



LEGAL NEWS

Timor-Leste

June through August 2019

STATE

New Regulations for Oe-Cusse Ambeno Region

By means of Law No. 3/2019 of 15 August 2019 the National Parliament has amended the statute that created the Oe-Cusse Ambeno Special Administrative Region. The powers to appoint and dismiss the Region's President which were previously shared between the Government and the President of the Republic now lie exclusively with the Government.

Ministry of Agriculture and Fisheries' Framework Law Approved

Decree-Law No. 19/2019, of 31 July 2019, approved the Ministry of Agriculture and Fisheries' Framework Law, with a view to increasing the Ministry's focus on protection and conservation of nature and biodiversity, as well as a streamlining of its

structure in order to guarantee better coordination between its different bodies.

New Ministry of Foreign Affairs' Framework

The Framework of the Ministry of Foreign Affairs and Cooperation was approved by Decree-Law No.20/2019, of 31 July 2019. This Framework follows closely the prior framework approved in 2015, during the VI Constitutional Government.

Secretariat of State for Vocational Training and Employment Framework

The Secretariat of State for Vocational Training and Employment is the government body responsible for the creation, execution, coordination and assessment of public policies concerning vocational training, employment and labour, subject to the hierarchical control of the Minister Coordinator of Economic Affairs. The new framework of this Secretariat of State was approved by Decree-Law No. 21/2019 of 31 July 2019.

Framework of the Ministry of the Interior has been Approved

The new Framework Law of Ministry of the Interior was recently approved by Decree-Law No. 14/2019 of 10 July 2019. The Ministry of the Interior is responsible for defining and implementing the State's policy for internal security, migration and asylum, border control, civil protection, road safety and police cooperation. Amongst other matters, the new Framework reinforces the State civil protection system.

Ministry of Justice Framework Approved

Decree-Law No. 10/2019 of 14 July 2019, approved the Ministry of Justice Framework Law. The Ministry maintains its areas of responsibility in respect of the justice sector, law and human rights, and land and property. The new framework, acknowledges the bottlenecks created by the prior structure, which had only one General Director in charge of all areas, seeks to promote functional specialization and improve the quality of services provided, creates five new central services, organized as General Directorates, each under the supervision of one General Director. The new services are The General Directorate of Justice Administration and Policy, The General Directorate of Land and Property, The General Directorate of Notary and Registry Services, The Decentralized Procurement Unit, and The Audit and Inspections Office.

New Ministry of State Administration Framework

The Ministry of State Administration Framework was recently approved by means of Decree-Law No. 11/2019, of 14 June 2019. The new Framework reflects the necessary changes to implement the administrative decentralization and transfer of powers to the municipalities, and also the restructuring of the Ministry by shutting down certain units and bodies that were deemed superfluous.

Ministry of Tourism, Commerce and Industry Framework

Decree-Law No. 12/2019 of 14 June 2019 approved the Ministry of Tourism, Commerce and Industry's Framework. The Ministry is responsible for supervising the tourism and industrial sectors, and economic activities in general.

OIL & GAS

Approval of Petroleum Legislative Package for Maritime Boundary Treaty Ratification

The legislative package required for the ratification of the Treaty Between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea (the “Maritime Boundaries Treaty”) came into force on 30 August 2019.

Together with the publication of National Parliament Resolution No. 15/2019, of 27 August 2019 which ratifies the Treaty, the package includes the following statutes required to transfer petroleum projects currently active in the Joint Petroleum Development Area (“JPDA”) and Australia to the exclusive jurisdiction of Timor-Leste under conditions equivalent to those previously in force, and update the Timor-Leste legal framework accordingly:

(i) LABOUR AND MIGRATION SPECIAL REGIME FOR THE BAYU-UNDAN PROJECT

The National Parliament approved the Labour and Migration Special Regime Applicable to the Bayu-Undan Project, which was published on 27 August 2019, by means of Law No. 4/2019. This statute contains special labour and migration rules applicable to national and foreign workers employed in the Bayu-Undan project.

(ii) FIRST AMENDMENT OF THE TAX AND DUTIES ACT, FIRST AMENDMENT OF THE LAW ON THE TAXATION OF BAYU-UNDAN CONTRACTORS AND FIRST AMENDMENT OF THE PETROLEUM DEVELOPMENT OF TIMOR SEA (TAX STABILITY) LAW

Law No. 5/2019, of 27 August 2019 approved amendments to Law No. 8/2008, of 30 June 2008 (the Tax and Duties Act), Law No. 3/2003, of 1 July 2003 (the Taxation of Bayu-Undan Contractors Act), and Law No. 4/2003, of 1 July 2003 (on The Petroleum Development of Timor Sea (Tax Stability)), with a view to setting forth the taxation framework applicable to the petroleum projects that have transitioned to the exclusive jurisdiction of Timor-Leste.

(iii) DECREE-LAW ON THE TRANSITION OF PETROLEUM TITLES AND REGULATION OF PETROLEUM ACTIVITIES IN THE BAYU-UNDAN FIELD

The Government approved Decree-Law No. 24/2019 of 27 August 2019 on the Transition of Petroleum Titles and Regulation of Petroleum Activities in the Bayu-Undan Field. This statute intends to ensure a smooth transition of the activities carried out under the Bayu-Undan production sharing contracts, in order to guarantee the long-term stability of investors in the natural resources sector, by maintaining the prior legal and regulatory framework that existed under the JPDA, with the changes required to bring it in line with the Timor-Leste legal framework.

(iv) DECREE-LAW ON THE TRANSITION OF PETROLEUM TITLES AND REGULATION OF PETROLEUM ACTIVITIES FROM THE JPDA

The Government approved Decree-Law No. 25/2019 of 27 August 2019 on the Transition of Petroleum Titles and Regulation of Petroleum Activities from the JPDA. This statute seeks to ensure the smooth transition of petroleum activities in the areas previously covered by PSC-JPDA-06-105 (Kitan Field) and PSC-JPDA 11-106, by maintaining the prior legal and regulatory framework that existed under the JPDA, with the changes required to bring it in line with the Timor-Leste legal framework.

(v) DECREE-LAW ON THE TRANSITION OF PETROLEUM TITLES AND REGULATION OF PETROLEUM ACTIVITIES IN THE BUFFALO FIELD

Decree-Law No. 26/2019 on the Transition of Petroleum Titles and Regulation of Petroleum Activities in the Buffalo Field was published on 27 August 2019, and governs the transition of this petroleum field, previously included in the continental shelf under the jurisdiction of Australia, to the jurisdiction of Timor-Leste. Amongst other matters, it foresees the entering into of a Timor-Leste Production Sharing Contract in replacement of the previous Australian exploration permit.

(vi) CHANGES TO THE STATUTE WHICH CREATED THE NATIONAL PETROLEUM AND MINERALS AUTHORITY (ANPM)

By means of Decree-Law No. 27/2019, of 27 August 2019, the Government enacted the second amendment to the statute which created the ANPM, adapting the existing framework to the reality resulting from the entry into force of the Maritime Boundaries Treaty and the dissolution of the Joint Petroleum Development Area (JPDA).

Para mais informações acerca do conteúdo destas Notícias do Direito, queira contactar:

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