

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.

MOZAMBIQUE

Global Vision, Local Experience.

04 MAY 2021

CORONAVIRUS: SITUATION OF PUBLIC CALAMITY

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I. BACKGROUND:

Almost 8 months have passed since the declaration of the Situation of Calamity and subsequent approval of various pieces of legislation implementing measures to contain the spread of COVID-19. Now, once again, the Government has not only maintained this situation but it has revised the measures that were in force for 21 days under Decree 17/2021 of 6 April. This has now been replaced by the decree which is the subject of this newsletter. Decree 24/2021 of 26 April reviews the measures to contain the spread of COVID-19) while the Situation of Public Calamity remains in place.

In this newsletter, we take a comparative approach, focusing only on the measures that have been changed.

II. CHANGES TO THE RULES:

■ The quarantine rules

The current legislation maintains the quarantine measures that were implemented in the already expired Decrees 07/2021 of 5 March and 17/2021 of 6 April. In fact, as happened with the previous Decree 17/2021 of 6 April, proof of a negative Covid-19 test carried out in the country of origin in the last 72 hours before departure is valid for exemption from quarantine. In other words, only tests that were requested and received within a period of three days before travelling are accepted.

■ Use of masks or visors:

The obligation to wear a mask even when wearing a visor remains in force. This is because, although the visor can protect the eyes and the mouth, it does not prevent the dispersion of droplets of saliva, which means there is no effective protection.

■ **Lessons, public and private events and commercial leisure and similar establishments:**

The authorisation for the gradual resumption of face-to-face classes in public and private primary, secondary, vocational technical, teacher training and higher education institutions remains in force.

In the field of public and private events and commercial entertainment establishments and similar, some of the measures that were last in force under Decree-Law no. 12/2020 of 18 December, as well as other significant changes, will be in effect.

In fact, the (re)opening of casinos, museums, theatres, cinemas, auditoriums, galleries, cultural centres and similar establishments is authorised, provided these do not exceed 40% of the maximum capacity of the premises, in compliance with the protocol issued by the health authorities. Meanwhile, similarly to the Decree now expired, (i) discotheques, (ii) gaming rooms, (iii) public swimming pools, except for those in hotels for the exclusive use of hotel guests, which must not exceed 30% of their maximum capacity, (iv) class C gyms and other public and private places for physical exercises remain closed, except for duly proven therapeutic issues, and (v) bars. With regard to gyms, their opening is authorised for those of classes A and B but they must not exceed 30% and 15% of maximum capacity, respectively, in compliance with the protocol issued by the health authorities.

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Under the terms of the Decree in force, the national football championship called Moçambola, may now be resumed.

The prohibition on holding social events remains in force for a period of 30 (twenty-one) days. However, this does not affect marriage registrations, which may continue to take place with strict observance of the measures to prevent and combat the COVID-19 pandemic, but limited to a maximum of 20 persons.

Contrary to what occurred under the previous Decree, under the terms of the Decree in force, the national football championship called Moçambola (and not only the training, as provided for in the expired Decree) may now be resumed. However, fans are still prohibited and games must be played in compliance with the protocol issued by the health authorities. It is certain that this will be subject to the carrying out of regular COVID-19 tests, and those who test positive will be subject to compulsory quarantine.

A major change has also been made to the opening hours of large stores. In effect, on Sundays, public holidays and other days off, the opening hours were from 9am to 4pm. However, under the new Decree, it is now possible to shop until a little later as the closing time has been extended to 6pm. Other commercial establishments maintain their normal opening hours.

It is important to note that, in both situations, the sale of alcoholic beverages in all establishments must still obey the timetable applied to bottle stores, which must, regardless of their location, adopt the timetable of 9 am to 1 pm from Monday to Saturday. They must be closed on Sundays, public holidays and other days off, and the consumption of alcoholic beverages on site and home delivery services are prohibited after closing time.

Another major change in this Decree relates to the working hours of food stalls. Instead of the previous timetable (6 am to 5 pm), the timetable is now from 6 am to 7 pm, and the prohibition of the sale of alcoholic beverages remains in place.

Restaurant services continue to operate between 6 am and 8 pm, every day of the week. All open door licences are cancelled and there is a suspension on the granting of new licences, the issuance of new bottle store licences, the sale of all types of alcoholic beverages, and restaurant services.

With regard to the operation of commercial establishments and restaurants, it should be noted that the Decree currently in force reaffirms the obligation for them to define their maximum capacity and to display it in clearly visible places, and it is the responsibility of their managers to ensure compliance.

■ **Mandatory curfew:**

At this point, there is a change in the scope of the curfew, which, in our view, is due to the increase in the positivity rate not only in the Metropolitan Area of Greater Maputo (Cities of Maputo and Matola, District and Municipality of Boane and District of Marracuene), but also in Provinces such as Gaza, Sofala, Manica, Tete, Cabo Delgado, Nampula and Niassa. Therefore, under the measures in force, it is now also compulsory to observe the curfew from 10 pm to 4 am, in the Cities of Chokwé, Maxixe, Dondo, Moatize, Montepuez, Mocuba, Nacala and Cuamba, District of Boane and Villages of Boane, Marracuene, Manhiça, Massinga and Gondola.

As there are situations of essential work and of force majeure, to avoid abuses and arbitrariness, the law lists the situations not covered by curfew:

- (a) workers whose type of professional activity cannot be interrupted, in pursuit of the public interest;
- (b) travel for reasons that cannot be postponed in order to obtain health care; and
- (c) other activities of a similar nature or for reasons of force majeure or imperative need, provided they are duly justified.

■ **Religious services and celebrations, funeral ceremonies, conferences and meetings:**

Services, conferences, meetings, religious celebrations and funeral ceremonies are (re)opened for a number of participants that must not exceed 30% of the maximum capacity of each venue and a maximum of 50 people in closed venues and 100 people in open venues, and the protocol issued by the health authorities must be respected.

It should be noted that the holding of conferences and meetings may be authorised, on an exceptional basis and with a number of participants not exceeding 300 people, in cases where the need is duly substantiated and after prior assessment by the Ministry of Justice, and Constitutional and Religious Affairs. For funeral ceremonies, the maximum number of 20 participants is maintained, for situations where the cause of death is not Covid-19 and, in the case of funeral ceremonies following deaths from Covid-19, the number must not exceed 10.

■ **The functioning of public and private institutions:**

The law now in force maintains the existing measures for the functioning of public and private institutions. In fact, for those cases where, due to the organisation of the institution itself, it is not possible to maintain the recommended social distancing, the system of rotation of teams must be adopted. This rule does not apply to officials and agents of the state who occupy positions of management, leadership and trust. This rotation mechanism should not be interpreted as a release from work, but mechanisms should be adopted to ensure the continuation of working from home, if the conditions to do so are in place.

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Finally, it is important to mention that:

- (a) The number of visitors to prisoners is increased from one to two.
- (b) Trade fairs for agricultural inputs and products must respect the opening hours of the markets, and they must strictly observe the measures to prevent and combat the Covid-19 pandemic. The fairs operate between 6 am and 5 pm.
- (c) Public and private urban transport of passengers follows the normal operating hours, except in areas where a curfew is in force. When they have expired, official documents (identity cards, driving licences, passports, identification and residence documents for foreigners and temporary visas, as well as vehicle importation orders) are considered valid until 31 May 2021. However, they must be renewed once the authorities are authorised to issue such documents.