PROCLAMATION NO. 468/2005.
A PROCLAMATION TO PROVIDE FOR THE REGULATION OF TRANSPORT

WHEREAS, the economic and social development of the country requires that transport service be regulated to make it more competitive, safe and efficient;

WHEREAS, the transport sector has to be restructured in a manner to create favorable conditions for the smooth and effective implementation of the government transport policy;

WHEREAS, it has become necessary to clearly define the powers and duties of the executive organs at the federal and state levels with regard to transport;

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 “Transport Proclamation No. 468/2005.”

2. Definitions
In this Proclamation, unless the context requires otherwise:
1/ "Minister" or "Ministry" means the Minister or Ministry of Infrastructure, respectively;

2/ "Association" means an association established by persons and enterprises engaged in public commercial road transportation and registered in accordance with this Proclamation;

3/ "Commercial Road Transport" means the carrying by a natural or juridical person, or passengers or goods for hire, remuneration or profit, classified as either private or public as follows:

a) "Private Commercial Road Transport" means if the vehicle used for carrying passengers or goods is owned by the enterprise, and

(i) in the case of goods being transported, the goods are owned by the enterprise or have been entrusted to it for the purpose of repairs or transportation by it and the transportation of said goods is necessary and complementary to the principal commercial activity carried out by the enterprise; or

(ii) in the case of passengers being transported, the passengers are employees of the enterprise and are being transported to or from their place of work or are engaged in the business of the enterprise;

b) "Public Commercial Road Transport" means all commercial road transport not classified as private;

4/ "Disciplinary Directives" means directives issued by the Minister in accordance with which disciplinary measures to be taken, decided and enforced;

5/ "Highway" means a road administered and designated as such by the Ethiopian Roads Authority;

6/ "Trip Schedule" means yearly, monthly, weekly or daily program fixed for the movement of public commercial road transport vehicles;

7/ "Route of Operation" means a place of departure and destination to be determined by the Authority where public commercial road transport vehicles are assigned to operate.
8/ "Driving License" means a permit to drive a motor vehicle issued in accordance with regulations and directives issued under this Proclamation;

9/ "Federal Driving License" means a permit to drive a motor vehicle issued to foreigners based on the principle of reciprocity or to Ethiopians going abroad for tour, business or official duties in accordance with regulations and directives issued under this Proclamation;

10/ "Passenger" means any person riding in a vehicle, other than the driver, cashier or any other person assigned to work on a vehicle;

11/ "Follow-up" means the ascertainment of the proper implementation of road transport laws, regulations, directives, standards and decisions;

12/ "Road" means any road, street, highway or any other travel route, customarily used by vehicles other than private roads not open to all traffic;

13/ "Vehicle" means any type of wheeled vehicle, other than special military vehicles, for use on roads classified as carriage, bicycle, motor vehicle, semi-trailer and trailer;

14/ "Carriage" means any vehicle other than a bicycle, a motor vehicle, a semi-trailer and a trailer;

15/ "Bicycle" means a vehicle moving by the motive power of the person operating the same;

16/ "Motor Vehicle" means a vehicle moving by mechanical or electrical power, classified as truck, motorcycle, private motor car, public service vehicle, truck tractor and special mobile equipment;

17/ "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;
18/ “Motorcycle” means a motor vehicle with less than four (4) wheels, the weight of which, exclusive of any side-car attached thereto, does not, when unladen exceed four hundred kilograms;

19/ “Private Vehicle” means a motor vehicle used for private service other that a truck, a motorcycle, a public service vehicle, a truck tractor and special mobile equipment;

20/ “Public Service Vehicle” means a motor vehicle used to carry passengers and classified as commercial motor car and motor omnibus;

21/ “Commercial Motor Car” means a public service vehicle having accommodation for not more than twelve passengers;

22/ “Motor Omnibus” means a public service vehicle having accommodation for more than twelve passengers;

23/ “Truck Tractor” means a motor vehicle constructed or adapted for use and used primarily for drawing other vehicles, and so constructed as to carry no load other than a part of the weight of the vehicle and load being drawn;

24/ “Special Mobile Equipment” means any vehicle designed, adapted or used for agricultural, horticultural, livestock raising, road construction, building, digging or any other similar operation; this term does not include vehicles designed or used for the transportation of persons or goods;

25/ “Semi-trailer” means a vehicle constructed or adapted for use and used for use and used for carrying persons or goods and being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

26/ “Trailer” means a vehicle which has no independent motive power and which is capable of being attached to and drawn by a motor vehicle, and so constructed that no part of its weight rests upon the motor vehicle by which it is drawn, but shall not include a side car attached to a motorcycle;
27/ “State” means a state specified in Article 47 of the Constitution and includes the Addis Ababa and Diredawa City Administrations;

28/ “Cross-country Road Transport Service” means any commercial road transport service conducted on roads linking two or more than two States;

29/ “International Road Transport Service” means any road transport service or movement conducted on the roads across the boundaries of Ethiopia;

30/ “Transport” means any transport service undertaken on road, railway and water by motor power carriers;

31/ “Ship” means a seaplane carrier moving by engine power;

32/ “Bureau” means a State executive organ in charge of enforcing transport laws;

33/ “Train” means any vehicle moving on the rails of a railway lines;

34/ “Rail” means any travel route used by train;

35/ “Seafarer” means any person including master, pilot and apprentice employed or assigned on board on Ethiopian ship or any cross country water transport vessel.

3. Scope of Application

Without prejudice to the powers and duties given by law to State Bureaux, this, Proclamation shall apply:

1/ to the use of any road within Ethiopia, vehicle using the roads and their drivers;

2/ to the use of any railways within Ethiopia, trains using the railways and their operators;

3/ to Ethiopian ships and seafarers;

As well as to all matters related to land and water transport.
PART TWO
TRANSPORT AUTHORITY

4. Establishment

1/ The Transport Authority (hereinafter the “Authority”) is hereby established as an autonomous public authority having separate juridical personality.

2/ The Authority shall be accountable to the Ministry.

5. Head Office

The Authority shall have its head office in Addis Ababa and may establish branch offices at any other place, as may be necessary.

6. Objectives of the Authority

The Authority shall have the following objectives:

1/ to promote an efficient, adequate, economical and equitable transport system;

2/ to ensure that public transport services are safe and comfortable;

3/ to develop domestic and international transport network; and

4/ to promote the development of all aspects of transport.

7. Powers and Duties of the Authority

The Authority shall have the powers and duties to:

1/ with respect to transport in general:

   a) prepare and submit policy proposals to the Ministry relating to transport and implement same upon approval;

   b) follow up the provision of safe, efficient, adequate and equitable transport services to the public;

   c) implement and enforce government policies and laws relating to transport as well as treaties to which Ethiopia is a party;
d) cause the development of domestic and international transport service network;

e) develop an integrated system of transport for passengers and goods;

f) issue and follow up the implementation of directives relating to conditions under which passengers, goods and mail may be transported by commercial transport;

g) collect and compile, on regular basis, any information and statistical data relating to transport;

h) render, as may be appropriate, training and consultancy services relating to transport service; establish and operate training institutions as may be necessary;

i) undertake studies and prepare plans and programs to promote the development of all aspects of transport, encourage studies to be conducted and implement same upon approval;

j) in cooperation with the concerned organ prepare and submit and, upon approval, implement standards relating to the smoke, gas, vapour and the like emitted from the exhaust pipes of vehicles and trains with a view to preventing pollution taking into account international criteria and the capacity of the country;

k) submit for approval and collect fees for services rendered;

l) follow up that persons and individuals engaged in public commercial road transport in case of market failure or the public faces transport shortage and ensure the compliance of transport service supply and demand at national level as well as make the trip equitable;

m) facilitate the capacity of the Bureaus.

2/ with respect to road transport:

a) determine the operations, equipment, weight, size, number of passengers and load of vehicles using the road and issue approval certificate for registration accordingly;
b) issue certificate of competence to, and follow up persons and enterprises engaged in cross-country and international commercial road transport;

c) follow up the importation, manufacture or assembling of vehicles in Ethiopia and for this purpose issue technical specifications;

d) conduct annual registration and technical inspection to motor vehicles, engaged in cross-country and international commercial road transport service or which are owned by diplomatic missions, international organizations, aid organization operating in more than one State or the Federal Government, and follow up same;

e) issue and follow up the implementation of directives relating to driving license; issue and renew federal driving license;

f) manufacture plates to be affixed on those vehicles to be registered by the Authority or State Bureaux;

g) approve tariff proposed by persons, organizations or associations engaged in cross-country and international passenger transport, taking into account their benefit they should get from the service provided and the capacity of the users to pay;

h) issue a transit permit to vehicles and their drivers engaged in international commercial road transport or other related services and follow up same;

i) issue directives for registration and inspection of vehicles and follow up same;

j) issue and follow up the implementation of directives relating to the licensing of driving schools and instructors;

k) issue and supervise the implementation of directives relating to the certification of the technical competence, licensing and grading of garages engaged in the repair and maintenance of vehicle;
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f) issue standards and specification of terminals that serve for public commercial road transport vehicles and follow up same;

g) approve trip schedules prepared by associations for vehicles engages in cross-country and international public road transport service and when the schedule is not made available prepare same and enforce disciplinary directives issued thereon and facilitate free market service as maybe necessary;

h) in case of natural disasters or temporary economic or social crisis, mobilize commercial road transport vehicles to operate in areas and routes where their service are demanded in accordance with directives given by the Ministry and follow up same;

i) register associations established by persons and organizations engaged in cross-country and international public commercial road transport; issue directives and supervise their activities;

j) ensure that all motor vehicles have third party insurance coverage; and in consultation with the appropriate organs, issue and enforce directives related to the provision of insurance policy coverage for passengers and cargo;

k) issue directives regarding the refurbish, scraping or destroying of motor vehicles and follow up same;

l) follow up the enforcement of road transport Proclamations, regulations and directives on highways;

m) determine, where necessary, the color and distinguishing makes of commercial road transport vehicles engaged in cross-country and international road transport;

n) form an advisory committee comprising members representing persons, enterprises and associations engaged in public commercial road transport, the concerned government organs and users;
u) provide vehicle valuation service.

v) Encourage the expansion of intermediate transport machinery in compliance with landscape of the country.

3/ notwithstanding the provisions of Article 3 of this Proclamation, with respect to road transport in cities accountable to the Federal Government:

a) promote the expansion of the transport service; cause the construction and administer bus and taxi stops and terminals;

b) register vehicles, undertake annual technical inspection and follow up;

c) organize individuals and enterprises engaged in transport services; design and implement mechanisms on the effectiveness of traffic management; provide capacity building support;

d) issue certificate of competence to individuals and enterprises engaged in transport and garage services;

e) issue license to driving lesson institutions and trainers; issue driving license;

f) follow up and suspend the operation of vehicles that could affect the safety of the public;

g) carry out other activities related to the cities’ transport services;

4/ with respect to railway transport:

a) issue and renew license to train operators;

b) register trains and carry out technical inspection thereon;

c) issue directives regarding railway transport services;

d) issue standards and follow up under which passengers and goods may be transported by train;
e) register persons and organizations engaged in railway transport service, issue certificate of professional competence and follow up same;

f) in cooperation with the concerned bodies investigate and submit report in case of train accident;

g) determine the operation, equipment, weight, size, number of passengers and load of train using the railway;

h) issue certificate of competence to train repairing warehouses;

i) set standards of railway terminals;

j) determine design standard for railway lines;

k) ensure that railway lines and railway equipments comply with the safety standards set thereof;

5/ with respect to marine transport:

a) in accordance with domestic and international laws:

i) register Ethiopian ships and cross country water transport vessels and issue certificate of sea worthiness and renew same;

ii) issue and renew certificate of competence and seaman’s book to seafarers;

iii) cause the necessary technical inspection to be undertaken on Ethiopian ships and their equipment;

b) cause search and rescue operation measures to be undertaken in case of marine accident;

c) encourage the establishment of marine training institutes and set their standards in accordance with domestic and international laws.

6/ own property, enter into contracts, sue and be sued; and
7/ perform other lawful activities necessary for the carrying out of its duties and responsibilities.

8. Management of the Authority

The Authority shall have:

1/ a General Manager to be appointed by the Government upon the recommendation of the Minister; and

2/ the necessary staff.

9. Powers and Duties of the General Manager

1/ The General Manager shall, subject to the general directives of the Ministry, direct and administer the activities of the Authority.

2/ Without limiting the generality of the provisions of Sub-Article (1) of this Article, the General Manager shall:

a) exercise the powers and duties vested in the Authority under this Proclamation;

b) employ and administer the employees of the Authority in accordance with the federal civil servants laws;

c) prepare and submit to the Ministry the work program and budget of the Authority, and implement same upon approval;

d) effect payments in accordance with the approved budget and work program of the Authority;

e) represent the Authority in all its dealings with third parties;

f) prepare and submit to the Ministry annual operational and financial reports of the Authority.

3/ The General Manager may delegate part of his powers and duties to the officials and other employees of the Authority to the extent necessary for the efficient management of the activities of the Authority; provided, however, that the prior consent of the Minister is required where such official is to act on behalf of the General Manager for more than 30 days.
10. Budget
The budget of the Authority shall be drawn from the following sources:
1/ license fees and service charges collected by the Authority;
2/ governmental subsidies; and
3/ any other source.

11. Books of Accounts
1/ The Authority shall keep complete and accurate books of accounts.
2/ The books of accounts and other financial documents of the Authority shall be audited annually by the Auditor General or by an auditor designated by him.

PART THREE
PUBLIC COMMERCIAL ROAD TRANSPORT ACTIVITIES AND PUBLIC COMMERCIAL ROAD TRANSPORT ASSOCIATIONS

12. Undertaking Public Commercial Road Transport Activities
1/ Any individual or an enterprise established in accordance with the law may engage in public commercial road transport.
2/ Persons and enterprises, licensed to engage in public commercial road transport, may carry out their activities either by becoming members of associations to be established in accordance with Article 13 of this Proclamation or on their own without becoming members of any association.

13. Establishment of Associations
1/ Persons and enterprises engaged in public commercial road transport may establish and join public commercial road transport associations.
2/ The Authority shall, in order to ensure the provision of competitive road transport services, determine the number of members that may join an association.
3/ Subject to the provisions of Sub-Article (2) of this Article, any association shall be obliged to accept the membership of any person or enterprise engaged in public commercial road transport provided that such person or enterprise satisfies the requirements of membership as provided for in the statutes of the association.

4/ No person or enterprise engaged in public commercial road transport shall belong, within the same route of operation, to more than one association at a time.

5/ The Authority shall issue model statutes of associations.

14. Applicable Laws

The provisions of Article 404-482 of the Civil Code shall, in so far as they are not inconsistent with the provisions of this Proclamation, apply to public commercial road transport associations; provided, however, that all responsibilities assigned to the Ministry of Justice and the Office of Associations by said provisions are, with respect to such associations, hereby transferred to the Authority.

15. Registration of Associations

1/ Every association shall, promptly upon its establishment, submit to the Authority an application of registration together with its statutes.

2/ When an application of registration is submitted to it, the Authority shall, upon ascertaining that:

a) the statutes are consistent with the law and model statutes issued by it; and

b) other requirements of any applicable law are fulfilled;

and upon the payment of the prescribed fee, register the association.

3/ If the Authority refuses to register the association, it shall, within 7 days so notify the association giving reasons therefore. If the Authority fails to take any action with respect to the application for registrations within the specified time, said association shall be deemed registered.
16. Renewal of Registration

1/ An association shall renew its registration upon payment of the appropriate fee within the period of Meskerem 1 upto Yekatite 30 every year.

2/ The association shall cease operating where it has not renewed the permit annually.

17. Purpose and Duties of Associations

Associations shall have the following purposes and duties:

1/ to prepare trip schedules for public service vehicles of their members; and enforce same upon approval by the Authority, as the case may be;

2/ to establish and operate common facilities such as public service vehicles' terminals, road stations, freight distribution offices, repair centers, fuel depots, spare parts shops and the like;

3/ to properly keep necessary information and documents in accordance with directives to be issued by the Authority; and submit same to the Authority when requested;

4/ to promote, among their members, the awareness and observance of laws, regulations and directives relating to road transport;

5/ to promote awareness and facilitate training system with a view to minimizing traffic accidents caused by vehicles of their members; and

6/ to perform other lawful activities relating to their duties.

PART FOUR
MISCELLANEOUS PROVISIONS

18. Establishment of Data Center

1/ The Authority shall establish a data center to collect and compile the necessary information in relation to transport.
2/ The State Bureaux, Federal and State Police Commissions, public commercial road transport associations, individuals and other organizations shall submit or transfer the necessary information in relation to transport as per the directives to be issued by the Authority.

3/ The Authority shall issue model format that assists to transfer the necessary information.

19. Obligations of Persons and Enterprises Engaged in Public Commercial Road Transport

Persons and enterprises engaged in public commercial road transport shall observe laws, regulations and directives issued relating to road transport.

20. Exclusive Rights and Contracts

1/ The Authority may, where it finds it necessary, issue directives that enable the granting of exclusive or restricted franchises to persons, associations or organizations engaged in cross-country and international commercial road transport within a view to encouraging investors to engage in the provision of public commercial road transport to localities where there is no such service or where it is inadequate.

2/ Nothing herein contained shall be deemed to prohibit or restrict the right of any shipper to conclude exclusive contracts of carriage with any person or enterprise engaged in public commercial road transport.

21. Duty to have Vehicles Registered

1/ No vehicle, except special mobile equipment with a maximum speed of less than 20 k.m per hour, shall be driven or operated on any road unless said vehicle:

a) has been registered in accordance with regulations and directives issued hereunder; and

b) bears the appropriate plates or other identification marks.

2/ The absence of the appropriate registration plates or other identification marks shall constitute prima facie evidence that the vehicle has not been registered and the police may detain said vehicle pending the making of appropriate inquiries.
22. Requirement of Holding a Driving License

1/ No person may drive a motor vehicle on any road unless he is a holder of a valid driving license, issued in accordance with regulations and directives issued hereunder, authorizing him to drive the particular type of motor vehicle.

2/ No owner of any motor vehicle may permit any person to drive his vehicle unless the person is the holder of a valid driving license.

3/ Notwithstanding the provisions of Sub-Article (1) and (2) of this Article, conditions under which persons not holding valid driving licences may drive for learning shall be determined by directives to be issued by the Authority.

23. Requirement of Permit for Seafarers and Train Operators

1/ No person shall be engaged as seafarer or operate a train on Ethiopian railways unless he has obtained a permit granted by the Authority.

2/ Notwithstanding Sub-Article (1) of this Article any permit granted by the concerned organs prior to the coming into force of this Proclamation shall remain valid until such time as indicated in the permit.

24. Delegation of Powers

1/ The Authority may, where necessary and as may be appropriate, delegate part of its powers and duties to State Bureaux, municipalities and other government or non-government organs.

2/ The organs referred to in Sub-Article (1) of this Article, shall in exercising the powers and duties delegated to them, follow and observe proclamations, regulations, directives and standards relating to transport set by the Authority.

25. Repeal and Savings

1/ The Road Transport Regulation Proclamation, No. 14/1992 is hereby repealed.
2/ Without prejudice to the provisions of Sub-Article (1) of this Article, all regulations issued under or validated by Proclamation No. 14/1992 shall, in so far as they are not inconsistent with the provisions of this Proclamation, be deemed to have been issued under this Proclamation and shall continue in force.

3/ Any other proclamation, regulations, directives or practice inconsistent with the provisions of this Proclamation shall have no effect on matters stated hereunder.

26. Transfer of Rights and Obligations

1/ The rights and obligations of the Road Transport Authority established under Proclamation 14/1992 are hereby transferred to the Authority.

2/ The rights and obligations of the Addis Ababa City Transport Authority and the Dire Dawa Transport Agency are hereby transferred to the Authority, and they shall be organized as branch offices of the Authority.

27. Transitory Provisions

1/ Associations established pursuant to Proclamation No. 14/1992 shall be considered as being established by this Proclamation and shall continue their activities.

2/ Until the States issue their own law the provisions of this Proclamation shall apply to the States in the affairs related to transport.

28. Power to Issue Regulations

The Council of Ministers may issue Regulations for the proper implementation of this Proclamation.

29. Penalty

Any person who violates the provisions of this Proclamation and Regulations issued hereunder shall be punishable in accordance with the Penal Code.
30. Effective Date

This Proclamation shall enter into force on the 6th day of August, 2005.

Done at Addis Ababa, the 6th day of August, 2005

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA