

DECREE LAW No. 28 /2017**of 2 August 2017****VEHICLE TRAFFIC CONTROL SYSTEM
ON ENTERING AND LEAVING NATIONAL TERRITORY**

The level of economic and social development that the country was able to achieve in the short time after restoration of national independence is due to a favorable climate of social and political peace that, with effort and abnegation by all democratic institutions and all Timorese citizens, it was able to regain and has been consolidating.

The economic and social development of the country has increased the circulation of goods, to and from the national territory, through the various land border crossings, especially vehicles, justified by the existence of an extensive land border area between the Democratic Republic of Timor-Leste and the Republic of Indonesia and by the existence of remarkable economic and commercial relations between the two countries.

Recognizing the importance of traditional economic and trade relations between the two peoples, the Democratic Republic of Timor-Leste and the Republic of Indonesia have agreed bilaterally on the terms of entry and exit of persons and goods at the land border crossings used for traditional, customary or commercial purposes.

However, the freedom of cross-border movement of persons and goods by the land border posts shall not encourage or favor the practice of illicit acts and against the national economy, namely the crimes of tax fraud.

The strengthening of border control is certainly a mechanism that is relevant to the general prevention of crimes, contributing to the strengthening of the internal security of the country. On the other hand, it preserves competition between economic operators, thus ensuring an essential factor for economic development.

According to what was established in the "VI Constitutional Government Program (2015 – 2017), Díli, 3 March 2015", in the scope of the 2nd Phase (2016 – 2020) of the Internal Security Strategic Plan, subordinated to the Enlargement and Development of Internal Security 2030, the VI Constitutional Government continues to develop efforts *"...in order to improve the effective operational capacity in the prevention and investigation of crime, in the consolidation of public security and border control."*

Within this framework, it is important to define an efficient and effective system for controlling the movement of vehicles at the land border, on entry into and exit from the national territory, in order to strengthen the general prevention of crimes, in particular crimes against the national economy.

The Government decrees, under the terms of paragraph e) of no. 1 of Article 115 of the Constitution of the Republic, the following to be enforced as law:

Article 1**Object**

The present Decree-Law defines and regulates the regime of control of vehicles circulation on entering and leaving the national territory, not subject to any customs regime.

Article 2**Border control**

Without prejudice to the provisions of the customs legislation and the Road Code, the entry into and exit from the national territory of vehicles not subject to any customs procedure are subject to the circulation control established in this Decree-Law.

Article 3

Purposes of vehicle traffic control

The control of the circulation of vehicles not subject to any customs regime on the land borders, to the entry and exit of the national territory under the terms of this Decree-Law is intended to:

- a) Ensure that the freedom of cross-border movement of persons and vehicles is not used for the practice of illegal acts against the national economy, including tax fraud;
- b) To defend and preserve healthy competition among economic operators that operate in the sector of purchase and sale of vehicles.

Article 4

Entry and exit stations

1. The entry and exit of vehicles not subject to any customs procedure in the national territory, at the land borders, shall be carried out at the following border posts and during their hours of operation:
 - a) Batugade Border Post;
 - b) Salele Border Station;
 - c) Sacato Border Station;
 - d) Passabé border crossing point.
2. The provisions of the preceding paragraph shall not prevent entry and exit at land border crossing points used for traditional, customary or commercial purposes, under the conditions agreed between the Democratic Republic of Timor-Leste and the Republic of Indonesia.

Article 5

Vehicles subject to traffic control

The following vehicles, not subject to any customs procedure, are subject to the circulation control established in this Decree-Law:

- a) Light vehicles;
- b) Heavy vehicles;
- c) Motorcycles and mopeds.

Article 6

Modalities of action

1. Without prejudice to the provisions of the law, in particular the customs legislation and the Road Code, the control of movement of vehicles at land borders, on entry into and exit from the national territory, translates into the following modalities of action:
 - a) Identification of vehicle owners, drivers and passengers;
 - b) Identification of vehicles, motorcycles and mopeds, of documents attesting to their ownership, as well as the conformity of the issuing, updating of data and validity of driving licenses;
 - c) Assessment of the terms of entry and regular stay of foreign nationals;
 - d) Verification of ownership and authenticity of identity and travel documents, visas and residence permits in the national territory;
 - e) Verification of the authenticity of the motor vehicle rental contract, in cases of rental or leasing.
2. The identification of the vehicles shall include verification and annotation of the chassis number against the chassis number shown on the vehicle's identification document.

Article 7

Documents

The control of circulation of vehicles in the national territory under the responsibility of the National Police of Timor-Leste includes:

- a) Delivery and consequent receipt of carnet, inspection certificate, vehicle, motorcycle and moped registration certificate, or certified copy of *Buku Pemilik Kendaraan Bermotor (BPKB)*, as appropriate;
- b) Delivery and subsequent receipt of the motor vehicle rental agreement, in cases of rental or lease;
- c) Placement of vignettes to replace the documents referred to in the preceding paragraphs, the color of which corresponds to the period of stay within or outside the national territory;
- d) Certified copy of the driver's or vehicle owner's driving license, as appropriate;
- e) Delivery and consequent receipt of a route plan from the Police of the Republic of Indonesia, in the border areas with the Republic of Indonesia, in case of entry of vehicles into the national territory.

Article 8

Duration of stay and temporary absence

1. The temporary entry and exit of vehicles, motorcycles and mopeds from the national territory shall be for the following period:
 - a) 24 Hours / 1 day;
 - b) 48 Hours / 2 days;
 - c) 72 Hours 3 days;
 - d) 96 Hours / 4 days;
 - e) 120 Hours / 5 days or more.
2. The length of stay and absence of vehicles, motorcycles and mopeds in the national territory shall be marked by the color of the vignettes referred to in paragraph 1(b) of Article 7, the characteristics and models of which are set out in Annex I to this Decree-Law, of which it forms an integral part.

Article 9

Temporary circulation of heavy vehicles

1. The entry and exit of vehicles not subject to any customs regime in the national territory shall be subject to the following control actions carried out by the National Police of Timor-Leste:
 - a) Delivery of vehicle identification document;
 - b) Placing of substitute vignettes of the document referred to in the previous paragraph, whose color corresponds to the length of stay inside or outside the national territory.
2. The documents referred to in paragraph 1 shall remain in the custody of the National Police of Timor-Leste and shall be returned when the vehicles leave the national territory or return.
3. The National Police of Timor-Leste, upon delivery and receipt of the documents referred to in subsection 1, shall issue a replacement guide, the model of which is published in Annex II to the present Decree-Law, of which it is an integral part.
4. For the purpose of circulation in the national territory, the guide referred to in paragraph 1 above shall replace the motor vehicle identification documents.
5. Vehicles whose identification documents are in the custody of the National Police of Timor-Leste may only circulate when driven by the person in favor of whom the corresponding replacement guide is issued.

Article 10

Temporary Motor Vehicle Visa

1. Temporary movement of vehicles shall be subject to the payment of a temporary visa fee, the amount of which shall be shown on the relevant sticker indicating the length of stay and movement on national territory, which shall be paid at the customs posts at the land borders prior to entry into national territory.
2. The temporary visa fee for light vehicles, motorcycles and mopeds shall be set at the following amounts:
 - a) 24 Hours / 1 day, USD 2;
 - b) 48 Hours / 2 days, USD 3;
 - c) 72 Hours / 3 days, USD 5;
 - d) 96 Hours / 4 days, USD 7;
 - e) 120 Hours 5 days or more, USD 15.
3. The temporary fare for heavy goods vehicles is fixed at the following amounts:
 - a) 24 Hours / 1 day, USD 5;
 - b) 48 Hours / 2 days, USD 7;
 - c) 72 Hours / 3 days, USD 10;
 - d) 96 Hours / 4 days, USD 20;
 - e) 120 Hours / 5 days or more, USD 30.

Article 11

Refusal of entry or exit

1. Vehicles not subject to any customs procedure whose driver or owner has refused to produce the documents referred to in Article 7(a), (b), (d) and (e) or to prevent the issue of a sticker to replace the documents referred to in Article 7(a) and (b) shall be refused entry into and exit from national territory.
2. Vehicles shall also be refused entry to national territory if the person concerned does not produce, at the border posts, documents attesting to their ownership or possession, or a document certifying authorization for their use.

Article 12

Administrative offences and fines

1. It constitutes an administrative offence the:
 - a) Circulation of vehicles, motorcycles and mopeds that have temporarily entered the national territory without the corresponding guide and vignette referred to in this Decree-Law;
 - b) Driving of vehicles, motorcycles and mopeds by those who are not qualified under the terms of this Decree-Law;
 - c) Entry and exit of vehicles, motorcycles and mopeds outside the Border Posts defined in this Decree-Law, without prejudice to the provisions of paragraph 2 of Article 4.
 - d) Presentation of vehicles, motorcycles and mopeds, for the purpose of exit, at the Border Post other than the one that performed the respective circulation control on entry into the national territory;
 - e) Presence of vehicles, motorcycles and mopeds for a period longer than that marked on the corresponding guide and sticker;
 - f) Movement and residence of vehicles, motorcycles and mopeds for a period longer than that marked on the corresponding guide and sticker.

2. Infringements provided for in the preceding paragraph, relating to light vehicles and motorcycles, shall be punishable by a fine of 50 to 200 US dollars, when committed by natural persons, and of 500 to 20,000 US dollars, when committed by legal persons and alike.
3. Offences provided for in the preceding paragraph concerning heavy vehicles shall be punishable by a fine of between 50 and 1,000 US dollars for natural persons and between 1,000 and 30,000 US dollars for legal persons and the like.

Article 13

Supervision

1. The procedures for monitoring the movement of vehicles not subject to any customs regime, on entry into and exit from national territory, shall be carried out by the National Police of Timor-Leste, in conjunction with the National Directorate of Land Transport.
2. In the course of surveillance actions, if the National Police of Timor-Leste detects any goods or vehicle that should have been subject to customs control and have been subtracted from that control, it shall draw up the respective report of news and refer the matter to the Public Prosecutor's Office in the municipality in whose territorial constituency it occurred, giving notice to the Customs.

Article 14

Rules of procedure

The rules of procedure for road offences set out in this Decree-Law shall apply, as well as the General Legal Regime of Administrative Offences.

Article 15

Transmission of the notice

The administrative offence notices provided for in this Decree-Law shall be transmitted immediately to the National Road Safety Directorate.

Article 16

Competence to initiate and instruct administrative offence proceedings

The competence to initiate and instruct proceedings for misdemeanors foreseen in this Decree-Law is attributed to the National Directorate of Road Safety.

Article 17

Jurisdiction and imposition of fines

The National Director of the National Directorate of Road Safety is vested with the power to decide on proceedings for misdemeanor crimes provided for in this Decree-Law and to impose the corresponding fines.

Article 18

Hierarchical appeal required

1. The decision of the administrative offence proceedings provided for in this Decree-Law shall be subject to the necessary hierarchical appeal.
2. The necessary hierarchical appeal shall be filed in accordance with the terms and time limits established in the legislation regulating the administrative procedure free of charge.

Article 19

Competence to assess and decide the necessary hierarchical appeal

It is up to the member of the Government responsible for road safety to decide on the hierarchical appeal of the decision of unlawful administrative proceedings provided for in this Decree-Law.

Article 20
Contentious appeal

The decision of the necessary hierarchical appeal is subject to litigation before the courts, in accordance with the General Legal System of Administrative Offences and the legislation regulating administrative litigation.

Article 21
Tacit rejection

For the purpose of filing a contentious course, the hierarchical appeal filed against the decision of administrative offence proceedings provided for in this Decree-Law shall be considered tacitly rejected if the entity competent to make the decision does not decide it by the last day of the period for making the decision established in the legislation regulating the administrative procedure free of charge.

Article 22
Entry into force

This Decree-Law shall enter into force on the day following its publication in the Official Gazette.

Approved by the Council of Ministers on November 15, 2016.

The Prime Minister,

Dr. Rui Maria de Araújo

The Minister of Finance,

Santina José Ferreira Viegas Cardoso

The Minister of Public Works, Transport and Communications,

Eng. Gastão Francisco de Sousa

The Minister of the Interior,

Monteiro Longuinhas

Enacted on 25 / 07 / 2017

Be it published.

The President of the Republic,

Francisco Guterres "Lu-Olo