

Project licensing and environmental impact assessment in solar and wind energy developments in Mozambique



Introduction

NMP Advogados provides a comprehensive overview of the steps and phases necessary for licensing, environmental impact assessments, and approval processes for energy projects in Mozambique, up to the ready-to-build phase.

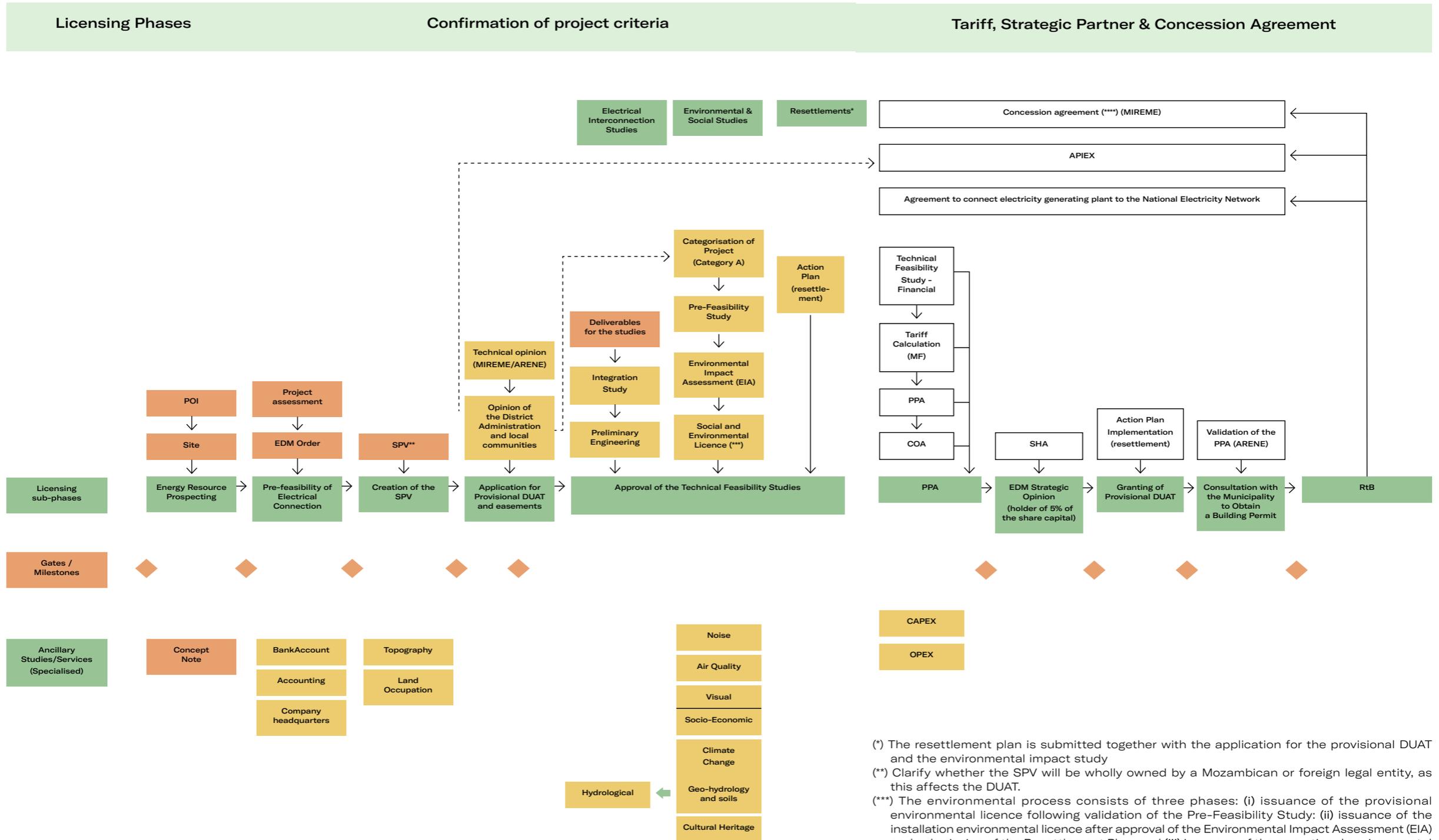
Key stakeholders involved in this process include the government, MIREME (the Ministry of Mineral Resources and Energy), ARENE (the Energy Regulatory Authority), EDM (Electricidade de Moçambique), INAE (the National Institute of Economic Activities), MTAM (the Ministry of Land and Environment), APIEX, strategic partners, and the companies involved in the project.

This paper aims to detail the steps required for project evaluation, including the necessary environmental and social studies, reassessments, and stakeholder consultations for successful implementation. Additionally, it should be noted that while the concession contract framework usually involves public tendering, most concession contracts are, in practice, typically awarded through direct negotiation. **The roadmap detailed in this paper is designed to ensure compliance with key national regulations, promote sustainable development, and facilitate the smooth execution of energy initiatives.**

This summary is not exhaustive, and the NMP Advogados team is available to provide more detailed information and assistance regarding project licensing procedures and environmental impact assessment requirements in Mozambique. Please do not hesitate to contact us for further clarification or support.

ENTITIES	
ARENE	Energy Regulatory Authority
EDM	Electricidade de Moçambique
Government	Government
IA	Environmental Impact Assessment Company
INAE	National Institute for Economic Activities (of the province where the land is located)
MIREME	Ministry of Mineral Resources and Energy
MTA	Ministry of Land and Environment
SC	Land Registry Office (of the province where the land is located)

ABBREVIATIONS	
COA	Connection and Operation Agreement
DUAT	Right to Use and Benefit from Land
EIA	Environmental Impact Assessment
FA	Framework
IDA	Joint Development Agreement
POI	Grid Connection Point
PPA	Power Purchase Agreement
SHA	Shareholders' Agreement



(*) The resettlement plan is submitted together with the application for the provisional DUAT and the environmental impact study
 (**) Clarify whether the SPV will be wholly owned by a Mozambican or foreign legal entity, as this affects the DUAT.
 (***) The environmental process consists of three phases: (i) issuance of the provisional environmental licence following validation of the Pre-Feasibility Study; (ii) issuance of the installation environmental licence after approval of the Environmental Impact Assessment (EIA) and submission of the Resettlement Plan; and (iii) issuance of the operational environmental licence, following inspection of compliance with the EIA and implementation of the Resettlement Plan
 (****) Although the legal framework provides that the concession agreement is to be awarded through a public tender, and by direct award only in exceptional cases, in our experience, the vast majority of concession agreements are entered into by direct award.



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