

# DEMOCRATIC REPUBLIC OF TIMOR-LESTE

## GOVERNMENT

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### Decree-Law No. 19/2003

13 November 2003

#### REGULATION OF PORT FEES AND CHARGES

The setting up of an appropriate legislative framework for the shipping and port sector was included in the Legislative Programme of the 1<sup>st</sup> Constitutional Government, as a priority goal.

In this sense, the Government has adopted two important legislative instruments: Decree-Law No. 3/2003, of 10 March, on the Establishment of the Port Authority of Timor-Leste and on the Approval of the Bylaws thereof; and Decree-Law No. 4/2003, of 10 March, on the Establishment of the Minimum Safety and Regulatory Requirements applicable to Cargo Ships not Covered by the 1974 SOLAS Convention.

With this Decree-Law the Government intends to reform the port fee system in Timor-Leste. In doing so, the Government envisages contributing to the development of the national ports, thereby leading to an increase in the movement of cargoes, and attaining the following pre-set goals:

- assist in creating conditions conducive to the country's foreign trade;
- assist in improving the performance of human resources, infrastructure, and port equipment, thus optimising their joint use;
- assist in enhancing productivity and containing fixed and variable costs;
- maximise revenues in order that they may, progressively, ensure that costs are covered, and contribute to investment funding.

Bearing in mind these goals, this decree-law aims to make a number of innovations in terms of concepts, methods, and procedures relating to the fee schedule, namely:

- application of the concept that each fee or charge corresponds to a supply or service delivered;
- introduction of fees and charges for services that are not yet contemplated in the existing regulation;
- adaptation of the time factor to the realities of port activity in Timor-Leste, using it as a penalising factor for delays and excessive duration of operations;
- contribution to the definition of areas of costs and revenues, envisaging an objective comparison of the revenues per fee with the costs of the supplies or services included;
- decrease in the number of debtors of the charges to be levied by port authorities, thereby reducing administrative workload;

Thus, pursuant to subsection 115.3 of the Constitution, the Government enacts the following:

## **CHAPTER I GENERAL PROVISIONS**

### **Section 1 Scope**

The Port Authority of Timor-Leste, hereinafter referred to as APORTIL or Port Authority, shall, within its jurisdiction, levy the fees and charges established by this decree-law for the use of its facilities and equipment, and for the delivery of goods and services relating to the operation of the ports of Timor-Leste for economic purposes.

### **Section 2 APORTIL's competencies**

Without prejudice to the cases provided for in this decree-law, or in special legislation, it is incumbent upon the APORTIL Board of Directors to make decisions on:

- (a) settlement of cases omitted;
- (b) delivery of services previously agreed upon by the parties;
- (c) services delivered outside of the port area;
- (d) services delivered in rescue operations, in assisting ships in distress, and in extinguishing on-board fires or others of the same nature;
- (e) advance-payment requirement concerning fees and charges and prior surety bond of the payment thereof.

### **Section 3 Use of personnel**

1. Except as where otherwise indicated in this decree-law, fees always include the cost of use of the personnel indispensable to the execution of the service and assigned thereto by the Port Authority.

2. Where the personnel used are in excess of those provided for in subsection (1) above, the labour fees provided for in this decree-law shall apply.

### **Section 4 Units of measurement**

1. The applicable units of measurement are as follows:

- (a) Quantity: cargo unit (U);
- (b) Mass: metric ton (T or ton);
- (c) Volume: cubic metre (m<sup>3</sup>);
- (d) Area: square metre (m<sup>2</sup>);

- (e) Length: Linear metre (m);
- (f) Time: hour (h), day, month and year;
- (g) Size of ships or vessels: gross tonnage (GRT unit).

2. Direct measurements taken by the Port Authority or by other entities acknowledged by the former shall prevail over the declared ones.
3. Except as where otherwise expressly provided for in this decree-law, for the purpose of counting periods in days, such days shall refer to calendar days.
4. In case of services delivered to warships, gross tonnage shall be replaced with maximum displacement.
5. Except as where otherwise provided for in this decree-law, the units of measurement adopted shall always be indivisible, and rounding-up shall be considered.

### **Section 5 Requisition of services**

1. The delivery of services shall be preceded by a requisition by the means and under the terms determined by the Port Authority, the payment of the respective fees being the responsibility of the requisitioning party.
2. The procedures and deadlines for requisitioning services and any related penalties shall be set by the Port Authority.

### **Section 6 Levy of fees**

1. Fees shall be levied immediately after the delivery of services, except where another procedure is determined by the Port Authority.
2. The levy of fees may be entrusted to other entities, under conditions to be established by the Port Authority.
3. Fees may also be levied through a third party, in lieu of the debtor, under the terms established by law.
4. The Port Authority may, as and when deemed convenient for the safeguard of its interests, require that fees be paid in advance or that the payment of any amounts as may be due as a result of the application of fees be previously assured, namely, by a deposit or bank guarantee.
5. Billing shall not be used for levying fees below an amount to be determined by the APORTIL Board of Directors, in which case such fees shall be paid against an invoice/receipt immediately after the service has been delivered.

**Section 7**  
**Payment of bills and lodgement of claims**

1. Once the deadline for the payment of a bill has expired, the levy shall be subject to the application of a late payment fee at a rate established by law, accrued of 15% over the value of the outstanding amount to defray administrative costs.
2. The claim against the value of a bill shall, provided that such a claim is lodged within the deadline specified in the bill in dispute, have suspensive effect on the payment of the portion(s) that is the subject of the claim, the remainder being subject to levy within the said payment deadline.
3. In case of dismissal of the claim, the claimed amount shall be accrued of:
  - (a) a late payment fee at the rate established by law, accruing from the deadline for the payment of such bill;
  - (b) 15% over the value of the outstanding amount to defray administrative costs.
4. In the event that late payment fees are not established by law, an interest rate of 24% per annum shall, for the purpose of calculating a late payment fee, be imposed on any outstanding amount under the terms of subsections (1) and (3) above.

**Section 8**  
**Prohibition of using ports in case of failure to pay fee**

1. The Port Authority may decide to prohibit the use of services of the ports of Timor-Leste by any user who fails to pay port fees due under the terms of the present decree-law.
2. The prohibition referred to under subsection (1) above shall have effect where the user fails to pay off his or her debt to the Port Authority within five workdays from the date of receipt of a notice for that purpose. Such a prohibition shall persist until the outstanding debt is settled.
3. Partial payments of the debt shall not be accepted for the purpose of having the prohibition established under the terms of the previous subsections lifted. However, the Port Authority may decide, on a case by case basis, that such a payment be made by instalments over a period not exceeding 90 calendar days.

**CHAPTER II**  
**FEEES FOR THE USE OF THE PORTS OF TIMOR-LESTE**

**Section 9**  
**Navigation fee**

1. Every vessel entering a port of Timor-Leste is subject to the payment of a navigation fee due for the availability and use of the systems relating to the entry, dockage and exit of ships.
2. The navigation fee payable shall be US\$ 0.06 per entry into port for each GRT.
3. A vessel of up to 100 GRT shall pay a fee of US\$ 6 per entry into port regardless of its GRT.
4. The navigation fee is accruable to a dockage fee under the conditions referred to in section 15.

#### **Section 10 Exemption of navigation fee**

Exempted from a navigation fee are

- (a) Vessels less than 6 metres in length;
- (b) Vessels and ships that enter into an agreement as prescribed in section 16 of the present decree-law;
- (c) Vessels and ships exempt from a dockage fee under the conditions established in section 17 of the present decree-law.

#### **Section 11 Dockage fees**

1. A dockage fee shall be due for the availability and use of a concrete berth in a port of Timor-Leste.
2. A dockage fee to be levied on a vessel that docks at any berth, uses a ramp or a mooring buoy in a port of Timor-Leste shall be US\$ 0.025 per gross tonne (GRT) per hour or part thereof.
3. A dockage fee to be levied on a vessel that uses any other point between the ports of Timor-Leste, for the purpose of carrying out a commercial operation, shall be US\$ 0.15 per gross tonne (GRT) per hour or part thereof.
4. For the purpose of applying a dockage fee, the counting of time begins at the moment when the first cable is tied up and finishes when the last cable is removed.
5. The counting of time referred to in subsection (4) above may be interrupted when a ship is forced into demurrage due to causes that cannot be imputed to the ship itself or its crew, namely in the event of a situation imposed by the port closing hours.
6. A decision to interrupt the counting of time is the exclusive competence of the Port Authority, once the facts causing the demurrage have been pondered.

**Sections 12**  
**Reductions in navigation and dockage fees**

1. The navigation and dockage fees to be levied on a vessel that, while doing coastal shipping, carries cargo between two ports of Timor-Leste shall undergo a 50% reduction.
2. Where, on the same trip, a vessel also carries cargo bound for foreign ports, the 50% reduction referred to in subsection (1) above shall not apply.
3. Where a vessel remains docked at a berth without performing any loading or unloading operation, provided that it does not prejudice the port activities and is duly authorised by the Port Authority to do so, such a vessel may be granted a 50% reduction in the dockage fee.
4. The navigation and dockage fees applicable to a vessel doing a regular sea-line service between foreign ports and those of Timor-Leste, which has met the conditions required for that purpose during the 365 calendar days immediately preceding the said dockage, shall benefit from a 5% reduction.
5. A vessel doing a regular sea-line service means a vessel that, while retaining its name, meets the following conditions cumulatively:
  - (a) Is serving a determined operator;
  - (b) Calls the same port at least fifteen times in each calendar year, in accordance with an annual schedule, published and submitted in advance to the Port Authority, indicating the dockages made shortly before and after each dockage at the port.

**Section 13**  
**Wharfage fees**

1. Cargoes loaded or unloaded at a port of Timor-Leste, coming from or bound for ports outside Timor-Leste, are subject to unit fees determined in accordance with the categories and types of cargo as indicated in the table below:

Cargo category	Unit	Charge
<b>Bulk cargo</b>		
Liquid products	Kilolitre	US\$ 1.20
Dry products	Tonne	US\$ 1.80
<b>Breakbulk cargo</b>	m <sup>3</sup> /Ton.	The greater of 1.80 per cubic metre or US\$ 1.80 per tonne.
<b>Full containers</b>		
Up to 20-foot length	Unit	US\$ 35.00
In excess of 20-foot length	Unit	US\$ 80.00

<b>Empty containers</b>		
Up to 20-foot length	Unit	US\$ 15.00
In excess of 20-foot length	Unit	US\$ 40.00
<b>Motor vehicles</b>		
Less than 6 metres in length	Unit	US\$ 50.00
More than 6 metres in length	Unit	US\$ 100.00

2. The wharfage fee for trailers and other vehicles drawn by motor vehicles is the same as the wharfage fee for a motor vehicle of the same length.

#### **Section 14 Reduction in wharfage fees**

1. Cargoes transported by coastal shipping between ports of Timor-Leste shall be levied half the wharfage fee payable for equivalent cargoes, calculated in accordance with section 13.

2. In case of transshipment the wharfage fee to be levied shall be calculated in accordance with section 13 with a 50% reduction, provided that the storage of cargo at the port does not exceed eight days.

3. The fee referred to in subsection (2) above may accrue on storage fees due under section 19.

#### **Section 15 Exemption of wharfage fees**

The following cargoes are exempt from wharfage fees:

- (a) Hand luggage and luggage volumes weighing less than 30 kg;
- (b) Sails, accessories, fishing nets and devices belonging to fishing vessels;
- (c) Mail pouches and other mail bags, full or empty;
- (d) Fuels, lubricants, supplies and spare parts for use by the vessels and ships themselves, as well as waste disposal services;
- (e) Scientific materials intended for scientific research vessels;
- (f) Coffins or caskets with human remains.

### **CHAPTER III DOCKAGE**

#### **Section 16 Dockage fee**

1. A dockage fee shall apply to a vessel or ship docked at a berth of the port or anchored within the port area, tied up to, or lying alongside, another ship, after or in-between loading and unloading operations, or extends its stay at any port of Timor-Leste, according to prior notice to, and respective authorisation from, the Port Authority, or where compelled to do so by the competent authority.

2. The dockage fee shall be calculated per gross tonnage unit per an indivisible period of 24 hours, at the rate of US\$ 0.08 per GRT for the first 24-hour period, and US\$ 0.04 for equal successive periods.

3. A vessel or ship performing no port operations shall pay a dockage fee from the first hour; where a vessel or ship performs port operations, the fee shall be due after the first 24-hour dockage period.

4. For the purpose of applying the fee mentioned in subsection (3) above, the following elements shall be taken into account in the counting of time:

- (a) The counting of time begins when a vessel or ship drops anchor for the first time and ends when it leaves the anchorage area;
- (b) For the purpose of tallying 24-hour periods, the length of stay before operations may accrue to the extended length of stay in-between operations or after a loading/unloading operation.

**Section 17**  
**Special dockage fees**

1. Leisure vessels, ships engaged in sea-tourism activities, and cargo ships of less than 300 tonnes of gross tonnage (the so-called non-SOLAS ships), registered at ports outside Timor-Leste, shall pay a dockage fee, calculated on the basis of the vessel's or ship's total length and of indivisible periods of 24 hours, under the following terms:

- (a) US\$ 0.20 per indivisible metre in length for the first indivisible period of 24 hours;
- (b) US\$ 0.10 per indivisible metre in length for equal successive periods.

2. A dockage fee may be levied in the form of a lump sum on the vessels referred to in subsection (1) above, for indivisible periods of time, counted in days, in accordance with the table below, where L means the vessel's total length in indivisible metres.

Lump-sum period in days (T)	30	90	180	365
Amount payable in USD	L*2.7	L*7.2	L*12.6	L*21.9

3. A dockage fee in the form of a lump sum may only be applied if requested from the Port Authority prior to the corresponding period.



**Section 18**  
**Dockage fee exemptions**

Dockage fee exemptions at the ports of Timor-Leste shall cover:

- (a) vessels of less than 6 metres in length;
- (b) national and foreign warships, with foreign warships being subject to the principle of reciprocity;
- (c) vessels belonging to the State and public entities;
- (d) scientific research vessels;
- (e) hospital ships;
- (f) Vessels that change their course and enter a port of Timor-Leste for the exclusive purpose of disembarking a shipwrecked person(s), crew members or passengers, for the duration strictly necessary to carry out such an operation;
- (g) tugboats and floating equipment serving the port;
- (h) ships entering a port for the exclusive purpose of carrying out a supply operation, for the duration strictly necessary to carry out such an operation, provided that the said operation is carried out at sea.

**CHAPTER IV**  
**STORAGE**

**Section 19**  
**Storage fee**

1. A storage fee is due for services delivered to the cargo, namely, for the use of roofed or unroofed spaces, warehouses or depots.
2. A cargo kept on a transport vehicle shall be subject to the storage fee corresponding to the area occupied by that vehicle, for the duration that such cargo remains on port premises.
3. For the purpose of applying a storage fee, the counting of time begins on the day when the space is occupied and ends on the day when the space is cleared of the cargo or vehicle, and the time spent on relocating the cargo or vehicle shall be taken into consideration.
4. The fees established in the sections below cover the totality of the occupied space, and the Port Authority may, for billing purposes, determine the minimum area, number of volumes or weight.
5. The storage fee shall apply to each and every piece of equipment used by port operators and kept on port premises without prior authorisation, in writing, from the Port Authority.

**Section 20**  
**Unroofed and roofed warehouse**

1. Except as provided for in subsections (2) and (3) below, the following fees shall be due for storage in a hard stand or warehouse **per each fraction of 10 m<sup>2</sup> and per indivisible workday**:

Type of storage	Storage period	
	Initial 5 days	From day 5
In unroofed spaces	Free of charge	US\$ 0.6
In warehouses	US\$ 0.6	US\$ 2.0

2. For the storage of **containers** in hard stands, the following fees shall be due, **per unit and per indivisible workday**:

Type of storage	Storage period	
	Initial 5 days	From day 5
Container of up to 20 feet of length	Free of charge	US\$ 25.00
Container of more than 20 feet of length	Free of charge	US\$ 60.00

3. For the storage of **vehicles** in hard stands, the following fees shall be due, **per unit and per indivisible workday**:

Type of storage	Storage period	
	Initial 3 days	From day 3
Vehicle of < 6 metres of length	Free of charge	US\$ 25.00
Vehicle of > 6 metres of length	Free of charge	US\$ 60.00

4. For the storage of containers in hard stands, during a transshipment operation, the following fees shall be due, **per unit and per indivisible workday**:

Type of cargo	Storage period	
	< 12 hours	> 12 hours and < 8 calendar days
Container of up to 20 feet of length	US\$ 2.0	US\$ 4.0
Container of more than 20 feet of length	US\$ 10.00	US\$ 50.00

5. The Port Authority may reserve roofed or unroofed areas under special conditions to be established, and a fee shall be due per square metre, cubic metre or tonne depending on the operating rules, the type of cargo, the type of space and the storage period.

**CHAPTER V  
PASSENGER TRAFFIC**

**Section 21  
Traffic passenger fees**

1. A passenger traffic fee of US\$ 0.50 shall be due for the access to, and use of, passenger traffic systems, including the use of terminal facilities, the use of bridges and the placement or removal thereof, as well as the embarkation or disembarkation of passengers.

2. A fee of US\$ 0.50 shall be due, per passenger, for the use of passenger terminals.

3. The fee referred to in subsection (2) above shall not apply to trips between the ports of Timor-Leste.

**CHAPTER VI  
MOORING AND UNMOORING**

**Section 22  
Mooring and unmooring fees**

1. A mooring and unmooring fee shall be due for services delivered to a ship by the units operating the systems for mooring and unmooring vessels, placing and replacing, or assisting in placing and replacing, cables, and the systems of access to ships and boats, including the availability and use thereof.

2. The fees payable for each type of service, per set of manoeuvres, are as follows:

Mooring and unmooring	Mooring and unmooring without the use of boats	Shifting alongside (per manoeuvre)
US\$ 250	US\$ 120	US\$ 120

3. The Port Authority may authorise dully-credentialed operators to carry out mooring and unmooring manoeuvres using their own equipment and personnel, in which case a 50% reduction of the above-mentioned fees shall be due.

**CHAPTER VII  
TUG SERVICES**

**Section 23  
Tug fees**

A tug fee shall be due for tugboat services delivered to a vessel or ship by the Port Authority, or on behalf of the latter, for manoeuvres to enter, dock or anchor, to weigh anchor or stand by adrift and sail out, for shifting and testing, and to anchor, stand by adrift or shift alongside, including the availability of such services.

**Section 24**  
**Requisition of services**

The requisition of tugboat services and the rules and conditions for the cancellation and change of such requisition shall be regulated by the Port Authority, which may make the use thereof mandatory with regard to ships having a gross tonnage above 500 GRT.

**Section 25**  
**Charge Rate**

1. The charge payable for each tugboat service delivered to a ship on workdays and within the operating hours of the port, as published by the Port Authority in an Administrative Order, shall be US\$ 1,000.00
2. The charge mentioned above shall be increased by 50% in the event that the service is delivered on a workday after the operating hours, and by 100% in the event that the service is delivered on a public holiday or Sunday.

**CHAPTER**  
**PILOTAGE**

**Section 26**  
**Pilotage Fee**

A pilotage fee is due for services delivered to a ship by a pilot from the Port Authority, or on behalf of the latter, in the pilotage of manoeuvring ships while entering or leaving the port or while within the port area or in its vicinity.

**Section 27**  
**Requisition of services**

The requisition of pilotage services and the rules and conditions for the cancellation or change of such requisition shall be regulated by the Port authority, which may make the use thereof mandatory with regard to ships having a gross tonnage above 500 GRT.

**Section 28**  
**Charge Rate**

1. The pilotage fee to be levied on any ship using the service of a pilot while entering or leaving a port of Timor-Leste on a workday and within the operating hours of the port, as published in an Administrative Order by the Port Authority, shall be US\$ 250 per movement.

2. The fee mentioned above shall be increased by 50% in the event that the service is delivered on a workday after the operating hours, and by 100% in the event that such a service is delivered on a public holiday or Sunday.

3. Where a vessel is not equipped with its own propulsion system, the pilotage fee contemplated in subsection (2) above may be increased under terms and conditions to be established by the Port Authority.

## **CHAPTER IX USE OF EQUIPMENT**

### **Section 29 Equipment fee**

1. An equipment fee shall be due for services delivered to cargo or to a ship, for use of equipment owned by the Port Authority in maritime manoeuvring and transport, in land manoeuvring and transport, and in assisting the movement of cargoes and ships at the port, including the availability of such equipment.

2. For the purpose of applying this fee, the counting of time begins at the time when the equipment is made available to the requisitioning person and ends upon expiry of the period for which it has been requisitioned.

3. In case of moveable equipment, the lease period, counted under the terms of subsection (2) above, comprises the time spent on moving the equipment from the place where it is parked to the place where the service will be delivered, and vice-versa.

4. The counting of time of use of equipment may be discontinued on grounds of a technical failure, power cut or for other reasons, imputable to the Port Authority, and considered as an impediment to the operation of such equipment.

5. The fee does not cover the personnel and means necessary for the placement or removal of the work equipment and the operation thereof, nor the costs pertaining to the cleaning of equipment after use, which shall be charged in accordance with the labour and equipment fee or, in the absence thereof, a 20% surtax shall be imposed on the fee rate due for the equipment used.

6. Where the equipment is leased out to be used by the lessee's personnel, there shall also be a charge for the repair of any technical failures or damage, accrued of 20%, except in the event that those failures or damage is caused by wear and tear. Such a charge is meant to restore the equipment to its previous condition.

**Section 30**  
**Requisition of services and fees**

The fees payable for each piece of equipment, and the conditions for the requisition of services, and the cancellation or change thereof, shall be regulated by the Port Authority through Operating Rules, to be published in an Administrative Order.

**CHAPTER X**  
**SUPPLIES AND PROVISION OF SERVICES**

**Section 31**  
**Supply or service fee**

A supply or service fee is due for the provision of human resources, consumables or services, including the service inherent in the nature of each supply to port users.

**Section 32**  
**Provision of services**

1. The fees enumerated below, expressed in USD per unit and per indivisible hour, varying according to the professional qualification of the employee(s), shall be due for the provision of personnel, including the trip from their duty station to the place where the service is expected to be carried out:

<b>CATEGORIES OF PERSONNEL</b>	<b>HOURLY CHARGES</b>
Technicians and senior managers	US\$ 7.5
Operational managers	US\$ 6.5
Equipment operators	US\$ 5.0
Specialised workers and operators	US\$ 4.0
Unqualified dockworkers and sailors	US\$ 3.5
Assistants	US\$ 3.0

2. The charges mentioned above shall be increased by 50% in the event that a service is delivered on a workday after the operating hours of the port, as published by the Port Authority in an Administrative Order, and by 100% in the event that such service is provided on a public holiday or Sunday.

3. The personnel charges referred to in subsection (1) and (2) above shall only be applied in situations where the service delivered does not fall under any of the fee categories defined in the present decree-law, except as provided for in subsection (4) below.

4. Where an operator is the only one to blame for delays in the delivery of a service, or the execution thereof extends beyond the execution deadline, the Port Authority may charge the waiting time to the personnel involved in the operation.

**Section 33**  
**Power and water supply and communications services**

1. A charge of US\$ 0.35 per unit and per Kwh, subject to a minimal supply of 100 Kwh, shall be due for power supply from the port's internal power grid, including operations to connect or disconnect metres, and the use thereof.
2. The charge referred to in subsection (1) above shall be US\$ 0.30 per Kwh, with a minimum of 50 Kwh per month, for continued power supply from the port's internal power grid for a period of at least three months.
3. A charge of US\$ 3.00 per unit and per hour shall be due for power supply to refrigerated containers, per 20-foot-long refrigerated container and per indivisible hour.
4. A charge of US\$ 5.00 per unit and per m<sup>3</sup>, subject to a minimal supply of 10 m<sup>3</sup>, shall be due for water supply through a plug of the port's water plumbing fixture, including the operations to open or close such plug, as well as the use of a metre.
5. The value of the service cost accrued of 25% shall be levied on the user by the Port Authority for the provision of communications services (telephone, fax, etc.).

**Section 34**  
**Lease of office space**

1. The Port Authority may lease out buildings, or part thereof, for the installation of backup offices to conduct business directly related to port activity, and a monthly rental, proportionate to the area occupied by the lessee, shall be due to the Port Authority.
2. Market values and the specific location of the office space on the port premises, and a minimum of US\$ 6.00 per indivisible square metre per month, shall be taken into account in determining the monthly rental payable by the lessee.
3. Power and water supply or communications services shall not be included in the rental, the provision of such services being billed in accordance with the fees set forth in section 29.

**CHAPTER XI**  
**MISCELLANEOUS**

**Section 35**  
**Other services and supplies**

1. Fees due for the provision of miscellaneous services and other supplies not contemplated in the Chapter X, as well as for the lease of tools, devices and materials, shall be established by the Port Authority through specific regulations.
2. The Port Authority may deliver a service other than any of those forming part of its normal activities, within or outside its areas of intervention, provided that such a service

is not deemed inconvenient, and the fees therefor shall be agreed upon by the parties directly concerned.

3. The Port Authority may also, at the request of the interested parties, deliver services, supplies and materials not covered by its regulations, and such services, supplies or materials shall be billed with a 20% accrued cost.

**Section 36**  
**Repair of damage**

1. It is the responsibility of port users to repair the damage they may cause to facilities, equipment or tools owned by the Port Authority, within the deadlines and under the conditions as may be set by the Port Authority.

2. In the event that the set deadlines and conditions are not met, the Port Authority shall perform the necessary repair work on its own or by hiring duly-qualified service providers, and the costs actually incurred in such repair works, accrued of 30%, shall be billed to the user.

**CHAPTER XII**  
**FINAL PROVISIONS**

**Section 37**  
**Revocatory clause**

The laws and regulations, in the field covered by the present decree-law, which have been adopted into the domestic legal order under section 165 of the Constitution, are hereby repealed.

**Section 38**  
**Entry into force**

This Decree-law comes into force on the day following its date of publication.

Approved by the Council of Ministers on 23 July 2003

The Prime Minister

[Signed]  
(Mari Bim Amude Alkatiri)

The Minister of Transport, Communications and Public Works



[Signed]  
(Ovídeo de Jesus Amaral)

Promulgated on 9 September 2003. -

To be published.

The President of the Republic

[Signed]  
Kay Rala Xanana Gusmão)