

**Proclamation No.156/ 2006**  
**Plant Quarantine Proclamation**

**Part I**  
**General Provisions**

**Article 1. Short Title**

This Proclamation may be cited as “Plant Quarantine Proclamation No.156/2006.”

**Article 2. Objectives**

The objectives of this Proclamation shall be to:

- (1) prevent the introduction and spread of pests through the importation of plants and plant products;
- (2) take appropriate measures for the control of introduced pests; and
- (3) in exportation, prevent the presence of pests in plants and plant products.

**Article 3. Definitions**

In this Proclamation, unless the context otherwise requires:

- (1) “**area of low pest prevalence**” means an area, whether all or part of Eritrea, as identified by the Minister, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;
- (2) “**beneficial organism**” means any organism, including fungi, bacteria, viruses, virus-like organisms and invertebrates or other animals, which is declared by the Minister to be beneficial to Eritrean flora or agricultural production;
- (3) “**committee**” means the Plant Protection Committee established under Article 10 of this Proclamation;
- (4) “**consignment**” means a quantity of plant material or other regulated articles being moved within, to and from Eritrea, and covered, when required, by a single phytosanitary certificate;

- (5) **“container”** means a box, bag or other receptacle in which plant material or other regulated articles have been or are being transported;
- (6) **“conveyance”** means any vessel, aircraft, hovercraft, train, vehicle, cart, container, animal or other means which can convey plant material or other regulated articles from one place to another;
- (7) **“designated point of entry”** means a sea port, airport, inland point, post office or other place designated by the Minister as a place where the importation of plant material or other regulated articles is permitted;
- (8) **“Government”** means the Government of the State of Eritrea;
- (9) **“import permit”** means an official document authorizing importation of a commodity in accordance with specified phytosanitary requirements;
- (10) **“importer”** means anyone who whether as owner, consignor, consignee, agent, broker or otherwise is in possession of or in any way entitled to the custody of any plant material or other regulated articles landed or likely to be landed in Eritrea from another country;
- (11) **“IPPC”** means the International Plant Protection Convention, done at Rome on 6 December 1951, which came into force on 3 April 1952 and as newly revised and approved by Resolution 12/97 of the Twenty-ninth Session of the FAO Conference in November 1997;
- 12) **“Minister”** or **“Ministry”** means the Minister or Ministry of Agriculture, respectively;
- (13) **“National Plant Protection Service (NPPS)”** means the official body designated by the Minister under Article 4 of this Proclamation;
- (14) **“occupier”**, in relation to any land or building, means a person in actual occupation thereof;
- (15) **“packaging material”** means any material used to pack, contain or keep plant material or regulated articles;
- (16) **“Person”** means any natural or juridical entity;
- (17) **“pest”** means any species, strain or biotype of plant, animal or pathogenic agent injurious to plant material;

- (18) **“pest free area”** means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;
- (19) **“phytosanitary certificate”** means a certificate issued to indicate that consignment of plants and plant products or other regulated articles meet specified phytosanitary import requirements;
- (20) **“plant”** means any living plant and parts thereof, including seeds, fruits and vegetables;
- (21) **“plant material”** means plants or plant products;
- (22) **“plant products”** means any unmanufactured material of plant origin and those manufactured products which, by their nature or that of their processing, may create a risk for the introduction and spread of pests;
- (23) **“Plant Quarantine Officer”** means a person designated under Article 6 of this Proclamation;
- (24) **“premises”** means any building or other structure situated on land;
- (25) **“quarantine pest”** means a pest of potential national economic importance to the area endangered thereby, not yet present there or present but not widely distributed and being officially controlled;
- (26) **“quarantine station”** means an official station designated by the Minister as a place where plant material or other regulated articles may be confined for phytosanitary inspection, observation, testing or research;
- (27) **“regulated article”** means any pest, beneficial organism, soil, packaging material or any other object, organism or material capable of harboring or spreading pests;
- (28) **“regulated non-quarantine pest”** means any pest which is not a quarantine pest, whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of Eritrea;
- (29) **“soil”** means a material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of plants, humus, peat or

bark, excluding any medium which is sterile or otherwise incapable of harboring or transmitting pests; and

(30) "treatment" means an officially authorized procedure for the killing or removal of pests or for rendering pests infertile.

## **Part II**

### **Administration**

#### **Article 4. National Plant Protection Service**

- (1) The Minister shall designate an appropriate body as the NPPS within the Ministry to be responsible for the protection of the agricultural resources of Eritrea and to administer and enforce this Proclamation and regulations made hereunder.
- (2) In accordance with its obligations under the IPPC, the NPPS shall advise the Minister on any matters with which this Proclamation is concerned, and shall have the following functions:
  - (a) the enforcement of this Proclamation, as well as any other legislation relating to plant protection that the Minister may identify;
  - (b) the proposal, review and formulation of phytosanitary measures and other necessary regulations under this Proclamation and matters arising from the application of any such measures and regulations;
  - (c) the surveillance and inspection of growing plants, including areas under cultivation and wild flora, and of plant material in storage or in transport, for the purpose of reporting the occurrence, outbreak and spread of pests, and for the purpose of preventing the introduction or spread of pests;
  - (d) the protection of endangered areas, and the designation, maintenance and surveillance of pest free areas and areas of low pest prevalence;
  - (e) the promotion of integrated pest management and control in Eritrea;
  - (f) the declaration of any pest as a quarantine pest or a regulated non-quarantine pest under this Proclamation;

- (g) the periodic updating and dissemination of lists of plant material and other regulated articles the importation of which into Eritrea is prohibited or restricted based on pest risk analysis or applicable international standards;
- (h) the provision of justification to other countries concerning phytosanitary measures applied, either through pest risk analysis or by reference to applicable international standards, and the notification of trading partners of relevant instances of non-compliance with import requirements;
- (i) the establishment of auditing and trace-back procedures for plant material and other regulated articles for phytosanitary certification;
- (j) the exercise of pre-clearance inspections where requested by importing countries;
- (k) the preservation of the phytosanitary security of consignments after certification and before export;
- (l) the disinfestations or disinfections of consignments of plant material or other regulated articles;
- (m) the issuance of phytosanitary certificates and import permits;
- (n) the promotion of public awareness relating to regulated pests, and the dissemination of information regarding the means of their prevention and control;
- (o) the establishment of any minimum qualifications for, and the oversight of training and development of, Plant Quarantine Officers and other NPPS staff;
- (p) the development of pest diagnostic, investigative and analytical capabilities as well as the establishment of laboratories and quarantine stations at such places as may be deemed necessary;
- (q) the establishment of procedures for accreditation of any quarantine station, official analyst, official laboratory or any other person or institution from the public or private sector involved in phytosanitary matters;
- (r) liaison with competent authorities in neighboring countries in plant protection matters;

- (s) the participation of Eritrea in the relevant sub-regional, regional and international organizations, and the provision of information regarding import and export regulations in force, and technical requirements for plant material and other regulated articles, on request of any interested international, regional or other National Plant Protection Service; and
- (t) the performance of any other functions the Minister deems necessary to achieve the objectives of this Proclamation.

#### **Article 5. Head of NPPS**

The Head of the NPPS who shall be appointed by the Minister shall carryout the following functions in accordance with this Proclamation and regulations made hereunder:

- (1) issue, under such terms and conditions as he/she deems necessary, or refuse to issue, import permits for the importation of plant material or other regulated articles into Eritrea;
- (2) amend or cancel import permits issued under sub-Article (1) hereof, promptly providing to the importer the reasons for any such action in writing; and
- (3) require that any imported plant material or regulated articles be grown or kept in a quarantine station.

#### **Article 6. Appointment of Plant Quarantine Officers**

The Minister shall designate Plant Quarantine Officers to carry out the functions assigned to such Officers under this Proclamation.

#### **Article 7. Duties of Plant Quarantine Officers**

- (1) Plant Quarantine Officers shall:
  - (a) inspect areas under cultivation and plant material under cultivation, in storage or in transit, in order to report the existence, outbreak and spread of pests;
  - (b) inspect consignments of plant material and, where appropriate, verify the pest status of such consignments by taking samples or otherwise;

- (c) inspect and supervise storage and transport facilities of plant material and regulated articles, particularly with the objective of preventing the spread of pests across national boundaries;
- (d) inspect and certify consignments of plant material and regulated articles intended for export from Eritrea;
- (e) ensure the disinfestations or disinfections of consignments of plant material and regulated articles and their containers, packaging material, storage places and conveyances;
- (f) ensure that no threat to plant resources or the environment in Eritrea is caused where waste is being disposed of from:
  - (i) aircraft and ships arriving in Eritrea; and
  - (ii) premises which process or wash imported plant material or other regulated articles;
- (g) issue phytosanitary certificates on behalf of the NPPS;
- (h) carry out detection activities and maintain up-to-date information on the pest status of Eritrea;
- (i) conduct inquiries and request information or documentation upon suspicion that the provisions of this Proclamation are being violated; and
- (j) perform such other matters as the Head of the NPPS may prescribe.

(2) While exercising any of the duties under sub-Article (1) hereof, a Plant Quarantine Officer shall upon request identify him/herself as an Officer exercising official duties under this Proclamation by showing his/her identification card.

**Article 8. Powers of Plant Quarantine Officers**

- (1) Where a Plant Quarantine Officer with appropriate identification card suspects that any person, container or conveyance moving within Eritrea, or any land or premises may harbor a plant pest, or that this Proclamation is otherwise being violated, may:
  - (a) stop, with a search warrant, search such person, container, conveyance, or land or premises and take samples of, seize or detain any plant material,

regulated article, or other thing infested or infected, or suspected to be infested or infected, with a pest; or

(b) require any person to produce any permit, certificate or other documentation required under this Proclamation and provide such other information as the Officer may deem necessary.

(2) Where a Plant Quarantine Officer with appropriate identification card suspects that any person, container or conveyance entering into Eritrea may harbor a plant pest may stop, without a search warrant, such person, container, conveyance and take samples of, seize or detain any plant material, regulated article, or other thing infested or infected, or suspected to be infested or infected, with a pest.

(3) A Plant Quarantine Officer who seizes or detains any plant material or other regulated article under this Proclamation may:

(a) store, analyze, treat, quarantine, destroy or dispose of it at the place where it was seized or move it to any other place for storage, analysis, treatment, quarantine or disposal; or

(b) require its owner or the person having the possession, care or control of it at the time of seizure, to store, treat, quarantine, destroy or dispose of it.

(4) Any Plant Quarantine Officer who causes any thing to be seized or detained shall, as soon as practicable, notify the owner or person having possession, care or control of the thing of the steps taken and the reasons for them; and shall, upon request, give such person a receipt for anything seized.

(5) If a seizure under this Article is not made in the presence of the owner, the person shall be notified in writing.



- (6) A Plant Quarantine Officer shall be present where the seal on a container containing plant material or other regulated articles is to be broken.

**Article 9. Official Laboratories and Analysts**

The Minister may designate one or more laboratories to be official laboratories and analysts to be official analysts, to carry out analyses under this Proclamation and regulations made hereunder.

**Article 10. Plant Protection Committee**

- (1) The Minister shall establish a Plant Protection Committee to discuss issues of common concern relating to phytosanitary matters, and to provide coordination where required.
- (2) The Committee shall consist of the following members:
- (a) the Head of NPPS and two additional staff members from the Ministry;
  - (b) one representative from the ministry responsible for health;
  - (c) one representative from the ministry responsible for the environment;
  - (d) one representative from the Customs Department;
  - (e) one representative from the Eritrean National Standards Institution;
  - (f) one representative from the importers and exporters of plants and plant products;
  - (g) one representative from an institution of higher learning; and
  - (h) one representative from the growers.
- (3) Members of the Committee shall serve for a period of three years and shall be eligible for reappointment.
- (4) The quorum of the Committee shall be at least fifty percent of its member.
- (5) The Minister shall appoint the chairperson of the Committee and the first meeting shall take place within three months after the entry into force of this Proclamation .

- (6) The Committee shall meet at least four times a year.
- (7) The Committee may appoint such sub-Committees, as it may consider necessary, to provide advice and technical inputs to the deliberations of the Committee. The sub-Committees may be composed of Committee members, non-Committee members or both.
- (8) The Committee shall adopt its own rules of procedure except as provided in this Proclamation or by regulations made hereunder.

### **Part III**

#### **Importation**

#### **Article 11. General Principles**

- (1) No person may import into Eritrea any plant material or other regulated articles except in accordance with this Proclamation and regulations made hereunder.
- (2) No plant material or other regulated article may be imported into Eritrea unless it is:
  - (a) brought into Eritrea via a designated point of entry;
  - (b) declared and offered for inspection on arrival; and
  - (c) accompanied by the prescribed permits and certificates.
- (3) Any person in charge of any conveyance transporting or storing anything required to be declared under sub-Article (2)(b) hereof shall make the conveyance and its contents available for inspection by a Plant Quarantine Officer in accordance with this Proclamation immediately upon arrival in Eritrea.

- (4) The Customs Department, the Post Office and all private individuals or business organizations engaged in transportation and related services shall notify the NPPS or one of its designated Plant Quarantine Officer of the arrival of any plant material or regulated articles in Eritrea and shall detain such items until a Plant Quarantine Officer takes custody of them.
- (5) Any detention carried out under sub-Article (4) hereof shall be considered a detention carried out on delegation from the NPPS.
- (6) Any person in Eritrea who receives any plant material or other regulated articles from outside Eritrea, whether or not that person consented to such items being dispatched, shall, on receipt, immediately notify the NPPS or one of its designated Plant Quarantine Officers and shall carry out the instructions of the NPPS or its Officer regarding the removal, destruction, disposal or treatment of such items.

#### **Article 12. Import Requirements**

- (1) Any person who has imported any plant material or other regulated articles shall make such material or articles available for inspection and shall allow a Plant Quarantine Officer to inspect the imported items and to take samples to enable the Plant Quarantine Officer to determine whether or not this Proclamation has been complied with, and whether or not further steps should be taken.
- (2) Any plant material or other regulated articles in transit through Eritrea shall be made available for inspection by a Plant Quarantine Officer who shall examine the items and take samples as necessary, in order to determine whether or not further steps should be taken.

#### **Article 13. Inspections**

- (1) Inspections under Article 12 hereof:

- (a) shall be carried out during regular working hours and shall take place at the designated point of entry, except where the plant material or regulated articles are in transit or extremely perishable, in which case, upon application by the importer and agreement of the Plant Quarantine Officer, the Officer may supervise the sealing and marking of the container and may permit it to proceed to its final destination for inspection;
  - (b) may be subject to any applicable fee.
  
- (2) The Plant Quarantine Officer shall detain the imported plant material or other regulated articles where, upon inspection carried out under Article 12 hereof, he/she determines that the material or articles:
  - (a) are not accompanied by the relevant documentation;
  - (b) present any risk for the introduction or spread of pests; or
  - (c) do not otherwise satisfy the provisions of this Proclamation.
  
- (3) Where plant material or regulated articles are detained under sub-Article (2) hereof, the Officer shall immediately serve written notice on the importer that some or all of the imported material or articles may be, within the time period specified in the notice, subject to:
  - (a) quarantine at an official quarantine station;
  - (b) appropriate treatment in order to remove the risk;
  - (c) re-exportation; or
  - (d) destruction.
  
- (4) The Plant Quarantine Officer may forgo notice and carry out any of the actions listed under sub-Article (3) hereof where in his/her opinion action is urgently required or the giving of notice is impractical.
  
- (5) Where, after their entry into Eritrea or after treatment, imported plant material or regulated articles lie unclaimed for a period of time specified by regulation, the NPPS may take action to destroy them.

(6) The costs and expenses for any action taken under sub-Article (3), (4) or (5) hereof shall be borne by the importer, except where in exceptional cases the NPPS determines that the Government should take responsibility for the associated costs.

(7) Notwithstanding the decision of the NPPS that, in exceptional cases, the Government should cover the expenses for the associated costs of any action taken under Sub-Article (3), (4) or (5) hereof, ultimate liability rests on the importer for the Government's interim assumption of financial responsibility in specific instances under Sub-Article (6) hereof.

#### **Article 14. Import Permit**

(1) No person may import into Eritrea any plant material or regulated articles except pursuant to an import permit applied for and issued in accordance with regulations issued under this Proclamation, and in accordance with the terms and conditions it may contain.

(2) Any person intending to import any plant material or regulated articles into Eritrea shall apply to the NPPS in the manner prescribed by regulation, and may be subject to any applicable fee.

(3) On the advice of the Committee, the Minister may, by regulation, exempt certain classes of plant material or regulated articles from the requirement of an import permit.

#### **Article 15. Phytosanitary Certificate**

(1) No person may import into Eritrea any plant material or other regulated articles except pursuant to a phytosanitary certificate.

- (2) On the advice of the Committee, the Minister may, by regulation, exempt certain classes of plant material or regulated articles from the requirement of a phytosanitary certificate.

#### **Article 16. Quarantine Stations**

- (1) The Minister may establish quarantine stations or designate existing facilities to be official quarantine stations, where imported plant material or regulated articles may be kept for purposes of this Proclamation.
- (2) A Plant Quarantine Officer may require that imported plant material or regulated articles be kept or cultivated at a quarantine station for phytosanitary observation, inspection, testing, detention, re-consignment or destruction, for such time as the Head of the NPPS deems necessary.

#### **Article 17. Prohibited and Restricted Items**

On the advice of the Committee, the Minister may, by regulation, prohibit or restrict the import, sale, cultivation, propagation or movement of any plant material, regulated article or any other thing capable of harboring or spreading a pest based on pest risk analysis or any applicable international standard.

#### **Article 18. Importation for Scientific Research**

Notwithstanding any provision to the contrary, the Minister may, on the advice of the Committee, authorize in writing the importation of any plant material or other regulated article for the purpose of scientific research subject to such terms and conditions as the Minister may consider appropriate to safeguard plant resources and the environment.

#### **Article 19. Prohibition of Removal**

No plant material or other regulated article under inspection or liable to be inspected by a Plant Quarantine Officer may be removed or handled in any way except in accordance with the directions of a Plant Quarantine Officer.

#### **Article 20. Liability**

The Government of Eritrea may not bear any liability for the damage to, or destruction or disposal of, plant material or other regulated articles imported into Eritrea in contravention of this Proclamation and regulations made hereunder.

### **Part IV Export Control**

#### **Article 21. Pre-export Inspection**

- (1) Any person intending to export a consignment of plant material or other regulated articles to another country which requires such items to be accompanied by a phytosanitary certificate on importation shall submit the consignment to the NPPS for pre-export inspection in accordance with the procedures set out by regulation.
  
- (2) All consignments submitted for inspection under this Article shall be accompanied by all required documentation and may be subject to any applicable fee.

#### **Article 22. Phytosanitary Certificate**

- (1) Any consignment submitted under Article 21 hereof shall be inspected by a Plant Quarantine Officer within the time period specified by regulation, and:
  - (a) if the Officer is satisfied that the requirements for the issuance of a phytosanitary certificate have been met, he/she shall certify the consignment and issue a phytosanitary certificate in accordance with this Proclamation; and
  - (b) where the Officer is not satisfied that the consignment to be exported does not meet the requirements for the issuance of a phytosanitary certificate, or does not otherwise satisfy the provisions of this Proclamation and

regulations made hereunder, he/she may order that the consignment, at the expense of the exporter, be subject to:

- (i) appropriate treatment in order to remove the risk of pests; or
- (ii) destruction.

- (2) Where a Plant Quarantine Officer issues a phytosanitary certificate under sub-Article (1)(a) hereof, the exporter may be subject to the payment of any applicable fee.

## **Part V**

### **Containment and Eradication of Pests**

#### **Article 23. Declaration of Quarantine Pests and Regulated Non-Quarantine Pests**

The Minister may, on the advice of the Committee, declare, by Legal Notice published in the Gazette of Eritrean Laws, any pest to be a quarantine pest or a regulated quarantine pest, as defined in Article 3 hereof.

#### **Article 24. Duty to Give Notice**

The owner or occupier of any premises or the occupier of any land on which a pest, which is identified to be a quarantine pest is found, shall immediately notify the NPPS or its designated Plant Quarantine Officer.

#### **Article 25. Treatment, Containment and Eradication of Quarantine Pests**

- (1) If a Plant Quarantine Officer reasonably believes that a quarantine pest may be present on any land or at any premises, he/she may, having a search warrant, enter into such land or premises and inspect any plant material or other regulated articles.

- (2) If the Plant Quarantine Officer is satisfied that a quarantine pest is present on any land or at any premises, he/she may cause a written notice to be served on the owner or occupier of any premises or the occupier of any land, and if



he/she deems it appropriate for the purposes of this Proclamation, on the owner or occupier of any premises or the occupier of any land in the vicinity, ordering each of them, within a period specified in the notice, to take whatever measures the Officer considers appropriate to eradicate, contain or restrict the spread of the quarantine pest.

- (3) If an owner or occupier fails to comply with any term of a notice issued under sub-Article (2) hereof or Article 26(2) hereof, or is unable to comply within the stipulated period and the advice of the Head of the NPPS accordingly, the Head of the NPPS may authorize a Plant Quarantine Officer, with a search warrant, to enter upon the land or premises in question and to take, at the expense of the owner or occupier, whatever measures may be appropriate to carry out the requirements of the notice.
- (4) The Plant Quarantine Officer may forgo notice under sub-Article (2) hereof where in his/her opinion action is urgently required or the giving of notice is impractical.
- (5) The costs and expenses for any action taken under this Article shall be borne by the owner or occupier, except where in exceptional cases the NPPS determines that the Government should take responsibility for the associated costs.
- (6) Notwithstanding the decision of the NPPS that, in exceptional cases, the Government should cover the expenses for the associated costs of any action taken under this Article, ultimate liability rests on the importer for the Government's interim assumption of financial responsibility in specific instances under Sub-Article (5) hereof.

#### **Article 26. Control Measures and Quarantine Areas**

The Minister may, by notice published in a nationally circulating newspaper or by notice served on all affected owners or occupiers of premises or occupiers of land:

- (1) declare any area, land or premises which is infested or infected, or is suspected of being infected or infested, with any quarantine pest to be under quarantine;
- (2) prescribe any measure for the treatment or disposal of plant material or other regulated articles and the treatment of conveyances, whether or not they have been found to be infested or infected, *in order to limit the spread of the quarantine pest*;
- (3) prescribe the period within which it shall be lawful to plant or replant the whole or part of any area or place under quarantine; and
- (4) prohibit, restrict or control the removal of any plant material or other regulated articles from an area or place under quarantine to any other part of Eritrea and control the movement of persons and animals out of an area or place under quarantine.

#### **Article 27. Removal of Quarantine Restrictions**

- (1) The Head of the NPPS shall regularly review the situation in respect of any land or premises placed under quarantine and shall notify the Minister:
  - (a) as soon as the relevant pest has been eradicated; or
  - (b) when he/she is of the opinion that it is no longer appropriate for the quarantine to be maintained in respect of some or all of the land or premises under quarantine.
- (2) When the Minister is notified under sub-Article (1) hereof that the quarantine

restrictions are no longer necessary, he/she shall, by notice published in a nationally circulating newspaper or by notice served on all affected owners or occupiers of premises or occupiers of land, declare that from a specified date a place identified in the notice shall no longer be under quarantine.

#### **Article 28. Compensation**

- (1) Subject to sub-Article (2) hereof, where any plant material, regulated article or other thing is destroyed or harmed as a consequence of measures taken to eradicate, contain or limit the spread of a quarantine pest, the Ministry shall compensate the owner of the plant material or article destroyed or harmed.
- (2) The Ministry may not be obliged to compensate any person who has suffered loss as a result of action authorized under Article 25 hereof if the action was taken to remedy a situation caused by that person's negligence, failure to comply with lawful instructions or contravention of this Proclamation and regulations made hereunder.

#### **Article 29. Appeals**

- (1) Any owner or occupier of premises or occupiers of land, owner or operator of a conveyance, or owner or importer of plant material or other regulated articles who is aggrieved by the decision of a Plant Quarantine Officer or the Head of the NPPS to destroy, dispose of or to treat any such material or articles may appeal to the Minister and shall notify the Head of the NPPS of his/her intention to do so, in the manner prescribed by regulation.
- (2) Upon a written notification of an intention to appeal, the Head of the NPPS shall take all reasonable steps to stay the destruction, disposal or treatment of the item pending determination of the appeal, except where in the opinion of the Head of the NPPS any delay would create a significant risk to plant resources or the environment in Eritrea.

- (3) Any person who is aggrieved by a decision of the Minister referred to under sub-Article (1) hereof may appeal to the High Court within 30 days after the decision is given. The decision of the High court shall be final.

## **Part VI**

### **Offences and Penalties**

#### **Article 30. Offences**

- (1) Any person who:
- (a) with knowledge that it has been imported into Eritrea contrary to this Proclamation, or that it is infested or infected by a quarantine pest, grows, possesses, sells, offers for sale, transports or distributes in any manner any plant material or other regulated article;
  - (b) intentionally permits or causes the introduction or spread of quarantine pests;
  - (c) exports any plant material or other regulated articles in violation of the requirements of this Proclamation;
  - (d) fails to safeguard the phytosanitary security of a consignment after issuance of a phytosanitary certificate under Article 22 hereof;
  - (e) breaks the seal on a sealed container containing plant material or other regulated articles except in the presence of a Plant Quarantine Officer;
  - (f) without reasonable excuse fails to answer any question asked by a Plant Quarantine Officer or other NPPS staff, or fails to produce anything required to be produced under this Proclamation;
  - (g) refuses to allow a search or inspection authorized under this Proclamation;
  - (h) refuses or neglects to comply with any order or direction lawfully made or given under this Proclamation;
  - (i) refuses to allow the taking of any samples, or tampers with any samples taken under this Proclamation;
  - (j) fails to comply with the duty of notification established in Article 11 or Article 24 hereof;

- (k) prevents or attempts to prevent another person from complying with orders or directions, from answering questions, from producing any thing or from allowing searches or inspections provided for under this Proclamation;
- (l) knowingly or recklessly provides false material information, for the purpose of obtaining any permit or certificate or for purported compliance with any requirements of this Proclamation; or
- (m) without prejudice to the provisions of Article 696 of the Transitional Penal Code of Eritrea, attempts or helps in doing any of the acts or omissions provided for in the preceding paragraphs;

commits an offence.

- (2) It shall be an offence for any official analyst, Plant Quarantine Officer or other NPPS staff to:
  - (a) directly or indirectly ask for or take any personal payment or other reward in connection with his/her official duties;
  - (b) agree to do, abstain from doing, permit, conceal or connive at any act or thing which is contrary to the proper execution of official duties under this Proclamation or otherwise contrary to the laws of Eritrea; or
  - (c) disclose any information acquired in the performance of official duties relating to any person, firm or business, except when required by his/her supervisor in the course of official duties or where ordered to do so by any court.

### **Article 31. Penalties**

Without prejudice to a more severe penalty provided under the Transitional Penal Code of Eritrea, any person who is found guilty of an offence under Article 30 hereof shall be punishable in accordance with the relevant provisions of Part III (the Code of Petty Offence) of the Transitional Penal Code of Eritrea.

**Article 32. Secondary Penalties**

The court may, in the case of grave or repeated offence, impose the following secondary penalties:

- (1) the suspension or revocation of any permit granted to the convicted person under this Proclamation; or
- (2) the declaration of such person as ineligible for any further such permit for a specified period of time from the date of conviction.

**Part VII**

**Miscellaneous Provisions**

**Article 33. Regulations**

The Minister may, within the bounds of the provisions of this Proclamation, issue, amend or repeal regulations or make any order or notice that he/she considers appropriate to give effect to any of the objectives of this Proclamation.

**Article 34. Delegation of Powers of the Minister**

The Minister may delegate any of his/her powers under this Proclamation except the power to delegate and issue regulations.

**Article 35. Effective Date**

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

Done at Asmara, this 20<sup>th</sup> day of September, 2006  
Government of Eritrea