

DEMOCRATIC REPUBLIC OF TIMOR-LESTE



REGULATION NO. 2/2016, of 28 December 2016

ON

TRADING ACTIVITIES

This Regulation builds on the basic rules and general provisions of Decree-Law No. 1/2012 of 1 February 2012, on Downstream Activities in Timor-Leste and sets forth the principles and conditions to be complied with by entities engaged in the Downstream Trading Activities, as defined in Article 2 (g) of Decree-Law No. 1/2012 of 1 February 2012.

With the approval of this Regulation, the ANPM has a legal instrument necessary to efficiently govern and manage the registration, licensing, organization and operation of existing and new importers, exporters and traders of Fuels, Biofuels and Lubricants, thus ensuring the level of compliance that will support the development of Trading Activities in the Downstream Sector in the Democratic Republic of Timor-Leste, in a safe and efficient manner.

Now therefore, under the terms of Articles 7.2 (c), and 8.1 (f) of Decree-Law No. 1/2012 of 1 February 2012, the Board of Directors of the ANPM approves the following Regulation:

CHAPTER I
GENERAL PROVISIONS

Article 1
Definitions

1. The expressions, terms and concepts defined in Article 2 of Decree-Law No. 1/2012 of 1 February 2012, shall have herein the same meaning as conferred upon them in the above-mentioned Decree-Law.
2. For the purposes of this Regulation:
 - (a) “Year”: means a calendar year;
 - (b) “Transaction Authorization”: means an authorization granted by the ANPM under Article 9, and that is required in order for a Licensee to carry out each specific Importing or Exporting Transaction.
 - (c) “Product Certificate of Quality”: means the certificate issued by an entity accredited or accepted by the ANPM to ensure compliance with the regulations on Fuel, Biofuel and Lubricant Quality Standards and Specifications, and detailing the specifications of the Fuel, Biofuel and Lubricant to be Imported into or Exported out of Timor-Leste;
 - (d) “Declaration for Free Circulation”: means the document in the form attached hereto as Annex VI, issued by an ANPM Inspector under Article 11, confirming that the Fuel, Biofuel and Lubricant entering the Territory of Timor-Leste complies and conforms with all applicable rules, regulations and specifications;
 - (e) “Exporting”: means the commercial activity of conveying or sending Fuel, Biofuel and Lubricants from the Territory of Timor-Leste to a foreign country;
 - (f) “Fuel, Biofuel and Lubricant Exporter”: means an entity licensed to carry out Exporting activities;
 - (g) “Importing”: means the commercial activity of bringing Fuel, Biofuel and Lubricants into the Territory of Timor-Leste;
 - (h) “Fuel Biofuel and Lubricant Importer”: means an entity licensed to carry out Importing activities;
 - (i) “Licensed Fuel, Biofuel and Lubricant Importer or Exporter”: means an entity licensed to carry out Fuel, Biofuel and Lubricant Trading Activities under Decree-Law No. 1/2012, of 1 February 2012, and this Regulation;
 - (j) “Inspector”: means a person appointed as an inspector by the ANPM to carry out inspection activities pursuant to Chapter V of Decree-Law no.

1/2012, of 1 February 2012, and other applicable regulations and standards;

- (k) “Lubricant”: means products, most of them petroleum derivatives, used in mechanical machines to reduce the drag of the moving parts;
- (l) “Fuel, Biofuel and Lubricant Handling”: means the Transport, transfer or Storage of Fuel, Biofuel and Lubricant;
- (m) “Annual Report on Fuel, Biofuel and Lubricant Trading Activities”: means the Report filed annually by the Licensee, in the form of Annex IV to this Regulation, and which includes information on the Transactions performed during the preceding Year, notably the volume of Fuels, Biofuels and Lubricants which has been imported into and exported out of Timor-Leste during the previous calendar year, and that is relevant, amongst others, for the final determination of the value of the annual fee;
- (n) “Quarterly Report”: means the Report filed Quarterly by the Licensee, in the form of Annex V to this Regulation, and which includes information on the Transactions performed during the preceding Quarter, notably the volume of Fuels, Biofuels and Lubricants which has been imported into and exported out of Timor-Leste during the previous Quarter, and that is relevant, amongst others, for statistical purposes and for correction of the volume of Transactions for purposes of determining the Annual fee;
- (o) “Applicant”: means any individual or legal person that makes a formal request or applies for a License, authorization or approval from the ANPM;
- (p) “Transaction”: means the commercial exchange of Fuel, Biofuel and Lubricant between a buyer and a seller;
- (q) “Fuel, Biofuel and Lubricant Transporter”: means an entity contracted for conveying fuels owned by a third party by appropriate Fuel, Biofuel and Lubricant Transportation Vehicle;
- (r) “Quarter” or “Quarterly”: means a period of three (3) consecutive months starting on the first day of January, April, July or October of each Year; and
- (s) “Fuel, Biofuel and Lubricant Transportation Vehicle”: means, a road, marine, air, or other tank vehicle used for transporting Fuel, Biofuel and Lubricants from a foreign country into the Territory of Timor-Leste, in the case of Importing activities, or from the Territory of Timor-Leste to a foreign country, in case of Exporting activities.

Article 2

Purpose

This Regulation sets forth the principles, rules and conditions to be complied with in the registration, organization and performance of Fuel, Biofuel and Lubricant Trading Activities in the Territory of Timor-Leste.

Article 3

Scope

1. This Regulation shall apply to all entities that perform, or wish to perform Fuel, Biofuel and Lubricant Trading Activities, in the Territory of Timor-Leste, irrespective of their nationality and nature.
2. This Regulation does not cover the Trading Activities of Crude Oil and Natural Gas for Processing or further treatment, as well as of feedstocks for Biofuels or for any other alternative forms of fuels, which shall be subject to specific regulation.

CHAPTER II

GENERAL PRINCIPLES

FOR REGISTRATION, LICENSING, ORGANISATION AND OPERATION OF FUEL, BIOFUEL AND LUBRICANT TRADING ACTIVITIES

SECTION I

REGISTRATION AND LICENSING

Article 4

General rules

1. All entities wishing to perform Fuel, Biofuel and Lubricant Trading Activities are required to register with the ANPM and obtain the corresponding License.
2. Entities already registered and licensed by the ANPM for the performance of other Downstream Activities shall apply for and obtain a specific, independent, registration and License if they intend to carry out Fuel, Biofuel and Lubricant Trading Activities, unless the Trading Activities are merely deemed as ancillary or supporting activities of another Downstream Activity, in which case Article 8.2 of Decree-Law No. 1/2012, of 1 February 2012 on Downstream Sector, applies.

Article 5
Application

1. The request for registration and licensing shall be made through the presentation to the ANPM of a Downstream Activities License Application Form, in the form attached to ANPM Regulation No. 1/2012 as amended by Regulation No. 2/2014, as Annex II, complemented with the submission to the ANPM of the form included in Annex I to this Regulation. Amongst other details, the Applicant shall indicate in the application, as provided for in Annex I to this Regulation, which specific activity it wishes to carry out.
2. In addition to other information and documentation listed in the Downstream Activities License Application Form, the Applicant for an Importing or Exporting License shall mandatorily provide an Annual Fuel, Biofuel and Lubricant Trading Activities Plan for the first Year of operation, prepared in accordance with Article 8.1 of this Regulation.
3. When analyzing and/or after reviewing the License Application, the ANPM may require that the Applicant provide additional information and/or documentation not expressly foreseen in Annex I to this Regulation deemed necessary to adequately assess the application.
4. The ANPM shall issue a decision on an application within ninety (90) days of the date on which it receives the last of the documents or information required, informing the Applicant in writing of the decision, and of the steps, procedures and timing for its implementation.
5. Applications will not be considered if:
 - (a) The scheduled commencement of operation is expected to take more than six (6) months;
 - (b) The Applicant, any of its board members or staff has been sanctioned for a very serious Administrative Offense to any Downstream legislation or regulation of the Democratic Republic of Timor-Leste in the five (5) Years preceding the application.

Article 6
Approval

1. In case of approval of the application, the ANPM shall confirm the registration and licensing by issuing the Fuel, Biofuel and Lubricant Trading Activity License.
2. The Licenses issued by the ANPM under this Regulation shall be in the form set out in Annex I to Decree-Law No. 1/2012, of 1 February 2012, on the Downstream Sector.

SECTION II
ORGANISATION AND OPERATION

Article 7

General

1. Fuel, Biofuel and Lubricant Trading Activities must be performed in installations and facilities located in the Territory of Timor-Leste.
2. The staff engaged in Fuel, Biofuel and Lubricant Trading Activities shall hold an employment agreement in one of the forms admitted by the laws of Timor-Leste with the Licensee. Foreign workers shall also hold a valid work visa or residency authorization.
3. The entities registered and licensed for Trading Fuel, Biofuel and Lubricant shall mandatorily have the appropriate resources to carry out the respective Licensed activity, namely but not limited to, the necessary financial capacity, staff, equipment and systems.

Article 8

Planning

1. Together with the application mentioned in Article 5 hereof and, thereafter, by the fifteenth day of January of each Year, Licensed Fuel, Biofuel and Lubricant Importers or Exporters shall submit to the ANPM an “Annual Fuel, Biofuel and Lubricant Trading Activities Plan”, in the form attached hereto as Annex II.
2. The Annual Fuel, Biofuel and Lubricant Trading Activities Plan shall include, namely but not limited to, a field for the description of the expected activities to be undertaken by the Applicant or Licensee, as the case may be, the requirement for submittal of a business plan, and the explanation of the procedures to be followed and the documentation to be included in the plan.

Article 9

Request and authorization for transaction

1. Before the transportation of Fuel, Biofuel and Lubricant into the Territory of Timor-Leste or from the Territory of Timor-Leste to foreign countries is initiated, Licensed Fuel Importers and Exporters shall submit to ANPM a “Request for Authorization of a Fuel, Biofuel and Lubricant Trading Transaction”, in the form attached hereto as Annex III.
2. The request shall mandatorily include the following documentation and information:

- (a) Type(s) and quantity(ies) of Fuel, Biofuel and Lubricant involved in the Transaction;
 - (b) Origin of the Fuel, Biofuel and Lubricant involved in the Transaction;
 - (c) Statement from the entity selling the Fuel, Biofuel and Lubricant to the Licensed Importer or Exporter, confirming the acquisition;
 - (d) Place of storage at origin;
 - (e) Place of loading for transport;
 - (f) Fuel, Biofuel and Lubricant Transporter and the means of transport, including any applicable certification;
 - (g) Product Certificate of Quality for Importing and Exporting Transaction issued by an entity accredited or accepted by the ANPM to ensure compliance with the regulations on Fuel, Biofuel and Lubricant Quality Standards and Specifications, and detailing the specifications of the Fuel, Biofuel and Lubricant sold;
 - (h) For Exporting Transactions, and if applicable, the Licensed Exporters must submit to the ANPM adequate documentation justifying the reasons why the relevant product does not meet the respective Timor-Leste Fuel, Biofuel and Lubricant Quality Standard or specification, notably by providing sufficient evidence that the country of destination requires different product standards or specifications;
 - (i) Date of commencement of transportation;
 - (j) Place of entry into the country of destination;
 - (k) Entity to whom the Fuel, Biofuel and Lubricant, is/are destined;
 - (l) Storage facilities where the Fuel, Biofuel and Lubricant, will be stored;
 - (m) Confirmation of sale issued by Licensed Importer or Exporter.
3. The ANPM shall issue a decision on the request within three (3) working days of the date on which it receives the last of the documents required, providing the Applicant with a Transaction Authorization, as well as other documentation on procedures and timing for its implementation.
4. In case of approval of the Transaction, the ANPM shall stamp and sign the Request for Authorization of a Fuel, Biofuel and Lubricant Trading Transaction in the respective approval field, and the said Request shall be deemed thereafter a Transaction Authorization.
5. A Transaction Authorization issued under the previous paragraphs of this Article 9 shall automatically lapse if the authorized Transaction is not completed within sixty (60) days of the date of the ANPM's decision, in which case a new

authorization process must be initiated by the Licensee, by submitting a new form and updated documentation and information.

Article 10
(Accompanying documents)

The Fuel, Biofuel and Lubricant, must be accompanied at all times by the Transaction Authorization and Product Certificate of Quality as well as by any other documentation required by the ANPM under separate applicable Regulations, notably certified copy of the operator's valid Downstream Activity License.

Article 11
Trading verification

1. When leaving or entering the Territory of Timor-Leste, the Fuel, Biofuel and Lubricant must be inspected by the ANPM Inspector for the purpose of examining the quantity and the respective documents
2. The ANPM Inspector may affix a seal, stamp, signature, or other written notation on the documentation presented, certifying that inspection has taken place.
3. If according to the documentation provided by the Importer, the Fuel, Biofuel and Lubricant entering the Territory of Timor-Leste complies and conforms with all applicable rules, regulations and specifications the ANPM Inspector shall issue a Declaration for Free Circulation, in the form attached hereto as Annex VI. Should it be determined at a later date that the Fuel, Biofuel and Lubricant does not comply with all applicable rules, regulations and specifications, the Importer shall be held liable for any administrative, criminal or other infractions resulting from providing false statements and importation in breach of applicable laws and regulations.
4. If an Administrative Offence is detected, the ANPM Inspector shall, if applicable, prevent the Fuel, Biofuel and Lubricant from leaving or entering the Territory of Timor-Leste, as the case may be, by seizing the Fuel, Biofuel and Lubricant, sealing the tanks, and retaining all the accompanying documentation, and other documents that may serve as evidence of the Offence.
5. In the cases referred in Article 11.4, the ANPM Inspector shall immediately draw up the respective Notice of Offence or Offence Report, and forward the same to the ANPM Inspection Division responsible for investigation of Administrative Offences in the Downstream sector to initiate the respective procedure. The Licensed Fuel, Biofuel and Lubricant Importer or Exporter shall always be served

detailed notice of the seizure of the Fuel, Biofuel and Lubricant under Article 11.4, as determined in Chapter V of Decree-Law No. 1/2012, of 1 February 2012.

6. The rules contained in this Article 11 in no way waive or replace the Licensee's obligation to comply with all customs, taxation and other rules that may apply to the importation or exportation of Fuel, Biofuel and Lubricant into and out of the Territory of Timor-Leste.

Article 12

Fuel, Biofuel and Lubricant Handling

All Fuel, Biofuel and Lubricant Handling for the purpose of Importation or Exportation that takes place in the Territory of Timor-Leste shall comply with Decree-Law No.1/2012, of 1 February 2012, and ancillary regulations of the Downstream sector.

Article 13

Annual and Quarterly Reporting

1. By the fifteenth day of January of each Year, Licensed Fuel, Biofuel and Lubricant Importers and Exporters shall submit an Annual Report on Fuel, Biofuel and Lubricant Trading Activities to the ANPM, which includes all relevant information on the Transactions performed during the preceding Year.
2. The Annual Report on Fuel, Biofuel and Lubricant Trading Activities shall be filed with the ANPM in the form attached hereto as Annex IV, which contains the explanation of the procedures to be followed and the information to be included.
3. By the fifteenth day of the first month of each Quarter, Licensed Fuel, Biofuel and Lubricant Importers and Exporters shall submit a Quarterly Report to the ANPM, which includes all relevant information on the transactions performed during the preceding Quarter.
4. The Quarterly Report shall be filed with the ANPM in the form attached hereto as Annex V, which contains the explanation of the procedures to be followed and the information to be included.

CHAPTER III

FEES AND DUTIES

Article 14

Fees

1. The granting of Fuel, Biofuel and Lubricant Trading Activities Licenses is subject to payment of Annual fees.

2. The Annual fees are payable based on the quantity of Fuel, Biofuel and Lubricant foreseen in the Annual Fuel, Biofuel and Lubricant Trading Activities Plan.
3. The Annual fee for Importing and Exporting activities is USD 0.0005/L.
4. Should the actual quantity of Fuel, Biofuel and Lubricant imported or exported, as reflected in the Annual Report on Fuel, Biofuel and Lubricant Trading Activities, or in the Quarterly Report, be less than or exceed the quantity foreseen in the Annual Fuel, Biofuel and Lubricant Trading Activities Plan there shall be a true up mechanism following annual or quarterly audit by the ANPM to reconcile the payment of fee against actual quantity imported and exported.
5. The fees shall be paid by the Licensee prior to the issuance or renewal of the License.
6. Failure to pay the fees shall result in the non-issuance, non-renewal or cancellation of the License, as the case may be.
7. In case of late renewal of Trading License the fee shall be increased by 50%.
8. The transfer or amendment of Trading License shall be subjected to the payment of a fee corresponding to 50% of fee.

Article 15

Duties of the Licensee

Notwithstanding other duties and requirements set forth in this Regulation, in Decree-Law No.1/2012, of 1 February 2012, and in other rules and regulations applicable to the performance of their activities, Licensees shall, as applicable:

- (a) Maintain the ANPM informed of the status of scheduled activities, and any changes to the respective timings and details;
- (b) Hire transportation services that are compliant with all international and national rules and standards, notably in respect of safety to persons and the environment;
- (c) Comply with all applicable laws and regulations of the Democratic Republic of Timor-Leste including, namely but not limited to, in respect of the environment, Fuel, Biofuel and Lubricant Quality Standards and Specifications, taxation, customs, and safety;
- (d) Pay the fees determined by the ANPM under this Regulation;
- (e) Ensure that their operations are adequately staffed by persons with the experience required to carry out Fuel, Biofuel and Lubricant Trading Activities.

CHAPTER IV INSPECTION

Article 16

General Rules

1. Licensees carrying out Fuel, Biofuel and Lubricant Trading Activities shall fully cooperate with the ANPM Inspectors or any entity accredited by the ANPM that participates in any inspection including, but not limited to, by answering all questions posed, and presenting and/ or delivering all documentation and reports requested.
2. Licensees shall keep records at their office in the country, of all relevant documentation, including but not limited to, Transaction Authorizations, Product Certificates of Quality, Quarterly Reports and Annual Reports on Fuel, Biofuel and Lubricant Trading Activities presented to the ANPM and any additional information referred to in Article 9.
3. All records shall be kept in one of the official languages of Timor-Leste and/or in one of the working languages, with the exception of the Quarterly Reports and Annual Reports on Fuel, Biofuel and Lubricant Trading Activities, which must always be prepared in the official language used in the form foreseen in Annexes IV and V respectively of this Regulation.
4. The documents shall be made available to the ANPM's Inspection Division at its request.

Article 17

Inspection of imported Fuel, Biofuel and Lubricant

1. All Fuel, Biofuel and Lubricant acquired outside the Territory of Timor-Leste and imported into the country may only be sold to the public or used after a prior inspection has taken place to confirm the type of Fuel, Biofuel and Lubricant and that its respective specifications comply with the applicable Fuel, Biofuel and Lubricant Quality Standards and Specifications' Regulations.
2. The inspection mentioned in Article 17.1 shall take place as soon as possible after the entry of the product into the Territory of Timor-Leste, while it is still in the tanks of the original Fuel Transportation Vehicle and, in any case, prior to any transshipment or transfer operations to other means of transportation or to Storage facilities.

Article 18

Inspection to exported Fuel, Biofuel and Lubricant

Fuel, Biofuel and Lubricant intended to be sold to a foreign country shall be subject to a prior inspection in order to confirm the type of Fuel, Biofuel and Lubricant and its respective specifications, which shall be attested by means of a certificate or statement issued by the ANPM.

CHAPTER V

OFFENCES

Article 19

Classification of Offences

1. Offences to this Regulation are classified as very serious, serious and light and are punishable under the terms of Article 57 of Decree-Law No. 1/2012, of 1 February 2012.
2. The following acts are deemed a light Offence, subject to a penalty ranging from USD 250 to USD 15,000, in case of physical persons, and USD 1,250 to USD 75,000, in case of legal persons:
 - (a) Employment of staff engaged in the performance of Fuel, Biofuel and Lubricant Trading Activities without a proper employment agreement in one of the forms admitted by the laws of Timor-Leste;
 - (b) Employment of foreign workers engaged in the performance of Fuel, Biofuel and Lubricant Trading Activities without holding a valid work visa or residency authorization;
 - (c) Failure to have the Fuel, Biofuel and Lubricant accompanied by the Transaction Authorization and by the Product Certificate of Quality, as well as by any other documentation required by the ANPM, notably certified copy of the operator's valid Downstream Activity License; and
 - (d) Failure of the operator to keep records, at its office in the country and in one of the official or working languages of Timor-Leste, of all relevant documentation, including but not limited to, Transaction Authorizations, Product Certificates of Quality, Quarterly Reports, Annual Fuel, Biofuel and Lubricant Trading Activities Reports, and Annual Fuel, Biofuel and Lubricant Trading Activities Plans presented to the ANPM and any additional information referred to in Article 9.

3. The following acts are deemed a serious Offence, subject to a penalty ranging from USD 750 to USD 50,000, in case of physical persons, and USD 15,000 to USD 300,000, in case of legal persons:
 - (a) Failure to timely submit with the ANPM the Annual Fuel, Biofuel and Lubricant Trading Activities Plan, in the form attached hereto as Annex II;
 - (b) Failure to timely submit with the ANPM the Annual Report on Fuel, Biofuel and Lubricant Trading Activities or the Quarterly Report, in the form attached hereto as Annexes IV and V respectively;
 - (c) Exportation of Fuel, Biofuel and Lubricant to foreign countries without being inspected by the ANPM as determined in Article 18;
 - (d) The entry into or leaving of Fuel, Biofuel and Lubricant from the Territory of Timor-Leste without proper verification under Article 11 of this Regulation;
 - (e) Failure to comply with Articles 15, 16, or 17 of this Regulation; and
 - (f) Failure to comply with any other technical rules or rules of any other nature set forth in these Regulations which are not classified as light or very serious Offences.

4. The following acts constitute a very serious Offence, subject to a penalty ranging from USD 1,500 to USD 150,000, in case of physical persons, and USD 75,000 to USD 1,000,000, in case of legal persons:
 - (a) Undertaking Fuel, Biofuel and Lubricant Trading Activities without the necessary registration and licensing with the ANPM under Articles 4 and 5 or after the deadline set forth under article 20.1 for existing operators;
 - (b) Undertaking Fuel, Biofuel and Lubricant Trading Activities in breach of the terms and conditions set forth in the respective License;
 - (c) Transporting of Fuel, Biofuel and Lubricant into the Territory of Timor-Leste or to foreign countries without the prior submission to the ANPM of the Request for Authorization of a Fuel, Biofuel and Lubricant Trading Transaction, in the form attached hereto as Annex III;
 - (d) Importation of Fuel, Biofuel and Lubricant into Timor-Leste without the Product Certificate of Quality issued by a competent entity
 - (e) Importation of Fuel, Biofuel and Lubricant into Timor-Leste that do not meet the specifications set forth in the Fuel, Biofuel and Lubricant Quality Standards and Specifications' Regulations, without having first obtained an authorization therefor from the ANPM under the same regulations;
 - (f) Selling to the public of Fuel, Biofuel and Lubricant acquired outside the Territory of Timor-Leste and imported into the country without a prior inspection having taken place to confirm the type of Fuel, Biofuel and

Lubricant and that its respective specifications comply with the applicable Fuel, Biofuel and Lubricant Quality Standards and Specifications' Regulation; and

- (g) Selling in Timor-Leste of Fuel, Biofuel and Lubricants destined to be exported and which do not comply with the applicable Fuel, Biofuel and Lubricant s Quality Standards and specifications.
5. The offender who commits an Offence under this Regulation may also be subject to additional sanctions as provided for in Decree-Law No. 1/2012, of 1 February 2012.

CHAPTER VI FINAL PROVISIONS

Article 20

Existing Fuel, Biofuel and Lubricant Importers and Exporters

1. Existing entities engaged in Fuel, Biofuel and Lubricant Trading Activities have ninety (90) days, after the publication of this Regulation, to present to the ANPM a Downstream Activities License Application Form and other documentation as required in Article 5 of this Regulation.
2. All existing entities performing Fuel, Biofuel and Lubricant Trading Activities on the effective date of this Regulation shall have a period of one hundred and eighty (180) days to bring their operation into compliance with the rules and requirements set forth herein.

Article 21

Repeal

All prior statutes or regulations contradicting the provisions of this Regulation are hereby repealed.

Article 22

Effective Date

This Regulation is effective on the day following its publication in the *Jornal da República*.

Approved by the ANPM Board of Directors, on 10th October 2016

Members:

- 1) Gualdino do Carmo da Silva – Chair

2) Jose Manuel Goncalves – Member.....

3) Jorge Martins – Member

4) Verawati Corte Real de Oliveira – Member

5) Nelson de Jesus – Member

ANNEX I

ADDITIONAL INFORMATION AND DOCUMENTS TO BE FILED WITH AN APPLICATION FOR REGISTRATION AND LICENSING OF FUEL, BIOFUEL AND LUBRICANT TRADING ACTIVITIES



1. APPLICANT'S IDENTIFICATION		
Name or Company Designation:		
Type of Identification Document:	Identification Document No.:	
Taxpayer Identification No.:		
Certificate of registration No.:	Share Capital:	
License to do Business No.:		
Representative:		
Address:		
Municipality	Administrative Post:	Suco:
		Aldeia:
Telephone:	Fax No.:	
E-mail address:		
2. TYPE OF APPLICATION		
For ANPM's exclusive use		
Please tick "√" against the appropriate box:		
<input type="checkbox"/> Importing Activities <input type="checkbox"/> Exporting Activities <input type="checkbox"/> New License <input type="checkbox"/> Renewal	Is the Applicant already registered and licensed by the ANPM for the performance of other Downstream Activities? In case of entity already performing Trading Activities, has the applicant submitted this Application within the 90 day deadline set forth under Article 20.1 of this Regulation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

3. DOCUMENTS

Please tick "✓" against the appropriate box to confirm that Applicant has submitted required documents:

	Applicant Use	Office Use
Annex II of this Regulation fully completed (Annual Fuel, Biofuel and Lubricant Trading Activities Plan)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Additional Documents Please provide details _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. STATEMENT OF APPLICANT

NOTE: This form and any relevant additional information is of public record and will remain on file. By filing this form you are declaring that you will not use the information you receive now or afterwards for any illegal or unlawful purposes

	To be completed by ANPM
<p>I certify that all of the information contained in this form is complete and accurate. I understand the information provided to the ANPM is subject to review and audit. The detailed records which substantiate the information contained herein are available upon request.</p> <p>Signature: _____</p> <p>Place: _____ Date: ___/___/___</p>	<p>Signature of the individual in charge</p> <p>_____</p>

Notes:

- (i) The request for registration and licensing shall be made through the presentation to the ANPM of a Downstream Activities License Application Form, in the form attached to ANPM Regulation No. 1/2012, as Annex II, complemented with submission to the ANPM of this form;
- (ii) Amongst other details, the Applicant shall indicate in the application which specific activity it wishes to carry out;
- (iii) Entities already engaged in the performance of Fuel, Biofuel and Lubricant Trading Activities have 90 days, after the publication of this Regulation, to present to the ANPM a Downstream Activities License Application Form;
- (iv) Applicants must also include information and documentation listed in the Downstream Activities License Application Form;
- (v) ANPM may require that the Applicant provide additional information and/or documentation deemed necessary to adequately assess the application;
- (vi) Applications will not be considered if: (a) The scheduled commencement of operation is expected to take more than six months; (b) The Applicant, any of its board members or staff has been sanctioned for a very serious Administrative Offense to any Downstream legislation or regulation of the Democratic Republic of Timor-Leste in the 5 years preceding the application;
- (vii) The entities applying for registration and license for Fuel, Biofuel and Lubricant Trading Activities shall mandatorily have the appropriate resources to carry out the respective Licensed activity, namely but not limited to, the necessary financial capacity, staff, equipment and systems;
- (viii) The Fuel, Biofuel and Lubricant Trading Activities must be performed in installations and facilities located in the Territory Timor-Leste;
- (ix) Installation and operation of Fuel storage facilities in the Territory of Timor-Leste are subject to specific Regulations.

ANNEX II
ANNUAL FUEL, BIOFUEL AND LUBRICANT TRADING ACTIVITIES PLAN



1. APPLICANT'S IDENTIFICATION		
Name or Company Designation:		
Type of Identification Document:	Identification Document No.:	
Taxpayer Identification No.:		
Certificate of registration No.:	Share Capital:	
License to do Business No.:		
Representative:		
Address:		
Municipality :	Administrative Post:	Suco:
		Aldeia:
Telephone:	Fax No.:	
E-mail address:		

2. TYPE OF APPLICATION	
Please tick "√" against the appropriate box:	
<p>First Annual plan to be submitted with the application for registration and licensing of Fuel, Biofuel and Lubricant Trading Activities covering:</p> <p>Year _____</p>	
<p>Annual plan submitted after the issuance of the relevant License covering:</p> <p>Year _____</p>	<p>Activity registered by the Applicant:</p> <p><input type="checkbox"/> Import of Fuel, Biofuel and Lubricant <input type="checkbox"/> Export of Fuel, Biofuel and Lubricant</p>

3. PLAN OF EXPECTED ACTIVITIES TO BE UNDERTAKEN

Please tick "√" against the appropriate box to confirm which activities the Applicant expects to undertake and provide the information required below:

Fuel	Import/Export /Trade	Seller (in case of Importation or Trading)	Buyer (in case of Exportation or Trading)	Quantity
Domestic or Industrial Propane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Domestic or Industrial Butane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
AutoGas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Petrol / Gasoline	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Kerosene	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Automotive Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Diesel Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Fuel Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Heating Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Avgas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Jet-A1	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Bunker Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Turbo Generator Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt MC250	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt RC-2	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 80/100	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 100/200	<input type="checkbox"/> Import <input type="checkbox"/> Export			



4. PLANS AND DOCUMENTS

Please tick "✓" against the appropriate box to confirm that Applicant has submitted required documents:

	Applicant Use	Office Use
Business plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation to be included in the business plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Additional Documents Please provide details _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

5. STATEMENT OF APPLICANT

NOTE: This form and any relevant additional information is of public record and will remain on file. By filing this form you are declaring that you will not use the information you receive now or afterwards for any illegal or unlawful purposes

I certify that all of the information contained in this form is complete and accurate. I understand the information provided to the ANPM is subject to review and audit. The detailed records which substantiate the information contained herein are available upon request. Signature: _____ Place: _____ Date: ___/___/___	To be completed by ANPM
	ANPM's Stamp Signature of the individual in charge _____

Note:

- (i) By the fifteenth day of January of each Year, Licensed Fuel Importers, Exporters and Traders shall submit to the ANPM this "Annual Fuel Trading Activities Plan";
- (ii) Before the transportation of fuels into the Territory of Timor-Leste or to foreign countries is initiated, Licensed Fuel Importers, Exporters and Traders shall submit a "Request for Authorisation of a Fuel Trading Transaction" in the form attached to the Regulation on Trading of Fuel, Biofuel and lubricant as Annex III;
- (iii) All products imported into Timor-Leste or exported to foreign countries (to the extent not waived under the Regulation on Trading of Fuel, Biofuel and Lubricant), shall mandatorily be accompanied by a Product Certificate of Quality, issued by an entity accredited or accepted by the ANPM for such purpose, in the case of export, or by an entity in the country of origin that is recognised by the ANPM for that purpose, in the case of import;
- (iv) Under Article 23.4 of Regulation on Fuel, Biofuel and Lubricant Quality Standard and Specification, Applicants must present evidence from the supplier or from the producer of the products attesting the respective specifications of origin.
- (v) Unless otherwise expressly provided for in the Regulation on Trading of Fuel, Biofuel and Lubricant, the expressions, terms and concepts used in this form shall have the meaning as conferred in the Regulations on Fuel, Biofuel and Lubricant Quality Standard and Specification.

ANNEX III
REQUEST FOR AUTHORIZATION OF A FUEL, BIOFUEL AND LUBRICANT
TRADING TRANSACTION



1. APPLICANT'S IDENTIFICATION				
Name or Company Designation:				
Type of Identification Document:			Identification Document No.:	
Taxpayer Identification No.:				
Certificate of registration No.:			Share Capital:	
License to do Business No.:				
Representative:				
Address:				
Municipality :		Administrative Post:		Suco:
				Aldeia:
Telephone:		Fax No.:		
E-mail address:				
2. TYPE OF APPLICATION				
Please tick "✓" against the appropriate box				
Activity registered by the Applicant:				
<input type="checkbox"/> Import of Fuel, Biofuel and Lubricant				
<input type="checkbox"/> Export of Fuel, Biofuel and Lubricant				
3. FUELS TO BE IMPORTED OR EXPORTED				
Please tick "✓" against the appropriate box to confirm the activities that Applicant wishes to undertake and provide the information required below:				
Fuel	Import/ Export /Trade	Date of commencement of transportation	Information on the place of entry into the country of destination	Quantity
Domestic or Industrial Propane	<input type="checkbox"/> Import <input type="checkbox"/> Export			

Domestic or Industrial Butane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
AutoGas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Petrol / Gasoline	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Kerosene	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Automotive Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Fuel Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Heating Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Avgas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Jet-A1	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Bunker Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Turbo Generator Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt MC250	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt RC-2	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 80/100	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 100/200	<input type="checkbox"/> Import <input type="checkbox"/> Export			

4. DOCUMENTS				
Please tick "√" against the appropriate box to confirm that Applicant has submitted required documents:				
	Applicant Use		Office Use	
Documentation certifying the origin of Fuel, Biofuel and Lubricant	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Documentation issued by the entity selling the Fuel, Biofuel and Lubricant to the Licensed Importer and Exporter, confirming the acquisition	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Documentation issued by the entity selling the Fuel, Biofuel and Lubricant to the Licensed Importer and Exporter confirming the place of storage at origin	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation certifying the place of loading for transport	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation on the Fuel, Biofuel and Lubricant transporter and on the means of transport, including any applicable certification	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation issued by the entity selling the Fuel, Biofuel and Lubricant to the Licensed Importer, confirming that the type of Fuel, Biofuel and Lubricant and the respective product specifications are in accordance with the applicable Timor-Leste statutes and regulations on Fuel, Biofuel and Lubricant Quality Standards and Specifications, and detailing the specifications of the Fuel, Biofuel and Lubricant sold	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation on the entity to whom the Fuel, Biofuel and Lubricant, is/are destined	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation confirming the Storage Facilities where the Fuel, Biofuel and Lubricant, will be stored	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Documentation issued by the Licensed Importer, Exporter or Trader, confirming the sale	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Additional Documents Please provide details _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

5. STATEMENT OF APPLICANT	
NOTE: This form and any relevant additional information is of public record and will remain on file. By filing this form you are declaring that you will not use the information you receive now or afterwards for any illegal or unlawful purposes	
<p>I certify that all of the information contained in this form is complete and accurate. I understand the information provided to the ANPM is subject to review and audit. The detailed records which substantiate the information contained herein are available upon request.</p> <p>Signature: _____</p> <p>Place: _____ Date: __/__/____</p>	<p style="background-color: #cccccc; margin: 0;">To be completed by ANPM</p> <p>Signature of the individual in charge</p> <p>_____</p>

6. ANPM's DECISION
For official use only
<p>Transaction approval</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Not Approved</p> <p><input type="checkbox"/> Deferred / Returned (additional elements required)</p>
<p>Remarks/Requirements/Procedures and respective timing:</p> <p>_____</p> <p>_____</p> <p>_____</p>

Transaction Authorization Number _____	
Approving Official	ANPM's Stamp
Name:	
Position:	
Signature	Date: _____
_____	Valid until: _____

Note:

- (i) Before the transportation of Fuel, Biofuel and Lubricant into the Territory of Timor-Leste or to foreign countries is initiated, Licensed Fuel, Biofuel and Lubricant Importers, Exporters and Traders shall submit this "Request for Authorization of a Fuel, Biofuel and Lubricant Trading Transaction" form to the ANPM's approval;
- (ii) The ANPM shall decide on the request within 3 days of the date on which it receives the last of the documents required, providing the applicant with a Transaction Authorization, as well as other documentation on procedures and timing for its implementation;
- (iii) In case of approval of the Transaction, the ANPM shall stamp and sign the "Request for Authorization of a Fuel, Biofuel and Lubricant Trading Transaction" in the respective approval field, and the said Request shall be deemed thereafter a Transaction Authorization;
- (iv) The Transaction Authorization shall automatically lapse if the authorized Transaction is not completed within 60 days of the date of the ANPM's decision, in which case a new authorization process must be initiated by the Licensee, by submitting a new form and updated documentation and information.

ANNEX IV
ANNUAL REPORT ON FUEL, BIOFUEL AND LUBRICANT TRADING ACTIVITIES



1. APPLICANT'S IDENTIFICATION		
Name or Company Designation:		
Type of Identification Document:	Identification Document No.:	
Taxpayer Identification No.:		
Certificate of registration No.:	Share Capital:	
License to do Business No.:		
Representative:		
Address:		
Municipality :	Administrative Post:	Suco:
		Aldeia:
Telephone:	Fax No.:	
E-mail address:		

2. TYPE OF APPLICATION	
Please tick "√" against the appropriate box:	
Annual Report covering the: Year _____	Activity registered by the Applicant: <input type="checkbox"/> Import of Fuel, Biofuel and lubricant <input type="checkbox"/> Export of Fuel, Biofuel and lubricant

3. REPORT OF ACTIVITIES UNDERTAKEN
Please tick "√" against the appropriate box to confirm the activities that Applicant has undertaken and provide the information required below:

Fuel	Import/Export /Trade	Seller (in case of Importation or Trading)	Buyer (in case of Exportation or Trading)	Quantity
Domestic or Industrial Propane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Domestic or Industrial Butane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
AutoGas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Petrol / Gasoline	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Kerosene	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Automotive Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Fuel Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Heating Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Avgas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Jet-A1	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Bunker Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Turbo Generator Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt MC250	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt RC-2	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 80/100	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 100/200	<input type="checkbox"/> Import <input type="checkbox"/> Export			

4. STATEMENT OF APPLICANT

NOTE: This form and any relevant additional information is of public record and will remain on file. By filing this form you are declaring that you will not use the information you receive now or afterwards for any illegal or unlawful purposes

I certify that all of the information contained in this form is complete and accurate. I understand the information provided to the ANPM is subject to review and audit. The detailed records which substantiate the information contained herein are available upon request.

Signature: _____

Place: _____ Date: __/__/____

To be completed by ANPM

ANPM Stamp

Signature of the individual in charge

Note:

By the fifteenth day of January of each Year, Licensed Fuel Importers, Exporters and Traders shall submit this "Annual Report on Fuel, Biofuel and Lubricant Trading Activities" to the ANPM, which includes all relevant information on the Transactions performed during the preceding Year.

ANNEX V
QUARTERLY REPORT ON FUEL, BIOFUEL AND LUBRICANT TRADING
ACTIVITIES



1. APPLICANT'S IDENTIFICATION		
Name or Company Designation:		
Type of Identification Document:	Identification Document No.:	
Taxpayer Identification No.:		
Certificate of registration No.:	Share Capital:	
License to do Business No.:		
Representative:		
Address:		
Municipality :	Administrative Post:	Suco:
		Aldeia:
Telephone:	Fax No.:	
E-mail address:		

2. TYPE OF APPLICATION	
Please tick "√" against the appropriate box:	
Quarterly Report covering the: <input type="checkbox"/> 1 st Quarter of the Year <input type="checkbox"/> 2 nd Quarter of the Year <input type="checkbox"/> 3 rd Quarter of the Year <input type="checkbox"/> 4 th Quarter of the Year	Activity registered by the Applicant: <input type="checkbox"/> Import of Fuel, Biofuel and Lubricant <input type="checkbox"/> Export of Fuel, Biofuel and Lubricant

3. REPORT OF ACTIVITIES UNDERTAKEN
Please tick "√" against the appropriate box to confirm the activities that Applicant has undertaken and provide the information required below:

Fuel	Import/Export /Trade	Seller (in case of Importation or Trading)	Buyer (in case of Exportation or Trading)	Quantity
Domestic or Industrial Propane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Domestic or Industrial Butane	<input type="checkbox"/> Import <input type="checkbox"/> Export			
AutoGas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Petrol / Gasoline	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Kerosene	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Automotive Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Diesel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Fuel Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Heating Oil	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Avgas	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Jet-A1	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Maritime Bunker Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Turbo Generator Fuel	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt MC250	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Cutback Asphalt RC-2	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 80/100	<input type="checkbox"/> Import <input type="checkbox"/> Export			
Asphalt 100/200	<input type="checkbox"/> Import <input type="checkbox"/> Export			

4. STATEMENT OF APPLICANT

NOTE: This form and any relevant additional information is of public record and will remain on file. By filing this form you are declaring that you will not use the information you receive now or afterwards for any illegal or unlawful purposes

I certify that all of the information contained in this form is complete and accurate. I understand the information provided to the ANPM is subject to review and audit. The detailed records which substantiate the information contained herein are available upon request.

Signature: _____

Place: _____ Date: __/__/____

To be completed by ANPM

ANPM Stamp

Signature of the individual in charge

Note:

By the fifteenth day of the first month of each Quarter Licensed Fuel Importers, Exporters and Traders shall submit this "Quarterly Report on Fuel, Biofuel and Lubricant Trading Activities" to the ANPM, which includes all relevant information on the transactions performed during the preceding Quarter.

**ANNEX VI
DECLARATION FOR FREE CIRCULATION**



DECLARATION FOR FREE CIRCULATION

THE ANPM, IN ITS CAPACITY OF SUPERVISORY ENTITY OF THE TIMOR-LESTE DOWNSTREAM SECTOR AND IN THE EXERCISE OF ITS LICENSING POWERS, PURSUANT TO ARTICLE 11.3 OF REGULATION NO. .../2016, OF ..., HEREBY GRANTS THE FREE CIRCULATION FOR THE _____ INCLUDED IN THE TRANSACTION AUTHORIZATION NUMBER

Name or Company Designation:		
Type of Identification Document:	Identification Document No.:	
Taxpayer Identification No.:		
Certificate of registration No.:	Share Capital:	
License to do Business No.:		
Address:		
District:	Administrative Post:	Suco:
Telephone:	E-mail address:	

Approving Official		ANPM's Stamp	
Name:			
Position:			
Signature of the individual in charge			
_____		Dated:	_____