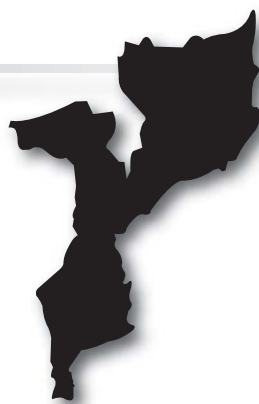


Special
ECONOMIC ZONES OFFICE



Decree nr. 75/2007 of 24th December

COUNCIL OF MINISTERS**Decree nr. 75/2007
of 24th December**

With a view to guaranteeing the effective and efficacious management of the Special Economic Zones, including the supervision of the activities carried out in these same areas, it is necessary to create the legal framework for their implementation.

In these terms and using the powers and authority under article 204.1(f) of the Constitution of the Republic of Mozambique, the Council of Ministers decrees:

Sole Paragraph: The Special Economic Zones Office, with the abbreviated designation of GAZEDA, and whose organisational charter is attached here as an integral part of this decree, is hereby created.

Approved by the Council of Ministers, 18 December 2007

Let it be published.

The Prime Minister, **LUÍSA DIAS DIOGO.**



Organizational Charter for the Special Economic Zones Office

CHAPTER I Denomination and Nature

Article 1 (Denomination and Nature)

1. The Special Economic Zones Office, with the abbreviated designation of GAZEDA, is a State body with administrative autonomy, overseen by the Minister responsible for Planning and Development matters.
2. GAZEDA is governed by the provisions of this Charter, its respective internal regulations and subsidiary by the rules that are applicable to State bodies.

CHAPTER II Powers and authority

Article 2 (Authority of GAZEDA)

1. GAZEDA has the responsibility to promote and to coordinate all activities related with the creation, development and management of Special Economic Zones, including Industrial Free Zones, both of which are hereinafter denominated as ZEEs.

Article 3 (Composition)

1. In the exercise of its authority, GAZEDA has the following powers:
 - a) To coordinate and develop activities that encourages national and foreign investment initiatives in respect of SEZs;
 - b) To propose the creation of Special Economic Zones to the Special Economic Zones Council;
 - c) To plan, promote, coordinate and supervise the process of territorial planning within the SEZs in coordination with local authorities and municipalities;
 - d) To promote the establishment of the infrastructures which are indispensable to the development of projects within the SEZs;
 - e) To participate in the process of inventorying the natural resources within

the areas covered by the SEZs and to plan their rational and sustainable use;

- f) To design and prepare the documentation, publications and other necessary materials for, inter alia, the information and use of potential investors and the promotion of investments in the SEZs;
- g) To promote and publicize the image and economic potential of the SEZs;
- h) To receive, verify and register investment proposals to be carried out within the SEZs;
- i) To approve the investment proposals referred to in the previous paragraph;
- j) To issue, renew and annul investment certificates;
- k) to ensure compliance with the time periods set in the decisions made regarding the investment project proposals and other requests received from investors;
- l) To guarantee the inter-sectoral coordination in order to create the practical conditions to permit the implementation and subsequent operation of investment projects;
- m) To carry out monitoring and compliance procedures with respect to the implementation and actual operation of authorized investment projects;
- n) To provide institutional support and assistance services to investors at the different stages of investment;
- o) To prepare an annual inventory and balance sheet of investments that have been authorized and those that have been actually executed;
- p) To identify, study and propose the adoption of economic, legal, administrative and financial facilitation measures designed to promote, to encourage, to provide incentives for and to make the realization of foreign and national investment in SEZs a dynamic process;
- q) To collaborate in the preparation of proposal programs, strategies and /or sectoral policies, when requested by the relevant entities;
- r) To join national, regional and international fraternal organizations and associations, in accordance with the terms of the law;
- s) To exercise the other duties which are assigned to it by law.

CHAPTER III Organization and operations

Article 4 (GAZEDA organizational structure)

1. GAZEDA is composed of the following executive and consultative bodies.
2. The Directorate and the Departments as well as the Agencies that may be established domestically and abroad in accordance with the terms of the law are executive bodies.
3. The Management Council and the Consultative Council are consultative bodies.

Article 5 (Directorate)

1. The Directorate is made up of the General Director and two Deputy General Directors.
2. The General Director is appointed by the Prime Minister on the basis of the proposal made by the Minister of Planning and Development.
3. The Deputy General Directors are appointed by the Minister of Planning and Development on the basis of the proposal made by the General Director.

Article 6 (Duties and authority of the Directorate)

1. The Directorate has the following duties:
 - a) To coordinate and guide the internal management policy of GAZEDA;
 - b) To approve the internal regulations of GAZEDA;
 - c) To prepare and propose to the Special Economic Zones Council – SEZC the annual plan of activities and budget for GAZEDA as well as the strategy and multi-year programme of activities, financial plans and revisions thereof;
 - d) To control the collection of revenue by GAZEDA and the realization of budgeted expenditure that is necessary to its operation;
 - e) To mobilize in coordination with the Ministry of Planning and Development and the Ministry of Finance, the necessary financial resources for the performance of its duties;

- f) To manage the assets and liabilities of GAZEDA, the acquisition and disposal of assets as well as the administration of GAZEDA;
 - g) To prepare research studies and issue opinions, advice and recommendations regarding investment matters;
 - h) To propose to the Special Economic Zone Council legal or other measures which are considered advisable for the performance of its duties;
 - i) To prepare annually a management report and accounts in respect of the activities carried out during the previous financial year;
 - j) To decide on investment proposals submitted to GAZEDA.
2. The General Director of GAZEDA has the authority to determine the distribution of tasks between the Deputy General Directors, including the delegation of one or more of the duties attributed to the General Director.
3. In the event of absence or incapacity of the General Director of GAZEDA, either one of the Deputy General Directors may be appointed as substitute. If there is no such express appointment, then the Deputy with the most seniority shall be the substitute.

Article 7 (Management Council)

1. The Management Council has the following composition:
- a) General Director;
 - b) Deputy General Director;
 - c) Department Heads.
2. In function of the subject matter to be addressed, other personnel and technical staff designated by the General Director may participate as guests in the meetings of the Management Council.
3. The Management Council of GAZEDA is directed by the General Director.
4. The Management Council has the authority to pronounce its position regarding relevant issues related to the activities of the institution, namely with regard to:
- a) The preparation and control over the execution of the plans of activities and the periodic realization of a balance-sheet of the accounts as well as the evaluation of the activities of GAZEDA;

- b) In coordination with other State and non-state institutions, the analysis of the implementation of the policies for the promotion of investments in the SEZs and the proposal of actions to improve such policies;
 - c) Supporting the Directorate in decision-making;
 - d) Promoting the exchange of useful and relevant information and experiences between the Directorate and the staff of GAZEDA.
5. The Management Council shall meet ordinarily once a month and extraordinarily whenever convened by the General Director.

Article 8 (Consultative Council)

1. The Consultative Council is composed of permanent representatives, who have their own or delegated decision-making authority, of the following institutions:
- a) Ministry of Planning and Development;
 - b) Ministry of Finance;
 - c) Ministry of the Interior;
 - d) Ministry of Industry and Commerce;
 - e) Ministry of Transports and Communications;
 - f) Ministry of Foreign Affairs and Cooperation;
 - g) Ministry of Tourism;
 - h) Ministry of Energy;
 - i) Ministry of Science and Technology;
 - j) Ministry of Labour;
 - k) Ministry for the Coordination of Environmental Action;
 - l) Bank of Mozambique;
 - m) Tax Authority;
 - n) Ministry or entity that has oversight of the matter under analysis;
 - o) Three private sector representatives, designated by the Confederation of Business Associations – CTA.
2. Specialists and other entities including technical consultants working at GAZEDA may be invited to participate in particular sessions of the Consultative

Council where their participation is necessary or appropriate for a better understanding and analysis of the matters under consideration.

3. The Consultative Council shall meet ordinarily once a month, convened with a minimum of five business days prior notice and presided over by the General Director or in his incapacity, by one of the Deputy General Directors acting as his substitute.

Article 9 (Duties of the Consultative Council)

The Consultative Council has the following duties:

- a) Guarantee the inter-sectoral analysis and coordination regarding investment matters submitted to it as well as the respective recommendations and decision proposals;
- b) Ensure, through its members, the proper and on-going coordination between GAZEDA and the entities represented in GAZEDA;
- c) Pronounce its position on draft proposals of law and other regulatory acts as well as with regard to agreements and treaties that concern matters related to the SEZs.

Article 10 (Internal organizational structure of GAZEDA)

1. GAZEDA is composed of the Directorates, Departments and Agencies as set out in the annexed organigram.
2. The Departments have the following general tasks:
 - a) The Department of Administration and Finance – promote the effective and efficacious management of the human and financial resources allocated to GAZEDA, including the logistics thereof;
 - b) Department of Marketing and Public Relations – prepare and design the documentation, publications and other material that is necessary for the promotion of investments in the SEZs as well as promote and publicize the image and economic potential of the Special Economic Zones;
 - c) Department of Research and Projects – promote the research that is necessary for the effective establishment of SEZs, including the identification and proposal of economic, legal, administrative and financial measures in order to facilitate the promotion, encouragement and stimulation of investments in the SEZs;

- d) Department of Special Economic Zones – promote the establishment of infrastructures which are essential to the development of projects in the SEZs and coordinate all of the actions that are necessary to the establishment and operation of the SEZs;
 - e) Department of Industrial Free Zones – promote the actions that are necessary to the establishment and operation of the Industrial Free Zones.
3. The General Director may propose the creation and extinction of Directorates, Departments and Agencies.
 4. The General Director of GAZEDA has the competence to hire, appoint, exonerate and exercise disciplinary authority in respect of all personnel at GAZEDA.

CHAPTER IV

Status of personnel

Article 11

(Professional careers and personnel framework)

The professional careers and personnel framework that shall apply to the personnel of GAZEDA shall be approved by a joint diploma of the Minister of Planning and Development, the Minister of Finance and the Minister of Civil Service.

Article 12

(Remuneration)

The salary chart for GAZEDA personnel shall be approved by a joint diploma of the Minister of Planning and Development and the Minister of Finance in consultation with the Minister of Civil Service.

Article 13

(Personnel Regime)

The personnel of GAZEDA shall be governed by the rules applicable to civil servants or those that apply to a secondment or to a special employment contract on the basis of which the employee is employed at GAZEDA.

CHAPTER V

Assets, revenue and expenditure

Article 14 **(GAZEDA assets)**

1. The State assets that are allocated to GAZEDA shall constitute the patrimony of GAZEDA.
2. All assets, liabilities, rights and obligations that have been acquired or assumed in the course of the performance of its duties are also the patrimony of GAZEDA.
3. The financial and asset management of GAZEDA, as well as the organization and execution of its accounts and records is governed in general by the rules applicable to State institutions and the rules defined in GAZEDA's internal operating regulations.
4. GAZEDA may be entrusted with the management of other duly identified assets and patrimony of the State in accordance with defined rules.

Article 15 **(GAZEDA revenue)**

GAZEDA has the following revenue sources:

- a) The budgetary allocation attributed by the Government;
- b) The fees and emoluments that, by order of the Minister of Finance, GAZEDA is authorized to charge for the provision of services;
- c) The revenue from the sale of informational materials and publications;
- d) Donations, subsidies and other forms of support made available to GAZEDA by public or private, national or foreign, institutions, organizations, companies and or individuals;
- e) 40% of the revenue derived from the operation of the SEZs;
- f) Any other revenue that results from its activities or that is attributed to it by law or by contract.



**Article 16
(GAZEDA expenditure)**

GAZEDA has the following expenditures:

- a) The costs which are inherent in the conduct of the duties, powers and authority and delegations of authority that have been conferred on it;
- b) The costs of acquisition, maintenance and repair of equipment, immoveable assets and other services which are necessary to its operations;
- c) The remuneration paid to its employees and specialists who have been contracted or requested to provide services to GAZEDA.

**CHAPTER VI
Final Dispositions**

**Article 17
(Binding signatory authority and representation
before the courts)**

1. GAZEDA is bound by the signature of:
 - a) The General Director;
 - b) The Deputy General Directors in strict accordance with the delegation of powers by the General Director.
2. The General Director has the power and authority to represent GAZEDA actively and passively, including before the courts and may settle, concede or withdraw from any litigation, in accordance with the terms of the law.

Approved by the Council of Ministers, 18 December 2007.

Let it be published.

The Prime Minister, **LUÍSA DIAS DIOGO**.