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ጋዜጣ ኣዋጅ ኤርትራ

ብመንግስቲ ኤርትራ ዝሕተም

ቅጺ 12/2003 ቁ·5 ኣስመራ፣ 5 ግንቦት 2003፡ ዋጋ 6.00 ናቕፋ

RDC 1

ሕጋዊ ምልክታ ቁጽሪ 72/2003
ሕጋጋት ቅዩድ መክዘን
ሕጋዊ ምልክታ ቁጽሪ 73/2003
ሕጋጋት ቀረጽ-ነጻ ድኳናት
ሕጋዊ ምልክታ ቁጽሪ 74/2003
ሕጋጋት ምሕረት እታዋት ኩርየር
ሕጋዊ ምልክታ ቁጽሪ 75/2003
ሕጋጋት መሸጣ ዘይተሓተተሉ፡ እተገደፈን እተታሕዘን እተወርሰን ኣቕሑ
ሕጋዊ ምክልታ ቁጽሪ 76/2003
ሕጋጋት ምሕረት ንብቡስጣ ዚኣትው ኣቕሑ
ሕጋዊ ምልክታ ቁጽሪ 77/2003
ሕጋጋት ምኽዛን ኣቕሑ ኣብ መደበራት ጉምሩክ

GAZETTE OF ERITREAN LAWS

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Legal Notice No 72/2003
Bonded Warehouse Regulations
Legal Notice No 73/2003
Duty Free Shop Regulations
Legal Notice No 74/2003
Courier Imports Remission Regulations
Legal Notice No 75/2003
Sale of Unclaimed, Abandoned and Seized and Forfeited Goods Regulations
Legal Notice No 76/2003
Postal Imports Remission Regulations
Legal Notice No 77/2003
Regulations on the Storage of Goods in Customs Posts

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RDC 1

ሕጋዊ ምልክታ ቁጽሪ 72/2003

ሕጋጋት ቅዩድ መኽዘን ጉምሩክ

1. ሓጺር ኣርእስቲ

እዚ ሕጋጋት'ዚ "ሕጋጋት ቅዩድ መኽዘን ጉምሩክ ሕጋዊ ምልክታ ቁጽሪ 72/2003" ተባሂሉ ኪጥቀስ ይኽኣል።

2. ትርጉም

ኣትኣታትውኦም ካልእ ትርጉም ዘውህቦም እንተዘይኮይኑ ኣብ'ዚ ሕጋጋት'ዚ፡-

"ኣመልካቲ" ማለት ፍቓድ ንኪወሃቦ ዘመልከት ሰብ ማለት ኢዩ።

"ቅዩድ መኽዘን" ማለት፡-

(ሀ) ብውልቀ-ሰባት ወይ ሕጋዊ ሰብነት ዘለዎም ኣካላት ዝመሓደሩ ንምቕማጥ /ንምኽዛን/ ንግዳዊ ኣቑሑ ዘገልግሉ መኽዘናት ብሕቲ ወይ

(ለ) ካብ ወጻኢ ሃገራት ብዝተፈላለዩ ኣምጻእቲ/ኣእተውቲ/ ዝኣትዉ ንግዳዊ ኣቕሑ ንምቕማጥ/ንምኽዛን/ ዘገልግሉ ብሰብ ዋኒን ዝካየዱ ህዝብዊ መኽዘናት ማለት ኢዩ።

"ወረቐት ምስክር" ማለት ብክፍሊ ጉምሩክ ዝወሃብ ወረቐት መረጋገጺ ብቕዓት ማለት ኢዩ።

"ዋና በዓል መዚ ጉምሩክ" ማለት ነቲ ቅዩድ መኽዘን ዝሰፈረሉ ወይ ኣብኡ ንክኸውን እተኣመመሉ ከባቢ ዘገልግል ቤት ጽሕፈት ጉምሩክ ኣካያዲ ስራሕ ማለት ኢዩ።

"ክፍሊ" ማለት ክፍሊ ጉምሩክ ማለት ኢዩ።

"ዓመተ-ባጀት" ማለት ብሓደ ጥሪ ጀሚሩ ብ31 ታሕሳስ ዚውዳእ እዋን ማለት ኢዩ።

"ሚኒስተር" ማለት ሚኒስተር ፋይናንስ ማለት ኢዩ።

"ኣዋጅ" ማለት ኣዋጅ ጉምሩክ ቁጽሪ 112/2000 ማለት ኢዩ።

DOCUMENT RDC

ክፋል I

ምፍቃድ ቁዩድ መኽዘናት

3. ኣወሃህባ ወረቐት ምስክር፡

(1) ንንኡስ-ዓንቀጽ /4/ ናይ'ዚ ዓንቀጽ 'ዚ እናተማእዘዘ ፡ሚኒስተር ብመሰረት ንኡስ-ዓንቀጽ /2/ ናይ'ዚ ዓንቀጽ'ዚ መመልከቲ ንዘቕረበ፡ ከምኡ ከኣ ኣብ ትሕቲ ዓንቀጽ 4 ናይ'ዚ ሕጋዊ ምልክታ'ዚ ዝድለ ትሕጃ ወይ ውሕስነት ንዘትሓዘን ፡ ኣብ ትሕቲ ዓንቀጽ 5 ናይ'ዚ ሕጋዊ ምልክታ'ዚ ኪኽፈል ዘለዎ ዝኾነ ክፍሊት ንዝኸፈለን ንዝኾነ ሰብ ወረቐት ምስክር ኪህብ ይኽእል።

(2) ንእተኣመመ ቑዩድ መኽዘን ዝምልከት ወረቐት ምስክር ንምርካብ ከመልክት ዝደሊ ዝኾነ ሰብ፡ ብዝርዝራዊ ውጥን ናይ'ቲ እተኣመመ ቁዩድ መኽዘን እተሰነየ መመልከቲ፡ ብእተኣዘዘ ቅጥዒ መሰረት ናብ ዋና በዓል መዚ ጉምሩክ የቕርብ።

(3) ኣብ ንኡስ-ዓንቀጽ /2/ ናይ'ዚ ዓንቀጽ'ዚ እተጠቕሰ ውጥን ነዞም ዝስዕቡ ክሕብር ኣለዎ፡-

(ሀ) እቲ ከም ቁዩድ መኽዘን ኪስርሓሉ እተኣመመ ስፍራ ህሉው ምዃኑ ወይ ብሕጂ ዝህነጽ ምዃኑ፡

(ለ) ዓይነት ኣተሃናንጻ ፡ ከምኡ ከኣ

(ሐ) ኣብ'ቲ ከም ቁዩድ መኽዘን ንክገልግል እተኣመመ ቦታ፡ዝህሉ መኽዘኒ ኣቕሑ ስፍሓት።

(4) ሚኒስተር በዚ ዝስዕብ እንተዝይዓገቡ ንኣመልካቲ ውረቐት ምስክር ኣይህብን፡

(ሀ) እቲ ቁዩድ መኽዘን እተኣመመሉ ስፍራ፡ ኣብ ውሽጢ ብቤት ጽሕፈት ጉምሩክ ዚግልገል ቦታ ከምዝኾነ፡

(ለ) ኣብ ትሕቲ ዓንቅጻት 9ን 10ን ናይ'ዚ ሕጋዊ ምልክታ'ዚ ዝጠልቦ መሳለጥያ፡ መሳርሒ፡ ኣገልግሎትን ሰራሕተኛታትን ንምቕራን ዝተኣመመ ቁዩድ መኽዘን ንምክራይ ወይ ንምዕዳግን ዘኽእል ኣምልካቲ እኹል ፋይናንሳዊ ዓቕሚ ከምዘለዎ፡

(ሐ) ኣመልካቲ ኣቕሓ ብድሕነት ንምዕቃብ ዘኽእል ምቹእ ኩነታት ከምዘጣጠሐ፡ ከምኡ ከኣ፡

(መ) ክፍሊ ጉምሩክ ነዚ እተኣመመ ቁዩድ መኽዘን ብዝምልከት ኣገልግሎት ጉምሩክ ኪህብ ከምዝኽእል።

4. ትሕጃ/ውሕስነት/፡

(1) ቅድሚ ወረቐት ምስክር ምርካቡ፡ሓደ ኣመልካቲ ነቲ ብዋና በዓል መዚ ጉምሩክ ዝግመት ፡ ወረቐት ምስክር ካብ ዝወሃቦ ግዜ ጀሚሩ

ኣብ ውሽጢ ሓደ ዓመት፡ ኣብ'ቲ ቅዩድ መኽዘን ንዝኽዝኖም ኣቕሑ ተኸፊሉ ንዝኸውን ሕሳብ ግብርን ቀረጽን ዝዳረግ ውሕስነት/ትሕጃ/ ከትሕዝ ይግባእ፡ እቲ ዝተሓዝ ውሕስነት ካብ ናቕፋ 50,000 /ናቕፋ ሓምሳ ሽሕ/ ዝትሕት ኣይከውንን።

(2) ሚኒስተር፡ ኣብ ቅዩድ መኽዘን ተኸዚኖም ንዘለዉ ኣቕሑ ዝኸፈል ግብርን ቀረጽን ውሑስ ንምግባር፡ነቲ ብመሰረት ንኡስ-ዓንቀጽ (1) ናይ'ዚ ዓንቀጽ'ዚ ዝተሓዝ ውሕስነት ክብ ንኽብሎ ንበዓል ወረቐት ምስክር ክእዝዞ ይኽእል።

(3) ብመሰረት ንኡስ-ዓንቀጽ /1/ናይ'ዚ ዓንቀጽ'ዚ ዝተታሕዘ ውሕስነት ምስ ዋና በዓል መዚ ጉምሩክ ይቕመጥ፡በዚ ዝስዕብ መልክዕ ድማ ይኸውን፡-

(ሀ) ብጥረ ገንዘብ፡ ወይ

(ለ) ውሑስ ቼክ፡ ወይ

(ሐ) ብሚኒስተር ዝተፈቕደ ባንድ።

5. ክፍሊት

(1) ዝኾነ ናይ ቅዩድ መኽዘን ስራሕ ክካየድ ዝደሊ ሰብ ንመውጽኢ ወረቐት ምስክር፡ ብበዓመቱ ንምሕዳሱን ንወርሓዊ ኣገልግሎትን እዚ ዝስዕብ ክፍሊት ንክፍሊ ጉምሩክ ክኸፍል ኣለዎ፡-

(ሀ) ንመውጽኢ ውረቐት ምስክር	ናቕፋ	1000·00
(ለ) ንመሐደሲ	ናቕፋ	1000·00
(ሐ) ንወርሓዊ ኣገልግሎት	ናቕፋ	725·00

(2) ወረቐት ምስክር ኣብ 1 ሓምለ ናይ ባጀታዊ ዓመት ወይ ድሕሪኡ ኣብ ዝወጻሉ ኩነታት ነታ ባጀታዊ ዓመት'ቲኣ ዚኸፈል ፍርቂ'ቲ ኪኸፈል ዚግበኦ'ዩ (ማለት ብ50 ሚእታዊት ዝጐደለ)፡

(3) ኣብ ንኡስ-ዓንቀጽ(1)(ሀ) ወይ ኣብ ንኡስ ዓንቀጽ /2/ ናይ'ዚ ዓነቀጽ'ዚ ንእተጠቕሰ እዋን ዚኸፈል ክፍሊት፡ እቲ ወረቐት ምስክር ኣብ ዝወጻሉ ዕለት ወይ ቅድሚኡ ይኸፈል፡ ከምኡ ከኣ ኣብ ንኡስ-ዓነቀጽ(1)(ለ) ናይ'ዚ ዓንቀጽ'ዚ ከም ዘሎ ፡ ነፍሲ ወከፍ ባጀታዊ ዓመት ዚኸፈል ክፍሊት ኣብ 1 ጥሪ ናይ'ቲ ናይ ስራሕ ባጀታዊ ዓመት ወይ ቅድሚኡ ኪኸፈል ይግባእ።

(4) ንወረቐት ምስክርን ንምቁጽጻርን ቅዩድ መኽዘን ዚኸፈል ክፍሊታት ኣብ ዝምልከቶ መደበር ጉምሩክ ብዝርከብ ዋና በዓል መዚ ጉምሩክ ይእከብ።

(5) ዝኾነ ወረቐት ምስክር ቅዩድ መኽዘን ናይ ሓደ ባጀታዊ ዓመት ዕድመ ወይ ብቕዓት ይህልዎ፡ ኣብ ነፍሲ ወከፍ ዓመት ድማ ኣብ 1 ጥሪ ወይ ቅድሚኡ ይሕደስ።

(6) በዓል ወረቐት ምስክር ቅድሚ ባጀታዊ ዓመት ምውድኡ ዕዮ እንተኣቋሪጹ እተኸፍለ ክፍሊት ወረቐት ምስክር ተመላሲ ኣይከውንን።

(7) ዓመታዊ ክፍሊት ወረቐት ምስክር ብመሰረት'ዚ ሕጋጋት'ዚ እንተዘይተኸፊሉ፣ ቅዩድ መኸዘን ንምንቅስቓስ እተዋህበ ወረቐት ምስክር ኪስረዝ ይከኣል።

6. ምምሕያሽ ወረቐት ምስክር፣

(1) ሚኒስተር ንንኡስ-ዓንቀጽ /2/ ናይ'ዚ ዓንቀጽ'ዚ እናተማእዘዘ፡ ነዞም ዝስዕቡ ዕላማታት ንሓደ ወረቐት ምስክር ከመሓይሽ ይኽእል፣

(ሀ) ኣብ'ቲ ቅዩድ መኸዘን ናይ ዝኸዘኑ ምድባት ኣቕሑ ኣብ'ቲ ወረቐት ምስክር ተገሊጹ ንዘሎ ገደብ ንምቕያር ወይ ነቲ ገደብ ንምንጻር፡ ወይ

(ለ) ኣብ'ቲ ወረቐት ምስክር ተገሊጹ ንዘሎ ኩነታት ኣተኣታትዋ ኣቕሑ ናብ ቅዩድ መኸዘን ንምቕያር ወይ ነቲ ኩነታት ንምንጻር።

(2) ሚኒስተር ነዚ ኣብ ንኡስ-ዓንቀጽ /1/ /ሀ/ / ወይ /ለ/ ናይዚ ዓንቀጽ"ዚ ተገሊጹ ዘሎ ዕላማታት ወረቐት ምስክር ከመሓይሽ ዝኽእል ፣ብዛዕባቲ ዝግበር ምምሕያሽ ንበዓል ወረቐት ምስክር ናይ 60 መዓልቲ ምልክታ ምስ ዝህብ ጥራይ ኢዩ።

7. ምስራዝ ወይ ምድስካል ወረቐት ምስክር ፣

(1) ሚኒስተር ኣብ ከምዚ ዝስዕብ ኩነታት ወረቐት ምስክር ኪስርዝ ይኽእል፣-

(ሀ) በዓል ወረቐት ምስክር ነቲ ከም ቅዩድ መኸዘን እተፈቕደሉ ስፍራ ምውናኑ ወይ ምክራዩ ኣብ ዘብቅዓሉ፡ ወይ

(ለ) በዓል ወረቐት ምስክር ብጽሑፍ ወረቐት ምስክር ኪስረዝ ንሚኒስተር ኣብ ዝሓተተሉ፡ ወይ

(ሐ) ኣብ ዝነድየሉ (ዝጥፍሽሉ) ኢዩ ።

(2) ሚኒስተር ኣብ ከምዚ ዚስዕብ ኩነታት ወረቐት ምስክር ክእግድ ወይ ኣብ ከበድቲ ጉዳያት ክስርዝ ይኽእል፡-

(ሀ) በዓል ወረቐት ምስክር ንምእታው ወይ ምስዳድ ኣቕሑ ዚኽልክል ወይ ዚቆጻጸር ዝኾነ ሕጊ ክይተማእዘዘ ምስ ዚተርፍ፣ ወይ

(ለ) በዓል ወረቐት ምስክር ዝኾነ ቅዩድ መኸዘን ኣብ ዘካይደሉ፡ ምስ ዓማዊል፡ ኣቕረብቲ፡ ወኪላት ምጽራይን ምስላጥን፡ ኣንዓዝቲ ወይ ምስ መንግስቲ ኤርትራ ኣብ ዘካይዶ ዝምድናታት ስራሕ /ቢዝነስ/ ናይ ምትላል ተግባር ኣብ ዝፈጸመሉ፡ ወይ

(ሐ) በዓል ወረቐት ምስክር ኣብ ምንቅስቓስ ቅዩድ መኸዘን ዘይብቑዕ ኰይኑ ምስ ዚርከብ።

(3) ሚኒስተር ኣብ ከምዚ ዚስዕብ ኩነታት'ውን ንሓደ ወረቐት ምስክር ክስርዝ ይኽእል፡-

(ሀ) ኣብ ቅዩድ መኸዘን ዚህሉ ብዝሒ ኣቕሑ እቲ ቅዩድ መኸዘን ብቐጻሊ ንኪሰርሕ ውሑስ ኰይኑ ኣብ ዘይርከበሉ፣

(ለ) ክፍሊ ጉምሩክ ነቲ ቅዩድ መኸዘን ዝምልከት ናይ ጉምሩክ ኣገልግሎት ኪህብ ኣብ ዘይክእለሉ ኵነታት፣ ወይ

(ሐ) ሰብ ወረቐት ምስክር ኣብ ወረቐት ምስክር ብእተዋህበ ዝርዝር መሰረት ዘይኰነስ፣ ካብሉ ወጻኢ፣ ኣቕሑ ኣብ ቅዩድ መኸዘን እንከሎዉ ምስ ዝለዋውጡ፣ ማለት መዐሸጊኦም ምስ ዚኸፍቱ፣ መሊሶም ምስ ዝዕሽጉ፣ ምስ ዚቕይሩ ወይ ምስ ካልኦት ኣቕሑ ምስ ዚሕውሱ፣

(4) ወረቐት ምስክር ኣብ ዝእገደሉ፣ በዓል መዚ ብግዜ'ቲ ናይ ስረዛ እዋን ነቲ ቅዩድ መኸዘን ይሽጉሮን ይዕሽጎን።

(5) ቅድሚ ምስራዝ ወረቐት ምስክር፣ሚኒስተር ንበዓል ወረቐት ምስክር እዚ ዝስዕብ ይህብ፦

(ሀ) ንዝተኣመመ ምስራዝ ዝምልከት ናይ 60 መዓልቲ መጠንቀቕታ፣

(ለ) ብዛዕባ'ቲ ንሚኒስተር ወረቐት ምስክር ንምእጋድ ወይ ንምስራዝ ዘኽእሉ ንንኡሳን-ዓንቀጻት ካብ /2/ን /3/ን ናይ'ዚ ዓንቀጽ'ዚ ብዝምልከት ንዝህሉ ምኽንያታት እኹል ሓበሬታ፣ ከምኡ ከኣ

(ሐ) ወረቐት ምስክር ክስረዝ ከምዘየብሉ መልሲ ንምሃብን መግለጺታት ንምቕራብን ዘኽእል ዕድል ።

8· ምልዓልን እገዳ ወረቐት ምስክር፣

ሚኒስተር፣ ንምእጋድ ወረቐት ምስክር ጠንቂ ዝኾነ ነገር ከምዘብቀዐ ኣብ ዝዓገበሉ፣ ነቲ እገዳ የልዕሎ።

9· ይግባይ

(1) ዝኾነ ብመሰረት ዓንቀጽ 3(4) ናይ ወረቐት ምስክር መመልከቲ ዝተነጸገ ወይ ብመሰረት ዓንቀጽ 7 ወረቐት ምስክሩ ዝተሰረዘ ሰብ ካብቲ ዝተነጸገሉ ወይ ዝተሰረዘሉ መዓልቲ ኣብ ውሽጢ (ዓሰርተ ሓሙሽተ) 15 መዓልቲ ናብ ላዕለዋይ ቤት ፍርዲ ይግባይ ክቐርብ ይኽእል።

(2) ላዕለዋይ ቤት ፍርዲ ብይግባይ ዝህቦ ውሳኔ ናይ መወዳእታ ይኸውን።

ክፋል II

ምንቅስቓስ ቀዩድ መኽዘን

10 .መሳለጥያታት፡መሳርሒታት፡ ሰራሕተኛታትን ደረጃታትን

(1) ነፍሲ ወከፍ በዓል ወረቐት ምስክር ኣብ'ቲ ወረቐት ምስክር ዚምልከቶ ቀዩድ መኽዘን እዚ ዚስዕብ ኪቐርብ ኣሎዎ፡-

(ሀ) ሰብ መዚ ኣብ ልዕሊ ንግዳዊ ኣቕሑ መርመራ ንከካይዱ ዘድሊ እኹል ስፍራ ክምዝህሉ ምግባር።

(ለ) ብበዓል መዚ ኪምርመሩ ንዘሎዎም ኣቕሑ፡ ናብ በዓል መዚ ንመርመራ ዘቕርቡ ዘድሊ ሰብን መሳርሕን ምቕራብ፡

(2) ቀዩድ መኽዘን ሓደ ክፋል ናይ ሓደ ህንጻ ጥራይ ኣብ ዘቑመሉ በዓል ወረቐት ምስክር፡ ዋና በዓል መዚ ጉምሩክ ከምኡ ኪገብር እንተሓቲትዎ፡ ነቲ ቀዩድ መኽዘን ካብ'ቲ ዝተረፈ ናይ'ቲ ህንጻ ብገለ መኸፈሊ ወይ ብኻልእ መንደቕ ፍሉይ ክምዚኸውን ይገብር።

11. ደረጃታት ምንቅስቓስን ኣተሓሕዛን

ነፍሲ ወከፍ በዓል ወረቐት ምስክር፡ ነዞም ዝስዕቡ ውሑስ ንምግባር ርትዓዊ ስጉምትታት ክወስድ ኣለዎ፡-

(ሀ) ንግዳዊ ኣቕሑ ኣብ ንዕኡም ተባሂሉ ዝተዳለወ ቀዩድ መኽዘን ብድሕነትን ጸጥታን ምኽዛን፡ከምኡ ከኣ በዓል መዚ ነቶም ኣቕሑ ብመንጽር ግቡእ ሰነዳቶም መታን ኣለልዩ ከረጋግጽ ኪኽእል ምልክት ከምዝህልዎም ክገብር።

(ለ) ዋና በዓል መዚ ጉምሩክ ኣብ'ቲ ቀዩድ መኽዘን ንዝኣተዉ ወይ ንሰነዳት እቲ ቀዩድ መኽዘን ንምቁጽጻር ዕላማ ፡ እቲ ቀዩድ መኽዘን ክሽጎርን ኪዕሽግን ምስዝሓትት ፡ በዓል መዚ ነቲ ቀዩድ መኽዘን ክሽጉርን ኪዕሽግን ዝኽእል ምኧኑ ምርግጋጽ።

12. ቅብሊት ኣቕሑ፡

ነፍሲ ወከፍ በዓል ወረቐት ምስክር ፡-

(ሀ) ፍቓድ ተዋሂብዎም ናብ ቀዩድ መኽዘኑ ካብ ወጻኢ ዝኣተውን ዝተለቐቑን ኣቑሑ በዞም ዝስዕቡ ኣገባባት ከምዝተቐበለ፡-

(ⅰ) ነቲ ብኣገዓዓዚ ዝቐረበሉ ናይ መጎዓዝያ ሰነድ ወይ ተመሳሳሊ ናይ መጎዓዝያ ሰነድ ብፈርምኡ ብምርግጋጽ፡

(ⅱ) ነቲ ኣገዓዓዚ ናይ መሰጋገሪ ሰነድ ብምሃብ ከምኡ'ውን፡

(ለ) ኣብ ቀዩድ መኽዘኑ ዝኣተዉ ዝኾኑ ካልኦት ኣቕሑ ከምእተቐበለ ፡ ነቲ ናይ መስተለሚ ሰነድ ኣብ'ቲ እተኣዘዘ ቅጥዒ ብዝተገልጸ ኣገባብ ብምምላእ የፍልጥ።

13. ናይ ግዜ ገደብ

ዝኾኑ ኣብ ምእታዎም ካብ ደገ ናብ ቀዩድ መኸዘን ክምዘኣተዉ እተኣወጀሎም ኣተውቲ ኣቕሑ፣ ካብ'ቲ ብበዓል መዚ ናብ ቀዩድ መኸዘኑ ንኽኣትው እተለቐቕሉ ዕለት፣ እንተበዝሐ ንሓደ ዓመት ብዘይክፍሊት ቀረጽን ግብርን ኪኽዘኑ ይፍቀድ።

14. ምሓዝ መዛግብቲ ሕሳባት፤

(1) ነፍሲ-ወከፍ በዓል ወረቐት ምስክር ብመሰረት እተዋህቦ ፍቓድ ናብ ቀዩድ መኸዘን ናይ ዝኣተዉን ካብ ቀዩድ መኸዘን ናይ ዝወጹን ናይ ኩሎም ኣቕሑን እንተላይ ኣቕሑ ኣብ'ቲ ቀዩድ መኸዘን ከለዉ ዝተገበረ ኢንቨንተርን ዝተፈጸመ ትውጊትን ዝርዝር መዛግብ ኪሕዝ ኣለዎ፣እንተላይ ናይ እዞም ዝስዕቡ መዛግብ፡-

(ሀ) ናብ'ቲ ቀዩድ መኸዘን ናይ ዝኣተዉ ኣቕሑ ቀብሊትን ናቶም ሕሳባትን፣

(ለ) ካብ'ቲ ቀዩድ መኸዘን ናይ ዝወጹ ኣቕሑን ናቶም ሕሳባትን፣

(ሐ) ኣብ ቀዩድ መኸዘን ናይ እተኽዘኑ ኣቕሑ ዝምልከት ዝኾነ ዝተገበረ ምስግጋር ዋንነት፣

(መ) ናብ ካልእ ቀዩድ መኸዘን ዝኾነ ዝተገበረ ምስግጋር ኣቕሑ ፣

(ሰ) ኣብ ልዕሊ እቶም ኣብ ቀዩድ መኸዘን ዝተኸዘኑ ኣቕሑ ዝኾነ ምኽፋት፣ምዕሻግ፣ኢድ ምሕላፍ ወይ ምቕያር ኣቕሑ ወይ ዝኾነ ምስ ካልኣት ኣቕሑ ዝተገበረ ምሕዋስ ።

(2) ኣብ ንኡስ-ዓንቀጽ /1/ ናይ'ዚ ዓንቀጽ'ዚ እተገልጹ ሰነዳት ካብ እተዳለውሉ ግዜ ብምጅማር ፣ ኣቕሑ ካብ ቀዩድ መኸዘን ካብ ዝወጽሉ መዓልቲ ንድሓር ንሓሙሽተ /5/ ዓመት ክዕቀቡ ኣለዎም።

15. ምቕያር ኣቕሑ፤

(1) ብዘይካ ነዞም ዝስዕቡ ዕላማታት ኣብ ቀዩድ መኸዘን ከለው፣ ኣብ ልዕሊ ኣቕሑ ኢድ ምሕላፍ፣ ምቕያር፣ ወይ ምስ ካልኣት ኣቕሑ ምሕዋስ ክግበር ኣይፍቀድን፡-

(ሀ) ንልሙድ ጽገናታትን ምትዕርራይን ፣

(ለ) ምስ ዝኾነ ሕጊ ሃገረ-ኤርትራ ዘይጻረር ወይ

(ሐ) መንቀብ ዘለዎም ኣቕሑ ካብ ብሉጻትን ጽሩያትን ዓይነት ኣቕሑ ምፍላይ፣

(2) ኣቕሑ ኣብ ቀዩድ መኸዘን ከለዉ ወካሊ ክፍሊ ኣብ ዝተረኽበሉ ኣብ ዝኾነ እዋን ክኽፈቱወይ ክዕሸጉ ይኽእል።

(3) ኣብ ቀዩድ መኸዘን ናይ እተኽዘኑ ኣቕሑ ኣእታዊ ወይ ዋና ኣቕሑ ካብ'ቲ ቀዩድ መኸዘን ኣቕሑ ብብውሑድ ክፋላት ክውጽእ ኣብ ዝደለየሉ

እዋን፥ እቲ ኣእታዊ ወይ ዋና ናብ ዋና በዓል መዚ ጉምሩክ ፥ ብመሰረት እተኣዘዘ ቅጥዒ እተመሓየሸ ሕሳብ የቕርብ።

16. ምስግጋር ዋንነት ኣቕሑ፥

(1) ንንኡሳን-ዓንቀጻት/2/ን /3/ን ናይ'ዚ ዓንቀጽ'ዚ እናተማእዘዘ፥ ኣብ ቅዩድ መኽዘን ናይ እተኸዘኑ ኣቕሑ ናይ ዋንነት ምስግጋር ኣብ ዝህልወሉ እዋን ፥ኣእታዊ ወይ ዋና ኣቕሑ ብመሰረት እተኣዘዘ ቅጥዒ ናብ እቶም ኣቕሑ ዝኣተውሉ ቤት ጽሕፈት በዓል መዚ ክፍሊ ጉምሩክ ናይ ምስግጋር ሰነድ የቕርብ።

(2) ኣብ ቅዩድ መኽዘን ዝተኸዘኑ ኣቕሑ ብጥቕላላት ምስ ዝኾኑ ዋንነት ናይ'ቲ ጥቕላል ብምልኡ ጥራይ ክሰጋገር ይኽእል።

(3) ኣቕሑ ኣብ ቅዩድ መኽዘን ተኸዚኖም ከለዉ፥ ካብ ሓደ እዋን ንላዕሊ ምስግጋር ዋንነት ኣይግበርን ።

17. ምውሳድ ሓላፍነት

ክፍሊ ጉምሩክ ናይ እተኸዘኑ ኣቕሑ ጥፍኣት፥ ወይ ዕንወት ዝኾነ ሓላፍነት የብሉን /ኣይህልዎን/።

18. ሕጋጋት ኣብ ግብሪ ዝውዕለሉ ዕለት፥

እዚ ሕጋጋት'ዚ ኣብ ጋዜጣ ኣዋጃት ኤርትራ ተሓቲሙ ካብ ዝውጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

ኣስመራ፥ 5 ግንቦት፣ 2003

ብርሃነ ኣብርሀ
ሚኒስተር ፋይናንስ

Legal Notice No 72/2003

CUSTOMS BONDED WAREHOUSE REGULATIONS

1. Short Title

These Regulations may be cited as the *"Customs Bonded Warehouse Regulations-Legal Notice No.72/2003"*

2. Definitions

In these Regulations, unless the context otherwise requires:

"applicant" means a person who applies for a permit;

"bonded warehouse" means;

(a) private warehouses operated by individuals or corporate bodies for the storage of their own in bond goods; or

(b) public warehouses operated by entrepreneurs for the storage of goods imported by various importers.

"certificate" means certificate of qualification issued by the Department of Customs;

"Chief Officer of Customs", with respect to a bonded warehouse or proposed bonded warehouse, means the manager of the customs office or customs offices that serve the area in which the bonded warehouse is located or is proposed to be located;

"Department" means the Department of Customs;

" fiscal year" means the period beginning on January 1 and ending on December 31;

"Minister" means the Minister of Finance; and

"Proclamation" means the Customs Proclamation No. 112/2000.

PART 1

AUTHORIZATION OF BONDED WAREHOUSES

3. Issuance of Certificate

(1) Subject to sub-article (4) of this Article, the Minister may issue a certificate to any person who makes an application in accordance with sub-article (2) of this Article, gives such security as may be required under Article 4 hereof and pays any fee required to be paid under Article 5 hereof.

(2) Any person who wishes to apply for a certificate in respect of a proposed bonded warehouse shall submit a completed application in the prescribed form, together with a detailed plan of the proposed bonded warehouse, to the chief officer of customs.

(3) The plan referred to in sub-article (2) of this Article shall indicate;

(a) whether the proposed bonded warehouse exists or is to be constructed;

(b) the type of construction; and

(c) the area within the place proposed to be operated as a bonded warehouse that is to be used for the storage of goods.

(4) The Minister shall not issue a certificate to an applicant unless he is satisfied that:

(a) the site of the proposed warehouse is within an area served by a customs office;

(b) the applicant has sufficient financial resources to enable him to provide the facilities, equipment, services and personnel required under Articles 9 and 10 hereof and to lease or purchase the proposed bonded warehouse;

(c) the applicant will provide conditions suitable for the safekeeping of goods; and

(d) the Department is able to provide customs services with respect to the proposed bonded warehouse.

4. Security

(1) An applicant shall, before a certificate is issued to him, give security in an amount that is estimated by the chief officer of customs to be the maximum amount of taxes and duties that would be payable at any time in the year following the issuance of the permit for the goods stored in the bonded warehouse in that year, but in no case shall the amount of security be less than 50,000 Nakfa.

(2) The Minister may at any time require a certificate holder to increase the amount of security given under sub-article (1) of this Article to an amount sufficient to ensure the payment of the taxes and duties payable for the goods stored in the bonded warehouse.

(3) The security given under sub-article (1) of this Article shall be deposited with the chief officer of customs and shall be in the form of;

(a) cash; or

(b) a certified check; or

(c) a bond approved by the Minister.

5. Fees

(1) A person desiring to operate a bonded worehouse shall pay to the Department of Customs the following fees for issuance of a certificate, renewal and monthly services there of :

(a) Issuance fee	Nakfa 1000.00
(b) Renewal fee	Nakfa 1000.00
(c) Monthly service fee	Nakfa 725.00

(2) Where a certificate is issued on or after July 1 of a fiscal year, the fee payable for that fiscal year shall be half the applicable fee (i.e. reduced by 50 per cent.)

(3) The fee for a period referred to in sub-article (1) (a) of this Article or sub-article (2) of this Article shall be paid on or before the day on which the certificate is issued and the fee for each fiscal year in sub-article (1) (b) of this Article shall be paid on or before January 1 of that fiscal year of operation.

(4) The certificate and supervision fees for the bonded warehouse shall be collected by the chief officer of Customs at the station concerned.

(5) Every certificate for a bonded warehouse shall be valid for one fiscal year and shall be renewable on or before the first of January in every year.

(6) A certificate fee will not be refunded when a certificate holder ceases operations prior to the end of the fiscal year.

(7) A certificate to operate a bonded warehouse may be cancelled if the annual certificate fee is not paid in accordance with these Regulations.

6. Amendment of Certificate

(1) The Minister may subject to sub - Article (2) of this Article amend a certificate for the following purposes:

(a) to change a restriction specified in the certificate as to the classes of goods that may be received in the bonded warehouse, or to specify such a restriction; or

(b) to change the circumstances specified in the certificate under which goods may be received in the bonded warehouse, or to specify such circumstances.

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(2) The Minister may amend a certificate for the purposes set out in sub-article (1)(a)or (b) of this Article only after giving the certificate holder 60 days, prior notice of the proposed amendment.

7. Revocation or Suspension of Certificates

(1) The Minister may revoke a certificate where the certificate holder:

(a) no longer owns or leases the place that is authorized as a bonded warehouse;

(b) requests the Minister in writing to revoke the certificate; or

(c) is bankrupt.

(2) The Minister may suspend or in very grave cases revoke a certificate where the certificate holder:

(a) fails to comply with any law that prohibits or regulates the importation or exportation of goods; or

(b) has, in the course of his operation of the bonded warehouse, acted deceitfully in his business dealings with customers, suppliers, clearing and forwarding agents, importers, carriers or the Government of Eritrea; or

(c) has been incompetent in the operation of the bonded warehouse.

(3) the Minister may also revoke a certificate where:

(a) the volume of goods being received in the bonded warehouse is no longer sufficient to warrant the continued operation of the bonded warehouse;

(b) the Department is no longer able to provide customs services with respect to the bonded warehouse;or

(c) the certificate holder manipulates; unpacks, packs, alters or combines the goods with other goods while in the bonded warehouse other than in accordance with the specifications set out in the certificate.

(4) Where a certificate is suspended , an officer shall lock and seal the bonded warehouse and keep it locked and sealed during the period of suspension.

(5) The Minister shall, before suspending or revoking a certificate, give to the certificate holder:

(a) 60 days notice of the proposed suspension or revocation;

(b) adequate information concerning any allegations with respect to any of the grounds referred to in sub-article (2) and (3) of this Article on which the Minister proposes to suspend or revoke the certificate; and

(c) a reasonable opportunity to respond and make representations as to why the certificate should not be suspended or revoked.

8. Termination of Suspension of Certificate

The Minister may terminate the suspension of a certificate where the Minister is satisfied that the cause for the suspension no longer exists.

9. Appeal

(1) Any person whose application for the issuance of a certificate is rejected pursuant to Article 3(4) hereof or whose certificate is revoked pursuant to Article 7 hereof may appeal to the High Court within 15 (fifteen) days as of the day of rejection or revocation.

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

PART II

OPERATION OF BONDED WAREHOUSES

10. Facilities, Equipment, Personnel and Standards

(1) Every certificate holder shall provide at the bonded warehouse in respect of which the certificate was issued:

(a) adequate space for the examination of goods by officers; and

(b) the personnel and equipment needed to ensure that the goods to be examined by an officer are made available to the officer for examination.

(2) Where a bonded warehouse forms only part of a building, the certificate holder shall, if so requested by the chief officer of customs, keep the bonded warehouse separate from the remainder of the building by a partition or other suitable structure.

11. Operation and Maintenance Standards

Every certificate holder shall take reasonable measures to ensure that:

(a) the goods received in the bonded warehouse are stored safely and securely and are marked in a manner that the goods are readily identifiable so as to enable an officer to check the goods against the relevant customs accounting documents; and

(b) the bonded warehouse may be locked and sealed by an officer where the chief officer of customs requests that the bonded warehouse be

locked and sealed, for the purpose of verifying the goods received in the bonded warehouse or the warehouse accounting documents.

12. Receipt of Goods

Every certificate holder shall:

(a) acknowledge the receipt of imported goods that have been received in the bonded warehouse in respect of which the permit was issued and that have not been released by:

(i) endorsing the bill of lading, waybill or other similar transportation document presented to him by the carrier; or

(ii) issuing a transfer document to the carrier; and

(b) acknowledge the receipt of any other goods that have been received in the bonded warehouse by completing the delivery document in prescribed form.

13. Time Limits

Any goods which upon their importation are declared for importation into a Customs bonded warehouse shall be allowed without payment of duties and taxes for a maximum period of one year from the date of release to a bonded warehouse.

14. Record Keeping

(1) Every certificate holder shall keep detailed records of all goods received in the bonded warehouse for which his permit was issued and of all goods removed from the bonded warehouse, including records of inventory and records of the transactions that occur while goods are in the bonded warehouse, including records of:

(a) the receipt of the goods and the accounting thereof into the bonded warehouse;

(b) the removal of the goods from and the accounting thereof out of the bonded warehouse;

(c) any transfer of ownership in respect of the goods;

(d) any transfer to another bonded warehouse; and

(e) any unpacking, packing, manipulation or alteration of the goods or any combination of the goods with other goods.

(2) The records referred to in sub-article (1) of this Article shall be kept for a period beginning on the day on which the records are made and ending five

years after the day on which the goods are removed from the bonded warehouse.

15. Altering Goods

(1) Goods shall not be manipulated, altered or combined with other goods while in a bonded warehouse except for the purpose of or in the course of:

(a) normal maintenance and servicing;

(b) complying with any law of Eritrea; or

(c) separating defective goods from prime quality goods.

(2) Goods may at any time be unpacked or packed while in a bonded warehouse in the presence of a representative of the Department.

(3) Where the importer or owner of goods stored in a bonded warehouse desires that the goods be removed in smaller units than those recorded at the time of warehousing, the importer or owner shall submit to the chief officer of customs an amended accounting for such goods in prescribed form.

16. Transfer of Ownership of Goods

(1) Subject to sub-articles (2) and (3) of this Article, where there is a transfer of ownership of goods stored in a bonded warehouse, the importer or owner of the goods shall submit a transfer document in prescribed form to an officer at the customs office where the goods were accounted for.

(2) Where goods stored in a bonded warehouse are in packages, only the ownership of whole packages may be transferred.

(3) The ownership of goods in a bonded warehouse shall not be transferred more than one time while the goods are in a bonded warehouse.

17. Liability

The Customs Department shall not be responsible for any losses or damage incurred to goods in the Bonded Warehouse.

18. Effective Date

These Regulations shall come into force on the date of their publication in the Gazette of Eritrean Laws.

Done at Asmara, this 5th day of May 2003

Berhane Abrehe

Minister of Finance.