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ጋዜጣ ኣዋጃት ኤርትራ
ብመንግስቲ ኤርትራ ዝሕተም

ቅጺ 14/2005 ቁ·7 ኣስመራ፡ 25 ጥቅምቲ 2005 ዋጋ 10:00 ናቕፋ

ኣዋጅ ቁጽሪ 148/2005
በዓል መዚ ወደብ ምጽዋዕን በዓል መዚ ወደብ ዓሰብን ንምቛም
ዝወጸ ኣዋጅ

ኣዋጅ ቁጽሪ 149/2005
ኤጀንሲ ቀረብ ጉልበት ዕዮ ወደብ ንምቛም ዝወጸ
ኣዋጅ

ኣዋጅ ቁጽሪ 150/2005
ማሪታይም ኮርፖረሽን ኣገልግሎት መራኽብ (ማስኮ) ንምቛም ዝወጸ
ኣዋጅ

ኣዋጅ ቁጽሪ 151/2005
ፍናን ኮርፖረሽን ኣገልግሎት መራኽብን ወደብን (ፊዛፕስ) ንምቛም
ዝወጸ ኣዋጅ

መኣረምታ ቁጽሪ 8/2005

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PROCLAMATION NO. 148/2005
A Proclamation to Establish the Massawa Port Authority and Assab Port Authority

PROCLAMATION NO. 149/2005
A Proclamation to Establish Dock Labour Supply Agency

PROCLAMATION NO. 150/2005
A Proclamation to Establish Maritime Shipping Services Corporation (MASSCO)

PROCLAMATION NO. 151/2005
A Proclamation to Establish Finan Ships and Port Services Corporation (FISAPS)

CORRIGENDUM NO. 8/2005

አዋጅ ቁጽሪ 148/2005
በዓል መዚ ወደብ ምጽዋዕን በዓል መዚ ወደብ ዓሰብን ንምቛም ዝወጸ አዋጅ

ኤርትራ ንባሕራዊ ንግዲ ምቑእ ዝኾነ ነዊሕ ገማግም ባሕሪ ወናኒት ከም ምዃና መጠን ተጠቃሚት ናይዚ ስትራተጂያዊ ጸጋ መታን ክትከውን ብደረጃ ዞባ ቀይሕ ባሕሪ ተወዳዳሪ ደረጃ ዘለዎ ኢንዱስትሪ ወደብ ክትውንን አድላዪ ስለዝኾነ፣

መንግስቲ ኤርትራ ነዚ ክውን ንምግባር አቃውማን አወዳድባን ወደባት ክመሓየሽ ከምዘለዎ ስለዝአመነ፣

ብአታዊታተን ዝመሓደራን አብ ክሊ ስልጣነን ምሉእ ሓላፍነት ተሰኪመን ዝነጥፋን በዓል መዚታት ምቛም ዝሓሸ አማራጺ ኮይኑ ስለዝተረኸበ፣

እዚ ዝስዕብ ተአዊጁ አሎ፡-

ክፍሊ-ሓደ
ሓፈሻዊ ድንጋገታት

ዓንቀጽ 1· ሓጺር አርእስቲ

እዚ አዋጅ'ዚ "መቛሚ አዋጅ በዓል መዚ ወደብ ምጽዋዕን በዓል መዚ ወደብ ዓሰብን ቁጽሪ 148/2005" ተባሂሉ ክጥቀስ ይከአል።

ዓንቀጽ 2· ትርጉም

አተአታትዋአ ካልእ ትርጉም ዘውህበ እንተዘይኮይኑ፡ አብዚ አዋጅ'ዚ፤

"በዓል መዚ ወደብ" ማለት፡ ከከም ኩነታቱ፡ በዓል መዚ ወደብ ምጽዋዕ ወይ በዓል መዚ ወደብ ዓሰብ ማለት እዩ።

"ሚኒስተር ወይ ሚኒስትሪ" ማለት ሚኒስተር ወይ ሚኒስትሪ መጓዓዝያን መራኸቢታትን ማለት እዩ።

"ሰብ" ማለት ዝኾነ ባህርያዊ ወይ ሕጋዊ ሰብ ማለት እዩ።

"መርከብ" ማለት አብ ንግዳዊ ንጥፈት መጓዓዝያ ባሕሪ ዝተዋፈረት፡ ወይ ድማ አገልግሎት ወደባት ንምርካብ ናብ ወደብ ዝመጸት ተንሳፋፊት ናይ ሞተር፡ ሃፋ ወይ ናይ ሞተርን ሃፋን መርከብ ማለት እዩ። እዚ ትርጉም ግን አብ ክሊ በዓል

መዚ ወደብ ክነጥፉ ንዝተፈቐደለን ጀላቡ (ገፌፍቲ ዓሳ፣ ፓይለት ቦት፣ መዘናግዒ፡ ናይ ስፖርት፣ ጎ ተትቲ) ኣየጠቓልልን።

"መሳለጥያታት ወደብ" ማለት፣ ኩሎም ነቶም ኣብ ምጽዓንን ምርጋፍን መራኽብ፡ ምስግጋር ጽዕነት ኣብ ወደብ፣ ምጽዓንን ምርጋፍን ኣቕሑ ካብ/ናብ መካይን፣ ኣብ ምስግጋር ጽዕነት ዘገልግሉ ዕፍሪታት፣ ጐተትቲ መካይን፣ ጀላቡ፣ መልዓልቲ ኮንተይነራት፣ ፋሓርቲ መካይን ዘአመስሉ ተንቀሳቐስትን ዘይተንቀሳቐስትን መሳርሒታት፤ ከምኡ'ውን ንኹሉ ዘይንቀሳቐስ (ግኡዝ) ትሕተን ልዕለን-ቅርጽታት ከም ቦይ፣ መጸግዒ (መዓሸጊ)መራኽብ፡ማያዊ መተሓላለፊታት፣ መከላኸሊ ማያዊ ማዕበል፣ ኣባይቲ፣ መኻዝንን ኣብያተ ጽሕፈታትን፣ ጽርግያታት(መተሓላለፊ መገድታት)፣ መካበቢያታት፣ መብራህቲ፣ ኣዕኑድ መብራህቲ ዘአመስሉ ዘጠቓልል ማለት ኢዩ።

ክፍሊ ክልተ
ምቛም በዓል መዚ ወደብ

ዓንቀጽ 3· በዓል መዚ ወደብ ምጽዋዕ

(1) በዓል መዚ ወደብ ምጽዋዕ፣ ብሕጋጋት ኣብ ዝውሰን ክሊ ዶባት ህሉው ወደብ ምጽዋዕ ዝነጥፍ ሕጋዊ ሰብነት ዘለዎ ኣካል ኮይኑ በዚ ኣዋጅ'ዚ ቆይሙ ኣሎ።

(2) በዓል መዚ ወደብ ምጽዋዕ ብድንጋገታት ንኡስ ዓንቀጽ (1)ናይ'ዚ ዓንቀጽ'ዚ ከይተሓጽረ፣ ካብ ማእገር(Latitude) 14° 39' ሰ· ዝንግሪር (Longitude) 40° 58' ምብ· ንሰሜን ኣብ ዘሎ ናይ ንጥፈት ዞናኡ፣ ካብ መስመር ገማግም ባሕሪ ንድሕሪት ናብ ንቑጽ መሬትን፣ ካብ መስመር ገማግም ባሕሪ ንቅድሚት ናብ ውሽጢ ማያት ባሕሪን ከከም ኣድላይነቱ ምስ ዝምልከቶም ኣካላት መንግስቲ ብምስምማዕ ወደባት ክምስርት፣ ከማዕብልን ከስፍሕን ይኽእል።

(3) በዓል መዚ ወደብ ምጽዋዕ ተሓታትነቱ ንሚኒስተር ይኸውን።

ዓንቀጽ 4· <u>በዓል መዚ ወደብ ዓሰብ</u>

(1) በዓል መዚ ወደብ ዓሰብ፡ ብሕጋጋት ኣብ ዝውሰን ክሊ ዶባት ህሉው ወደብ ዓሰብ ዝነጥፍ ሕጋዊ ሰብነት ዘለዎ ኣካል ኮይኑ በዚ ኣዋጅ'ዚ ቆይሙ ኣሎ።

(2) በዓል መዚ ወደብ ዓሰብ ብድንጋገታት ንኡስ ዓንቀጽ (1) ናይ'ዚ ዓንቀጽ'ዚ ከይተሓጽረ፡ ካብ ማእገር(Latitude) 14^0 39' ሰ· ዝንግሪር (Longitude) 40^0 58' ምብ· ንደቡብ ኣብ ዘሎ ናይ ንጥፈት ዞናኡ፡ ካብ መስመር ገማግም ባሕሪ ንድሕሪት ናብ ንቑጽ መሬትን፡ ካብ መስመር ገማግም ባሕሪ ንቅድሚት ናብ ውሽጢ ማያት ባሕርን ከከም ኣድላይነቱ ምስ ዝምልከቶም ኣካላት መንግስቲ ብምስምማዕ ወደባት ክምስርት፡ ከማዕብልን ከስፍሕን ይኽእል።

(3) በዓል መዚ ወደብ ዓሰብ ተሓታትነቱ ንሚኒስተር ይኸውን።

ዓንቀጽ 5· <u>ምፍታሕ ዘይምስምማዕ</u>

ኣብ ዓንቀጽ 3 ንኡስ ዓንቀጽ (2) ከምኡ'ውን ዓንቀጽ 4 ንኡስ ዓንቀጽ (2) ናይ'ዚ ኣዋጅ'ዚ ዝተጠቕሱ ንምምስራት፡ ምምዕባልን ምስፋሕን ወደባት ኣብ ዝምልከቱ ጉዳያት ዘይምስምማዕ ምስዝህሉ ብፕረሲደንት ሃገረ ኤርትራ ይውሰን።

ዓንቀጽ 6· <u>ዋና ቤት ጽሕፈት</u>

ዋና ቤት ጽሕፈት በዓል መዚ ወደብ ምጽዋዕ ኣብ ከተማ ምጽዋዕ፡ ዋና ቤት ጽሕፈት በዓል መዚ ወደብ ዓሰብ ድማ ኣብ ከተማ ዓሰብ ይኸውን። ኣድላዪ ኮይኑ እንተረኺብዎ ድማ በዓል መዚ ወደብ ጨናፍር ኣብያተ ጽሕፈት ኣብ ካልእ ቦታታት ኤርትራ ክኸፍት ይኽእል።

ዓንቀጽ 7· ዕላማታት በዓል መዚ ወደብ

ዕላማታት በዓል መዚ ወደብ እዞም ዝስዕቡ እዮም፡-

(1) ንዕብየት ማክሮ ኢኮኖሚ ዝሕግዝ ተወዳዳሪ ዞባዊ ወደባት ምምስራትን ብቀጻሊ ምድንፋዖምን፤

(2) ኣብ ወደባት ዝወሃብ ኣገልግሎታት ስሉጥ፡ ኣድማዒን ብዓለምለኻዊ መዐቀኒ ደረጃኡ ዝሓለወን ከምዝኸውን ምግባር፤

(3) ኣብ ኢንዱስትሪ ወደብ ንዝተዋፈረ ሰብኣዊ ዓቕሚ ምምዕባል፤ ከምኡ'ውን

(4) ምስ ሃገራዊን ኣህጉራዊን ሕግታትን ስምምዓትን ዘሳኒ ንጽጥታ፡ ድሕነት ከምኡ'ውን ንዕቃበ ባህርያዊ ኣከባቢ ዝምልከት ንጥፈታት ምክያድን ምክትታልን፡፡

ክፍሊ- ሰለስተ
ስልጣንን ዕማማትን
በዓል መዚ ወደብን ዋና ኣካያዲ ስራሑን

ዓንቀጽ 8· ስልጣንን ዕማማትን በዓል መዚ ወደብ

በዓል መዚ ወደብ እዞም ዝስዕቡ ስልጣንን ዕማማትን ይህልዎ፡-

(1) ኣብ ክሊ ምምሕዳሩ ዝርከብ ኣብ ምዕባለ ወደባትን መጓዓዝያ ባሕርን ዝውዕል ናይ ሃገር መሳለጥያታት ኣብ ክንዲ መንግ ስቲ ኮይኑ ብምውናን ንሃገርን ተጠቀምትን ብዘርብሕ መንገዲ ኣብ መዓላ ከምዝውዕል ብምግባር፡
(ሀ) ነዞም መሳለጥያታት ወደብ ክጽግን ክከናኸንን ካብ ሓደጋ ክከላኸልን፡ ከከም ኩነታቱ ድማ ከስፍሕን ከማዕብልን፡
(ለ) ካብ ኩሉ ኣገልግሎት ናይ'ዞም መሳለጥያታት ወደብ ንዝርከብ ኣታዊታት ክእከብን ኣብ መዓላ ከውዕልን፡ ከምኡ'ውን
(ሐ) ካብዞም መሳለጥያታት ወደብ ዝርከብ ኣታዊታት ብመልክዕ ናይ ኣገልግሎት ሰሌዳ ታሪፍ መታን ክእከብ፡ ታሪፍ ክእምምን ንምጽዳቕ ናብ ሚኒስተር ከቕርብን፤

(2) ነዚ ኣዋጅ'ዚ ብኣድማዒ ንምትግባር ዘኽእል ሕጋጋት ንምውጻእ ናብ ሚኒስተር እማመ ከቕርብ፤

(3) ምስ መንፈስ ናይዚ ኣዋጅ'ዚ ብዝሳነ መንገዲ፡ ምምሕዳራዊ ምልክታታት (Administrative Notices) ከውጽእ፡፡

(4) ንሃገራዊ ውጥን ዕብየት ወደባትን ጉዕዞ ባሕርን መሰረት ብምግባር ናይ ክሊ ምምሕዳሩ ውጥን ዕብየት ወደባትን መንዓዝያ ባሕሪን ኣዳሉ፡ ንምጽዳቕ ናብ ሚኒስተር ክቐርብ፡ ክምኡ ድማ ብሚኒስተር ንዝጸደቐ ውጥን ዕብየት ክትግብር ወይ ኣተገባብርኡ ክከታተል፤

(5) ነቲ ብደረጃ ሃገርን ብሚኒስትሪን ብብእዋኑ ዝወጽእን ዝምራሕን ሃገራዊ ውጥን ምዕባለ ወደባትን ተዛመድቲ ሴክተራትን መሰረት ዝኸውንን ዝጸሉን መጽናዕቲታትን ውጥናትን ከበግስን ኣጸልዩ ናብ ሚኒስተር ክቐርብን፤

(6) ኣብ ወደብ ዝካየዱ ምስ ጉዕዞ ባሕሪ ዝተኣሳሰሩ ንጥፈታት (ኣገልግሎታት) ብምሉኦም ንዓለምለኻውን ሃገራውን ንግዲ ብዝድግፍ ደረጃ ጽፈፋትን ስሉጣትን ክምዝኾኑ ክከታተልን ከወሃህድን፤

(7) ነዞም ዝስዕቡ ኦፕረሽናዊ ኣገልግሎታት ኣብ ውሽጢ ወደብ ክህብ፦

(ሀ) ምእታውን ምውጻእን፡ ምዕሻግን ምንቅስቓስን(shifting) ከምኡ'ውን ምእሳርን ምልቃቕን(mooring and unmooring) መራኸብ፤

(ለ) ምምዛን፡ ምዕቃን፡ ምኽዛን ኣቕሑን፡ ናይ ኮንተይነር ምንቅስቓስን ምኽዛንን፤

(ሐ) መጥፋእቲ ሓዊ፤

(መ) ዕዮታት ምጉታትን ምድሓንን መራኸብ (towage and salvage)፤

(8) ኣብ ውሽጢ ወደብ ንዝካየዱ ስራሓት ብመንግስታውያንን ብሕታውያንን ትካላት ዝስርሑሉ መምዘኒታት ብምድላው ብቐሊሉ ንምቁጽጻርን ንምውህሃድን ዘኽእል ናይ ስራሕ ፍቓድ ክህብ፤

(9) ነዘን መንግስታውያን ይኹና ብሕታውያን ትካላት ንዝተፈቐደለን ኣገልግሎታት ኣብ ምሃብ ዘድሊ መሳለጥያታት ክቐርብ፡ ከምኡ'ውን ብመልክዕ ክራይ ወይ ኣብ መንጎ በዓል መዚ ወደብን እተን ትካላትን ብዝእቶ ካልእ ውዕላት እዘን መሳለጥያታት ኣብ ስራሕ ከምዝውዕላ ክገብር፤

(10) ኣብ ውሽጢ ወደብ ንዘነጥፉ ትካላት ብመልክዕ ክራይ ወይ ብኻልእ ውዕላት ዝወሃብ መሳለጥያታት ከመሓድር፡ መዓላውነቱ ክቆጻጸር፡ ጸብጻባት ኣጠቓቕማኡ ከእክብን ናብ ሚኒስተር ከቕርብን፤

(11) ኣብ ክሊ ምምሕዳሩ ንዘርከብ መሬት ምስ ሚኒስትሪ መሬት ማይን ኣከባብን ወይ ካልእ ዝምልከቶ ኣካል መንግስቲ ብምትሕብባር ከማዕብል፤

(12) ናይ ፓይሎት ኣገልግሎትን ስነምግባር ፓይሎትን ኣብ ወደባት ክቆጻጸርን ክከታተልን፤

(13) ንኹለን ኣብ ስራሓት ወደብን ጉዕዞ ባሕርን ዝነጥፋ መንግስታውያንን ብሕታውያንን ትካላት ናይ ዝህብኦ ኣገልግሎት ደረጃ ክብ ንምባል ዝሕግዝ ንምምዕባል ዓቕሚ ሰብ ዘድሊ መደባት ከውጽእን ስልጠናታት ክህብ ወይ ከምዝወሃብ ክገብር፤

(14) ብመሰረት ሃገራውያን ሕግታትን ኣህጉራውያን ውዕላትን ሓደገኛታት ተባሂሎም ናይ ዝፍለጡ ዓይነት ኣቑሑት ምርጋፍን ምጽዓንን፡ ምዕቃብን ምኽዛንን ክቆጻጸር፤

(15) ናይ ወደብ ትራፊክ ክቆጻጸር፤

(16) ንኣጠቓቕማ ሓዊ፡ መብራህትን ምልክታትን ኣብ ወደብ ከምኡ'ውን ኣብ ስራሓት ወደብ ልዑል ድሕነት ንምርግጋጽ ክውሰድ ዝግበኦ ስጉምትታት ክቆጻጸር፤

(17) ንድሕነት፡ ብከላ ባሕሪን ካልእ ኣከባቢን፡ ዕቃበ ሃገራዊ ሃብትን ኣብ ክሊ ወደብ ብዝምልከት ንኹለን ኣብ ውሽጢ ወደብ ዝነጥፋ ትካላት ክቆጻጸርን ክመርሕን፤

(18) ኣብ ክሊ ወደብ ኣብ እዋን ሓደጋ ህጹጽ ግብረ መልሲ ንምሃብ ዝኽእል ውጥን ምስ ዝምልከቶም ኣካላት መንግስትን ትካላትን ብምትሕብባር ከዳሉ፡ ንትግባረኡ መሳርሒታት ከምዝቐረቡን ኣብ ዝኾነ እዋን ንስራሕ ድልዋት ከምዝኾኑን ከረጋግጽን ክቆጻጸርን፤

(19) ኣብ መንጐ ኩለን እተን ኣብ ክሊ እቲ በዓል መዚ ወደብ ምስ ጉዕዞ ባሕርን ስራሓት ወደብን ዝተኣሳሰር ንጥፈታት ዘለወን ናይ ኣገልግሎት ትካላት ቅኑዕ ውድድር ክህሉ ዘኽእል ባይታ ክፈጥር፤

(20) ኣብ መንጐ እተን ኣብ ውሽጢ ወደብ ኣገልግሎታት ዝህባ ትካላትን በዓል መዚ ወደብን ክህሉ ዝግብኦ ዕለታዊ ናይ ስራሕ ርክባት ዝገዝእ ቅጥዕታት ዕዮ ከዳሉን ኣብ መዓላ ከውዕልን፤ ከምኡ'ውን

(21) ኣብ መንጎ በዓል መዚ ወደብን ኣብ ወደብ ዝነጥፉ ትካላት ኣገልግሎታትን ከም መዛተዪ መድረኽ ኮይኑ ንዝህሉ ጸገማት ኣብ ምፍታሕ፡ ውህደት ኣብ ምዕባይን ሓደስቲ ሓሳባት ኣብ ምስግጋርን ዝሕግዝ ሓሳብ (Recommendations) ወይ ምኽሪ ናብ በዓል መዚ ወደብ ዘቕርብ፡ ንኹለን ኣብ ንጥፈታት ኣገልግሎት ወደብ ዝተዋፈራ ትካላት ዝውክል ቤት ምኽሪ ወደብ (Port Council) ክምስርትን ብኣቦ መንበርነት ክመርሕን፡፡

ዓንቀጽ 9· ምምዛዝ ዋና ኣካያዲ ስራሕ በዓል መዚ ወደብ

ዋና ኣካያዲ ስራሕ በዓል መዚ ወደብ (ካብዚ ንደሓር "ዋና ኣካያዲ ስራሕ") ብመንግስቲ ኤርትራ ይምዘዝ፡፡

ዓንቀጽ 10· ስልጣንን ሓላፍነታትን ዋና ኣካያዲ ስራሕ

(1) ዋና ኣካይዲ ስራሕ ኣብ ዓንቀጽ 8 ናይ'ዚ ኣዋጅ'ዚ ንእተገልጹ ዕማማት ናይ ምፍጻም ስልጣን ኣለዎ፡፡

(2) ዋና ኣካያዲ ስራሕ ዋና ፈጻሚ ስራሕ በዓል መዚ ወደብ ኮይኑ፡ ብመሰረት ሓፈሻዊ መምርሒታት ሚኒስተር፡ ንኹሉ ንጥፈታትን ስራሓትን በዓል መዚ ወደብ ክውጥን፡ ክውድብ፡ ከካይድ፡ ክመርሕን ክቆጻጸርን ሓላፍነት ኣለዎ፡፡

(3) ኣብ ንኡሳን ዓንቕጽ (1)ን (2)ን ናይ'ዚ ዓንቀጽ'ዚ ብሓፈሻ ብዝተጠቕሰ ከይተወሰነ፡ ዋና ኣካያዲ ስራሕ እዞም ዝስዕቡ ዕማማት ይፍጽም :-

(ሀ) ናይ ሓጺር፡ ማእከላይን ነዊሕን ግዜ ዕላማታት በዓል መዚ ወደብ የውጽእ ብሚኒስተር ድሕሪ ምጽዳቑ ድማ የተግብር፤

(ለ) ንዝወጹ ዕላማታት በዓል መዚ ወደብ ንምፍጻም ዘኽእሉ ውጥናት፡ ፖሊሲታትን ስርዓታትን ከምኡ ድማ ኣገባባትን መለክዒታትን ይሕንጽጽ፤

(ሐ) ብናቱ ተበግሶ ወይ ብመምርሒ ሚኒስተር ምርምር፡ መጽናዕትታት፡ መርመራታት ከምኡ'ውን ካልኦት ንጥፈታትን ፕሮጀክትታትን ይውጥን፡ የካይድ ከምኡ ድማ ኣጠቓላሊ ጸብጻባትን ርእይቶታትን ንሓበሬታን ንትግባረን ናብ ሚኒስተር የቕርብ ፤

(መ) ብሚኒስተር ንዝወጹ ውጥናት፡ መደባት፡ ባጀት ከምኡውን ዝተዋህቡ ውሳኔታት የተግብር ፤

(ረ) መደባት ስራሕን ዓመታዊ ባጀትን ኣዳልዩ ንምጽዳቑ ናብ ሚኒስተር የቕርብ፡ ድሕሪ ምጽዳቑ ድማ የተግብር፤

(ሰ) ብመሰረት ዝጸደቐ ዓመታዊ ባጀትን መደብ ስራሕን ዘድሊ ገንዘብ የውጽእ ፤

(ሸ) ብመሰረት ሕጋጋትን መምርሒታትን በዓል መዚ ወደብ ስራሕተኛታት ይቖጽርን የሰናብትን፡ የማሓድር፡ ደረጃ የዕቢ፡ ይቕይር (transfer) ከምኡ'ውን ደሞዝን አበልን ይውስን፤

(ቀ) ዓቕሚ ሰብ በዓል መዚ ወደብ ንምምዕባል ውጥናት የውጽእን የተግብርን፤

(በ) ንብረትን ገንዘብን(assets) በዓል መዚ ወደብ ኣብ መዓላ ምውዓሉ፡ ብዘይ ምብኻን ከምዝተሰርሓሉን ብጥንቃቐ ይትሓዝ ምህላውን ይቆጻጸር፣ ፋይናንሲያዊ ፖሊሲታት የውጽእን ኣብ ዝግበር ወጻኢታት ምቁጽጻር ይገብርን፤

(ተ) ንንጥፈታት በዓል መዚ ወደብ ዝምልከቱ ሰነዳትን ቅብሊታትን ክፍርምን ግዴታታት ክፍጽምን፤

(ቸ) ምስ ስልጣንን ዕማማትን በዓል መዚ ወደብ ብፍላይ ዝዛመዱ ንወደባትን መጓዓዝያ ባሕርን ዝምልከቱ ሃገረ ኤርትራ ዝፈረመትሎም ኣህጉራዊን ዞባዊን ውዕላት፡ ሕጋጋትን ስምምዓትን ምስ ሚኒስትሪ ብምትሕብባር ይከታተልን የተግብርን ፤

(ነ) ኣብ ክሊ ስልጣን በዓል መዚ ወደብ ንምምዕባል ወደባት ዘገልግሉ ስትራተጂያዊ ውጥናት ኣዳልዩ ንምጽዳቕ ናብ ሚኒስተር የቕርብ፡ ከምኡ ድማ ድሕሪ ምጽዳቕ የተግብር፤

(ኘ) ኣከባቢ ወደብ ካብ ዝኾነ ዓይነት ብከላ ንምክልኻል ዘኽእል ፖሊሲን መተግበሪ ኣገባባትን የውጽእን የተግብርን፤

(አ) ንንጥፈታት በዓል መዚ ወደብን ኣብኡ ዝተገብሩ ምዕባለታትን ከምኡ'ውን ንፋይናንስ ብዝምልከት ርብዒ ዓመታዊን ካልኦት ጸብጻባትን ኣዳልዩ ናብ ሚኒስተር የቕርብ ፤

(ከ) ኣብ ቅድሚ ኣብያተ ፍርዲ፡ ክፍልታት መንግስቲ፡ ምምሕዳራዊ ስልጣናት፡ ናይ ውሽጥን ወጻእን-ሃገር ንግዳውያን ትካላት፡ ወኪላትን ፊናንስያዊ ትካላትን ዝኾነ ካልእ ሳልሳይ ኣካልን ንረብሓን ንጥፈታትን በዓል መዚ ወደብ ይውክል፤

(ኸ) ብስም በዓል መዚ ወደብ ናይ ባንክ ሕሳባት ይኸፍትን የካይዶምን፣ ቸካት፡ ናይ ባንኪ መለቀሒ ሰነዳት(drafts)፡መአዘዚታት ክፍሊት፡ መሐወሊታት፡ መወከሲታት ከምኡ'ውን ምስ ንጥፈታት በዓል መዚ ወደብ ዝዛመዱ ፊናንስያዊ ሰነዳት የውጽእ፡ የመሓላልፍን (Indorse) ይፍርምን ፤

(ወ) አቐዲ ሙ ናይ ሚኒስተር ፍቓድ ምስ ዝረከብ፡ አብ ክንዲ በዓል መዚ ወደብ ኮይኑ ንረብሓ በዓል መዚ ወደብ ክብል ካብ ባንክ ወይ ካልኦት ፋይናንሳዊ ትካላት ብትሕጃ ወይ ብዘይትሕጃ (With or without securities) ይልቃሕ ወይ ህያባትን ደገፋትን ይቕበል፣ ልዕሊ ቅሙጥ ዝፍቀድ ገንዘብ ካብ ባንክ የውጽእ (over draft) ወይ ካልእ ናይ ልቓሕ አገልግሎታት ይሓትትን ይረክብን ከምኡውን ምስዚ ዝዛመዱ ውዕላትን ካልኦት ሰነዳትን አብ ክንዲ በዓል መዚ ወደብ ኮይኑ የተግብር ፤

(ዐ) አብ ውሽጢ ወደብ ንዝሰርሕ ስርሓት ናይ ስራሕ ወረቐት ፍቓድ ይህብ ፤

(ዘ) ንጥፈታት በዓል መዚ ወደብ ውጽኢታውን ስሉጥን ንምግባሩ ዘኸእል ምስ መንፈስ ናይ'ዚ አዋጅ'ዚ ዝሳነ ምምሕዳራዊ ምልክታታት የውጽእ፤

(ዠ) ውጽኢት መርመራ መዛግብቲ ሕሳብን ኩሎም ካልኦት ገንዘብ ጠቀስ ጉዳያትን ምስ ቅዳሕ ጸብጻብ መርመራ ናብ ሚኒስተር የቕርብ ፤

(ጠ) ንስሉጥን ቅልጡፍን ምሕደራ በዓል መዚ ወደብ አገዳሲ ኮይኑ ምስዝረኸቦ ስልጣኑን ሓላፍነታቱን ብኸፊል ንሰራሕተኛታት በዓል መዚ ወደብ ይውክል፣ ከምኡ'ውን

(ጨ) ብሚኒስተር ዝወሃብዎ ካልኦት ዕማማት ይፍጽም።

ዓንቀጽ 11· ምክትል ዋና አካያዲ ስራሕ

(1) በዓል መዚ ወደብ ብመንግስቲ ኤርትራ ዝምዘዝ አብ ትሕቲ መምርሒታት ዋና አካያዲ ስራሕ ዕማማቱ ዝፍጽም ምክትል ዋና አካያዲ ስራሕ ይህልዎ።

(2) ዋና አካያዲ ስራሕ አብ ዘይህልወሉ አብ ዓንቀጽ 10 ናይ'ዚ አዋጅ'ዚ ዝተዘርዘሩ ግቡኣትን ሓላፍነታትን ዋና አካያዲ ስራሕ ብምክትል ዋና አካያዲ ስራሕ ይፅመሙ።

ክፍሊ- ኣርባዕተ
ኣብ ውሽጢ ወደብ ናይ ምስራሕ ፍቓድ

ዓንቀጽ 12· <u>ወረቐት ፍቓድ ስራሕ ናይ ምሓዝ ግዴታ</u>

ዝኾነ ሰብ ኣብ ልዕሊ'ቲ ብዝምልከቶ ኣካል ዝወሃቦ ፍቓድ ዋኒን ካብ በዓል መዚ ወደብ ብቑዕ (valid) ወረቐት ፍቓድ ስራሕ እንተዘይሒዙ ኣብ ዓንቀጽ 13 ናይ'ዚ ኣዋጅ'ዚ ዝተዘርዘሩ ስራሓት ወደብ ክነጥፍ ኣይክእልን።

ዓንቀጽ 13· <u>ምሃብ ወረቐት ፍቓድ ስራሕ</u>

ኣብ ውሽጢ ወደብ ናይ ምስራሕ ፍቓድ ኣብዞም ዝስዕቡ ስራሓት ይወሃብ፡-

(1) ምጽዓንን ምርጋፍን መራኸብ፡ ምስግጋር ጽዕነት ኣብ ውሽጢ ወደብ (ካብ እግሪ መርከብ ናብ መኽዘን፡ ካብ መኽዘን ናብ መካይን ምጽዓንን ምርጋፍን)፤
(2) ውክልና መራኸብ፤
(3) ዕደላ ነዳዲ ንመራኸብ፤
(4) ምቕራብ መግብን ካልኦት ሃለኽቲ ነገራትን ንመራኸብ ፤
(5) ምዕጣን ወይ ምንጻግ ጸረ-ባልዕ ኣብ መርከብ ፤
(6) ናይ መራኸብ ምርመራ (Marine Survey) ከምኡ'ውን ምቁጽጻር ጽዕነት (Cargo Inspection)፤
(7) ምቑጻርን ምፍላይን ጽዕነት (ዝጸዓንን ዝራገፍን ንብረት) ኣብ ወደብ፤ ከምኡ'ውን
(8) ጽገና መራኸብ።

ዓንቀጽ 14· <u>ምእጋድን ምስራዝን ወረቐት ፍቓድ ስራሕ</u>

በዓል መዚ ወደብ ንድንጋገታት ናይዚ ኣዋጅ'ዚ ከምኡ'ውን ብመሰረት'ዚ ኣዋጅ ዝወጹ ሕጋጋት ንዝጠሓሰ ሰብ ዝተዋህቦ ወረቐት ፍቓድ ስራሕ ንዝተወሰነ ግዜ ክእግድ ወይ ክስርዝ ይኽእል።

ክፍሊ- ሓሙሽተ
ፋይናንስ

ዓንቀጽ 15· <u>ምንጪ ባጀት</u>

(1) ባጀት በዓል መዚ ወደብ ካብዞም ዝስዕቡ ምንጭታት ይኸውን፡-
(ሀ) ካብ ክራይ መሳለጥያታት ወደብን ካልኦት ክፍሊታት ኣገልግሎታትን ዝርከብ ኣታዊታት፤

(ለ) ካብ ውሽጢ ሃገር ወይ ወጻኢ ዝርከብ ህያባትን ደገፍን፣

(ሐ) ብልቓሕ ዝረኸቦ ገንዘብ፣ ከምኡ'ውን

(መ) ብመንግስቲ ዝስላዕን ዝወሃብን ገንዘብ።

(2) ናይ በዓል መዚ ወደብ ናይ ባጀት ዓመት ካብ 1 ጥሪ ናይ ነብሲ ወከፍ ዓመት ጀሚሩ ኣብ 31 ታሕሳስ ይውድእ።

ዓንቀጽ 16· መዛግብቲ ሕሳብን ምጽብጻብን

(1) በዓል መዚ ወደብ ዝተማልአን ቅኑዕን መዛግብቲ ሕሳብ ምስ ደገፍቲ ሰነዳቱ ይሕዝ፣ ከምኡ'ውን ዓመት-ባጀት ካብ ዝተዓጸወሉ ኣብ ውሽጢ ኣርባዕተ ወርሒ ናይ ዝተመርመረ መግለጺ ሒታውን ወጻእን የዳሉ።

(2) መዛግብቲ ሕሳብን ኩሎም ገንዘብ ጠቀስ ጉዳያትን በዓል መዚ ወደብ ብዋና ኣዲተር ወይ ንሱ ብዝመዘዞ ኣዲተር ብብዓመቱ ይምርመሩ።

ክፍሊ- ሸዱሽተ
ዝተፈላለዩ ድንጋገታት

ዓንቀጽ 17· ይግባይ

(1) ብመሰረት ዓንቀጽ 14 ናይዚ ኣዋጅ'ዚ በዓል መዚ ወደብ ብዝሃቦ ውሳኔ ቅር ዝበሎ ሰብ ውሳኔ ካብ ዝተዋህበሉ ኣብ ውሽጢ ዓሰርተ መዓልታት ናብ ሚኒስተር ይግባይ ክብል ይኽእል። በውሳኔ ሚኒስተር ምስ ዘይዓግብ ድማ እቲ ውሳኔ ካብ ዝተዋህበሉ ኣብ ውሽጢ ሰላሳ መዓልታት ናብ ላዕለዋይ ቤት ፍርዲ ይግባይ ክብል ይኽእል።

(2) ውሳኔ ላዕለዋይ ቤት ፍርዲ ናይ መወዳእታ ይኸውን።

ዓንቀጽ 18· ሕጋጋት ናይ ምውጻእ ስልጣን

ሚኒስተር መንግዝያን መራኸቢታትን ድንጋጌታት ናይ'ዚ ኣዋጅ'ዚ ብግቡእ ንምትግባር ሕጋጋት ከውጽእ ይኽእል።

ዓንቀጽ 19· ኣብ ግብሪ ዝውዕለሉ

እዚ ኣዋጅ'ዚ ኣብ ጋዜጣ ኣዋጃት ኤርትራ ተሓቲሙ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

ኣስመራ፣ 25 ጥቅምቲ፣ 2005
መንግስቲ ኤርትራ።

PROCLAMATION NO. 148 /2005

A PROCLAMATION TO ESTABLISH THE MASSAWA PORT AUTHORITY AND THE ASSAB PORT AUTHORITY

WHEREAS, it is imperative that Eritrea, endowed with a long coastal line suitable for maritime commerce, should have a port industry with a competitive level in the Red Sea zone so that Eritrea may be a beneficiary of this strategic resource;

WHEREAS, the Eritrean government believes that the institution and organization of ports should be improved to accomplish the same;

WHEREAS, the establishment of self-financing authorities, which operate with full responsibility within their jurisdiction, has been noted as a better alternative;

NOW, THEREFORE, it is proclaimed as follows:

PART I

GENERAL PROVISIONS

Article 1 - Short Title

This Proclamation may be cited as "The Massawa Port Authority and The Assab Port Authority Establishment Proclamation No. 148/2005".

Article 2 - Definitions

In this Proclamation, unless the context otherwise requires:

"**Port Authority**" means, as the case may be, the Massawa Port Authority or the Assab Port Authority;

"**Minister**" or "**Ministry**" means the Minister or Ministry of Transport and Communications, respectively;

"**person**" means any natural or juridical person;

"**ship**" means any vessel floating with motor, steam or motor and steam involved in commercial aspects of maritime service or which has arrived at the port to be provided with the ports' services. This definition shall not, however, include boats (fishing boats, pilot boats, pleasure boats, sporting boats and tugboats) with a permission to operate within the jurisdiction of the Port Authority;

"**port facilities and appliances**" means all cranes used in loading and unloading of ships, shore-handling, loading and unloading of cargo from and to trucks, and the transfer of cargo, mobile and fixed equipment like tug-master, boats, reachstackers, wheel loaders and bobcats, as well as all immovable infra-and-superstructures like lighthouses, buoys, quays, water brakes, buildings, stores and offices, roads, light-towers and fences.

PART II

ESTABLISHMENT OF PORT AUTHORITY

Article 3 – The Massawa Port Authority

(1) The Massawa Port Authority is hereby established as a body with a legal personality to operate within the existing Port of Massawa, the boundaries of which shall be determined by regulations.

(2) Without being limited by the provisions of sub-article (1) of this Article, the Massawa Port Authority may, with the agreement of the concerned government authorities, establish, develop and expand ports within its operational zone extending northwards from Latitude 14° 39' N, Longitude 40° 58' E, towards the hinterland or the sea from the coastline as needed.

(3) The Massawa Port Authority shall be accountable to the Minister.

Article 4 – The Assab Port Authority

(1) The Assab Port Authority is hereby established as a body with a legal personality to operate within the existing Port of Assab, the boundaries of which shall be determined by regulations.

(2) Without being limited by the provisions of sub-article 1 of this Article, the Assab Port Authority may, with the agreement of the concerned government authorities, establish, develop and expand ports within its operational zone extending southwards from Latitude 14° 39' N, Longitude 40° 58' E, towards the hinterland or the sea from the coastline as needed.

(3) The Assab Port Authority shall be accountable to the Minister.

Article 5 - Resolution of Disputes

Any disagreement concerning issues of establishment, development and expansion of ports as provided for in Articles 3(2) and 4(2) shall be resolved by the President of the State of Eritrea.

Article 6 – Head Offices

The Head Office of the Massawa Port Authority shall be in the city of Massawa and the Head Office of the Assab Port Authority shall be in the city of Assab. The Port Authority may, where it deems it necessary, open branch offices in other places in Eritrea.

Article 7 - Objectives of The Port Authority

The following shall be the objectives of the Port Authority:

(1) to establish and continually promote competitive regional ports for the development of the macroeconomy;

(2) to make the services provided in ports efficient and effective and meet international standards;

(3) to develop the human resource engaged in the port industry; and

(4) to carry out and monitor security, safety and environmental conservation activities in harmony with national laws and international conventions and agreements.

PART III

POWERS AND FUNCTIONS OF THE PORT AUTHORITY AND ITS GENERAL MANAGER

Article 8 - Powers and Functions of The Port Authority

The Port Authority shall have the following powers and functions:

(1) to deploy the national port facilities and appliances, which are employed in port development and maritime transport within its jurisdiction so as to benefit the state and all beneficiaries by owning the same on behalf of the government, and to:

a. repair, maintain, prevent from danger and, according to the circumstances, expand and develop the same;
b. collect and utilize revenues earned from all the services of these port facilities and appliances; and
c. propose tariff schedules so that earnings from these port facilities and appliances can be collected through service tariff and submit the same for approval to the Minister;

(2) to propose to the Minister the enactment of regulations for the better implementation of this Proclamation;

(3) to issue administrative notices within the spirit of this Proclamation;

(4) based on the national development plan for ports and maritime transport, to draft a development plan for the ports and the maritime transport of its jurisdiction and to submit the same to the Minister for approval, and to implement or to oversee the implementation of plans so approved;

(5) to initiate and submit to the Minister studies and plans which shall be the bases for and influential on the periodic national development plan for ports and relevant sectors introduced by and directed at the national and Ministerial levels;

(6) to supervise and coordinate all port activities (services) related to maritime transport to ensure their efficiency and effectiveness to a standard promoting international and national trade;

(7) to provide the following operational services within the port:

a. berthing and unberthing, shifting, and mooring and unmooring of ships;
b. weighing, measuring and storing of cargo, and transfer and storing of containers;
c. firefighting;
d. towage and salvage;

(8) to issue work permits which enable the smooth monitoring and coordination by preparing criteria for the performance of in-port activities by government and private institutions;

(9) to provide the required facilities and appliances for these government or private institutions in performing the activities permitted to them and to make the same function through rent or other contracts entered into between the Port Authority and these institutions;

(10) to administer facilities and appliances given to institutions working within the port through rent or other contracts, to supervise the deployment of the facilities and appliances and to collect and submit reports on the utilization of the same to the Minister;

(11) to develop, in cooperation with the Ministry of Land, Water and Environment or other concerned government authorities, the land within its jurisdiction;

(12) to control and supervise pilotage services and pilot's code of conduct in ports;

(13) to introduce the required human resource development plans and provide, or cause to be provided, trainings that assist in enhancing the quality of

the services provided by all government and private institutions engaged in port activities and maritime transport;

(14) to monitor the loading, unloading, preservation and storage of dangerous goods so identified in accordance with national laws and international conventions;

(15) to monitor port traffic;

(16) to control the use of fire, lighting and signaling systems in ports and the measures that must be taken to ensure a high level of safety in port activities;

(17) to control and direct all institutions working within the port regarding the safety, sea and other environmental pollution, and the preservation of natural resources in the port area;

(18) to prepare, in cooperation with concerned government authorities and institutions, a plan for a prompt response to emergencies in the port areas, and to ensure and monitor that the equipment necessary for the implementation of the plan is provided and ready for use;

(19) to lay the ground for a fair competition among the institutions engaged in activities related to maritime transport and port activities within the jurisdiction of the Port Authority;

(20) to prepare criteria which govern the day-to-day working relations that shall exist between the institutions providing services inside the port and the Port Authority, and implement the same; and

(21) to establish and chair a Port Council wherein all institutions engaged in port activities shall be represented, and which, serving as a discussion forum between these institutions and the Port Authority, may provide to the Port Authority recommendation or advice with regard to resolving problems that may exist, enhancing cooperation and transferring new ideas.

Article 9 - Appointment of General Manager of Port Authority

The General Manager of the Port Authority (hereinafter referred to as the "General Manager") shall be appointed by the Government of Eritrea.

Article 10 - Powers and Responsibilities of the General Manager

(1) The General Manager shall have the power to implement the functions enumerated in Article 8 hereof.

(2) The General Manager shall be the chief executive officer of the Port Authority and shall, subject to the general directives of the Minister, be

responsible for planning, organizing, directing and controlling all the activities and operations of the Port Authority.

(3) Without limiting the generality of sub-Articles (1) and (2) of this Article, the General Manager shall carry out the following functions:

a. establish short, medium and long-term objectives of the Port Authority and, upon approval by the Minister, implement the same;
b. formulate plans, policies, procedures as well as methods and standards enabling the implementation of the established objectives of the Port Authority;
c. on his own initiative or upon instructions by the Minister, plan for and direct research, studies, investigations and other activities and projects and submit comprehensive reports and recommendations to the Minister for the information and action of the latter;
d. implement plans, programs, budgets and decisions made by the Minister;
e. prepare and submit for approval to the Minster, work programs and annual budget and implement the same upon approval;
f. effect the necessary expenditure in accordance with the approved annual budget and work program;
g. hire and fire, administer, promote, transfer personnel and set their salaries and allowances in accordance with the rules and regulations of the Port Authority;
h. formulate and implement plans for the development of human resources within the Port Authority;
i. monitor the assets of the Port Authority to ensure that the same are effectively utilized, efficiently operated and safely handled, set up financial policies and exercise control over expenses;
j. sign all documents and receipts for and in respect of all activities of the Port Authority and discharge obligations;
k. follow up and enforce, in cooperation with the Ministry, international and regional conventions, regulations and agreements related to ports and maritime transport, particularly as related to the powers and functions of the Port Authority, to which Eritrea is party;
l. prepare and submit to the Minister for approval, strategic plans for the development of ports within the jurisdiction of the Port Authority, and implement the same upon approval;
m. establish and implement policies and enforcement mechanisms enabling the protection of the port environment from any form of pollution;
n. prepare and submit to the Minister quarterly and other reports on the activities and financial matters of the Port Authority and developments effected therein;
o. represent and stand for the interests and all activities of the Port Authority before all courts, government departments, municipal authorities, domestic and/or foreign business organizations, agencies, financial institutions and all other third parties;

p. in the name of the Port Authority, open and operate bank accounts, draw, endorse and/or sign all cheques, drafts, payment orders, transfers, assignments and any other financial instrument related to the activities of the Port Authority;

q. subject to prior approval by the Minister and for and on behalf of the Port Authority, obtain loans, with or without securities, receive donations and grants, apply for and obtain overdraft or other credit facilities from any bank or other financial institutions, and, on behalf of the Port Authority, execute any contract or instrument related thereto;

r. issue permits for in-port works;

s. issue administrative notices within the spirit of this Proclamation to enable the effective and efficient operation of the activities of the Port Authority ;

t. submit to the Minister the results of the auditing of books of accounts and all other financial matters together with a copy of the audit reports;

u. delegate his powers and responsibilities partly to employees of the Port Authority where he deems it necessary for the efficient and expeditious management of the Port Authority; and

v. carry out other functions assigned to him by the Minister.

Article 11 – Deputy General Manager

(1) The Port Authority shall have a Deputy General Manager, to be appointed by the government of Eritrea, who shall carry out his responsibilities under the instructions of the General Manager.

(2) In the absence of the General Manager, the powers and responsibilities enumerated in Article 10 of this Proclamation shall be carried out by the Deputy General Manager.

PART IV

IN-PORT WORK PERMIT

Article 12 – Duty to Obtain a Permit

No person may engage in any of the activities provided for in Article 13 hereof, unless, in addition to a business license issued by the concerned authority, he holds a valid work permit issued by the Port Authority.

Article 13 - Issuing of a Permit

An in-port work permit shall be issued for the following activities:

1. cargo-handling and shore-handling;
2. shipping agency;
3. bunkering;
4. shipchandling;

5. fumigation of ships;
6. marine surveying as well as cargo inspection;
7. tallying (cargo to be loaded and unloaded) in port; and
8. ship repairing.

Article 14 - Suspension and Revocation of Work Permit

The Port Authority may suspend, for a limited period of time, or revoke the work permit of a person contravening the provisions of this Proclamation or regulations issued thereunder.

PART V

FINANCE

Article 15 - Source of Budget

(1) The following shall be the sources of the budget for the Port Authority:

a. income derived from the rent of port facilities and appliances and fees for other services;
b. grants and donations from domestic or international sources;
c. loans; and
d. money allocated or granted by the government.

(2) The fiscal year of the Port Authority shall run from January 1 to December 31 of each year.

Article 16 – Books of accounts and Auditing

(1) The Port Authority shall keep complete and accurate books of accounts with supporting documents thereof. It shall, within four months from the closure of the fiscal year, prepare an audited statement of income and expenditure.

(2) The books of accounts and all financial matters of the Port Authority shall be audited annually by the Auditor-General or by an auditor designated by him.

PART VI

MISCELLANEOUS PROVISIONS

Article 17 – Appeal

(1) A person aggrieved by a decision of the Port Authority under Article14 hereof, may, within ten days of such decision, appeal to the Minister. Where he is not satisfied by the decision of the Minister, he may, within thirty days of such decision, further appeal to the High Court.

(2) The decision of the High Court shall be final.

Article 18- Power to Issue Regulations

The Minister may issue regulations for the better implementation of the provisions of this Proclamation.

Article 19- Entry into Force

This Proclamation shall enter into force as of the day of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 25th day of October, 2005
The Government of Eritrea