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### MINISTÉRIO PÚBLICO :

#### Deliberação N.º 26/CSMP/2016

A Comissão Nacional de Eleições é o órgão de supervisão dos atos eleitorais e referendários, sendo composta por um total de quinze membros designados pelos órgãos de soberania, pelo Ministério Público, pela Defensoria Pública, pelas confissões religiosas e pelas organizações representativas das mulheres. Consta-se, no entanto, que, face à dimensão territorial e populacional de Timor-Leste, o número de membros da Comissão Nacional de Eleições se encontra sobredimensionado, julgando-se oportuno proceder à sua redução, com vista a que a sua composição numérica se aproxime o mais possível do que pode ser tido como o justamente necessário ao desempenho capaz das suas funções de órgão colegial deliberativo, mandatado tão só para a supervisão do recenseamento e dos atos eleitorais.

Ao mesmo passo em que se reduz o número de membros da Comissão Nacional de Eleições, procede-se a uma reestruturação orgânica, com a criação dos cargos de Vice-Presidente e Secretário. Simultaneamente, e com o intuito de imprimir maior efetividade ao exercício das responsabilidades de direção e orientação da Comissão Nacional de Eleições, consagra-se o regime de exclusividade no exercício da função, reconhecidos ao Presidente e ao Secretário.

Um outro propósito da presente alteração, ainda concernente à Comissão Nacional de Eleições, é a consolidação do tratamento legislativo do estatuto dos seus membros, principalmente no que diz respeito ao regime retributivo, cujas soluções aqui contempladas são um reconhecimento do prestígio do órgão e a relevância das suas funções. Abandona-se o regime de senhas de presença, substituindo-o por uma compensação fixa mensal, resolvendo-se, assim, definitivamente, um dos pontos de maior discórdia interpretativa do estatuto dos membros da Comissão Nacional de Eleições. Em contrapartida, é fixado um número mínimo obrigatório de reuniões plenárias do órgão.

A eficácia da atuação dos órgãos de Administração Eleitoral são determinantes para a boa organização e condução dos processos eleitorais e referendários, e consequentemente para a credibilidade das nossas instituições democráticas. Com o propósito de compensar o enorme sacrifício que consentem, nos períodos eleitorais, os membros, dirigentes e funcionários que exercem atividade no âmbito dos órgãos de administração eleitoral, é consagrado um abono, que, fazendo justiça aos seus beneficiários, seguramente contribuirá para incutir neles uma predisposição para enfrentar as adversidades com maior abnegação.

**LEI N.º 7/2016**

**de 8 de Junho**

### SEGUNDA ALTERAÇÃO À LEI N.º 5/2006, DE 28 DE DEZEMBRO - ÓRGÃOS DA ADMINISTRAÇÃO ELEITORAL

A Lei n.º 5/2006, de 28 de dezembro, consagrou a Comissão Nacional de Eleições e o Secretariado Técnico da Administração Eleitoral como órgãos de Administração Eleitoral.

**DECREE-LAW N.º 14 /2016**

of June 8

**THE TOBACCO CONTROL REGIME**

The harm caused by tobacco has reached alarming proportions at the global level, chiefly among adolescents and young people, and it constitutes a grave socio-economic problem and a general public health problem, particularly for developing countries.

Tobacco consumption in East Timor is among the highest in the world, which is directly reflected in the country's epidemiological profile, where non-contagious diseases, whose principal risk factor is tobacco consumption, account for more than 70% of the total, and are tending to increase.

Faced with the need to fight tobacco addiction, the Government has signed the Framework Convention on Tobacco Control of the World Health Organization, making possible its ratification by the Nacional Parliament, through Resolution n.º 13/2004, of December 29.

Considering the international commitments undertaken in the context of the fight against tobacco addiction and the need to change the country's epidemiological profile, in order to ensure the rights to health and a healthy environment enshrined in the constitution,

Pursuant to sub-paragraph b) of n.º 1 of Article 115, and sub-paragraph e) of Article 116º of the Constitution of the Republic, the Government decrees the following to have the force of law:

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1º  
Scope**

This law defines the regime for the prevention and control of tobacco addiction.

**Article 2º  
Purpose**

1. This law enforces what is set forth in the Framework Convention on Tobacco Control of the World Health Organization, ratified by Resolution of the Nacional Parliament n.º 13/2004, of December 29.
2. The rules set forth in this law seek the following:
  - a) To guarantee protection from involuntary exposure to tobacco smoke;
  - b) To regulate the composition of tobacco products to be imported or commercialized;
  - c) To regulate the messages to be posted on tobacco products, packages and labeling, to raise awareness and provide education on health;

d) To establish the prohibition of advertising in the mass media, as well as the prohibition of promotion and sponsorship of games and cultural activities by entities whose main activities are the commerce or production of tobacco products;

e) To establish other measures to reduce the supply and demand for tobacco products.

**Article 3.º  
Definitions**

For the purposes of this law, the following definitions shall apply:

- a) "Health warning," the notice concerning harm to health resulting from the use of tobacco, to be displayed on the most visible surfaces of tobacco packages;
- b) "Tar or condensate," the condensate of raw anhydrous smoke, without nicotine;
- c) "Tobacco package," any kind of individual packaging, and any outer packaging used in the retail sale of tobacco products, except for transparent outer wrappings;
- d) "Smoking," the act of inhaling and exhaling tobacco smoke, as well as holding any tobacco-based product, whether burning or electronic cigarettes;
- e) "The tobacco industry," refers to all manufacturers, wholesale distributors and importers of tobacco products;
- f) "Ingredient," any substance or component, other than leaves and other natural or unprocessed parts of the tobacco plant, used in the manufacture or preparation of a tobacco product and present in the final product, even in an altered form, including the paper, the filter, the dyes and adhesives;
- g) "Work place," a place where workers are located and in which they are directly or indirectly subject to the control of the employer;
- h) "Nicotine," nicotinic alkaloids;
- i) "Tobacco products," are all products completely or partially made from tobacco leaf as a raw material, whether it is genetically modified or not, that are intended to be smoked, sucked, chewed or sniffed;
- j) "Advertising for tobacco," any kind of communication made by public or private entities, in the context of a commercial, industrial, artisanal or liberal professional activity, for the direct or indirect purpose of promoting a tobacco product or its consumption;
- k) "Enclosed space," a space fitted out with a covering and enclosed by walls, partitions or other surfaces, with openings, whose overall area is less than 50% of the overall area of the external surfaces of the space;
- l) "Information society service," any service

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provided remotely, electronically, through an individual request by a service recipient and in exchange for payment of a price;

- m) "Advertising medium," the medium used for the transmission of an advertising message;
- n) "Tobacco," the leaves, parts of the leaves and veins of *Nicotiana tabacum* L. and *Nicotiana rustica* L. plants, sold either in the form of cigarettes, cigarillos or cigars, either chopped for a pipe or for the manual rolling of cigarettes, either in the form of a roll, bar, sheet, cube or sheet, or reduced to powder or grains;
- o) "Telesales of tobacco products," the dissemination of offerings to the public made via TV channels, seeking to provide cigarettes or other products, for remuneration;
- p) "Tobacco use," the act of smoking, sucking, chewing or sniffing tobacco-based products.

**CHAPTER II  
RESTRICTIONS ON CONSUMPTION**

**Article 4.  
General Principles**

1. What is set forth in this chapter seeks to establish restrictions on tobacco consumption in enclosed spaces intended for public use, and in other places indicated by this law, so as to guarantee protection from involuntary exposure to tobacco smoke.
2. Taxation or pricing policies should be applied to tobacco products that help to achieve health goals and tend to reduce their consumption.

**Article 5.  
Prohibition of smoking in specific locations**

It is prohibited to smoke in all enclosed public places, work places, and public transportation, particularly:

- a) In health care institutions, namely hospitals, clinics, health centers, medical consulting offices, emergency rooms, laboratories, pharmacies and places where non-prescription medications are dispensed;
- b) In homes and other institutions that accommodate the elderly, the handicapped or the disabled;
- c) In places intended chiefly for minors, such as preschool and daycare facilities and other child care institutions, homes for children and young people, primary and secondary schools, leisure centers, summer camps and other similar establishments;
- d) On the premises of government bodies, offices and

agencies and public institutions;

- e) In institutions of higher learning and vocational training centers;
- f) In day care centers for the elderly, community centers, sheltered workshops, rehabilitation centers and facilities for confinement and support for drug addicts and alcoholics;
- g) In correctional institutions;
- h) In hotels, lodging houses and other tourist facilities where accommodation is provided;
- i) In restaurants, bars, dance halls, karaoke bars and gaming rooms;
- j) In cafeterias and dining rooms of public and private institutions intended exclusively for the respective staff;
- k) In establishments where recreational machines and video games are operated, pool halls and cyber-cafes;
- l) In establishments that sell flammable products and at filling stations;
- m) At manufacturing or industrial units that produce, use or in any way engage in the processing of inflammable materials or products;
- n) At banking institutions, including enclosed places for automatic teller machines;
- o) In large shopping centers, supermarkets, markets and retail shops;
- p) In cinemas, theatres, venues and facilities for shows and other premises intended for the dissemination of the arts and spectacles;
- q) At enclosed athletic facilities and public swimming pools;
- r) In covered shelters and terminals for mass transit passenger vehicles;
- s) In covered parking garages;
- t) In museums, public collections, cultural centers, archives, libraries, conference rooms, reading rooms and lecture halls;
- u) In health clubs, gyms, spas, barber shops, hair dressers and beauty salons;
- v) In elevators, lifts, and the like;
- w) In port and airport facilities;
- x) In taxis, vehicles and boats intended for public transportation of passengers;
- y) In ambulances and vehicles to transport the infirm;

- z) In any other enclosed public space intended for public use other than those indicated in the foregoing sub-paragraphs.

**Article 6.  
Spaces for smokers**

1. Without impairment to what is set forth in the foregoing article, the consumption of tobacco products is permitted in areas exclusively intended for smokers, in the following spaces or public areas:
  - a) In open-air areas placed inside the locations mentioned in sub-paragraphs b), e), f) and h) to k) of the foregoing Article;
  - b) In spaces for smokers at the institutions mentioned in sub-paragraph d) of the foregoing Article;
  - c) In the establishments mentioned in sub-paragraph g) of the foregoing Article, in areas intended for inmates, expressly set aside for the purpose, by the respective directors;
  - d) In open-air areas on the boats mentioned in sub-paragraph x) of the foregoing Article;
  - e) In lodging units or rooms, duly identified, of the establishments mentioned in sub-paragraph h) of the foregoing Article;
  - f) In rooms for smokers at the entities and institutions mentioned in sub-paragraphs l), m) and w) of the foregoing Article;
2. The rooms for smokers referred to in the sub-paragraphs of the foregoing paragraph, must fulfill requirements to be set by a Ministerial Order of the Minister of Health.
3. In no case will it be permitted to create spaces for smokers that occupy more than 30% of the total area intended for the public.

**Article 7.  
Signs**

1. The prohibition of smoking inside the places mentioned in Article 5. must be prominently stated in signs by the respective managements, by posting placards with minimum dimensions of 15 cm x 20 cm, or 20 cm x 9 cm, based on templates to be approved by the Minister of Health.
2. In the lower part of the templates for placards mentioned in the foregoing paragraph, a caption must be displayed in one of the official languages identifying this Decree-law and the amount of the maximum fine that can be applied to smokers who violate the respective prohibition of smoking.

**Article 8.  
Liability**

1. The public or private entities in charge of the premises or vehicles mentioned in this Decree-law

must ensure compliance with what is set forth in Articles 5.<sup>o</sup> to 7.

2. Whenever a violation of what is set forth in Article 5.<sup>o</sup> is ascertained, the management authorities mentioned in the foregoing paragraph must order the smokers to desist from smoking, and if the latter do not comply, to summon the competent administrative or police authorities.
3. All users of the places mentioned in Article 5. have the right to demand that smokers desist from smoking, and may for such purpose call for intervention by the administrative or police authorities mentioned in the foregoing paragraph.

**CHAPTER III  
COMPOSITION AND MEASUREMENT OF THE  
SUBSTANCES CONTAINED  
IN TOBACCO PRODUCTS**

**Article 9  
Maximum content of tar, nicotine and carbon monoxide  
(CO)**

Tobacco products sold or manufactured in East Timor may not have contents of the following items greater than:

- a) 10 mg per cigarette, for tar;
- b) 1 mg per cigarette, for nicotine;
- c) 10 mg per cigarette, for carbon monoxide.

**Article 10.  
Measurements and testing**

Measurements and testing of the content of tar, nicotine, CO and other substances in tobacco products, are to be conducted by toxicology laboratories accredited by the competent authorities in the country or abroad.

**Article 11.  
Information concerning tobacco products**

1. Manufacturers or importers of tobacco products must submit to the competent health offices, in terms to be defined by a Ministerial Order of the Minister of Health, a list of the ingredients and respective quantities used in their manufacture, specified by brand and type.
2. For new products to be introduced on the market, the list mentioned in the foregoing paragraph must be submitted at least 30 days prior to the date indicated for the start of their sale in the country.
3. The list mentioned in paragraph 1, as well as the results of measurements or testing conducted pursuant to the terms of Article 9., are to be disclosed to consumers by the National Health Service, with protection of information concerning product-specific formulas that constitute trade secrets.
4. For the purposes set forth in the foregoing paragraph, manufacturers

or importers of tobacco products must specify any information that they believe must not be disclosed because it constitutes a trade secret.

**CHAPTER IV  
PACKAGING AND LABELING OF TOBACCO  
PRODUCTS**

**Article 12.<sup>o</sup>  
Labeling**

1. One of the label templates to be approved by Ministerial order of the Minister of Health must be printed on the two largest surfaces of each individual package, and of each outer package for tobacco products.
2. Each one of the label templates mentioned in the foregoing paragraphs is to be made up of a drawing/image, a health warning, and a phone number of the National Health Services for specialized out-patient consultations on quitting tobacco.
3. On one of the smaller surfaces of each individual package of cigarettes or any other tobacco product, a statement of tar, nicotine and carbon monoxide content must be printed, in letters of a color that stands out in contrast to the background.
4. The templates mentioned in this Article must appear on individual packaging units and any outer packaging used in the retail sale of the product, excluding transparent outer wrappings.
5. Each template mentioned in paragraph n.<sup>o</sup> 1 must be printed on the respective package for a continuous period not greater than 12 months.
6. The printing of the templates mentioned in paragraph n.<sup>o</sup> 1 must be done indelibly, not obscured, hidden or separated by other statements or images.
7. On packages of cigars, pipe tobacco, cigarette tobacco and cigarillos, it is allowed to use adhesive stickers to affix the health warnings, from a template approved pursuant to the terms of paragraph n.<sup>o</sup> 1, subject to the prior authorization of the Director of Customs, when the amounts involved are considered negligible.
8. Without impairment to what is set forth in paragraph n.<sup>o</sup> 10, the version in one of the official languages for the template can be printed on one of the two larger surfaces of the individual packages mentioned in paragraph n.<sup>o</sup> 1, with the version in a foreign language to appear on the other surface, and the template must be printed parallel to the lower edge of the package.
9. The templates to be printed pursuant to the foregoing paragraph must cover at least 50% of the respective outer surface area of the individual packaging unit of the tobacco product.
10. On one of the largest surfaces of each individual package containing only one cigar, the statement must be printed

in one of the official languages of any one of the templates indicated above.

11. For tobacco products other than cigarettes, the respective templates can be affixed using adhesive stickers, provided that they are firmly attached to the individual packages.
12. Beyond the requirements stated in the foregoing paragraphs, each individual package and each outer package must exhibit the respective lot number or the equivalent, in order to allow for identification of the place and date of production.

**Article 13.<sup>o</sup>  
Health warnings**

1. The health warnings mentioned in paragraph n.<sup>o</sup> 3 of Article 11., are as follows:
  - a) "Smoking kills";
  - b) "Smoking causes cancer";
  - c) "Smoking causes impotence";
  - d) "Smoking during pregnancy causes miscarriage";
  - e) "Smoking causes respiratory disease";
  - f) "Smoking causes cardiovascular disease."
2. Each warning is to be placed in the same proportions on individual and outer packages of tobacco products for each lot imported or manufactured.

**Article 14.  
Prohibited messages**

1. Texts, colors or figures, designations, figurative marks, symbols or other signs may not be used on packages of tobacco products that suggest that a particular product is less harmful than others, including trademarks such as "light, ultralight, mild, less tar, elegant" or the respective translations, as well as any graphic image associated with tobacco or with an intention to be associated with their descriptions.
2. Messages are not allowed on packages of tobacco products that encourage or incite the consumption of tobacco products.

**CHAPTER V  
SALE OF TOBACCO PRODUCTS**

**Article 15.  
Prohibition of the sale of tobacco products**

1. It is prohibited to sell tobacco products:
  - a) To minors of the age of 17;
  - b) By minors of the age of 17;

- c) In the following places:
- i. In institutions where health care is provided, notably, hospitals, clinics, health centers, medical consulting offices, emergency rooms, laboratories, pharmacies and places where non-prescription medications are dispensed;
  - ii. In places intended for minors, such as preschool and daycare facilities and other child care institutions, homes for children and young people, leisure centers, summer camps and other similar establishments;
  - iii. In primary and secondary educational institutions;
  - iv. In institutions of higher learning and vocational training centers;
  - v. In places where legislative and judicial bodies are convened, as well as government offices and agencies;
  - vi. In cafeterias and dining rooms of public and private institutions intended exclusively for the respective staff;
  - vii. In homes for the elderly and/or handicapped, day care centers for the elderly, community centers, sheltered workshops, rehabilitation centers and facilities for the confinement and support of drug addicts and alcoholics;
  - viii. In athletic facilities;
  - ix. In establishments where recreational machines and video games are operated, pool halls, bowling alleys and cyber-cafes;
- d) Through mechanisms that make them directly accessible for purchase, such as automatic vending machines and displays;
- e) Through tele-sales;
- f) Through other remote methods whereby it is not possible to ascertain the age of the purchaser, such as the Internet and the postal service.
2. For purposes of compliance with what is set forth in sub-paragraph a) of the foregoing paragraph, vendors of tobacco products must take the following measures:
- a) Require the showing of an identification document prior to sale whenever there is uncertainty regarding the age of the purchaser;
  - b) Prominently display in places where tobacco products are sold a notice as per a template to be approved by the National Health Services.

c) Refusal to show the document mentioned in sub-paragraph a) shall prompt the presumption that the party in question is a minor.

3. It is prohibited to sell promotional packages of tobacco products.

**Article 16.  
Electronic cigarettes**

1. It is prohibited to sell, import or advertise any electronic devices for smoking, known as electronic cigarettes, e-cigarettes, e-ciggy, ecigar, among other names, especially those claiming to be a substitute for the habit of smoking cigarettes, cigarillos, cigars, pipes or the like, or are used as an alternative in the treatment of tobacco addiction.
2. The prohibition established in the foregoing paragraph extends to accessories and consumable products intended for use in any electronic smoking device.

**Article 17.  
Retail Sale**

1. Cigarettes can only be sold in individual packs that contain at least 20 units.
2. The sale of individual cigarettes is not permitted.

**Article 18.  
Minimum price**

By joint order of the Ministers of Finance, Health, and Commerce, Industry and Environment, a minimum reference price is to be established for tobacco products.

**CHAPTER VI  
ADVERTISING, PROMOTION AND SPONSORSHIP**

**Article 19.  
Prohibitions**

1. All forms of advertising and promotion of tobacco and its products are prohibited, including hidden, disguised or subliminal advertising, through advertising media or information society services, except as provided in paragraphs n.<sup>os</sup> 2 to 7 and 9.
2. What is set forth in the foregoing paragraph does not apply to the price tag and the price table for tobacco products displayed in places where they are sold.
3. The price tag mentioned in the foregoing paragraph must only contain the name and price of the product, and its surface area may not be greater than the price tag of any other products on sale in the same place, nor, under any circumstances, may it exceed 50 cm<sup>2</sup>.
4. The price table mentioned in paragraph n.<sup>o</sup> 2 must meet the following requirements:
  - a) It must contain only the names and prices of the tobacco

products on sale on the premises, and each name and respective price must not occupy a surface area greater than that indicated in the foregoing paragraph, without impairment to what is set forth in sub-paragraph c);

b) Must have a surface area not greater than 1,500 cm<sup>2</sup> when posted inside places for the wholesale sale of tobacco products;

c) Contain a notice as per a template to be approved by Ministerial Order of the Minister of Health, and it must cover at least 20% of the surface of the table.

5. In establishments for the exclusive sale of tobacco products, catalogues may be provided containing the names and prices of the products on sale.

6. What is set forth in paragraph n.º 1 is not applicable to advertising posted inside establishments for the manufacture and wholesale sale of tobacco products, as long as it is not visible from outside the premises.

7. Advertising in newspapers and other print media is only permitted in publications intended exclusively for professionals in the tobacco trade, or in internal publications of companies in the tobacco sector.

8. The promotion of tobacco products is only allowed in specialized publications, and as long as these are exclusively addressed to professionals in the tobacco trade, and it is conducted at a remove from activities involving sales to the public.

9. It is prohibited to distribute for free or engage in the promotional sale of tobacco products or any goods for consumption that seek to promote, or have the direct or indirect effect of promoting such products, such as the distribution of promotional gifts, the awarding of prizes or holding contests, even if they are exclusively intended for smokers, by companies directly or indirectly involved in the manufacture, distribution or sale of tobacco products.

**Article 20.  
Advertising activities**

1. In advertising activities, it is prohibited to display names, brands, emblems or other distinctive signs of a tobacco product on goods and services that are not themselves tobacco products.

2. It is prohibited to manufacture or sell games, toys, electronic games, foods or treats having the shape of tobacco products, or with the distinctive signs of tobacco brands.

**Article 21.  
Sponsorship**

Any kind of sponsorship or public or private contribution is prohibited, notably on the part of companies engaging in

the manufacture, distribution or sale of tobacco products, intended for an event, an activity, an individual, an audiovisual work, a radio or television program, that has the effect or likely effect of directly or indirectly promoting a tobacco product or tobacco consumption.

**Article 22.  
Information campaigns**

Information campaigns or other promotional initiatives instigated or sponsored by companies that produce or distribute tobacco products, or by their subsidiaries or affiliates, that directly or indirectly involve information about tobacco and the prevention of tobacco addiction, are prohibited.

**CHAPTER VII  
PREVENTIVE MEASURES, TREATMENT AND  
CONTROL OF TOBACCO ADDICTION**

**Article 23.  
Health information and education**

1. Members of the Government responsible for the areas of health, education, youth, athletics, culture, environment, employment, vocational training, the economy and commerce, must initiate programs for training and public information, and also help to create favorable conditions for the prevention and control of tobacco addiction.

2. Institutions providing health care, notably hospitals, clinics, consulting offices, pharmacies and others, regardless of their legal character, must promote and support public health information and education concerning the harmful effects resulting from tobacco consumption and the importance of quitting tobacco, via campaigns, programs and initiatives addressed to the general public or to specific groups.

3. Educational institutions, regardless of the age of the students and the level of education, must also promote and support information and education to prevent and control tobacco addiction.

**Article 24.  
Responsibilities of the Ministry of Health**

1. The Ministry of Health, with a view to reducing addiction and to promote quitting tobacco, must define appropriate strategies, that are complete and comprehensive, based on scientific evidence and best practices, taking into account national circumstances and priorities and adopting effective measures to promote quitting tobacco, as well as suitable treatment for tobacco addiction.

2. For the purposes of what is set forth in the foregoing paragraph, the Ministry of Health must:

a) Create and execute effective programs to promote quitting tobacco in places such as educational and vocational training institutions, health care facilities, work places, and sporting, cultural and recreational facilities;

- b) Include diagnosis and free treatment for tobacco addiction in national health and education plans, programs and strategies, with the participation of the respective professionals, community officials and social workers;
  - c) To establish programs of diagnostics, counseling, prevention, and free treatment for tobacco addiction at Health Centers and Hospitals of the National Health Service;
  - d) To facilitate accessibility and feasibility of treatment for tobacco addiction, including medications, products and instruments used to administer medications or for diagnostics, when appropriate.
3. The Ministry of Health, shall provide to the National Council for Tobacco Control all data regarding the impact of implementing this law on health public.

**Article 25.**

**National Council for Tobacco Control**

1. The National Council for Tobacco Control, hereinafter referred to as the 'CNCT' (*Conselho Nacional de Controlo do Tabaco*), is hereby created, and shall report directly to the Prime Minister.
  2. The CNCT is a multi-sectorial Government body for consultation on tobacco control policy, coordination and oversight for implementation of this law, and also of the Framework Convention on Tobacco Control, and shall have the following duties:
    - a) To oversee the implementation of this law by the various sectors of society;
    - b) To advise the Government on the determination of policy to control tobacco use;
    - c) To support the implementation of campaigns to fight tobacco addiction;
    - d) To submit to the National Parliament every two years a report on the economic and social impact of the implementation of this law, as well as of the Framework Convention on Tobacco Control.
  3. The CNCT is to be presided over by the Prime Minister and shall consist of the following members:
    - a) A member of the Government responsible for the area of Health;
    - b) A member of the Government responsible for the area of Education;
    - c) A member of the Government responsible for the area of Youth and Sports;
    - d) A member of the Government responsible for the area of Commerce;
- e) A representative of NGOs engaged in activities relating to tobacco control.
4. The Secretariat of the CNCT is supported by the Ministry of Health.
  5. The CNCT shall approve its own internal regimen.

**CHAPTER VIII  
SYSTEM OF PENALTIES**

**Article 26.  
Offenses and fines**

1. Violations of what is set forth in this law constitute administrative offenses, which are punished by the following fines:
  - a) US\$ 50.00, for anyone who smokes in the places mentioned in sub-paragraphs b), d) to l), o), p) q), s) to y) of Article 5.;
  - b) US\$ 70.00, for anyone who smokes in the places mentioned in sub-paragraphs a), c), m), n) and r) of Article 5.;
  - c) From US\$ 70.00 to US\$ 500.00, for natural or juridical persons, even if they are irregularly established, or associations without legal personality, or owners of private establishments who violate what is set forth in sub-paragraphs c) to f) of paragraphs n.º 1 and n.º 3 of Article 15.;
  - d) From US\$ 70.00 to US\$ 1000.00, for anyone who sells tobacco products that are not in compliance with the labeling and packaging requirements set forth in Articles 12. to 14.;
  - e) From US\$ 70.00 to US\$ 1000.00, for natural or juridical persons, even if they are irregularly established, or associations without legal personality, or owners of private establishments who violate what is set forth in sub-paragraph a) and b) of paragraph n.º 1 of Article 15.;
  - f) From US\$ 100.00 to US\$ 5,000.00, for commercial entities that violate what is set forth in sub-paragraph b) of paragraph n.º 1 of Article 5., Article 6., sub-paragraph b) of paragraph n.º 2 of Article 15. and Articles 16. to 22.;
  - g) From US\$ 100.00 to US\$ 5,000.00, for public entities that violate what is set forth in Article 6.;
  - h) From US\$ 500.00 to US\$ 10,000.00, for the tobacco industry if it violates what is set forth in Article 9., n.ºs 1 and 2 of Article 11., and Articles 12 to 22.

2. Negligence is liable to punishment.

**Article 27.  
Accessory sanctions**

1. Without impairment to what is set forth in the foregoing article, products and objects seized due to violation of



Article 9. and Articles 12. to 16 can be declared forfeit to the State as an accessory penalty.

2. Whenever tobacco products are declared forfeit to the State, their immediate destruction shall also be ordered.

**Article 28.  
Competence**

The imposition of the fines and accessory sanctions set forth in Articles 26. and 27. falls within the competence of the Inspector-General of Health and the Health Authorities in each Municipality.

**Article 29.  
Allocation of fines**

Proceeds from the imposition of fines set forth in this law are to be allocated to the health care fund for fighting tobacco addiction.

**Article 30.  
Joint liability**

1. When the offender is a juridical person, whether public or private, the body's executives and managers shall be jointly liable for payment of the fine.
2. When the offender is an association without juridical personality, the common assets shall be liable to providing payment of the fine, and in their absence or insufficiency, the assets of each one of the associates shall be jointly liable for such payment.
3. When they violate what is set forth in Articles 19. to 22., advertising agencies, promoters, manufacturers and other public and private bodies, are to be held jointly liable for payment of the fine.

**Article 31.  
Enforcement**

1. Without impairment to what is set forth in Article 8, enforcement of compliance with what is set forth in this law falls within the competency of the Health Inspection Services, Municipal Health Authorities, Inspection of Games and the National Police of East Timor, hereinafter referred to as the PNTL (*Polícia Nacional de Timor-Leste*).
2. Law enforcement officers who are not members of the PNTL have the powers of public authority, and may, pursuant to the law, ask the PNTL to provide such collaboration as may prove necessary, particularly in cases of opposition or resistance to the exercise of their duties.
3. In the exercise of their duties, the officers mentioned in the foregoing paragraph may take the following measures or actions:
  - a) Enter into places where smoking is legally prohibited, pursuant to the law;
  - b) Order the smoker to refrain from smoking, and to show his identification document, and he must

request the collaboration of the PNTL in the event that the offender should refuse to refrain from smoking and/or showing his identification document;

- c) To carry out provisional seizure of the tobacco products, if Articles 9. and Articles 16. to 21. have been violated;
  - d) To carry out provisional seizure of the vending machines for tobacco products;
  - e) To carry out provisional seizure of the advertising materials, if Article 19. has been violated;
  - f) To carry out provisional seizure of the objects for consumption, if Article 20. has been violated;
  - g) To remove and destroy the advertising structure or support for the tobacco products, when a definitive enforcement decision has been made that finds them to be illegal.
4. During the interval in which no definitive decision has been handed down concerning the enforcement proceeding, the products and objects seized are to remain in the custody of the agency that seized them.
  5. Costs resulting from the adoption of the measures indicated in sub-paragraph g) of paragraph n.º 3 are to be borne by the offender.
  6. Public or private entities are required to provide assistance in the context of this Decree-Law whenever called upon to do so by enforcement personnel, particularly in joint operations for tobacco control.

**Article 32.º  
Provisional seizure thwarted**

When the provisional seizure indicated in the foregoing article is thwarted by the offender, the latter shall be subject to the maximum fine allowed for the kind of offense committed, with the addition of 50% of the respective amount.

**Article 33.  
Ruling**

1. The final administrative enforcement ruling may order forfeit to the State of the products or objects seized, and their sale or destruction.
2. When the administrative ruling definitively finds that the administrative offense has not occurred, the interested party shall be instructed to undertake the removal of the products or objects seized, pursuant to the terms of Article 31.
3. If 6 months after the deadline set for their removal, the products or objects have not been removed, that agency that carried out the provisional seizure may order their sale or destruction.

**CHAPTER IX  
FINAL AND TRANSITORY PROVISIONS**

**Article 34.  
Subsidiary legislation**

To everything that is not particularly addressed in this Law, what is set forth in the legislation that defines the general regime for administrative offenses and the respective procedure, as well as Decree-law n.º 23/ 2008, of [missing date] on Administrative Procedure, shall apply in a subsidiary fashion.

**Article 35  
Provision of repeal**

Decree-Law n.º 9/2006 of March 15 is hereby repealed.

**Article 36  
Entry into force**

This law shall enter into force 180 days after the date of its publication.

Approved in the Council of Ministers on November 24, 2015.

The Prime Minister,

\_\_\_\_\_  
**Dr. Rui Maria de Araújo**

The Minister of Health,

\_\_\_\_\_  
**Dra Maria do Céu Sarmento Pina da Costa**

Promulgated on June 2, 2016

Let this be published.

The President of the Republic,

\_\_\_\_\_  
**Taur Matan Ruak**

**DECRETO-LEI N.º 15/2016**

**de 8 de Junho**

**1.ª ALTERAÇÃO AO DECRETO-LEI N.º 11/2013, DE 7  
DE AGOSTO SOBRE O REGIME JURÍDICO DE  
APROVISIONAMENTO DO PDID**

O Planeamento de Desenvolvimento Integrado Municipal (PDIM), cujo quadro legal foi aprovado pelo decreto-lei n.º 4/ 2012, de 15 de fevereiro e alterado pelo decreto-lei n.º 36/2015, de 16 de setembro, visa acelerar o processo de infraestrutur-ação dos territórios mais periféricos e remotos do nosso país, contribuindo dessa forma para o desenvolvimento do setor privado da economia nesses territórios, para a criação de emprego e para a melhoria da qualidade de vida das populações.

Com a entrada em vigor do decreto-lei n.º 6/2015, de 11 de março, passou a incumbir ao Ministério do Planeamento e Investimento Estratégico “assegurar a coordenação e a implementação do Planeamento de Desenvolvimento Integrado Distrital, em coordenação com as entidades relevantes”. No entanto, atendendo a que este departamento governamental não dispõe de serviços desconcentrados e considerando o facto de as Administrações Municipais se tratarem de serviços do Ministério da Administração Estatal, foram introduzidos através do decreto-lei n.º 36/2015, de 16 de setembro, mecanismos de coordenação para a programação anual do PDIM e que agora importa, também introduzir no regime jurídico do aprovisionamento, aprovado pelo decreto-lei n.º 11/2013, de 7 de agosto, ainda que provisoriamente, atendendo à importância que o mesmo reflete sobre o processo de execução deste programa. Através das alterações ora aprovadas ao regime jurídico do aprovisionamento do PDIM, estabeleceu-se a obrigatoriedade de a regulamentação do mesmo se processar por intervenção regulamentar conjunta dos Ministros da Administração Estatal e do Planeamento e Investimento Estratégico e, abre-se a possibilidade de se adjudicarem por ajuste direto os contratos de obras públicas cuja execução já se haja iniciado, mas não haja findado por razões que não sejam da responsabilidade do adjudicatário que iniciou a obra.

As alterações propostas vão, ainda, no sentido de eliminar o dispositivo constante da alínea d), do n.º 2 do artigo 23.º atendendo a que a sua aplicação prática tem merecido controvérsia, já que pode colidir com a garantia constitucional de presunção de inocência. Assim, os objetivos que a norma ora revogada visava acautelar devem ser assegurados em fase de pré-qualificação das empresas que poderão apresentar-se a concurso.

Assim,

O Governo decreta, nos termos da alínea o), do n.º 1 do artigo 115.º da Constituição República, para valer como lei, o seguinte: