



Decree-Law

Organization of Ship Inspection Services

Maritime transport is the most efficient, reliable and profitable means of transporting goods internationally due to its low cost, acting as a driving force behind international trade and contributing to the prosperity of nations. Internationally, it accounts for 80% of global trade, and Timor-Leste, as an island country, benefits from the maritime resources of the Timor-Leste's Sea and has enormous potential in creating new maritime routes with Australia and Indonesia via the Port of Tibar and the future network of State Ports.

One of the objectives of the IX Constitutional Government is to increase economic growth, improve and increase the movement of people and goods as a fundamental condition of the vision contained in the Strategic Development Plan 2011-2030 and the Government Program. To this end, the Government intends to implement a system capable of ensuring safety in its territorial waters, in line with the highest international standards of maritime circulation.

This statute aims to regulate Ship Inspection Services by incorporating into the domestic legal order the international standards of the United Nations Convention on the Law of the Sea (UNCLOS) and the International Convention for the Safety of Life at Sea (SOLAS), to which Timor-Leste is a signatory, with a view to ensuring that ships and vessels comply with international safety standards, construction, equipment, as well as the operational requirements, working conditions and living conditions of people on board provided for in the Convention in the field of safety at sea, namely with regard to ship construction, equipment and seaworthiness, crew composition, working conditions and training, use of signals, maintenance of communications and accident prevention.

The most frequent cause of maritime accidents is the poor state of repair of ships, which is why it is essential to establish mechanisms to prevent maritime accidents, not only to safeguard human lives, but also to avoid material and environmental damage.

Accordingly, the Government hereby decrees, pursuant to the provisions of Article 115(1)(e) and Article 116(d) of the Constitution of the Republic, to be valid as law, as follows:

CHAPTER I GENERAL PRINCIPLES AND ORGANIZATION

Section I

Principles

Article 1

Object

This law establishes the rules and procedures applicable to the control and technical inspection of ships and their equipment, as well as the certification and accreditation of inspectors, in order to ensure the prevention of shipping accidents, the protection of human life at sea, and the mitigation of pollution caused by the navigation of ships in the marine environment of the waters under the jurisdiction of the Democratic Republic of Timor-Leste.

Article 2

Definitions

For the purposes of this law, the following definitions apply

- a) "Administration": the government body with competence in the area of regulation of civil maritime transport, specifically the prevention of accidents and monitoring of the standards of construction, operation and maintenance of ships at sea as well as the prevention and mitigation of damage to the environment;
- b) "Shipowner": the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed responsibility for the operation of the ship in place of the owner and who, by assuming such responsibility, undertakes to bear the duties and responsibilities incumbent on shipowners, regardless of whether another organization or person carries out certain duties or responsibilities on behalf of the shipowner;
- c) "Certificate of Approval" means the certification document issued by or on behalf of the flag State in accordance with the applicable International Standards for the Law of the Sea;
- d) "SOLAS Convention": the 1974 International Convention for the Safety of Life at Sea, as well as its protocols and amendments in force in Timor-Leste;
- e) "Complaint": any information or report submitted by a person or organization with a legitimate interest in the prevention of accidents and compliance with the standards of construction, operation and maintenance of ships and the prevention and mitigation of damage to the environment of any ship in circulation in the area of jurisdiction of Timor-Leste;
- f) "Detention" means the formal prohibition of a ship from sailing due to deficiencies detected under the terms and for the purposes of this Decree-Law which, alone or in combination, constitute a risk of a shipping accident, an environmental accident, or do not comply with the standards applicable to the condition of the crew and the preservation of the lives of persons on board;
- g) "Recreational vessel": a vessel of any kind, regardless of the means of propulsion, with a hull length of between 2.5m and 24m, intended for non-commercial sporting and recreational purposes and carrying no more than twelve passengers;
- h) "Maritime Structure" means any fixed or floating platform, *offshore* installation or any other man-made structure located at sea for the purpose of prospecting or exploiting living or non-living marine resources;
- i) "Inspector": a natural person authorized by the Administration to carry out ship inspection activities in accordance with the requirements established by the State of Timor-Leste as Flag State or Port State;

- j) "Ship": any type or kind of vessel used as a means of transportation on water;
- k) "Cargo ship": *a ship that is* not a passenger ship;
- l) "State ship": a ship owned or operated by the state and used exclusively for military, paramilitary or police activities;
- m) "National ship" means *a ship* flying the flag of the State of the Democratic Republic of Timor-Leste, in accordance with the applicable law;
- n) "Passenger ship": a ship carrying more than 12 passengers;
- o) "Fishing vessel" means a vessel equipped or used commercially to catch fish or other living resources at sea;
- p) "IMO": the International Maritime Organization;
- q) "Recognized Organization": the classification society or any other private organization that undertakes regulatory tasks on behalf of the administration of the flag State, to which the Administration has delegated the execution of inspection and certification services for East Timorese ships, in accordance with the legislative instrument that provides for the authorization, recognition and control of surveys and certification of ships by Recognized Organizations;
- r) "Small Vessel" means a vessel of less than 24 meters in length as a rule, of any kind or type, capable of being used on the water as a means of transport, as well as wooden vessels of primitive construction and other vessels without decks regardless of their length;
- s) "Repair": a repair carried out on a ship or on one of the ship's elements that does not represent any significant violation of accident prevention standards or standards for the construction, operation and maintenance of ships, as well as the prevention and mitigation of damage to the environment;
- t) "Transformation", "Alteration" or "Major Repair": the transformation, alteration or other modification carried out on a ship, which has or may have a significant influence on the prevention of accidents, on the standards of construction, operation and maintenance of ships as well as on the prevention and mitigation of damage to the environment;
- u) "Surveyor": a natural person who acts as a representative of a Recognized Organization, insurance company or other company that carries out its activity on a commercial basis, carrying out ship reconnaissance and survey activities in any area, as well as ship maintenance and repair work, ship design, ship stability calculations and plans, salvage operations and cargo surveys, among others;
- v) "Applicable International Standards" means all Treaties, Conventions, Regulations or other instruments of International Law incorporated into the legal system of the Democratic Republic of Timor-Leste;

Article 3

Scope of application

1. This Decree-Law shall apply throughout national territory; it shall apply to vessels flying the flag of Timor-Leste and to foreign vessels, namely the following:
 - a) Ships being built outside the territory of Timor-Leste and intended to fly the flag of Timor-Leste;
 - b) Non-national flag vessels sailing in the territorial waters of Timor-Leste, with the limitations established by international law;
 - c) All ships, regardless of the flag they fly, undergoing conversion, construction or repair in the territory of Timor-Leste.

2. This Decree-Law shall apply to Maritime Structures registered in Timor-Leste, which for the purposes of this Decree-Law are equivalent to ships, as well as those used in national territorial waters.
3. This decree-law does not apply to State Ships and Small Vessels.

Article 4 **Competent authority**

For the purposes of this decree-law, the responsible government body is the Ministry of Transport and Communications through the National Directorate of Maritime Transport, which is the body responsible for ensuring compliance with the provisions of this decree-law, also referred to as the "Administration".

Article 5 **Delegation of powers to Recognized Organizations**

1. The Administration may delegate to Recognized Organizations, in respect of ships flying the flag of Timor-Leste, the powers necessary to carry out, in whole or in part, inspections and surveys of ships, compliance with the applicable rules and procedures, as well as the powers necessary to issue or renew the respective certificates.
2. The delegation of powers is permitted only to Recognized Organizations that meet the requirements of this diploma or other diplomas relating to the recognition of Recognized Organizations in Timor-Leste in accordance with the IMO's technical standards.
3. Any delegation of powers pursuant to this article shall be the subject of a written agreement setting out the duties and functions delegated to the Recognized Organization in detail and under a general principle of cooperation between the parties.

Section II **Organization**

Article 6 **Inspection Service**

The technical coordination, direction and supervision of inspection activities, as well as the drafting of technical criteria and instructions for the implementation of the applicable rules, is the responsibility of the Ministry of Transport and Communications through the National Directorate of Maritime Transport, also known as the "administration".

Article 7 **Classes and functions of Inspectors**

1. According to the professional competence required to carry out inspection activities, the following classes of inspectors are established:
 - a) Inspectors in the field of Naval Engineering and Ship Mechanics;
 - b) Marine and Radio Inspectors.
2. The inspectors referred to in points a) and b) of the previous paragraph are officials and professional technical officers with delegated powers from the Ministry of Transport and Communications, assigned by order.
3. Whenever the intervention of specialized experts is necessary, the Administration may delegate its powers to a 'Recognized Organization' in accordance with the provisions of this statute.

4. Both classes of inspector are competent to carry out surveys and to exercise management and coordination functions as provided for in the International Safety Management (ISM) Code, including acting as surveyors.
5. The Head of Inspection Services organizes and distributes inspection activities by encouraging inspector specialization and taking into account the experience and capacity of available inspectors.
6. The National Directorate for Maritime Transport periodically assesses the suitability of its inspectors to carry out their duties.

Article 8

Inspectors' professional profile

1. Persons to be appointed as Naval Engineering and Ship Mechanics Inspectors must meet the following minimum requirements:
 - a) Hold a university degree or equivalent in Naval Engineering or Ship Mechanical Engineering or another branch of engineering related to the maritime sector awarded by a University and recognized by the Ministry of Transport and Communications, through the DNTM, in coordination with the Government body responsible for Higher Education and, cumulatively;
 - b) At least six years' professional experience in:
 - i. maritime organizations or institutions
 - ii. as a qualified chief engineer of ships whose main engine has a propulsion power equal to or greater than 3,000Kw.
2. The persons to be appointed as Nautical and Radio Inspectors must meet the following minimum requirements:
 - a) Have a university degree or equivalent issued by a Department of Nautical Sciences awarded by a University and recognized by the Ministry of Transport and Communications, through the DNTM, in coordination with the Government body responsible for Higher Education;
 - b) One of the following qualifications:
 - i. Have achieved a certificate of competency to the level of master which allows them to command a ship of 3,000 gross registered tons or more; or
 - ii. Alternatively, demonstrate relevant professional experience of six years or more in maritime organizations or institutions.

Article 9

Refresher courses for inspectors

1. Management must adjust the duties of inspectors in accordance with technical standards implemented through national legislation and applicable International Standards.
2. The Administration must organize courses, which must be attended, with a view to improving and technically updating the inspection services.

Article 10

Probationary period

After appointment, all new inspectors are subject to a probationary period of at least one year, during which time they must perform their duties together and under the supervision of a senior inspector.

Article 11

Duties and powers of inspectors

1. In the performance of their duties, inspectors are treated in the same way as law enforcement officers and are granted access on presentation of their identification:
 - a) To all ships flying the flag of Timor-Leste;
 - b) Foreign vessels that are in any part of the territory of Timor-Leste, subject to the limitations established in the applicable International Standards;
 - c) The premises where the ships referred to in the previous paragraphs are built, converted, altered or repaired, or any other place where any activity subject to this regulation may be carried out.
2. In the cases provided for in points a) and b) of the previous paragraph, inspectors may be accompanied by other authorities in order to guarantee the execution of their duties.

Article 12

Inspectors' duties

Inspectors perform the following duties:

- a) Inspect ships under its jurisdiction to ensure that they are in good repair, have the equipment and seaworthiness requirements and are in compliance with national legislation and applicable International Standards;
- b) To give an opinion on the seaworthiness of the ships inspected, identifying, in cases where the seaworthiness certification is rejected, the impeding aspects;
- c) Draw up reports corresponding to each inspection activity as soon as it is completed;
- d) Carry out inspection activities with respect and consideration for the people affected by the activity;
- e) Carry out the inspection activities in such a way as not to disturb, beyond what is strictly necessary for the purposes of the inspection, the normal operation of the ship, notwithstanding that no damage resulting from delay or detention of the ship following an inspection may be imputed to the Inspector or the Competent Authority.
- f) Inspectors, when carrying out their duties, may not carry out any tasks other than those related to their duties and competencies.

Article 13

Identification and incompatibility of inspectors

1. Inspectors carry a professional identification card, issued by the Administration, which indicates their class of inspector. This document must be presented to the captain or watch officer, as well as to any interested party who requests it, before boarding the ship.
2. Inspectors may not have commercial or economic interests in the ships or ports where they carry out their professional inspection activities.

Article 14

Inspectors' responsibilities

All inspectors are responsible for the inspections they carry out, including the reports and other documents they draw up, as well as certificates issued, endorsed, renewed or extended on the basis of the inspection activity.

Section III

Inspection procedures

Article 15

Cycle of inspection activities

1. Inspection activities include the following periods of the ship's life:
 - a) The period prior to the start of construction, in which the object of the inspection is the analysis of the ship's construction project and corresponding technical documentation;
 - b) The period corresponding to the ship's construction process, which covers the activities carried out from the materials gathering phase to the completion of the sea trials, including laying the ship's keel and launching it;
 - c) The period during which the ship is in service, starting from the moment the first certificates are issued until the moment the ship definitively ceases its activity;
 - d) The final period in which the ship is scrapped or voluntarily sunk, in accordance with Article 63.
2. The following operations are also part of the inspection activities:
 - a) The inspection, approval, homologation or certification of any material, element or equipment to be incorporated into the ship that affects its seaworthiness or compliance with the applicable construction, operation and maintenance standards;
 - b) The design and subsequent execution of transformations, alterations or repairs carried out on the ship during the service phase.

Article 16

Content of inspection activities

1. The inspection activities provided for in points a), b) and c) of paragraph 1 of the previous article are specifically aimed at the following points:
 - a) Regarding the structure, subdivision, stability and general arrangement of the ship:
 - i. The calculation of gross tonnage, displacement, maximum beam and other main dimensions and characteristics of the ship;
 - ii. The design of the structure, resistance and watertightness;
 - iii. Intact stability, subdivision and breakdown stability;
 - iv. The freeboard and the allocation and fixing of load lines;
 - v. Structural fire protection, the subdivision of the ship into isolated and protective zones, means of evacuation and spaces at high risk of fire;
 - vi. The arrangement of the ship's evacuation means and their integration into the general evacuation plan;
 - vii. Facilities and special provisions for preventing and mitigating damage to the environment;
 - viii. Accommodation, insofar as it constitutes a risk to maritime navigation.
 - b) Regarding the elements, materials and equipment installed on the ship:
 - i. Main propulsion machinery, rudder machinery, auxiliary machinery and all auxiliary services and equipment;

- ii. Main and emergency power generators, switchboards and the electrical installation, as well as its ancillary services;
 - iii. Fire prevention, detection and extinguishing systems;
 - iv. Rescue arrangements and means, their location and stowage on board and their launching, boarding and collection arrangements on board;
 - v. The navigation equipment, its integration and location on board and the navigation marks and lights;
 - vi. Radio installations, such as radiocommunications equipment and radio-electronic navigation aid systems;
 - vii. Installations and equipment designed to prevent environmental pollution;
 - viii. All other elements, construction materials and equipment, regulated by ship construction, operation and maintenance standards, as well as elements designed to prevent and mitigate damage to the environment, namely the deck, anchoring system, loading and unloading equipment, ballast pumping system (inlet and outlet) and special installations and equipment.
- c) Regarding operational procedures and requirements:
- i. Loading, stowage, mooring, loading and unloading, the conditions of transport of solid bulk cargoes and the special filling, unloading and cleaning operations of tanks dedicated to the transport of liquid bulk cargoes;
 - ii. The handling of dangerous or highly polluting loads or substances, with their special packaging, labeling, loading and stowage, transport, handling and any other type of manipulation;
 - iii. Intercommunication between crew members, training and simulation:
 - a. Medical emergencies;
 - b. Firefighting situations;
 - c. Evacuation situations;
 - d. Procedures in the event of a breakdown;
 - e. Operation and maintenance of firefighting systems and arrangements;
 - f. Control of operations on the bridge;
 - g. The operation and maintenance of engines and generators; and
 - h. Consultation of information facilitated by manuals, instructions or other documents on the safety of on-board operations;
 - iv. The prevention of pollution of the marine environment and the atmosphere, which includes the treatment and discharge of oily waste from the engine room, as well as the treatment and discharge of waste and sewage and the control of engine exhaust gases into the atmosphere;
 - v. The certification and professional qualification of the crew in accordance with the manning safety certificate, knowledge of the obligations and duties relating to each member, both in the normal operation of the ship and in emergency situations and, in general, the preparation and effectiveness of the crew in properly carrying out their tasks related to maritime safety and pollution prevention;
 - vi. Compliance with the rules of the ISM Code and the ISPS Code and the national and international provisions applicable to ships and their operators.

CHAPTER II

NAVIGATION SAFETY CERTIFICATION

Section I

Certification and obligations

Article 17

Navigation Certification

1. The inspection activities provided for in this regulation that demonstrate the ship's compliance with navigation requirements give rise to the issue, endorsement, renewal or extension of a certificate or any other relevant document that clearly demonstrates the compliance of the ship, object or entity inspected with national legislation and applicable International Standards.
2. All certificates must indicate the maximum period of validity and the renewal date.
3. The model certificates to be issued by the Administration shall be approved by ministerial order of the Ministry responsible for maritime transport.

Article 18

Pre-flag requirements

Before authorizing a ship to fly the flag of Timor-Leste, the Administration shall carry out the measures, within the scope of its competence, that it deems appropriate to ensure that the ship in question complies with the procedural and substantive rules of domestic law and applicable rules of international law.

Article 19

Navigability requirements

1. The port captain shall issue an exit order to ships flying the flag of Timor-Leste, provided that the seaworthiness requirements are duly certified in accordance with the type and classification of the ship in question; for this purpose, the presentation of all relevant certificates, in accordance with national legislation and applicable International Standards, is sufficient, except when there are strong indications that the condition of the ship or its equipment does not correspond to the content described in the certificates.
2. In the situations referred to at the end of the previous paragraph, an extraordinary survey is carried out with the aim of verifying, in accordance with Article 7(2), that the condition of the ship, together with its components and equipment, corresponds to that indicated in the certificates.
3. If an anomaly is found that is not corrected immediately, the certificate or certificates are seized and the corresponding replacement vouchers are issued and, if necessary, the port captain initiates the detention procedure under the terms of Chapter III of this statute.

Article 20

Obligations of the captain and shipowner

With regard to ship certification and inspection, the operator and captain of the ship flying the flag of Timor-Leste have the following obligations:

- a) Notify the Inspection Service of lost, misplaced or expired certificates, annotations or other documents related to this Diploma and request the necessary inspections to renew them;
- b) Allow and collaborate with inspections carried out by the Inspection Service to verify compliance with national legislation and applicable International Standards;

- c) Keep on board, under the care of the ship's captain, all the certificates and documents, or certified copies thereof, required by national legislation and the applicable International Standards;
- d) Do not make any alterations to the structural layout, machinery, equipment or other elements of the ship without prior authorization from the Administration, obtained in accordance with the provisions contained in Section III of Chapter II;
- e) Report to the Inspection Services, as soon as possible, all relevant breakdowns and accidents, as well as defects detected and repairs carried out on the ship or its equipment;
- f) Communications made under this article shall be made:
 - i. The corresponding inspection services or captaincy, if the ship is in a port in Timor-Leste; or
 - ii. The local consular representative and the representative of the competent foreign maritime administration, in the case of national ships in a foreign port;
- g) Following a report, the necessary investigations are carried out to determine whether the anomalies reported affect the seaworthiness of the ship and, if the Inspection Service deems it necessary, to schedule an extraordinary inspection.

Section II

Inspection procedure

Article 21

Unofficial inspection

An inspection activity starts unofficially in the following cases:

- a) At the initiative of the Inspectors, whenever they become aware of relevant facts or on a complaint they consider credible;
- b) At the request of the harbor master, addressed to the Inspection Services, for the purpose of verifying compliance with the applicable regulations regarding ship construction, operation and maintenance standards, as well as the prevention and mitigation of damage to the environment.

Article 22

Inspection at the request of an interested party

Without prejudice to the provisions of the previous article, inspection activities can be initiated upon request by:

- a) Shipowner or operator, in relation to inspections applicable during the period of the ship's service and, in particular, scheduled inspections and inspections for towage authorization;
- b) Shipyard or ship repair shop, with regard to inspections to be carried out during the construction, transformation, alteration or repair of the ship;
- c) Builder, distributor or owner, with regard to inspection activities for approval or certification of the ship's elements, its materials and equipment.

Article 23

Request to start an inspection at the request of an interested party

1. The request for an inspection at the request of a third party must be made in writing and addressed to the Administration.

2. The request referred to in the previous paragraph can only be made by the persons or entities with legitimacy under the terms of article 22 of this law or their legal representatives. It must contain the details of the applicant, the ship and the inspection activity sought.
3. The application must be submitted in the following cases:
 - a) For the scheduled inspection provided for in Article 47, the application must be submitted no later than thirty days before the expiry date of the corresponding certificate;
 - b) Extraordinary inspection resulting from unforeseen situations, such as grounding, collision, damage to relevant elements of the ship's structure or machinery, requests must be submitted upon arrival at the first port or, if this is not possible, on the working day following arrival at the first port;
 - c) Extraordinary inspection for towing authorization, with the exception of objectively verifiable emergency cases, the request is submitted no later than three days before the start date of the towing operation.

Article 24

Inspection report

1. Once the inspection has been completed, the inspector in charge draws up and signs, under his own responsibility and with technical independence, the corresponding inspection report in which he must state, in an express and reasoned manner, whether the ship is compliant or non-compliant, and the report is duly notified to the parties.
2. The inspection report is the indispensable documentary basis for issuing, renewing, annotating or revoking the certificate or other document relating to the inspection carried out.
3. The inspection report must be drawn up quickly and its completion must not exceed 10 days from the end of the inspection activity.
4. If the inspection report declares the ship to be in compliance, the certificate or document relating to the inspection carried out must be issued, renewed, endorsed or extended within 20 days of the end of the inspection activity.
5. Inspection activities are carried out, whenever possible, in the presence of the captain, a ship's officer or a legal representative of the inspected entity and the inspection report records the duly substantiated agreement or disagreement of the representative present with the content of the report.
6. If the representative present under the terms of the previous paragraph refuses to sign the report, the inspector shall make a note of this refusal in the report.
7. The Inspection Service keeps a file of all inspection reports and attaches a copy of the corresponding document or certificate, regardless of its age.

Article 25

Inspection report

The Administration is competent to determine the structure of the model inspection report, which includes at least the following elements:

- a) The identification of the ship, materials, elements or equipment inspected, as well as the identification of the persons taking part in the inspection;
- b) The place, date and time of the inspection;
- c) The identification of the inspectors responsible for the inspection;
- d) The compliance or non-compliance of the ship, with a detailed list of the deficiencies found and a precise indication of the standards violated;

- e) The causal relationship of the measures to be adopted in order to correct the deficiencies detected, with an indication of the maximum deadline for their completion, according to their importance and scope;
- f) The reasons for recommending or not issuing, renewing, recognizing or extending the certificate, or signing the corresponding document.

Article 26

Place of inspection

1. Ship inspection activities must be carried out at the following locations:
 - a) Port areas;
 - b) Shipyards;
 - c) Docks, naval or dry;
 - d) Repair shops;
 - e) Other facilities as appropriate.
2. In cases where the ship is at sea and when, for operational or safety reasons, the ship cannot access the places mentioned above, the ship's operator or the captain may request that the inspection be carried out in the anchorage of a port.
3. When operations with a high-risk potential are carried out during the inspection, such as the dismantling of large parts, the immobilization of the ship, the underwater survey or other operations that represent a risk, the Inspector may cancel the Inspection and order it to be carried out in suitable and safe conditions elsewhere.
4. In any case, the person requesting the inspection is responsible for providing the necessary means and equipment to ensure that the inspection is carried out under appropriate and safe conditions.

Section III

Shipbuilding

Article 27

Authorization to start construction in Timor-Leste

1. The start of construction of a ship in Timor-Leste requires prior approval of the construction project by the Administration.
2. Approval of the project to build a ship intended to fly the flag of Timor-Leste must ensure compliance with national legislation and applicable International Standards, taking into account the type and characteristics of the ship.
3. The approval of a project for the construction of a ship intended to fly a foreign flag must guarantee the proper seaworthiness of the ship and ensure that it does not pose a risk to navigation and the environment, in accordance with Article 16.
4. The authorization indicated for projects to build several ships must be requested independently for each ship, including in the case of twin ships or several ships of the same model and design.
5. When it is planned that the construction of a ship will be carried out in different locations, each part of the ship or construction phase that takes place in Timor-Leste requires an independent authorization.

Article 28

Authorization Request

1. The request for authorization must be made in writing, addressed to the Administration and submitted by the shipyard operator, expressly stating the identity of the contracting shipowner, the register in which the ship is to be registered and the type of services or activities for which it is intended.
2. If the ship is intended for export, the request specifies, if any, the flag State Administration, Recognized Organization or other organization on behalf of the flag State, which carries out the inspection and certification of the ship.
3. The national contracting shipowner must also sign the application if the vessel is intended to fly the national flag of Timor-Leste.
4. The request is accompanied by the ship's construction project, which must include the specifications, calculations, drawings, justifications, budgets and other technical documents that the Inspection Service deems relevant for defining and determining the technical construction requirements.
5. In cases where the project is developed or completed through partial projects, with technical documentation relating to different parts of the ship or using specific technologies, coordination with the overall integrated project must be ensured by the tenderer.

Article 29

Modification of the elements of the authorization request

1. After the construction permit has been issued, any changes to the information submitted must be communicated by the construction site to the Inspection Service within a maximum of 10 days and any suspension of work must be communicated to the Inspection Service within the same period.
2. If the reported change affects the conditions for approval of the project and the respective authorization in aspects related to maritime safety or the prevention of marine pollution, the Inspection Service asks the shipyard to submit a new request for authorization to modify the project in order to comply with the new conditions of the ships.
3. The Inspection Service verifies that the construction project, after the modifications made, continues to comply with national legislation and the applicable International Standards and, if so, grants a new permit.
4. The request for authorization for modifications is submitted by the shipyard and, in the case of a ship intended to fly the flag of Timor-Leste, is cumulatively signed by the contracting shipowner.

Article 30

Validity of authorizations

The authorization granted for a construction project expires six months after its issuance if construction has not begun, and for this purpose construction is considered to have begun when one of the following occurs:

- a) Laying the keel;
- b) When any phase of the construction project, which can be identified with the specifically authorized vessel, has begun;
- c) At least 50 tons or 1% of the total estimated mass of all structural material has been started on the ship;
- d) For the purposes of registration and control, the waiver of acceptance or continuity of work by the authorized shipyard must be communicated to the inspection services.

Article 31

Site supervision

Once authorization has been granted for the construction of a ship in the territory of Timor-Leste, the applicant shipyard appoints a person with the competence to direct and supervise the correct development of the construction process in all aspects relating to maritime operational safety and the prevention of marine pollution, in accordance with the project, national legislation and applicable International Standards, known as the "Construction Manager".

Article 32

Supervision

The Inspection Service supervises the process of building a ship intended to fly the flag of Timor-Leste and carries out the inspection activities it deems necessary, namely to verify that:

- a) The ship is built according to the previously approved project and according to the information provided in writing by the Construction Manager;
- b) The ship has the necessary conditions to be certified in accordance with national legislation and applicable International Standards, according to its type, class and size;
- c) The elements, materials and equipment, including the main propulsion machinery and auxiliary machinery, have been inspected, accepted, approved or approved prior to their assembly or installation on board, as appropriate.

Article 33

Initial inspection of Timorese ship

1. The ship is subject to an initial survey with the aim of verifying that it complies with national legislation and applicable International Standards, for the purposes of initial certification.
2. The survey provided for in the previous paragraph consists of a complete inspection, accompanied by any necessary tests of the ship's structure, machinery and equipment, in order to ensure that it complies with the relevant rules and is in all respects seaworthy in accordance with its intended purpose.
3. For the purposes of the previous paragraph, the following inspection activities must be carried out:
 - a) An examination of all drawings, diagrams, specifications, calculations and other technical documentation deemed relevant;
 - b) Inspection of the materials, scantlings, construction and general layout of the ship, confirming that they conform to the drawings, diagrams, specifications, calculations and other approved technical documentation, and that both the quality of the work and the installation and assembly are in a satisfactory state in all respects.
 - c) The sea trial analyzes the performance and execution of essential maneuvers to demonstrate the ship's seaworthiness.
4. The initial survey is also intended to confirm that all certificates, log books, instruction manuals and other legally required documentation are on board.

Article 34

Ships destined for export

In accordance with the applicable International Standards or other agreements in force, the national maritime authority of the future flag State may request the Timor-Leste Administration to carry out, on its behalf, an inspection of a ship under construction in Timor-Leste destined for that flag State; this inspection shall be carried out following the procedure established for the construction of a ship destined to fly the flag of Timor-Leste, specifically focusing on the following requirements:

- a) Ensure that the ship is being built in accordance with the previously approved design and the requirements of the applicable International Standards;
- b) Check that the ship is completed and remains seaworthy until it flies the flag of the State for which it is destined;
- c) Issue the certificates requested by the future flag State or, alternatively, inform the latter that the certificates cannot be issued because the ship does not meet the mandatory requirements.

Article 35

Inspection of ship for export not requested by flag state

1. When the inspection activity is not requested by the future flag state, the Inspection Service acts as follows:
 - a) If the foreign administration sends its own inspectors, the Inspection Services are limited to verifying that the construction complies with the previously approved project, as well as the ship's technical documentation, and that the ship is seaworthy enough to leave the port without causing embarrassment to navigation, in accordance with the applicable International Standards;
 - b) When the foreign Administration delegates the inspection activity to a Recognized Organization or other private entity, the Administration, in addition to the activities provided for in the previous paragraph, verifies that the delegated entity is a Recognized Organization under the terms of this statute.
2. In cases where the future flag State does not send inspectors or designate a Recognized Organization duly authorized in Timor-Leste to carry out the inspection activity, the ship is inspected and certified under the same terms as ships intended to fly the flag of Timor-Leste.

Article 36

Conversion, alteration and repair of a foreign ship in Timor-Leste

1. The transformation, alteration or major repair of a foreign ship carried out in Timor-Leste requires prior authorization from the Administration, to be granted on the basis of a prior technical assessment carried out by the Inspection Services whenever said work includes any of the following situations:
 - a) the separation of the hull into two or more parts;
 - b) a significant change in the main dimensions of the ship;
 - c) a significant change in load capacity;
 - d) a significant change in stability conditions;
 - e) a significant change in the design or structural strength conditions of the ship; or
 - f) other changes deemed significant under national law and other applicable International Standards.
2. With regard to the construction in Timor-Leste of a ship intended for export, the authorization shall be requested by the corresponding shipyard or workshop and granted, denied, modified or cancelled by the Administration, in accordance with the terms provided for in this Section with regard to the construction in Timor-Leste of a ship intended for export.

3. The supervision and control of the works shall be carried out in accordance with the provisions of the previous article with regard to the construction in Timor-Leste of a ship intended to fly the flag of another State, and it shall also be necessary to appoint a competent person in accordance with Article 31.

Article 37

Control of the launch of a ship built in Timor-Leste

1. The shipyard holding the ship's construction permit must apply to the Inspection Service at least 15 days in advance for permission to launch the ship into the water.
2. The request will be accompanied by documentation describing, in detail considered satisfactory to the Inspection Service, the conditions under which the launch will be carried out, as well as the technical calculations made to guarantee operational safety, including the ship's stability study.
3. The Inspection Service, after examining the documentation submitted, takes a decision and communicates its instructions to the requesting shipyard within 10 days of receiving the request.

Article 38

Sea trials of a ship built in Timor-Leste

1. Before entering service, a ship built in Timor-Leste must undergo sea trials in order to verify compliance with the following requirements:
 - a) That the ship is built in accordance with the previously approved construction project;
 - b) That the ship has the appropriate conditions to carry out the activity corresponding to its class, in accordance with national legislation and the applicable International Standards;
 - c) That the ship can be certified in accordance with national legislation and the applicable International Standards;
 - d) That the ship's crew is sufficient and properly qualified.
2. The shipyard that holds the construction permit requests authorization from the Administration at least 10 days in advance to carry out the sea trials, and attaches supporting documentation to the request describing the tests to be carried out and the execution plans;
3. The Inspection Service analyzes the technical documentation submitted and draws up a report on the basis of which a decision is taken to notify the applicant shipyard and, if any irregularities or inconsistencies are detected during the construction process, authorization can only be granted once these have been resolved.
4. The Inspection Service supervises the execution of the sea trials and draws up a final report signed by the participating inspector.

Article 39

Content of the sea trials

Sea trials may include the operation of rudder machinery, deck machinery, main and auxiliary propulsion machinery, manoeuvrability control systems and any other test deemed necessary to ensure compliance with the requirements set out in the previous article.

Section IV

Supervision and control of the construction abroad of a ship to be registered in

Timor-Leste

Article 40

Prior approval of the construction project

1. The construction abroad of a ship intended to fly the flag of Timor-Leste requires prior approval of the construction project by the Administration, with the aim of verifying that the construction complies with national legislation and the applicable International Standards regarding the construction, operation and maintenance standards of ships as well as the prevention and mitigation of damage to the environment.
2. When the construction of a ship intended to fly the flag of Timor-Leste is carried out in different locations, each part of the ship or the construction phase carried out abroad requires specific prior approval.
3. In both situations, the prior approval procedure set out in the following article applies.

Article 41

Prior approval procedure

1. The request for prior approval is addressed by the contracting shipowner to the Administration, accompanied by the ship's design, comprising the group of specifications, calculations, drawings, justifications, budgets and other technical documents that define and determine the construction requirements; it is also necessary to submit specific documentation that is relevant to determining whether the proposed technical solutions guarantee compliance with the requirements of national legislation and applicable International Standards.
2. The reasoned decision on the application must be notified to the applicant after the Administration has determined whether the project and the technical documentation submitted comply with the applicable national legislation and International Standards, and this notification must be made within a maximum period of six months; if the application is granted, the inspection procedure to be carried out is indicated, in accordance with the provisions of the following article.
3. Notwithstanding the provisions of this article and to the extent permitted by the national legislation of the State in which the ship is built, the rules of procedure set out in Section III of this Chapter shall apply.

Article 42

Inspection abroad

1. Inspections outside the territory of Timor-Leste may be carried out by Inspectors appointed by the Administration, by Recognized Organizations or by the competent maritime authority of the State where the construction is taking place, in accordance with the provisions of the applicable International Standards.
2. When the inspection is carried out by a Recognized Organization, the Inspection Service specifies the inspection activity to be carried out, without prejudice to sending its own Inspectors to supervise the construction and the activity of the Recognized Organization, at any time during the construction process, if so decided by the Inspection Service.

3. Once the construction of the ship has been completed, the Inspection Service issues the corresponding certificates on the basis of favourable inspection reports drawn up by a Recognized Organization or by its own Inspectors.
4. When construction control is carried out by the national maritime authority of the State where the construction is taking place, the Inspection Services shall adopt the necessary measures to ensure that the inspection activity is carried out diligently, and shall indicate which inspections are to be carried out and which certificates are to be issued by the said national maritime authority.
5. In any event, all expenses incurred by inspectors traveling abroad to carry out inspections at the request of a third party are the responsibility of the applicant.

Article 43

Inspection of a ship transferred from another state

1. A ship whose respective registration is transferred to the Timor-Leste register from a foreign register shall be subject to certificate renewal inspections under the terms of Article 46, according to its type and date of construction, in order to ensure compliance with the requirements of the applicable International Standards and national legislation.
2. Once the inspection referred to in the previous paragraph has been carried out and approved, the Administration will issue the corresponding certificates.
3. After certification and registration in the ship register, the registered ship is considered a national ship of Timor-Leste and is subject to all applicable national legislation and International Standards, and a copy of the documentation and drawings provided for in article 28 for the authorization to build a Timorese ship, in one of the country's official languages, must be kept on board.
4. Notwithstanding paragraph 1 of this Article, the renewal of a ship's certificate may be replaced by the endorsement of part or all of the previous certificate, up to the limit of its period of validity, in accordance with the characteristics and type of the ship, as well as other requirements for the extension of the certificate.

Section V

Inspection of Timor-Leste ship in operation

Article 44

Timorese ship enters service

1. Once the sea trials have been completed and the certificates issued in accordance with national legislation and applicable International Standards, the ship built in Timor-Leste is authorized to operate, according to its type, under the flag of Timor-Leste.
2. Likewise, after obtaining the certificates provided for in the applicable International Standards and national legislation, and also in accordance with the provisions of sections III and IV of this chapter, a ship imported into Timor-Leste is authorized by the Administration to operate according to its type.
3. The provisions of the preceding paragraphs shall be without prejudice to the application of the rules relating to the registration of ships, customs duties, labor or other requirements relating to health or safety, established in the legislation of Timor-Leste applicable to national ships.

Article 45
Planning inspection activities

The ship flying the flag of Timor-Leste is subject, during its useful life, to scheduled and unscheduled inspections, provided for in articles 46 and 47 or 48 and 49, respectively, in order to verify compliance with national legislation and applicable International Standards, and to ensure that it is in a suitable seaworthy condition.

Article 46
Scheduled inspection

The ship flying the flag of Timor-Leste is subject to regular scheduled inspection to confirm that the conditions existing on the ship at the time of the last issuance of any certificate are maintained, as well as to verify that the ship has the necessary conditions to renew its certificate when it expires or is due to expire soon.

Article 47
Types of scheduled inspection

The scheduled inspection, which focuses on a specific certificate, can be one of the following types:

- a) Periodic Inspection: consists of the inspection of all the elements related to a specific certificate, as well as the tests that prove necessary to ensure that the inspected elements are in a satisfactory and suitable condition for the specific service of the ship; the log books, instruction manuals and other documentation on board and specified in the relevant entries of the certificate are also inspected;
- b) Renewal Inspection: consists of the inspection leading to the renewal of certificates, carried out within the regular intervals required by the period of validity of the certificate and includes the inspection, accompanied by any necessary tests of the structure, machinery and equipment, to ensure that the relevant terms of the certificates are complied with and that they are in a satisfactory and appropriate state for the specific service of the ship; the log books, instruction manuals and other documentation on board and specified in the relevant entries of the certificate are also inspected;
- c) Annual Inspection: consist of the general inspection of the elements related to the ship's certificate, with the aim of ensuring that they have been maintained in a satisfactory condition for the specific service of this and allow the inspector to verify that the state of the ship, its machinery and equipment complies with the requirements of the certificate, including the inspection of the certificate itself as well as a general visual inspection of the ship to check whether the ship or its equipment has been subject to any unauthorized modification, may be as meticulous or rigorous as the state of the ship and its equipment require, without prejudice to the inspector having the right to carry out any type of examination and test he deems necessary;
- d) Underwater Hull Inspection: consists of examining the submerged part of the hull and analyzing the related elements to ensure that they are in a satisfactory state and are suitable for the ship's specific service; this inspection is always carried out with the ship in dry dock; exceptionally, an underwater inspection may be authorized with the ship in water when it is no more than three years old, the conditions for carrying it out are satisfactory, the appropriate materials and the necessary personnel are available;

- e) ISM Code inspection: consists of the recognition and survey of the ship or operator in order to verify compliance with Chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
- f) ISPS Code inspection: consists of the recognition and survey of the ship or operator in order to verify compliance with Chapter XI of the Annex to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74).

Article 48

Unscheduled inspection

A ship flying the flag of Timor-Leste may be subject to unscheduled inspection at any time in order to verify its compliance with national legislation and applicable International Standards.

Article 49

Type of unscheduled inspection

The unscheduled inspection for a given certificate is one of the following types:

- a) Additional Inspection: consists of the inspection to be carried out on a ship that has suffered a grounding, collision or serious accident, as well as on a ship that suffers damage to any important element of its machinery or where any defect is discovered that could affect the seaworthiness or integrity of the ship or its equipment. These inspections are carried out in order to ensure that the corresponding repairs or replacements are correctly carried out and that the ship and its equipment continue to comply with national legislation and applicable International Standards;
- b) Extraordinary Inspection: consists of an inspection of the scope and detail determined by the inspector, covering any part, element, equipment or service of the ship, and is carried out in the following cases:
 - i. Damage, accident or other cause that prevents navigability;
 - ii. If there is evidence that the condition of the ship or its equipment does not correspond, in essential matters, to the details of the respective certificate, according to the type of ship;
 - iii. When the last scheduled inspection reveals that a new detailed inspection is required before the deadline for the next scheduled inspection has elapsed.
- c) Operational Inspection: consists of an inspection carried out with the purpose of verifying compliance with national legislation and International Standards applicable to the operation and maintenance of the ship during navigation;
- d) Towing authorization inspection: consists of the inspection to be carried out, outside of an emergency situation, when a towing operation is pending authorization, under terms to be defined by the Administration.

Article 50

Control of transformation, renovation and repair

1. The transformation, refurbishment or major repair of a ship flying the flag of Timor-Leste depends on obtaining prior authorization for the project from the Inspection Service, and requires that the project complies with national legislation and applicable International Standards.
2. When the transformation or overhaul of the ship takes place in different locations, each part of the ship or phase of transformation or overhaul requires specific authorization under the terms of the previous paragraph.

Article 51

Control of repairs carried out in a port in another state

Repairs to a ship flying the flag of Timor-Leste carried out in another State shall be subject to the provisions of article 52 for the inspection of national ships in the port of another State.

Article 52

Inspection of a national ship in the port of another state

1. An inspection of a Timor-Leste ship in the port of another state is carried out in the following cases:
 - a) Extension of the validity of any certificate is required before the ship reaches a port in Timor-Leste;
 - b) Damage, accident or other cause preventing the ship from returning to Timor-Leste;
 - c) When the ship normally operates between foreign ports and the trip to a national port is for the sole purpose of carrying out a mandatory inspection, the trip is clearly detrimental to its commercial operations;
 - d) Other cases considered force majeure, duly justified and preventing the ship from returning to Timor-Leste in time for an inspection.
2. Notwithstanding the previous provisions, when a Recognized Organization fails to comply, for whatever reason, with the inspection activities specifically requested by the ship's captain or operator, the latter may request the Inspection Service to carry out the inspection activities; depending on the specific circumstances of the request submitted, the Inspection Service decides and communicates whether an inspector will be sent to carry out the requested inspection or, alternatively, the applicant must request the inspection from the competent maritime authority of the foreign port where the vessel is located.
3. The Inspection Service also verifies the causes of non-compliance on the part of the Recognized Organization and, as the case may be, adopts the measures provided for by law.
4. Certificates issued by the Inspection Service or by the competent maritime authority of the foreign port, as well as endorsements or annotations made on existing certificates, are accepted and considered as issued in the name of the Administration of Timor-Leste.
5. The costs of inspectors traveling and staying abroad are the responsibility of those who request the respective inspection services from the Administration.

Section VI

Equipment, elements and material on board a national ship

Article 53

Equipment

1. The approval, certification and installation of any essential equipment on board a national ship is subject to the rules of this law.
2. Equipment approved by the competent authorities of a foreign state may be accepted by the Administration in cases where testing and approval of the equipment in question is not possible in Timor-Leste.
3. Before accepting any approval for essential equipment, the Administration shall analyze the suitability of said equipment for the specific ship, the testing and approval procedures adopted

by the foreign authority and provide a list of the authorities considered competent to supervise the installation of said equipment in that State.

Article 54

Checking equipment for maritime use

1. All elements or equipment that are required by national legislation and applicable International Standards, related to the prevention of accidents at sea, the standards of construction, operation and maintenance of ships as well as the prevention and mitigation of damage to the environment, are duly examined for the existence of approval or homologation, in accordance with this section, prior to their installation or incorporation into the ship.
2. Compliance with the rules laid down in this Decree-Law on approval, certification and marking shall be duly verified in all scheduled inspections carried out on the ship that include the inspection of elements or equipment.

Article 55

Certificate of approval

1. The ship's components or equipment are approved whenever the results of the checks, tests and trials carried out in order to verify their compliance with the specifications and operating rules laid down in national legislation and applicable International Standards are approved.
2. The certificate of approval only covers the elements or equipment subject to the approval process and does not extend to other elements or equipment, even if they are from the same series; however, a plural number of elements or equipment may be subject to a single approval process, in which case the certificate of approval may include all the components and elements of an inspected batch.
3. The certificate of approval may be used to certify the proper installation of a component or equipment on board a particular ship, in which case the certificate must identify the ship to which it refers.

Article 56

Certificate of approval

1. The ship's components or equipment must be declared type-approved as soon as the prototype of the series has passed the checks, tests and trials defined as necessary to verify compliance with the specifications and operating rules established by national legislation and applicable International Standards.
2. The type-approval certificate includes all the components and equipment with characteristics identical to those of the prototype and its validity is subject to the specifications for use referred to in this certificate.

Article 57

Duration of the approval certificate

1. The type-approval certificate expires whenever:
 - a) The expiration date indicated on the certificate has passed;
 - b) During the period of validity, the approval conditions laid down in the applicable national legislation or International Standards are substantially altered;
 - c) Any significant change in the characteristics of the approved product.

2. In either of the cases referred to in the preceding paragraph, a supplementary approval declaration or a new approval declaration may be obtained by submitting the new prototype, subject to a new approval process.
3. When any item or equipment belonging to the same series is delivered, assembled or installed on board, its type-approval certificate must be valid.
4. In any of the cases referred to in the preceding paragraphs, the approval shall include the specific type of ship on which the approved item or equipment is to be installed and used.

Article 58

Period of service of elements and equipment

1. Items and equipment which, due to their specific characteristics, have a limited lifespan and, consequently, an expiry date, may not be kept on board beyond their expiry date; to this end, they shall be immediately landed or destroyed.
2. The other items and equipment placed on board under the terms of the previous articles may be used indefinitely, regardless of the validity of the type-approval declaration at the time of their installation on board, provided that they are maintained in satisfactory working order and that the specific rules of the applicable national legislation or International Standards do not provide otherwise.

Article 59

Equipment and elements used

Equipment and items from other ships may be taken on board if, cumulatively:

- a) The type-approval certificate is considered valid at the time of installation;
- b) The type-approval includes the type of ship where the element or equipment will be placed;
- c) The equipment or element is fully functional and in a state of repair suitable for its intended purpose.

Section VII

Other inspections

Article 60

Inspection of Foreign Vessel in Port of Timor-Leste

Without prejudice to the provisions in force regarding inspections to be carried out by the Port State of a foreign ship in an Timorese port, the regime set out in Section II of Chapter I of this Decree-Law, and the provisions of articles 46 and 47, shall apply to that ship, with the necessary adaptations.

Article 61

Inspection of previously exempted ship

Ships excluded from the scope of this Decree-Law in accordance with Article 3, but which decide to provide services under this Decree-Law, shall become subject to its application, particularly with regard to the certificate renewal inspections provided for in Article 47, as well as the rules for issuing certificates applicable to their type and date of construction.

Article 62

Inspection of a ship returning to service

Ships that have been out of service for a period of more than 12 months shall be inspected to renew their certificates, under the terms of article 47.

Article 63

Recycling control and ship sinking

1. The process of demolishing and recycling a ship, as well as operations for its voluntary sinking, are subject to special authorization, inspection and monitoring under the terms of national legislation and applicable International Standards.
2. Before this type of operation or similar begins, an inspection is requested from the Inspection Service by the shipowner, in the case of sinking, or the shipowner and the shipyard jointly, in the case of demolition, in order to check that the ship is free of polluting waste.

CHAPTER III SHIP DETENTION

Section I Arrest procedure

Article 64 Detention

1. The detention of a ship is a measure that aims to prohibit a ship from sailing, taking into account the risk of an accident at sea, the violation of standards of construction, maintenance, and operation of ships, as well as the prevention and mitigation of environmental pollution provided for in national legislation and other applicable International Standards.
2. All expenses related to detention in port are borne by the shipowner.

Article 65 Arrest procedure

1. The Administration shall, as soon as possible, notify the ship's captain and the port captain in writing of the decision ordering the preventive detention of the ship with a ban on leaving the port.
2. The decision must contain a summary description of the facts and the reasons for the measure.
3. The notification of the decision includes a deadline for the right to reply and submit evidence.
4. Once the right to reply and present evidence has been exercised or the deadline for doing so has passed, the Administration will analyze and communicate, within 10 days, the final decision to order the definitive detention of the vessel or its release.
5. The detention decision can only be reviewed by the Administration once full payment has been made, an insurance policy has been taken out or a sufficient bank guarantee has been lodged to ensure that the costs of the detention will be reimbursed.
6. Under no circumstances may the detained vessel set sail without authorization from the Port Captain, under penalty of committing the crime of disobedience provided for and punishable by Article 244 of the Penal Code.

7. The final decision can be appealed.

Article 66 **Exceptions and guarantees**

1. The final detention of a ship is reported to the Port Captain, who, upon learning of it, prohibits the ship from leaving the port and does not issue the respective order to leave the ship, except for departures to the repair yard and provided that such departure does not pose a danger to maritime navigation, the ship's crew or the environment.
2. The port captain shall not issue an order for the ship's departure until he has been notified of a written report signed by the inspector stating that the repairs, materials or other measures necessary to make the ship seaworthy have been duly carried out.
3. In the case of preventive detention that is not converted into final detention, a note is entered on the respective certificates confirming that the ship has been allowed to set sail, on condition that it corrects the deficiencies found during the inspection, within the maximum period indicated on the certificates.

CHAPTER IV **TRANSITIONAL AND FINAL PROVISIONS**

Article 67 **List of certificates and documents**

1. The main certificates and documents referred to in this statute certify that national ships and operators comply with national legislation and applicable International Standards and that, in general, they are seaworthy to provide the services they are intended to according to their type, in accordance with Annex I of this statute.
2. The list of certificates is updated regularly by the Administration, as new national diplomas or International Standards are implemented.

Article 68 **Administrative offense**

1. Without prejudice to civil or criminal liability, or the application of other administrative offenses, the following behaviors constitute an administrative offense:
 - a) Failure to comply with the Commander's duties as set out in article 20 a) and b) constitutes a minor infraction;
 - b) Failure to comply with the Commander's duties as set out in Article 20(c) and (g), which constitutes a serious infringement;
 - c) Failure to comply with the duties imposed on the owner and operator of the vessel, as set out in Article 23(3)(a), (b) and (c), constitutes a minor infringement;
 - d) Failure to comply with the duties incumbent on the owner and operator of the vessel, as set out in Article 20(b) and (f), constitutes a serious infringement;
 - e) Failure by the site operator to comply with the deadline for notification of suspension of work under the terms of Article 29(1) *in fine*, and the notification deadline under Article 37(1), which constitutes a minor infringement;

- f) Failure to comply with the notification duties incumbent on the site operator, as set out in Article 28(1) and (2), Article 29(1) and Article 37(1), which constitutes a very serious infringement;
 - g) The communication of erroneous information to the Inspection Service, whether intentionally or negligently, by the Owner in breach of the provisions of articles 31 and 32, constitutes a serious infringement;
 - h) Continuing commercial operations if the airworthiness certificate has expired in accordance with Article 57 constitutes a very serious infringement.
- 2.. The administrative offenses provided for in the points of the previous paragraph of this article are punishable by the following fines:
- a) From USD100 (US dollars) to USD500 (US dollars) in the case of minor administrative offenses;
 - b) From USD 500 (US dollars) to USD 5,000 (US dollars) in the case of serious administrative offenses;
 - c) From USD 5,000 (US dollars) to USD 50,000 (US dollars), in the case of very serious administrative offenses.
3. If the infringement is committed by legal persons, the minimum and maximum amounts of the fines provided for in the points of the previous paragraph of this article are as follows:
- b) USD 500 (US dollars) to USD 5,000 (US dollars), in the case of minor administrative offenses;
 - c) USD 5000 (US dollars) to USD 50,000 (US dollars) in the case of serious administrative offenses; and
 - d) USD50,000 (US dollars) to USD500,000 (US dollars) in the case of very serious offenses.
4. The Administration determines the exact amount of the fine taking into account the following factors:
- a) The gross tonnage value of the ship;
 - b) The potential risk, the materialization of the risk and the damage resulting from the infringement;
 - c) The intention of the offender;
 - d) Repeat offenders;
5. Repeated offenses are an aggravating factor punishable by a doubling of the fine.
6. Habitually committing the same type of offense for the third and subsequent times is punishable by a fine under the terms of the previous paragraph plus detention of the vessel until the provision of a monetary deposit, the establishment of an insurance policy or the constitution of a sufficient bank guarantee:
- a) Reimbursement of detention costs;
 - b) Payment of all fines imposed; and
 - c) Taking the necessary steps to re-establish the ship's compliance with national legislation and other applicable International Standards.
7. The administrative authorities are responsible for the administrative offense procedure and the imposition of the respective fine.

Article 69

Ship inspection

1. Without prejudice to the provisions of article 7 of this statute, the inspection service shall carry out the necessary surveys of the ship, issuing, after inspection, the certificates required by this statute and other legislation in force, namely those intended to certify the safety and security

conditions of vessels and ships; if necessary, recourse may be had to Recognized Organizations or experts appointed by them.

2. Recognized Organization means any organization or classification society that, in accordance with the provisions of the legislation in force, is considered suitable to carry out official inspections of ships and surveys related to official services on behalf of the government entity responsible for maritime transport, and to issue seaworthiness certificates and other necessary documents.

Article 70

Entry into force

This decree-law shall enter into force on the day following its publication.

Approved by the Council of Ministers on ... of ... 2023.

Publish.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Transport and Communications

Miguel M.G. Manetelu

Promulgated on ... of ... of 2023.

To be published.

The President of the Republic,

José Ramos Horta

ANNEX I
(referred to in Article 67)

List of certificates and documents

A. National Certificates

- 1) Registration certificate;
- 2) National Tonnage Certificate;
- 3) Certificate of Location;
- 4) Radio License Certificate.

B. International Certificates

1. Tonnage Certificate;
2. Load Lines Certificate;
3. Passenger Ship Certificate;
4. Construction Certificate for Cargo Vessels;
5. Cargo Ship Equipment Certificate;
6. Radio Frequency Certificate for Cargo Ships;
7. Fishing Vessel Certificate;
8. Dangerous Substances Transportation Certificate;
9. Certificate of Bulk Transportation of Liquefied Gas;
10. High Speed Craft Certificate;
11. Specialized Ship Certificate;
12. Mobile *offshore* drilling unit certificate;
13. Safety Management Certificate;
14. International Ship Protection Certificate;
15. Oil Pollution Prevention Certificate;
16. International Pollution Prevention Certificate for the Transportation of Hazardous Liquid Substances in Bulk;
17. Wastewater Pollution Prevention Certificate;
18. Air Pollution Prevention Certificate;
19. Ballast Water Management Certificate;
20. Anti-fouling system certificate.

C. Complementary National and International Documents

1. Seafarers' certificates;
2. Oil Record Book;
3. Cargo registration book;
4. Oil Pollution Emergency Plan;
5. Waste Management Plan and Waste Record Book;
6. Bulk Loading and Unloading Booklets;
7. Stability documentation (SOLAS II);
8. Document of Compliance with the Code of Safe Practice for Solid Bulk Cargoes;
9. Document of Compliance with the Code of Safe Practice for Stevedoring and its Security;
10. Document of Compliance with the Code of Safe Practice for Ships Carrying Timber Cargo on Deck;
11. Document of Compliance with the Special Requirements for Ships Carrying Dangerous Goods;
12. ISM Code Compliance Document;
13. Grain Storage Declaration.