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ብመንግስቲ ኤርትራ ዝሕተም

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ቅጹ. 11/2002 ቁ. 8 አስመራ ታሕሳስ (27/2002) ዋጋ: ናቕፋ. 10.00

አዋጅ ቁ. 124/2002
አዋጅ ሓበሬታ ዋኒን
አዋጅ ቁ. 125/2002
አዋጅ ዘይቅኑዕ አሰራርሓ ንግዲ
አዋጅ ቁ. 126/2002
አብ ኤርትራ ዝነጥፉ ኤምባሲታትን አህጉራውያን ትካላትን ተቆጺሮም ናይ ዝሰርሑ ኤርትራውያን ምዝገባ አዋጅ
አዋጅ ቁ. 127/2002
አብ ኤርትራ ዝነብሩ፡ ዝሰርሑ ወይ ዝነግዱ ወጻኢተኛታት አብ ኤርትራ ክምዝገቡ ዝውስን አዋጅ

GAZETTE OF ERITREAN LAWS
PUBLISHED BY THE GOVERNMENT OF
ERITREA

Vol 11/2002 No 8 Asmara, December 27/2002 Price Nakfa 10.00

Proclamation No. 124/2002
The Business Information Register Proclamation
Proclamation No. 125/2002
The Unfair Trade Practices Proclamation
Proclamation No. 126/2002
Proclamation to Provide for the Registration of Eritreans Working in Embassies and International Organisations in Eritrea
Proclamation No. 127/2002
A Proclamation to Pervide for the Registration of Foreigners who Reside, Work or Engage in Business in Eritrea
Proclamation No. 128/2002
A Proclamation to Amend the Business Licensing System Control and Business Licensing Office Establishment Proclamation No 72/1995

አዋጅ ቁጽሪ 125/2002

አዋጅ ዘይቅኔዕ አሰራርሓ ንግዲ

1. ሓጺር አርእስቲ

እዚ አዋጅ'ዚ "አዋጅ ዘይቅኔዕ አገባብ አሰራርሓ ንግዲ ቁጽሪ 125/2002" ተባሂሉ ኪጥቀስ ይከአል።

2. ዝተሰረዘ ሕግታት

ዝኾነ ምስ'ዚ አዋጅ'ዚ ዘይቃዶ ወይ ዝገራጮ አዋጅ፡ ሕጋታት፡ መምርሒታት ወይ ምልክታ በዚ አዋጅ'ዚ ተሰሪዙን ተተኪኡን ኣሎ።

3. ትርጉም

አብ'ዚ አዋጅ'ዚ አተኣታትውኡ ካልእ ትርጉም እንተዘይኣውሂቡዎ፡-

- (ሀ) "ሚኒስትር" ማለት ሚኒስትር ንግድን ኢንዱስትሪን ማለት ኢዩ፤
- (ለ) "ኃጻይ" ማለት ብመሰረት ዝምልከቶ ሕግታት ኤርትራ ኣብ ንግዳዊ ንጥፈት ዝተዋፈረ ዝኾነ ባህርያዊ ሰብ ወይ ብሕጊ መሰል ሰብነት ዝተዋህቦ ኣካል ማለት ኢዩ፤
- (ሐ) "አምጻኢ" ማለት ዝኾነ ናብ ኤርትራ ኣቕሑ ዘምጽእ ወይ ከምዝመጽእ ዝገብር ኃጻይ ማለት ኢዩ፤
- (መ) "ጃምላ ሸያጣይ" ማለት ዝኾነ ኣቕሑ ዝሸይጥ ወይ ብኻልእ ኣገባብ ንንጽል ሸያጣይ ኣቕሑ ዘከፋፍል ኃጻይ ማለት ኢዩ፤
- (ረ) "ንጽል ሸያጣይ" ማለት ዝኾነ ኣቕሑ ዝሸይጥ ወይ ብኻልእ ኣገባብ ንአህለኹቲ ኣቕሑ ዘከፋፍል ኃጻይ

ማለት አይደለም።

(ለ) "አቅራቢ" ማለት ዝቅርባ ስርዓት ለመጠየቅ ይኸውን አብ ውሽጢ ስርዓት ለፈሪ አቅራቢ ወይ አቅራቢ ንግድ ማለት አይደለም።

(ቀ) "አገልግሎት" ማለት ብዙሃን ጸግ ወይ ግንባታ ዝኸፈለሉ ዝኾነ ክፍሊት ዝኸፈሎ ንጥፈት ማለት አይደለም።

(ሸ) "ዘይቅኑዕ አሰራርሓ ንግዲ" ማለት ብጭቡጥ ወይ ብሕቡእ ስምምዕ ወይ ምቅርራብ ናይ ዘይወግዓዊ መርዳኢታ ንንግዲ ወይ ናጻ ውድድር ንምዕጋት ወይ ንምህሳይ ብቐጥታ ወይ ብተዘዋዋሪ ሳዕቤን ዘለዎ ናይ ዝኾነ ሰብ ወይ ብዙሓት ሰባት ተግባር ማለት ኮይኑ ወይ አንጻር ረብሓ ህዝቢ ማለት አህሉኸቲ፣ አፍሪይቲ ነጋዶ ወይ ካልኣት ዝሰርሕ ወይ ዚሰርሕ ዚመስል ዝኾነ ብሕቱው፣ መኸሰባዊ ወይ ብፈላላዩ ዓይኒ ዝርኢ ንጥፈታት ማለት አይደለም።

(በ) "ዘይእኹል ቀረብ" ማለት ምስ ልመድ ጠለብ አቅራቢ ዘይመጣጠንን ናብ ዘይቅኑዕ አገባብ ንግዲ ከምርሕ ዝኸእልን ቀረብ አቅራቢ ማለት አይደለም።

(ተ) "እውጅ አቅራቢ" ማለት ዝኾነ ብሚኒስተር እውጅ ዝኾነ አቅራቢ ወይ አገልግሎት ማለት አይደለም። ከምኡ'ውን

(ነ) "ሃገር" ማለት ስርዓት ማለት አይደለም።

4. እውጅ አቅራቢ

(ሀ) ሚኒስተር ዝኾነ አቅራቢ ወይ ምድባት አቅራቢ ወይ አገልግሎት ዘይእኹል ቀረብ ወይ ናይ ዘይቅኑዕ አገባብ አሰራርሓ ንግዲ ሰብብ ኮይኖም ምህላዎም ምስ ዝግግብ።

(ለ) ከምዚ ዚአመሰሉ አቅራቢ ወይ አገልግሎት ብሕጊ ወይ ብህዝባዊ ምልክታ ከም እውጅ አቅራቢ ምቁጽጽር ዋጋ ኪግበረሎም ኪእውጅ፣ ከምኡ'ውን

(ሐ) ከምዚ ዚአመሰሉ እውጅ አቅራቢ ብሰናዕቲ፣ አምጻእቲ፣ ብጅምላ ሸየጥቲ ወይ ብንጽል ሸየጥቲ፣ ዝሸየጠሉ ዝልዓለ ዋጋ ወሲኑ ብጽሑፍ ትእዛዝ ይህብ ወይ ናይ ከምዚ

ዚአመሰላ እውጅ አቕላ ዋጋ ዝግምገመሉ መምርሒ ክፍለጥ ይኸእል።

(ለ) ዝኾነ አቕላ እውጅ አቕላ ኣብ ዝኾነሉ፡ እቲ ሚኒስትር ነይሮ ዝኾነ ብኡኡ ብጽሑፍ ዝተመዘዘ ሰብ ንኹሉም ከምዚ ዚአመሰላ እውጅ አቕላ ዝሓዙ ነጋዶ ነቲ ዝሓዘዎ ቅሙጥ አቕሑ ብምሉኡ ክመልሱ ክእዘዙም ይኸእልን ናይ ከምዚ ዚአመሰላ ምምላስ ክሳብ ኣታዊ ዝኸውን ብቑዕ ግዝያዊ ስጉምቲ ክእዘዙ ይኸእልን ናይ ከምዚ ዚአመሰላ ቅሙጥ አቕሑ ተመላሲ ኣታዊ ምስኮነ ኣገባብ ኣሸያይጥኡ ክእዘዙ ይኸእልን።

(ሐ) ኣብ (ሀ) (ii) ናይ'ዚ ዓንቀጽ'ዚ ዝተጠቐሰ ዋጋን መምርሕን፡ ብሚኒስትራት ንግድን ኢንዱስትሪን ፋይናንስን ዝተመዘዙ ኣባላት ዝሓዘ ፍሉይ ኮሚተ ዝወሃብ ምኽሪ፡ ብሚኒስትር ይውሰን። ኣብ ምውሳኔ ዝተጠቐሰ ዋጋን መምርሕን ሚኒስትርን እቲ ፍሉይ ኮሚተን ብዘይካ ፍሉይ ተግባራት ነዘም ዝስዕቡ ረጅሒታት ማለት፡-

- (i) ናይ ምህርቲ ወጻኢ፡
- (ii) ናይ መጎዓዓዚ ወጻኢ፡
- (iii) ዑደተ - መሸጣ፡
- (iii) ናይ ዝበላሾ አቕሑ ክሳራን፡
- (v) ብእርጋን ዝመጽእ ክሳራን፡
- (vi) ነቲ ኣገልግሎት ንምፍጻም ዝጥለብ ክእለት፡
ኣእምሮአዊ ንጥፈትን ግዜን፡ ከምኡ'ውን
- (vii) ንሸያጣይ ወይ ኣገልግሎት ዝህብ ሰብ ርትዓዊ መኸሰብ ዘውህብ ምዃኑ ኣብ ግምት ክእቲ ኣለዎ።

(መ) ዝኾነ ብመሰረት (ሀ) (i) ናይ'ዚ ዓንቀጽ'ዚ ዝተሞህበ ዝኾነ ትእዛዝ ዘየኸበረ ነጋዳይ ወይ ብመሰረት (ለ) ናይ ዓንቀጽ 5 ናይ'ዚ ኣዋጅ'ዚ ብመሰረት እዚ ኣዋጅ'ዚ ዝተሞህበ ትእዛዝ ኣብ ንቡር ኣገባብ ዋሊን አቕሑ ዝሓብኤ ወይ ቅሙጥ አቕሑ ናይ እውጅ አቕላ ምሻጥ ምስዘኣበ፡ ሚኒስትር ከምዚ ዚአመሰላ ቅሙጥ አቕሑ ክውረስ ክእዘዙ ይኸእልን ከምዚ ዚአመሰላ ቅሙጥ አቕሑ ዝሸየጠሉ ውጥን የውጽእን ብተወሳኺ ክሳብ ቤት ፍርዲ ብዛዕባ እቲ ጉዳይ ውሳኔ ክሳብ ዝህብ ናይ ከምዚ ዚአመሰላ ነጋዳይ ናይ ንግዲ ፍቓድ ክእገድ ክእዘዙ ይኸእል።

(ረ) ብመሰረት ድንጋጌታት (መ) ናይ'ዚ ዓንቀጽ'ዚ ቅጹጥ አቕሓ ናይ እውጅ አቕሓ ምስዘሸየጥ፡ ሚኒስተር ካብ መሸጣ ናይ'ቲ ዝተታሕዘን ዝተሸጠን አቕሓ ዝተረኸበ አታዊ ዝተገብረሉ ወጻኢታት ብምጉዳል ነቲ ነጋዳይክኸፈሎ ይእዘዝ።

5. ንግዳዊ አሰራርሓ

(ሀ) ዝኾነ ነጋዳይ

- (i) ኪርከብ ዚከአል አቕሓ ብምሉእ ክዕድጎ፡ አቕሑ ኪሓብእ፡ ካብ ንቡር መስመር ንግዲ አቕሑ ኪአለ ወይ ብዝኾነ ካልእ አገባብ ዝኾነ አቕሓ ካብ ንቡር ፋይዳ ወይ ሃልኪ ኪኸልክል አይፍቀድን፤ ወይ
- (ii) አብ ዘይቅኑዕ አገባብ አሰራርሓ ንግዲ አይዋፈርን ወይ ተሳታፊ አይከውንን፤ ወይ
- (iii) ካብቲ ብሚኒስተር ዝተወሰነ ዋጋ ዝዛይድ ወይ ዝተአዘዘ አገባብ ዝኾነ እውጅ አቕሓ አይሸየጥን።

(ለ) ዝኾነ ነጋዳይ ንዝኾነ እውጅ አቕሓ ብካብ ዝተወሰነ ዋጋ አዛይዱ ምስዘሸየጥ፡ ሚኒስተር ወይ ንሱ ብጽሑፍ ዝመዘዞ ሰብ ነቲ ከምዚ ዚአመሰለ ሸያጣይ ንዓዳጋይ ነቲ ዝያዳ ዝተኸፍለ ዋጋ ኪመልሰሉ ክእዘዝ ይኸእል።

(ሐ) ዝኾነ ጅምላ ሸያጣይ ወይ ንጽል ሸያጣይ ብሚኒስተር ካብ ዝተወሰነ ዋጋ አዛይዱ ንካልኣይ ግዜ ንምሻጥ ዝኾነ እውጅ አቕሓ አይዕድግን፤ ንዝኾነ ከምዚ ዚአመሰለ አቕሓ ካብ'ቲ ዝተወሰነ ዋጋ አዛይዱ ምስዘዕድግ ቦቲ ንቡር ዋጋ ከምዝገዛእ ይግመት።

(መ) ዝኾነ ነጋዳይ ካብቲ ብሚኒስተር ዝተወሰነ ዝተሓተ ደረጃ ጽፈትን ዓይነትን እውጅ አቕሓ አይሸየጥን።

6. መዛግብቲ

(ሀ) ዝኾነ ንጽል ሸያጣይ ዘይኮነ ነጋዳይ፡-

- (i) ንኹሉ ዝዓደጎ ወይ ዝሓዞ ኣቕሓ ብዝምልከት ናይ ዕድግን መሸጣን መዝገብ ክሕዝን ቅኑዕ መዓልታዊ ኣታዊ ክምዝግብን ኣለዎ።
 - (ii) ንሱ ንዝሸጦም ኣቕሓ ብዝምልከት ዝርዝር ናይ ዝተሸጡ ኣቕሓ ፋቲራ ክህብ ኣለዎ ክምኡ'ውን ንሱ ኣቕሓ ናይ ዝዓደገሉ ዝርዝር ኣቕሓ ፋቲራ ኪቕበልን ክምዘ ዚኣመሰሉ ፋቲራታት ክዕቅብን ኣሎዎ።
 - (iii) ዋጋ መሸጣ ናይ ኩሎም ኣቕሓ ብጉሉሕ ኣብ ዝርኤ ክመልክት ኣለዎ።
- (A) ሚኒስትር ዘውጽኦ ሕጋዊት ንኹሉ ወይ ገለ ድንጋጌታት (ሀ) ናይ'ዚ ዓንቀጽ'ዚ ኣብ ገለ ምድባት ወይ ኣብ ኩሎም ንጽል ሸየጥቲ ተፈጻሚ ክምዝኸውን ክገብር ይኸእል።

7. ምውሳኔን ዋጋ

ዝለዓለ ዋጋ መሸጣ ናይ ዝኾነ ኣቕሓ ወይ ኣገልግሎት ኪረጋገጽ ምስዘይከኣል፡ ሚኒስትር ወይ ዝኾነ ብሚኒስትር ዝተመዘዘ በዓል መዘ ብናይ ጽሑፍ ትእዛዝን ብዘይካ ካልእ ተግባራት ነቲ ኣብ (ሐ) ናይ ዓንቀጽ 4 ናይዚ ኣዋጅ'ዚ ተጠቒሱ ዘሎ ረቕሒታት ኣብ ግምት ብምእታውን ክምዘ ዝኣመሰሉ ኣቕሓ ዝሸየጡሉ ወይ ኣገልግሎት ዝወሃቡሉ ዝለዓለ ዋጋ ክውስን ይኸእል።

8. ምልክታ

ሚኒስትር ብመሰረት ዓንቀጽ 4 ናይ'ዚ ኣዋጅ'ዚ ብጽሑፍ ምልክታ ኣብ ዝህበሉ ንኹሉ ወይ ዝኾነ ትእዛዝ ዝጋዜጣ ኣዋጃት ኤርትራ ወይ ምልክታታት ወይ ንኹሎም ዝምልከቶም ሰባት ብቐጥታ ዘዋሪ ድብዳቤ ይህቡ። ክምዘ ዚኣመሰሉ ትእዛዛት በቲ ኣብ ምልክታ ወይ ጋዜጣ ኣዋጃት ኤርትራ እተወሰነ ግዜ ኣብ ግብሪ ይውዕል።

9. ኢንስፕክሽን

(ሀ) ዝኾነ ብሚኒስትር ዝተመዘዘ በዓል መዘ ድንጋጌታት ናይ'ዚ

አውጅ'ዚ ይትግበር ምህላው ንምቁጽጸር አቕሑ ኣብ ዝሸየጠሉ ወይ ኣገልግሎት ዝወገበሉ ህንጻ ኣብ ኩሉ ቅቡል ሰዓታት ክኣቱ ይኸኸል።

- (ለ) ዝኾነ ናይ ከምዚ ዚኣመሰለ ህንጻ ሓላፍነት ዘለዎ ሰብ ሰነዳት፣ ወረቓቕቲ ደብዳቤታት፣ መዛግብቲ ሕሳብ፣ ፋቲራታትን መዛግብን በቲ ዝተመዘዘ በዓል መዚ ክምርመር ምስዝሕተት ክቕርብን ዝኾነ ሓገዝ ክህብን ኣለዎ።

10. ሕጋዊት

ሚኒስትር፡-

- (ሀ) ንግቡ-እ ምሕደራ ናይ'ዚ አውጅ'ዚ ዘድሊ ቤት ጽሕፈት ንምቕጽም ብዝምልከት፣
- (ለ) ንጽፈት ብቕዓትን ደረጃታትን እውጅ አቕሑ ዝእዘዝ፣ ከምኡ'ውን
- (ሐ) ብሓፈሻ ንዕላማ ናይ'ዚ አውጅ'ዚ ኣብ ግብሪ ዘውዕል ሕጋዊት ከውጽእ ይኸኸል።

11. መቕጻዕቲ

ዝኾነ ንድንጋጌታት ናይ'ዚ አዋጅ'ዚ ወይ ብኡኡ መሰረት ንዝወጸ ዝኾነ ሕጋዊት፣ ትእዛዝ ወይ ምልክታ ዝጠሓሰ ገበነኛ ኮይኑ ምስ ዝርከብ ብዝምልከቶም ድንጋጌታት ገበናው ሕጊ ኤርትራ ይቕጸዕ።

12. ኣብ ግብሪ ዝውዕለሉ

እዚ አውጅ'ዚ ኣብ ጋዜጣ አዋጃት ኤርትራ ተሓቲመ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

ኣስመራ ታሕሳስ 27.2002
መንግስቲ ኤርትራ።

Proclamation No 125/2002

The Unfair Trade Practices Proclamation

1. Short title

This Proclamation may be cited as the "Unfair Trade Practices Proclamation No 125/2002 "

2. Repeal

All proclamations, regulations, directives or notices inconsistent with or contradictory to this Proclamation are hereby repealed and replaced.

3. Definition

In this Proclamation, unless the context otherwise requires:

- (a) "Minister " shall mean the Minister of Trade and Industry;
- (b) "dealer" shall mean any natural or juridical person who is engaged in any commercial activity under the relevant laws of Eritrea;
- (c) "importer" shall mean any dealer who brings or causes to be brought any goods into Eritrea;

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- (d) "wholesaler" shall mean any dealer who sells or otherwise disposes of any goods to any retailer;
 - (e) "retailer" shall mean any dealer who sells or otherwise disposes of any goods to any consumer;
 - (f) "goods" shall mean any materials, commodities or articles whether imported or locally produced;
 - (g) "Services" shall mean any activity for which compensation other than wages or salaries is paid for;
 - (h) "unfair trade practices" shall mean the act of any one person or of several persons by way of actual or tacit agreement, or arrangement of informal understanding having or designed to have the direct or indirect effect of restraining or injuring trade or the free competition thereon; or any monopolistic, profiteering or discriminatory activities which operate or are likely to operate against the interest of the public whether consumers, producers, dealers or other;
 - (i) "Short supply" shall mean a supply of goods which does not correspond to the normal demand for goods and might lead to unfair trade practices;
 - (j) "declared article" shall mean any goods or services declared to be so by the Minister; and
 - (k) "Country" shall mean Eritrea.

4. Declared Article

(a) The Minister, upon satisfaction that any goods or classes of goods or services are in short supply or are made the subject of unfair trade practices, may:

(i) declare by legal or public notices such goods or classes of goods or services as declared articles to be subject to price control; and

(ii) issue orders, in writing fixing the maximum prices at which such declared articles shall be sold by manufacturers, importers, wholesalers, or retailers, or notify the formula whereby the prices of such declared articles shall be computed.

(b) Where any goods have been made a declared article, the Minister or any person authorized by him in writing may order all dealers holding stock of such declared article to render to him a full return of all such stocks held and may prescribe appropriate temporary measures pending receipt of such

return and the manner of disposing of such stocks after the receipt of such returns.

(c) The prices and formula referred to in paragraph (a) (ii) of this Article shall be fixed by the Minister upon the advice of a special committee comprising such members as are appointed by the Ministers of Trade and Industry and of Finance.

In fixing said prices and formula, the Minister and the special committee shall take into consideration, *inter allia*, the following factors:

- (i) cost of production;
- (ii) cost of transportation;
- (iii) turn - over;
- (iv) losses of perishable goods;
- (v) losses through obsolescence;
- (vi) the skill, intellectual activity and time required to accomplish the service; and
- (vii) fair profit to the seller or to the person who renders the service.

- (d) Where any dealer fails to comply with any order issued under paragraph (a) (ii) of this Article or paragraph (b) of Article 5 hereof or hoards or fails to dispose of his stocks of declared articles in the normal way of business and in accordance with the order issued under this Proclamation, the Minister may order the seizure of such stocks and make such arrangements for the disposal of such stocks and may, in addition, order the suspension of any trading licence of such dealer until a court verdict is rendered on the subject matter.
- (e) Where the stocks of the declared articles have been disposed of pursuant to the provisions of paragraph (d) of this Article, the Minister shall order that payment be made to the dealer of the proceeds realized on their sale less any expenses incurred in connection with their seizure and sale.

5. Trade Practice

(a) No dealer shall:

- (i) buy up, hoard, divert from normal trade channels or in any other way withhold any

- goods from normal use or consumption; or
 - (ii) engage in or become party to an unfair trade practice; or
 - (iii) sale any declared article at a price exceeding that fixed by or in a manner ordered by the Minister.
- (b) Where any dealer has sold any declared article above the fixed price, the Minister or any person authorized by him in writing may order such seller to repay to the purchaser the amount paid in excess of such prices. or
- (c) No wholesaler or retailer shall purchase any declared article for resale at a price exceeding that fixed by the Minister, and where he purchases any such article above the fixed price, he shall be presumed to have bought it at the normal price.
- (d) No dealer shall sell or transact any declared article of purity or quality below the minimum standard laid down by the Minister.

6. Records

- (a) Every dealer who is not a retailer as such

shall:

- (i) keep a register of purchases and sales in respect of all goods acquired or held by him and make accurate daily entries therein;
 - (ii) deliver an invoice in respect of all goods sold by him and shall receive one in respect of all goods purchased by him, and preserve all such invoices; and
 - (iii) display conspicuously the sale prices of all goods.
- (b) The Minister may by regulations subject certain classes of, or all retailers, to all or some of the provisions of paragraph (a) of this Article .

7. Price fixing

When the maximum selling price of any goods or services cannot be ascertained, the Minister or any official authorized by him, may by a written order and taking into consideration, *inter alia*, the factors stated in paragraph (c) of Article 4

hereof, fix the maximum price at which such goods may be sold or services rendered.

8. Notices

The Minister, in issuing written notices under Article 4 hereof, shall issue all or any order through the Gazette of Eritrean laws or notices, or through circulars directly communicated to the persons concerned. Such orders shall come into force and shall remain in force from the period and for a period of time specified in the notices or Gazette of Eritrean laws.

9. Inspection

- (a) Any official authorized by the Minister may at all reasonable times enter into premises where goods are sold or services rendered to inspect whether or not the provisions of this Proclamation are being complied with.
- (b) Every person in charge of such premises shall, when called upon to do so, produce all documents, papers, letters, records, invoices and registers for inspection by the authorized official and shall render to him every assistance.



10. Regulations

The Minister may issue regulations:

- (a) regarding the establishment of the offices necessary for the proper administration of this Proclamation;
- (b) prescribing purity and quality standards for declared articles; and
- (c) generally for putting into effect of the purpose of this Proclamation.

11. Sanctions

Whosoever contravenes the provisions of this Proclamation or of any regulations, orders or notices prescribed thereunder shall, on conviction be liable to punishment under the appropriate provisions of the Penal Code of Eritrea.

12. Effective Date

This Proclamation shall come into force upon its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 27th day of December, 2002.
Government of Eritrea.