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- k) "regulated article" means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved, and includes a beneficial organism;
- l) "phytosanitary certificate" means an official paper document or its official electronic equivalent, attesting that a consignment meets phytosanitary import requirements;
- m) "containment" means to apply phytosanitary measures in and around an affected area to prevent the spread of a pest;
- n) "container" means a box, bag, wrapper, covering or other receptacle in which any plant, plant products or other regulated articles has been or is being transported;
- o) "control" means the suppression, containment or eradication of a pest population;
- p) "official control" means the enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;
- q) "Chief Plant Protection Officer" or "CPPO" means the Head of the NPPPO, as appointed by the Minister;
- r) "packaging" means any material used to pack, contain or keep a plant, plant product or other regulated article;
- s) "entry"
  - a. in relation to a pest, means the movement of a pest into an area where it is not yet present, or present but not widely distributed and being officially controlled;
  - b. in relation to a consignment, means the movement of the consignment through a point of entry into an area;
- t) "eradicate" means to apply phytosanitary measures to eliminate a pest from an area, and "eradication" shall have a corresponding meaning;
- u) "invasive alien species"

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interested in such regulated article from the time of importation until the completion of customs formalities;

- aa) "infestation" means the presence in a commodity of a living pest of the plant or plant product concerned -infestation includes infection;
- bb) "inspection" means official visual examination of a plant, plant product or other regulated article to determine if pests are present or to determine compliance with this Decree-Law and phytosanitary regulations, and shall include documentary inspections of documents accompanying a plant, plant product or other regulated article;
- cc) "premises" means any land, building or other structure or conveyance or any marine area;
- dd) "introduction" means the entry of a pest resulting in its establishment in Timor-Leste;
- ee) "pest free place of production" means a place of production in which a specific pest is absent as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period;
- ff) "emergency measure" means a phytosanitary measure established as a matter of urgency in a new or unexpected phytosanitary situation, and an emergency measure may or may not be a provisional measure;
- gg) "phytosanitary measure" means

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ggg) "Area of low pest prevalence" means an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures.

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- g) distribute information regarding regulated pests and the means of their prevention and control;
- h) communicate

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3. Under the overall coordination and technical oversight of the Chief Plant Protection Officer, the National Directorate for the Agriculture and Horticulture, the National Directorate for Coffee and Industrial Crops and the National Directorate for Forestry, Watersheds and Mangrove Areas, shall carry out the following functions within their respective mandates as established in legislation on the Organic Structure of the Ministry of Agriculture and Fisheries, and in addition to the functions listed in paragraph 1:

- a) carry out surveillance of any growing plant, including any area under cultivation and wild



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f) the conditions of withdrawals of delegations.

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a) any diagnostic,

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2. Customs authorities and other border agencies shall work with the NPPO with regard to border controls and shall inform the NPPO when any consignment containing regulated articles arrives at the border for either import or export.

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The Authority of Inspection and Supervision of the Economic, Sanitary and Food Activities, hereafter AIFAESA, and the NPPO shall establish working arrangements relating to controls over foods of plant origin in order to:

(a) enable collaboration in accordance with article 6 and article 7 of Decree-Law No 26/2016 of 29 June, in particular:

- (i) at the border;
- (ii) during food production; and

(b) ensure that the goals and objectives of both the NPPO and AIFAESA are met.

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1. Any officer of the postal service or employee of an express consignment operator who has knowledge of, or suspects, the arrival or importation of any plant, plant product or other regulated article into Timor

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1. The NPPO shall periodically review and recommend revisions to the Minister where required, any phytosanitary measures, requirements and regulations:
  - a) where new facts have become available,
  - b) where there are changes to international standards and requirements;
  - c) upon the basis of a pest risk analysis; or
  - d) where conditions change

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established by other Government authorities and shall enter into arrangements for information sharing and collaboration with such Government authority.

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Without prejudice to restrictions on disclosure under other laws of Timor-Leste, the NPPO may disclose confidential information to:

- a) a court, where authorized or obligated to do so by a judge in connection with a legal proceeding;
- b) the appropriate authority of the government of Timor-Leste for purposes of:
  - (i) the prevention, detection, investigation, prosecution, and punishment of offences;
  - (ii) the protection of the health and safety of members of the public;
  - (iii) the protection of plant health; and
  - (iv) border security;
- c) the appropriate authority of a foreign country pursuant to an international treaty or agreement; or
- d) a border authority for purposes of carrying out the functions of that authority related to the processing of the import, export or transit of goods, subject to such procedures and conditions as NPPO shall agree with such border authority to ensure the security and protection of the information.

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Without prejudice to the competence of the Ministry of Foreign Affairs, the NPPO may negotiate bilateral and multilateral agreements for the evaluation, and where feasible, the acceptance of alternative phytosanitary measures proposed by an exporting country's NPPO as being equivalent to the phytosanitary measures required by the Timor-Leste NPPO under this Decree-Law.

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1. A person shall import a plant, plant product or other regulated article into Timor-Leste only where he or she is in possession of:
  - a) an import permit granted under this Decree-Law, where required;
  - b) a phytosanitary certificate issued by the country of export, where required;
  - c) any other documentation that may be prescribed by this Decree-Law or its regulations or any other commercial or customs legislation; and
  - d) where all prescribed requirements are satisfied.
2. A plant, plant product or other regulated article may be imported into Timor-Leste only at a designated point of entry where covered by a phytosanitary certificate or where so indicated in the import permit.

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1. An importer shall provide the prescribed arrival notification form to the NPPO of consignments of plants, plant products or other regulated articles.
2. Any plant, plant product or other regulated article imported into Timor-Leste, may be subject to any documentary or physical inspection by a phytosanitary inspector, and where required samples may be taken from a consignment for the purposes of testing in accordance with prescribed sampling procedures and methodologies.
3. All imports of regulated articles are under the phytosanitary detention of the NPPO until officially released by the NPPO.

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3. Where, after its entry into Timor-Leste or after treatment, any imported plant, plant product or other regulated article remains unclaimed for a period of time as may be prescribed, the NPPO may take action to destroy the imported plant, plant product or other regulated article.

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1. In accordance with the previous article, any non-

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official and where such declaration is made to a Customs official, he or she shall convey the

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processed to change its nature, the NPPO shall issue a phytosanitary certificate which indicates the country of origin and includes the original documentation or certified true copy of the original.

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Where a phytosanitary certificate or phytosanitary certificate for re-export has been issued, the exporter shall export the consignment in compliance with instructions of the NPPO in order to maintain the phytosanitary security and physical integrity of the consignment.

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1. The Minister shall, upon the advice of the Chief Plant Protection Officer, designate through Ministerial Diploma, the points of exit for a plant, plant product, or regulated article from the list of existing points of exit established by the Customs authority.
2. Designated points of exit shall be equipped with prescribed facilities and equipment.

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Any person wishing to transit a consignment of plants, plant products or other regulated articles through Timor-Leste shall apply to the NPPO in the prescribed manner together with the prescribed service cost.

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The NPPO shall approve a transit application where it meets prescribed requirements or shall deny the application where it fails to meet prescribed requirements.

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1. Phytosanitary measures shall not apply to a consignment in transit through Timor-Leste on the conditions that:
  - a) the consignment has been packed so as not to permit any risk of the spread of regulated pests that might be present in the consignment;
  - b) the consignment as well as the accompanying documents comply with the phytosanitary requirements of the country of destination; and
  - (c)



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1. The occupier or owner of any premises, who has knowledge of or suspects the presence of a regulated pest or a national pest of concern thereon, shall immediately notify the NPPO or the person in charge of the nearest police station or the person in charge of the nearest agricultural authority.
2. Where the person to whom notice under the previous number is not an official of the NPPO, such person shall immediately notify the NPPO or the person in charge of the nearest police station or the person in charge of the nearest agricultural authority.

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5. Written notice shall be provided by the NPPO to the owners of affected premises in the area under the declaration of quarantine, and in addition, shall communicate orally to ensure all persons in the area are aware of the applicable restrictions and requirements.

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1. The NPPO shall establish the procedures to be followed by phytosanitary inspectors where a quarantine pest is suspected or confirmed and also procedures for actions to be taken in buffer zones.

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1. A phytosanitary inspector may carry out any prescribed phytosanitary measure or phytosanitary action in order to prevent the introduction or spread of pests.
2. A phytosanitary inspector may enter any area or premises in order to inspect plants, plant products and regulated articles or any area under cultivation, in storage or in transport, or may inspect consignments for import, transit or export, and may:
  - a) inspect, examine and take samples of any plant, plant product or other regulated article or its package or container, and may send such samples to be tested at an official laboratory; or
  - b) carry out such phytosanitary measures and phytosanitary actions as shall be prescribed in inspectional manuals of the NPPO.
3. A phytosanitary inspector shall not enter a dwelling place without the consent of the owner under this Decree-Law unless he or she has a warrant signed by a judge.
4. A phytosanitary inspector may seize, destroy, carry out treatment on, dispose of, reshipe or confine in a quarantine station any regulated article.
5. An owner of a plant, plant product or other regulated article may request a second test of a sample taken under this Decree-Law and in such case, the phytosanitary inspector shall ensure the sampled or seized regulated articles remain under NPPO detention or are subject to such storage or quarantine as may be stipulated by the NPPO as necessary, until the second test results are available.
6. The cost of the test and storage or quarantine under this article shall be the responsibility of the owner of the plant, plant product or other regulated article sampled or seized.

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1. A phytosanitary inspector may seize any regulated article, document, electronic device or other object that appears to provide proof of a contravention of any provision of this Decree-Law and shall immediately issue a written notice to the owner, which shall be countersigned by the owner.
2. Where a phytosanitary inspector takes possession of a document under the previous number, he or she may make a copy certified under the mark or stamp of the relevant authority in accordance with applicable laws as a true copy, and every copy so certified is admissible in evidence in all courts as if it were the original.
3. The NPPO may store, treat, quarantine or dispose of the plant, plant product or other regulated article at the place where it was seized or move it to any other place for storage, treatment, quarantine or disposal in the manner and procedure prescribed by the NPPO in accordance with the law, or require the owner or person in charge to take the specified action.
4. A plant, plant product or other regulated article, or other thing seized and detained under this Decree-Law shall not be detained after a determination by the NPPO that the plant, plant product or other regulated article, or other thing is in conformity with the provisions of this Decree-Law.
5. The NPPO may destroy and dispose of a seized plant, plant product or other regulated article, or require its owner or person in charge to dispose of it, where such regulated article has been infested or is suspected of being infested with a pest.

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6. No person shall remove or interfere in any way with any regulated article or other thing seized and detained under this Decree-Law.

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1. A phytosanitary inspector may stop and search any person, where the phytosanitary inspector has reasonable grounds to believe an offence under this Decree-Law is being committed.

2. A phytosanitary inspector may stop and search any vehicle, on land or at sea, in which a plant, plant product or other regulated article is being or is suspected of being transported or stored.

3. Where a phytosanitary inspector is satisfied that there has been a failure on the part of the captain of any vehicle to comply with a requirement of this Decree-Law or with a condition imposed pursuant thereto, and this poses a plant health risk, he or she shall immediately inform the Chief Plant Protection Officer, who may:

(a) detain or authorise the detention of the vehicle for a maximum period of four hours;

(b) where relevant immediately inform the Customs authority;

(c) immediately provide a written and signed notice of detention justifying the particulars of the non-compliance to the owner or person in charge of the vehicle.

4. Upon receipt of the communication by the phytosanitary inspector under this article, the Chief Plant Protection Officer shall, immediately order an investigation and shall continue such detention or stopping of the vehicle for a prescribed period for the taking of such phytosanitary measures as may be appropriate.

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1. Where a phytosanitary inspector considers it necessary to stop distribution for the purposes of preventing the spread of disease or otherwise in contravention of this Decree-Law, the phytosanitary inspector shall make a prescribed request to the Chief Plant Protection Officer, and the Chief Plant Protection Officer may issue a written notice suspending distribution, sale or use of any plant, plant product or other regulated article for a prescribed period.

2. Where required on phytosanitary grounds, the Chief Plant Protection Officer may request the Minister to prohibit permanently the distribution or sale of the plant, plant product or other regulated article.

3. Upon the advice of the Chief Plant Protection Officer, the Minister may issue a written notice to the owner or person in charge, ordering the immediate cessation of distribution of the plant, plant product, or other regulated article, and the reasons for the order.

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1. The NPPO may confiscate or dispose of any plant, plant product or other regulated article that, after its entry into Timor-Leste, remains unclaimed for a prescribed time, and in such case, the NPPO shall notify in writing the owner or person in charge of the reason for its confiscation and disposal.

2. The NPPO shall claim the costs of actions taken under this article from the owner or person in charge of the unclaimed regulated article.

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1. Where a person makes any application to the NPPO under this Decree-Law, such person shall submit all requested documentation and any samples or other particulars as may be required in connection with the application.
2. Where the NPPO requests further information regarding an application submitted under the previous article, the applicant shall comply with the time indicated in the NPPO's

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The following constitutes an administrative offence under this Decree-Law that is punishable by fine of between \_\_\_ and \_\_\_ United States dollars:

- a) growing, selling, offering for sale, transporting or distributing in any manner any regulated article knowing that it is infested by a quarantine pest;
- b) intentionally permitting, introducing or causing the introduction or spread of a quarantine pest;
- c) distributing a regulated article that has been placed under bond, or following an administrative penalty or following an inspection that results in such regulated article being prohibited from distribution; and
- d) assaulting, resisting, intimidating, threatening, abusing in any manner whatsoever, or obstructing a phytosanitary inspector exercising lawful powers under this Decree-Law.

2. Where a person commits an offence on two or more separate occasions, within a period of twelve months when already under adjudication or having received a penalty for the first offence, the prescribed fine for the second offence shall be doubled.

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The following constitutes an administrative offence under this Decree-Law that is punishable by a fine between \_\_\_ and \_\_\_ United States dollars:

- a) failing to comply with any order or direction lawfully made or given under this Decree-Law;
- b) importing any plant, plant product or other regulated article contrary to any requirement that is prescribed;
- c) exporting any plant, plant product or other regulated article except as prescribed;
- d) failing to safeguard the phytosanitary security of a consignment for export after the issuance of a phytosanitary certificate;
- e) failing to allow a search or inspection or the taking of any sample authorized under this Decree-Law;
- f) breaking the seal on a sealed container containing a plant, plant product or other regulated article

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Administrative offences not stipulated in the previous two articles shall carry a maximum penalty,



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b) an administrative penalty shall be applied

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1. The owner of a regulated article, consignor or premises shall be liable to pay the costs for

