

**DECREE-LAW No 15 /2021
of 15 September**

**FIRST AMENDMENT TO DECREE-LAW No 10/ 2018, OF APRIL 9,
ON THE STATUTE OF THE INSTITUTE FOR QUALITY OF TIMOR-LESTE, I.P**

Considering the changes to the structure and functioning of the direct and indirect administration of the State approved by Decree-Law no. 30/2020, of 29 July;

Whereas Article 63 of Decree-Law 30/2020, of 29 July, on the Organization of the Direct and Indirect Administration of the State, determines the need to adapt the legislation and organic statutes of the bodies of direct and indirect administration to the new structure and functioning;

Whereas the structure and functioning rules of the State's direct and indirect Administration bodies, in general, and of the Institute for the Quality of Timor-Leste, I.P., in particular, should be guided by criteria of administrative efficiency and the lowest cost possible, guaranteeing the satisfaction of public interest;

Whereas the Institute for Quality in Timor-Leste, I.P. is under the tutelage and superintendence of the Minister of Tourism, Commerce and Industry, The Government decrees the following, under the terms of paragraph 3 of article 115 of the Constitution of the Republic and article 63 of Decree-Law no. 30/2020, of 29th July, to be valid as law:

**Article 1
Object**

The present diploma approves the first alteration to Decree Law No. 10/2018, of 9 April, on the Statute of the Institute for Quality of Timor-Leste, I.P.

**Article 2
Amendment to Decree-Law No 10/2018, of 9 April 2018**

Article 3 of Decree-Law No 10/2018, of 9 April, is replaced by the following text.

“Article 3 [...]

1. [...].
2. [...]:
 - a. [...];
 - b. [...];
 - c. [...];
 - d. Without prejudice to the competences of the Municipal Administrations Municipalities, Municipal Authorities and the Special Administrative Region of Oe-Cusse Ambeno, ensure and manage the legal metrological control system of measuring instruments, recognise competent entities for the delegated exercise of such control, whenever necessary to ensure national coverage, and coordinate the network formed by those entities;
 - e. [...];

- f. [...];
 - g. [...];
 - h. [...];
 - i. [...];
 - j. [...];
 - k. [...];
3. [...];

Article 3

Amendment to the Statute of the Institute for the Quality of Timor-Leste, I.P., annexed to Decree-Law No 10/2018, of 9 April.

Articles 2, 3, 4, 5, 6, 7, 9, 13, 14, 19, 21 and 22 of the Statute of the Institute for Quality of Timor-Leste, I.P., annexed to Decree-Law No 10/2018, of 9 April, are replaced by the following.

“Article 2

[...]

1. IQTL, I.P. is a public institute with legal personality and legal capacity, and with administrative, financial and patrimonial autonomy.
2. [...].

Article 3

Seat and territorial scope

1. [...].
2. [...].
3. IQTL, I.P. may, upon reasoned proposal by the Board of Directors and approved by the relevant Minister, have territorially decentralised services to pursue its responsibilities.

Article 4

[...]

1. [...].
2. [...].
 - a) [...].
 - b) [...].
 - c) [...].
 - d) Without prejudice to the competence of the Municipal Administrations, Municipal Authorities and the Special Administrative Region of Oe-Cusse Ambeno, to ensure and manage the legal metrological control system of measuring instruments, to recognise entities competent for the delegated exercise of such control, whenever necessary to ensure national coverage, and to coordinate the network formed by those entities;
 - e) [...].
 - f) [...].
 - g) [...].
 - h) [...].

- i) [...].
 - j) [...].
 - k) [...].
 - l) Carry out any other duties assigned to it by law.
3. [...].

Article 5

[...]

The IQTL, I.P. shall operate under the supervision of the Minister of Tourism, Trade and Industry, who shall be responsible for:

- a) [...];
- b) [...];
- c) [...];
- d) [...];
- e) Approve the tariffs and prices, to be published by joint ministerial decree with the Minister of Finance;
- f) [...];
- g) To appoint and dismiss the Board of Directors of IQTL, I.P.;
- h) To appoint and exonerate the Board of Auditors of IQTL, I.P., on the proposal of the Minister of Finance.

Article 6

Organs

1. [...]:
- a) The Board of Directors, the body responsible for the management and representation of IQTL, I.P., comprising a chairman, a secretary and three members, appointed by the relevant Minister;
 - b) The Supervisory Board, the body responsible for controlling the legality, regularity and sound financial and asset management of IQTL, I.P., which shall be composed of three members appointed by the relevant Minister on the proposal of the Minister of Finance.
2. Revoked

Article 7

Competences

The Board of Directors is the body responsible for managing and representing IQTL, I.P. and is vested with all the powers necessary to ensure the institution's sound management and development:

- a. To propose to the Minister responsible the approval of internal regulations containing aspects of internal organisation, the description of the functions of the operative services, the organisation of work and professional categories, as well as the other regulations necessary for the pursuit of IQTL, I.P.'s duties;

- b. [...];
- c. [...];
- d. Proposing to the relevant Minister the approval of the financial plan, the annual and multi-annual activity plan and the budget of IQTL, I.P;
- e. [...];
- f. [...];
- g. To deliberate on proposals for the acquisition, encumbrance or disposal of rights, goods and furniture subject to registration
- h. [...];
- i. The Supervisory Board, the body responsible for controlling the legality, regularity and sound financial and asset management of IQTL, I.P., which shall be composed of three members appointed by the relevant Minister on the proposal of the Minister of Finance.
- j. To propose to the relevant Minister the approval of the staffing map
- k. To draft opinions, studies and information requested by the relevant Minister
- l. To exercise powers of discipline, direction and control over the personnel assigned to IQTL, I.P;
- m. To draft the annual budget and define its implementation
- n. To perform all other acts that may become necessary for the implementation of IQTL, I.P.'s duties, under the terms of the law and in accordance with the instructions given by the Minister in charge.

Article 9

President

- 1. [...]:
 - a) [...];
 - b) To set the agenda of the meetings of the Board of Directors
 - c) To coordinate the activity of the Board of Directors and ensure the execution of its resolutions, in strict compliance with the law, and the regularity of the resolutions
 - d) To request the opinion of the Supervisory Board;
 - e) [Former sub-paragraph c)].
- 2. The Chairman of the Board of Directors shall be replaced, in his or her absence or impediments, by the member of the Board of Directors designated by him or her.
- 3. [...].

Article 13

Powers

- 1. [...]:
 - a) Verifying the conformity of financial acts or acts with direct financial implications performed by the bodies of IQTL, I.P., with these Statutes and other applicable legislation;
 - b) [...];
 - c) [...];

- d) To issue an opinion on each financial year in the form of a report and accounts of IQTL, I.P. and to present it to the Board of Directors
 - e) To give its opinion on the acquisition, leasing, disposal and encumbrance of immovable property
 - f) To take part in the meetings of the Board of Directors, without the right to vote;
 - g) To keep the Board of Directors informed about the results of the verifications and examinations it carries out;
 - h) To propose to the supervising Minister and to the Board of Directors the promotion of external audits;
 - i) To pronounce on all matters submitted to it by the Board of Directors or by the supervising Minister;
 - j) [Former subparagraph e].
2. The time limit for drawing up the opinions referred to in the previous paragraph shall be twenty days from the date of receipt of the documents to which they refer.

Article 14

[...]

- 1. IQTL, I.P. shall pursue its responsibilities through subordinate services, hereinafter referred to as departments, which shall operate under the hierarchical and functional dependence of the Board of Directors.
- 2. IQTL, I.P. is organised through the following departments:
 - a) Administration and Finance Department;
 - b) Standardization Department;
 - c) Metrology Department;
 - d) [Former paragraph 1(d)].
- 3. The heads of each of the departments referred to in the preceding paragraph shall be equivalent, for all legal purposes, to heads of department.
- 4. [Former No. 3].
- 5. The competences of IQTL, I.P. departments shall be defined in its internal regulations.

Article 19

Human Resources

- 1. The human resources of IQTL, I.P. shall be governed by the legislation applicable to the regime of civil servants and agents of the public administration and to the regime of management and leadership positions in the public administration, and may only adopt the modalities of employment in public functions permitted by law.
- 2. The establishment plan and the number of managerial and leadership positions are approved by a ministerial decree of the relevant Minister, after consultation with the Civil Service Commission.

3. IQTL, I.P. may, in situations of urgent and justified need, resort to the temporary hiring of specialised technicians, under the terms provided for in the Legal Framework for Fixed-Term Employment Contracts in Public Administration, subject to the authorisation of the relevant Minister.

Article 21
[...]

1. [Former body of the Article].
2. The IQTL, I.P. shall draw up and keep updated, annually, with reference to 31 December, the inventory of assets and rights, both its own and those transferred to it by the State.

Article 22 [...]

IQTL, I.P. shall be obligated by the joint signature of the President or whoever replaces him/her and two members of the Board of Directors."

Article 4
Addition to the Statute of the Institute for the Quality of Timor-Leste, I.P., annexed to Decree-Law No. 10/2018, of 9 April

The following articles 6-A, 6-B and 13-A are added to the Statute of the Institute for Quality of Timor-Leste, I.P., annexed to Decree-Law No 10/2018, of 9 April:

"Article 6-A
Members of the IQTL, I.P. bodies

1. Terms of office for members of the bodies established in the previous article shall have the duration of four years, renewable for equal periods.
2. The members of IQTL, I.P.'s bodies shall exercise the competences established by law, as well as those delegated to them by the relevant Minister or by the respective organ of IQTL, I.P..
3. The members of the bodies established in the previous article shall be treated in the same way as national directors for all purposes concerning salaries, daily allowances and benefits, except as provided for in the following number.
4. The Chairperson of the Board of Directors shall be on a par with the Director-General for all purposes of salary, daily allowances and benefits.

Article 6-B
Termination of functions

Members of the IQTL, I.P. bodies shall cease their functions:

- a) By the expiry of their term of office;

- b) Permanent incapacity or supervening incompatibility
- c) By resignation;
- d) Following conviction by final judgment for committing an intentional crime;
- e) By free decision of the supervising Minister.

**Article 13-A
Functioning**

- 1. The Supervisory Board shall meet every month, in a special session, and extraordinarily, whenever convened by its Chairman or at the request of another member or of the Board of Directors.
- 2. The resolutions of the Supervisory Board shall be taken by majority vote and minutes of the meetings shall be drawn up.

**Article 5
Systematic changes to the Statute of the Institute for the Quality of Timor-Leste, I.P.,
annexed to Decree-Law No 10/ 2018, of 9 April**

- 1. The names of the systematic divisions of the Statute of the Institute for the Quality of Timor-Leste, I.P., annexed to Decree-Law no. 10/2018, of 9 April, are hereby altered under the following terms:
 - a) Chapter II, called "Competences and functioning of the organs of the IQTL, I.P.", is now called "Organic Structure";
 - b) Section I of Chapter II, entitled "Management Board", shall be renamed as Section II of Chapter II;
 - c) Section II of Chapter II, denominated "Supervisory Board", shall be renumbered as Section III of Chapter II;
 - d) Chapter III, denominated "Operative Services", shall be renamed "Departments and Human Resources";
 - e) Chapter IV, entitled "Financial and Assets Provisions", shall be renamed "Assets and Financial Management".
- 2. The Statute of the Institute for the Quality of Timor-Leste, I.P., annexed to Decree-Law No 10/2018, of 9 April, is added to Chapter II, Section I, called "General Provisions", comprising articles 6, 6-A and 6-B.

Article 6
Repealing rule

Article 6(2), Article 8(3) and Articles 10, 11 and 12 of the Statute of the Institute for the Quality of Timor-Leste, I.P., annexed to Decree-Law No. 10/2018, of 9 April, are hereby revoked.

Article 7
Termination of commissions of service

With the entry into force of the present diploma, the nominations and commissions of service of the holders of management or leadership positions carried out within the scope of the previous statutory norms are extinguished, and they shall remain in office temporarily until they are renewed or substituted.

Article 8
Republication

Decree-Law no. 10/2018, of 9 April, is republished, with the current wording and the necessary grammatical and legalistic corrections, in an annex to the present diploma, of which it is an integral part.

Article 9
Entry into force

The present diploma enters into force on the day following its publication.

Approved by the Council of Ministers on 14 July 2021.

The Prime Minister, _____
Taur Matan Ruak

The Minister of Tourism, Commerce and Industry, _____
José Lucas do Carmo da Silva

Promulgated on 9 September 2021.

To be published.

The President of the Republic, _____
Francisco Guterres Lú Olo

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