



IV CONSTITUTIONAL GOVERNMENT

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Of of

BASIC LAW OF ENVIRONMENT

Since the need for conservation and environmental protection as a duty of States, the IV Constitutional Government recognizes the importance of creating an environmental legal system capable of defining the principles and rules of conservation and environmental protection, sustainable use of resources natural and environmental management in a global and integrated approach that protects the fundamental rights of Timorese citizens.

With an expanding market economy, the environment and natural resources represent an important source of wealth and support economic growth and survival of communities. However, both lack a balanced and sustainable management capable of providing the citizens with more and better quality of life within a framework of sustainable development.

The right to a clean and healthy environment is a universally recognized human right and in this field, the Constitution of the Democratic Republic of Timor-Leste, environmental protection faces a dual perspective, considering it as a fundamental task of the state and simultaneously as a fundamental right of citizens.

Thus, Article 6 of the Constitution states that one of the fundamental objectives of the state's environmental protection and preservation of natural resources. Article 61, in turn, reiterated this goal and specifying that the State should promote actions to protect and safeguard the environment recognizes, on one hand the right of all citizens to a human living environment healthy and ecologically balanced specifying, on the other, a duty incumbent on all conservation and protection of the environment for future generations. Likewise, Article 139 emphasizes the need for exploitation of natural resources be made in order to maintain ecological balance and prevent destruction of ecosystems.

At the international level, Timor-Leste has ratified a number of international conventions such as the United Nations Framework Convention on Climate Change and the Kyoto Protocol, the International Convention to Combat Desertification, the Convention on Biological Diversity, the Vienna Convention Protection of the Ozone Layer and its Montreal Protocol. It is recognized, so the responsibility falls on the state of implementation of obligations under these international instruments.

The adoption of the Law on the environment is therefore necessary to establish a legal framework that responds to the constitutional imperative to protect the environment and simultaneously international responsibilities assumed by the State.

We heard representatives of national associations and international defense and conservation of the environment, advisers, and national and international experts, relevant ministries, various officials and leaders of public administration, was also carried out a public consultation process.

Thus,

In the legislative authorization granted under Article 1. 0 and 2. Of Law no. 3/2012, January 13, 2012 and pursuant to the provisions of Article 96. Of the Constitution, the Government decrees, become law, the following:

CHAPTER I General Provisions

Article. 1 Definitions

For purposes of interpretation and application of this law shall be adopted the following definitions to words and concepts used in its statement:

- a) *Activity*: is any action by public or private initiative, relating to exploration or the use of environmental components, the application of technologies or production processes, policies, legislation, regulations, plans or programs that affect or could affect the environment;
- b) *Environment*: is the set of physical, chemical, biological systems, and their relationships with economic, social and cultural factors, in effect, directly or indirectly, immediately or not on living and quality of life of man;
- c) *Protected Area*: is a specifically defined area of land, freshwater or sea dedicated to the protection and maintenance of biological diversity, environmental services and associated cultural resources, managed through legal or other effective means;
- d) *Strategic environmental assessment*: is the preventive instrument of environmental policy, supported the analysis and prediction of potential impacts of policies, strategies and plans in the environment with the aim of making decisions about their environmental sustainability;
- e) *Biodiversity*: the diversity among living organisms from all sources including, inter alia, terrestrial ecosystems, marine and other aquatic ecosystems, and the ecological complexes of which they are part, including diversity within species, between species and ecosystems;
- f) *Environmental components*: are the various elements that make up the environment and whose interaction allows your balance, including air, water, soil, subsoil, living beings, natural resources, renewable and nonrenewable, and socio-economic conditions;
- g) *Environmental degradation or damage*: is the adverse change in the characteristics of the environment and includes, among others, pollution, desertification, erosion, deforestation, loss of biodiversity, reduction of species and reducing the quantity and quality natural ecosystems and groundwater;
- h) *Sustainable development*: is the development based on environmental and cultural management effectively meeting the needs of the present generation without compromising the balance of the environment and the possibility for future generations to meet their needs;
- i) *Ecosystem*: is a dynamic complex of plant, animal and micro-organisms and their nonliving environment interacting as a functional unit;
- j) *Alternative Energy*: is that originating from natural sources that have the ability to regenerate, such as energy from wind, sun, sea water, geothermal, biomass and other renewable sources;
- k) *Erosion*: is the detachment of soil surface by natural wind or water action, which can be intensified by human practices of removal of vegetation;
- l) *Environmental management*: the process is planned, coordinated and directed to making and implementing decisions to regulate the interaction of human beings with the natural environment to ensure sustainable use of environmental elements, protection of species due and their habitats, environmental services, conservation of natural and cultural heritage and sustainable development of the economy;
- m) *Vulnerable groups* : including women, youth, disabled, refugees, ethnic and religious minorities and people living on subsistence agriculture and fishing;
- n) *Habitat*: place or any place in which bodies or people are naturally able to shelter, feed and reproduce;
- o) *Environmental impact*: the set of positive and negative changes produced in the environment, in social or environmental parameters and their habitats including people and their economic and social structures, air, water, fauna, flora, in a given period of time and in a certain area, resulting from the implementation of a project, compared to a situation that would occur during this period

of time in this area if the project was not implemented;

- p) *Spatial Planning*: the integrated process of biophysical organization of space, aiming to use and transformation of the territory according to their abilities, vocations, permanent equilibrium values of biological and geological stability, with a view to maintaining and increasing their ability to support life;
- q) *Environmental emission standard*: is the set of rules that define the maximum amount of a pollutant that can be downloaded from a single source fixed or mobile;
- r) *Environmental quality standard*: they are the set of rules that define the maximum levels of pollutants allowed to environmental components;
- s) *Pollution*: the direct or indirect introduction as a result of human activity, of substances, vibrations, heat, light or noise in environmental components that may harm human health or the quality of the environment, result in damage to property, or commit impair the use and enjoyment and other legitimate uses of the environment;
- t) *Genetic resources*: includes any plant material, animal, microorganism or from other sources having the functional units of heredity current or potential value;
- u) *Natural resources*: includes all living and nonliving components existing in the ecosystem;
- v) *Nonrenewable natural resources*: includes all living and nonliving components existing in the ecosystem with finite nature and not subject to regeneration within a period of time relevant to humans;
- w) *Reparation, rehabilitation or restoration of environmental degradation or damage*: includes any activity to restore the environmental conditions existing before the occurrence of degradation or damage to the environmental components;
- x) *Waste*: includes any effluent, substances or objects solid, liquid or gaseous, considered worthless, unnecessary or without value, generated by human activity, commercial and industrial which need to be disposed or recycled;
- y) *Hazardous wastes*: wastes that are by their characteristics flammable, explosive, corrosive, toxic, infectious, radioactive, or other constitute a danger to human health and the environment;
- z) *Environmental services*: are the ecosystem functions that create and provide benefits to humans and ecosystems themselves, including kidnapping, storage and processing of greenhouse gases, the generation, filtering and water protection, protection of biodiversity and natural beauty ;
- aa) *Pollutants*: are any substance, vibration, heat, light or noise that may temporarily or irreversibly alter the natural characteristics and qualities of the environment, interfere with their normal maintenance or evolution or have any other adverse effect;
- bb) *Tara Bandu*: it is a usual part of the culture of Timor-Leste which regulates the relationship between man and the environment around them;
- cc) *Sustainable use*: is the use of environmental elements in a balanced way and able to effectively meet the needs of the present generation without compromising the environmental balance and the ability of future generations to meet their own needs.

Article 2. **Subject**

This law defines the bases of environmental policy, the guiding principles for the conservation and protection of the environment and conservation and sustainable use of natural resources to promote quality of life of citizens.

Article 3. **Scope**

1. This Act and other environmental laws are applicable throughout the national territory, including the land area, inland waters, territorial sea, the airspace over the territorial sea as well as to its bed and subsoil and the Exclusive Economic Zone.
2. This law applies to natural and legal persons, national, international or stateless persons, reside or carry

on business in Timor-Leste, including public entities.

Article 4. Objectives

It is for the State, in promoting a healthy and ecologically balanced environment conducive to health and well-being of people and the preservation and sustainable use of natural resources, the definition and implementation of environmental policy, legislation, programs, plans and projects aimed inter alia:

- a) The reduction of environmental pressures in each stage of the life cycle of natural resources, decoupling the use of these resources for economic growth, increased efficiency, while maintaining capacity for renewal and good ecological and environmental services, with respect to the principle of solidarity between generations, promoting the proper planning and protection of the landscape;
- b) Improving the environmental performance of public and private entities, including the strengthening of institutional structures required for the implementation of this law and the development of coordination and cooperation between public and private entities;
- c) Ensuring the existence and effectiveness of mechanisms for environmental assessment of policies, plans, programs, projects and decisions that are likely to have significant effects on the environment;
- d) The creation of knowledge and awareness in public about the importance and value of biodiversity, environmental components and the need for sustainable use.

Article 5. Guiding Principles

The definition and implementation of environmental policy, the present law, other legislation, programs, plans and environmental projects should follow the following guiding principles:

- a) *Principle of sovereignty*, within the limits of its jurisdiction, the Democratic Republic of Timor-Leste is paramount to exploit their own resources and responsibility to ensure that activities within their jurisdiction or control do not harm the environment of other States or of areas beyond the limits of national jurisdiction;
- b) *Principle of solidarity between generations*: The environment must be protected and improved for the sake of the benefit of present and future generations;
- c) *Principle of prevention*: the programs, plans or projects with environmental impact must anticipate, prevent, reduce or eliminate the causes of the priority correction effects which may alter the quality of the environment;
- d) *Precautionary principle*: the lack of full scientific certainty of the existence of a risk of serious or irreversible damage to the environment or human health should not be used as a reason for postponing the adoption of effective measures to prevent or minimize changing the quality of the environment;
- e) *Principle of participation*: the different social groups should be involved in decision-making environment in the formulation and implementation of policy and legislation of the environment and spatial planning, either through collective bodies which are represented either by public consultations for specific projects that interfere with their interests or the environmental balance;
- f) *Principle of polluter pays*. Costs of measures to prevent, combat, reduction and offset activities likely to cause a negative impact on the state of the environment are borne by the polluter;
- g) *Principle of international cooperation*: the search for solutions requires concerted with other states, international organizations, nongovernmental and private sector to cross-border problems of environment and conservation and sustainable use of natural resources or national borders and for the fulfillment of the objectives of international conventions or agreements regularly ratified;
- h) *Principle of integration*: environmental policy should be integrated into other sectoral policies so that in its definition and implementation, are taken into account the requirements of conservation and environmental protection, conservation and sustainable use natural resources;
- i) *Principle of taking the most appropriate level of action*: implies that the implementation of

environmental policy measures take into account the most appropriate level of action, be it international, national, regional, local or sector.

Article 6.
Citizens' rights

1. Everyone is guaranteed the right to participate in conservation and environmental protection as well as in environmental decision making processes, either individually or through membership organizations.
2. Everyone is guaranteed the right of access to environmental information in a timely manner in accordance with law, without prejudice to the legally protected rights of others.
3. Everyone is guaranteed the right of access to the participation in environmental decision-making that have significant environmental effects.
4. Everyone is guaranteed the right of access to environmental education to ensure an effective participation of citizens in conservation and environmental protection.
5. Regardless of personal interest in demand, every citizen, by itself, or through membership organizations it considers to have been violated or is about to breach the provisions of this law or any legislative or regulatory environmental protection has the right to apply to the courts to intervene and propose, in accordance with the law, in the main proceedings and for interim protection of the environment.
6. The rights under this Article extend to legal persons, *mutatis mutandis*.
7. The State ensures implementation of the rights under the law especially for vulnerable groups.

Article 7.
Duties of Citizens

1. All citizens have the duty to preserve, protect and improve the environment and promote the conservation and sustainable use of natural resources for the benefit of present and future generations.
2. All citizens have a duty to participate in the mechanisms and processes of environmental decision making.
3. All citizens have the duty to preserve, protect and improve air quality, water, sea, soil and subsoil, and biodiversity, in order to promote sustainable development and quality of life of citizens.
4. All citizens who have knowledge of activities, actions or omissions which constitute a threat to the environment, breaches of this law, any legislative or regulatory environmental protection shall inform the appropriate legal authorities.
5. The duties under this Article extend to legal persons with the necessary adaptations.

Article 8.
Tara Bandu

1. The State recognizes the importance of all types of *Tara Bandu* as usual part of the culture of Timor-Leste and how traditional mechanism regulating the relationship between man and the environment around them.
2. Can be carried out actions of *Tara Bandu*, according to the rituals imposed by the local customary law aiming at the preservation and promotion of environment and conservation and sustainable use of natural resources, provided that such action is consistent with the objectives and principles established in this law.
3. Having carried out an action of *Tara Bandu*, under this Article, the State must ensure the effective protection of the area involved.

CHAPTER II

Entities

Article 9.

Government Department

The government department responsible for the environment should, in accordance with the principle of integration, establish a central institutional structure responsible for coordinating with other public central, district or local policies, programs, plans or projects with significant effects on environment.

Article 10.

Collaboration

1. Public entities in the exercise of its powers to develop laws, programs, plans or projects likely to produce significant effects on the environment must take into account the provisions of this law.
2. Public entities under the foregoing paragraph have the duty to collaborate and cooperate with the government department responsible for the environment, and the implementation of the policy environment to ensure the unity and uniformity in its application.
3. The government department responsible for the environment should promote coordination and planning of public policy development at central, district and local, to ensure that they are compatible with the environmental policy.

Article 11.

Community authorities

1. Notwithstanding the preceding article, the State shall encourage the involvement of community in conservation and environmental protection and conservation and sustainable use of natural resources and their involvement in decision-making and in environmental activities.
2. The powers of the Community provided for in the preceding paragraph are defined in statute.

Article 12.

Local communities

1. The State recognizes the importance and promotes the participation of local communities and vulnerable groups, alone or in conjunction with membership organizations in defining, implementing and monitoring of environmental policy and decision processes of the environment.
2. The participation of local communities under the preceding paragraph is made through public consultation, in accordance with law.
3. Notwithstanding the preceding paragraph, the State must establish the means of communication necessary for the participation of local communities and vulnerable groups in decision processes of the environment, the sharing and exchange of information on the definition and implementation of environmental policy and legislation and enforcement activities with environmental impact.

CHAPTER III

Instruments and relationship with other sectors

Section I

Instruments

Article 13.

Strategic Environmental Assessment

1. The State shall ensure before the adoption of any policy, legislation, program, plan or project potentially causing impacts on the environment, carrying out a strategic environmental assessment to identify, describe and assess the significant environmental effects and to ensure the integration of environmental values in decision-making procedure.
2. The strategic environmental assessment has preventive character and must ensure that the implementation of policies, legislation, programs, plans or projects likely to produce significant effects

on the environment avoid, minimize or compensate for these effects and are endowed with monitoring mechanisms to assess the state of the environment surroundings.

3. The assessment provided for in this Article is made especially for the agricultural sector forestry, fisheries, energy, industry, transport, management of the waste and water management, telecommunications, tourism, land management and use of soil and subsoil.

Article. 14 **Environmental Standards**

1. The State shall issue and publish standards of environmental quality for the following environmental components:
 - a) Water;
 - b) Sea;
 - c) Air;
 - d) Soil and subsoil.
2. The State shall issue and publish standards for environmental emission and discharge the environmental components of the paragraph above, as well as light levels, vibrations and noise admissible, applicable to the whole country or particular areas for specific processes, industries, sectors or products.
3. The law defines the mechanisms for enforcement of quality standards and environmental issue, in view of the integrated pollution control pursuant to this law.

Article 15. **Environmental Assessment and Licensing**

1. It prohibited the implementation of programs or projects of responsibility or initiative in public or private institutions that may affect the environment, planning, quality of life and human health and environmental components, which are not in accordance with the evaluation system and environmental licensing and are not holders of a permit under the law.
2. For the purposes of the preceding paragraph, the law defines the system of environmental assessment and licensing are subject to programs or public or private projects that by their nature, size, impact, scale or location characteristics have effects on the environment, in territory, quality of life and health of citizens and environmental components.
3. The system of environmental assessment and licensing shall provide, among other things:
 - a) The procedures for conducting technical analysis of the programs, projects or plans proposed;
 - b) The guiding principles of decision-making;
 - c) The procedures for public consultation and participation of citizens in decision-making.
4. The law defines the mechanisms for monitoring the implementation of programs or projects subject to the system of environmental assessment and licensing throughout the various stages of construction, completion and decommissioning.

Article. 16 **Environmental monitoring**

1. It is for the State to create a transparent, comprehensive and decentralized environmental monitoring able to exercise integrated pollution control, evaluate the quality of environmental components, the state of exploitation of natural resources, environmental impacts caused by economic activities and collect information necessary to comply with this law.
2. The monitoring process described in paragraph one shall comprise:
 - a) The regular collection and analysis of air samples, surface water, groundwater and sea water, soil and subsoil;
 - b) The periodic review of the management of all types of waste and its impact on the environment;
 - c) The periodic review of the management of all types of waste and its impact on the environment;
 - d) The identification of cross-border environmental impacts in the country;

- e) The dissemination of results of environmental monitoring.
- 3. The environmental monitoring is the responsibility of the State, without prejudice to the intervention of outside independent entities, as defined by law.

Section II **Relationship with other sectors**

Article 17. **Mainstreaming and integration**

The implementation of environmental policy should be integrated into other sectoral public policies, especially in agricultural, forestry, fisheries, energy, industry, transport, waste management and water management, telecommunications, tourism, regional planning and the use of soil and subsoil.

Article 18. **Spatial planning**

1. It is for the state in the definition of spatial planning to ensure a smooth and proper organization and use of National Territory, from the perspective of its value, in order to safeguard and promote the principles and objectives of environmental policy, including the safeguarding of protected areas of sustainable management of natural resources and environmental components with a view to developing economic, social and cultural development.
2. The planning and land management should consider the specific needs of residential areas, including the creation of basic infrastructure, sanitation, garbage disposal, toxic waste, water treatment, control of noise, light and vibration pollution and preservation of green areas.
3. In the planning and construction of commercial industrial zones must be taken into account the specific environmental needs of each area, ensuring the compliance with environmental standards for pollution control, noise, water and air, light and vibration especially the burning of fuels, industrial, agricultural and domestic.
4. The ordering and planning of inland areas must meet the need for the management ã integrated water resources taking into account the potential that they may have on coastal areas.
5. Spatial planning should take into account the particular needs of the marine and coastal marine ecosystems.

Article 19. **Energy and industry**

1. The implementation of environmental, energy and industrial should be compatible and complementary in order to promote the sustainable use of energy sources and renewable resources, energy efficiency and the encouragement of environmentally sustainable economic activities and generate value.
2. The State is responsible to define and implement a strategy for alternative energy production to ensure national energy security and aims:
 - a) The production, promotion and encouragement of use of clean technologies and alternative energy from renewable natural resources;
 - b) The conduct of research on appropriate technologies for the energy efficiency of urban and rural areas;
 - c) The phased increase in the use of alternative energy sources in total consumption of energy produced;
 - d) International cooperation and investment in production and consumption of energy from alternative sources.
3. The rules on the promotion, use and distribution of alternative energy should be integrated into the national strategy for the energy sector and national development plans and poverty reduction.

Article 20.
Agriculture, forestry and fisheries

The implementation of environmental, agricultural, forestry and fisheries, should be compatible and complementary in order to foster the development of economic activities and the resources of rural areas and the sea and the sustainable use of natural resources, including the soil, water and sea.

Article 21.
Tourism

The implementation of environmental policy and tourism policy should be compatible and complementary in order to promote the use of natural heritage as a source of wealth, appreciation and preservation by promoting environmentally sustainable tourism practices.

CHAPTER IV
Protection, conservation and sustainable use of environmental elements

Article 22.
Protection, conservation and sustainable use

1. The State shall promote the protection, conservation and sustainable use of environmental elements for the benefit of all citizens through the implementation of policies, legislation, programs, plans and projects needed for its sustainability and regeneration.
2. The law defines the rules to protect, conserve and sustainably use environmental elements, taking into account their particular characteristics and its integration in the social, economic and cultural surroundings.
3. Without prejudice to the polluter pays principle and environmental responsibility that might take place, the state should promote the repair of the different components affected by environmental pollution or contaminants in order to ensure the preservation of them, with a view to their sustainable use.

Article. 23
Air

The State must create the mechanisms necessary for the protection, maintenance and improvement of air quality within the standards and set environmental issue and adoption of integrated control of air pollution, production, use, import or export of substances that have harmful effects on the ozone layer in order to prevent and reduce the harmful effects of pollution from air to human health and environmental components.

Article 24.
Surface and groundwater

The State shall protect, conserve and improve the quantity and quality of surface and groundwater and promoting the sustainable use of water resources by adopting an integrated water management plan which includes in particular:

- a) Access to and sharing of water resources by different users;
- b) The management of the watershed;
- c) The regulation of the opening of wells;
- d) The regulation of water use for agricultural, industrial and mining activities;
- e) The prevention of pollution and contamination of water resources;
- f) Creating incentives for capturing and storing rainwater or other measures to conserve water resources;
- g) The regulation of dams and diversions of water for any purpose;
- h) The participation of local community and particularly of vulnerable groups in water management;
- i) The mechanisms for conflict resolution.

Article 25.
Marine Coast

1. The State must ensure the integrated management of marine coast as the basis for the conservation, protection and sustainable use of marine resources, ecosystems and marine species.
2. The definition of an integrated management plan of the sea coast must take into account the limits of natural processes and long-term equilibrium of the components environmental, economic, social, cultural and recreational services, including:
 - a) The control and prevention of pollution and the discharge of waste from sources on land or sea;
 - b) The regulation of fisheries and aquaculture;
 - c) The measures necessary for adapting to climate change;
 - d) The measures in response to natural disasters;
 - e) Measures to promote ecotourism.
3. It is strictly forbidden to use explosives, poisons or other toxic substances in the exploitation of marine ecosystems and species.

Article 26.
Soil and subsoil

1. The State through the development and implementation of an integrated policy to ensure the conservation, protection, sustainable use and restoration of soil and subsoil to prevent their degradation, erosion and contamination and to ensure their productive capacity.
2. The State shall encourage the implementation of measures to promote the adoption of alternative methods to pesticide use in agricultural production.
3. The State must implement the measures necessary preventative and remedial to prevent and minimize the effects of soil erosion and subsoil in order to ensure their productive capacity.
4. The definition of an integrated management plan for soil and subsoil shall take into account:
 - a) The prevention and reduction of degradation of soil and subsoil;
 - b) The rehabilitation of partly degraded soil and subsoil;
 - c) Recovery of degraded soil and subsoil.
5. The definition and implementation of the management plan integrated soil and subsoil should be done in a manner consistent with and complementary to the policy of regional planning and sectoral plans, including agriculture, forestry, tourism, industry, transport, waste management and water management.

Article 27.
Conservation of biodiversity

1. It is for the State, the definition and implementation of a biodiversity conservation strategy to ensure:
 - a) The protection and conservation *in situ* and *ex situ* populations of the species and their habitats and ecosystems;
 - b) Reproduction in quality and quantity of the species, especially threatened and endangered species;
 - c) The rehabilitation and restoration of habitats and degraded ecosystems and recovery of species threatened or endangered;
 - d) The creation and maintenance of a national system of protected areas to ensure ecological coherence and continuity of the territory of species and ecosystems;
 - e) Access and equitable sharing of benefits arising from sustainable use of genetic resources and traditional knowledge.
2. All necessary measures should be taken to ensure the proper development, handling, transport, use, release, internal or cross-border transfer of any genetically modified living organism to prevent and minimize risks to biological biodiversity and human health.

Article 28.
Species and ecosystems

1. The State must ensure the protection, conservation and sustainable use of species and terrestrial, coastal, marine, wetlands or other aquatic ecosystems and their components, through the adoption of measures directed in particular to:
 - a) The maintenance and regeneration of the species through habitat restoration and damaged ecosystems;
 - b) The control of invasive species and threats of exotic species;
 - c) The control of the use of substances that may degrade or harm the species and their habitats;
 - d) The environmental services.
2. The species and terrestrial, coastal, marine, wetlands or other aquatic ecosystems that are threatened or endangered or at their genetic potential, scientific and cultural value are in need of special protection, are covered by specific legislation.
3. Are also defined by specific legislation:
 - a) The regime's domestic and international trade of endemic and endangered species;
 - b) Appropriate measures for the conservation of wetlands and their ecosystems;
 - c) Appropriate measures for conservation and protection of estuaries;
 - d) Appropriate measures for conservation and protection of mangrove ecosystems and the underlying;
 - e) Appropriate measures for conservation and protection of corals and coral reef ecosystems and the underlying.

Article 29.
Environmental heritage

The State shall promote the adoption of policies, programs, plans or projects designed to prevent degradation and permanent measures of defense, recovery and preservation of environmental assets, including the natural, cultural, historical and landscape, ensuring the involvement appropriate communities.

Article 30.
Extractive industry

1. The special legislation applicable to the sector of the industry does not affect the application of this Act to the activities therein.
2. Notwithstanding the provisions of special legislation, the extraction of exhaustible natural resources should be made in a sustainable manner, in certain areas specifically for this purpose and pursuant to other requirements prescribed by law.
3. Established by law, taking into account the size and volume of the extraction, the measures to minimize the environmental impact and mitigate direct extraction and cumulative activity in the environment, namely:
 - a) The integrated management and monitoring of mining activities to ensure compliance with the law;
 - b) The adoption of environmental measures required in contracts for the extraction of natural resources;
 - c) The establishment of quality standards and environmental issue at all stages of extraction, especially in its completion;
 - d) The establishment of environmental management plans at all stages of extraction, especially in its completion;
 - e) The minimization of environmental impact where mining activities are carried out near a protected area.

- f) Measures to respond to incidents during development activities.

Article 31.

Extraction of sand and gravel

1. The special legislation applicable to the extraction of sand and gravel shall not affect the application of this law to the activities therein.
2. Notwithstanding the preceding paragraph, the extraction of sand and gravel from rivers, riverbeds, beaches or any other area can only be made in areas specifically designated for the purpose, subject to compliance with the law under obtaining permission from the competent authorities for the purpose and upon payment of fee, if applicable.
3. The cost of rehabilitating the area subject to environmental degradation or damage arising from the process of extracting sand or gravel are the responsibility of the extractor.

CHAPTER V

Pollution and waste management

Section I

Pollution

Article 32.

Pollution control

1. The State must ensure that appropriate measures are taken to avoid, minimize and reduce the production of damage, environmental degradation, risk to public health, for peace, for human welfare, for the environmental components and the Ecological sustainability of economic development caused by pollution.
2. The release, discharge, or introducing contamination any form, of pollutants in water, sea, air, ground, underground or in any other environmental component is subject to quality standards and emission and other environmental legislation, in compliance with the provisions of this law.
3. Human activities must be conducted according to best available techniques and best environmental practices to ensure the prevention of emissions and waste production and minimize its negative effects.
4. The State shall promote measures to facilitate the adoption of alternatives to the use of fertilizers, pesticides and other agro-chemicals in agricultural production.

Article 33.

Air pollution

1. The release of greenhouse gases or other pollutants into the atmosphere must be reduced, controlled and maintained within the limits set by the standards of quality and emissions and other environmental legislation.
2. All facilities, machinery, equipment, means of transportation, construction or any other activity that may affect air quality should be equipped with filters and elements that reduce and neutralize pollutants, under the law.
3. The importation and production of controlled substances as defined in the Montreal Protocol on substances that deplete the ozone layer is prohibited.

Article 34.

Climate change

The State must implement the necessary measures for mitigation and adaptation to climate change to promote the reduction of emission of greenhouse gases into the atmosphere, their removal by sinks and minimize the negative effects of the impacts of climate change on biophysical systems and socioeconomic.

Article 35.

Water Pollution

1. The release or discharge, by sea or land, of any pollutants into rivers, lakes, ponds, groundwater, sea or

any course or place of storage of water should be reduced, controlled and maintained within the limits defined by the standards of quality and emissions and other environmental legislation.

2. The State building and maintaining the necessary means to ensure the treatment and control of water pollution, including that from torrential rains.

Article 36.
Noise and vibration

The emission of noise and vibration arising from domestic activities, commercial, industrial, construction and means of transport that adversely affect public health, peace and human welfare and environmental components, especially in residential areas must be maintained within the limits set by the standards of quality and emissions and other environmental legislation.

Article 37.
Visual pollution

1. The existence of any fixed or intermittent light for its size, characteristics or location can disturb or have adverse effects on public health, peace, well-being, environmental components, especially in endangered species or species in the process of extinction must be maintained within the limits set by the standards of quality and emissions and other environmental legislation.
2. The State construction and maintenance of the necessary means to control the visual pollution resulting from economic activities, including advertising or other activities with harmful effects on the landscape.

Article 38.
Hazardous chemicals

The import of hazardous chemicals is subject to prior informed consent of the State, under the conditions prescribed by law.

Section II
Waste

Article 39.
Solid Waste Management

1. The law defines the mechanisms for collecting, transporting, storing, processing, reduction, reuse and recycling of solid waste in compliance with the provisions of this article.
2. It is the responsibility of public authorities to collect, transport, storage, processing, reduction, reuse and recycling of solid waste from households and commercial.
3. The collection, transport, storage, processing, reduction, reuse and recycling of hospital waste, industrial and construction activities arising from or other than those referred to above is the responsibility of the producer, in accordance with the law.
4. It is the responsibility of every citizen to ensure that solid waste disposal is done in the places indicated for this purpose.
5. Mechanisms should be established and the necessary means to ensure the use of solid waste as a source of alternative energy production.

Article 40.
Landfills

1. It is the responsibility of the state construction and maintenance of sanitary landfills as sites designed specifically for controlled storage, above or below the natural surface of waste generated by human activity, commercial, industrial, built using technology and appropriate methods in order to prevent contamination of groundwater and prevent negative impacts on public health, human welfare and environmental components and promote environmental sustainability.
2. The discharge of waste can only be made in locations determined specifically for this purpose by the competent authorities and under the conditions of authorization, under the law.

Article 41.
Wastewater

1. The state creates the mechanisms and means necessary to ensure proper treatment of domestic wastewater, commercial and industrial and sewage effluents in order to preserve the quality of fresh water, surface, ground and sea.
2. Any premises to evacuate waste water is required to ensure the purification treatment in accordance with environmental standards set for the purpose.

Article 42.
Hazardous waste

1. The importation of hazardous waste is prohibited.
2. The identification, control, production, transportation, storage, export and use of hazardous waste is subject to special legislation.

CHAPTER VI
Financial measures and economic instruments

Article 43.
Budget

1. The environment must be considered when developing the plans and the state budget, as a national priority.
2. The general government budget annually approved budget must provide for suitable specific activities aimed at conservation and environmental protection, and intended to finance the costs of restoration and environmental rehabilitation arising from natural disasters and emergencies.

Article 44.
Environmental Fund

Can be created by law an environment fund managed jointly by the government department responsible for the environment and the government department responsible for finance, to finance the management, conservation and environmental protection.

Article 45.
Taxes

In addition to the fees provided for the licensing process, taxes can be created by law for specific activities or services related to the environment.

Article 46.
Economic instruments

The State must ensure that appropriate measures are taken to:

- a) Determining the economic value of environmental components of the country and based on it, determine the appropriate levels of fines and compensation for environmental degradation and the national system of environmental accounting;
- b) Create a national system of environmental accounting that incorporates the evaluation of environmental components and the depreciation of the environmental components in the gross domestic product;
- c) Promote the development of investment in environmental sustainability services to be offered and produced in Timor-Leste with environmentally sustainable technologies;
- d) Promoting investment in the development and use of clean technologies and alternative energy from renewable sources;
- e) Develop a system for trading carbon emission trading and other market mechanisms to enable participation of industry in national mechanisms established by international agreements ratified by Timor-Leste.

Article 47.

Access and distribution of benefits

The law defines the forms of access, sharing and equitable distribution of tangible and intangible benefits arising from the use of components and sustainable environmental and natural resources for the communities located in the same area of exploration.

CHAPTER VII

Environmental information and education

Article 48.

Environmental information system

1. The State shall establish an environmental information system containing the state of environmental components, the exploitation of natural resources and the identification of programs, plans and projects likely to have significant impact on public health and human welfare, the environment and sustainability components ecological.
2. The environmental information system under the previous paragraph is intended to facilitate the systematization, access, distribution and sharing of environmental information, to promote environmental education and citizen participation in decision-making in conservation and environmental protection and natural resources.
3. The environmental information system will be administered by a public entity responsible for collecting, processing, systematization and dissemination of relevant environmental information in a clear and accessible to the general public.
4. Other public or private performance of its duties to provide services or develop programs, plans and projects related to the environment have the duty to cooperate and provide information relevant to the entity referred to in the preceding paragraph, without prejudice to rights of third parties legally protected.

Article 49.

Access to environmental information

1. A systematic environmental information under the preceding article or any other relevant information should be freely accessible to the general public in the official languages, without prejudice to confidential information in accordance with the legal provisions in force.
2. For the purposes of the preceding paragraph, the law defines the mechanisms to ensure public consultation and provision of sufficient information of programs, plans or projects subject to environmental licensing and strategic environmental assessment in order to allow for environmentally based choices.

Article 50.

Environmental Reports

1. Public entities to develop programs, plans or projects with significant environmental effects shall submit a comprehensive annual report thereof to the governmental entity responsible for the environment.
2. The government agency responsible for the environment must submit an annual report encompassing the council of ministers on the state of the environment, taking into account the reports received under the preceding paragraph.
3. The reports referred to in the preceding paragraphs shall be published for consultation in the official languages.

Article 51.

Environmental Education and Training

1. Environmental education and training of citizens will be promoted, as a strategic factor for sustainable development of the country, through the introduction of materials for environmental conservation and protection and formal and informal education systems and media systems.

2. The education programs for environmental training will be jointly produced by the government department responsible for the area of education, professional training and the environment.

Article 52.
Civic education

Civic education on the environment should be organized on a permanent basis, in successive campaigns directed at civil society in general and public officials in particular, to increase knowledge and awareness of all the need for conservation and environmental protection and conservation and sustainable use of natural resources.

Article 53.
Scientific and technological research

The State shall encourage, promote and fund the studies and scientific research and technology oriented optimization, protection, conservation and environmental components of sustainability, biodiversity and natural resources and the prevention of environmental degradation or damage.

CHAPTER VIII
Surveillance, emergency, liability insurance and warranty

Section I
Surveillance and Emergency

Article 54.
Application and Enforcement

1. The State must create mechanisms and resources needed to implement this law and to establish a decentralized system of environmental enforcement, in compliance with the provisions of this article.
2. The environmental inspection can be triggered at any time where there is evidence of violation of environmental legislation.
3. Public authorities, citizens and legal persons are subject to the duty to cooperate with the authorities responsible for environmental monitoring, in accordance with law.
4. The public body responsible for environmental enforcement may, where it is concerned the violation of environmental legislation, issue guidelines for the rule of law, order the infringer to cease the harmful activity, cleaning and rehabilitation of the site subject to damage or degradation environmental or issue any other orders that may be suitable for replacement of the state before the event that caused the injury.
5. Any attempt to interfere in the activities of environmental monitoring, provision of false information or failure to follow the guidelines and instructions provided in the preceding paragraph is subject to administrative sanction or criminal prosecution under the law.

Article 55.
Citizen participation in environmental enforcement

1. For purposes of paragraph three of the previous article, the State must promote participation by public entities, citizens and legal persons in the process of implementing this law and environmental monitoring, including through the establishment of mechanisms for reporting to the receipt of suspected violation of environmental legislation.
2. For the purposes of the preceding paragraph, the law defines a decentralized and transparent for the receipt of allegations of environmental offenses to ensure your registration and a rapid response by the competent services.

Article 56.
Emergencies

1. The State shall establish an integrated system of prevention and response to environmental emergencies caused by human intervention or natural disasters that cause damage, harm or imminent threat of a significant danger of serious damage to the environment irreparably.

2. The preceding paragraph does not exempt the entities responsible for activities that cause potential harm, imminent threat of harm or a significant danger of serious damage to the environment irreparably, the maintenance of a system response to environmental emergencies.
3. Management plans and environmental plans for decommissioning under the law are required shall include provisions for incident prevention and response to emergencies, to prevent damage from occurring, imminent threat of harm or danger very significant severe irreparable damage to the environment.
4. Those who suspect or detect the existence of environmental emergencies is required to notify the public of the occurrence of the event to ensure public safety and prevent damage from occurring, imminent threat of harm or a significant danger of serious damage irreparable to the environment.
5. May be adopted environmental measures applicable to temporary emergency situations specific to facilitate the rehabilitation of affected areas, avoiding the production of harm, imminent threat of harm or a significant danger of serious damage to the environment degradation or irreparable environmental damage and restore the ecosystems and species.
6. The State shall promptly notify other States likely to be affected by an emergency situation occurring within the jurisdiction of Timor-Leste.

Section II **Liability insurance and warranty**

Article 57. **Liability insurance**

1. Who implement programs, plans or projects that involve risks of injury, damage or imminent threat of a significant danger of serious damage to the environment irreparably must hold a liability insurance.
2. The obligation in the preceding paragraph shall apply to programs, projects or plans subject to the terms of the environmental assessment and licensing under the law.

Article 58. **Warranty**

1. The programs, projects or plans provided subject to the system of assessment and environmental licensing may be subject to the filing of a security to cover potential negative environmental impacts, including environmental disasters that may occur during the construction, implementation or decommissioning of same.
2. The guarantee provided under this article is returned with the dismantling of the activity that there have been no negative environmental impacts.
3. The law defines the terms of provision of the guarantee provided for in this article.

CHAPTER IX **Accountability and judicial oversight**

Section I **Responsibility**

Article 59. **Responsibility for administrative offenses**

1. Breaches of this law are considered misdemeanors punishable by a fine whose minimum and maximum is set by law depending on the seriousness of the offense.
2. Responsibility for administrative offense is independent of criminal or civil liability that might take place, under the law.
3. If the same conduct is punishable at both criminal and administrative levels, will be always punished the offender as a crime without prejudice to the application of the accessory penalties provided by the administrative offense.

4. Negligence and attempted acts are always punishable.
5. The State should develop general guidelines and directives for assessing environmental damage for the purpose of determining the responsibility of the offender.

Article 60.
Liability

1. There is an obligation to pay compensation regardless of fault, where the agent has caused damage to the environment.
2. The assessment of severity of damage and the determination of quantitative compensation is made by the courts under general law, taking into account the provisions of paragraph five of the preceding article.

Article 61.
Additional Sanctions

In violation of this law and other environmental legislation may apply the following sanctions without prejudice to the following article:

- a) Prohibition of exercise of profession or trade;
- b) Revocation of licenses or permits for carrying out activity;
- c) Seizure, loss or removal to the State of objects or equipment used or produced at the time of the offense;
- d) Loss of entitlement to a subsidy granted by entities public services;
- e) Loss of benefits of credit and financing lines of credit institutions which were enjoyed;
- f) Restitution to the State of an amount equal to the market value of natural resources used in violation of the provisions in the environmental legislation, and verified environmental degradation or damage, plus interest.

Article 62.
Reparation, rehabilitation and compensation

1. Whoever, in violation of laws or regulations in force, causes damage to one or more environmental components, is obliged to restore the state before the event giving rise to the injury, without prejudice to Article 59.
2. Where the duty to spare under the previous paragraph cannot voluntarily comply, the competent authority, arrange for demolition, and construction work necessary to restore the situation prior to the offense and rehabilitation at the expense of the offender.
3. If you are unable to restore the state before the event giving rise to the injury or is not possible to adopt other measures to this replacement, the offender is liable to pay compensation under the general law.
4. The compensation provided for in the preceding paragraph shall be equitably distributed by the local communities affected.

Section II
Judicial oversight

Article 63.
Judicial oversight

1. The Public Prosecutor is empowered to act before the competent courts for the protection of the environment, implementation and enforcement of this law and other environmental legislation.
2. Any natural or legal person who feels threatened or harmed in their rights is entitled to go to court to request the cessation of threatening conduct or detrimental to their rights and compensation and jurisdiction under general law.
3. It also recognized the legitimacy of any person, regardless of personal interest in demand as well as associations, foundations and local communities to propose and act in the main proceedings and for

precautionary environmental protection.

4. All members of the public concerned have legal standing to challenge the substantive or procedural legality of any decision, act or omission of public authorities.
5. The right of access to court under this Article may be exercised directly without prior administrative action.

Article 64.

Alternative Dispute Resolution

1. The State must promote the creation of the means of alternative dispute resolution environment, such as arbitration, conciliation and mediation, and create mechanisms and resources to ensure its use, without prejudice to the preceding article.
2. Local communities can use institutions and mechanisms for local recognized alternative dispute resolution with respect for environmental objectives and principles of this law.
3. The environmental alternative dispute resolution shall not apply to environmental crimes.
4. The preceding paragraphs shall not prejudice the right of appeal to the competent courts of the Democratic Republic of Timor-Leste, under the law.

CHAPTER X

Final and transitional provisions

Article 65.

International cooperation

The State is responsible, in accordance with the principle of international cooperation and in accordance with general principles of international law, cooperate with other States for the management of shared components and cross-border environmental risks and to fulfill the objectives laid down in international conventions and agreements regularly ratified .

Article 66.

International conventions and agreements

The regulation of this law and the adoption of environmental legislation should take into account the international conventions and agreements regularly ratified by Timor-Leste.

Article 67.

Environmental quality standards

By the definition of environmental quality standards are applied by law the environmental quality standards approved by the World Health Organization

Article 68.

Environmental Audits

1. All programs, plans and projects developed by public or private, that the entry into force of this Act are in operation and without the application of environmental protection measures, resulting in the knowledge that damage, harm or imminent threat of a very significant danger of serious damage to the environment irreparably, are subject to environmental audits.
2. Environmental audits made pursuant to the preceding paragraph, confirming the existence of damage to environmental components must identify measures to rehabilitate and develop a plan for long-term management.
3. The audit process is triggered by an indication of the government agency responsible for the environment, its own motion or upon request.
4. Environmental audits are conducted by an independent entity and submitted to the government agency responsible for the environment.
5. Environmental audits are subject to public consultation in accordance with the system of environmental assessment and licensing their results should be available for public consultation.

6. The costs of remedying environmental damage may be found by the audit are the responsibility of the executors.
7. The result is independent environmental audits of civil, administrative or criminal proceedings that may take place and fulfill the obligations prescribed by law.

Article 69.
Repeal

All legislation contrary to this law is hereby repealed.

Article 70.
Progressive implementation

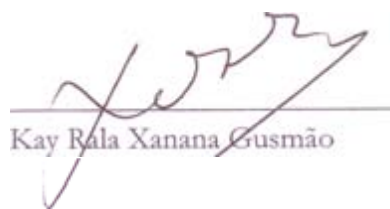
The provisions this Law shall be applied progressively, according to the capacity of the state.

Article 71.
Entry into force

The present law enters into force the day following its publication.

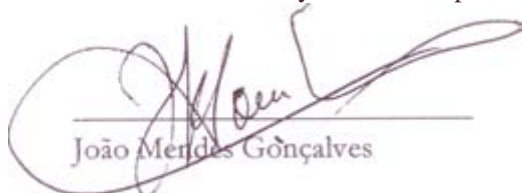
Approved by the Council of Ministers on April 11, 2012.

The Prime Minister,



Kay Rala Xanana Gusmão

The Minister of Economy and Development,



João Mendes Gonçalves

Promulgated on

To be published.

The President of the Republic,

Taur Matan Ruak