
MARITIME SECTOR ADMINISTRATION PROCLAMATION

WHEREAS, it is imperative to improve and expand the maritime sector in an organized manner to provide an enhanced and smooth service, considering the crucial importance of existence of efficient maritime sector for a country's development and prosperity;

WHEREAS, it is essential to use modern means and techniques to administer dry ports, marine transport multimodal transport services and regulate vessels and marine transport and other maritime services, and to make use of inland water ways for transportation, and

WHEREAS, it is necessary to establish a Government body reporting directly to Ministry of Transport and Communication, which assumes maritime-related duties currently carried out by various Government bodies to date; becomes responsible for analyses and work out of maritime related issues; and is responsible for follow up and execution of obligations and rights of our country under international maritime conventions;

NOW, THEREFORE, in accordance with Article 55 (1) of Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows;

Part One General

1. Short Title
This Proclamation may be cited as “Maritime Sector Administration Proclamation No. 549/2007”

2. Definition
Unless the context provides otherwise the definition of words in this Proclamation is as follows:

1/ “Minister” or “Ministry” shall mean the
Minister or Ministry of Transport and Communication respectively.
2/ “Authority” shall mean the Maritime Affairs Authority established in accordance with Article 3 of this Proclamation.

3/ “Marine Transport Service” shall mean the carriage by sea of passengers, goods, or mail.
4/ “Port” shall mean any area designated by the law as a place where goods are loaded or unloaded in which customs office is situated and any buildings, installations and equipment or adjacent to any sea or dry port used for these purpose.

5/ “port service” shall mean the berthing and un berthing of vessels in a port, towage and pilot age of vessels, loading and unloading of goods on or from vessels; embarkation and disembarkation of passengers on or from vessels, transport of goods within a port; providing parking services for freight trucks, towing freight trucks, loading and unloading of goods on such trucks etc in sea ports or dry ports, fire fighting service, ship- chandelling, ware-housing and other similar services;

6/ “Seafarer” shall mean any person, including masters and apprentices, employed or assigned to work on board a vessel.

7/ “Sea worthiness” shall mean the fitness in construction, stowage plans, provisions and manning.

8/ “Vessel” shall mean kind of ship, boat, watercraft or dhow used for marine transport.

9/ “Multimodal Transport” shall mean the carriage of goods by at least two different modes of transport, on the basis of a multimodal transport contract, from a place at which the goods are taken in charge by the multimodal transport operator to another place designated for delivery, situated in a different country.

Part Two

Maritime Affairs Authority

3. Establishment:-

There is hereby established a Maritime Affairs Authority (hereinafter the “Authority”) as an autonomous public authority having its own judicial personality.

4. Principal office:-

The Authority shall have its principal office in Addis Ababa and may establish branch offices elsewhere.

5. Objectives:-

The purposes for which the Authority is established are as follows:

1/ ensure that the transport operations and movement of goods in import and export of the country are economical; plan, coordinate and enforce such operation;

2/ reduce the transit time of import export of goods, and coordinate the concerned Government bodies to care for goods at port.

3/ seek ways and means for the promotion and development of multimodal transport, marine transport, in-land water transport and ensure the availability of uninterrupted resource of skilled man power in the maritime sector for the Country.

4/ to implement obligations and rights of Ethiopia under international maritime
6. Powers and Duties of the Authority

The Authority shall have all the powers and duties to:

1. ensure that the import and export process and movement of goods is economical and efficient; supervise, coordinate and render timely solutions to problems arising in the course of these operations;

2. direct and coordinate efforts of the respective Government bodies to minimize the transit time of import and export goods; analyze and solve problems arising from the use of sea ports and negotiate on such matters;

3. ensure the availability of its own berth at sea ports; develop the construction and expansion of service of dry ports, develop skills in negotiation of cost of transit, shipping of goods and other freight services in the course of import and export operation;

4. strive for the strengthening of the national shipping carriers, supervising its activities, issue license and supervise bodies and persons engaged in sea and inland waterways transportation services;

5. regulate, the manufacture, possession, use, sale and purchase of any vessel, license and control seafarers, pilots and other persons working on board a vessel;

6/ inspect, license and regulate all dry port and vessel services and facilities, the services at custom check points;

7/ issue license to persons desiring to engage in multi modal transport business, renew such license and supervise their operation;

8/ regulate and supervise dry ports, freight forwarders, ship agents, and the operation of customs clearing, to issue detailed directives, coordinate their tasks, and improve their capacity;

9/ negotiate, with the approval of the Ministry, international maritime and transit services, issues implementation regulations and follow up their execution;

10/ support the increased private organized participation in the organized manner in the maritime service sector, supervise the activities of associations organized in the maritime sector, disseminate properly analyzed trade information regarding the maritime sector to end users.

11/ recommend tariffs to be charged at dry ports, for the services they render; regulate the conditions under which passengers, goods and mail may be transported in vessels;

12/ conduct research and prepare plans and programs for dry ports and other projects relating to maritime transport construction, improve and maintain dry ports and other facilities for the use in accordance with the authorized programs;

13/ ensure the availability of safe and adequate marine transport and dry port services; require the provision of necessary marine and surface transport insurance;
14/ maintain port and vessel records; register all vessels and any rights relating thereto, issue registration marks to vessels; approve vessel christening; inspect and issue seafowthiness certificates; specify the type of services for which vessels are to be used; preserve and regulate conditions as to the construction assignment, maintenance and repair of vessels;

15/ designate and specify prohibited, danger and restricted areas for marine transport in inland waterways in cooperation with other concerned governmental agencies;

16/ conduct and coordinate search and rescue operations for any vessel; investigate vessel accidents and prepare and issue accident reports;

17/ cause the establishment of marine transport institution vessel construction, maintenance and repair centers and other facilities related to vessel operations; inspect and determine their standards and award certificates of qualification;

18/ collect fees, rents and other charges payable for navigation and port services; to be submitted by the Ministry of finance and approved by the Council of Ministers.

19/ prepare and submit to the Ministry, draft Directives necessary for the implementation of this Proclamation and Regulations issued under this Proclamation; make such Directives known to concerned parties;

20/ enter into contracts, sue and be sued and submit disputes to arbitration; buy, sell, own or lease any kind of property as its activities require;

Part Three

Organization and Management

7. Organization

1/ The Authority shall have a Director General and a Deputy Director General accountable to him, both appointed by the Prime minister on the recommendation of the Minister.

2/ The Authority shall have the necessary staff.

8. Director General of the Authority

The Director General shall be the Chief Executive of the Authority, and shall in particular, carry out the following powers and duties:

1/ prepare and issue directives, information and other related matters within the legal scope of the Authority;

2/ prepare and submit to the Minister plans and programs as well as detailed annual budgets; and implement same where approved;

3/ submit regular reports and proposals to the Minister on matters relating to national or international marine transport;

4/ collect regularly, information and statistics relating to marine transport;
5/ select and recommend to the Minister for appointment of officials of the Authority who are directly accountable to him

6/ employ, promote, transfer, administer or dismiss personnel allowances in accordance with the Civil Service law in force;

7/ effect payment in accordance with the approved annual budget and work program of the Authority;

8/ submit to the Minister audited quarterly financial and operational reports, as well as annual audited financial and comprehensive operational reports.

9/ The Director General may delegate part of his functions and powers to the employees of the Authority to the extent necessary for the efficient operations of the Authority;

10/ represent the Authority in person or through his attorney where it sues or sued;

10. Deputy Director General:

He shall assist the Director General carry out all powers and duties in his absence.

**Part Fore**

**Miscellaneous Provision**

10. Source of Fund

The fund of the Authority shall consist of:

1/ budget allocated by the Government;

2/ annual fees, service fees, registrations fees proceeds obtained from rents or sales of property;

3/ financial donations and income earned form services it renders.

11. Budget and Budget year

The Ministry of Finance and Economic Development shall prepare and submit the budget of the Authority to the Council of Ministers for Approval.

12. Auditors

The books of Account and all the financial affairs of the Authority shall be audited annually by the Auditor General or other auditors assigned by him.

13. Tax Exemption

1/ Any income that accrues to the Ethiopian Shipping Lines due to its ownership of vessels engaged in international marine transport services is exempt from any tax. However, any vessel registered by the Authority shall pay to it:
a). Annual charges levied by the Authority:

b). Service fees; and

c). Vessel registration fees

2/ Employment income accruing to seafarers engaged on board seagoing regular marine transport service vessel registered by the Authority shall be exempt from taxes.

14. Prohibition

No person shall operate multi-modal or marine transport service or purchase, sell, import, export or use a marine transport service vessel, or be engaged as a seafarer on board any marine transport vessel unless he has obtained an authorization granted by the Authority.

15. Small Vessels

The Minister, by Directives, may waive the application in whole or in part of this proclamation to small vessels.

16. Appeal and Penalty

a) The Minister shall render the final decision on complaints submitted to it by investors on matters related to the issuance of license and supervision of their activities in the sector.

b) Any person who violates the provisions of this Proclamation and Regulation issued hereunder shall be punishable in accordance with the Penal Code.

17. Amendment and Repeal

1/ The powers and Duties given to the Ministry of Trade and Industry related to ports under the Definition of powers and duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No 471/2005 Article 15 is hereby repealed and given to the Authority

2/ with respect to Transport Proclamation no. 468/2005

a/ Article 7 Sub-Article 5 (a) trough (c) ;and

b/ Powers given to the transport authority on matters related to seafarers under Article 23 (1), are all hereby repealed

18. Regulations and Directives

For the proper implementation of this Proclamation

a. The council of Ministers may issue the necessary regulation;

b. The Ministry may issue the necessary Directives
19. Effective Date

This Proclamation shall come into force up on Publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 4th day of September, 2007

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA