Regulation of the Foreign Exchange Law

Decree No 56/2023 of 3 October

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ARTICLE 1 – (Purpose)

This Decree establishes:

(a) the rules and procedures for the exercise of partial foreign exchange trading, including the applicable fees;

b) the delimitation of the exercise of foreign exchange trade by companies providing payment services.

ARTICLE 2 – (Foreign exchange trading by payment service providers)

Foreign exchange trade is carried out only by companies providing payment services that include in their object remittances or transfers and receipts of funds to and from abroad.

ARTICLE 3 – (Payment of fees for the exercise of partial exchange trade)

1. The exercise of the activity of partial exchange trading shall be subject to the payment of the authorization and renewal fees set out in the annex to this Decree, which is an integral part thereof.

2. The payment of the authorization fee shall be made if the application for the exercise of the activity of partial exchange trading is granted.

ARTICLE 4 – (Competence to update fees)

It is incumbent upon the Minister who supervises the area of finance, by ministerial diploma, to update the authorization and renewal fees for the exercise of partial foreign exchange trade.

ARTICLE 5 – (Frequency and non-payment of the renewal fee)

1. The renewal fee for the exercise of the activity of partial exchange trading shall be paid annually by 31 March of the year to which it relates.

2. Failure to pay the renewal fee within the established period will result in the suspension of the license.

ARTICLE 6 – (Exemption from payment of fees)

1. Public services directly provided by the State or by public entities which, by their nature, receive, upon entry of non-residents into the national territory, payments in foreign currency are exempt from payment of fees.

2. Without prejudice to the provisions of the preceding paragraph, the Bank of Mozambique may request any information pursuant to paragraph 2 of article 17 of Law No. 28/2022, of 29 December.

3. The exemption referred to in paragraph 1 does not cover services provided to the public indirectly by the State or by public entities, namely through concessions.

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ARTICLE 7 – (Revenues from the payment of fees)

The amounts resulting from the payment of fees constitute revenue of the Bank of Mozambique.

ARTICLE 8 – (Cancellation or cessation of the exercise of partial foreign exchange trading)

1. The Bank of Mozambique cancels the authorisation to engage in partial foreign exchange trading in the following circumstances:

(a) at the request of the entity carrying out the activity of partial foreign exchange trading;

b) failure to comply with the duties of verification, information, conservation and exchange registration provided for in articles 16, 17, 18 and 29 of Law no. 28/2022, of 29 December, and other applicable legislation;

c) Provision of false declarations to the Bank of Mozambique, in the act of authorization or in the exercise of the activity related to partial trade in foreign exchange;

d) in the event of cessation of the main activity or suspension of the same for a period of more than 6 months;

e) non-compliance with the measures determined by the Bank of Mozambique in foreign exchange matters;

(f) others which constitute a serious breach of the rules governing the activity relating to partial foreign exchange.

2. In the case provided for in paragraph 1(a) of this Article, the entity shall submit the communication containing a brief statement of reasons for the cessation of partial foreign exchange trading.

3. The Bank of Mozambique may authorise, in exceptional circumstances and upon a duly substantiated request from the interested parties, the suspension of the activity of partial foreign exchange trading for a period of more than 6 months, but less than 12 months, which may be extended once.

4. The Bank of Mozambique, prior to the decision to cancel, notifies the entity in question to, within 10 days, submit, if it wishes, the clarifications it deems relevant.

5. Banco de Moçambique discloses the cancellation of licenses through legally permitted media, including its website .

ARTICLE 9 – (Instructions)

The Bank of Mozambique, in the exercise of its function as foreign exchange authority, issues the normative instructions for the execution of this Decree.

ARTICLE 10 – (Misdemeanors)

For the violation of the mandatory rules of this Decree, the sanctioning regime of Law no. 28/2022, of 29 December, is applicable.

ARTICLE 11 – (Destination of fines)

The proceeds of fines resulting from misdemeanor proceedings are distributed as follows:

a) 70% for the State;

b) 30% to the Bank of Mozambique.

ARTICLE 12 – (Repeal)

Decree No. 49/2017, of 11 September, is hereby repealed.

ARTICLE 13 – (Entry into force)

This Decree enters into force on the date of its publication. Approved by the Council of Ministers, on August 1, 2023.

Public.

The Prime Minister, Adriano Afonso Maleiane.

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Appendix

Authorization fee		
	Percentage	References
Travel agencies	9%	1 minimum wage in the banking sector
Hotels	16%	
Hotel-like entities	11%	
Other entities authorised by the Bank of Mozambique	9%	
Institutions established in specific legislation	9%	
Renewal fee – Until March 31 of each year		
	Percentage	References
Travel agencies	4,5%	1 minimum wage in the banking sector
Hotels	8%	
Hotel-like entities	5,5%	
Other entities authorised by the Bank of Mozambique	4,5%	
Institutions established in specific legislation	4,5%	

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- Review of internal control
- Limited review of financial statements
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- Internal audit, management, information technology, taxation and others

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- Education

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- Complete diagnosis of the fiscal situation
- Tax planning and prevention
- Studies on the tax framework
- Capture of tax incentives
- Support in the taxation of expatriates
- Preparation of the Transfer Pricing Dossier
- Advice on capital transfer

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