



## **Proposal**

### **MINISTERIAL DECREE NO. /2022**

**Of**

### **ORGANIC REGULATION OF SERVE, IP**

Decree-Law No. 7/2017, of 22 March, formally established the Service for Business Registration and Verification, I.P., (SERVE) as a public institute with administrative, financial and patrimonial autonomy under the superintendence of the member of the Government responsible for the areas of economic development and with the mission of promoting the practice of business registration acts and the provision of a more efficient service to citizens and companies in the country.

As part of the definition of its bodies, in addition to the existence of an Executive Director, this Decree-Law established the creation of the Single Desk as a technical support body and the appointment of a Statutory Auditor responsible for controlling the legality, regularity and good financial and asset management of SERVE.

To make SERVE's operation more efficient and transparent, it is now important to define the functional structure of the central support services to SERVE's bodies, as well as the internal rules of its operation, as provided by article 26(1) of Decree-Law No. 7/2017 of 22 March.

*Thus,*

The Government, by the Acting Coordinating Minister for Economic Affairs, orders, under the provisions of part e) of paragraph 4 of Article 14 of Decree-Law No. 14/2018, of 17 August, to publish the following diploma:

## **CHAPTER I**

### **FUNCTIONAL STRUCTURE**

## **Article 1**

### **Object**

1. This organic regulation establishes the functional structure of the central services of *Serviço de Registo e Verificação Empresarial I.P.*, hereinafter referred to as SERVE, and the rules of conduct applicable to the staff.
2. The structure of the central services of SERVE is established in the organigram contained in Attachment I of this regulation, which is an integral part of it.

## **Article 2**

### **General structure**

SERVE's central services comprise of:

- a) Commercial Registry Unit;
- b) Administration and Finance Unit;
- c) Information, Communication and Technology Unit;
- d) Legal Unit.

## **Article 3**

### **Commercial Registry Unit**

1. The mission of the Commercial Registration Unit is to perform all acts and procedures necessary for commercial registration and licensing.
2. The competencies of the Commercial Registry Unit are:
  - a) To attend the public by receiving the documents necessary for the practice of commercial registration acts;
  - b) To examine the documents presented by the applicants and request any clarifications that may be deemed necessary;
  - c) To certify, solely for the purposes of promoting registration acts, licensing applications or obtaining visas, the photocopies of original documents presented to them;
  - d) To carry out the acts and procedures necessary for the registration of the acts subject to it, under the terms of the law;
  - e) To provide the necessary technical support to the Commercial Registrar, under the terms of the law;
  - f) To provide information to the public about the facts subject to registration and the content of the registrations made, under the terms of the law;
  - g) To promote the licensing of economic activities with the competent authorities and deliver the respective license to the beneficiary, under the terms of the law;

- h) To organize the documents received and ensure their correct filing;
- i) To manage and keep up to date an archive and database on business registration and the licensing of economic activities, in coordination with the Information, Communication and Technology Unit;
- j) To digitize the documents used for commercial registration and economic activity licensing purposes;
- k) Promote the processing of applications for the appropriate visa for partners, administrators or sole traders with the competent authorities and under the terms of the legislation in force;
- l) Ensure the necessary liaison with the SERVE branches in the municipalities;
- m) Any other matters determined by higher authorities, under the terms of the law.

#### **Article 4**

##### **Administration and Finance Unit**

1. The mission of the Administration and Finance Unit is to provide technical and administrative support in the areas of general administration, finance, human resources, provisioning and logistics.
2. The competences of the Administration and Finance Unit are:
  - a) Administer and register SERVE's correspondence and archives;
  - b) To prepare the annual action plans, the annual budget and the quarterly reports;
  - c) Manage staff;
  - d) To promote staff performance evaluation actions, under the terms of the law;
  - e) To plan and to propose from above the implementation of programmes and actions for training and professional development of human resources, taking into account a gender equality perspective;
  - f) Monitor and carry out the administrative and financial process for the organization of trips abroad and local trips, including the route plans;
  - g) To carry out the procurement, administration and distribution of office supplies;
  - h) Support the public contract management process and guarantee the preparation of all the necessary documents for the fulfillment of the provisioning rules;
  - i) Elaborate and maintain the annual procurement plan of SERVE in accordance with the annually attributed budgetary allocations;
  - j) Develop and implement systems and procedures that ensure the correct processing of all the goods and services acquired by SERVE;
  - k) Any other superiors determined under the terms of the law.

#### **Article 5**

### **Information, Communication and Technology Unit**

1. The mission of the Information, Communication and Technology Unit is to ensure the smooth operation of the SERVE IT Platform, to ensure the integrity and security of stored documents and the updating of public information.
2. The Information, Communication and Technology Unit is responsible for:
  - a) Ensure the daily operation of SERVE's computer networks, including hardware and software support;
  - b) Planning and implementing data connectivity for the local area networks (LAN) and wide area networks (WAN);
  - c) Maintaining and updating the SERVE e-portal on a daily basis;
  - d) Develop policies and manuals for the use of information systems;
  - e) Ensure that electronic registration documents are kept in a secure, organised and easily accessible form;
  - f) To develop an electronic database for business registration and the licensing of economic activities in coordination with the Business Registration Unit;
  - g) To process and make available statistical and information data on commercial registration and the licensing of economic activities;
  - h) To maintain close coordination with the Ministry of Finance and other government entities whose IT platform is shared;
  - i) To carry out any other tasks as determined by higher authority, in accordance with the law.

### **Article 6 Legal Unit**

1. The mission of the Legal Unit is to provide the legal support required for the proper SERVE's proper functioning, promoting compliance with the law and the ongoing training of its staff.
2. The Legal Unit is responsible for:
  - a) To give a legal opinion on facts that are subject to commercial registration and about which doubts have arisen, upon superior request;
  - b) To give a legal opinion on applications for the authorisation to carry out economic activities and commercial licences, at the superior's request
  - c) Organise training sessions for other SERVE staff on the legal procedures applicable to business registration and licensing, and on any other matter that has an impact on SERVE's operations;

- d) Provide support to the public service staff in analysing the legal documents required for commercial registration;
- e) Providing support to the Commercial Registrar on request;
- f) Organise SERVE's legal archive, containing all legal opinions, legislation and other relevant documents;
- g) Any other tasks assigned by higher authority, under the terms of the law.

## **CHAPTER II**

### **OPERATION OF THE SERVICE**

#### **Article 7**

##### **Opening hours**

1. SERVE is open to the public from Monday to Friday started at 08:00 a.m. to 12:00 noon and from 2:00 p.m. to 5:00 p.m.
2. The opening hours provided for in the previous paragraph may be altered according to the opening hours provided for in the preceding paragraph may be altered according to service needs; the public shall be informed of such alteration at least seven days in advance.

#### **Article 8**

##### **Public holidays and annual closing**

SERVE follows the official state calendar for closure on national holidays and day-offs.

#### **Article 9**

##### **Stamps and Authentication**

1. Official documents issued by SERVE, according to the law, are valid with the SERVE embossing seal, in accordance with the model provided in Annex II of this Regulation, of which it is an integral part.
2. The signature verification, for registration processing and the documents provided by law, are valid with the affixing of the ink stamp of the official responsible for processing them, as per the model provided in Annex III of this Regulation and which forms an integral part thereof.

3. Copies of documents made by SERVE, in accordance with the law, for the purpose of promoting registration acts, licensing applications or obtaining visas, are certified with the affixation of the ink stamp of the official responsible for the verification, as per the model provided in Annex III of this regulation and which forms an integral part thereof.

#### **Article 10**

##### **Signatures and Initials**

1. The signatures and initials of the Executive Director and SERVE staff, for the purpose of internal and interdepartmental verification of the authenticity of files or documents, are made on a proper form available for access when necessary.
2. The Executive Director may forward to the relevant Government departments, certified copies of the forms containing the signatures and initials mentioned in the previous number.

#### **Article 11**

##### **Use of SERVE resources**

1. The movable and immovable assets allocated to SERVE may only be used for the performance of its duties and competencies, under the terms defined by law.
2. Equipment such as computers, vehicles, mobile phones, printing machines or any other equipment allocated to staff members may only be used for professional purposes for the fulfilment of SERVE's duties and competencies.

### **CHAPTER III**

#### **STAFF REGULATIONS**

#### **Article 12 Staff**

##### **Staff**

The selection, recruitment and hiring of staff to ensure the operation of SERVE services is the Executive Director's responsibility, according to and in compliance with the Staffing Plan and the salary table approved by an Executive Supervisory Order, under the terms of the law.

**Article 13**  
**Service orientation**

1. SERVE staff will perform their duties in accordance with the Executive Director's guidelines.
2. The provisions in the previous number do not apply to Registrars, who are governed by their own statute.

**Article 14**  
**Terms of reference for staff**

1. SERVE's staff terms of reference are prepared by the Executive Director and may be reviewed periodically.
2. SERVE staff members may perform their duties on a rotational basis between customer services and processing services, without this implying change the agreed contractual terms.

**Article 15**  
**Employee rights**

Without prejudice to rights provided by law or contract, SERVE staff have the following rights:

- a) To receive proper treatment and have respect for their person;
- b) To enjoy annual leave as stipulated by law and by contract;
- c) to have privacy in confidential and private matters reserved;
- d) Have rest and lunch hours in accordance with the law and the contract;
- e) Enjoy a peaceful, harmonious, clean, safe and pleasant working environment;
- f) Receive appropriate training for the performance of their duties;
- g) Receive clear and regular guidance on the functioning of the service and on the performance of their functions from their hierarchical superior.

**Article 16**  
**Duties of Civil Servants**

Without prejudice to the obligations provided for by law or by contract, the duties of the civil servants shall be:

- a) To perform their duties in a competent, considerate, effective and efficient manner;
- b) Not to accept or solicit any financial or other consideration from the public other than the payment of the emoluments legally due
- c) To provide correct information to clients;
- d) Comply with its contract and the legal provisions governing it loyally and professionally;
- e) To consult the Executive Director on any doubts about the performance of their work;
- f) Comply with working hours and be assiduous;
- g) Comply with the deadlines determined by law, concerning the business registration and licensing process;
- h) To comply with the orders and guidelines of the Executive Director;
- i) Inform and justify in advance to the Executive Director any absences from work;
- j) Comply with the rules on wearing uniform approved by the Executive Director's order;
- k) Treat co-workers and SERVE customers with respect and loyalty;
- l) Maintain professional secrecy about information acquired during the exercise of their functions, under penalty of disciplinary responsibility;
- m) Take care of SERVE's assets, as well as the equipment used for the performance of their duties.

#### **Article 17**

##### **Relations with the public**

1. Staff serving the public must act with politeness, cordiality and respect, provide all necessary clarifications when requested in a prompt and clear manner.
2. If there are any doubts about the questions raised, they shall be forwarded to the respective hierarchical superior, and the petitioner shall be informed thereof.

#### **Article 18**

##### **Prohibition of payment**

SERVE staff may not accept or receive payments in cash or in kind for the provision of their services.

#### **Article 19**

##### **Professional secrecy**



1. SERVE employees are bound by professional secrecy with regard to facts and data they may not disclose or use them for their own benefit or for the benefit of others, either directly or through an intermediary.
2. Professional secrecy shall be maintained after the termination of duties of the members of the bodies and staff.
3. It is prohibited to disclose confidential information to the public.

#### **Article 20 Violation**

Violation of the rules of conduct provided for in this statute and in other applicable legislation shall give rise to disciplinary proceedings under the terms provided for in the labour legislation.

### **CHAPTER IV FINAL PROVISIONS**

#### **Article 21 Cases of omission**

Cases of omission shall be resolved by the Executive Director.

#### **Article 22 Entry into force**

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

Approved by the Council of Ministers on \_\_\_\_, \_\_\_\_ 2022.

**The Prime Minister**

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

**The Coordinating Minister for Economic Affairs**

\_\_\_\_\_  
Joaquim Amaral

Promulgated on \_\_\_\_ of \_\_\_\_\_ of \_\_\_\_

To be published.

**The President of the Republic,**

\_\_\_\_\_  
Dr. José Ramos Horta

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