

建設産業情報（最近の動向）

在外公館名 在ザンビア日本国大使館

記入日 2013年 5月27日

1. 現地の建設工事に係る経済情報

資料名 : Zambia Business and Construction News (建設業界紙 (毎週月曜発行))

URL : <http://www.zbcnews.org/>

2. 建設業制度、入札契約制度の改正動向

--

3. 報道情報

	タイトル、概要	日付/掲載紙	添付
1	「道路建設をする下請業者のために法律遵守を促す」：中小建設企業協会が、道路開発庁 (RDA) に対し、法律に基づき下請企業の契約額の 20%はザンビア企業となるように要請したことについて報道。	2013/4/30 Daily Mail	(あり)なし
2	「中国企業が鉄道網改修に意欲」：多くの中国企業が、ザンビアの鉄道網改修に興味を示し、ザンビア鉄道社 (ZRL) 及びタンザニア・ザンビア鉄道公社 (TAZARA) は、中国の投資を受け入れる準備ができていることについて報道。	2013/5/2 Times of Zambia	(あり)なし
3	「政府が 3 億 6,700 万クワチャでキトウェ道路を補修」：政府がキトウェ市内 58.15km の道路を、3 億 6,700 万クワチャで補修することについて報道。	2013/5/2 Daily Mail	(あり)なし
4	「中国が空港改修に意欲」：サタ大統領が、中国訪問の際に中国の投資家に対し全 10 州の空港改修への投資促進したところ、多くの中国投資家が空港改修に興味を示していることについて報道。	2013/5/7 Times of Zambia	(あり)なし

5	「ZRL と TAZARA がサプライ・チェーン」：ZRL 及び TAZARA は、互いの鉄道網による戦略的な物流拡大に向け、両者が抱える課題を解決するために協力し、事業を実施することについて報道。	2013/5/7 Daily Mail	ありなし
6	「リビングストンの空港が整備中」：世界観光機関 (UNWTO) 総会の開催に向け、ハリー・ムワンガ・ンクンブラ国際空港のターミナル拡張工事を実施中であり、6月20日に完成する見込みであることについて報道。	2013/5/8 Times of Zambia	ありなし
7	「政府が EU と契約 (道路補修)」：EU、ヨーロッパ投資銀行及びフランスが、1億7,100万ユーロでグレート・イースト道路の補修工事を実施する契約をザンビア政府と結ぶことについて報道。	2013/5/13 Daily Mail	ありなし
8	「サタ大統領がパラバナ大学の建設を進める」：サタ大統領が、全10州への大学設置を決めており、その一環として、チョングエ郡のパラバナ大学建設のための着工式に参加したことについて報道。	2013/5/17 The Post	ありなし
9	「ザンビアとアンゴラがロビトーベンゲラ鉄道について議論」：ザンビアとアンゴラが、ロビトーベンゲラ間の鉄道再生についての議論を再開し、近く覚書を締結する予定であることについて報道。	2013/5/17 Times of Zambia	ありなし
10	「世界銀行 (WB) がサブサハラ・アフリカ地域の投資増を予測」：WB が、サブサハラ・アフリカ地域のインフラ部門が、今後20年間、投資が最も高い水準になると予測したことについて報道。	2013/5/20 The Post	ありなし
11	「政府がチパタームフェ道路の早期整備を促す」：政府がチパタームフェ間 (104km) の道路整備に従事しているセーブル社 (Sable Construction Company) に対し、早期の完成を促したことについて報道。	2013/5/21 The Post	ありなし
12	「ZRL が 100 万トンの貨物運送計画」：ZRL が、本年末までに113万トンの輸出入貨物 (銅、硫黄、砂糖) の輸送計画を策定することについて報道。	2013/5/22 Times of Zambia	ありなし
13	「RDA がルサカーカピリ間の2車線自動車道を設計」：RDA が来月、ルサカーカピリ・ムボシ間 (210km) の2車線自動車道の設計をインドのサトラ・アイマン社 (Satra I-Man Pvt) に委託することについて報道。	2013/5/24 Daily Mail	ありなし

14	「日本が 2,800 万 US ドルでルサカのインナーリング道路を整備」：日本がインナーリングを整備することについて報道（無償資金協力。）。	2013/5/27 Daily Mail	ありなし
----	--	-------------------------	------

4. その他我が国建設業界にとって参考となりうる最近の動向（報道情報以外）

- ・2013年5月1日、燃料補助金が廃止され、ガソリン価格（レギュラー）が1リットルあたり1.75クワチャ（約33円）上昇。これにより、ガソリン価格（レギュラー）は、1リットルあたり9.91クワチャ（約189円）となった。
- ・2013年3月21日、ザンビア中央銀行改正法が成立し、同5月5日、ザンビア政府より同法政令（同7月1日より施行）が発表（添付参照）。ザンビア中央銀行が、外国企業における輸出入品、国内外で得た利益等をモニタリングすることとなり、そのモニタリングを可能にするため、外国企業は、当地金融機関に口座を開設する等の義務が生じる。

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 32 OF 2013

The Bank of Zambia Act
(Laws, Volume 20, Cap. 360)

**The Bank of Zambia (Monitoring of Balance of Payments)
Regulations, 2013**

ARRANGEMENT OF REGULATIONS

Regulations

1. Title and commencement
2. Interpretation
3. Application
4. Monitored transactions
5. Electronic reporting system
6. Foreign currency accounts for importers and exporters
7. Export declaration
8. Notification of remittances above prescribed thresholds
9. Mode of payment for certain imports or exports
10. Notification of receipts of imports and exports
11. Transaction of payment of dividends, royalties, management fees etc.
12. External private debt
13. Record of loan agreements
14. Limitation of certain foreign currency transactions
15. Returns
16. Applicability of customer due diligence obligations
17. General offence and penalty

IN EXERCISE of the powers contained in section *fifty-seven* of the Bank of Zambia Act, the following Regulations are hereby made:

Title and
commence-
ment

1. (1) These Regulations may be cited as the Bank of Zambia (Monitoring of Balance of Payments) Regulations, 2013.

(2) These Regulations shall come into effect on 16th May, 2013.

Interpreta-
tion

2. In these Regulations, unless the context otherwise requires—
“Bank” means the Bank of Zambia established under section *three* of the Act;

Act No 46
of 2010

“Centre” means the Financial Intelligence Centre established under the Financial Intelligence Centre Act, 2010;

Cap. 321

“Commissioner-General” means the person appointed as such under section *nineteen* of the Zambia Revenue Authority Act;

“credit rating agency” means a company that assigns credit ratings for issuers of debt obligations or debt instruments;

“export proceeds” means the monetary consideration paid or payable to an exporter in respect of goods or services exported from the Republic;

“exporter” means a person who is entitled to receive a payment in foreign currency from outside Zambia in respect of goods or services exported from Zambia;

Cap. 387

“financial service provider” means a financial service provider authorised to provide foreign exchange denominated accounts and licenced under the Banking and Financial Services Act;

“foreign bank account” means a bank account held in a bank registered and licensed in a jurisdiction outside the Republic;

“foreign exchange” includes—

(a) banknotes and coins, other than the currency of Zambia, which are legal tender outside Zambia;

(b) a unit of account of an international body to which Zambia is a member;

(c) any financial instrument denominated in a currency other than that of Zambia;

(d) any right to receive foreign bank notes or coins in respect of any balance at a financial service provider located within or outside Zambia; and

(e) foreign currency denominated travellers cheques, credit and debit cards and similar modes of foreign currency payment;

“importer” means any person in Zambia who by reason of goods or services supplied or to be supplied from outside Zambia is under an obligation to make a foreign currency payment to a person outside Zambia in respect of the goods or services;

“inflows” means capital, current or financial account flows of money from a jurisdiction outside the Republic to a person present in Zambia;

“international transaction” means the buying or selling, offering to buy or sell, goods or services to or by a person who is not resident in the Republic;

“outflows” means capital, current or financial account flows of money to a jurisdiction outside the Republic from a person present in Zambia; and

“person” means an individual, a company, a partnership, an association and any group of persons acting in concert, whether or not incorporated.

3. These Regulations apply to—

- (a) a financial service provider licensed under the Banking and Financial Services Act;
- (b) an importer of goods or services exceeding ten thousand United States dollars or the equivalent in foreign currency;
- (c) an exporter of goods or services exceeding ten thousand United States dollars or the equivalent in foreign currency;
- (d) a financial service provider designated under the National Payment Systems Act, 2007; and
- (e) any transfer or receipt of money in foreign currency into or out of Zambia exceeding five thousand United States dollars or equivalent in foreign currency.

Application

Cap 387

Act No. 1 of
2007

4. (1) The Bank of Zambia shall, in relation to outflows, monitor—

- (a) the value of any imported goods;
- (b) the value of any imported services, including management services;
- (c) any amounts remitted out of Zambia whether unrequited (gratuitous) or otherwise;
- (d) the amounts, if any, deposited abroad but generated by a person resident in Zambia from the supply of goods produced or services rendered in Zambia;

Monitored
transactions

- (e) loans granted to non-residents;
 - (f) trade credits from non-residents;
 - (g) investments made in the form of equity outside Zambia by persons resident in Zambia; and
 - (h) investments made in the form of debt securities outside Zambia by persons resident in Zambia.
- (2) The Bank of Zambia shall, in relation to inflows, monitor—
- (a) the value of any goods or services exported out of Zambia;
 - (b) profits or dividends received in respect of investments abroad;
 - (c) borrowings from non-residents;
 - (d) trade credits to non-residents;
 - (e) investments in the form of equity from abroad;
 - (f) investments in the form of debt securities from abroad; and
 - (g) receipts of both principal and interest on loans to non-residents.
- (3) The Bank of Zambia shall, in relation to international transactions, monitor—
- (a) the value of imported or exported manufacturing services or goods to or from non-residents;
 - (b) the net cost effect of telecommunication services;
 - (c) the value of international transport, courier and postal services;
 - (d) the value of accommodation and other hospitality services to or from non-residents; and
 - (e) international money transfers into and out of Zambia.

Electronic reporting system

5. (1) The Bank shall establish an electronic reporting and monitoring system for purposes of these Regulations.

(2) The electronic reporting and monitoring system referred to in sub-regulation (1) may have linkages with other Government agencies or institutions responsible for the collection of revenue and the administration of import and export formalities.

Foreign accounts for exporters, importers and foreign investors

6. (1) An exporter, importer or foreign investor shall open and maintain a foreign currency denominated account with a financial service provider for the purposes of these Regulations.

Act No. 11 of 2006

(2) A foreign investor who acquires incentives under the Zambia Development Agency Act, 2006, shall deposit the pledged capital into the account referred to in sub-regulation (1).

(3) An exporter shall, within sixty days of the date of shipment of any goods, remit the proceeds of the exports into the account referred to in sub-regulation (1).

7. Notwithstanding the Control of Goods Act, an exporter shall, for any proposed export, complete the export proceeds monitoring form in Form I set out in the Schedule.

Export
declaration
Cap. 421

8. (1) A person who makes a foreign exchange remittance for the payment of imported goods or services, in case of—

Notification
of
remittances
above
prescribed
thresholds

(a) an account holder, in excess of ten thousand United States dollars or the equivalent in any foreign currency; or

(b) a non-account holder, in excess of five thousand United States dollars;

shall submit to a financial service provider the import and remittance monitoring form in Form II set out in the Schedule.

(2) An importer or exporter who remits foreign exchange through a financial service provider in accordance with sub-regulation (1) shall, by way of acquittal, provide the financial service provider with customs clearance of the imported goods or evidence of provision of the relevant services before the remission of funds, within sixty days from the date of the transfer of the funds.

(3) The Minister may, in consultation with the Bank, extend the period within which an acquittal under sub-regulation (2) may be made.

9. An importer or exporter shall ensure that payment for an import or export exceeding in value the sum of—

Mode of
payment for
certain
imports or
exports

(a) ten thousand United States dollars or the equivalent in any foreign currency, is made by means of electronic transfer of funds; and

(b) one hundred thousand United States dollars or the equivalent in any foreign currency, is made by way of irrevocable letter of credit issued or confirmed by a bank with a rating of at least B+ or equivalent from one of the leading three internationally recognised credit rating agencies.

10. A financial service provider shall, for any import or export on which a declaration is made under regulation 7 or 8, notify the Bank by periodic return of the import and export proceeds received into the importer's or exporter's account.

Notification
of receipt of
import or
export
proceeds

Transaction of payment of dividends, royalties, management fees, etc.

11. (1) The following payments to a foreign bank account or non-resident person shall be processed through a financial service provider:

- (a) dividends;
- (b) royalties;
- (c) management fees;
- (d) technical fees;
- (e) commissions;
- (f) consultancy fees; and
- (g) imports exceeding in value the amount of one hundred thousand United States dollars or the equivalent in any foreign currency.

(2) A person making any payment referred to in sub-regulation (1) shall submit the following documents to the financial service provider:

- (a) for dividends in foreign exchange—
 - (i) a board resolution of the declaration of the dividend;
 - (ii) a tax clearance certificate issued by the Zambia Revenue Authority in the name of the business paying the dividends;
 - (iii) evidence of payment of applicable taxes on the dividends concerned;
 - (iv) evidence of payment of corporate or income tax;
 - (v) where tax is zero-rated, whether under the provisions of any written law or agreement, or where withholding tax is exempt, a withholding tax exemption letter or dispensation in the nature of a "limited deduction direction" issued under the hand of the Commissioner-General; and
 - (vi) audited accounts certified by an accountant registered with the Zambia Institute of Chartered Accountants;
- (b) for royalties, management fees, technical fees, commissions or consultancy fees in foreign exchange—
 - (i) a tax clearance certificate;
 - (ii) an invoice in the name of the declared recipient of the funds
 - (iii) the agreement governing the payment of royalties or management fees;

- (iv) where tax is zero-rated or withholding tax is exempt, a withholding tax exemption letter or dispensation in the nature of a "limited deduction direction" issued under the hand of the Commissioner-General;
 - (v) payment details at a bank outside Zambia in the recipient's name;
 - (vi) evidence of payment of applicable taxes; and
 - (vii) management or audited accounts certified by an accountant registered with the Zambia Institute of Chartered Accountants; and
- (c) for imports, including those eligible for capital allowance under the Income Tax Act, exceeding in value the amount of one hundred thousand United States dollars or the equivalent in any foreign currency, an invoice or invoices in the name of the declared recipient of funds. Cap. 323
12. (1) A person who obtains any foreign exchange loan or letter of credit from a non-resident lender shall report the borrowing to the Bank. External private debt
- (2) The report referred to in sub-regulation (1) shall be supported by—
- (a) a repayment schedule; and
 - (b) in the case of any existing or proposed debt service remittance obligation, proof of a signed facility or loan agreement between the borrower and the lender.
- (3) A subsidiary to a foreign company which contracts a foreign exchange denominated loan obligation from the parent company, shareholder, partner or affiliated entity shall provide to a financial service provider a signed facility, loan or similar agreement and shall disclose—
- (a) the rate of interest on the loan;
 - (b) the tenure of the loan;
 - (c) the repayment schedule.
- (4) A person who contracts a private external debt shall register the obligation with a financial service provider, and the financial service provider shall register the debt with the Bank.
- (5) A financial service provider shall, with respect to any external private debt contracted after the coming into force of these Regulations, only facilitate a debt service remittance if the debt is registered in accordance with this regulation.

Record of
loan
agreements

13. (1) The Bank shall maintain an electronic depository of loan agreements in respect of externally contracted debt and shall assign a unique identification number to each loan agreement.

(2) The Bank shall only register or assign a unique identification number to each transaction if—

(a) the borrower provides evidence of the receipt of the loan amount in a bank account hosted by a financial service provider and held in the name of the borrower;

(b) in the case of a letter of credit, the borrower provides evidence of the application of the proceeds of the letter of credit in settlement of payment obligations for the contracted goods or services; or

(c) the borrower provides evidence of the importation and physical delivery into the Republic of the goods constituting the loan amount or partial payment, or in the case of services, the delivery of the services.

(3) The letter of credit referred to in paragraph (b) of sub-regulation (2) shall be issued or confirmed by a bank with a rating of at least B+ or equivalent from one of the leading three internationally recognised credit rating agencies.

(4) A person who contracted a private external debt before the coming into operation of these Regulations shall provide the information referred to in sub-regulations (2) and (3) of regulation 12 to facilitate the registration of the debt in accordance with these Regulations.

Limitation of
certain
foreign
currency
transactions

14. (1) A financial service provider shall not facilitate over-the-counter cash withdrawals by the same person or for the benefit of that person in excess of five thousand United States dollars per day or the equivalent in any foreign currency in the case of an account holder or one thousand United States dollars in the case of a non-account holder.

(2) A foreign exchange bureau or money remittance service provider shall not facilitate an outward foreign currency transaction or remittance by the same person or for the benefit of that person exceeding one thousand United States dollars per day or a total of five thousand United States dollars per month.

(3) This regulation shall not apply to deposits of foreign currency or inward foreign currency remittances.

Returns

15. A financial service provider shall, at such intervals as the Bank may determine, submit to the Bank a report of—

- (a) all remittances of foreign exchange into and out of the Republic as provided under these Regulations;
- (b) all withdrawals, by debit or credit card, of cash or payment for goods or services in foreign currency in any thirty day period; and
- (c) any transfers by a person within any thirty-day period from a foreign currency account in Zambia to a foreign currency account held by that person abroad.

16. These Regulations do not exempt a financial service provider from the financial service provider's obligations under the Financial Intelligence Centre Act, 2010, the Prohibition and Prevention of Money Laundering Act, 2001, or any other written law relating to money laundering and proceeds of crime.

Applicability of anti-money laundering measures

Act No. 46 of 2010

Act No. 14 of 2001

17. (1) A person who contravenes any provision of these Regulations commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding ten years, or to both.

General offence and penalty

(2) Where an offence under these Regulations is committed by a body corporate or an unincorporate body, every director or manager of the corporate or unincorporate body is liable, upon conviction, as if the director or manager had personally committed the offence, unless the director or manager proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the director or manager or that the director or manager took reasonable steps to prevent the commission of the offence.

29th April, 2013

Statutory Instruments

121

LUSAKA

29th April, 2013

[MFAL 102/9/3]

A. B. CHIKWANDA,
Minister of Finance

GOVERNMENT OF ZAMBIA

ACT

No. 1 of 2013

Date of Assent: 21st March, 2013

An Act to amend the Bank of Zambia Act.

[22nd March, 2013

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Bank of Zambia (Amendment) Act, 2013, and shall be read as one with the Bank of Zambia Act, in this Act referred to as the principal Act.

Short title
Cap. 360

2. The principal Act is amended by the insertion, immediately after section *forty*, of the following new section:

Insertion of
new section
40A

40A. The Bank may, to promote the efficient operation of the foreign exchange system, take measures to monitor—

Monitoring
of balance of
payments

- (a) foreign exchange inflows and outflows and amounts remitted;
- (b) imports and exports of goods and other inflows and outflows;
- (c) international transactions in services;
- (d) international transfers to or from non-residents;
- (e) profits or dividends received in respect of investments abroad;
- (f) borrowings and trade credits from non-residents;
- (g) investment in the form of equity and debt securities abroad;
- (h) receipts of both principal and interest on loans to non-residents; and
- (i) international money transfers into and out of Zambia.

3. The principal Act is amended by the insertion, immediately after section *forty-four*, of the following new section:

Insertion of
new section
44A

2 No. 1 of 2013] Bank of Zambia (Amendment)

Interest rates
and other
charges by
financial
service
providers

Insertion of
new section
56A

General
penalty

44A. The Bank may, in support of price and financial system stability, regulate the rate of interest and other charges that financial service providers may impose on a banking transaction.

4. The principal Act is amended by the insertion, immediately after section *fifty-six*, of the following new section:

56A. A person who commits an offence under this Act for which no penalty is specifically provided is liable, upon conviction, to a fine not exceeding three million penalty units or to imprisonment for a term not exceeding five years, or to both.