

PROCLAMATION NO. 173/2013

A Proclamation Pertaining to the Opening of Foreign Currency Deposit Accounts, Domestic Commercial Transactions and/or Contracts, Currency Remittance and Exchange and the Declaration of Currency of Travelers Arriving into and Departing from Eritrea

Article 1. Short Title

This Proclamation may be cited as " Proclamation No.173/2013 Pertaining to the Opening of Foreign Currency Deposit Accounts, Domestic Commercial Transactions and/or Contracts, Currency Remittance and Exchange and the Declaration of Currency of Travelers Arriving into and Departing from Eritrea".

Article 2. Repealed Regulations

Legal Notice No.101/2005 and Legal Notice 102/2005 issued to amend the former are hereby repealed and replaced by this Proclamation.

Article 3. Opening of Foreign Currency Deposit Accounts

- (1) Government institutions authorized by the Ministry of Finance, as well other institutions authorized by the Bank of Eritrea, may open foreign currency accounts in Eritrea.
- (2) Eritrean citizens residing in Eritrea may open foreign currency accounts in Eritrean banks and utilize their foreign currency for legitimate means.
- (3) Eritrean citizens residing outside Eritrea may open foreign currency accounts in Eritrean banks and operate their foreign currency without any restriction.
- (4) Institutions which have opened foreign currency accounts in Eritrea pursuant to sub-Article (1) of this Article may use their foreign currency for international transactions.
- (5) Citizens residing in Eritrea who have opened foreign currency accounts in Eritrea may use their foreign currency upon presentation to the banks acceptable evidence.

Article 4. Currency of Payment in Domestic Transactions/ Contracts

- (1) Unless the Bank of Eritrea specially authorizes payment in foreign currency, all payments relating to commercial transactions and contracts in Eritrea shall only be made in Nakfa.
- (2) Foreign currency collected by institutions specially authorized by the Bank of Eritrea to conduct transactions

or provide services in foreign currency shall be surrendered to the Bank of Eritrea within the time frame prescribed by it.

Article 5. Remittance and Exchange of Foreign Currency

Remittance and exchange of foreign currencies in Eritrea shall be effected only through Eritrean banks and other service-providing financial institutions authorized to do so by the Bank of Eritrea.

Article 6. Declaration of Currency Carried by Travelers Arriving into and Departing from Eritrea

Whereas there shall be no limitation on the amount of foreign currency that travelers may bring into or take out from Eritrea, they shall, where the amount they bring into or take out from Eritrea exceeds US Dollars ten thousand (10,000) or its equivalent in other convertible currencies, complete declaration forms prepared by the Bank of Eritrea and submit the same to Eritrean Customs Officers at the port of entry or departure in Eritrea.

Article 7. Penalty

Notwithstanding any provisions of law to the contrary, any person or institution who/which:

- (1) exchanges foreign currency without a special permit from the Bank of Eritrea;
- (2) remits illegally in Eritrea in Nakfa foreign currency received abroad;
- (3) brings into or takes out of Eritrea foreign currency exceeding ten thousand (10,000) US Dollars or its equivalent in other convertible foreign currency without completing and submitting to Customs Officers declaration forms prepared by the Bank of Eritrea; or
- (4) effects or receives in Eritrea payments relating to commercial transactions or contracts in foreign currency without a special permit from the Bank of Eritrea,

shall, upon conviction by the competent civil court, in addition to the confiscation of the money that he/she/it is found exchanging foreign currency, remitting in Nakfa, bringing into or taking out from Eritrea without filling a declaration form and submitting it to the Customs Officers, or effecting or receiving payments in foreign currency in Eritrea, be punishable with simple imprisonment (ie., from 10 days up to three years) or with a fine not exceeding fifty thousand (50,000) Nakfa; provided that the provisions of sub-Article (3) of this Article as well as the penalty of

imprisonment herein provided for may not apply to institutions.

Article 8. Entry into Force

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

Done at Asmara, this 20th day of February, 2013,
Government of Eritrea.

**ጋዜጣ አዋጃት ኤርትራ
ብመንግስቲ ኤርትራ ዝሕተፎ**

ቅጹ 21/2013 ቁ.1 አስመራ፣ 20 ለካቲት 2013፣ ዋጋ 6:00 ናቕፋ

አዋጅ ቁጽሪ 173/2013

ብባጤራ ወጻኢ ሕሳባት ንምክፋት፣ ንኣከፋፍላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት፣ ንምሕዋልን ንምሽራፍን ባጤራ፣ ከምኡ'ውን ንምምዝጋብ ትሕዝቶ ገንዘብ ናብ ኤርትራ ናይ ዝኣትውን ካብ ኤርትራ ዝወጹን ገያሾ ዝምልከት አዋጅ

**GAZETTE OF ERITREAN LAWS
PUBLISHED BY THE GOVERNMENT OF ERITREA**

Vol.21/2013 No.1 Asmara, 20th February, 2013 Price 6:00 Nakfa

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አዋጅ ቁጽ 173/2013

ብባጤራ ወጻኢ ሕሳባት ንምክፋት፣ ንአከፋፍላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት፣ ንምሕዋልን ንምሽራፍን ባጤራ፣ ከምኡ'ውን ንምምዝጋብ ትሕዝቶ ገንዘብ ናብ ኤርትራ ናይ ዝኣትውን ካብ ኤርትራ ናይ ዝወጹን ገያሾ ዝምልከት አዋጅ

ዓንቀጽ 1. ሓጺር ኣርእሰቲ

እዚ አዋጅ'ዚ “ብባጤራ ወጻኢ ሕሳባት ንምክፋት፣ ንአከፋፍላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት፣ ንምሕዋልን ንምሽራፍን ባጤራ፣ ከምኡ'ውን ንምምዝጋብ ትሕዝቶ ገንዘብ ናብ ኤርትራ ናይ ዝኣትውን ካብ ኤርትራ ናይ ዝወጹን ገያሾ ዝምልከት አዋጅ ቁጽ 173/2013” ተባሂሉ ከጥቀስ ይከኣል።

ዓንቀጽ 2. ዝተሰረዙ ሕጋጋት

ሕጋዊ ምልክታ ቁጽ 101/2005ን ንዕኡ ንምምሕያሽ ዝወጸ ሕጋዊ ምልክታ ቁጽ 102/2005ን በዚ አዋጅ'ዚ ተሰሪዞምን ተተኪእምን ኣለው።

ዓንቀጽ 3. ብባጤራ ወጻኢ ሕሳባት ምክፋት

- (1) ብሚኒስትሪ ፋይናንስ ዝተፈቐደሎም ትካላት መንግስትን ብባንክ ኤርትራ ዝተፈቐደሎም ካልኣት ትካላትን፣ ኣብ ኤርትራ ብባጤራ ወጻኢ ሕሳብ ኪኸፍቱ ይኸእሉ።
- (2) ኣብ ኤርትራ ዝነበሩ ዜጋታት፣ ኣብ ባንክታት ኤርትራ ናይ ባጤራ ወጻኢ ሕሳብ ከፊቶም ብሕጋዊ መገዲ ከጥቀሙሉ ይኸእሉ።
- (3) ካብ ኤርትራ ወጻኢ ዝቐመጡ ዜጋታት ኤርትራ ኣብ ባንክታት ኤርትራ ብባጤራ ወጻኢ ሕሳብ ክኸፍቱን ሕሳቦም ብዘይ ዝኾነ ቀይዲ ከንቀሳቑሱን ይኸእሉ።
- (4) ብመሰረት ንኡስ-ዓንቀጽ (1) ናይ'ዚ ዓንቀጽ'ዚ ብባጤራ ወጻኢ ናይ ባንክ ሕሳብ ኣብ ኤርትራ ዝኸፈቱ ትካላት፣ ነቲ ናይ ወጻኢ ባጤራ ሕሳቦም ንኣህጉራዊ ትውጊታት ከጥቀሙሉ ይኸእሉ።
- (5) ብባጤራ ወጻኢ ናይ ባንክ ሕሳብ ኣብ ኤርትራ ዝኸፈቱ ኣብ ኤርትራ ዝነበሩ ዜጋታት ቅቡል

መርትዖ ንባንክታት ብምቕራብ ናይ ወጻኢ ባጤራኦም ከጥቀሙሉ ይኸእሉ።

97ቀጽ 4. እኩፋናላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት

(1) ባንክ ኤርትራ ብፍሉይ ብባጤራ ወጻኢ ክፍሊት ክፍጸም እንተዘይኣፍቂዱ፣ ኩሉ ኣብ ኤርትራ ዝካየድ ንግዳዊ ትውጊታትን ዝእቶ ውዕላትን ዝፍጸም ክፍሊታት ብባጤራ ናቕፋ ጥራይ ይኸውን።

(2) ብፍሉይ ፍቓድ ባንክ ኤርትራ ኣብ ውሽጢ ሃገር ብባጤራ ወጻኢ ትውጊት ክፍጸማ ወይ ኣገልግሎት ከህባ ዝፍቀደለን ትካላት ዝእክባእ ባጤራ ወጻኢ፣ ባንክ ኤርትራ ኣብ ዝውሰነለን ናይ ግዜ ሰሌዳ ንባንክ ኤርትራ የረክባ(የሰተልማ)።

97ቀጽ 5. ምሕዋልን ምሽራፍን ባጤራ ወጻኢ ምሕዋልን ምሽራፍን ባጤራ ወጻኢ ኣብ ኤርትራ፣ ብመገዲ ባንክታት ኤርትራን ብባንክ ኤርትራ ዝፍቀደለን ካልኣት ፋይናንስያዊ ኣገልግሎታት ከህባ ትካላትን ጥራይ ይካየድ።

97ቀጽ 6. ምምዘጋብ ትሕዝቶ ገንዘብ ናብን ካብን ኤርትራ ዝእትውን ዝውጹን ገያሾ ገያሾ ናብ ኤርትራ ከእትውዎን ካብ ኤርትራ ከውጽእዎን ዝፍቀደሎም መጠን ገንዘብ ገደብ ዘይብሉ ኩይኑ፣ እቲ ዝእትውዎ ወይ ከውጽእዎ ልዕሊ ዓሰርተ ሺሕ (10,000) ዶላር ወይ ድማ ንዕሉ ዝመጣጠኑ ካልኣት ተለውጥቲ ናይ ወጻኢ ባጤራታት ምስ ዝኸውን፣ ብባንክ ኤርትራ ኣብ ዝተዳለወ መኣወጂ ቅጥዒ ይመልኡን ነቲ ቅጥዒ ንሰብ-መዚ ግምሩክ ኤርትራ ኣብ መውጽኢን መእተውን ኣፍደገ ኤርትራ የረክቡን።

97ቀጽ 7. መቐጻዕቲ

ኣብ ካልኣት ድንጋጌታት ሕጊ በንጻሩ ዝሰፈረ ብዘየገድሱ፣ ዝኸነ ሰብ ወይ ትካል፡-

(1) ብዘይ ፍሉይ ፍቓድ ባንክ ኤርትራ ናይ ወጻኢ ባጤራ ዘሸረፈ፣

(2) ናይ ወጻኢ ባጤራ ተቐቢሉ ኣብ ኤርትራ ብናቕፋ ካብ ሕጊ ወጻኢ ዝኸፈለ ወይ ዝሓወለ፣

(3) ልዕሊ ዓሰርተ ሺሕ (10,000) ዶላር ወይ ድማ

ልዕሊ ንዕኡ ዝመጣጠን ካልእ ተለዋጢ ናይ ወጻኢ ባጤራ ብባንክ ኤርትራ ኣብ ዝተዳለወ መአወጂ ቅጥዒ መሊኡ ንሰብ-መዚ ግምሩክ ከደረከበ ናብ ውሽጢ ሃገር ወይ ናብ ደገ ዘሕለፈ፣ ወይ

(4) ብዘይ ፍሉይ ፍቓድ ባንክ ኤርትራ፣ ኣብ ኤርትራ ንዝካየዱ ትውጊታት ወይ ውዕላት ብናይ ወጻኢ ባጤራ ክፍሊት ዝፈጸመ ወይ ዝተቐበለ፣

ኣብ ስልጣኑ ዘፍቅደሉ ሲቪላዊ ቤት ፍርዲ ተኸሲሱ ዝበኸሩ ምዃኑ ምስተረጋገጸ፣ ናይ ወጻኢ ባጤራ ክሸርፍ፣ ብናቕፋ ክሕውል፣ መአወጂ ቅጥዒ መሊኡ ንሰብ-መዚ ግምሩክ ከደረከበ ናብን ካብን ኤርትራ ናይ ወጻኢ ባጤራ ከእቲ ወይ ከውጽእ፣ ወይ ኣብ ኤርትራ ብናይ ወጻኢ ባጤራ ክኸፍል ወይ ክቕበል እንከሎ ዝተታሕዞ ገንዘብ ኣብ ልዕሊ ምውራሱ፣ ብፎኪስ ማእሰርቲ (ማለት ካብ ዓሰርተ መዓልቲ ከኣብ ሰለስተ ዓመት) ወይ ካብ ኣምሳ ሺሕ ናቕፋ (50,000) ብዘይዛይድ ናይ ገንዘብ መቐጻዕቲ ይቕጻዕ። ኮይኑ ግን ድንጋጌታት ንኡስ-ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ከምኡ'ውን ኣብዚ ዓንቀጽ'ዚ ተደንጊጉ ዘሎ ናይ ማእሰርቲ መቐጻዕቲ ኣብ ልዕሊ ትካላት ተፈጻምንት የብሉን።

ዓንቀጽ 8. ኣብ ግብሪ ዝውዕለሉ

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

ኣስመራ፣ 20 ለካቲት፣ 2013፣
መንግስቲ ኤርትራ።