

**GOVERNMENT RESOLUTION No. 51/2017
of 13 December 2017**

RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

The present Rules of Procedure of the Council of Ministers result, essentially, from the specialized report, "Legislative Process at Government Level", carried out by the Commission for Legislative Reform and the Justice Sector, established by Government Resolution no. 30/2015, of 26 August.

As the report itself states, its purpose was "to analyze the legislative process at Government level, in articulation with the decision-making process of public policies and to issue recommendations that result from this analysis".

These Rules of Procedure, having as background, structurally, the previous regulations of 2013, absorb several of the recommendations of this report, mainly the idea of creating Rules of Procedure for the Council of Ministers that remain in their essential structure, beyond the "life" of each government, that is, that they remain in force beyond the mandate of the government that approves them. And thus, that it contains the essential rules of operation of the Council of Ministers, but at the same time allows permanent adaptation to the specific characteristics of each government, to its political structure and to its model of balanced operation.

In this way, we are committed to the creation of Rules of Procedure which include only the essential rules: regulating the composition of meetings of the Council of Ministers, dealing with draft legislation of the Government, participation in and access to meetings of the Council of Ministers; leaving to the administrative decision of the member of each Government who, at each moment, is responsible for managing the meetings, the competence to regulate, in the way it deems most convenient, the administrative and logistical issues in support of meetings of the Council of Ministers.

The purpose of this is to create Rules of Procedure of the Council of Ministers that are more structuring, more durable in time and that allow the actors in this area, an easier apprehension of the rules of the Council of Ministers, at the same time allowing small adaptations resulting often from the political balances within the Government, but also from the ideas and ways of functioning of both the Prime Minister and the member of the Government responsible for coordinating the legislative procedure, as well as the functioning of the Government itself.

Thus,

The Government hereby resolves, in accordance with Article 115(3) of the Constitution of the Republic, the following:

1. To approve the new Rules of Procedure of the Council of Ministers, contained in the annex to this Resolution, of which it forms an integral part.
2. To repeal Resolution of the Council of Ministers No. 8/2013, of 27 February.

Approved by the Council of Ministers, on December 6, 2017.

Be it published.

The Prime Minister,

Dr. Marí Bim Amude Alkatiri

ANNEX
RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

CHAPTER I
COUNCIL OF MINISTERS

Article 1
Composition

1. The Council of Ministers shall consist exclusively of the Prime Minister, who shall preside and the Ministers.
2. The Secretary of State for Media and the Council of Ministers shall participate in the meetings of the Council of Ministers as the spokesperson of the Government, without voting rights.
3. Other members of the Government and other entities that are specially summoned or invited may also participate in the meetings of the Council of Ministers, without the right to vote, by indication of the Prime Minister.
4. In addition to the provisions of the previous paragraph, members of the Government who are not Ministers or who are not acting in substitution of Ministers may only participate in the meetings of the extended Council of Ministers, intended for all members of the Government, expressly authorized by the Prime Minister.

Article 2
Absence and Impediment

1. Unless otherwise provided for, the Prime Minister shall be replaced, in his or her absence or inability to act, by one of his or her ministers in accordance with the order established by the Government.
2. Each Minister shall be replaced, in his or her absence or impediment, by the Vice-Minister or Secretary of State who assists him or her, as he or she shall indicate to the Prime Minister.
3. In the cases of lack of indication referred to in the previous paragraph or in the absence of a Vice Minister or Secretary of State, each Minister shall be replaced by the member of the Government that the Prime Minister indicates, so that all Ministers are represented in the meetings.
4. For the purposes of the preceding paragraphs, absences and impediments shall be communicated to the Prime Minister in writing and signed by the respective member of the Council of Ministers, with the knowledge of the Minister of the Presidency of the Council of Ministers.

Article 3
Meetings

1. The Council of Ministers shall hold its ordinary meeting on Wednesday at 9 a.m. unless the Prime Minister determines otherwise.
2. Council meetings shall be held at the Government Palace, in Dili.
3. The Prime Minister may order the meeting of the Council of Ministers anywhere else in the national territory.
4. The Council of Ministers shall meet extraordinarily whenever convened by the Prime Minister or, in his absence or impediment, by the Minister that replaces him, subject to prior authorization from the Prime Minister.
5. The working languages of meetings of the Council of Ministers shall be Portuguese and Tetum.
6. Exceptionally, some presentations with technical specificities may be made in English.

Article 4

Agenda

1. Meetings of the Council of Ministers shall be held in accordance with an agenda.
2. Only the Prime Minister may submit to the Council of Ministers projects or matters not on the respective agenda.

Article 5

Agenda

1. The organization of the agenda of the Council of Ministers shall be the responsibility of the Minister of the Presidency of the Council of Ministers, according to the projects presented, and shall be approved by the Prime Minister.
2. The agenda of the meeting of the Council of Ministers shall be sent to the members of the Council of Ministers by the Minister of the Presidency of the Council of Ministers, in order to be received on the Monday immediately preceding the respective meeting, except in the case of extraordinary meetings or exceptional circumstances.
3. The agenda of the Council of Ministers shall consist of three parts:
 - a) The first, concerning the approval of the agenda and minutes of the previous meeting;
 - b) The second, relating to the consideration of draft legislation;
 - c) The third, relating to studies, projects, documents or any other form of presentation of subjects or matters that the Prime Minister deems should be discussed by the Council of Ministers.

Article 6

Deliberations

1. The Council of Ministers shall deliberate validly provided that an absolute majority of its members with voting rights is present.
2. The deliberations of the Council of Ministers shall be taken by consensus or, in the absence thereof, by a majority vote of its members in accordance with the preceding paragraph.
3. The Prime Minister, the Ministers and other members of the Government shall have the right to vote in substitution of a member of the Council of Ministers, in accordance with Article 2.
4. In case of a tied vote, the Prime Minister, as President of the Council of Ministers, shall have the casting vote.

Article 7

Content of decisions

1. The draft normative acts presented to the Council of Ministers are subject to one of the following decisions:
 - a) Approval;
 - b) Approval with corrections or amendments;
 - c) Postponement for further consideration at another meeting;
 - d) Rejection;
 - e) Acceptance of withdrawal of the proposal by the respective proponents.
2. The Council of Ministers may also deliberate, if it so wishes, on any matter other than a legislative act.

Article 8

Committees

1. Upon deliberation of the Council of Ministers, there may be created committees, of a permanent or temporary nature, on the basis of the matter, with the function of coordination, or analysis, or creation of draft legislative or political acts, or for presentation of recommendations to the Council of Ministers.
2. The composition, nature, powers, organization and functioning of the commissions shall be defined in the Resolution of the Council of Ministers establishing them.

Article 9

Minutes

1. Minutes shall be taken of each meeting of the Council of Ministers and shall contain a summary of the meeting's agenda and, in particular, the outcome of the consideration of the issues presented and the decisions and deliberations taken.
2. Meetings shall be recorded for archiving purposes and consultation only by members of the Government.
3. The minutes of the meeting of the Council of Ministers shall be submitted for approval, if possible, at the meeting immediately following the one to which they relate.
4. The original minutes, signed by the Prime Minister and the Minister of the Presidency of the Council of Ministers, shall be kept at the competent services of the Presidency of the Council of Ministers (PCM) and may be made available to any member of the Government.

Article 10

Communiqué

1. From each meeting of the Council of Ministers, a press release shall be drawn up by the relevant departments of the PCM and under the Prime Minister's guidance.
2. The preparation of the press release shall count on the cooperation of all government departments, through the provision, when necessary, of statistical data and technical or other information concerning the measures to be announced.
3. The transmission of the press release to the media shall be the responsibility of the Government spokesperson.
4. When the nature of the matter justifies it, any other member of the Government may participate in the transmission referred to in the previous number, by indication of the Prime Minister.
5. For the purposes of this Article, the press release shall be transmitted to the media in the official languages, without prejudice to its transmission, where possible, also in English, and shall be published on the Government's website.

Article 11

Subsequent procedure

1. The Minister of the Presidency of the Council of Ministers, with the collaboration of the Minister proposing each legal diploma, shall be responsible for promoting the introduction into the diplomas, the amendments approved by the Council of Ministers.
2. The approved legal diplomas shall be signed by the Prime Minister and by the Ministers competent in the matter, and the Minister of the Presidency of the Council of Ministers shall be responsible for conducting the process of collecting signatures and, where appropriate, their enactment or signature by the President of the Republic and publication in the Official Gazette.

3. In cases of urgency, the Minister of the Presidency of the Council of Ministers may promote the signing of the diplomas at the very meeting of the Council of Ministers where they are approved.
4. After the process of collecting signatures, proposals for laws or resolutions of the National Parliament shall be sent by the Minister of the Presidency of the Council of Ministers to the National Parliament.
5. While enactment or signing by the President of the Republic is being considered, in case of the need to collect additional information, it shall be provided to the Presidency of the Republic, through the Minister of the Presidency of the Council of Ministers.

Article 12

Solidarity

All members of the Government shall be bound by the decisions taken in the Council of Ministers and shall, in particular, defend and support such decisions, whether they were present or not and regardless of their personal position or voting.

Article 13

Reservation

1. Meetings of the Council of Ministers shall be of reserved access, so that only the administrative and logistical support advisors and technicians of the Presidency of the Council of Ministers may attend in addition to members of the Government.
2. May also be present at the Meetings of the Council of Ministers, individuals that the Prime Minister specifically indicates and the advisers and technicians that accompany the members of the Government in the presentation of legislative projects or others.
3. The advisers and technicians of the Ministries shall access the meeting room of the Council of Ministers when guided by the staff of the Presidency of the Council of Ministers and shall leave the room at the end of their intervention.

Article 14

Extraordinary meetings

1. Without prejudice to Article 3, the Council of Ministers may meet when specially convoked by the Prime Minister.
2. In the meetings provided for in the previous paragraph, the agenda shall be determined and approved by the Prime Minister.
3. The previous articles shall apply, with the necessary adaptations.

CHAPTER II

LEGISLATIVE PROCEDURE

SECTION I

General Provisions

Article 15

Confidentiality

1. Except for the purposes of negotiation or hearing to be carried out under the terms of the law, the disclosure of any projects presented or to be presented for consideration at a meeting of the Council of Ministers shall be prohibited.

2. Without prejudice to the provisions of Article 10, the agendas, assessments, debates, deliberations, recordings of the meetings and the minutes of the meetings of the Council of Ministers shall all be confidential.
3. The offices of members of the Government shall take the necessary steps to prevent any breach of such confidentiality.

Article 16

Legislative calendar

1. Each year, Cabinets of Ministers shall inform the Minister of the Presidency of the Council of Ministers of legislative initiatives being prepared for the current year with a view to starting the legislative procedure and its programming.
2. The legislative procedure shall follow an indicative legislative timetable, organized by the Minister of the Presidency of the Council of Ministers in coordination with the Ministries.
3. The schedule referred to in paragraph 1 shall be permanently updated and, specifically with a six-month period and without prejudice to the analysis, discussion and scheduling of legislative acts that are not foreseen therein, as long as for justifiable reasons, subject to the approval of the Prime Minister.

Article 17

Legislative procedure and logistic rules for drafts

The draft normative acts of the Government shall comply with the rules of procedure and legislation to be approved by order of the Minister of the Presidency of the Council of Ministers.

SECTION II

Opinions

Article 18

Opinion of the Minister for Foreign Affairs and Cooperation

Legal projects with implications in the areas of international relations and cooperation, as well as in the areas of promotion and defense of interests of the Timorese abroad, require an opinion from the Minister of Foreign Affairs and Cooperation.

Article 19

Opinion of the Minister of Finance

All acts of the Government that involve an increase in expenses, decrease in revenue or creation or transformation of the legal nature of Administration services, require the prior opinion of the Minister of Finance.

Article 20

Opinion of the Minister of State Administration

All proposals dealing with decentralization and local governments need to be submitted to the Minister of State Administration.

Article 21

Opinion of the Civil Service Commission

All proposals concerning the structure, organization and functioning of the civil service shall require an opinion from the Civil Service Commission.

Article 22

Opinion of the Oe-cusse Ambeno Special Administrative Region Authority

All proposals concerning the regime of administrative and financial autonomy of the Region need an opinion from the Authority of Oe-cusse Ambeno Special Administrative Region.

Article 23
Other opinions

In addition to the opinions referred to in Articles 18 to 22, the relevant ministries shall also be asked for their opinion, taking into account the matters covered by the draft legislation.

Article 24
Procedure

1. The Minister proposing the project shall be responsible for requesting the entities referred to in Articles 18 to 23 to issue a written opinion.
2. The opinions referred to in the previous number shall be issued within eight days or, in case of urgency, three days from the date of its request by the Minister proposing the project, with a copy to the Minister of the Presidency of the Council of Ministers.
3. In the absence of a written opinion within the time limits foreseen in the previous paragraph, the proposing Minister may send the project to the Minister of the Presidency of the Council of Ministers, for scheduling.
4. In case the project is sent for scheduling under the terms foreseen in the previous number, the pronouncement by the Ministers of Foreign Affairs, Finance and State Administration and of the Civil Service Commission regarding the project shall not be waived.
5. For the purposes of the previous subsection, the pronouncement shall be deemed to have been made by the Minister competent to issue the opinion or by the Civil Service Commission, in a meeting of the Council of Ministers, the latter to be convened for that purpose, under the terms of subsection 1(3).

SECTION III
Circulation and Scheduling

Article 25
Submission of projects

1. The draft normative acts, as well as any other matter to be submitted to the Council of Ministers, shall be sent, in Portuguese and, to the extent possible, in Tetum, to the Minister of the Presidency of the Council of Ministers, by the proposing minister.
2. Draft normative acts must be submitted, with the respective digital support.

Article 26
Digital Support

The digital support, in word version, should be sent to the official address of the Legal Support Unit of the Presidency of the Council of Ministers: uaj.pcm@gmail.com.

Article 27
Documents accompanying draft normative acts

1. The draft normative act, to be sent to the Minister of the Presidency of the Council of Ministers, shall be accompanied by:
 - a) Justification Note signed by the proposing Minister or his substitute;
 - b) Copy of the opinions and hearings promoted.
2. The Note of Justification shall contain, in all cases, a breakdown of the:

- a) Title to be published in the Official Gazette;
 - b) Summary of the contents of the project;
 - c) Express indication of the legislation to be amended or repealed;
 - d) Articulation with the Government Program;
 - e) Basis for the proposed form of the draft normative act;
 - f) Current legal framework of the subject matter of the project;
 - g) Justification, in which the reasons that advise the alteration of the existing situation are explained, making a comparative analysis between the legal regime in force and the legal regime to be approved;
 - h) Prior impact assessment, duly substantiating the decision to legislate, with respect for the criteria of necessity, efficiency and simplification;
 - i) Reference to the issuing of internal opinions, whether mandatory or optional, of members of the Government or of departments or bodies of the State's central administration;
 - j) Express identification of the need for approval of regulations for the implementation and enforcement of the normative act in question, with an indication of the competent entity, the form of the act, the object and the deadline;
 - k) Summary assessment of the financial and human resources involved in its implementation in the short and medium term;
 - l) Evaluation of the impact of the project when, due to the matter, it has an implication with gender equality.
3. The documents referred to in this article have the nature of an internal Government document and are subject to the rules of confidentiality provided in Article 15.

SECTION IV

Preliminary Assessment and Circulation

Article 28

Return, movement and scheduling

1. The Minister of the Presidency of the Council of Ministers, through the respective legal services, shall be responsible for the preliminary assessment of the projects referred to him, after which, as the case may be, the Minister shall be responsible for:
 - a) Determining their return to the proposing entities, if the requirements and formalities foreseen in these Rules of Procedure have not been complied with, the appropriate form has not been observed or there are any unconstitutionality, illegalities, irregularities or gross or flagrant deficiencies, whenever such defects cannot be immediately remedied;
 - b) Determining the circulation and discussion of the statute before the respective scheduling in a session of the Council of Ministers;
 - c) Determine the respective scheduling in a session of the Council of Ministers, by decision of the Prime Minister.
2. Circulation shall start on the Friday following the reception of the draft diploma, through the distribution, by the competent services of the Presidency of the Council of Ministers, to all

Ministries, of the respective copies of projects, being the delivery made by electronic communication, through the address referred in article 26.

Article 29

Objections and comments

1. During circulation and until the date of the session of the Council of Ministers, the members of the Government may transmit in writing, with copy to the Minister of the Presidency of the Council of Ministers, any objections or comments to the project, duly justified.
2. Where no overall rejection of the project is required, the objections and comments shall include proposals for alternative wording to that which gave rise to them.

Article 30

Technical Meetings

Technical meetings may be held, convened by the Minister of the Presidency of the Council of Ministers, for the following purposes:

- a) To analyze draft legislative normative acts, prior to their presentation to the Council of Ministers Meeting;
- b) To exercise regulatory, administrative, or other functions that have been determined by the Council of Ministers.

Article 31

Functioning

1. The technical meetings provided for in the previous article shall be held on the invitation of the Minister of the Presidency of the Council of Ministers at the premises of the PCM.
2. Technical meetings shall be chaired by the Minister of the Presidency of the Council of Ministers or whoever replaces him/her and shall include the technicians, either from the Ministry proposing the diploma or from the relevant ministries for the discussion of the diploma in question.
3. Any member of the Government concerned may also attend these meetings.

Article 32

Recommendations

1. Projects appraised in technical meetings are subject to recommendations:
 - a) To consider them under conditions of scheduling in the Council of Ministers, with or without changes;
 - b) To postpone them to the subsequent meeting if they imply an extension of the discussions on their content;
 - c) To return them to the proposing ministry for reformulation, due to a significant number of reservations on their content.
2. Draft legislation discussed at preparatory meetings may only be put on the agenda of the Council of Ministers Meeting, by decision of the Minister of the Presidency of the Council of Ministers.

Article 33

Changes in draft legal diplomas

1. The Ministry proposing the legal diploma shall be responsible for promoting the introduction of the recommended amendments to the wording of the diplomas approved with the collaboration of the legal services of the Presidency of the Council of Ministers.

2. Draft legislations referred to in the previous number may not, at a later date, suffer technical changes of substance that have not been analyzed in a technical meeting.
3. When, after the decision to put it on the agenda of the Meeting of the Council of Ministers, substantial technical changes are proposed, the project shall be discussed again in a technical meeting and removed from the agenda of the Meeting of the Council of Ministers.

Article 34

Remission

These Rules of Procedure for meetings of the Council of Ministers shall apply, *mutatis mutandis*, to the technical meetings.

CHAPTER III OTHER PROCEDURES

SECTION I

Remaining Acts of Government

Article 35

Approval of other acts within the competence of the Council of Ministers

The provisions of the preceding chapters shall apply, with the necessary adaptations, to the procedure for the approval of other acts within the competence of the Council of Ministers.

Article 36

Publication of normative acts

1. Normative acts that do not require approval by the Council of Ministers shall be sent to the Minister of the Presidency of the Council of Ministers, so that they may be forwarded to the competent service responsible for publication of the Official Gazette.
2. For the purpose of the preceding paragraph, the members of the Government shall send to the Minister of the Presidency of the Council of Ministers the originals of the said acts, accompanied by the respective digital support, in word version.

SECTION II

Regulation of Legislative Acts

Article 37

Regulatory procedure

1. The Government shall ensure the appropriate and timely approval of administrative regulations of its competence, whenever necessary to give enforceability to legislative acts or that are expressly imposed by them.
2. The Minister of the Presidency of the Council of Ministers shall establish and manage the mechanisms to control the deadlines for regulating legislative acts and shall periodically notify the members of the Government responsible for the respective deadlines.

CHAPTER V FINAL PROVISIONS

Article 38

Support for the Council of Ministers

The support to the meetings of the Council of Ministers, namely legal, technical and logistic, is made exclusively by officials of the competent services of the PCM, not being admitted the presence in the meetings of the Council of Ministers, of any other persons who are not invited.

Article 39

Coordination of the legislative process

All regulations necessary for the proper implementation of these Rules of Procedure, namely, the rules that must regulate the preparation of draft legislative acts, as well as access and technical, administrative and logistical support to technical meetings and meetings of the Council of Ministers, shall be adopted by order of the Minister of the Presidency of the Council of Ministers.
