
Decree No. 54/2015

December 31st

If there is a need to review Decree no. 45/2004, of 29 September, which approves the Regulation on the Environmental Impact Assessment Process in the country, under the provisions of article 33 of the Environment Law, approved by Law no. 20/97, of October 1st, the Council of Ministers decrees:

Article 1. The Regulation on the Environmental Impact Assessment Process, which is an integral part of this Decree, is approved.

Art. 2. It is the responsibility of the Minister who oversees the Environment area to approve the complementary standards for the operationalization of this Decree.

Art. 3. Decrees No. 45/2004, of 29 of September and 42/2008, of 4 November, which regulate the Environmental Impact Assessment Process.

Art. 4. This Decree comes into force ninety days after its publication.

Approved by the Council of Ministers, on December 15th 2015.

Get published.

The Prime Minister, Carlos Agostinho do Rosário.

Regulation on the Environmental Impact Assessment Process

CHAPTER I

General Provisions

ARTICLE 1

(Definitions)

The meaning of the terms and expressions used in this Decree are set out in the attached glossary, of which it forms an integral part.

ARTICLE 2

(Object)

This Regulation establishes the rules on the environmental impact assessment process.

ARTICLE 3

(Scope of application)

1. The provisions set out in this Regulation apply all public or private activities that directly or indirectly may influence environmental components. 2. The Environmental Impact Assessment for petroleum and mining activities is governed by specific regulations.

ARTICLE 4

(Categorization)

For the purposes of defining the type of EIA to be carried out, the activities are categorized as follows:

- a) Category A+ the activities described in Annex I and those assessed as being category A+, which are subject to an EIA and supervision by independent Expert Reviewers with proven experience;
- b) Category A the activities described in Annex II and those assessed as being category A, which are subject to carrying out an EIA;
- c) Category Bas activities described in Annex III and those assessed as category B, which are subject to carrying out an EAS;
- d) Category Activities described in Annex IV and those assessed as category C, which are subject to the presentation of Good Environmental Management Practice Procedures to be drawn up by the project proponent and approved by the entity that oversees the EIA area.

ARTICLE 5

(Exemptions)

1. Immediate actions aimed at dealing with emergency situations arising from disasters or natural calamities as well as emergency situations resulting from development activities are exempt from carrying out the EIA or EAS. 2. For the situations described in the previous number, the Ministry that oversees the Environment Area must issue guidelines relevant and subsequently carry out audits in accordance with current

legislation. 3. Activities aimed at defense are also exempt and national security that constitute a State secret under the terms of the law, and the respective Environmental Impact must be considered.

CHAPTER II

Environmental Impact Assessment

ARTICLE 6

(Skills)

1. The Central and Provincial Environmental Impact Assessment Authority is responsible for:

- a) Manage and coordinate the EIA process;
- b) Issue and disseminate guidelines on the EIA process;
- c) Carry out a pre-evaluation of each activity submitted for assessment;
- d) Designate and chair the Technical Environmental Impact Assessment Committee established for each project which is submitted for consideration. e)

Request the participation of specialist technicians in the sector public sector or hire consultants from the private sector whenever necessary for the EIA

- f) Hold public hearings and ensure that participation is public observed in accordance with these Regulations;
 - g) Re-categorize activities when the conditions and/or results of the EIA require it;
 - h) Notify the proponent to pay the environmental licensing fee in accordance with these Regulations;
 - i) Notify the proponent and public entities directly interested in the granting of the environmental license;
 - j) Ensure that information relating to environmental licensing is available to the public; k)
- Propose the updating of environmental criteria and standards;
- 1) Activate legal mechanisms to, in coordination with legal institutions, embargo or order destruction of works that by their nature undermine the quality of the environment, as well as order the suspension or cancellation of the exercise of any activities, including the cancellation of environmental consultancy certificate.

2. The Central Environmental Impact Assessment Authority is also responsible for:

- a) Proceed, guide, review and decide on EPDA & TdR and EIA reports for category A+ and A projects;
- b) Issue environmental licenses for projects approved at central level;
- c) Register, maintain and disseminate the register of professionals and consultancy companies qualified for AIA and Expert Reviewers.

3. The Provincial Environmental Impact Assessment Authority is also responsible for:

- a) Proceed, guide, review and decide on specific ToR reports for EAS and on good environmental management practice procedures;
- b) Issue environmental licenses for B and C category activities;
- c) Approve the PGA for all mining projects classified as category B, in accordance with the Environmental Regulations for Mining Activities.

ARTICLE 7

(Process Instruction)

1. To begin the EIA process, proponents must submit to the Environmental Impact Assessment Authority, at central or provincial level, the following documentation/ information:

- a) Descriptive memory of the activity and the Anti-Project;
- b) Justification of the activity;
- c) Legal framework of the activity; d) Brief biophysical and socio-economic information on the area of the project and influence of the activity;
- e) Current use of land in the area of activity;
- f) Preliminary Environmental Information Sheet available, included in Annex VI of these Regulations, duly completed;
- g) Presentation of the provisional DUAT of the area available for the development of the project;

2. All Process Instructions for activities related to the environmental licensing process must be submitted to the environmental entity at the respective location of implementation.

3. Process Instructions for Projects located in more than one province must be submitted to the Central Environmental Impact Assessment Authority, with knowledge of all provinces covered.

4. The Environmental Impact Assessment Authority may, at an opportune moment, request a visit to the project implementation sites, to assess the socio-environmental conditions of reference.

5. All information on the AIA process must be written in Portuguese.

ARTICLE 8

(Pre-assessment)

1. All activities likely to cause impacts on the environment, must be subject to pre-assessment to be carried out by the entity that oversees the EIA area.

2. Carrying out the pre-assessment may result in:

- a) The categorization of the activity and consequently the determination of the type of EIA to be carried out, namely EIA for category A+ and A activities or EAS for category B activities;
- b) Exemption from EIA or EAS for category C activities;
- c) Disapproval of the implementation of the activity in the proposed location if fatal issues are determined.

3. The pre-assessment is carried out based on the following:

- a) Analysis of the information contained in article 6 of these Regulations;
- b) Assessment criteria contained in article 9 of these Regulations;
- c) Prior knowledge of the location where the activity will be implemented;
- d) Compliance of the intended activity with the District Development and Spatial Planning Plans;
- e) Consultation with Annexes I, II, III and IV on the categorization of activities.

4. The terms and conditions for the evaluation and identification of Counterbalancing needs for affected biodiversity will be governed by specific regulations. 5.

For activities exempt from carrying out the EIA or EAS, the entity that oversees the EIA Area will issue the respective Environmental License within ten working days after approval of the Good Environmental Management Practices and presentation of proof of payment of the environmental licensing fee.

ARTICLE 9

(Rating criteria)

1. The results of the evaluation of the proposed activity will be determined based on the following factors:

- a) Number of people and communities covered;
- b) Affected ecosystems, plants and animals, and their importance for biodiversity and services ecosystem;
- c) Location and extent of the affected area;
- d) Reversibility of the impact.
- e) Identification of potential impacts;
- f) Project Elements.

2. In the process of identification, assessment of environmental impacts and design of mitigation measures, the environmental quality standards adopted in Mozambique must be observed, in order to guarantee an adequate mitigation hierarchy.

ARTICLE 10

(Environmental Pre-Feasibility Study and Definition of Scope and Terms of Reference)

1. The EPDA is mandatory for all category A+ and A activities, constituting an obligation of the sole responsibility of the activity proponent and its objective is: to

- a) Determine the possible existence address fatal issues relating to the implementation of the activity;
- b) Determine the scope of the EIA and, consequently, the design of the ToR, in cases where there are no fatal issues that make the activity unfeasible.

2. The EPDA must result in a report containing, at a minimum, the following information:

- a) The non-technical summary with the main issues addressed, conclusions and proposals;
- b) Identification and address of the proponent as well as the interdisciplinary team responsible for preparing the EIA;
- c) The limits and patterns of land use in the areas of direct and indirect influence of the activity;
- d) Description of the activity and the different actions within it foreseen, as well as the respective alternatives, in the stages of planning, construction, operation and, when applicable, its deactivation;
- e) Biophysical and socioeconomic description of the site, including preliminary identification of ecosystem services and vulnerability to climate change; f) — and evaluation of the fatal issues of the activity, if they exist;
- g) Identification of potential impacts of a relevant nature for the activity, including those related to climate change if applicable;
- h) Identification and description of the aspects to be investigated in detail during the EIA.
- i) The public participation report in accordance with the provisions of paragraph 9 of article 15.

3. The EPDA must be presented to the Environmental Impact Assessment Authority, accompanied by the respective ToR for the EIA, in the form of a report, written in Portuguese, with the number of color copies being delivered, determined by when of the pre-assessment, carried out by this entity, on paper, and the respective IT support.

4. The report of the EPDA Expert Reviewers is part part of the EIA process and must be submitted to the Environmental Impact Assessment Authority before approval of the EPDA, in the case of category A+ activities

5. The ToR constitutes a guide that presides over the preparation of the EIA and must contain at least:

- a) Description of specialized studies identified as necessary during the EPDA and to be carried out during the EIA, for category A+ and A activities; b) Methodology for evaluating ecosystem services currently provided;
- c) Description of the viable alternatives identified and which must be investigated in the EIA;

- d) Methodology for identifying and evaluating environmental impacts, namely impacts on climate change and vulnerability to climate change and biodiversity, including residual and social impacts in the construction, operation and decommissioning phases;
- e) Requirements for additional necessary information.

ARTICLE 11

(Environmental impact study)

1. Carrying out the EIA is the sole responsibility of the activity proponent.
2. The EIA is governed by the ToR approved by the Environmental Impact Assessment Authority and by the General and Specific Directives for its preparation, issued by the entity that oversees the Environment area and by the sectors responsible for the activity, and the report resulting from this study contain, at least:
 - a) The non-technical summary with the main issues addressed, conclusions and proposals;
 - b) Identification and address of the proponent;
 - c) Identification of the interdisciplinary team that prepared the EIA;
 - d) The legal framework for the activity, including resettlement and/or offsetting, if necessary, and its insertion into the existing Territorial Planning Plans for the area of direct and indirect influence of the activity;
 - e) Description of the activity and the different actions provided for in the planning, construction, operation and deactivation stages;
 - f) Detailed description and comparison of different alternatives;
 - g) The delimitation and geographical representation of the area of influence of the activity;
 - h) Characterization of the environmental and social situation reference, including the qualitative assessment of ecosystem services currently provided and the identification of vulnerability to the effects of climate change;
 - i) Prediction of the future environmental situation with or without mitigation measures;
 - j) Summary of the impacts and environmental and socio-economic viability of the proposed alternatives;
 - k) Identification and analysis of the project's impact on health, gender and vulnerable groups of affected communities and proposed mitigation measures;
 - 1) Identification and assessment of direct, indirect, residual and cumulative impacts, and the respective mitigation, enhancement and/or compensation measures;
 - m) Presentation of the provisional or definitive DUAT of the area available for the development of the project;
 - n) The PGA of the activity, which includes monitoring impacts, environmental education, communication, emergency and contingency programs accidents;
 - o) Biodiversity Offset Management Plan as an attachment, when necessary;
 - p) Physical and socio-economic survey report (RLFSE), as a separate annex, when necessary and to be submitted to the Organic Unit that oversees the resettlement, and must be prepared in accordance with the Technical Directive on the Process of Elaboration and Implementation of Resettlement Plans,

it must include the public participation report containing at least two public consultations, namely:

- (i) One, to inform interested parties about the objectives, relevance and impacts of the resettlement process; It is
- (ii) Another, for presentation and discussion of alternatives of areas for resettlement.

- q) The public participation report in accordance with the provisions of article 15; r) Presentation of proof of payment of Income Tax for consultants not domiciled in Mozambique, registered under a subcontracting regime.

3. The experts' study reports constitute an integral part of the EIA Report in the form of annexes. 4. The EIS must be submitted to the Assessment Authority of the Environmental Impact, in the form of a report, written in Portuguese, and the number of color copies determined upon approval of the ToR must be delivered, on paper and the respective computer support including georeferenced maps (shapefile format or similar) of habitats.
5. The report of the EIA Expert Reviewers is part of the EIA process and must be submitted to the Environmental Impact Assessment Authority before approval of the EIA, in the case of category A+ activities.

ARTICLE 12

(Simplified Environmental Study)

1. Carrying out the EAS is the sole responsibility of the activity proponent.
2. Before preparing the EAS, the proponent must submit the respective ToR to the Environmental Impact Assessment Authority for consideration, which must contain the following elements:
 - a) Identification and address of the proponent;
 - b) Location of the activity on a map at a scale appropriate to the size of the project that guarantees visualization, analysis and correct legend of the map, indicating the limits of the area of direct and indirect influence of the activity, as well as usage patterns of the ongoing land;
 - c) Framing of the activity in the Planning Plans of the existing Territory;
 - d) Description of the activity and the different actions within it planned, as well as the respective alternatives, in the planning, construction, exploration and deactivation stages;
 - e) Identification of the environmental components on which the study will focus;
 - f) The identification of potential impacts of a relevant nature to the activity;
 - g) Description of the methodology for identifying, classifying and assessing the potential environmental impacts of the activity;
 - h) Methodology for designing the mitigation strategy and measures, based on the mitigation hierarchy;
 - i) Definition and identification of the team that will carry out the EAS.
3. After approval of the ToR by the Environmental Impact Assessment Authority, the EAS must be carried out, which must result in a report to be prepared in accordance with the General and Specific Directives, containing at least:
 - a) The Non-Technical Summary with the main issues addressed, conclusions and proposals;

- b) The location and description of the activity;
- c) The legal framework of the activity and its inclusion in the existing Territorial Planning Plans for the area of direct and indirect influence of the activity;
- d) Environmental diagnosis containing a description of the reference environmental situation, including potential vulnerability to climate change;
- e) Identification and assessment of impacts, including possible impacts on climate change and ecosystem services and respective mitigation and/or enhancement measures, following the mitigation hierarchy;
- f) The PGA of the activity, which includes monitoring impacts, environmental education program and communication, emergency and accident contingency plans;
- g) The public participation report, in accordance with the provisions of paragraph 9 of article 15.
- h) Identification of the interdisciplinary team that prepared the EAS.

4. The EAS must be presented to the respective Environmental Impact Assessment Authority, in the form of a report, written in Portuguese, and the number of color copies, determined by the Environmental Impact Assessment Authority, must be delivered at the time of approval of the ToR, on paper and the respective IT support.

ARTICLE 13

(Environmental Impact Assessment Technical Committee)

1. The objective of the Environmental Impact Assessment Technical Committees established under this Regulation is to:

- a) Review the EPDA and ToR for category A+ and A activities, in accordance with the directives issued for this purpose, and prepare the respective opinion;
- b) Review the ToR for category B activities, and prepare the respective opinion;
- c) Review the EIA reports, for category A+ and A activities, in accordance with the directives issued for this purpose and prepare the respective opinion;
- d) Review EAS reports for category B activities and prepare the respective opinion;
- e) Issue the final assessment statement for the reports submitted to them, and submit them to the entity that oversees the EIA area, through the competent decision-making body.

2. Members of the Environmental Impact Assessment Technical Committees are owed a remuneration to be determined by Joint Order of the Ministers who oversee the Environment and Finance Areas.

ARTICLE 14

(Obligations and Rights of Expert Reviewers)

1. The obligations of Expert Reviewers are:

- a) Review the documents submitted to the Environmental Impact Assessment;
- b) Prepare review reports.

2. Specialist reviewers are owed remuneration, the associated costs of which are the responsibility of the Authority which oversees the Environment Area.

ARTICLE 15

(Public Participation Process)

1. Public participation includes consultation and public hearing, for the purposes of:

- a) Providing information and consultation with all interested parties directly or indirectly affected by an activity;
- b) Request for clarification; c) Formulation of suggestions and recommendations.

2. Public participation must be carried out in accordance with the respective directive.

3. Public participation from the activity design phase to environmental licensing is the responsibility of the proponent.

4. The Environmental Impact Assessment Authority must ensure that the proponent carries out the public consultation and that the respective results are considered in the decision-making process.

5. In the EIA process, at least two series of public consultation meetings must be held in each location, the first for presenting the Study draft and collecting comments and suggestions and the second for presentation of the version to be submitted to the Government.

6. Public participation is mandatory for category A+, Ac B activities.

7. The notice for the consultation or public hearing must be made public up to fifteen days before the date of its holding, using the means that are appropriate for its advertising.

8. All interested parties or those affected directly or indirectly by the proposed activity have the right to take part in the public participation process or to be represented.

9. The public participation process must result in a final report.

10. The public hearing may also take place, at the request of citizens, legally constituted environmental organizations, or public or private entities, directly or indirectly affected by the activity under analysis, whenever the nature of the activity, its characteristics and its foreseeable consequences justify it and must be made by a minimum of 50 citizens.

11. The public participation process must be carried out in the presence of the Environmental Impact Assessment Authority and the sector responsible for the activity.

12. Technical reports produced within the scope of the AIA must be available for public consultation, in order to ensure broad dissemination and participation of all interested parties. 13. Preliminary EIA Review Comments of category A+ activities, must be submitted to the consultant responsible for the study, within 45 days after the public consultation meeting.

14. Preliminary EIA Review Comments of the remaining classes of projects, must be submitted to the consultant responsible for the study, within 15 days after the public consultation meeting.

15. The final reports, including the EIA, PGA,

Resettlement and Compensation Plans and Biodiversity Offset Management, after approval, are documents of a public nature.

16. The Environmental Impact Assessment Authority is responsible for making the aforementioned documents available, for your consultation at central and provincial levels.

ARTICLE 16

(Environmental Pre-Feasibility Study Review and Scope Definition)

1. The Environmental Impact Assessment Authority must designate the Environmental Impact Assessment Technical Committee to review the EPDA report, consisting of an odd number of elements, namely:

- a) A representative of the Environmental Impact Assessment Authority at central level, who chairs the commission;
- b) A representative of the sector responsible for the proposed activity;
- c) A representative of the local authority in the area where the activity is located, if the proposed location for implementing the activity is a municipal territory;
- d) Other representative(s) of government entities, educational institutions or research centers in the field of the environment;
- e) Technician(s) specialized in the area of health and gender issues;
- f) Technician(s) specialized in the area of the respective activity, and requested or hired by the Environmental Impact Assessment Authority, whenever necessary.

2. The Environmental Impact Assessment Technical Committee reviews the EPDA report, preparing the respective comments of which the proponent must be aware, and may be requested to provide additional information and additions, within the deadlines set out in these Regulations. .

3. The group of Expert Reviewers reviews the EPDA report and prepares an annex that forms an integral part of the EIA process, in the case of category A+ activities and is of a public nature. 4.

All manifestations and presentations in writing or oral speeches made within the scope of the public participation process, presented to local bodies and/or the proponent, up to ten days before the end of the EPDA review period, must be registered and are considered in the decision of the Technical Environmental Impact Assessment Committee, as long as they are related to the environmental impacts of the activity.

5. The final assessment of the EPDA report has been made, including the report of the Expert Reviewers, in the case of activities category A+, the Environmental Impact Assessment Technical Committee prepares the technical review report and respective duly substantiated technical opinion, and issues a final assessment statement, drawing up minutes signed by all members of the commission, to be submitted to the Environmental Impact Assessment Authority for a final decision.

ARTICLE 17

(Environmental Impact Study Review)

1. Once the EIA is completed, it must be presented to the Environmental Impact Assessment Authority in the form report, accompanied by all relevant documentation for the EIA process, in accordance with the provisions of paragraph 3 of article 11 of this Regulation, which guides the entire process of its technical review.

2. The same group of Expert Reviewers that evaluated the EPDA, reviews the EIA report and prepares an opinion, in the form of an annex, which forms an integral part of the EIA, in the case of category A+ activities and the same is of public character.

3. The same Environmental Impact Assessment Technical Committee that evaluated the EPDA, reviews the report of the EIA, preparing the respective technical report.

4. The Environmental Impact Assessment Authority must communicate to the proponent the results of the review referred to in previous numbers, and may, throughout the review period, request additional information from the EIA, if necessary.

5. With the request for additional information to the EIA, the deadline is suspended, and the provisions of paragraph 5 of article 19 of these Regulations must be

observed. 6. All written or oral demonstrations and presentations made within the scope of the public participation process, presented to local bodies and/or the proponent up to ten days before the end of the EIA review period, must be recorded and considered in the decision of the Technical Environmental Impact Assessment Committee, as long as they are related to the environmental impacts of the activity.

7. Final assessment of the EIA report made, including the report of the group of Expert Reviewers in the case of category A+ activities, the Technical Assessment Committee of Environmental Impact prepares the technical review report and the respective duly substantiated technical opinion and issues a final assessment statement, drawing up minutes signed by all members of the commission, to be submitted to the Environmental Impact Assessment Authority for a final decision.

8. The minutes drawn up by the Environmental Impact Assessment Technical Committee constitute the basis for the decision on the environmental licensing process for the proposed activity and must form an integral part of the licensing process environmental.

ARTICLE 18

(Review of the Simplified Environmental Study)

1. Once the EAS has been completed, it must be presented in the form of a report, accompanied by all relevant documentation, to the respective Environmental Impact Assessment Authority, in accordance with paragraph 4 of article 12, which guides the entire process of its technical review.

2. The Environmental Impact Assessment Authority designates the Environmental Impact Assessment Technical Committee for the purpose of reviewing the EAS.

3. The Technical Environmental Impact Assessment Committee must have the following composition:

- a) A representative of the Environmental Impact Assessment Authority who chairs the commission;
- b) A representative of the sector responsible for the proposed activity;
- c) A representative of the local authority in the area where the activity is located, if the proposed location for implementing the activity is a municipal territory;
- d) Other representative(s) of government entities, educational institutions or research centers in the field of the environment;
- e) Technician(s) specialized in the area of health and gender issues;
- f) Technician(s) specialized in the area of the respective activity, requested or hired by the Environmental Impact Assessment Authority.

4. The Technical Environmental Impact Assessment Committee must be made up of an odd number of members.

5. All written or oral statements and presentations made within the scope of the public participation process, presented to local bodies and/or the proponent up to ten days before the end of the EAS review period, must be recorded and considered in the decision of the Technical Committee for Environmental Impact Assessment, as long as they are related to the environmental impacts of the activity.

6. During the review period, the Environmental Impact Assessment Authority may request additional information from the EAS on aspects of the approved ToR that have not been fully complied with.

7. Once the final assessment of the EAS report has been made, the Environmental Impact Assessment Technical Committee prepares the technical review report and the respective duly substantiated opinion, and issues a final assessment statement, drawing up minutes signed by all members of the commission.

8. The minutes drawn up by the Technical Committee for Environmental Impact Assessment constitute the basis for the decision on the environmental licensing of the proposed activity and form an integral part of the environmental licensing process.

9. After reviewing the EAS, the Environmental Impact Assessment Authority makes a decision on the environmental viability of the proposed activity.

ARTICLE 19

(Deadline for Submitting Reports and Communicating Decisions)

1. The proponent must observe the following deadlines for EIA processes:

For category B:

- a) Submission of ToR after IP approval – up to ninety days;
- b) Submission of the REAS after approval of the ToR - up to one hundred and eighty days;

For category A

- c) Submission of the EPDA and ToR after approval of the IP - up to one hundred and eighty days;
- d) Submission of the REIA after approval of the EPDA and ToR - up to two hundred and seventy days;

For category A+

- e) Submission of the EPDA and ToR after approval of the IP - up to two hundred and seventy days;
- f) Submission of the REIA after approval of the EPDA and ToR - up to three hundred and sixty days;

For all categories

Submission of the Addendum after its request by the EIA Authority - up to ninety days.

2. The Environmental Impact Assessment Authority must observe the following deadlines for communicating decisions:

- a) Pre-assessment - up to eight working days;
- b) Terms of Reference - up to fifteen working days;
- c) EPDA and ToR up to thirty working days for category A activities and forty-five working days for category A+ activities;
- d) Environmental Management Plan up to thirty working days;
- e) Addendum up to thirty working days;
- f) Simplified Environmental Study - up to thirty working days;
- g) Environmental Impact Study - up to forty-five working days for category A activities and sixty working days for category A+ activities.

3. The proponent may request an extension of deadlines established in paragraph 1 of this article, upon justification.

4. In exceptional cases, the Assessing Authority of Environmental Impact, may extend the deadlines established in paragraph 2 of this article, for a period to be determined according to the specificity and complexity of the cases, proceeding from immediately upon notification of the proponent.

5. The deadlines indicated in paragraph 2 of this article are counted from the date of entry of the documentation into the respective competent body, always being interrupted

that additional information is requested and resumed until it is duly presented by the proponent to the Environmental Impact Assessment Authority.

CHAPTER III

Environmental Licensing

ARTICLE 20

(Licensing Steps)

1. The environmental licensing process consists of three stages, namely:

- a) Issuance of the Provisional Environmental License license issued after EPDA approval for EIA.
- b) Issuance of the Environmental Installation License issued after approval of the Environmental Impact Study and presentation of the approved Resettlement Plan, if there is a need for Resettlement.
- c) Issuance of the Environmental Operating License issued after verification/inspection of full compliance with the EIA versus the constructed project and full implementation of the Resettlement Plan, in cases where this is necessary.

2. The issuance of the Provisional Environmental License referred to in subparagraph a) of paragraph 1 of this article is optional.

3. Payment of the environmental licensing fee is made after approval of the Installation Environmental License.

4. It is prohibited to start operating any activity without having been issued an Environmental Operating License under penalty of a fine.

ARTICLE 21

(Decision on Environmental Viability)

1. When environmental viability is proven of activity:

- a) The competent body notifies the proponent to pay the due fees in accordance with article 27 of these Regulations, within a period of ninety days, counting from the date of receipt notification; b)

The Environmental Impact Assessment Authority issues the respective environmental license, within fifteen working days, after receipt of proof of payment of the due fees.

2. In the event of a serious objection that makes it impossible to accept and environmentally license the proposed activity, the Environmental Impact Assessment Authority takes one of the following decisions:

- a) Total disapproval of implementing the activity proposal, with the appropriate technical-scientific and legal justification, accompanied by the final evaluation report and statement;
- b) Partial disapproval of the proposed activity with the appropriate technical-scientific and legal justification, accompanied the final evaluation report and statement; c) Change in the category of the proposed activity.

3. Total disapproval of the implementation of the proposed activity implies the non-environmental licensing of the same.

4. When analyzing the environmental viability of the activity result in its partial rejection, the Valuation Authority of Environmental Impact, may condition licensing environmental to making changes and/or reformulating of the proposed activity, subjecting itself to a new assessment and subsequent decision.

5. When the analysis of the environmental viability of the activity results in a change in its category, the Environmental Impact Assessment Authority conditions environmental licensing to the carrying out of a new EIA and subsequent decision.

6. In the cases referred to in points 3, 4 and 5 of this article, the Environmental Impact Assessment Authority will notify interested parties within five working days, after the deadlines referred to in article 19 have elapsed.

7. The costs associated with reformulating the activity proposal and subsequent evaluation are the sole responsibility of the proponent.

ARTICLE 22

(Expiry and Validity of the Environmental License)

1. The Environmental License expires when, after 2 years have passed since its issuance, the activity has not actually started.

2. The proponent still interested in implementing the licensed activity must request the extension of the respective Environmental License to the Environmental Impact Assessment Authority up to ninety days before the date of its expiry under the terms set out in the previous paragraph.

3. The Environmental Impact Assessment Authority is responsible take, within thirty working days, one of the following decisions:

- a) Extend the license for an equal period of time;
- b) Request a partial update of the EIA or EAS, specifying the component or components that require change, for subsequent evaluation and decision;
- c) Request a new EIA or EAS to be carried out in accordance with these Regulations.

4. The Provisional Environmental License is valid for two years not renewable.

5. The Installation Environmental License is valid for two years renewable upon justification.

6. The Environmental License for activities in operation is valid for a period of five years, renewable for the same period, upon application requesting updating, addressed to the Environmental Impact Assessment Authority and subject payment of the respective fee.

7. Updating the license for category A+ activities may be conditioned on the presentation of an updated PGA and/or Biodiversity Offset Management Plan and for category A and B activities the presentation of an updated PGA if the Environmental Audits carried

out and current practices justify it and for activities of category C, the presentation of the environmental performance report under the conditions set out in the environmental licensing of the activity. 8. The updated EMP and/or Offset Management Plan

must be presented in a number of copies to be defined by the Environmental Impact Assessment Authority and must clearly indicate the issues that have been updated. 9. The renewal of Environmental Licenses must be preceded by a technical visit by the Environmental Impact Assessment Authority to the project site, the associated costs of which are the sole responsibility of the proponent.

CHAPTER IV

Environmental Consultants and Proponents

ARTICLE 23

(Register of Environmental Consultants)

1. Only individual consultants and consultancy companies, registered under the terms of this Regulation, may carry out Environmental Impact Studies in Mozambique.

2. Registration is done as an individual consultant, consultancy company or consortium of consortium companies, sultoria.

3. They can only be registered as environmental consultants, senior technicians trained in environmental sciences with more than five years of experience in the environmental area or specific environmental courses.

4. Technicians with less than five years of experience in the environmental field can only carry out EIA as members of a team whose person in charge is registered as an environmental consultant.

5. The issuance of the registration certificate referred to above must be requested by interested parties under the following terms:

- a) Name, nationality, profession, place of work and habitual residence;
- b) Proof of domicile in Mozambique, copy of ID card or residence document;
- c) Certificate of academic qualification or equivalence certificates;
- d) Curriculum vitae;
- e) Letters of reference that prove your experience and knowledge of the environmental field;
- f) The individual consultant must also present the taxpayer number (NUIT) for tax purposes;
- g) Declaration that you are not an employee or contractor of the Ministry that oversees the Environment area;
- h) Proof of participation in carrying out environmental studies;
- i) In the case of a company, in addition to the information relating to its consultants under the terms of the previous paragraphs, it must also submit its registration number in the commercial register and the tax taxpayer registration number;
- j) Consulting companies or companies must present at least four experts;
- k) Proof of professional, individual or collective insurance.

6. Foreign consultants residing in Mozambique Those wishing to practice Environmental Consulting, in addition to meeting the requirements stipulated in the previous paragraph, must present:

- a) Equivalence certificates;
- b) Residence certificates at least six months old remaining validity period;
- c) Work permit in Mozambique.

7. Individual consultants and companies not domiciled in Mozambique who wish to participate when carrying out an EIA, they can only do so under a subcontracting by consultants registered with the Authority Environmental Impact Assessment, proven participation of more than 50% of national technicians in the technical team, and must present the document proving contracting carried out, the curriculum vitae and qualification certificates of technicians not domiciled in Mozambique, to be involved in carrying out the aforementioned studies.

8. Foreign consultants on a subcontracting basis Those who wish to practice Environmental Consulting in the country, in addition to fulfilling the requirements stipulated in the previous number, must observe the legal constraints imposed by labor legislation for foreigners, in force, without prejudice to the constraints imposed by orders or associations professionals.

9. The registration of foreign consultants on an individual basis is not permitted.

10. A fee is charged for issuing the consultant registration certificate in accordance with paragraph 4 of article 27 of these Regulations.

11. Upon receipt of the written request, the Environmental Impact Assessment Authority issues the respective registration certificate within a period not exceeding fifteen working days, counting from the date of receipt thereof.

12. Registration certificates must be updated each three years by presenting an updated curriculum vitae, of the original certificate that is intended to be updated and upon payment of the update fee stipulated in no. 5 of article 27.

13. The application for updating must be submitted to the Environmental Impact Assessment Authority, within ninety days before the consultant certificate expires

environmental.

14. In case of doubt, the Environmental Impact Assessment Authority reserves the right to demand proof of the information provided by the interested party.

ARTICLE 24

(Responsibility of Environmental Consultants)

1. The Environmental Consultant acts on behalf of the proponent of the activity, and is hired by the latter with the aim of carrying out the EIA of the activity in question.

2. The consultant is responsible for ensuring that:

- a) Has work experience and technical knowledge to carry out the EIA;
- b) Has the capacity to lead the public participation process;
- c) Has the ability to carry out work objectively;
- d) Has the ability to produce consistent informative reports, with technical quality and scientifically

correct:

- e) Provides all documentation to the competent bodies pertinent information related to EIA.

3. Experts hired by the Valuation Authority of the Environmental Impact, must declare in writing, in advance upon hiring, the existence of any conflict of interests directly or indirectly related to the activity in question analysis, indicating that they do not belong to any pressure group with links to competing interests to those being the subject of analysis and review.

4. Consultants accredited to carry out Environmental Impact Assessments are civilly and/or criminally liable for the information provided and contained in the EIA reports, as well as jointly and severally for the consequences and damages resulting implementation of a certain activity by the proponent, in accordance with the technical recommendations formulated by them.

ARTICLE 25

(Proponent's Responsibility)

1. The proponent must communicate in writing to the Authority Environmental Impact Assessment of the beginning, interruption and end the construction phase as well as the beginning of the operation phase of the activity.

2. The proponent is responsible for complying with all regulations, norms, directives and standards relevant to the activity, and must ensure:

- a) The hiring of one or more environmental consultants to carry out EIA processes;

- b) That the selected consultants are registered by the Environmental Impact Assessment Authority to carry out environmental consultancy activities in Mozambique;
- c) The availability of all relevant and updated information for the EIA process;
- d) That the public participation process is carried out in accordance with the regulations in force in the country.

3. The proponent must update and submit to the Authority Environmental Impact Assessment, one year after the start of operation, the Plan and other Environmental Management Programs and/or Procedures, which must be reviewed during the process of renewing the environmental license and whenever an audit so requests.

4. The proponent must prepare and submit to the Environmental Impact Assessment Authority one year after the start of the operation and on an annual basis, the activity's environmental monitoring reports.

5. The proponent is also responsible for all costs arising from the EIA process and must:

- a) Pay travel or transport expenses, as well as the payment of subsistence allowances to technicians, under the terms set out in the public service table.
- b) Be responsible for a number of technicians that does not exceed four for category A+ activities, three for category A activities including the technician from the sector responsible for the activity and two for category B or C activities;
- c) Ensure correspondence is sent by registered letter to the Environmental Impact Assessment Authority. 6.

The proponent will be held civilly and/or criminally liable whenever what:

- a) Do not subject your activity to the prior process environmental licensing: b)

Submit the proposed activity to the process environmental licensing after the start of its implementation;

- c) Change the initial activity after issuing the environmental license without prior authorization from the competent entity;

- d) Present fraudulent, adulterated or omitted information during the AIA process;

- e) Do not implement the measures proposed in the technical studies as well as failure to comply with the conditions environmental licensing;

- f) Do not update the environmental license within the prescribed deadlines.

7. In the initial phase of the Impact Assessment process Environmental, the proponent must intervene personally or through a legal representative, with the EIA Authority.

CHAPTER V

Inspection, Fees and Sanctions

ARTICLE 26

(Inspection)

1. The Ministry that oversees the Environment Area must regularly inspect and supervise the monitoring and environmental management of activities carried out by the proponent, with a view to guaranteeing the quality of the environment, and may request an audit to be carried out environment, when deemed necessary.

2. All category A+ and A projects must be subject to inspection and supervision, at least once a year, during project implementation.

ARTICLE 27

(Fees)

1. For the purposes of Process Instruction, the proponent must pay a fee in the amount of 1,000.00MT.

2. For environmental licensing, in accordance with the provisions of paragraph 1 of article 21, of these Regulations, fees are payable, under the terms and values indicated below:

- a) Licensing of Category A+ Activities, rate of 0.30% of the investment value of the activity;
- b) Licensing of Category A and B Activities, rate of 0.20% of the investment value of the activity;
- c) Licensing of Category C Activities, the rate of 0.02% of the investment value of the activity is applied to projects with an investment value exceeding 5,000,000.00MT, and a unit value of 1,000.00MT for projects with investment up to 5,000,000.00MT.
- d) Licensing of temporary Concrete Plants, located within the construction area, is applied at a rate of 200 minimum wages.

3. For the purposes of renewing the environmental license, in accordance with the provisions of paragraph 6 of article 22 of these Regulations, the following fees are charged:

- a) Category A+ Environmental License 80,000.00MT;
- b) Category A Environmental License 60,000.00MT;
- c) Category B Environmental License 30,000.00MT;
- d) Category C Environmental License 5,000.00MT.

4. For the purposes of registering environmental consultants, in accordance with the provisions of paragraph 10 of article 23 of these Regulations, the following fees are charged:

- a) Registration of individual consultants 20,000.00MT;
- b) Registration of consultancy companies ..60,000.00MT.

5. For the purposes of updating the register of environmental consultants in accordance with the provisions of paragraph 12 of article 23 of these Regulations, the following fees are charged:

- a) Update of registration of individual consultants 10,000.00MT;
- b) Update of registration of consultancy companies 30,000.00MT.

6. If the proponent intends to transfer their Environmental License to another entity or change the corporate name of the entity holding the Environmental License, must pay a fee of 10,000.00MT.

7. The transmission request must be accompanied with the appropriate updating of the Environmental Management Plan, in compliance with all environmental legislation in force at the time of transmission, without which the request cannot be accepted.

8. The request to change the corporate name contained in the Environmental License must be accompanied by the Bulletin of the Republic that said amendment is published. 9.

For the purposes of issuing the second copy of the License Environmental, the proponent must pay the fee equivalent to its renewal.

10. The transmission of individual or collective environmental consultant certificates is not permitted.

ARTICLE 28

(Infractions and Sanctions)

1. They constitute administrative and punishable offenses with a fine of between 30 and 150 minimum wages, in addition to the imposition of other sanctions provided for in general law, obstruction or hindrance without just cause, to the performance of the duties assigned to the entities referred to in this Regulation.

2. It constitutes an offense punishable by a fine of between 30 and 50 minimum wages, failure to update the Environmental License in accordance with the provisions of number 6 of article 22 of these Regulations, and the suspension of the activity until regularization of the Environmental License.

3. It constitutes an offense punishable by a fine of: 2,857 to 5,714 minimum wages - Category A+; 1,429 to 2,857 minimum wages - Category A; 286 to 1,429 minimum wages - Bela Category 2 minimum wages - Category C and immediate stoppage, the implementation of the activity not licensed in environmental terms.

4. The following facts constitute an offense punishable by a fine of between 30 and 100 minimum wages:

- a) Illegal exercise of environmental consultancy activity without complying with the provisions of article 25 of these Regulations, including the submission of the AIA process with an expired consultant certificate;
- b) Submission of the proposed activity to the environmental licensing process after the start of its implementation;
- c) Changing the initial activity and implementing a new one, after issuing the Environmental License without prior authorization from the competent entity;
- d) Presentation of fraudulent, adulterated, outdated or omitted information during the AIA process.

5. Failure to implement each of the measures proposed in the technical studies, as well as failure to comply with environmental licensing conditions, constitutes an offense punishable by a fine of 30 minimum wages.

6. Failure to submit

of AIA processes within the deadlines established in paragraph 1 of article 19 of these Regulations.

7. Non-payment of the environmental licensing fee within the period stipulated in subparagraph b), no. 1 of article 20, of this Regulation, until

6 months, after which the process is considered to have expired.

8. Failure to update the certificate within the period stipulated in paragraph 12 of article 23 of these Regulations constitutes an offense punishable by a fine of between 25% and 50% of the renewal value of the environmental consultant certificate.

9. Any environmental consultant who, during the validity of his certificate, presents EIA results that do not comply with the respective legislation and specific directives a maximum of four times, will be suspended from his activity for a period of three years.

10. Three years after the environmental consultant certificate expires without the holder requesting its renewal, the holder must start a new process.

ARTICLE 29

(Graduation of Fines)

1. The fines set out in paragraph 1 of the previous article will be graded as follows:

The lowest value is applied for primary cases or in which there are obstacles to carrying out the duties assigned to the entities referred to in this Regulation.

2. The fines set out in paragraph 2 of the previous article will be graded as follows:

- a) The value of 30 minimum wages is applied for the first time such a situation occurs;

b) The value of 50 minimum wages is applied to subsequent cases.

3. The fines set out in paragraph 4 of the previous article are graded as follows:

- a) Failure to comply with the provisions of subparagraph a) of paragraph 4 of article 28, the amount equivalent to 30 minimum wages will be applied for the exercise of environmental consultancy on an individual basis and for the exercise of environmental consultancy by legal persons or companies, applicable - the amount resulting from multiplying the amount equivalent to 30 minimum wages by the number of members of the team that carried out the AIA;
- b) Failure to comply with the provisions of paragraph b) of no. 4 of article 28, the lower value will be applied if the activity has not caused significant negative changes to the environment and the highest value if the activity has caused negative changes significant impacts on the environment;
- c) Failure to comply with the provisions of paragraph c) of paragraph 4 of article 28, the highest value will be applied;
- d) For non-compliance with the provisions of paragraph d) of paragraph 4 of article 28, the amount equivalent to 50 minimum wages will be applied;
- e) For non-compliance with the provisions of paragraph e) of paragraph 4 of article 28, the amount equivalent to 30 minimum wages will be applied for each measure not implemented;
- f) In the event of a repeat offense, the highest value provided for the infraction will be applied and the respective Environmental License may also be revoked.

ARTICLE 30

(Destination of Fees and Fines Amounts)

1. The values of the fees established in this Regulation have the following

- destination: a) 40% for the State Budget;
b) 60% to the Environment

Fund. 2. The amounts of fines established in this Regulation have the following destination:

- a) 60% for the State Budget; b)
40% to the Environment Fund.

3. The amounts of fees and fines referred to herein Regulation are paid at the competent Tax Area Directorate (that of the domicile or headquarters of the collecting entity) through the appropriate model guide presentation.

4. The amounts of fees and fines established herein Regulations are updated, whenever necessary, by a joint Ministerial Diploma of the Ministers who oversee the areas of Finance and Environment.

5. The Minister who oversees the Environment area, establishes per specific Diploma, the percentage of the amounts allocated to the Environment Fund, which must be made available for the improvement of Environmental Impact Assessment Services.

ANNEX I

Category A+ Activities

1. These are actions that, due to their complexity, location and/or irreversibility and magnitude of possible impacts, deserve not only a high level of social and environmental surveillance, but also

also, the involvement of specialists in EIA processes and activities relating to and/or

or located in areas with the characteristics described below:

The. Physical and economic displacement of families

that does not correspond to the resettlement model pre-defined in the Regulation on the Resettlement Process Resulting from Economic Activities;

B. Activities located in areas with high biodiversity value, namely:

- (i) Habitats of significant importance for critically endangered and/or Endangered species under national or international legislation;
- (ii) Habitats of significant importance for species endemic and/or restricted in
- action; (iii) Habitats of significant importance for species protected in the
- country; (iv) Habitats that provide conditions for existence significant concentrations of migratory and/or congregatory species;
- (v) Highly threatened and/or unique ecosystems;
- (vi) Areas associated with key evolutionary processes such as mangroves.

w. Activities with potential irreversible impacts before the application of mitigation measures, in areas where human activity has not substantially modified native ecological functions and the species composition of

the area; d. Activities located in conservation areas and protection and in its buffer areas, with the exception of activities proposed by the entity managing the aforementioned Conservation Area itself, when intended to improve its management;

It is. Activities whose implementation directly affects coral reefs and primary dunes, mangroves, wetlands and seagrass whenever they are affected in an area greater than 1ha;

f. Populated areas where the activity may involve levels high levels of pollution or other types of disturbances that significantly affect local communities;

g. Unique scenery zones;

H. Native forests;

i. Zones containing animal and/or plant species, habitats and endangered ecosystems.

2. This category includes:

- a) Treatment and manufacture of dangerous substances classified as carcinogenic, mutagenic or toxic;
- b) Manufacture of products using genetically modified organisms and their derivatives;
- c) Manufacture of pesticides;
- d) Nuclear power plants;
 - e) Processing and storage of radioactive waste;
- f) Extraction and processing of
- ores; g) Extraction, storage, transport, processing and production of hydrocarbon derivatives;
- h) Underground and surface storage facilities for combustible gases.

ANEXO II

Category A Activities

1. These are actions that significantly affect living beings and environmentally sensitive areas and their impacts are of greater duration, intensity, magnitude and significance. They are part of this

category the activities referring to and/or located in areas with the characteristics described below:

a) Areas and ecosystems recognized as having special protection status under national and international legislation such as:

- Small islands;
 - Eminent erosion zones;
- Areas exposed to desertification;
- Areas of archaeological, historical and cultural value to be preserved;
- Areas for the protection of springs and supply sources;
 - Groundwater reservoirs.

b) Populated areas that imply the need for resettlement:

- Regions subject to high levels of development or where there are conflicts in the distribution and use of natural resources;
- Areas along watercourses or areas used as a source of water supply for community consumption;
- Areas containing valuable resources such as aquatic, minerals, medicinal plants, etc.;
 - Areas prone to natural disasters.

2. This category includes:

2.1. Infrastructures

a) All activities that involve population resettlement;

- b) Urban subdivision and/or development activities new villages/neighborhoods with more than 20ha or multifunctional complexes on horizontal or vertical properties with more than 80

dwellings; c) Tourist enterprises outside urban areas or in areas without Territorial Planning Plans with a _____ with capacity equal to or greater than 150 beds or an area equal to or greater than 10ha;

d) Campsites for more than 650 users or with an area equal to or greater than 5ha; e)

Theme parks with an area equal to or greater than 8 ha;

f) Industrial subdivision activities with more than 15 ha;

g) Establishment or expansion of recreational areas such as such as golf and horse riding courses in an area equal to or greater than 5ha;

h) Marinas and docks with more than 150 mooring

points; i) Works to transfer water resources between basins hydrographic systems whenever this is intended to prevent water shortages in certain regions, and the volume of water transferred is greater than 100 million m³/year;

j) All main roads outside urban areas;

k) Railway and road bridges over 100m long;

l) Railway lines equal to or greater than 5km in length;

m) Airports and aerodromes with a runway length equal to or greater than 1800m;

n) Heliports in residential, industrial and sensitive areas;

o) Water conduits of more than 0.5m in diameter and more than 10km in length;

p) Oil pipelines, gas pipelines, mineral pipelines, submarine cables and terrestrial fiber optic cables over 5km in length;

q) Establishment or expansion of ports and port facilities for ships with tonnage greater than 4000GT (related to the total internal volume of the ship);

r) Naval shipyards for the construction and repair of vessels with an area of 5 ha or more or intervention on the coastline greater than 150m;

s) Dams and reservoirs with a floodplain area equivalent to or greater than 5ha;

t) Water mains and aqueducts of more than 10km in length and with a diameter equal to or greater than 1m;

u) Exploration for, and use of, groundwater resources including the production of geothermal energy involving the extraction of more than 500m³/h or 12,000m³/day;

v) Dredging of new access channels to ports;

w) Anchorage or berth;

x) Tram lines, overhead metro lines and underground;

y) Construction of waterways and plumbing works and regularization of water

courses; z) Coastal works to combat sea erosion (dikes, groins...).

2.2. Forest exploration

a) Clearing, subdivision and coverage exploration native vegetation with individual or cumulative areas exceeding 100ha;

b) All deforestation activities with more than 50ha, reforestation and afforestation of more than 250ha.

2.3. Agriculture

a) Subdivision activities for agriculture of more than 350ha with irrigation 1000ha without irrigation; and b) Conversion of agricultural land for commercial, urban or industrial purposes;

c) Conversion of equivalent areas or more than 100ha of agricultural land without cultivation for more than 5 years to intensive agriculture;

d) Introduction of new cultures and exotic species;

e) Irrigation systems for areas larger than 350ha;

f) Intensive livestock farming activities of more than:

- 50,000 poultry animals/year; 1500
- pigs and/or 100 breeding sows/year, and • 500 cattle/year and either individual or cumulative area

less than or equal to 1000ha.

g) Extensive livestock farming activities of more than:

- 500 Cattle/year and or individual or cumulative area equal to or greater than 2000ha (4ha/ animal). 2000 Animals/year (small ruminants, goats and sheep).

h) Aerial or field spraying in individual or cumulative areas, greater than 1000ha.

2.4.

Fisheries a) Industrial fishing activities that place greater pressure on fishing resources;

b) Aquaculture activities with more than 100 tons of production per year.

2.5. Industry

2.5.1. Production and transformation of metals and non-metals

a) Production and processing of metals with a production of more than 2.5ton/day;

b) Surface treatment of metals and plastics using chemical or electrolytic processes total volume of treatment vats equal to or greater than 30m³;

- c) Manufacture and assembly of engines and motor vehicles with an installation area of more than 15ha
- d) Manufacture of glass and its derivatives;
- e) Manufacture of ceramic products by firing with a capacity equal to or greater than 300 tons/day;
- f) Manufacture of railway equipment.

2.5.2. Chemical

- a) Manufacture of pharmaceutical products with a capacity exceeding 1250 tons/year;
- b) Manufacture of paints and varnishes from primary raw materials with a capacity of more than 75000 t/year;
- c) Manufacture and treatment of elastomer-based products with a capacity exceeding 75000 t/year;
- d) Manufacture of peroxides with a capacity exceeding 12,500 t/year;
- e) Soap production;
- f) Production or processing of fertilizers;
- g) Tobacco processing.

2.5.3. To feed

- a) Manufacture of feed with production equal to or greater than 2000 tons/month;
- b) Production of animal oils and fats (production equal to or greater than 75 tons/day) and vegetable oils (production equal to or greater than 300 tons/month);
- c) Sugar industry including the cultivation of sugar cane with a capacity of more than 300 t/day of final product.

2.5.4 Textile, tanneries, wood and paper

- a) Manufacture of paper and cardboard with a capacity greater than or equal to 20 tons/day;
- b) Washing, bleaching, mercerizing or dyeing fibers and textiles with a capacity greater than 10 tons/day;
- c) Manufacture of tanneries with a capacity of more than 12 tons/day;
- d) Facilities for the production and treatment of cellulose with a capacity equal to or greater than 40 tons/day.

2.5.5 Extractive and complementary industry

- a) Quarry with mining concession;
- b) Industrial facilities and complexes such as factories and cement grinding, steel mills and coconut trees. This type of activities must be located in industrial parks, where there are no territorial planning instruments, at a minimum distance of 20 km from residential areas

2.6. Energy

- a) Hydroelectric, thermal, geothermal, photovoltaic, colic and wave energy plants;
- b) Storage of liquid or solid fuels on the surface;
- c) Briquette, hard coal and lignite manufacturing industries with a production capacity equal to or greater than 150 tons/day;
- d) Power transmission and distribution lines from 66 kV.

2.7. Treatment and disposal of solid waste and effluents

- a) Storage, transport, treatment and disposal of hazardous industrial waste;
- b) Sanitary landfills with a capacity of more than 150,000 inhabitants;
- c) Storage, transport, treatment and disposal of hospital waste, from health units at central, general, provincial, district levels and clinics with maternity and general surgery services;

- d) Wastewater/sewage treatment facilities with capacity for more than 150,000 inhabitants;
- e) Cemeteries with an area greater than 50 ha;
- f) Waste treatment incinerators and others

2.8. Conservation areas.

- a) Creation of national parks, reserves, preserves, areas fauna management and buffer areas;
- b) Commercial exploitation of natural fauna and flora;
- c) Introduction of exotic species of fauna and flora.

ANEXO III

Category B Activities

1. These are actions that do not significantly affect living beings or environmentally sensitive areas compared to Category A activities.

2. This category includes:

- a) Wood processing factory;
- b) Paint and varnish processing factory;
- c) Food and beverage processing factory with production greater than 10 tons/day;
- d) Scrap storage areas of more than 5ha;
- e) Power transmission and distribution lines below 66 kV;
- f) Tire retreading;
- g) Fuel supply infrastructure h) Feed production factory with equal production or less than 1000t/month;
- i) Water supply and sanitation systems, its pipelines, treatment plants and effluent disposal systems;
- j) Cashew nut processing factory; k) Storage, treatment, transport and disposal of medical waste from rural hospitals, health centers and posts and private clinics with minor surgery services;
- l) Condominiums with more than 15 dwellings in horizontal or vertical properties in non-urbanized areas;
- m) Auto technical assistance and car washing activities;
- n) Farming of poultry animals in a pavilion with capacity between 1000 and 1500 animals/year;
- o) Transformation or removal of indigenous vegetation in areas between 100 and 200 hectares without irrigation;
- p) Production and processing of juices;
- q) Industrial production of concrete. This type of activity must be located in industrial parks or in areas located at a minimum distance of 6 km from residential areas;
- r) Industrial production of cement blocks, curbstones and paving stones;
- s) Quarries with mining certificate;
- t) Areeiros with mining certificate;
- u) Production of milk and its derivatives;
- v) Industrial processing of flour;
- w) Production and processing of wicks;
- x) Hypermarkets with an area equal to or greater than 1 ha;
- y) Ceramic industry;
- z) Slaughterhouses;
- aa) Fish processing industry; bb) Industrial carpentry; cc) Manufacture of cigarettes, cigars and similar products;
- dd) Dredging to maintain navigability conditions, as long as they do not exceed the bottom levels previously reached;

- ee) Maintenance and reconstruction of coastal works to combat erosion;
- ff) Activities in conservation areas proposed by the conservation area management entity itself, aimed at improving its management;
- gg) Schools with a capacity of over 1500 students.

ANNEX IV

Category C Activities

1. These are actions that cause negligible, insignificant or minimal negative impacts. There are no irreversible impacts in this category and the positive impacts are greater and more significant than the negative ones.

2. This category includes:

- a) Irrigation systems with an individual or cumulative area between 50 and 100ha;
- b) Hotels, residential hotels, motels, guesthouses and lodges in cities and towns;
- c) Telecommunications towers;
- d) Production of plastic bags with a thickness greater than 30 micrometers;
- e) Exploration for, and use of, groundwater resources including the production of geothermal energy involving the extraction of less than 200m³/year;
- f) Installation of equipment within existing railway-port areas;
- g) Consolidation of railway lines;
- h) Rehabilitation of various fixed port railway equipment;
- i) Car park construction activities on horizontal property;
- j) Domestic carpentry and joinery;
- k) Biscuit, pasta, cookies and sweets factories;
- 1) Bakery industry;
- m) Fruit and vegetable preservation industry production equal to or less than 300t/day;
- n) Manufacture of fiber panels, particles and plywood;
- o) Installation of refrigerators;
- p) 33 kV power transmission lines;
- q) Intensive livestock farming activities (poultry animals <1000 animals/year);
- r) Manufacture of toilet paper and napkins;
- u) Bending of zinc sheets.

ANNEX V
(Fatal Questions)

1. During the EIA process, the existence of fatal issues must always be assessed.

2. These constitute areas in which no activity potentially causing significant negative impacts will be authorized, namely:

- a) Total protection areas, with the exception of activities proposed by the entity managing the conservation area itself, when aimed at improving its management;
- b) Conservation Areas classified as total conservation areas, and total protection zones of other categories of Conservation Areas, with the exception of activities proposed by the respective managing entity, when aimed at improving their management;
- c) Areas with the following characteristics:
 - i. Presence of Critically Endangered Species (CP) e/ /or Endangered (EP), encompassing habitat necessary to support ≥ 10 percent of the global or national population of a CP or EP species/subspecies where there are known, regular occurrences of the species and where such habitat could be considered a management unit discreet for the species; or habitat with known regular occurrences of CP or EP species where that habitat is one of 10 or fewer discrete management sites globally for those species;
 - ii. Presence of a range of Endemic/Restricted Species, namely habitat known to support ≥95 percent of the global or national population of an endemic or limited-range species, where the habitat could be considered a discrete management unit for the species' single (e.g., a iii. Presence location endemic);
 - of Migratory/congregatory Species, integrating habitat known to support, on a cyclical or other regular basis, ≥ 95 percent of the world or national population of a migratory or congregatory species at any point in the migration cycle species life, where this habitat could be considered a discrete management unit for these species;
 - iv. Crucial area for the provision of key ecosystem services on a national, provincial, or district scale.

ANNEX VI

Preliminary Environmental Information Sheet

1. Name of the activity:

2. Type of activity

a) Tourist Industrial Agro-Livestock Energy services Other
 (specify)

b) New Rehabilitation Expansion Other
 (specify)

3. Identification of the proponent(s):

4. Address/contact

Avenue/Street:

Landline: _____; Fax: _____

Cell phone: _____ / _____ / _____

Email _____

5. Location of activity

5. 1. Administrative Location

Neighborhood: _____ Village: _____

City: _____

Location: _____ District: _____

Province: _____

Geographic coordinates:

1. _____ two: _____

1. _____ 4. _____

5. 2. Insertion medium:

Urban Rural Periurban

6. Framework in the Territorial Planning Instrument

a) Living space Industrial services Other
 (specify)

7. Description of the activity:

7. 1. Infrastructures of the activity, its dimensions and installed capacity (assemble whenever possible the designed and described parts of the activity).

7. 2. Associated Activities:

7. 3. Brief description of construction and operation technology:

7. 4. Main and complementary activities:

7. 5. Type, origin and quantity of labor

7. 6. Type, origin and quantity of raw material and its provenance:

7.7. Scientifically cited chemical products to be used: (if the list is long, it must be attached):

7. 8. Type, origin and amount of water and energy consumption:

7. 9. Origin and quantity of fuels and lubricants to be used:

7. 10. Other resources required:

8. Land ownership (legal situation regarding the acquisition of physical space):

9. Alternative locations for the activity: (reason for choosing the location for implementing the activity and indicating at least two alternative locations).

10. Brief information on the environmental situation of local and regional reference:

10.1. Physical characteristics of the location of the activity:

Flat land Highland OK Mountain

10.2. Predominant ecosystems:

River Lake Marine Terrestrial

10.3. Location zone:

Coastal Interior Island

10.4. Predominant type of vegetation:

Forest Savannah Others

(specify) _____

10.5. Land use in accordance with the structure plan or other current policy:

Agriculture Housing Industrial Protection

Other (specify): _____

10.6 Existing main infrastructure around the activity area:

11. Additional information through maps

- Location map (to convenient scale)
 - Map of activity in the location area (at a convenient scale)
- Other information you deem relevant.

12. Total investment value:

ANNEX VII

Request Model for Instruction of the Environmental Impact Assessment Process

Sir: _____

Name _____ of nationality _____,

NUIT _____, Administrative _____, Post _____

with _____,² _____ / _____ / _____ of Parcel no. The same Province

the _____, District _____, of Talhão/ at the _____,

designation is located _____, geographical _____, coordinates: _____

in _____, of _____

the _____,³ _____,

4. _____ authorize. whose area of activity _____, is with investment value of _____, requires _____

Your Excellency, please

Request approval

..... to the in of 20

Signature

ANNEX VIII

Glossary

For the purposes of this Regulation:

1. Activity: Any action, whether public or private, related to the use or exploitation of environmental components, the application of technologies or production processes, which affects or may affect the environment.
2. Category A* Activities: These are actions that, due to their complexity, location and/or irreversibility and magnitude of possible impacts, deserve not only a high level of social and environmental surveillance, but also the involvement of specialists in the EIA processes .
3. Category A Activities: These are actions that significantly affect living beings and environmentally sensitive areas and their impacts are of longer duration, intensity, magnitude and significance.
4. Category B Activities: These are actions that do not significantly affect living beings or areas comparatively environmentally sensitive to Category A.
5. Category C Activities: These are actions that cause negligible, insignificant or minimal negative impacts.
6. Viable Alternatives: Set of existing options to achieve the fundamental objective of the development project to be implemented by the proponent, without compromising the environmental and socio-economic viability/balance of the project.
7. Environment: It is the environment in which Man and other beings live and interact with each other and with the environment itself and includes: air, light, land and water, ecosystems, biodiversity and ecological relationships, all organic and inorganic matter and all socio-cultural and economic conditions that affect the lives of communities.
8. Area of Influence: It is the geographical space subject to changes in its physical, biotic and/or socio-economic environment, resulting from the environmental impacts of an activity resulting from its implementation and/ or operation.
9. Area of Direct Influence: It is the area subject to the direct impacts of the activity, whose delimitation is a function of the physical, biotic and socio-economic characteristics of field ecosystems and the characteristics of the activity.
10. Area of Indirect Influence: It is the subject area the indirect impacts of the activity, covering ecosystems and the physical, biotic and socio-economic environments that may suffer impacts resulting from changes occurring in the area of direct influence.
11. Environmental Audit: It is a management tool and systematic documented and objective assessment of the functioning and organization of a management system environmental control and protection processes.
12. Environmental Impact Assessment Authority: It is the entity that oversees the Environment area, through the unit responsible for Environmental Impact Assessment.

13. **Environmental Impact Assessment (AIA):** It is a preventive environmental management instrument that consists of the identification and prior analysis, qualitative and quantitative, of the beneficial and harmful environmental effects of a proposed activity.
14. **Biodiversity:** It is the variety and variability among living organisms of all origins, including terrestrial, marine and aquatic ecosystems as well as the ecological complexes of which they are part and comprises the diversity within each species between species and ecosystems.
15. **Environmental Sciences:** It is the set of different natural sciences such as Ecology, Biology, Geology, Environmental Physics, Environmental Chemistry, Climatology, Geography, among others.
16. **Environmental Impact Assessment Technical Committee:** This is a group of intersectoral technicians who analyze the technical documents prepared within the scope of EIA.
17. **Compensation:** Mechanism for complete rectification of the effects of non-mitigable impacts that may occur during the implementation of development projects, and identified in the environmental licensing process.
18. **Community:** It is a group of families and individuals, living in a territorial district, which aims to safeguard common interests through the protection of housing areas, agricultural areas, whether cultivated or fallow, forests, sites (places) of cultural importance, pastures, water sources and expansion areas.
19. **Public Consultation:** It is the process of listening to the opinion of different sectors of civil society, including legal or natural persons, directly or indirectly interested and/or mainly affected by the proposed activity.
20. **Environmental Consultant:** An individual or collective entity licensed by the Ministry that oversees the Environment area to carry out EIA of development activities.
21. **Biodiversity Offset:** It is the measurable conservation result resulting from actions aimed at offsetting significant adverse residual impacts on biodiversity, resulting from the development of a project, after appropriate prevention and mitigation measures have been taken.
22. **Final Declaration:** It is a decision on the EIA process produced by the Technical Committee for Environmental Impact Assessment in relation to a given activity.
23. **Directives:** These are guidelines to which Environmental Impact Assessments must be carried out in different areas of economic and social activity and which will be the subject of Ministerial Orders from the Ministry that oversees the Environment area.
24. **Ecosystem:** It is the group formed by communities that live and interact in a given region and by the biotic and abiotic factors that act on these communities.
25. **Simplified Environmental Study (EAS):** It is the component of the Environmental Impact Assessment process that makes a simplified technical and scientific analysis of the consequences of the implementation of development activities on the environment; for activities classified as category B.
26. **Environmental Impact Study (EIA):** It is the component of the Environmental Impact Assessment process that technically and scientifically analyzes the consequences of the implementation of development activities on the environment, for activities classified as category A+ and A.
27. **Environmental Pre-feasibility Study and Scope Definition (EPDA):** It is the component of the process mandatory Environmental Impact Assessment for activities classified as category A+ and A, which aims to identify, evaluate the main impacts, analyze mitigation alternatives, as well as define the scope of the EIA, through the selection of environmental components that can be affected by the activity under analysis and on which the EIA must focus.
28. **Preliminary Environmental Information Sheet:** It is the technical document consisting of a brief questionnaire, with a view to obtaining information preliminaries relating to the activity to be developed and the environment of its geographic location, to assist the pre-evaluation process.
29. **Gender:** It is the set of socially determined, which identify the roles and patterns of behavior that differentiate men from women.
30. **Mitigation Hierarchy:** It is the order of importance of impact mitigation measures that focus on the principles of avoiding, minimizing, rehabilitating, restoring and counterbalancing.
31. **Environmental Impact:** Any change in the environment for better or worse, especially with effects on air, land, water and people's health, resulting from human activities.
32. **Cumulative Environmental Impacts:** These are the effects derived from the sum or interaction of impacts, generated by one or more projects over a given period, in the same area of influence of an activity;
33. **Direct Environmental Impacts:** These are the effects that result directly from the activity being implemented where the action of the proposed enterprise affects the environmental components of the location of its implementation and its surroundings.
34. **Indirect Environmental Impacts:** These are the effects which do not result directly from the activity being implemented, but from changes in human behavior caused and/or provoked by its implementation or other secondary impacts.
35. **Residual Impacts:** This is the level of impact achieved after the application of prevention, mitigation and restoration measures.
36. **Environmental Inspection:** It is an environmental management instrument whose activity is to develop surveillance, management and inspection actions, relating to compliance with environmental protection standards.

37. **Process Instruction:** It is the set of acts, established due diligence and procedures that guide the proponent to conform their project or activity to the law or directives in order to obtain the environmental impact assessment class
38. **Total Investment:** This is the financial investment capital that the Proponent intends to invest in the project.
39. **Environmental License:** It is the certificate confirming the environmental viability of a proposed activity, issued by the entity that oversees the environmental area, through the competent bodies for this purpose.
40. **Mitigation Measures:** This is the set of actions that aim to minimize or avoid the negative effects of an activity on the biophysical and socio-economic environment.
41. **Enhancement measures:** This is the set of measures that aim to maximize the positive effects of an activity on the biophysical and socio-economic environment.
42. **Abiotic Environment:** It is the environment made up of natural components such as soil, water, atmosphere, among others, and is made up of objects and forces that influence each other and influence the community of living beings that surround them.
43. **Biotic Environment:** It is the environment made up of all living beings and their reciprocal relationships and with the abiotic environment.
44. **Mega Projects:** These are complex projects of great magnitude and significance in terms of environmental impact and that attract a high degree of public attention and political interest because of the immense direct and indirect impact that they have on the community, the environment and in public and private budgets.
45. **Monitoring:** It is regular and periodic measurement of environmental variables representing the evolution of the environmental impacts of the activity after the start of its implementation to document the changes that were caused, with the aim of verifying the occurrence of the expected impacts and the effectiveness of the respective mitigating measures.
46. **Climate changes:** These are changes in the climate attributed directly or indirectly to human activity that alters the composition of the atmosphere and which, in addition to the natural variability of the climate, is observed over long periods of time.
47. **Environmental Management Plan (PGA):** It is an instrument which contains actions to be developed by the proponent, aiming to manage the negative impacts and enhance the positive ones, resulting from the implementation of the activity proposed by him, prepared within the scope of the AIA.
48. **Interested and Affected Parties (PI&As):** These are natural, public or private legal persons whom the proposed activity interests or affects directly or indirectly.
49. **Public Participation:** It is the process of information and consultation of interested and affected parties, directly or indirectly, by the activity and which is carried out during the EIA process.
50. **Resettlement Plan:** It is the instrument that defines in detail the type of occupation of any specific area, establishing the design of the space, providing for land uses and conditions general characteristics of buildings, the layout of circulation routes, the characteristics of networks, infrastructures and services.
51. **Pre-assessment:** It is the environmental analysis process preliminary, whose main objective is to categorize the activity and determine the type of environmental assessment to be carried out.
52. **Proponent:** Any person, public or private entity, national or foreign, who proposes to carry out an activity or introduce any type of changes to an ongoing activity.
53. **Fatal Issues:** These are irreversible negative environmental and/or social impacts of such significance that the implementation of the project or activity under analysis is not in the public interest.
54. **Resettlement:** It is the involuntary displacement or transfer of the affected population from one point in the national territory to another, accompanied by the restoration or creation of equal conditions above the previous standard of living.
55. **Recidivism:** Committing the same offense after the offender has been punished for committing the same.
56. **Physical and Socio-economic Survey Report (RFLSE):** It is the inventory and description of the situation physical-environmental, socio-economic and infrastructure structures likely to be affected by the project and possible host areas, as well as the steps to be taken in preparing the Resettlement Plan.
57. **Review:** It is the process of technical and scientific analysis of the content of documents prepared within the scope of the EIA process, to verify their technical quality and information contained therein, in accordance with the directives issued for this purpose.
58. **Expert Reviewers:** This is the group of consultants independent EIA or thematic experts, recognized nationally and/or internationally. Minimum:
59. **Salary** It is the salary applied by sector for specific activity or similar.
60. **Reference Environmental Situation:** It is the study the quality of environmental components and their interactions as they appear in the area of influence of an activity, before its implementation.
61. **Terms of Reference (ToR):** It is the document which contains the parameters and specific information that should govern the preparation of the EIA or EAS of an activity and must be presented by the proponent for approval by the competent entity, before starting the EIA or EAS.
62. **Environmental Feasibility:** It is the ability of an activity to be implemented without causing significant negative impacts on the environment of the implementation site or that its negative impacts can be mitigated.