

These Regulations are intended to implement the general provisions of Decree-Law No. 1/2012, of 1 February, on the exercise of Downstream Activities in Timor-Leste and establish the principles and conditions to be observed by entities that exercise Downstream Commercialization Activities, as defined in paragraph g) of Article 2 of Decree-Law No. 1/2012, of 1 February.

With the approval of this Regulation, the ANPM has the necessary legal instrument to efficiently administer and manage the registration, licensing, organization and operation of new and existing importers, exporters and traders of Fuels, Biofuels and Lubricants, thus ensuring a level of compliance that supports the development of Downstream Commercialization Activities in the Democratic Republic of Timor-Leste, in a safe and efficient manner.

Therefore, under the terms of paragraph c), of no. 2, of article 7 and paragraph f), of no. 1, of article 8 of Decree-Law no. 1/2012, of February 1st, the Director Council of ANPM approves the following Regulation:

- 1.

a)



1. All entities intending to engage in Fuels, Biofuels and Lubricants Trading Activities must register with ANPM and obtain the corresponding License.
  2. If the entities already registered and licensed by ANPM for the exercise of other Downstream Activities intend to exercise Fuels, Biofuels and Lubricants Commercialization Activities, they shall request and obtain a specific and independent registration and License, except if the Commercialization Activities are considered merely complementary or in support of another Downstream Activity, in which case article 8, no. 2 of Decree-Law no. 1/2012, of February 1<sup>st</sup> shall apply.
- 
1. The application for registration and licensing shall be made through the submission to ANPM of a Downstream Activities License Application Form, in accordance with the form included in Annex II to ANPM Regulation No. 1/2012, as amended by Regulation No. 2/2014, together with the submission to ANPM of the form included in Annex I to these Regulations. The Applicant shall indicate in the application, inter alia, the specific activity that it intends to perform, as set out in Annex I to this Regulation.
  2. In addition to other information and documentation indicated in the Application Form for Downstream Activities Licenses, the Applicant of an Import or Export License shall, obligatorily, submit an Annual Plan of Commercialization Activities for Fuels, Biofuels and Lubricants for the first Year of operations, prepared in accordance with paragraph 1 of Article 8 of this Regulation.
  3. When analyzing and/or reviewing the License Application, ANPM may require the Applicant to provide additional information and/or documentation not expressly provided for in Annex I to this Regulation and that is considered necessary to properly evaluate the application.
  4. ANPM shall issue a determination on an application within ninety (90) days from the date it receives the last required document or information, informing the Applicant of the determination in writing, as well as the steps, procedures and period for their implementation.

5. Applications shall not be considered if:
  - a) it is foreseeable that the scheduled start-up date will exceed six (6) months;
  - b) the Applicant, any of its board members or employees have been punished for a very serious Administrative Infringement under any Downstream legislation or regulation of the Democratic Republic of Timor-Leste in the 5 (five) Years prior to filing the application.
  
1. If the application is approved, ANPM shall confirm the registration and licensing through the issuance of a License for Fuel, Biofuel and Lubricant Trading Activities.
  
2. The Licenses issued by ANPM under the terms of these Regulations shall present the format established in Annex I to Decree-Law No. 1/2012, of February 1, relating to the Downstream Sector.
  
  
  
  
  
  
  
  
  
  
1. The Commercialization Activities of Fuels, Biofuels and Lubricants shall be carried out in facilities and infrastructures located in the Territory of Timor-Leste.
  
2. Workers assigned to Fuel, Biofuels and Lubricants Marketing Activities shall have an employment contract with the Licensee in one of the forms provided by the legislation of Timor-Leste, and foreign workers shall also have a valid work visa or residence permit.
  
3. The entities registered and licensed for the Commercialization of Fuels, Biofuels and Lubricants must have the necessary resources to exercise the respective licensed activity, namely, financial capacity, workers, equipment and necessary systems.
  
  
  
  
  
  
  
  
  
  
1. Together with the application referred to in Article 5 of this Regulation, and subsequently, until the 15th day of January of each year, the Importers or Exporters of Licensed Fuels, Biofuels and Lubricants shall submit an "Annual Marketing Activity Plan for Fuels, Biofuels and Lubricants" to ANPM, according to the model included in Annex II to this Regulation.
  
2. The Annual Marketing Activity Plan for Fuels, Biofuels and Lubricants shall include, in particular, a field for the description of the activities that the Applicant or the Licensee intend to perform, as the case may be, the requirement to submit a business plan, the explanation of procedures to be followed and the documentation to be included in the plan.









for Fuels, Biofuels and Lubricants, there must be a correction mechanism that allows to reconcile the payment of the fee with the actual amount imported and exported, following the annual or quarterly audit of ANPM.

5. The fees shall be paid by the Licensee before the issuance or renewal of the License.
6. Failure to comply with the obligation to pay the fees shall result in the refusal to issue or renew, or cancellation of the License, as the case may be.
7. In case of extemporaneous renewal of a License, the fees shall be increased by 50%.
8. The transfer or alteration of the Commercialization License is subject to the payment of a fee corresponding to 50% of the fee.

Without prejudice to other obligations and requirements set forth in these Regulations, in Decree-Law No. 1/2012 of 1<sup>st</sup> February, and other rules and regulations applicable to the performance of their activities, Licensees shall, as applicable:

- a) Keep ANPM informed of the status of their scheduled activities and of any changes to their deadlines and details;
- b) Contract transportation services that comply with all national and international rules and standards, particularly with regard to the safety of persons and the environment;
- c) Comply with all laws and regulations in force in the Democratic Republic of Timor-Leste, namely with regard to the environment, Standards and Quality Specifications for Fuels, Biofuels and Lubricants, tax, customs and security;
- d) Pay the fees determined by ANPM under the present Regulation;
- e) Ensure that they employ in their operations personnel with the necessary experience to carry out Fuel, Biofuels and Lubricants Marketing Activities.

1. The Licensees that perform Fuel, Biofuels and Lubricants Marketing Activities must cooperate fully with the ANPM Inspectors or any entity accredited by ANPM that participates in any inspection, namely answering all questions and submitting and/or delivering all

Quarterly Reports and Annual Reports on Activities for Fuels, Biofuels and Lubricants submitted to ANPM and any additional information referred to in Article 9.

3. All records shall be kept in one of the official languages of Timor-Leste and/or one of the working languages, except for the Quarterly Reports and Annual Reports on the Marketing of Fuels, Biofuels and Lubricants Activities, which shall always be prepared in the official language used in the form included in Annexes IV and V to this Regulation, respectively.
  4. The documents shall be made available to the Inspection Division of ANPM upon request.
- 
1. All Fuels, Biofuels and Lubricants purchased outside the Territory of Timor-Leste and imported into the country may only be sold to the public or used after verification of a prior inspection confirming the type of Fuels, Biofuels and Lubricants and that their specifications





All previous provisions and acts which contravene the provisions of this Regulation are hereby repealed.

This Regulation shall enter into force on the day following its publication in the Official Gazette.

Approved by the Director Council of ANPM on 10 October 2016

Members:

1) Gualdino do Carmo da Silva – President

\_\_\_\_\_

2) Jose Manuel Gonçalves – Member

\_\_\_\_\_

3) Jorge Martins – Member

\_\_\_\_\_

4) Verawati Corte Real de Oliveira – Member

\_\_\_\_\_

5) Nelson de Jesus – Member

\_\_\_\_\_



Please tick " " in the appropriate box to confirm that the Applicant has submitted the required documents:

Applicant's Use Employee's Use

|   |                              |          |
|---|------------------------------|----------|
|   |                              |          |
| Company Name or Firm:                   |                              |          |
| Type of Identification Document:        | Identification Document No.: |          |
| Tax Identification No. (TIN):           |                              |          |
| Certificate of registration No.:        | Share Capital:               |          |
| Activity License No.:                   |                              |          |
| Representative:                         |                              |          |
| Address:                                |                              |          |
| Municipality:                           | Administrative Post:         | Suco:    |
|   |                              | Village: |
| Telephone:                              | Fax No.:                     |          |
| E-mail:                                 |                              |          |
|   |                              |          |
| Please tick " " in the appropriate box: |                              |          |

First Annual Plan to be submitted with the application for registration and licensing of the Commercialization Activities of Fuels, Biofuels and Lubricants related to:

Year \_\_\_\_\_



| Please tick " " in the appropriate box to confirm what activities the Applicant anticipates to perform and complete the necessary information below: |                  |  |  |  |
|--|------------------|--|--|--|
|  |                  |  |  |  |
| Domestic or Industrial Propane   | Import<br>Export |  |  |  |
| Domestic or Industrial Butane  | Import<br>Export |  |  |  |
| AutoGas  | Import<br>Export |  |  |  |

| Please tick " " in the appropriate box to confirm that the Applicant has submitted the required documents: |                   |    |                    |    |
|--|-------------------|----|--------------------|----|
|  | Uso do Requerente |    | Uso do Funcionário |    |
| Business plan  | Yes               | No | Yes                | No |
| Documentation to be included in the business plan  | Yes               | No | Yes                | No |
| Additional Documents<br>Please specify<br>_____<br>_____<br>_____  | Yes               | No | Yes                | No |

| This form and any additional information is from public record and will remain on file. By submitting this form the Applicant declares that he/she will not use the information received now or later for any illegal or unlawful purpose   |   |
|---|---|
| I certify that all information contained in this form is complete and correct. I am aware that the information provided to ANPM is subject to analysis and audit. The detailed records that comprise the information contained in this form are available upon request.<br><br>Signature: _____<br><br>Place: _____ Date: ___/___/___ | To be completed by ANPM   |
|   | ANPM Seal<br><br>Signature of the responsible official<br><br>_____ |

- i) Until the 15th day of January of each year, the Importers, Exporters and Licensed Fuel Merchants must submit the present "Annual Plan of Fuel Trading Activities" to ANPM;
- ii) Prior to the commencement of fuel transportation to the Territory of Timor-Leste or foreign countries, Importers, Exporters and Licensed Fuel Merchants shall submit a "Fuel Trading Transaction Authorization Application" in accordance with the model included in Annex III to the Fuel, Biofuels and Lubricants Trading Regulations;
- iii) All products imported to Timor-Leste or exported to foreign countries (to the extent that they are not exempt under the terms of the Fuel, Biofuels and Lubricants Trading Regulations), must be accompanied by a Product Quality Certificate, issued by an entity accredited or accepted by ANPM for that purpose, in case of export, or by an entity in the country of origin recognized by ANPM for that purpose, in case of import;
- iv) In accordance with Article 23(4) of the Regulation on Standards and Quality Specifications for Fuels, Biofuels and Lubricants, Applicants shall provide information on Fuels, Biofuels and Lubricants.



|                |                  |  |  |  |
|----------------|------------------|--|--|--|
| AutoGas        | Import<br>Export |  |  |  |
| Gasoline       | Import<br>Export |  |  |  |
| Kerosene       | Import<br>Export |  |  |  |
| Car Diesel     | Import<br>Export |  |  |  |
| Marine Diesel  | Import<br>Export |  |  |  |
| Fuel oil       | Import<br>Export |  |  |  |
| Heating Diesel | Import<br>Export |  |  |  |

Import

Avgas







|                                  |                              |          |
|----------------------------------|------------------------------|----------|
|                                  |                              |          |
| Company Name or Firm:            |                              |          |
| Type of Identification Document: | Identification Document No.: |          |
| Tax Identification No. (TIN):    |                              |          |
| Certificate of registration No.: | Share Capital:               |          |
| Activity License No.:            |                              |          |
| Representative:                  |                              |          |
| Address:                         |                              |          |
| Municipality:                    | Administrative Post :        | Suco:    |
|                                  |                              | Village: |
| Telephone:                       | Fax:                         |          |
| E-mail:                          |                              |          |

|   |  |
|---|--|
|   |  |
| Please tick " " in the appropriate box:         |  |
| Annual Report concerning the:<br><br>Year _____ | Activity registered by the Applicant:<br><br>Imports of Fuels, Biofuels and Lubricants<br>Export of Fuels, Biofuels and Lubricants |

|  |  |  |  |  |
|--|--|--|--|--|
| Please check " " in the appropriate box to confirm the Applicant's activities and provide the information required below |  |  |  |  |
|  |  |  |  |  |

Propane  
Domestic or  
Industrial



|  |   |
|--|---|
| <p>This form and any additional information is from public record and will remain on file. By submitting this form the Applicant declares that he/she will not use the information received now or later for any illegal or unlawful purpose</p>   |   |
| <p>I certify that all information contained in this form is complete and correct. I am aware that the information provided to ANPM is subject to analysis and audit. The detailed records that comprise the information contained in this form are available upon request.</p> <p>Signature: _____</p> <p>Place: _____ Date: ___/___/___</p> | <p>To be filled in by ANPM</p> <p>ANPM Seal</p> <p>Signature of the responsible official</p> <p>_____</p> |

Until the 15<sup>th</sup> day of January of each year, the Importers, Exporters and Licensed Fuel Merchants must submit this "Annual Report on the Trading Activities of Fuels, Biofuels and Lubricants" to ANPM, which includes all relevant information regarding the Transactions carried out in the previous year.



Please check " " in the appropriate box to confirm the Applicant's activities and provide the required information below:

| Propane<br>Domestic or<br>Industrial | Import<br>Export |  |  |  |
|--------------------------------------|------------------|--|--|--|
| Butane<br>Domestic or<br>Industrial  | Import<br>Export |  |  |  |
| AutoGas                              | Import<br>Export |  |  |  |
| Gasoline                             | Import<br>Export |  |  |  |
| Kerosene                             | Import<br>Export |  |  |  |



