

This NL is based on the legislative framework in force on the date of its publication. TTA will update the information in this NL when necessary and if additional regulations are published on the measures to contain the spread of the new Coronavirus that is responsible for the COVID-19 pandemic.

CORONAVIRUS: MEASURES IN FORCE DURING THE SECOND CYCLE OF THE STATE OF EMERGENCY

The second cycle of the State of Emergency will last for 30 (thirty) days, starting on 8 August 2020 and ending at 23:59 on 6 September 2020, and it may be extended.

In the context of the measures to combat and prevent Covid-19 and the continuing risk of the spread of the disease, the President of the Republic has decreed a second cycle of the State of Emergency. This was done through Presidential Decree 23/2020 of 5 August, which was ratified by the Mozambican parliament under Law 9/2020 of 7 August. The second cycle of the State of Emergency will last for 30 (thirty) days, starting on 8 August 2020 and ending at 23:59 on 6 September 2020, and it may be extended.

In this context, through Decree 69/2020 of 11 August, three phases were defined for the relaxation (lifting) of the restrictive measures previously imposed. These are:

1st Phase – Covers low risk activities in the following areas:

- Resumption of classes in higher education, in the academies of the Defence and Security Forces, in the Institutions for the Training of Primary School and Adult Education Teachers, and in the Public Health and Professional Training Centres. This phase begins on 18 August 2020;

2nd Phase – Covers medium risk activities in the following areas:

- Restarting in full operation of technical-vocational education, cinemas, theatres, casinos and gyms. Activities in driving schools and motor sports also resume;

3rd Phase – Covers high-risk activities in the following areas.

- This will be the last phase and it is scheduled to begin on 1 October. It includes the beginning of 12th grade classes.

In addition, Decree 69/2020 of 11 August has defined the administrative implementation measures to be in force during the period of the State of Emergency, which we describe below.

THE ADMINISTRATIVE EXECUTION MEASURES TO PREVENT AND CONTAIN THE SPREAD OF THE COVID-19 PANDEMIC

1. New and existing measures

1.1. Restrictions on freedom of movement and mandatory quarantine

1.1.1. All passengers arriving in the country:

- Must submit a proof of polymerase chain reaction (PCR) test with a negative result for SARS-CoV-2, performed in the country of origin within the 72 (seventy-two) hours before departure;
- Are subject to mandatory home quarantine for 10 consecutive days;
- Must do a new polymerase chain reaction (PCR) test with a negative result for SARS-CoV-2 at the end of the quarantine period, and the costs of the test must be paid by the passengers themselves;
- If it is impossible for the passenger to pay for the test, he or she must undergo the mandatory home quarantine for 14 consecutive days;

1.1.2. With regard to visas, the issuance of visas for entry into Mozambique is also limited. However, the running of the period of stay in the country is suspended in relation to technicians that provide services in the State's structural projects. This fact must be communicated and confirmed between the ministers with an interest in the project in question and the ministers that oversee the areas of migration, work and foreign affairs;

1.1.3. The following expired documents are still considered valid and effective until 30 September 2020:

- Identity card;
- Driving licence;
- Travel documents for crew and drivers;

Seating of members of the public in theatres and cinemas must observe a system that leaves empty places at the sides, and behind and in front of the spectator, whenever applicable.

- Identification and residence documents for foreigners and temporary visas; and
- Motor vehicle import clearance document;

The issuance of the above-mentioned documents has been resumed, with strict compliance with the measures to prevent and combat Covid-19.

1.1.4. Within the framework of the relief measures, passenger transportation flights to certain countries are authorised on a reciprocal basis. The minister responsible for transport determines the frequency of these flights.

1.2. Educational establishments

1.2.1. As mentioned in the introduction, in-person classes are authorised in the subsystems of the National Education System, in the following terms:

- i. In the subsystems of Higher Education, Professional Education and Training of Teachers, and Technical-Vocational Education, as of 18 August 2020; and
- ii. For the 12th grade of General Secondary Education, from 1 October.

However, the resumption of the classes referred to above is subject to i) the existence of a contingency plan for each sector and confirmation of suitable conditions by the health authorities; ii) the issuing of instructions ensuring compliance with the teaching programmes by the supervising institutions; and iii) the adjustment of school calendars.

1.2.2. Driving schools may resume their activities as from 1 September 2020, with the start being conditional on the existence of an appropriate contingency plan by the health authorities.

1.3. Recreational, cultural, religious and funeral activities

1.3.1. Cultural and recreational activities in public spaces continue to be prohibited. However, as one of the ways to relax the measures, from 1 September 2020, some places will be allowed to reopen. These include cinemas, theatres, casinos and gyms, provided that all measures to prevent and combat the spread of Covid-19 are observed. There must also be contingency plans for each sector and confirmation of appropriate conditions by health authorities.

Seating of members of the public in theatres and cinemas must observe a system that leaves empty places at the sides, and behind and in front of the spectator, whenever applicable.

1.3.2. Performing arts are also authorised in hotels, restaurants, museums, galleries and other spaces authorised to operate. However, this excludes casinos and there must be no more than four artists in each show;

1.3.3. As far as outdoor events are concerned, in squares and parks, it is mandatory to have marked places, with markings made on the floor, benches or chairs;

1.3.4. In the meantime, nightclubs, games rooms (except casinos), bars and stalls for the sale of alcoholic beverages, public swimming pools, gyms, playing fields (except for training purposes) and monuments and the like, are still closed, except for state ceremonies;

1.3.5. Another new measure has to do with the number of participants in private events, which now have a maximum limit of 30 (thirty) people;

1.3.6. As far as sport is concerned, sports competitions and team sports are forbidden, except for teams that have international commitments;

1.3.7. Communal religious services and celebrations will be authorised starting from 18 August 2020, but the number of participants must not exceed 50 people. This authorisation is conditional on the existence of a contingency plan for each sector and confirmation of the appropriate conditions in each place of worship and religious celebration by the health authorities;

1.3.8. As for funeral ceremonies, the maximum number of participants is increased from 20 to 50 people. In the case of deaths from Covid-19, the number must not exceed 10 people.

1.4. Functioning of public and private institutions

1.4.1. A limit on the percentage for the physical presence of workers in company premises is no longer imposed. However, people with fevers or flu symptoms must not attend their places of work.

1.4.2. The number of people working in person can be reduced according to the capacity and size of the workplace, in order to comply with the recommended distance between people.

1.4.3. The termination of legal-employment relationships on the grounds of the absence of workers from the workplace as a result of measures to prevent and combat the Covid-19 pandemic is still prohibited.

1.5. Licensing for the import and production of goods and the exceptional rules

1.5.1. The production and importation of food, medicines, biosafety equipment and other essential products remain subject to exceptional licensing arrangements;

1.5.2. The acquisition of goods and services that are urgent and necessary to prevent and combat the Covid-19 pandemic, including drugs, hospital and biosafety equipment, diagnostic tests and others, remains subject to exceptional public procurement rules, by direct award.

1.6. Lease agreements and banking services

1.6.1. Evictions in residential leases remain prohibited. However, this measure does not release the tenant from the duty to pay the rent;

1.6.2. Credit institutions and financial companies must continue to provide minimum services, including cash deposits and withdrawals, transfers of funds, and all operations carried out through the necessary digital channels;

There has clearly been a relaxation of some measures and the gradual and cautious resumption of some sectors of activity.

1.6.3. With regard to bank credits, default notices, confirmation of default and enforcement actions resulting from the delay in complying with obligations that cannot be performed due to the application of administrative execution measures to prevent and contain the spread of the Covid-19 pandemic remain ineffective.

CONCLUSION

The pandemic is far from over and the infection rate is increasing. This is what triggered the decree of the second cycle of the State of Emergency. However, there has clearly been a relaxation of some measures and the gradual and cautious resumption of some sectors of activity.

We must remember, nevertheless, that the lifting of the restrictions will take place in a phased manner and with specific criteria for each sector.

In fact, it is clear that the government is trying to adopt balanced, reasonable and proportional restrictive measures in line with the situation in which Mozambique finds itself.

Nonetheless, for certain measures, what the Head of State has communicated to the nation does not correspond, either formally or materially, to what has actually been legislated. Therefore, it seems clear to us that it will be necessary to at least make the various pieces of legislation compatible.