



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE

Decree-Law No. /2022

September

Regulation of the Organization of Ship Inspection Services

International maritime transport carries 80% of global trade to international peoples and communities. Timor-Leste as a maritime island country that has benefited from its oceanic resources in the Timor Sea, has potential opportunity as a shipping link from Australia and Indonesia through Tibar port activity in terms of vessel handling. Maritime transport is the most efficient and cost-effective method of transporting most goods internationally, providing reliable, low-cost means of transporting goods domestically and globally, facilitating trade and helping to create prosperity between Timor-Leste and the world and Timorese communities.

Within the scope of the transport sector, it is the Government's program to create economic growth by improving and increasing the movement of people and goods as a fundamental condition in the vision contained in the Strategic Development Plan 2011-2030 which are defined in Government Resolution no. °45 / 2017 of 26 July approving the roadmap for the implementation of the Sustainable Development Goals. The current Government also reflects the intention and willingness of the Executive to continue this effort and recognize the importance of maritime transport in Timor-Leste, which advocates the development of this sector in different ways, namely, through the construction of new ports, rehabilitation of existing

infrastructures, construction of Government ships, improvement of human resources employed, creation of maritime employment alongside the objectives of sustainable development.

The maritime transport sector requires the strengthening of the Government to develop the present technical regulation on the organization of ship safety inspection services, which must be observed in the maritime transport of passengers and goods in accordance with article 15 of the decree-law no.6/2019 of April 3, the organic of the Ministry of Transport and Communications. In order to ensure the registration and inspection system for ships to defend the safety of citizens using maritime transport and the quality of services provided by the organization accredited by the International Maritime Organization and the Ministry of Transport and Communications of the Government to perform the services of the technical inspection of ships entering the maritime territory of Timor-Leste.

Thus, the need to attest to the safety of maritime transport is in accordance with the rules of the United Nations Convention on the Law of the Sea (UNCLOS/UNCLOS), of which the State of Timor-Leste is a party, whose duties as a State of Flag, assigning in article 94 of UNCLOS, impose the adoption of these rules formulated to guarantee the navigation safety of ships when sailing in the sea of Timor-Leste.

It is therefore important to establish mechanisms to prevent maritime accidents and casualties, not only to ensure the safeguarding of human lives, but also to avoid material damage and increased pollution of the marine environment, which prove to be harmful to the country's economy. The causes of maritime accidents, notwithstanding the human error that is most often inherent in any accident, are mainly linked to the poor state of conservation and not professionally inspected by the competent authority, in which many ships are found in this region of Asia. . With great frequency sailing along the national coast, ships that do not obey the rules signed in the international maritime conventions represent a serious danger to the safety of navigation, compromising the efforts employed in the prevention of pollution and endangering maritime transport in general.

Considering article 6 and paragraphs a) and f) of the Constitution of the Republic on the objective of the State to defend and guarantee sovereignty including the maritime territory of Timor-Leste and to protect the environment and preserve natural resources, through ensuring that ships calling at Timor-Leste's ports or navigating in waters under its jurisdiction, must therefore bring greater security in accordance with the principles of international maritime conventions.

Thus, the Government decrees, pursuant to paragraph e) of paragraph 1 of article 115 and paragraph d) of article 116 of the Constitution of the Republic, the following to be valid as law:

CHAPTER I

GENERAL PRINCIPLES AND ORGANIZATION

Section I

Principles

Article 1

Object

This diploma creates the rules and procedures applicable to the activity of controlling and inspecting ships and their equipment, as well as issuing the respective certificates to public government and private inspectors who are accredited by the international maritime organization, in order to guarantee the safety of navigation, maritime protection and the prevention of pollution by ships in the sea of Timor-Leste.

Article 2

Definitions

For the purposes of the provisions of this diploma, it is understood by:

- a) “Administration of maritime transport” is the competent authority that manages certification and inspection of maritime transport in direct dependence of the central service of the direct Administration of the Ministry of Transport and Communications, with competence in the area of inspection of maritime transport, which is responsible for ensuring the application of the provisions of decree-law no.6/2019 of April 3, article 15 and the future relevant amendments exercised by the National Directorate of Maritime Transport (DNTM), which includes the certificates to issue certificates to inspectors of the “Inspection Services” maritime transport;
- b) “Owner” means 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 from the owner and who, by assuming such responsibility, undertakes to bear the duties and responsibilities due to shipowners under this Maritime Labor Convention, regardless of whether another organization or person fulfills certain duties or responsibilities on behalf of the shipowner;
- c) “Certificate of Approval”, the certification document issued by the flag State, or on its behalf, in accordance with the International Conventions on 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 its current wording;
- e) “Denouncement”, any information or report submitted by a person or organization with a legitimate interest in the safety of the ship, namely with an interest with regard to risks

to the safety or health of the crew, the living and working conditions on board and pollution prevention;

- f) "Detention", the act that results from an inspection assessment of the ship and which consists of the formal prohibition of a ship going out to sea due to deficiencies detected under the terms and for the purposes of this diploma that, alone or jointly, may place jeopardizing the safety of navigation, living and working conditions on board or the protection of the environment, rendering the ship incapable of sailing;
- g) "Pleasure craft" means craft of any nature, regardless of the means of propulsion, with a hull length between 2.5m and 24m, intended for sporting and recreational purposes and which does not carry more than twelve passengers;
- h) "Maritime Structure", any fixed or floating platform, offshore installation or any other man-made structure, located at sea, with the purpose of prospecting or exploiting living or non-living marine resources;
- i) "Inspector", the natural person appointed by the Administration to carry out inspection activities on ships in accordance with the requirements established by the State of Timor-Leste as Flag State or Port State;
- j) "Ship" or "Vessel", any type or type of vessel used as a means of transport on water;
- k) "Cargo Ship" means a ship that is not a passenger ship;
- l) "State ship", a ship, owned or operated by the State, used exclusively in non-commercial activities, including warships;

- m) "National ship" means a ship flying the flag of the State of the Democratic Republic of Timor-Leste as it is registered in the National Ship Registry of Timor-Leste, in accordance with the existing registration rules in the legislation in force;
- n) "Passenger Ship", a ship carrying more than 12 passengers;
- o) "Fishing Vessel" means a vessel equipped or used commercially for catching 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 assumes 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 ships of Timor-Leste, of in accordance with the legislative diploma that provides for authorization, recognition and control of surveys and certification of ships by Recognized Organizations;
- r) "Small Vessel", a vessel with a rule length of less than 24 meters, of any kind or type, capable of being used in water as a means of transport, as well as wooden ships of primitive construction and other vessels without independent decks.

Article 3

Scope of application

1. Unless otherwise provided, this decree-law applies throughout the national space and is applicable to ships flying the flag of Timor-Leste and foreign ships, including the following:
 - a. Those under construction outside the territory of Timor-Leste and intended to fly the flag of Timor-Leste;
 - b. To ships flying a non-national flag that navigate in the territorial waters of Timor-Leste, with the limitations established by international law;

- c. To all ships, regardless of the flag they fly, that are undergoing transformation, construction or repair in the territory of Timor-Leste.
2. This Decree-Law applies to Maritime Structures registered in Timor-Leste, which for the purposes of this Decree-Law are equivalent to ships and even those that are used in national territorial waters.
3. This decree-law does not apply to State Vessels and Small Vessels.

Article 4

Competent authority

The Maritime Administration, hereinafter referred to as “Administration” is the government body responsible for the area of national maritime security and with competence to ensure compliance with the provisions set out in this decree-law.

Article 5

Authorizations and requirements applicable to Recognized Organizations

1. The Administration may delegate to Recognized Organizations, with regard to ships flying the flag of Timor-Leste, the necessary powers to carry out, in whole or in part, inspections and surveys on the certificates of ships and their compliance with the rules and applicable procedures, and the necessary powers for issuing or renewing said certificates.
2. In cases where the Administration decides to delegate powers to Recognized Organizations, such prerogative is limited to Recognized Organizations that comply with the requirements of this diploma or other diplomas regarding the recognition of Recognized Organizations in Timor-Leste and in accordance with the IMO technical standards.
3. Any delegation carried out pursuant to this Article must be the subject of a written agreement, which indicates the duties and functions delegated to the Recognized Organization in detail and under a general principle of cooperation between the parties.

Section II

Organization of the inspection activity

Article 6

Inspection Services

The technical coordination, direction and supervision of inspection activities, as well as the elaboration of technical criteria and instructions for the implementation of the applicable norms, is the responsibility of the Administration, whose competent services are from now on referred to as "Inspection Services".

Article 7

Inspector Classes and Roles

1. According to the professional competence necessary to carry out the inspection activities, the following classes of inspectors are established:
 - a. The Inspectors in the area of Engineering and Ship Machines;
 - b. Inspectors in the area of Nautical and Radiocommunications.
2. The inspectors referred to in number 1 (a) and (b) are employees and professional technical officers with powers delegated by the DNTM as assigned by the order itself.
3. When the need arises to obtain the intervention of specialized experts, in this case, the DNTM can delegate its powers to a private entity with the appropriate technical professionalism or to the 'Recognized Organization' to carry out inspection activities of ships through its own agreement on this delegation.
4. Both classes of inspectors are competent to carry out surveys and to exercise direction and coordination functions as provided for in the International Code for Safety Management (ISM), including to act as surveyors.
5. The Head of Inspection Services organizes and distributes inspection activities, promoting the expertise of inspectors and taking into account the experience and capacity of inspectors available at any given time.
6. The Administration periodically checks the suitability of its inspectors to perform their duties.

Article 8

Professional profile of inspectors

1. Persons to be appointed as Engineer Inspectors of Ships and Marine Machinery must meet the following minimum requirements:
 - a. Have a university degree or equivalent in Naval Architecture or Maritime Machinery Engineering or another branch of engineering related to the maritime sector awarded by a University and recognized by the National Directorate of Maritime Transport, in coordination with the Ministry of Higher Education or, alternatively, having successfully completed specialized technical education with a minimum of three years of teaching in Naval Architecture or Maritime Machinery Engineering in a teaching program recognized by the DNTM and the Ministry of Higher Education and, cumulatively;
 - b. Have professional experience of at least six years in organizations or institutions in the maritime field or, alternatively, qualifications as chief engineer of ships whose main engine has a propulsive power equal to or greater than 3,000Kw or even, that have a minimum of six years of professional experience as Chief Engineer of rooms, without prejudice to being able to be considered as having the minimum requirements if he demonstrates professional skills in an exam specifically carried out for this purpose.
2. Persons designated as Nautical and Radiocommunications Inspectors must meet the following minimum requirements:
 - a. Have a university degree or similar issued by a Department of Nautical Sciences of a Maritime Faculty or University with a minimum of three years of teaching in navigation studies in the teaching program and recognized by the National Directorate of Maritime Transport (DNTM) and by the Ministry of Higher Education and cumulatively;
 - b. Have a certificate of competence for the post of captain that allows him to command a ship with gross tonnage equal to or greater than 3000 gross tonnage or demonstrate, alternatively, professional experience of six years or more in

maritime organizations or institutions as an Engineer chief or chief officer of the quarters or even professional skills in an exam specifically carried out for this purpose.

Article 9

Refresher Courses for Inspectors

1. The Administration may adjust the different functions of inspectors according to technical advances so that they can better guarantee the implementation of maritime safety, security and environmental protection needs provided for in national legislation and in International Conventions.
2. The Administration organizes mandatory refresher courses to improve the performance of inspection services.

Article 10

Training period

1. All inspectors are subject to a training period lasting at least one year after their appointment, and during this period they must carry out their duties together and under the supervision of another inspector, in order to increase their experience and their theoretical and practical knowledge.
2. In carrying out their functions of inspection of foreign ships within the scope of port state inspection, inspectors shall also comply with the requirements set out in the Timor-Leste regulation on port state inspection of ships.

Article 11

Duties and Powers of Inspectors

1. In carrying out inspection activities, inspectors are equivalent to law enforcement agents and have access, upon presentation of the respective identification, to the following ships, facilities and areas:
 - a. To all ships flying the flag of Timor-Leste;

- b. Foreign ships located in any part of the territory of Timor-Leste, subject to the limitations established in International Conventions and International Law;
 - c. Promote the issuance, authentication, renewal or extension of certificates within its competence, when the results of the inspection are positive;
 - d. The facilities where ships are built, converted, altered or repaired, or any other place where any activity subject to this regulation may be carried out.
- 2. Inspectors ask other authorities, including the National Police of Timor-Leste, for the necessary assistance to ensure the execution of their functions.
 - 3. Inspectors, when exercising their functions, cannot carry out tasks other than those related to their functions and competences, described in this diploma.

Article 12

Duties of Inspectors

Inspectors perform the following functions:

- a) Perform all necessary inspection activities in order to certify that the inspected elements are in good condition and in compliance with national legislation and International Conventions;
- b) Prepare the report corresponding to an inspection activity as soon as it is completed;
- c) Carry out inspection activities with respect and consideration for the people affected by the activity, as well as adopt the measures deemed necessary to protect the rights of all those involved;
- d) 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, no damage resulting from delay or detention of the ship following an inspection can be attributed to the Inspector or the Competent Authority.

Article 13

Identification and incompatibility of Inspectors

1. All inspectors must carry a professional identification card issued by the Administration, which indicates their class of inspector, and this document must be presented before accessing the ship to the master or the officer of the watch, as well as when requested by any interested party.
2. Inspectors cannot have commercial or economic interests in the ships to be inspected or in the ports where they carry out inspection activities.

Article 14

Responsibilities of Inspectors

All inspectors are solely responsible to the Administration for the inspections they carry out, including the reports and other documents they prepare, as well as the certificates they issue, endorse, renew or extend.

Section III

Classification of ships and inspection procedures

Article 15

Inspection activity cycle

1. Inspection activities include the following periods in the life of a ship:
 - a) The period prior to the start of construction, in which the object of inspection consists of reviewing the ship's construction project and corresponding technical documentation, to be carried out in accordance with Sections III and IV of Chapter II;
 - b) The period corresponding to the entire process of building the ship, which covers all activities carried out from the materials gathering phase to the completion of the sea trials, including laying the ship's keel and launching it, in accordance with the Sections III and IV of Chapter II;
 - c) The period in which the ship is in service, covering all activities carried out from the moment the first certificates are issued until the moment when the ship definitively ceases its activity, in accordance with Sections V and VI of Chapter II;

- d) The final period, in which the ship is demolished or voluntarily sunk, actions to be carried out in accordance with article 63.⁹.
- 2. The following operations are also part of the inspection activities:
 - a) The inspection, approval, approval or certification of any material, element or equipment to be incorporated into the ship, with a potential significant impact on maritime safety and prevention of marine pollution, in accordance with Section VII of Chapter II;
 - b) The design and subsequent execution of transformations, alterations or major repairs carried out on the ship during the service phase, in accordance with Section VI of Chapter II.

Article 16

Content of inspection activities

- 1. In carrying out the inspection activities during the different phases of construction and during the phase of the ship in service in accordance with the previous article, these have as their object, at least, the elements mentioned below, with a view to guaranteeing maritime operational safety and pollution prevention:
 - a) With regard to the structure, subdivision, stability and general arrangement of the ship:
 - i. Calculation of gross tonnage, displacement, maximum depth and other main dimensions and characteristics of the ship;
 - ii. The dimensioning of the structure, strength and watertightness;
 - iii. Intact stability, subdivision and breakdown stability;
 - iv. Freeboard and assignment and fixing of load lines;
 - v. Structural fire protection, subdivision of the ship into isolated and protective zones, means of evacuation and spaces with a high risk of fire;
 - saw. The disposition of the ship's means of evacuation and their integration in the general evacuation plan;
 - vii. Special installations and provisions to prevent pollution of the marine environment;

viii. Accommodations insofar as they affect maritime operational safety.

b) Regarding the elements, materials and equipment installed on the ship:

i. Main propulsion machinery, steering machinery, auxiliary machinery and all auxiliary services and equipment;

ii. The main emergency electricity generators, distribution boards and electrical installation, as well as their auxiliary services;

iii. Fire protection, 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. Navigation equipment, its integration and location on board and navigation marks and lights;

saw. Radioelectric installation, such as radiocommunication equipment and radio-electronic navigation aid systems;

vii. Facilities and equipment designed to prevent marine pollution;

viii. All other elements, materials and equipment, with influence on maritime safety and prevention of marine pollution, namely, deck, mooring system, loading and unloading equipment, ballast pumping system (inlet and outlet) and special facilities and equipment .

c) With regard to operational procedures and prescriptions:

i. Loading, stowage, mooring, loading and unloading, conditions for transporting solid bulk cargo and special filling, unloading and cleaning operations for tanks dedicated to the transport of liquid bulk cargo;

ii. Dangerous or highly polluting cargo, with its special provisions for packaging, labelling, loading and storage, transport, handling and any other type of handling;

iii. Intercommunication between crew, emergency education and training and firefighting and evacuation exercises, procedures in case of breakdown, firefighting systems and arrangements, control of operations carried out on the bridge, operation of engines, information that must be provided through 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 residues from the engine room, as well as the treatment and discharge of garbage and sewage and the control of exhaust gases from the engines into the atmosphere;
 - v. The certification and professional qualification of the crew in accordance with the safety certificate of the crew, the knowledge of the obligations and attributions relative 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 to adequately carry out its tasks related to maritime safety and pollution prevention;
- saw. Compliance with the rules of the ISM Code and the ISPS Code and the complementary national and international provisions relating to ships and their respective operators.

CHAPTER II

SHIP SAFETY CERTIFICATION

Section I

Certification and obligations

Article 17.

Certification of ships

1. The inspection activities provided for in this regulation, concluded with satisfactory results, give rise to the issuance, authentication, renewal or extension of a certificate, or any other document that clearly reflects the suitability of the inspected ship, object or entity, to the legislation national and international conventions.
2. With the exception of certificates extended for an indefinite period, all certificates must indicate their maximum period of validity and the date of renewal, in accordance with national legislation and International Conventions.
3. Models of certificates to be issued by the Administration are approved by ministerial diploma.

Article 18.

Necessary conditions for a ship to operate under the flag of Timor-Leste

Before authorizing a ship to fly the flag of Timor-Leste, the Administration takes all measures, within its competence, that it deems appropriate to ensure that the ship in question complies with applicable international rules and standards.

Article 19.

Airworthiness conditions

1. The harbor master issues an exit order to ships flying the flag of Timor-Leste, whenever their navigability conditions are duly certified in accordance with the type and classification of the ship in question, and for this purpose, it is sufficient to present of all relevant certificates, in accordance with national legislation and International Conventions, except when there are clear reasons to suspect that the conditions of the ship or its equipment do not correspond to the content described in the certificates.
2. In the situations referred to at the end of the previous number, an extraordinary survey is carried out with the aim of, in accordance with number 2 of article 7, verifying whether the conditions of the ship, together with its elements and equipment, correspond to to that indicated on the certificates.
3. If an anomaly is verified that is not immediately corrected, the certificate or certificates are seized and the corresponding replacement documents issued and, if necessary, the harbor master initiates the procedure for detention under the terms of Chapter III of this diploma.

Article 20

Obligations of masters and shipowners

1. With regard to the certification and inspection of ships, operators and masters of ships flying the flag of Timor-Leste have the following obligations:

- a) Inform the Inspection Services of the loss of validity of certificates or other documents related to this regulation, as well as request the necessary inspections leading to their renewal;
- b) Request all inspections that are necessary in accordance with national legislation and International Conventions for each type of ship, as well as communicate the end of validity of any annotation contained in the certificates or documents;
- c) Allow the carrying out and collaborate with all inspections determined by the Inspection Services that have as their object the verification of compliance with legal rules and International Conventions;
- d) Keep on board, in the care of the ship's captain, in an easily accessible place with adequate visibility, all certificates and documents, or authenticated copies thereof, required by national legislation and International Conventions;
- e) Keep the ship and its equipment in compliance with national legislation and International Conventions, in order to guarantee adequate navigability to avoid any danger to operational safety and the marine environment;
- f) Not to make any alteration that may affect or reduce the safety and security of the ship or the prevention of marine pollution, structural arrangement, machinery, equipment or other elements of the ship, except with prior authorization from the Administration, obtained in accordance with the provisions contained in Section III of Chapter II;
- g) Communicate, as soon as possible, all relevant breakdowns and accidents, as well as defects detected and repairs carried out on the ship or its equipment, whenever they may affect operational safety or pose a risk to the marine environment.

2. The communication referred to in paragraph g) of the previous number is made:

- a) To the inspection services or corresponding captaincy, if the ship is in a port in Timor-Leste;

- b) To the local consular representative and the representative of the competent foreign maritime administration, if the ship is in a foreign port;
- c) Following a communication, the necessary investigations are carried out to determine whether the communicated anomalies pose risks to safety and the prevention of marine pollution, so that, if the Inspection Services deem it necessary, the affected parts of the ship must be verified in an additional inspection or extraordinary, in accordance with the provisions of this law.

Section II

Procedures for inspection activities

Article 21.

official inspections

An inspection activity begins ex officio in the following cases:

- a) On the initiative of the Inspectors, when they deem it necessary, whenever they become aware of relevant facts or by denunciation they consider credible;
- b) At the request of the port master, addressed to the Inspection Services, for the purpose of verifying compliance with the applicable rules in terms of navigation or any other matter, as well as to verify that the security conditions that gave rise to the issue or renewal of the certificates remain.

Article 22

Inspections at the request of interested parties

Without prejudice to the provisions of the previous article, inspection activities may be initiated at the request of the following persons or entities:

- a) Shipowners or operators, in relation to all inspections applicable during the period of the ship's service and, in particular, the scheduled inspections and inspections for towing authorization provided for in articles 47 and 49 of this diploma;
- b) Shipyards or ship repair shops, with regard to inspections to be carried out during the construction, transformation, alteration or repair of the ship;

- c) Builder, distributors or owners, with regard to inspection activities for homologation or certification of the ship's elements and its materials and equipment.

Article 23

Application for initiation of inspection at the request of interested parties

1. The request for inspection is made in writing, in a substantiated application addressed to the Administration and presented by persons or entities with legitimacy under the terms of article 22 of this diploma or their legal representatives, and must contain the data of the applicant, the ship and of the intended inspection activity.
2. The request must be submitted within the following deadlines:
 - a) In the case of scheduled inspections provided for in article 47, the request is submitted at least fifteen days before the expiry date of the corresponding certificate;
 - b) Requests for additional or extraordinary inspections resulting from unforeseen situations, namely grounding, collision, damage to relevant elements of the ship's structure or machinery, must be submitted upon arrival at the first port or, if this is not possible, at the business day following arrival at the first port;
 - c) Extraordinary inspection requests for authorization to tow, with the exception of objectively verifiable emergency cases, must be submitted at least three days before the start date of the towing operation.

Article 24.

inspection reports

1. Once the inspection is completed, the Inspector in charge prepares and signs, under his responsibility and with absolute technical independence, the corresponding inspection report and must clearly indicate whether or not the result is satisfactory, the report being duly notified to the parties.

2. The inspection reports constitute the sufficient and indispensable documentary basis for the issuance, renewal, authentication or extension by the Administration, of the certificate or other document referring to the inspection carried out.
3. The inspection report must be prepared within the shortest possible period of time and cannot, under any circumstances, exceed 10 days from the date of the end of the inspection activity.
4. If the result is satisfactory, the issuance, renewal, authentication or extension of the certificate or document referring to the inspection carried out, must take place within a maximum period of 20 days from the date of the end of the inspection activity.
5. In cases where additional intervention by the Administration is required, the period is extended by another 30 days.
6. Inspection activities are carried out, whenever possible, in the presence of the master, a ship's officer or any other responsible person of the inspected entity and the inspection report must mention the agreement or disagreement of the representative present regarding the content of the report.
7. If the representative present, under the terms of the previous number, refuses to sign the report, the inspector mentions this refusal in the report.
8. The Inspection Services must file all inspection reports, attaching a copy of the corresponding document or certificate.

Article 25

Inspection report templates

The Administration is competent to determine the format of the inspection report templates, which must include at least the following elements:

- a) Clear identification of the ship, materials, elements or equipment inspected, as well as the persons participating in the inspection;
- b) The place, date and time at which the inspection is carried out;
- c) The identification of the Inspectors responsible for the inspections;

- d) Confirmation that the ship complies with the provisions of national legislation and International Conventions or, on the contrary, a detailed listing of the deficiencies found, with a precise indication of the standards violated and an assessment of the effects that the referred deficiencies may cause on seaworthiness of the ship and, in general, maritime safety and security and the prevention of marine pollution;
- e) The causal relationship of the measures to be adopted with a view to correcting the deficiencies detected, with an indication of the maximum period for their implementation, according to their importance and scope;
- f) The Inspector's criteria, leading to the recommendation or not, of the issuance, renewal, recognition or extension of the certificate, or signature of the corresponding document.

Article 26

Location of Inspection Activities

1. Ship inspection activities must be carried out in the following places: port areas, marinas, shipyards, docks, repair shops and other facilities that prove to be adequate, as the case may be.
2. In cases where the ship is at sea and when, due to operational or safety reasons, the ship cannot access the aforementioned places, the ship operator or the master are responsible for providing the necessary means for the Inspector reach the ship and board safely.
3. If the Inspection requires operations with a high risk potential, namely the dismantling of large parts, immobilization of the ship or similar operations or represents a danger to the Inspector for any other reason, this must be carried out only in places that have conditions of adequate security.
4. In any case, the inspection applicant is responsible for providing the necessary means and equipment to ensure that the inspection is carried out under appropriate safety conditions.

Section III

Supervision and control of the construction of ships in the territory of Timor-Leste

Article 27

Authorization to start construction in Timor-Leste

1. The start of construction of a ship in the territory of Timor-Leste requires prior authorization of the construction project by the Administration.
2. Authorizations for the construction project of ships destined to fly the flag of Timor-Leste, must guarantee compliance with all national legislation and International Conventions, in accordance with the type and characteristics of the ship, from the initial phase of the project.
3. Authorizations for the construction project of ships intended to fly a foreign flag, must guarantee, from the initial phase of the project, that the ship will be able to sail at sea, without endangering maritime safety or the environment marine, in accordance with the provisions of article 16.
4. The authorization indicated for the shipbuilding project must be applied for independently for each ship, including the cases of twin ships or several ships according to the same model and design.
5. When it is foreseen that the construction of a ship will be carried out in different places, each one of the parts of the ship or of the phases of construction that take place in Timor-Leste, require an independent authorization.

Article 28

Authorization Requests

1. The authorization request must be made in writing, addressed to the Administration and presented by the shipyard operator, with an express indication of the contracting shipowner's identity, the register in which the vessel must be registered and the type of services or activities to which it is intended.
2. If the ship is destined for export, the application specifies, if any, the maritime administration of the flag State, the Recognized Organization or another organization,

which will carry out, on behalf of the flag State, the inspection of the ship and issue the respective certificates.

3. In cases where the contracting shipowner is a national of Timor-Leste and the ship is destined to fly the national flag of Timor-Leste, the request is also signed by the latter.
4. The orders are accompanied by the ship's construction project and must include the specifications, calculations, drawings, justifications, budgets and other technical documents relevant to the definition and determination of the technical requirements of the construction.
5. The project includes all its specific documentation and technical justification of the proposed solutions for its different elements in compliance with national legislation and International Conventions and, when the project is developed or completed through partial projects, with technical documentation referring to parts different from the ship or using specific technologies, coordination with the globally integrated project must be ensured.

Article 29.

Modification of the elements of the authorization request

1. As soon as authorization is granted, any modification of the information submitted must be communicated by the shipyard to the Inspection Services within a maximum period of 10 days and, likewise, all suspensions of work are communicated to the Inspection Services within a period of 10 days after the date on which the suspension reaches three months.
2. If the communicated alteration affects the conditions for project approval and the respective authorization in aspects related to maritime safety or the prevention of marine pollution, the Inspection Services request the shipyard to present a new authorization request for the modification of the project, in order to comply with the new conditions of the ships.

3. The Inspection Services verify that the construction project, after the modifications introduced, continues to comply with national legislation and International Conventions and, if so, grant new authorization.
4. Requests for authorization for modifications are submitted by the shipyard and, in the case of ships intended to fly the flag of Timor-Leste, are cumulatively signed by the contracting shipowner.

Article 30

Validity of Authorizations

Authorizations granted for construction projects expire one year after their issuance if construction has not started, considering, for this purpose, construction started when one of the following cases occurs:

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

Article 31.

Shipyard supervision

1. Once the authorization for the construction of a ship in the territory of Timor-Leste has been granted, the applicant shipyard designates a person with competence to direct and supervise the correct development of the construction process in all aspects related to maritime operational safety and prevention of marine pollution, known as "Work Director".

2. At the end of the construction, the Director of Work signs a document declaring that the construction was carried out in accordance with the project and with the national legislation and International Conventions.

Article 32

Maritime Administration Supervision

The Inspection Services supervise the entire construction process of ships that are intended to fly the flag of Timor-Leste and carry out all inspection activities that prove necessary to verify that:

- a) The ship is built in accordance with the previously approved project and in accordance with the information provided, in writing, by the Director of Work;
- b) The ship has the necessary conditions to be certified in accordance with national legislation and International Conventions, according to the respective type, class and size;
- c) The elements, materials and equipment, including the main propulsion machinery and auxiliary machinery, have been inspected, accepted, homologated or approved before their assembly or installation on board, as the case may be.

Article 33

Initial inspection of ships from Timor-Leste

1. The ship is subject to an initial survey in order to verify that it is in compliance with national legislation and International Conventions, for the purposes of initial certification.
2. This inspection provided for in the previous number consists of a complete inspection, accompanied by tests that are necessary for the structure, machinery and equipment of the ship, in order to guarantee that it complies with all the relevant rules and that it is, in all aspects, in good condition. navigability conditions according to the purpose for which it is intended.
3. For the purposes set out in the previous number, the following inspection activities are obligatorily carried out:

- a) An examination of all drawings, diagrams, specifications, calculations and other technical documentation;
 - b) Inspection of the materials, templates, construction and general layout of the ship, confirming its compliance with 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 satisfactory condition in all respects.
4. The initial survey is also intended to confirm that all certificates, registration books, instruction manuals and other required documentation are on board.

Article 34

Ships destined for export

When, in accordance with the International Conventions or other agreements in force, the national maritime authority of the future flag State so requests, the Maritime Administration of Timor-Leste carries out, on its behalf, the inspection activity of ships under construction in Timor-Leste intended for that flag State, this inspection being carried out following the same procedure established with regard to the construction of ships intended to fly the flag of Timor-Leste and has the following content:

- a) Verify that the ship is being built in accordance with the previously approved project and in accordance with the requirements of the International Conventions;
- b) Verify that the ship is in navigable conditions and ready to enter service until the moment it flies the Flag of the State for which it is destined, without endangering maritime operational safety or the maritime environment;
- c) Issue the certificates that are requested by the future flag State or, alternatively, inform the latter that the certificates cannot be issued because the ship does not comply with the mandatory requirements.

Article 35

Inspection of ships for export not requested by the flag State

1. When the inspection activity is not requested by the future flag State, the Inspection Services act as follows:

- a) If the foreign Maritime Administration sends its own inspectors, the Inspection Services are limited to verifying that the construction is in accordance with the previously approved project, as well as the technical documentation of the ship, and that the ship meets the conditions of sufficient navigability to leave the port without causing constraints to maritime safety and the environment, in accordance with applicable international conventions;
 - b) When the maritime authority of the flag State delegates the inspection activity to a Recognized Organization or other private entity, the Administration, in addition to the activities foreseen in the previous paragraph, verifies that the delegated entity is a Recognized Organization under the terms of this diploma.
5. It is for the shipyard to inform the Administration which certifies the Recognized Organization is authorized to issue on behalf of the maritime administration of the future flag State.
6. 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 destined to fly the flag of East Timor.

Article 36

Transformation, alteration and repair of foreign ships in Timor-Leste

1. Transformations, alterations or major repairs on foreign ships carried out in Timor-Leste depend on prior authorization from the Administration, to be granted based on the prior technical assessment carried out by the Inspection Services whenever the referred works include the separation of the hull into two or more parts or, alternatively, when they produce a significant change in the main dimensions, in the load capacity, in the

conditions of stability or even in cases where they significantly change the dimensioning or conditions of structural resistance of the ship.

2. With regard to the construction in Timor-Leste of ships intended for export, authorizations are requested by the corresponding shipyard or workshop and are granted, denied, amended or canceled by the Administration, in accordance with the terms set out in this section with regard to the construction, in Timor-Leste, of ships intended for export.
3. The supervision and control of the works is carried out in accordance with the provisions of the previous article with regard to the construction in Timor-Leste of ships destined to fly the flag of another State and it is also necessary to designate a competent person, under the terms of article 31st.

Article 37.º

Launch control of ships built in Timor-Leste

1. The shipyard holding the ship's construction authorization requests the Inspection Services, at least 15 days in advance, for authorization to launch the ship.
2. The request will be accompanied by documentation that describes, in detail considered satisfactory by the Inspection Services, the conditions under which the launch will be carried out, as well as the technical calculations carried out to guarantee the operational safety of the operation, including the stability study of the ship after its launch.
3. The Inspection Services, after examining the documentation presented, make a decision and communicate their instructions to the requesting shipyard within a period of 10 days counting from the day of receipt of the request.

Article 38.

Sea trials of ships built in Timor-Leste

1. Before entering into service, all ships built in Timor-Leste must carry out 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 International Conventions;
 - c) That the ship can be certified in accordance with national legislation and in accordance with International Conventions;
 - d) That the ship's crew is sufficient and duly qualified.
2. The shipyard holding the construction authorization requests the Administration, at least 10 days in advance, authorization to carry out the sea tests, attaching to the request the supporting documentation describing all the tests to be carried out and the execution plans;
3. The Inspection Services analyze the technical documentation submitted and draw up the report on the basis of which the decision to be notified to the applicant shipyard is taken and, if during the construction process, inconsistencies have been detected by the Inspectors, authorization can only be granted after all inconsistencies have been resolved.
4. The Inspection Services supervise the execution of the sea tests and prepare a final report signed by the participating inspector.

Article 39.

Sea trials content

Sea trials include, where applicable, the operation of steering gear, deck gear, main and auxiliary propulsion machinery, maneuverability control systems and any other test deemed necessary to ensure compliance with the requirements laid down in article previous.

Section IV

Inspection and control of the construction abroad of ships 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, in order to verify that the construction is in compliance with national legislation and with the International Conventions in the with regard to its characteristics and services to be provided, maritime safety, maritime protection and prevention of marine pollution.
2. In the event that the construction of a ship intended to fly the flag of Timor-Leste is carried out in different locations, each of the parts of the ship or of the construction phase carried out abroad requires specific prior approval.
3. In both situations, the prior approval procedure provided for in the following article is applicable.

Article 41.

Prior approval procedure

1. The request for prior approval is sent by the contracting shipowner to the Administration, accompanied by the ship's project, integrating the group of specifications, calculations, drawings, justifications, budgets and other technical documents that define and determine the construction requirements, being equally necessary the submission of all specific documentation that is relevant to determine whether the proposed technical solutions guarantee compliance with the requirements of national legislation and International Conventions.
2. The substantiated decision of the request must be notified to the applicant after the Administration determines whether the project and the technical documentation presented comply with national legislation and International Conventions, this

notification being made within a maximum period of six months and, in case of approval of the request , 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 of construction of the ship, the rules of procedure provided for in Section III above of this Chapter shall apply.

Article 42.

Inspection activities to be carried out abroad

1. Inspection activities outside the territory of Timor-Leste may be carried out by Inspectors designated by the Administration, by Recognized Organizations or by the competent maritime authority of the State where the construction takes place, in accordance with the provisions of International Conventions or other applicable specific agreements.
2. When inspection is carried out by a Recognized Organization, the Inspection Services specify the inspection activity to be carried out without prejudice to the sending of Inspectors to supervise the construction and activity of the Recognized Organization, at any time during the construction process, if so decided by the Inspection Services.
3. Once the construction of the ship has been completed, the Inspection Services issue the corresponding certificates based on favorable inspection reports prepared either 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 construction takes place, the Inspection Services adopt the necessary measures to ensure that the inspection activity is carried out diligently, indicate which inspections to be carried out and the certificates that the said national maritime authority must issue.
5. Under any circumstances, all expenses resulting from the travel of Inspectors abroad in order to carry out inspection activities at the request of a third party, are the latter's responsibility.

Article 43

Inspection of ships transferred from other states

1. Ships whose respective registrations are transferred to the Timor-Leste registry from a foreign registry are subject to certificate renewal inspections under the terms of article 46 below, according to their respective type and date of construction in order to ensure compliance with the requirements set out in International Conventions and national legislation.
2. After carrying out the inspection referred to in the previous number and corresponding approval, the Administration issues the corresponding certificates.
3. After certification and registration in the national register of ships, the registered ship becomes a national ship of Timor-Leste and is subject to all national legislation and International Conventions and must keep on board copies of the documentation and drawings provided for in article 28 for the authorization to build ships in Timor-Leste, in one of the official languages of the country.
4. Notwithstanding the provisions of number one of this article, the renewal of the ship's certificates may be replaced by the authentication of part or all of the previous certificate, up to the limit of its validity period, in accordance with the characteristics and type of the ship, as well as other requirements required for the extension of the certificate by the previous maritime administration.

Section V

Inspection of Timor-Leste ships in operation

Article 44

Entry into service of ships from Timor-Leste

1. Once the sea trials have been completed and the corresponding certificates issued under the terms of national legislation and International Conventions, ships built in Timor-Leste are authorized to operate, according to their type, under the flag of Timor-Leste.
2. Likewise, after obtaining the certificates provided for in International Conventions and national legislation and also in accordance with the provisions of sections III and IV of this chapter, ships imported into Timor-Leste are authorized by the Administration to operate according to their type.
3. The provisions of the previous numbers do not affect the application of the rules regarding the registration of ships, customs, labor rights or other requirements related to health or safety, established in the legislation of Timor-Leste applicable to national ships.

Article 45

Planning inspection activities

For the purpose of verifying compliance with national legislation and International Conventions, as well as to ensure that ships flying the flag of Timor-Leste are in adequate navigable conditions with regard to maritime safety, maritime protection and prevention marine pollution, all ships flying the flag of Timor-Leste are subject, throughout their useful life, to scheduled inspections and unscheduled inspections, provided for in articles 46 and 47 or 48, respectively, and 49 of this diploma.

Article 46

Scheduled inspections

All ships flying the flag of Timor-Leste are subject to scheduled inspections, carried out at regular intervals, either to confirm that the conditions of the ship existing at the time of the most recent issue of any certificate are maintained, or to verify that the ship maintains the necessary conditions for the renewal of your certificate when its validity expires or is scheduled for a close date.

Article 47

Types of scheduled inspections

Scheduled inspections that focus on a specific certificate can be one of the following types:

- a) Periodic Inspections: consist of the inspection of all elements related to a specific certificate, as well as the tests that prove necessary to guarantee that the inspected elements are in satisfactory and adequate condition for the specific service of the ship and must also be inspected if all logbooks, instruction manuals and other documentation specified in the relevant certificate entries are on board;
- b) Renewal Inspections: consist of inspections leading to the renewal of certificates, carried out within the regular intervals required by the period of validity of the certificate and include inspection, accompanied by tests that prove necessary for the structure, machinery and equipment, in order to guarantee that the relevant terms of the certificates are met and that they are in a satisfactory and appropriate condition for the specific service of the ship and must also be inspected that all log books, instruction manuals and other documentation specified in the relevant entries of the certificate, are on board;
- c) Intermediate Inspections: consist of the general inspection of specific elements that are related to the corresponding certificate, with a view to ensuring that the elements are in satisfactory condition and are suitable for the specific service of the ship;
- d) Annual Inspections: consist of general inspections of the elements related to the ship's certificate, with the objective of guaranteeing that they have been maintained in satisfactory conditions for the specific service of this one and allow the inspector to verify that the condition of the ship, its machinery and equipment complies with the requirements of the certificate, including inspection of the certificate itself as well as a general visual inspection of the ship to verify whether the ship or its equipment has been subject to any unauthorized modification, which may be as meticulous or rigorous as the state of the ship and its equipment so require, the inspector having the right to carry out all the examinations and tests he deems necessary;

- e) Underwater Hull Inspections: consist of examining the submerged part of the hull and analyzing the related elements, in order to ensure that they are in satisfactory condition and are suitable for the specific service of the ship, and these inspections are always carried out with the ship in dry dock, however, an underwater inspection may be exceptionally authorized with the ship in the water if it is not more than three years old, the conditions for carrying it out are satisfactory, the materials are adequate and the necessary personnel are available;
- f) ISM Code Inspections: Consist of reconnaissance and surveys carried out on the ship or operator, in order to verify compliance with Chapter IX of the Annex of the International Convention for the Safety of Life at Sea, of 1974 (SOLAS 74);
- g) ISPS Code Inspections: Consist of reconnaissance and surveys carried out on 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 Inspections

All ships flying the flag of Timor-Leste may be subject to unscheduled inspections, at any time, with the aim of verifying their compliance with national legislation and International Conventions and whether they have adequate navigability conditions capable of guaranteeing safety, protection and prevention of marine pollution.

Article 49.^o

Types of unscheduled inspections

Unscheduled inspections that respect a specific certificate are of one of the following types:

- a) Additional Inspections: consist of inspections to be carried out on ships that have suffered a grounding, collision or serious accident, due to bad weather or any other cause, as well as ships that have suffered damage to any important element of their machinery or where any defect that affects the safety or integrity of the ship or its equipment is discovered, and these inspections are carried out in such a way as to ensure that the corresponding repairs or replacements are correctly carried out and that, consequently, the ship and its

equipment continue to comply with the legislation applicable national and international conventions;

- b) Extraordinary Inspections: consist of inspections as complete as deemed necessary by the inspector and deal with any part, element, equipment or service of the ship, being carried out in the following cases:
 - i. In the cases provided for in article 51;
 - ii. In view of indications that the condition of the ship or its equipment does not correspond, in essential matters, to the details of the respective certificate, in accordance with 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.
- c) Operational Inspections: consist of inspections carried out with the purpose of verifying compliance with national legislation and applicable international conventions with regard to the operation and use of the ship, both during navigation and during the performance of the different activities related to the service when these may influence maritime safety or the prevention of marine pollution;
- d) Towing authorization inspections: consist of inspections to be carried out, outside of emergency situations, when a towing operation is pending authorization, in terms to be defined by the Maritime Administration.

Article 50

Control of transformations, renovations and repairs

1. The transformation, renovation or major repair of a ship flying the flag of Timor-Leste requires prior authorization of the project by the Inspection Services, which must be given whenever the project is in compliance with national legislation and Conventions International, with the ship's characteristics and services to be provided and, if the ship complies with the requirements relating to maritime operational safety, security and prevention of marine pollution.

2. When the transformation or refurbishment of the ship is carried out in different places, each of the parts of the ship or the stages of transformation or refurbishment, requires a specific authorization under the terms of the previous number.

Article 51.

Control of repairs carried out in another State's port

Repairs on ships flying the flag of Timor-Leste, carried out in another State as a result of failures, accidents or other causes that prevent the ship from returning to Timor-Leste, are subject to the provisions of article 52 for the inspection of ships nationals in a port of another State.

Article 52.

Inspection of national ships in ports of another State

1. Inspection of Timor-Leste ships in ports of another State is carried out in the following cases:
 - a) When the extension of validity of any certificate is necessary before the ship arrives at a port in Timor-Leste;
 - b) When the ship is involved in operations between foreign ports and the displacement to a national port, with the sole purpose of carrying out the mandatory inspections, jeopardizes its commercial operations;
 - c) When, due to damages, setbacks or other incidents, the ship must be inspected abroad.
2. Notwithstanding the foregoing provisions, when a Recognized Organization fails to fulfill, for whatever reason, the inspection services requested by the ship's master or operator, they may request the Inspection Services to carry out the inspection activities which, considering the specific circumstances of the submitted application, decide and communicate to the applicant whether an inspector will be sent to carry out the required inspection or if, alternatively, the applicant must request the inspection to the competent maritime authority of the foreign port where the vessel is located.

3. The Inspection Services also verify the causes of non-compliance by the Recognized Organization and, as the case may be, adopt the measures foreseen in the legislation that provides for Recognized Organizations.
4. Whenever the inspection activity is requested from the relevant authority of the foreign port, the Inspection Services take all necessary measures to ensure that the inspection is carried out properly.
5. The certificates issued by the Inspection Services or by the competent maritime authority of the foreign port, as well as the endorsements or annotations made in the existing certificates, have the same value as those issued in Timor-Leste.
6. The costs inherent to the travel and stay abroad of inspectors are the responsibility of whoever requests the respective inspection services from the Administration.

Section VI

Equipment, elements and materials on board national ships

Article 53

Rules applicable to equipment for marine use

1. The approval, certification and installation of any equipment related to maritime safety or prevention of marine pollution, on board national ships, is subject to the rules of this statute.
2. Equipment approved by the competent authorities of foreign States may be accepted by the Administration in cases where the tests and approval of the equipment in question cannot be carried out in Timor-Leste.
3. Before accepting the approval referred to in the previous number, the Administration analyzes each concrete case, verifies the administrative procedures of the foreign authority, carries out a visit to the place and provides a list of the authorities considered competent in that State.

Article 54.º

Verification of marine equipment

1. All elements or equipment that are required by national legislation and International Conventions, related to maritime safety (safety aspect), safety (security aspect) or prevention of marine pollution, are duly examined in order to confirm that they have been duly approved or homologated, in accordance with this section, before its installation or incorporation in the ship.
2. Compliance with the rules laid down in this decree-law in terms of approval, certification and marking is duly verified in all scheduled inspections carried out on the ship that include the inspection of elements or equipment.

Article 55

Approval certificate

1. The elements or equipment of the ship are approved whenever the results of the controls, tests and tests carried out with the purpose of verifying their conformity with the specifications and operating rules established in the national legislation and International Conventions, are positive.
2. The approval certificate only covers the elements or equipment subject to the approval process, not being extended to other elements or equipment, even if of the same series; however, a plural number of elements or equipment may be subject to a single approval process, in which case the approval certificate may include all components and elements of an inspected lot.
3. The approval certificate may be intended to certify the proper installation of an element or equipment on board a particular ship, in which case the certificate in question must identify the ship to which it refers.

Article 56.º

Homologation certification

1. The ship's elements or equipment must be declared homologated as soon as the prototype of the series has passed the verifications, tests and trials defined as necessary for verifying

compliance with the specifications and operating rules established by national legislation and International Conventions.

2. The approval certificate includes all elements and equipment with characteristics identical to those of the prototype and its validity is subject to the use specifications referred to in this certificate.

Article 57.º

Validity period of type-approval certificates

1. Approval certificates lose their validity whenever:
 - a) The expiry date indicated on the certificate has passed;
 - b) During the period of validity, the approval conditions established in national legislation or International Conventions are substantially altered;
 - c) There is any significant change in the characteristics of the approved product.
2. In any of the cases foreseen in the paragraphs of the previous number, a complementary declaration of homologation or a new declaration of homologation can be obtained, through the submission of the new prototype, subject to a new homologation process.
3. When any element or equipment belonging to the same series is delivered, assembled or installed on board, the respective approval certificate must be valid and, in the case of ships under construction, the certificate must also be valid, on the date of laying the keel.
4. In any of the cases provided for in the previous number, the approval must include the specific type of ship on which the approved element or equipment is placed and used.

Article 58.º

Period of service of elements and equipment

1. Items and equipment that, due to their specific characteristics, have a limited duration and, consequently, an expiry date, cannot be kept on board beyond the expiry of their validity, having to be immediately disembarked or destroyed.

2. The remaining elements and equipment placed on board under the terms of the previous articles may be used indefinitely, regardless of the validity of the approval declaration when installed on board, provided that they are kept in satisfactory service conditions and the specific rules of national legislation or applicable international conventions do not provide otherwise.

Article 59.º

Equipment and elements from other ships

Equipment and elements from other ships may be placed on board whenever:

- a) The homologation certificate is valid;
- b) The approval also covers the type of ship where the element or equipment will be placed;
- c) The equipment or element is in adequate maintenance conditions that allow it to fulfill the purpose for which it is intended.

Section VII

Other inspections and controls

Article 60

Inspection of Foreign Ships visiting Timor-Leste Ports

Without prejudice to the provisions in force regarding inspections to be carried out by the Port State, of foreign ships in ports in Timor-Leste, Section II of Chapter I of this decree-law and also the provisions of articles 46 and 47. applies to those ships.

Article 61.

Inspection of previously exempt ships

All ships excluded from the scope of application of this diploma in accordance with article 3, which change the services provided to services provided for in this diploma, will thus become subject to its application, namely with regard to the inspections for renewal of the certificate

foreseen in article 47, as well as the rules for issuing certificates applicable to their type and date of construction.

Article 62.

Inspection of ships returning to service

The ship that has been out of service for a period longer than that determined by the Inspection Services, is subject to inspection for the renewal of certificates, under the terms provided for in article 47, in order to obtain the revalidation or extension of the validity of the corresponding certificates to its type and date of construction.

Article 63

Ship recycling and sinking control

1. Ship demolition and recycling processes, as well as operations for their voluntary sinking, are subject to special authorizations, inspections and controls under the terms provided for in national legislation and International Conventions.
2. Before starting this type of operation or similar, the shipowner, in the case of sinking or the shipowner and the shipyard jointly, in the case of demolition, request an inspection from the Inspection Services, with the purpose of verifying whether the ship is in free of oils, gases or other polluting residues that could compromise maritime safety or the marine environment.

CHAPTER III

DETENTION OF SHIPS

Section I

Arrest procedure

Article 64.º

Detention

1. The detention of ships is a measure of an administrative nature, which aims to guarantee maritime safety and prevent marine pollution, under the terms of this diploma and the national legislation and applicable International Conventions.
2. All expenses related to detention in port are borne by the ship's owner.

Article 65.º

Arrest procedure

1. The Administration initiates the instruction of the process with the notification made to the master of the ship, in writing, ordering the preventive detention of the ship, with the warning that the ship is prohibited from leaving the port and with a summary description of the facts and circumstances that justified the measure, and the harbor master was also immediately notified in writing.
2. The notification contains the appropriate information about the right to formulate a response and to present evidence within the indicated period, in accordance with the provisions of Decree-Law no. 32/2008, of 27 August (Administrative Procedure).
3. Once the indicated period has expired, the Administration issues and communicates its final decision according to which the definitive detention of the ship is ordered or not.
4. The detention decision is only reviewed by the Administration, after full payment or constitution of a sufficient bank guarantee, to ensure the reimbursement of expenses related to the detention.
5. Under no circumstances may the detained ship set sail under penalty of committing the crime of disobedience provided for and punishable by article 244 of the Penal Code.
6. The detention decision may be appealed to the judicial courts, not having, however, suspensive effects.
7. The information on the right of appeal, within the scope established in this article, must be expressly mentioned in the notification delivered to the ship's master, which includes the arrest decision.

Article 66.º

Exceptions and Warranties

1. The definitive detention of a ship is communicated to the harbor master, who becomes aware of it, prohibits the ship's departure from the port and does not issue the respective order for the ship's departure, except for departures that have the shipyard as their destination. repair and provided that this exit does not pose a danger to maritime operational safety or the marine environment.
2. The harbor master does not issue the ship's departure order until notified of a written report signed by the Inspector, which declares that the repairs, materials or other measures necessary for the ship to be in a seaworthy condition have been duly performed.
3. In the case of preventive detention that is not converted into definitive detention, an annotation is entered in the respective certificates, confirming that the ship was allowed to set sail, on condition that the deficiencies found during the inspection are corrected, within the maximum period indicated in the certificates.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 67.º

List of certificates and documents

The main certificates and documents referred to in this diploma certify that national ships and operators comply with national legislation and International Conventions and that, in general, they are in seaworthy conditions to provide the services they propose in accordance with their type, according to the provisions of Annex I, which is an integral part of this diploma.

Article 68.º

Administrative Offense Regime

1. Without prejudice to civil or criminal liability, or the participation of other administrative offenses, the following behaviors constitute administrative offenses:

- a) Non-compliance with the duties incumbent on commanders as established in paragraphs a) and b) of paragraph 1 of article 20 constitutes a minor infraction,
- b) Non-compliance with the duties incumbent on commanders in accordance with paragraphs c) and g) of paragraph 1 of article 20 constitutes a serious offence,
- c) Non-compliance with the duties imposed on the ship's owners and operators, as established in paragraphs a), b) and c) of paragraph 2 of article 23, constitutes a minor infraction;
- d) Non-compliance with the duties imposed on the ship's owners and operators, as established in paragraphs b) and f) of paragraph 1 of article 20, constitutes a serious infringement;
- e) Non-compliance with the deadline for notification of suspension of work by the shipyard operator under the terms of paragraph 1 of article 29 in fine, and the notification period provided for in paragraph 1 of article 37, constitutes a minor infraction;
- f) Non-compliance with the notification duties imposed on the shipyard operator, as established in paragraphs 1 and 2 of article 28, paragraph 1 of article 29, paragraph 1 Article 37 constitutes a very serious offence;
- g) The communication of erroneous information to the Inspection Services by the Developer, in breach of the provisions of articles 31 and 32, constitutes a serious infringement;
- h) The continuation of commercial operations, if the airworthiness certificate is suspended under the terms of article 57, constitutes a very serious infringement.

2. The administrative offenses provided for in the paragraphs of the previous number of this article are punishable by the following fines:

- a) From US\$25 (American dollars) to US\$500 (American dollars), in the case of light administrative offences;
- b) From US\$400 (American dollars) to US\$2500 (American dollars), in the case of serious administrative offences;

c) From US\$2200 (American dollars) to US\$3700 (American dollars), in the case of very serious administrative offences.

1. If the offense is committed by legal persons, the minimum and maximum amounts of the fines provided for in the paragraphs of the previous number of this article are increased, respectively with the following fines:

a) US\$500 (US dollars) to US\$20 000 (US dollars), in the case of minor offenses;

b) US\$2500 (US dollars) to US\$30 000 (US dollars) in case of serious offenses; and

c) US\$10 000 (US dollars) to US\$44 000 (US dollars) in the case of very serious offenses.

4. Negligence and attempts are punishable, with the amounts of fines provided for in this article being reduced to half of their minimum and maximum limits in the event that the offense was committed with negligence or if it was an attempt.

5. The investigation of administrative offenses and the application of the respective fines is the responsibility of the Administration.

Article 69.º

Ship Inspections

1. Without prejudice to the provisions of article 7 of this diploma, the DNTM of the Ministry of Transport and Communications carries out the necessary inspections on ships, issuing, after inspection, all the certificates required by this diploma and other legislation in force, namely, those intended to certify the conditions of safety and protection of vessels and ships, and may, if necessary, resort to Recognized Organizations or experts designated by them.

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

Article 70

Transient System

1. The inspection of Timor-Leste ships prior to the approval of this diploma is carried out by the inspection agency referred to the BMKG of Indonesia through a separate understanding with restricted application by contract regime.
2. The new regime of organization recognized or referred to in English as “Recognised Organizations” is regulated by specific regulation.

Article 71.º

Implementation

This decree-law enters into force 90 days after the date of its publication.

Approved by the Council of Ministers on ____ May 2021.

The Prime Minister,

Taur Matan Ruak

The Minister of Transport and Communications

José Agostinho da Silva

Enacted in

Publish yourself.

The President of the Republic;

Dr. Jose Ramos Horta

ANNEX I

(as referred to in Article 67)

List of certificates and documents

A. National Certificates

1. Certificate of Registration
2. National Tonnage Certificate
3. Capacity Safety Certificate
4. Radio License Certificate.

B. International Certificates

1. Tonnage Certificate
2. Load Lines Certificate
3. Passenger Ship Safety Certificate
4. Construction Safety Certificate for Cargo Ship
5. Cargo Ship Equipment Safety Certificate
6. Radioelectric Safety Certificate for Cargo Ships
7. Fishing Vessel Safety Certificate
8. Certificate of Mass Transport of Dangerous Chemicals
9. Liquefied Gas Bulk Transport Certificate
10. Safety Certificate for High Speed Vessels
11. Specialized Ship Safety Certificate
12. Safety Certificate for Mobile Offshore Drilling Units
13. Safety Management Certificate
14. International Ship Protection Certificate

15. Oil Pollution Prevention Certificate
16. International Pollution Prevention Certificate for the Transport of Noxious Liquid Substances in Bulk
17. Sewage Pollution Prevention Certificate
18. Air Pollution Prevention Certificate
19. Ballast Water Management Certificate
20. Antifouling System Certificate

C. Complementary National and International Documents

1. Maritime Certificates
2. Oil Record Book
3. Cargo Registration Book
4. Emergency Plan in case of Oil Pollution
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 Practices for Solid Bulk Cargoes; Document of Compliance with the Code of Safe Practice for Stowage and its Safety
9. Document of Compliance with the Code of Safe Practices for Ships Carrying Wood Cargo on Deck
10. Document of Compliance with Special Requirements for Ships Carrying Dangerous Goods
11. ISM Code Compliance Document
12. Grain Stowage Declaration