Whereas, it has become necessary to transport export and import goods with appropriate cost and within short period of time to the port or from port to consumer distribution channels across the country;

Whereas, the inefficiencies of shippers and consignees, warehouses providing loading and unloading facilities and regulatory bodies conducting inspection are resulting in considerable time loss in truck operations;

WHEREAS, it has become necessary to enact a legislation on trucks demurrage to avoid such loss of time in truck operations;

WHEREAS, it has become necessary to enact a legislation on trucks demurrage to avoid such loss of time in truck operations and to increase the frequency of use of trucks and thereby increase freight carrying capacity and shorten the waiting time of goods at ports to minimize unnecessary costs and to avoid related problems;

NOW, THEREFORE, in accordance with Article 55(1) of the 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 the “Trucks Demurrage Proclamation No. 811/2013”.

FEDERAL NEGARIT GAZETTE
OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

PROCLAMATION No. 811/2013

A PROCLAMATION TO PROVIDE FOR TRUCKS DEMURRAGE

This Proclamation may be cited as the “Trucks Demurrage Proclamation No. 811/2013”.

Addis Ababa 18th December, 2013

CONTENTS

Proclamation No. 811/2013

Trucks Demurrage Proclamation ........ Page 7115

PROCLAMATION No. 811/2013

A PROCLAMATION TO PROVIDE FOR TRUCKS DEMURRAGE
2. Definitions

In this Proclamation unless the context otherwise requires:

1/ "truck" means a motor vehicle constructed or adapted for use and used primarily for the conveyance of goods of any description and includes a truck tractor;

2/ "goods" means any property including live animals as well as containers, pallets or similar articles of transport or packaging supplied by the sender or consignor;

3/ "carrier" means a person who performs the carriage of goods by land or internal waters;

4/ "sender" means a person who, either for his own account or for that of third parties, delivers goods to the carrier for carriage;

5/ "consignee" means a person authorized to receive the goods;

6/ "warehouse" means any place, including port and customs warehouse, that provides loading and unloading facilities including packed and unpacked goods in container;

7/ "driver" means an individual who holds the required driving license to drive trucks;

8/ "demurrage" means a payment to compensate for detaining a truck beyond the time limit allowed:

a) for loading or unloading by a sender, consignee or warehouse; or

b) for inspection conducted by a government regulatory body;
9/ "period of loading or unloading" means the time required for loading or unloading of a truck after its arrival at the place specified for loading or unloading and includes the time required for handing over to the driver the fully completed and signed documents;

10/ "Ministry" or "Minister" means the Ministry or Minister of Transport, respectively;

11/ "Authority" means the Transport Authority established under the Transport Proclamation No. 468/2005;

12/ "person" means any natural or juridical person;

13/ any expression in the masculine gender includes the feminine.

3. Scope of Application

This Proclamation shall be applicable on shippers, consignees, warehouses providing loading and unloading facilities, bodies conducting search and inspection activities, transporters engaged in truck operations and trucks.

PART TWO

TIME LIMIT FOR LOADING, UNLOADING AND INSPECTION AND PAYMENT OF DEMURRAGE

4. Time Limit for Loading and Unloading

1/ Any sender or consignee or warehouse operator shall have the obligation:

a) to load within 8 hours and unload within 6 hours a truck with loading capacity of 20 tons or above; or
b) to load within 5 hours and unload within 4 hours a truck with loading capacity of less than 20 tons.

2/ The time limit referred to in sub-article (1) of this Article shall begin to run from the time of arrival of the truck at the place of loading or unloading.

3/ If there is a change on the place of loading or unloading after the arrival of a truck at the place of loading or unloading for reasons not attributable to the carrier, the extra time spent due to the change shall be included in the calculation of the period referred to in sub-article (1) of this Article.

5. Time Limit for Inspection

1/ The Ethiopian Revenues and Customs Authority shall conduct inspection of goods loaded on a truck within one hour at port of entry or exit or transit route, or in less than four hours at the destination customs station.

2/ Any animal quarantine station of the Ministry of Agriculture shall:

a) conduct a truck sanitation and suitability inspection within 30 minutes;

b) prepare and issue animal health certificate with respect to animals loaded on a truck within three hours;

c) prepare and issue animal feed pass certificate with respect to animal feed loaded on a truck within 30 minutes.
3. The Ethiopian Roads Authority shall undertake truck weight inspection process within 20 minutes.

4. The Ministry of Health, Ministry of Agriculture, Ministry of Trade or any other concerned government regulatory body shall conduct inspection of goods loaded on a truck within three hours.

5. The time limit referred to in sub-article (1), (2), (3) and (4) of this Article shall begin to run from the time of arrival of the truck at the station where the inspection is conducted.

6. Working Hours for Loading, Unloading and Inspection

Any warehouse engaged in loading and unloading operations in accordance with Article 4 of this Proclamation or any regulatory body conducting inspection in accordance with Article 5 of this Proclamation shall provide such service for 24 hours from Monday to Sunday.

7. Demurrage

1/ Any sender, consignee or warehouse operator who has failed to meet its obligations as stipulated under Article 4 of this Proclamation shall pay demurrage to the carrier on the following basis:

   a) with respect to a truck with loading capacity of 20 tons or above:

      (1) Birr 100 per hour for the first two hours delay;
      (2) Birr 150 per hour for the delay of more than two hours up to four hours;
      (3) Birr 200 per hour for the delay of more than four hours; or
(1) Birr 75 per hour for the first two hours delay;
(2) Birr 100 per hour for the delay of more than two hours up to four hours;
(3) Birr 150 per hour for the delay of more than four hours.

A body conducting inspection which has failed to meet its obligations as stipulated under Article 5 of this Proclamation shall pay demurrage to the carrier for the delay on the following basis:

a) Birr 100 per hour with respect to a truck with loading capacity of 20 tons or above; or
b) Birr 75 per hour with respect to a truck with loading capacity of less than 20 tons;

provided, however, that no demurrage may be payable where the detention of the truck beyond the specified time limit is caused by failure of the carrier to present the required consignment note.

The demurrage payable pursuant to sub-article (1) and (2) of this Article shall apply only for 10 hours per day.

A carrier who has sustained more damages than the demurrage determined pursuant to sub-article (1) of this Article shall have the right to claim the excess on the basis of his contract of carriage and the appropriate law.
Any employee or officer of a government warehouse or a regulatory body who has, intentionally or by negligence, detained a truck beyond the time limit specified for loading or unloading or for inspection shall be liable to reimburse the demurrage paid by his employer in accordance with sub-article (1) or (2) of this Article.

Document Evidencing Loading, Unloading and Inspection Period

1/ Any sender, consignee, warehouse operator or regulatory body shall register the date and time of arrival of a truck at a place for loading, unloading or inspection and the completion of the operation on a form prepared for such purpose and counter sign same with the driver.

2/ If the driver disagree with the date and time registered in accordance with sub-article (1) of this Article, he shall sign the document by entering his reservations, and report same immediately to the nearest transport inspector of the Authority or to the organ delegated by the Authority pursuant to Article 24 of the Transport Proclamation No. 468/2005.

The transport inspector or the delegated organ that has received a report in accordance with sub-article (2) of this Article shall investigate the case and issue the concerned parties with evidence containing its findings.

PART THREE
MISCELLANEOUS PROVISIONS

Powers and Duties of the Authority

The Authority shall:

1/ follow up and supervise the proper implementation of this Proclamation;
I. **Transport**

1. Assign transport inspectors, as deemed necessary, at the places for loading, unloading and inspection of trucks;

2. Prepare and distribute to the concerned bodies model contract for freight transport and trucks movement monitoring formats;

3. Undertake study and submit proposal on freight tariffs for trucks, when deemed necessary, and follow up the implementation of same upon approval by the Council of Ministers.

10. **Inapplicable Laws**

No law or customary practice may, in so far as it is inconsistent with the provisions of this Proclamation, be applicable with respect to matters provided for by this Proclamation.

11. **Power to Issue Regulation and Directive**

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

12. **Effective Date**

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 18th day of December, 2013.

MULATU TESHIOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA