

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

Decree-Law No. 19/2003

13 November 2003

Thus, pursuant to subsection 115.3 of the Constitution, the Government enacts the following:

**CHAPTER I
GENERAL PROVISIONS**

**Section 1
Scope**

The Port Authority of Timor-Leste, hereinafter referred to as APORTIL or Port

- (e) Length: Linear metre (m);
- (f) Time: hour (h), day, month and year;
- (g) Size of ships or vessels: gross tonnage (GRT unit).

2. Direct measurements taken by the Port Authority or by other entities acknowledged by the former shall prevail over the declared ones.
3. Except as where otherwise expressly provided for in this decree-law, for the purpose of counting periods in days, such days shall refer to calendar days.
4. In case of services delivered to warships, gross tonnage shall be replaced with maximum displacement.
5. Except as where otherwise provided for in this decree-law, the units of measurement adopted shall always be indivisible, and rounding-up shall be considered.

Section 5 Requisition of services

1. The delivery of services shall be preceded by a requisition by the means and under the terms determined by the Port Authority, the payment of the respective fees being the responsibility of the requisitioning party.
2. The procedures and deadlines for requisitioning services and any related penalties shall be set by the Port Authority.

Section 6 Levy of fees

1. Fees shall be levied immediately after the delivery of services, except where another procedure is determined by the Port Authority.
2. The levy of fees may be entrusted to other entities, under conditions to be established by the Port Authority.
3. Fees may also be levied through a third party, in lieu of the debtor, under the terms established by law.
4. The Port Authority may, as and when deemed convenient for the safeguard of its interests, require that fees be paid in advance or that the payment of any amounts as may be due as a result of the application of fees be previously assured, namely, by a deposit or bank guarantee.
5. Billing shall not be used for levying fees below an amount to be determined by the APORTIL Board of Directors, in which case such fees shall be paid against an invoice/receipt immediately after the service has been delivered.

Section 7
Payment of bills and lodgement of claims

1. Every vessel entering a port of Timor-Leste is subject to the payment of a navigation

Sections 12
Reductions in navigation and dockage fees

1. The navigation and dockage fees to be levied on a vessel that, while doing coastal shipping, carries cargo between two ports of Timor-Leste shall undergo a 50% reduction.
2. Where, on the same trip, a vessel also carries cargo bound for foreign ports, the 50% reduction referred to in subsection (1) above shall not apply.
3. Where a vessel remains docked at a berth without performing any loading or unloading operation, provided that it does not prejudice the port activities and is duly authorised by the Port Authority to do so, such a vessel may be granted a 50% reduction in the dockage fee.
4. The navigation and dockage fees applicable to a vessel doing a regular sea-line service between foreign ports and those of Timor-Leste, which has met the conditions required for that purpose during the 365 calendar days immediately preceding the said dockage, shall benefit from a 5% reduction.
5. A vessel doing a regular sea-line service means a vessel that, while retaining its name, meets the following conditions cumulatively:
 - (a) Is serving a determined operator;
 - (b) Calls the same port at least fifteen times in each calendar year, in accordance with an annual schedule, published and submitted in advance to the Port Authority, indicating the dockages made shortly before and after each dockage at the port.

Section 13
Wharfage fees

1. Cargoes loaded or unloaded at a port of Timor-Leste, coming from or bound for ports outside Timor-Leste, are subject to unit fees determined in accordance with the categories and types of cargo as indicated in the table below:

Cargo category	Unit	Charge
Bulk cargo		
Liquid products	Kilolitre	US\$ 1.20
Dry products	Tonne	US\$ 1.80
Breakbulk cargo	m ³ /Ton.	The greater of 1.80 per cubic metre or US\$ 1.80 per tonne.
Full containers		
Up to 20-foot length	Unit	US\$ 35.00
In excess of 20-foot length	Unit	US\$ 80.00

Empty containers		
Up to 20-foot length	Unit	US\$ 15.00
In excess of 20-foot length	Unit	US\$ 40.00
Motor vehicles		
Less than 6 metres in length	Unit	US\$ 50.00
More than 6 metres in length	Unit	US\$ 100.00

2. The wharfage fee for trailers and other vehicles drawn by motor vehicles is the same as the wharfage fee for a motor vehicle of the same length.

Section 14 Reduction in wharfage fees

1. Cargoes transported by coastal shipping between ports of Timor-Leste shall be levied half the wharfage fee payable for equivalent cargoes, calculated in accordance with section 13.

2. In case of transshipment the wharfage fee to be levied shall be calculated in accordance with section 13 with a 50% reduction, provided that the storage of cargo at the port does not exceed eight days.

3. The fee referred to in subsection (2) above may accrue on storage fees due under section 19.

Section 15 Exemption of wharfage fees

The following cargoes are exempt from wharfage fees:

- (a) Hand luggage and luggage volumes weighing less than 30 kg;
- (b) Sails, accessories, fishing nets and devices belonging to fishing vessels;
- (c) Mail pouches and other mail bags, full or empty;
- (d) Fuels, lubricants, supplies and spare parts for use by the vessels and ships themselves, as well as waste disposal services;
- (e) Scientific materials intended for scientific research vessels;
- (f) Coffins or caskets with human remains.

CHAPTER III DOCKAGE

Section 16 Dockage fee

1. A dockage fee shall apply to a vessel or ship docked at a berth of the port or anchored within the port area, tied up to, or lying alongside, another ship, after or in-between loading and unloading operations, or extends its stay at any port of Timor-Leste, according to prior notice to, and respective authorisation from, the Port Authority, or where compelled to do so by the competent authority.

2. The dockage fee shall be calculated per gross tonnage unit per an indivisible period of 24 hours, at the rate of US\$ 0.08 per GRT for the first 24-hour period, and US\$ 0.04 for equal successive periods.

3. A vessel or ship performing no port operations shall pay a dockage fee from the first hour; where a vessel or ship performs port operations, the fee shall be due after the first 24-hour dockage period.

4. For the purpose of applying the fee mentioned in subsection (3) above, the following elements shall be taken into account in the counting of time:

- (a) The counting of time begins when a vessel or ship drops anchor for the first time and ends when it leaves the anchorage area;
- (b) For the purpose of tallying 24-hour periods, the length of stay before operations may accrue to the extended length of stay in-between operations or after a loading/unloading operation.

Section 17 **Special dockage fees**

1. Leisure vessels, ships engaged in sea-tourism activities, and cargo ships of less than 300 tonnes of gross tonnage (the so-called non-SOLAS ships), registered at ports outside Timor-Leste, shall pay a dockage fee, calculated on the basis of the vessel's or ship's total length and of indivisible periods of 24 hours, under the following terms:

- (a) US\$ 0.20 per indivisible metre in length for the first indivisible period of 24 hours;
- (b) US\$ 0.10 per indivisible metre in length for equal successive periods.

2. A dockage fee may be levied in the form of a lump sum on the vessels referred to in subsection (1) above, for indivisible periods of time, counted in days, in accordance with the table below, where L means the vessel's total length in indivisible metres.

Lump-sum

Section 18
Dockage fee exemptions

Dockage fee exemptions at the ports of Timor-Leste shall cover:

- (a) vessels of less than 6 metres in length;
- (b) national and foreign warships, with foreign warships being subject to the principle of reciprocity;
- (c) vessels belonging to the State and public entities;
- (d) scientific research vessels;
- (e) hospital ships;
- (f) Vessels that change their course and enter a port of Timor-Leste for the exclusive purpose of disembarking a shipwrecked person(s), crew members or passengers, for the duration strictly necessary to carry out such an operation;
- (g) tugboats and floating equipment serving the port;
- (h) ships entering a port for the exclusive purpose of carrying out a supply operation, for the duration strictly necessary to carry out such an operation, provided that the said operation is carried out at sea.

CHAPTER IV
STORAGE

Section 19
Storage fee

1. A storage fee is due for services delivered to the cargo, namely, for the use of roofed or unroofed spaces, warehouses or depots.
2. A cargo kept on a transport vehicle shall be subject to the storage fee corresponding to the area occupied by that vehicle, for the duration that such cargo remains on port premises.
3. For the purpose of applying a storage fee, the counting of time begins on the day when the space is occupied and ends on the day when the space is cleared of the cargo or vehicle, and the time spent on relocating the cargo or vehicle shall be taken into consideration.
4. The fees established in the sections below cover the totality of the occupied space, and the Port Authority may, for billing purposes, determine the minimum area, number of volumes or weight.
5. The storage fee shall apply to each and every piece of equipment used by port operators and kept on port premises without prior authorisation, in writing, from the Port Authority.

Section 20
Unroofed and roofed warehouse

1. Except as provided for in subsections (2) and (3) below, the following fees shall be due for storage in a hard stand or warehouse **per each fraction of 10 m² and per indivisible workday**:

Type of storage	Storage period	
	Initial 5 days	From day 5
In unroofed spaces	Free of charge	US\$ 0.6
In warehouses	US\$ 0.6	US\$ 2.0

2. For the storage of **containers** in hard stands, the following fees shall be due, **per unit and per indivisible workday**:

Type of storage	Storage period	
	Initial 5 days	From day 5
Container of up to 20 feet of length	Free of charge	US\$ 25.00
Container of more than 20 feet of length	Free of charge	US\$ 60.00

3. For the storage of **vehicles** in hard stands, the following fees shall be due, **per unit and per indivisible workday**:

Type of storage	Storage period	
	Initial 3 days	From day 3
Vehicle of < 6 metres of length	Free of charge	US\$ 25.00
Vehicle of > 6 metres of length	Free of charge	US\$ 60.00

4. For the storage of containers in hard stands, during a transshipment operation, the following fees shall be due, **per unit and per indivisible workday**:

Type of cargo	Storage period	
	< 12 hours	> 12 hours and < 8 calendar days
Container of up to 20 feet of length	US\$ 2.0	US\$ 4.0
Container of more than 20 feet of length	US\$ 10.00	US\$ 50.00

A tug fee shall be due for tugboat services delivered to a vessel or ship by the Port Authority, or on behalf of the latter, for manoeuvres to enter, dock or anchor, to weigh anchor or stand by adrift and sail out, for shifting and testing, and to anchor, stand by adrift or shift alongside, including the availability of such services.

Section 24
Requisition of services

The requisition of tugboat services and the rules and conditions for the cancellation and change of such requisition shall be regulated by the Port Authority, which may make the use thereof mandatory with regard to ships having a gross tonnage above 500 GRT.

Section 25
Charge Rate

1. The charge payable for each tugboat service delivered to a ship on workdays and within the operating hours of the port, as published by the Port Authority in an Administrative Order, shall be US\$ 1,000.00
2. The charge mentioned above shall be increased by 50% in the event that the service is delivered on a workday after the operating hours, and by 100% in the event that the service is delivered on a public holiday or Sunday.

CHAPTER
PILOTAGE

Section 26
Pilotage Fee

A pilotage fee is due for services delivered to a ship by a pilot from the Port Authority, or on behalf of the latter, in the pilotage of manoeuvring ships while entering or leaving the port or while within the port area or in its vicinity.

Section 27
Requisition of services

The requisition of pilotage services and the rules and conditions for the cancellation or change of such requisition shall be regulated by the Port authority, which may make the use thereof mandatory with regard to ships having a gross tonnage above 500 GRT.

Section 28
Charge Rate

1. The pilotage fee to be levied on any ship using the service of a pilot while entering or leaving a port of Timor-Leste on a workday and within the operating hours of the port, as published in an Administrative Order by the Port Authority, shall be US\$ 250 per movement.

2. The fee mentioned above shall be increased by 50% in the event that the service is delivered on a workday after the operating hours, and by 100% in the event that such a service is delivered on a public holiday or Sunday.

3. Where a vessel is not equipped with its own propulsion system, the pilotage fee contemplated in subsection (2) above may be increased under terms and conditions to be established by the Port Authority.

CHAPTER IX USE OF EQUIPMENT

Section 29 Equipment fee

1. An equipment fee shall be due for services delivered to cargo or to a ship, for use of equipment owned by the Port Authority in maritime manoeuvring and transport, in land manoeuvring and transport, and in assisting the movement of cargoes and ships at the port, including the availability of such equipment.

2. For the purpose of applying this fee, the counting of time begins at the time when the equipment is made available to the requisitioning person and ends upon expiry of the period for which it has been requisitioned.

3. In case of moveable equipment, the lease period, counted under the terms of subsection (2) above, comprises the time spent on moving the equipment from the place where it is parked to the place where the service will be delivered, and vice-versa.

4. The counting of time of use of equipment may be discontinued on grounds of a technical failure, power cut or for other reasons, imputable to the Port Authority, and considered as an impediment to the operation of such equipment.

5. The fee does not cover the personnel and means necessary for the placement or removal of the work equipment and the operation thereof, nor the costs pertaining to the cleaning of equipment after use, which shall be charged in accordance with the labour and equipment fee or, in the absence thereof, a 20% surtax shall be imposed on the fee rate due for the equipment used.

6. Where the equipment is leased out to be used by the lessee's personnel, there shall also be a charge for the repair of any technical failures or damage, accrued of 20%, except in the event that those failures or damage is caused by wear and tear. Such a charge is meant to restore the equipment to its previous condition.

Section 30
Requisition of services and fees

The fees payable for each piece of equipment, and the conditions for the requisition of services, and the cancellation or change thereof, shall be regulated by the Port Authority through Operating Rules, to be published in an Administrative Order.

CHAPTER X
SUPPLIES AND PROVISION OF SERVICES

Section 31
Supply or service fee

A supply or service fee is due for the provision of human resources, consumables or services, including the service inherent in the nature of each supply to port users.

Section 32
Provision of services

1. The fees enumerated below, expressed in USD per unit and per indivisible hour, varying according to the professional qualification of the employee(s), shall be due for the provision of personnel, including the trip from their duty station to the place where the service is expected to be carried out:

CATEGORIES OF PERSONNEL	HOURLY CHARGES
Technicians and senior managers	US\$ 7.5
Operational managers	US\$ 6.5
Equipment operators	US\$ 5.0
Specialised workers and operators	US\$ 4.0
Unqualified dockworkers and sailors	US\$ 3.5
Assistants	US\$ 3.0

2. The charges mentioned above shall be increased by 50% in the event that a service is delivered on a workday after the operating hours of the port, as published by the Port Authority in an Administrative Order, and by 100% in the event that such service is provided on a public holiday or Sunday.

Section 33
Power and water supply and communications services

1. A charge of US\$ 0.35 per unit and per Kwh, subject to a minimal supply of 100 Kwh, shall be due for power supply from the port's internal power grid, including operations to connect or disconnect metres, and the use thereof.
2. The charge referred to in subsection (1) above shall be US\$ 0.30 per Kwh, with a minimum of 50 Kwh per month, for continued power supply from the port's internal power grid for a period of at least three months.
3. A charge of US\$ 3.00 per unit and per hour shall be due for power supply to refrigerated containers, per 20-foot-long refrigerated container and per indivisible hour.
4. A charge of US\$ 5.00 per unit and per m³, subject to a minimal supply of 10 m³, shall be due for water supply through a plug of the port's water plumbing fixture, including the operations to open or close such plug, as well as the use of a metre.
5. The value of the service cost accrued of 25% shall be levied on the user by the Port Authority for the provision of communications services (telephone, fax, etc.).

Section 34
Lease of office space

1. The Port Authority may lease out buildings, or part thereof, for the installation of backup offices to conduct business directly related to port activity, and a monthly rental, proportionate to the area occupied by the lessee, shall be due to the Port Authority.
2. Market values and the specific location of the office space on the port premises, and a minimum of US\$ 6.00 per indivisible square metre per month, shall be taken into account in determining the monthly rental payable by the lessee.
3. Power and water supply or communications services shall not be included in the rental, the provision of such services being billed in accordance with the fees set forth in section 29.

CHAPTER XI
MISCELLANEOUS

Section 35
Other services and supplies

1. Fees due for the provision of miscellaneous services and other supplies not contemplated in the Chapter X, as well as for the lease of tools, devices and materials, shall be established by the Port Authority through specific regulations.
2. The Port Authority may deliver a service other than any of those forming part of its normal activities, within or outside its areas of intervention, provided that such a service

