated according to the classification of **Annexes III and IX** of the Regulation.

The identification of hazardous waste shall be carried out in accordance with **Annexes III and IV** of Regulation, and the storage shall comply with the rules in Chapter III.

Treatment, Elimination and Disposal

The entities involved in the treatment, elimination, disposal and/or energetic recovery of hazardous waste must demonstrate, through a process of risk evaluation carried out during the development or review of the hazardous waste management plan, the environmental feasibility of the operation to be adopted in each case, according to **Annex V** of the Regulation.

Offences and Penalties

The obstruction, without fair ground, to the execution of monitoring activities from the competent authorities constitutes an administrative offence, punished with a fine correspondent to 200.000,00 MT.

The breach of subparagraphs a), b), c), d), e) and h) of article 8, paragraph 4 of article 11, 12, 13, no. 3 of article 14 and no. 3, 4 and 5 of article 18 of the Regulation, is punished with a fine in the amount of 400.000,00 MT. If there is a breach of subparagraphs of articles 7 and 8, no. 1 of article 11, no. 2 and 4 of article 16 and no. 2 of article 18 of the Regulation, the fine amounts to 600.000.00 MT.

Entry into force

The new Regulation for the Management of Hazardous Waste entered into force on **31st of March, 2015**.

Mozambique:

New Regulations on Waste Management

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