



## VIII CONSTITUTIONAL GOVERNMENT

**Draft**

**Government Decree No. .../2022**

**... of ...**

### **National Secretariat for Accession to the World Trade Organization**

Timor-Leste began the process to join the World Trade Organization (WTO) in 2015, and one of the main goals of the Constitutional Governments has been the entry of the country as a full membership of the organization.

The process for the membership, which is expected to be completed in early 2023, anticipates an enormous effort at all levels, material and human. In this sense, the accession of Timor-Leste to the WTO will mean a great opportunity and at the same time it is a great challenge, since Timor-Leste is required to integrate into world trade as satisfying and fulfilling an important number of requirements and preparing itself to adapt its national legislation to the set of agreements within the scope of the Organization.

In order to facilitate the accession process, an Interministerial Commission, at the highest level, and a Technical Working Group responsible for providing the necessary support, were created in 2020, by Order of His Excellency the Prime Minister. In this context and considering the technical complexity of the preparatory work, it has been convenient the need to create a more complete structure that continues, in an organized way, to carry out the necessary work and efforts for the effective accession of Timor-Leste to the WTO and for the adequacy and harmonization of the national administration and management systems - economy and trade - before the international agreements within the scope of the Organization.

Thus, the National Secretariat for Accession to the World Trade Organization has the objective of guaranteeing the efficiency and effectiveness of the technical team and the sustainability of the work until the effective accession of the Country to the organization. The proposed structure, which will be dependent on the body responsible for the area of economy, will be headed by a Secretary General and will include professionals specialised in the main areas within the scope of accession to the World Trade Organisation, namely in matters of international trade in goods and services and intellectual property, and will also include professionals in the areas of administrative and financial technical support, and monitoring and evaluation.

Thus,

The Government decrees, under the provisions of paragraph 4 of Article 34 of Decree-Law No. 30/2020, of 29 July, to be valid as a regulation, the following:

## **Article 1**

### **Object**

1. This Decree aims to establish the National Secretariat for Accession to the World Trade Organization, hereinafter referred to as the Secretariat, as a structure of specialized technical support for decision-making during the processes of accession to the World Trade Organization, and establishes its mission, duration, attributions, organization and functioning.
2. The Secretariat shall be under the responsibility of the organ responsible for the area of economy, which shall be in charge of:
  - a) Defining the guidelines of the activities pursued by the Secretariat in the process of accession to the World Trade Organization, monitoring their implementation and evaluating the results;
  - b) To approve and submit to the Prime Minister the proposals of the Strategic and Action Plan for accession to the World Trade Organization;
  - c) To submit and present to the Prime Minister, quarterly or whenever requested, the report on the progress of accession to the World Trade Organization;
  - d) To approve the annual procurement plan, human resources training plan and budget and quarterly, semi-annual and annual progress reports on the implementation of the Secretariat's annual action plan;
  - e) To approve the proposal for the Secretariat's staffing map;
  - f) Approve the proposed Annual Activity Report;
  - g) Request any information on the activities and progress of the accession process from the Secretary General;
  - h) Monitor the functioning and evaluate the quality of the services of the Secretariat;
  - i) Authorise the acquisition or disposal of buildings and furniture allocated to the Secretariat;
  - j) Performing the other competencies that are legally incumbent upon the Secretariat.

## **Article 2**

### **Nature**

The Secretariat is established as a mission unit, which enjoys limited administrative and financial autonomy in accordance with the law.

## **Article 3**

### **Headquarters**

The Secretariat shall have its headquarters in Dili.

## **Article 4**

### **Mission and Duration**

1. The mission of the Secretariat is to advise and support the political-legislative interventions, as well as to support the coordination and implementation of strategies and actions, and to provide technical assistance, within the scope of the accession process of the Democratic Republic of East Timor to the World Trade Organization.
2. The Secretariat is established until the definitive accession of the Democratic Republic of Timor-Leste as a full member of the World Trade Organization and the harmonization and adaptation of the national system of administration and management of the economy to the regulatory norms and standards of the Organization.

## **Article 5**

### **Duties**

The functions of the Secretariat shall be:

- a) To assist in the development of the process of accession to the World Trade Organization;
- b) To provide advice and contribute technically to the elaboration of policies, strategies and legislative proposals on the economic and trade reforms necessary in the country to achieve compliance with the World Trade Organization agreements;
- c) To provide technical and strategic advice on the process of accession to the World Trade Organisation to the mandate and/or the negotiating team;
- d) To assist and provide the necessary logistical and technical support to the mandate holder and/or team for the negotiations at the World Trade Organisation;
- e) Promote the preparation of negotiating documents, and ensure technical assistance in the analysis and preparation of documentation in the relevant sectors, namely agriculture and domestic support, customs administration, intellectual property, sanitary and phytosanitary and

- veterinary measures, technical barriers to trade, as and when required by the Working Group, as well as other technical documents related to the World Trade Organisation accession process;
- f) Develop research activities, studies and analysis on matters related to the World Trade Organization, as well as the issues that are raised and or required in the negotiation process;
  - g) To collaborate and, whenever requested, provide technical advice to the various relevant government departments involved in the process of accession to the World Trade Organisation and in the process of integration into the Association of Southeast Asian Nations (ASEAN);
  - h) To assist and collaborate with the government department responsible for coordination in the areas of foreign policy and international cooperation in carrying out its liaison work between the capital and the members and secretariat of the World Trade Organisation;
  - i) To support and promote the collaboration and participation of relevant public and private entities in the accession process;
  - j) To make recommendations on any matters or decisions regarding accession to the World Trade Organisation;
  - k) To support and coordinate meetings of the Working Group with members and Secretariat of the World Trade Organisation;
  - l) Promote specific seminars on World Trade Organization accession, addressing key issues on the accession process, and others as necessary;
  - m) To promote training opportunities, internship and capacity building of Timorese staff in trade related areas;
  - n) To promote the development of post-accession plans and strategies to the World Trade Organisation; e;
  - o) Any other that may be indicated by higher guidance.

## **Article 6 Organization**

1. The Secretariat shall be headed by a Secretary-General appointed by the organ responsible for the area of economy for a term of two years, renewable for equal periods of time.
2. The Secretariat shall be comprised by professionals specialized in the main areas within the scope of accession to the World Trade Organization, namely in matters of international trade in goods and services, and intellectual property, as well as technical support professionals of administration and finance, and monitoring and evaluation.
3. The Secretariat's professional staff shall be responsible for providing expert technical and administrative support, preparing and conducting studies and analyses, and promoting the implementation of the Secretariat's tasks in the process of accession to the World Trade Organization.

4. Professional experts shall be employed on a fixed-term contract basis, in accordance with the law, or by civil servants transferred or seconded by any means permitted by law.
5. Coordinators for each area shall be appointed freely by the Secretary-General from among the specialized professionals employed or civil servants transferred to the Secretariat.
6. Whenever necessary, external consultants, and by external consulting firms specialized in matters related to the World Trade Organization, and the accession and post-accession process, may be hired for that purpose.
7. The internal organization of the Secretariat shall follow a hierarchical model.

#### **Article 7** **Secretary-General**

1. The Secretary-General shall perform his functions on an exclusive full-time basis.
2. Without prejudice to the powers delegated or sub-delegated, it shall be incumbent upon the Secretary-General to direct, represent, coordinate and guide the action of the Secretariat.
3. It shall be incumbent upon the Secretary-General, in particular, within the scope of the activities of the Secretariat:
  - a) Promote the implementation of the measures that are determined by the supervisory authority;
  - b) To submit to the relevant authority the reports produced by the Secretariat as well as the respective annual activity plans and reports
  - c) To report regularly to the supervising Ministry on the process of accession to the World Trade Organisation and its progress
  - d) To propose to the Ministry the necessary actions for the implementation of the strategies and recommendations for the conclusion of the process of accession to the World Trade Organisation
  - e) To direct, co-ordinate and guide the services of the Secretariat and to issue orders and instructions the execution of which are necessary for its good functioning
  - f) To direct the meetings of the Secretariat
  - g) To represent the Secretariat before public and private entities, both national and foreign
  - h) To exercise powers of direction, management and discipline of the staff, in accordance with the law and without prejudice to the competencies of the Civil Service Commission
  - i) To promote and coordinate recruitment processes for staff subject to fixed-term employment contracts that are transparent and fair, and based on merit and professional competence and gender equality

- j) Any other tasks indicated or delegated to it by the Minister for Supervision.
4. The Secretary-General shall cease exercising his or her functions:
- a) By the expiration of the term of the respective mandate;
  - b) Resignation;
  - c) Resignation decided by the supervising Government; and
  - d) When the replacement takes office, under the terms of the law.

### **Article 8** **Specialized professionals**

1. Professionals and experts having the technical competence, ability, professional experience and adequate training to carry out the tasks assigned.
2. The Secretariat shall include at least professionals and or experts specialized in the areas of:
- a) Negotiations on trade in services and goods;
  - b) Law
  - c) Foreign cooperation policy
  - d) Economic policy
  - e) Agricultural policy and fisheries
  - f) Environment
  - g) International trade and its facets, including intellectual property
  - h) Information, telecommunications and technology
  - i) Fiscal and financial policy; and
  - j) Human resources and administration.
3. They may integrate professionals from other areas that may be relevant within the World Trade Organization accession process.

### **Article 9** **Incompatibilities and Impediments**

1. The staff of the Secretariat shall not, in the exercise of their functions, provide, directly or indirectly, advice to private entities, which might place them in a conflict of interest or weaken their impartiality in defending the public interest.
2. Failure to comply with the provision contained in the preceding number shall constitute grounds for termination of the employment relationship for which he or she has been appointed or contracted.

**Article 10**  
**Remuneration**

The remuneration of fixed-term staff shall follow the provisions laid down in the legal framework for fixed-term contracts.

**Article 11**  
**Collaboration and coordination with services and entities of the Public Administration**

1. The Secretariat shall ensure the necessary procedures for the fulfilment of its tasks within the scope of all processes of accession to the World Trade Organisation in coordination and collaboration with the various services and entities of the Public Administration involved.
2. The Secretariat shall identify the elements, data and information which it considers necessary for the fulfilment of its mission, requesting such elements, data and information from the services and entities of the Public Administration concerned.
3. The services and entities of the Public Administration shall provide full support to the Secretariat and make available any information requested by the Secretariat in connection with accession to the World Trade Organization.

**Article 12**  
**Transition**

Until the appointment of the Secretary General, the support unit for the World Trade Organization and the Association of Southeast Asian Nations of the Coordinating Minister for Economic Affairs continues to coordinate all the work done related to the process of accession to the World Trade Organization, without the need for any additional formalities.

**Article 13**  
**Entry into force**

The present statute shall enter into force on the day following its publication in the Official Gazette.

Approved by the Council of Ministers on of .... 2022

To be published.

The Prime Minister  
Taur Matan Ruak

The Coordinating Minister for Economic Affairs

Joaquim Amaral

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