

## **Proposed Pesticides Law**

### **Explanatory memorandum**

In Timor-Leste, although agricultural activity continues to be mainly subsistence-based, there has recently been a development of agriculture from an economic perspective, i.e., production in quantity, not only to meet the daily needs of farmers, but also with the aim of producing in quantity for the sale of agricultural products in markets, for the time being at the domestic level, but soon with a focus on exports as well. Although pest pressure is not too high, with the paradigm shift in focus and consequent intensification of production, the possibility of more frequent use of pesticides becomes real. Pesticides pose a considerable danger in Timor-Leste due to their inappropriate use and low awareness of the dangers associated with their use. It is common to see farmers spraying pesticides without any personal protective equipment or with very basic protection, applying much higher quantities than recommended by the manufacturer. Children are regularly exposed to pesticides, either through direct use or contact with recently sprayed crops, or when accompanying their parents while they work in the fields. An aggravating factor is the habit of small farmers favoring older generations of pesticides, either because they are generally cheaper or because their high toxicity is associated with greater effectiveness, but not with the risks that such use entails. There is therefore an urgent need to regulate this area at all stages of the life cycle of pesticides, from the definition of pesticides whose use is permitted, through licensing, storage, sale and distribution, import and export, use, and finally disposal. The aim of this proposed law is to ensure that pesticides that are likely to be used are duly registered in a database, prohibiting the use of all those that are not included in it, as they are recognized as being too dangerous to human health, animal health, or the environment. It also aims to regulate access to commercial activities related to pesticides and their use, requiring licenses in addition to those issued for commercial activities, which presuppose that their holders have the skills to use this type of product. Finally, the aim is to criminalize certain behaviors that endanger the health of people, animals, or the environment. Although administrative sanctions may be appropriate for some of these violations, it should be possible to apply criminal sanctions in the case of particularly serious offenses against human and animal health and the environment.

To date, Timor-Leste has not acceded to any of the relevant international conventions on pesticides, namely the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC), and the Stockholm Convention on Persistent Organic Pollutants (POP). However, as they are references in the context of the law that is intended to be approved by the National Parliament, the concepts and principles set forth therein are used. Similarly, the use of procedures and prohibitions existing in other countries mentioned in the law as references refers to member countries of the European Union, Australia, and New Zealand, which are countries with major environmental concerns, whose advanced legislation reflects these concerns.

On the other hand, in the context of Timor-Leste's recent accession to the World Trade

Organization (WTO) and the process leading to accession to the Association of Southeast Asian Nations (ASEAN), the existence of a law regulating the entire life cycle of pesticides is of fundamental importance. From the perspective of a liberalized market, without barriers to the movement of goods between its members, ensuring that plant products produced in Timor-Leste meet the highest standards with regard to the use of pesticides is an important advantage in the competitive market that lies ahead. It is essential to ensure that pesticides that are hazardous to human health, animal health, and the environment are not used in the production process, which adds value to those products, allowing them to compete with the best.

Therefore,

The Government submits to the National Parliament, under Article 97(1)(c) and Article 115(2)(a) of the Constitution of the Republic, the following draft law:

## **Draft Law No. /2025**

### **Pesticides Law**

Although pesticide use in Timor-Leste is limited due to high costs, lack of awareness, low pest pressure for certain crops, and subsistence farming, pesticide use is becoming more widespread as the production of staple crops such as maize and rice intensifies. This trend has been accompanied by an increasing availability, both in variety and volume, of pesticides introduced into the country, in addition to legal imports for government and private purposes. Furthermore, international non-governmental organizations (NGOs) purchase and use their own pesticides in the country without informing the government.

Despite their relatively low rate of use, pesticides pose a considerable danger in Timor-Leste due to their inappropriate use and low awareness of the dangers associated with their use. It is common to see farmers spraying pesticides without any personal protective equipment or with very basic protection, often applying much more than the amount recommended by the manufacturer. Many children are exposed to pesticides, either through direct use or contact with recently sprayed crops, or by accompanying their parents while they work in the fields. An aggravating factor is the tendency of smallholder farmers in Timor-Leste to favor older generations of pesticides, either because they are generally cheaper or because their high toxicity is associated with greater effectiveness, but not with the risks that such use entails. Imported meat and fish are sometimes treated with a formaldehyde-derived pesticide as a means of preserving them during storage and distribution. Several cases of poisoning, and even deaths, in Timor-Leste have been linked to the consumption of food contaminated with pesticides.

In the absence of effective regulation of pesticide-related activities, there are also no penalties for those who endanger human life, animals, and the environment. Even considering that some of the actions recommended in this law may correspond to crimes already provided for in the Penal Code, examples of which are the disclosure of confidential information - Article 184 - "Breach of Confidentiality," providing false information on registration applications - Article 303 - "Falsification of documents or technical reports," obstructing a pesticide inspector - Article 243 - "Obstruction of a public authority," selling pesticides without a license - Article 213 - "Qualification to perform certain activities," the sale of adulterated pesticides - Article 214 - "Adulterated or deteriorated products," the illegal disposal of pesticides - Article 215 "Against the environment," other actions, also serious, would go unpunished because they are not criminalized. In fact, none of the activities relating to an unregistered pesticide, whether import, sale, or commercial use, corresponds to a crime specifically provided for in the Penal Code. Although administrative sanctions may be appropriate for some of these violations, it should be possible to apply criminal sanctions in the case of particularly serious

offenses against human and animal health and the environment.

Even when the behaviors covered by this law correspond to crimes provided for in the Penal Code, they are only partially covered by the provisions of the Code. For example, Article 214 of the Penal Code does not criminalize the act of adulterating pesticides, only the sale of adulterated products. Similarly, Article 213 only criminalizes the sale of pesticides without a license, but does not allow for the criminalization of any other pesticide-related activity, such as storage, application, or disposal, that is carried out without the required license or under the specified terms. Furthermore, preventing a public authority from acting requires the use of “violence or threats: serious violence” against “military agents, agents of the military, militarized forces, or police.” This provision excludes creating difficulties in a non-violent manner, however serious, and obstruction of any kind against pesticide inspectors, most of whom are not police officers. Another aspect that needs to be corrected relates to the failure of an employer to take the necessary measures in relation to its employees, such as providing adequate training, personal protective equipment, appropriate facilities for handling pesticides, or medical assistance. This omission can result in significant damage to the health of employees.

To date, Timor-Leste has not acceded to any of the relevant international conventions on pesticides, namely the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC), and the Stockholm Convention on Persistent Organic Pollutants (POP). However, as they are references in the context of this law, the concepts and principles set forth therein are used. Similarly, the use of procedures and prohibitions existing in other countries mentioned in the law, as a reference, refers to countries of the European Union, Australia, and New Zealand, which are countries with major concerns about public, animal, plant, and environmental health issues, whose advanced legislation reflects these concerns, thus becoming an example to follow.

Therefore,

The National Parliament decrees, under the terms of Article 95(1) of the Constitution of the Republic, to be valid as law, the following:

## **Chapter I General provisions**

### **Article 1 Purpose and scope**

This law regulates, for the entire national territory, the licensing, import and export, production, sale and distribution, use, packaging, and disposal of pesticides, including agricultural pesticides, at all stages of their life cycle, with the aim of protecting human health, animal and plant health, the marine and terrestrial environment, as well as promoting sustainable agricultural production.

### **Article 2 Definitions**

For the purposes of this law, the following definitions apply:

- a) “Adulterate,” with reference to a pesticide, means:
- i. omitting or extracting, partially or totally, a substance that is part of the formula;
  - ii. concealing, by any means, damage to the product or its quality;
  - iii. replacing, in whole or in part, any substance in the pesticide formula;
  - iv. adding, mixing, or packaging any substance with the pesticide to increase its volume or

weight, to reduce its quality or strength, or to give it the appearance of being better or of greater value;

- v. any constituent substance of the formula exceeds the amount indicated on the label or permitted by regulations;
- vi. its nature, substance, or quality has been definitively affected by external factors.

b) "Risk analysis," a process consisting of the following phases:

- i. Risk assessment, scientific and systematic characterization of the nature and magnitude of risks to human health and the environment resulting from exposure to certain substances or products, which includes hazard identification, dose-response assessment (hazard characterization), exposure assessment, and risk characterization;
- ii. Risk communication, transmission of information on hazards and risks, as well as factors related to risks and risk perception, especially those relevant to the handling and application of pesticides, as well as the establishment of minimum health and safety requirements in the workplace to guard against the risks arising from workers' exposure to these products, and general and specific preventive measures to reduce these risks;
- iii. Risk management, the process resulting from risk assessment, which consists of weighing economic, social, and regulatory factors, as well as the effects on human health and the environment, in consultation with interested parties, considering the risk assessment and other legitimate factors, and, if necessary, selecting appropriate options to protect health and the environment.

c) "Concentration" means the proportion of the active ingredient in a pesticide;

d) "Packaging" means the container, used in conjunction with the protective packaging, used to transport pesticide products;

e) "Formulation" means the combination of various ingredients designed to make the product useful and effective for its purpose, in accordance with the manufacturer's recommended use;

f) "Active ingredient" means a physical, chemical, or biological agent that gives the pesticide its effectiveness;

g) "Operating license" means the document issued by the competent authorities that enables its holder to engage in commercial activities related to pesticides;

h) "Trade name" means the name under which the pesticide is labeled, registered, and promoted by the registrant;

i) "Pesticide", any substance or mixture of substances of chemical or biological ingredients intended to repel, destroy, or control any pest;

j) "Pest" means any species, strain, or biotype of plant, animal, or pathogen harmful to plants and plant products, materials, or environments, including vectors of parasites or pathogens of human and animal diseases, as well as animals potentially harmful to public health;

k) "Product" means the formulated product, active ingredients of pesticides, and co-formulants, in the form in which it is packaged and sold;

l) "Container" means the object with leak-proof characteristics used to contain pesticides;

m) "Registration", the process by which the competent authority approves the sale and intended use of a pesticide, after evaluating scientific data demonstrating that the product is effective for its intended purposes and does not pose an unacceptable risk to human or animal health or the environment under the conditions of use recommended by the manufacturer;

- n) "Residue", a substance or mixture of substances remaining or present in food or the environment as a result of the use or presence of pesticides, considered toxicologically and environmentally important;
- o) "Risk", the probability of a harmful effect on health or the environment, combined with the severity of that effect, as a consequence of exposure to a pesticide;
- p) "Label" means the written, printed, or graphic content attached to a pesticide or its immediate packaging, as well as the outer packaging or wrapping of the commercial packaging of the pesticide;
- q) "Quality" means the degree of conformity of the pesticide with established standards.

## **Chapter II Registration**

### **Article 3 Pesticide Registration Database**

1. The Pesticide Registration Database (BDRP) is hereby created.
2. The Pesticide Registration Database shall be managed, maintained, and permanently updated by the competent registration authority.
3. The Pesticide Register in the database shall include:
  - a) A List of Permitted Pesticides;
  - b) A List of Prohibited Pesticides;
  - c) A List of Restricted Pesticides.
4. The competent authority for registration may, on its own initiative, at the request of interested parties, or following a registration application, include pesticides in the List of Prohibited Pesticides if:
  - a) The pesticide is listed in Annex A of the 2001 Stockholm Convention on Persistent Organic Pollutants;
  - b) The pesticide has been banned in the jurisdictions of reference mentioned in this law, or in others identified in government legislation;
  - c) The pesticide poses an unacceptable risk to human, animal, or plant health,

### **Article 4 Mandatory registration**

1. Only pesticides that meet the following criteria may be imported, exported, re-exported, manufactured, formulated, stored, sold, distributed, registered, possessed, or used:
  - a) They are included in the list of Permitted Pesticides in the Pesticide Registration Database;
  - b) Are subject to the granting of a temporary license, under the terms provided for in this law.
2. Pesticides intended for the following purposes are exempt from the rules provided for in paragraph 1 and may be authorized for import or formulation, on an exceptional basis and upon issuance of a Special Temporary License:
  - a) Specific research purposes;
  - b) Emergency situations, including:
    - i. Natural disasters;

- ii. Combating new pests that cannot be controlled with existing pesticides;
- iii. Shortage or unavailability of pesticides on the market.

**Article 5**  
**Elements of the Pesticide Register**

Each entry in the BDRP Pesticide Register must include:

- a) The name and address of the registrant;
- b) The scientific name of the active ingredient;
- c) The formulation of the pesticide;
- d) The concentration;
- e) The trade name;
- f) The country of origin;
- g) The purpose for which the pesticide is approved and the method of use for the crop/animal pest or disease vector;
- h) Any conditions or restrictions on registration, including reduction in the duration of the registration or license for manufacture, storage, transport, import, packaging, repackaging, labeling, distribution, sale, distribution, use, or disposal imposed.

**Article 6**  
**Mandatory Requirements for the Registration Application**

The following elements must be included in the application for registration of a pesticide:

- a) The characteristics of the pesticide;
- b) The potential acute and chronic risks to human and animal health;
- c) Environmental factors, including the effect on beneficial organisms and other species not targeted by the pesticide, and toxicity to fish and the marine environment;
- d) Social factors, including:
  - i. The potential for exposure to the pesticide of vulnerable groups, including women and children;
  - ii. The need to use personal protective equipment (PPE);
  - iii. The availability and accessibility of personal protective equipment and the likelihood of it being used in accordance with the recommended conditions in the local context.
- e) The ability of the pesticide to move in the soil and its potential to contaminate groundwater;
- f) The assessment of the pesticide's effectiveness in relation to the need for pest control and the potential risk of causing the reappearance and resistance of pests;
- g) The relative level of danger of the pesticide compared to other pesticides included in the list of pesticides or those that are available;
- h) The persistence of the pesticide in soil or water, and the subsequent risk of pesticide residues deposited on food crops above the maximum values, which may be legally defined, of Maximum Residue Levels (MRLs);
- i) The volatility of the pesticide and its potential for drift;
- j) Potential uses as antimicrobials, especially antimicrobial residues or antimicrobials of critical

importance for human health purposes;

- k) The status of the pesticide on the lists of the Rotterdam and Stockholm Conventions or other relevant international agreements, for reference purposes, and those to which Timor-Leste may become a party;
- l) The compliance of the pesticide with relevant international standards and registration in reference countries;
- m) The status of registration in reference countries selected under this law, based on the reliability of their registration schemes, from a list drawn up by the competent authority for Pesticide Registration and approved by decree-law;
- n) The proposed container for the pesticide, through description, photograph, or presentation of a sample;
- o) The proposed label for the pesticide, which, cumulatively, must:
  - i. Be written in one of the official languages;
  - ii. Include pictograms;
  - iii. Comply with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).
- p) The technical justification for which the concentration, formulation, and size of the packaging reduce the risks to the user.

#### **Article 7**

##### **Refusal of registration**

1. The following are grounds for refusing registration on the list of pesticides:
  - a) The inclusion of the pesticide proposed for registration on the List of Prohibited Pesticides, the List of Severely Restricted Pesticides, or the list of chemicals in Annex A of the Stockholm Convention;
  - b) Material misrepresentation of information contained in the application;
  - c) Excessive persistence, toxicity, or bioaccumulation of residues when metabolized;
  - d) Ineffectiveness of the pesticide for its intended purpose;
  - e) Excessive danger of the pesticide to human or animal health or the environment;
  - f) Insufficient information about the potential short- and long-term risks of the pesticide;
  - g) The excessive propensity of the pesticide to drift or volatilize;
  - h) The existence of other pesticides or practices that are equally or more effective and less hazardous;
  - i) The risks posed by the pesticide outweighing its benefits, taking into account socioeconomic, climatic, and other conditions.
2. The competent authority for the registration of pesticides shall justify and communicate to the applicant, in accordance with the law on administrative procedure, the reasons for refusing registration on the list of pesticides.

#### **Article 8**

##### **Registration of new pesticides on the initiative of the competent authority for registration**

1. The competent authority for the Registration of Pesticides may, on its own initiative, register a

new pesticide that meets the necessary requirements if it determines:

- a) The insufficiency or ineffectiveness of registered pesticides to ensure effective pest control;
  - b) The existence of other available pesticides that are more effective, less dangerous, or more economical.
2. Registration decisions made under the terms of the previous paragraph shall be based on a pesticide dossier prepared by the competent authority for registration.
  3. Pesticides registered by the authority responsible for Pesticide Registration do not have registration ownership, nor are they subject to the requirements set out in Article 6.

#### **Article 9 Cancellation of registration**

1. The competent authority for Pesticide Registration may, on its own initiative or at the request of any interested party, cancel the registration of a pesticide.
2. The following are grounds for cancellation of Pesticide Registration:
  - a) Obtaining registration in violation of the applicable legal provisions;
  - j) Demonstration, through new scientific information or monitoring of the use of the pesticide:
    - i. Of the current ineffectiveness of the pesticide for the purpose for which it was registered;
    - ii. That it causes harmful effects on health or the environment, or that there is a high risk of such effects occurring;
    - iii. That the risks resulting from the use of the pesticide outweigh the benefits, considering the local socioeconomic conditions.
  - k) The existence of other pesticides or practices available and, cumulatively:
    - i. Are equally or more effective;
    - ii. Are less dangerous;
    - iii. The entity with competence for registration has initiated the registration process for these pesticides.
  - l) The relevant pesticide or pesticide product has been banned under international conventions on pesticides, or regulatory action has been taken to that effect in other countries considered to be benchmarks;
  - m) The manufacturer has withdrawn the pesticide from the market;
  - n) There has been a breach of the conditions on which the registration was based;
  - o) There have been supervening events or changes in circumstances which, if known or existing at the time the application for registration was made, would have led to its rejection
3. The competent authority for the Registration of Pesticides shall justify and communicate to the registration holder, in accordance with the law on administrative procedure, the reasons for the cancellation of the registration.

#### **Article 10 Validity of registration**

1. Pesticide registration shall be valid for five years.
2. The competent authority for pesticide registration may, provided that it is based on scientific studies:

- a. Define registration validity periods of less than five years, considering the high risks to human, animal, or plant health;
- b. Define registration validity periods of more than five years for pesticides considered to be of low toxicity, up to a maximum of 10 years.

**Article 11**  
**License for non-registrants**

Anyone who is not the registrant and wishes to import, manufacture, sell, distribute, package, repackage, or label a pesticide must, before applying for the respective license or authorization, request authorization from the registrant from the competent registration authority, under the terms provided for in a decree-law.

**Section II**

**Article 12**  
**Changes to Registered Pesticides**

The registrant who wishes to change the formulation, trade name, active ingredient, concentration, or permitted use of the pesticide must submit a new application for registration, under the terms provided for in this chapter.

The registration holder who wishes to change the container, label, or intended use of the pesticide must submit a written application to the competent registration authority, specifying the changes to be made.

The decision shall be taken within 30 days by the competent registration authority.

The period referred to in the previous paragraph may, exceptionally, be extended when, for justified reasons, the competent authority needs to request additional data from the applicant or more time to carry out appropriate risk analyses.

The requested changes shall be reflected in the Pesticide Register and notified to all holders of licenses and operating permits.

**Chapter III**  
**Licenses**

**Section I**

**Article 13**  
**Operating license**

1. The following activities related to pesticides are subject to obtaining an operating license, under conditions to be defined by decree-law, without prejudice to the interested parties ensuring compliance with other legal requirements regarding industrial or commercial licensing with the competent authorities:
  - a. Manufacture, formulation, packaging, or repackaging;
  - b. Distribution, sale, transport, or storage;
  - c. Import, export, or re-export;
  - d. Provision of professional pest control services.
2. In the case of pesticides classified as restricted use, in addition to the licenses indicated in the previous paragraph, a special license for the use of restricted use pesticides is required.

3. For the use of specific pesticides, or specific methods of application thereof, including aerial spraying, the Government shall define by decree-law special requirements for the granting of operating licenses.
4. The operating license requirement shall not apply to individual farmers or groups of farmers in relation to botanical or microbial pesticides with a history of safe use when applied for private purposes.

**Article 14**  
**Requirements for the issuance of an operating license**

1. The issuance of an operating license is subject to compliance with the following requirements:
  - a. Adequate training of the license holder and their technicians;
  - b. The necessary skills to handle and use the pesticides covered by the license;
  - c. Adequate facilities that eliminate potential risks to human and animal health or the environment, and appropriate personal protective equipment;
  - d. Other aspects of the activity that may be defined by decree-law,
2. The applicant for an operating license is subject to the payment of issuance fees, to be approved by the Government, under the terms of Article 20.

**Article 15**  
**Validity**

1. Unless otherwise provided for in the operating license, its validity is two years.
2. The renewal of the operating license is subject to the applicant demonstrating compliance with the applicable requirements, namely:
  - a) Compliance with the applicable legal standards;
  - b) Maintenance of records of the quantities of pesticides used, locations where the pesticide was applied, and any other relevant information;
  - c) Subjection to inspection and enforcement actions.

**Article 16**  
**Revocation of operating licenses**

The operating license may be revoked by the competent authority that issued it when:

- a) New relevant information comes to light which, if known at the time of issue of the license, would have led to its rejection;
- b) There has been a material change in the circumstances on which the license was granted;
- c) There has been a violation of any requirements which, if known at the time the license was granted, would have resulted in its refusal.

**Section II**

**Article 17**  
**Import license**

1. Without prejudice to the holder of an operating license, the importation of pesticides is subject to the obtaining of an import license issued by the competent licensing authority.
2. Authorization to import pesticides may only be issued when all of the following conditions are

met:

- a) The pesticide is included in the List of Permitted Pesticides in the Pesticide Register, or a temporary license has been granted under the terms of this law;
  - x) The applicant holds a valid operating license to import pesticides;
  - y) The information included in the license application is complete;
  - z) The importation of the pesticide in question is not already underway,
3. Authorization to import pesticides shall be refused whenever:
- a) The pesticide in question is in the process of having its registration canceled;
  - b) There are sufficient or excessive quantities of the pesticide in the country;
  - c) Other duly justified reasons.
4. Additional requirements for the importation of pesticides may be established by decree-law, namely quantity restrictions, and importers shall be notified of such measures.

**Article 18**  
**Export license**

The export of pesticides manufactured or formulated in Timor-Leste is subject to obtaining an operating license and export authorization, which must also comply with the import requirements of the country of destination.

**Section III**

**Article 19**  
**Manufacturing and formulation license**

- 1. The manufacture, formulation, or repackaging of pesticides, except as provided for in Article 14(4), is subject to the holding of an operating license.
- 2. Facilities licensed to manufacture or formulate pesticides may only operate in relation to the pesticides specified in the respective license.
- 3. The Government shall promote training and provide technical support to farmers or groups of farmers on the safe formulation of botanical and microbial pesticides.

**Article 20**  
**Fees**

- 1. Fees shall be payable for the services provided under this law, to be set by decree-law.
- 2. The decree referred to in the previous paragraph specifies the services provided and the respective fees and the system for collecting and distributing the proceeds thereof, where applicable.
- 3. The amount of the fees is set in accordance with the principle of proportionality and shall not exceed the cost of the public activity resulting from the issuance of the license, registration, or the benefit received by the individual.

**Chapter IV**  
**Life cycle of pesticides**

**Article 21**  
**Handling and use**

1. Each pesticide shall be used exclusively in accordance with the recommendations issued by the manufacturer, as set out in the pesticide registration or operating license.
2. The employer shall provide the technician who formulates or applies pesticides with:
  - a) Adequate training to enable them to acquire the necessary skills for handling the pesticide, including clear information on potential risks;
  - b) Appropriate personal protective equipment, which must be worn, and access to facilities for personal hygiene;
  - c) Periodic medical examinations;
  - d) Access to medical assistance in the event of adverse health effects resulting from exposure to the pesticide.
3. In addition to the provisions of the previous paragraph, whenever a technician handles pesticides, their employer must provide them with:
  - a) Adequate training to enable them to acquire the necessary skills for handling the pesticide;
  - b) Facilities suitable for handling pesticides;
  - c) Appropriate personal protective equipment, which must be worn, and access to facilities for personal hygiene.

**Article 22**  
**Distribution and sale**

Only distribution companies and sales establishments that hold the respective license may engage in the distribution or sale of pesticides, provided that they demonstrate that they have:

- a) Appropriate facilities for the safe handling and storage of pesticide products;
- b) A responsible technician with the necessary skills;
- c) At least one sales operator qualified for this purpose.

**Article 23**  
**Packaging**

1. It is prohibited to package, repackage, store, sell, or distribute any pesticide except in packaging that:
  - a) Is safe for storage, handling, or use and is suitable for preventing damage to human and animal health and the environment;
  - b) Displays a legible label, approved by the competent registration authority, in accordance with the law, which cannot be easily removed;
  - c) Complies with the standards defined by law.
2. Where a pesticide is kept in more than one container, the requirements of paragraph b) of the previous article:
  - a) Do not apply to the container in contact with the pesticide, when the pesticide cannot be sold exclusively in that container;

- b) Apply to the container representing the smallest unit of the pesticide that can be sold separately;
  - c) Apply to the container containing more than one unit for sale, when no bill of lading is attached and whenever a diligent person can assume that the container can be seen by consumers.
3. The sale of any pesticide in packaging other than that approved is prohibited.

**Article 24**  
**Storage**

1. It is prohibited to store pesticides in the same facilities used to store food products, medicines or other medical consumables, or animal feed.
2. Any facility storing pesticides in quantities greater than those specified must:
  - a) Be located at least 200 meters from hospitals and other healthcare facilities, school grounds, food factories or warehouses, stores, densely populated urban areas, protected areas, bodies of water, or the coastline;
  - b) Be located at ground level, considered to be the first floor;
  - c) Be easily accessible to allow for safe loading and unloading and emergency response in the event of an accident;
  - d) Be protected by a security fence, with clear signage indicating the presence of hazardous materials, prohibiting entry by all unauthorized persons;
  - e) Have secure locking mechanisms to prevent access, particularly by children;
  - f) Be constructed of resistant, non-combustible materials and, where appropriate, have natural or forced ventilation systems;
  - g) Have adequate means to contain accidental spills, preferably retention basins;
  - h) Have at least one functional fire extinguisher;
  - i) Have information with safety advice and procedures in case of emergency, as well as emergency contacts.
3. Pesticides, obsolete pesticides, used containers, and contaminated materials shall be stored in accordance with the requirements set out in the applicable legislation and regulations, taking into account the characteristics and risks presented by the pesticide in question.

**Article 25**  
**Transportation**

1. It is prohibited to transport pesticides, pesticide containers, or material contaminated with pesticides in the same vehicle in which food products, medicines or other medical consumables, animal feed, or animals are transported, with the exceptions provided for in a decree-law.
2. The transport of pesticides in quantities exceeding the maximum permitted by applicable legislation is prohibited in any public or private vehicle without a valid operating license, duly issued.

**Article 26**  
**Advertising**

Advertising of pesticides is prohibited:

- a) That are not included in the List of Permitted Pesticides;

- b) For purposes other than those approved;
- c) That promote safety aspects not proven by scientific evidence or not accompanied by the term “when used according to instructions”;
- d) As offers or other incentives that encourage purchase;
- e) Containing false or misleading information, or information intended to deceive, about any material aspect of the pesticide;
- f) That establishes comparisons regarding the efficacy, risk, danger, or safety of different pesticides or pesticide products;
- g) That visually represents potentially dangerous practices;
- h) That is contrary to the conditions of registration of the pesticide.

#### **Article 27**

##### **Adulterated, counterfeit, or substandard pesticides**

1. It is prohibited to adulterate or counterfeit pesticides, as well as to sell adulterated, counterfeit, or substandard pesticides, or those suspected of being adulterated, counterfeit, or substandard.
2. Anyone who suspects that an adulterated, counterfeit, or substandard pesticide is on sale must immediately notify the competent authorities.

#### **Article 28**

##### **Disposal of pesticides and their residues**

1. The disposal of pesticides, pesticide residues, including their containers, obsolete pesticides, or pesticide remains that may cause harm to human or animal health or the environment is prohibited, except in full compliance with the applicable legal provisions.
2. The requirements applicable to the disposal of pesticides are established by decree-law, including the circumstances in which the cost associated with disposal is the sole responsibility of the owner of the residues, the State, or shared between both.

#### **Article 29**

##### **Prohibition on the use of pesticides for fishing**

The use of pesticides for fishing is prohibited, adding any quantity or concentration of the product to tanks, lakes, streams, rivers, estuaries, or other bodies of water.

### **Chapter V**

#### **Inspections, infringements, and penalties**

##### **Section I**

##### **Inspections**

##### **Article 30**

##### **Inspection**

1. Without prejudice to the powers conferred by law on other police and supervisory authorities, pesticide inspectors shall be responsible for supervising compliance with the provisions of this law.
2. The Government shall define, by decree-law, the rules for the supervision of activities relating to pesticides covering their entire life cycle and shall establish the necessary powers of inspectors, namely specific training on pesticides, including sampling, as well as the tasks to be performed

during inspections.

**Article 31**  
**Competences of inspectors**

1. Pesticide inspectors shall, upon presentation of their official identification:
  - a) Carry out inspections at all establishments that import, manufacture, package, repackage, label, store, sell, distribute, use commercially, dispose of, or advertise pesticides, in order to monitor compliance with the applicable legal provisions;
  - b) Request the presentation, for inspection, of certificates, licenses, registrations, or other documents provided for in this law and complementary legislation;
  - c) Collect samples of substances related to this law and submit them for analysis;
  - d) Seize equipment, pesticides, documents, records, or other goods that violate this law;
  - e) Request the support of other authorities in the exercise of their functions.
2. Pesticide inspectors shall report all violations of this law to the competent body of the government department to which they report and to the government department responsible for implementing this law, or to the Public Prosecutor's Office, depending on whether they are administrative or criminal in nature.
3. The government department responsible for implementing this law shall designate one or more official laboratories to analyze pesticide samples and shall establish facilities for collecting samples at the points of entry for imported pesticide shipments.
4. Only civil servants on the staff of the government department referred to in paragraph 2 shall perform the duties of pesticide inspector.
5. When on duty, pesticide inspectors shall be entitled to wear appropriate identification.

**Section II**  
**Administrative Offenses**

**Article 32**  
**Administrative Offenses**

1. Without prejudice to any criminal or disciplinary liability that may apply, anyone who commits any of the following acts shall be guilty of an offense under this law:
  - a) Without prior written authorization, discloses to third parties information obtained in the exercise of their duties regarding the content of an application or other document or regarding the business or activities of a third party;
  - b) Fails to keep the records required by law;
  - c) Advertises pesticides in violation of legal provisions;
  - d) Fails to adopt the protective measures provided for in this law in relation to their technicians;
  - e) Provides false information, alters, defaces, or destroys any application, certificate, record, or other relevant document;
  - f) Imports or exports a pesticide without a valid import or export certificate;
  - g) Introducing or attempting to introduce a pesticide into Timor-Leste through a post or location other than the official point of entry;
2. The offenses provided for in subparagraphs a) to c) are punishable by a fine of USD 250 to USD

- 5,000 in the case of a natural person and USD 500 to USD 22,500 in the case of a legal person.
3. The offenses set forth in subparagraphs d) to g) shall be punishable by a fine of USD 500 to USD 10,000 in the case of a natural person and USD 1,500 to USD 45,000 in the case of a legal person.
  4. Negligence is punishable, with the minimum and maximum limits of the fines reduced by half.
  5. Attempted offenses shall be punishable by the fine applicable to the completed offense, which shall be particularly mitigated.
  6. Proceedings for the offenses provided for in the preceding paragraphs shall be time-barred three years after the offense was committed, without prejudice to the causes for interruption and suspension provided for by law.
  7. The competent authority to initiate proceedings for administrative offenses and apply the respective penalties is the government department responsible for implementing this law.

**Article 33**  
**Additional penalties**

Depending on the seriousness of the administrative offense and the guilt of the offender, the following additional penalties may be applied simultaneously with the fines provided for in the previous article:

- a) Loss of objects belonging to the offender;
- b) Prohibition from exercising a profession or activity related to the offense committed and whose exercise depends on authorization from a public authority;
- c) Closure of an establishment whose operation is subject to authorization from an administrative authority;
- d) Suspension of authorizations.

**Section III**  
**Crimes and penalties**

**Article 34**  
**Crimes and penalties**

1. Anyone who:
  - a) Import, export, manufacture, package, repack, label, sell, store, distribute, possess, or use an unregistered pesticide, with the exceptions provided for in this law;
  - b) Disposing of pesticides or pesticide residues, including pesticide containers, in a manner that may endanger human or animal health or the environment, or in violation of legal regulations;
  - c) Adulterating pesticides;
  - d) Importing, selling, distributing, storing, or applying, for profit, pesticides that they know, or should know, may be adulterated, counterfeit, or of inferior quality.shall be punished with imprisonment for three to eight years.
2. If the agent's conduct results in death, the penalties provided for in the previous paragraph shall be increased by one third of their minimum and maximum limits.
3. The following shall be punished with imprisonment of up to three years or a fine:
  - a) Obstructing the work of a pesticide inspector in the exercise of their duties;
  - b) Introduces or attempts to introduce a pesticide into Timor-Leste through a post or location

other than the official point of entry;

- c) Uses or requires others to use a pesticide in a manner not recommended by the manufacturer or contrary to the conditions of use imposed in the context of the registration or license concession.
- d) Importing, exporting, manufacturing, packaging, repackaging, labeling, selling, storing, or distributing a pesticide without the appropriate operating license issued under Article 14, or in violation of its terms;
- e) Carrying out pesticide application activities without an operating license for pest control issued under the terms of this law, or in violation of the terms of the license held.

## **Chapter VI Final provisions**

### **Article 35 Confidential information**

1. Information submitted in the registration process that should be considered confidential, including trade secrets, and the rules for its treatment, are defined by applicable law.
2. Except when determined by law or court order, employees who have knowledge of confidential information related to this law, during the performance of their duties, may not disclose it to third parties.
3. Upon written request by any interested party, the competent registration service shall make public the information contained in the registration application that is not confidential, in accordance with the law.
4. Violation of the provisions of this article shall be punished in accordance with the Penal Code.

### **Article 36 Segregation of duties**

Considering the principle of segregation of duties necessary for the implementation of this law, the following must be ensured:

- a) A public entity responsible for the pesticide registration database and for pesticide registration;
- b) A public entity responsible for issuing the licenses provided for;
- c) A public entity responsible for monitoring compliance with this law,

### **Article 37 Technical references**

In all matters not provided for in this law or in national legislation, the technical terms and lists of prohibited pesticides contained in the following conventions shall be used:

- a) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- b) Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC);
- c) Stockholm Convention on Persistent Organic Pollutants (POP);
- d) Globally Harmonized System of Classification and Labelling of Chemicals.

**Article 38**  
**Regulation**

The Government shall regulate this law within 120 days of its publication.

**Article 39**  
**Entry into force**

This law shall enter into force 120 days after its publication.

Approved by the Council of Ministers on May 22, 2025,

The Prime Minister,  
Kay Rala Xanana Gusmão

The Coordinating Minister for Economic Affairs  
Francisco Kalbuadi Lay

The Minister of Agriculture, Livestock, Fisheries, and Forestry,  
Marcos da Cruz

The Minister of Trade and Industry,  
Filipus Nino Pereira