

## LEGAL ALERT

# REGULATION OF THE REGISTRATION AND LICENSING OF INTERMEDIARY PROVIDERS OF ELECTRONIC SERVICES AND DIGITAL PLATFORMS OPERATORS

Decree no. 59/2023, of October 27, which approves the Regulation on the Registration and Licensing of Intermediary Providers of Electronic Services and Digital Platforms Operators (**Regulation**), was recently published.

This new Regulation is applicable to intermediary providers of electronic services and to digital platforms operators (**services providers**) that offer services to recipients based or located in Mozambique, irrespective of the place of establishment of the services providers.

Under the Regulation, the services providers are now subject to registration and licensing, which will be conducted by the Regulatory Authority – role currently performed by the National Institute of Information and Communication Technologies (**INTIC**).

In this context, the Regulation establishes the procedures for the registration and granting of licenses, creating two classifications of licenses, namely: *i*) unified license; and *ii*) license per class. For said purpose, the intermediary services providers are classified in the following categories:

- Class A: Intermediary Provider of Mere Conduct Services;
- Class B: Intermediary *Caching* Service Providers;
- Class C: Intermediary Host Service Provider; and
- Class D: Other Providers.

On the other hand, there are the following categories of digital platforms:

- Class A: Digital Market Platform;
- Class B: Digital Research Platform;
- Class C: Digital Repository Platform;
- Class D: Digital Communication Platform;
- Class E: Digital Community Platform;
- Class F: Digital Payment Platform; and
- Class G: Other platforms.

The Regulation also provides for material aspects, such as the rights and obligations of service providers, the rules applicable to the terms and conditions of their services and platforms, and the security requirements to be met.

The Regulation will come into force on December 27, 2023, so it is important that intermediary providers of electronic services and operators of digital platforms initiate the necessary procedures to ensure full compliance with their obligations.

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