

Proclamation No. _____/2026

Customs Proclamation (Amendment)

WHEREAS, it has become necessary to further amend the Customs Proclamation (as amended) No. 859/2014,

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

1. Short Title

This proclamation may be cited as “Customs Proclamation (as Amended) Further Amendment No. __/2026”

2. Amendment

The Customs Proclamation No.859/2014 (as amended) is hereby further amended as follows:

1) Article 23 sub-article 1 of the Proclamation is deleted and replaced by the following new sub-articles (1), (2), (3), and (4); other provisions of the Article are renumbered as sub-articles 5 to 11.

- 1/ The Commission may, in order to ensure that goods to be released are covered by a registered declaration and to carry out subsequent customs procedures, examine the goods in whole or in part or by taking samples in quantities to be determined by a directive.
- 2/ Examination of goods conducted in accordance with sub-article 1 of this Article may, as necessary, be carried out by cargo scanning equipment or laboratory analysis or physical inspection or other alternatives.
- 3/ The Commission may conduct a documentary examination to verify the accuracy and completeness of the information contained in the goods declaration submitted by the declarant.
- 4/ Without prejudice to the provisions of sub-article 2 of this Article, the Commission may, where it finds it necessary, conduct a re-examination of goods that have already undergone goods and/or documentary examination.

2) Sub-article (4) of Article 25 of the Proclamation is deleted and replaced by the following new sub-article (4); additionally, sub-article (5) is added after sub-article (4).

- 4/ Goods entered into the country and registered under a single declaration shall be released for free circulation together.

- 5/ Notwithstanding the provisions of sub- article 4 of this Article, where the declarant states that he is unable to pay the duties and taxes due on the imported goods at once and requests a partial release of goods, the release of goods upon verification that the duties and taxes due for the specific portion of goods to be released have been paid.

3) Sub-articles (1), (2), (6), (7), and (8) of Article 51 of the Proclamation are deleted and replaced by the following new sub-articles (1), (2), (6), (7), and (8).

- 1/ Any goods imported by sea or land must be removed from the temporary customs storage within forty-five days from the date of entry into the storage after the necessary customs formalities have been completed, unless the delay is attributable to customs controls, administrative action, or force majeure, in which case the time limit shall be extended accordingly.
- 2/ Any goods imported by air must be removed from the temporary customs storage within thirty days from the date of entry into the storage, after the necessary customs formalities have been completed, subject to the same exceptions provided under sub-article 1 of this Article.
- 6/ Raw materials imported under the export trade duty incentive scheme must be processed into products and supplied to the external market within one year from the date they were delivered to the beneficiary. However, the Commission may extend this time limit for an additional one year or more, as the case may be, where it is satisfied that the failure to process the raw materials and supply the products to the external market was due to sufficient reasons.
- 7/ Goods entered into temporary customs storage or a bonded warehouse that are not removed within the time limits specified under sub-articles (1), (2), (3), and (4) of this Article shall be transferred to a government customs warehouse.
- 8/ The owner of the goods shall have the right to take delivery of the goods transferred to a government customs warehouse in accordance with sub- article (7) of this Article before they are disposed of, upon payment of the duties, taxes, and other expenses due.

4) Sub-article (2) of Article 62 is deleted and replaced by the following new sub-article (2)

“2/ Notwithstanding the provisions of sub-article (1) (a) of this Article, the Commission:

- (a) shall transfer goods classified as cultural heritage by the relevant law or goods that the Ministry of Finance determines to be used by public bodies to the appropriate government body;

(b) Subject to sub-article 1 of this Article the proceeds from the sale of contraband goods shall be used for building capacity in accordance with the Directive to be issued by the Ministry of Finance.

5) Article 89 of the Proclamation is deleted and replaced by the following new Article 89:

“89. Principles

- 1/ The customs value of imported and exported goods, for the purposes of applying the customs tariff, other import or export charges, and non-tariff measures prescribed by law, shall be determined in accordance with the valuation methods set out in this Part.
- 2/ The customs value of imported goods shall be determined in accordance with Art. 90 -95 of this Proclamation, in the order of precedence.
- 3/ The customs value of export goods shall be the actual cost of the goods up to the final exit point from the customs territory of Ethiopia.

6) Article 4 and 5 of Article 89 are deleted and replaced by the following sub-article (4) and (5):-

- “(4) The Ministry may issue a directive for the implementation of the valuation methods provided under this Proclamation. Such directive shall not establish or authorize any valuation method other than those set out in Articles 90 to 95.
- (5) The Commission may use valuation databases for risk management and value verification. Such databases shall not serve as fixed or minimum values, nor replace the valuation methods established under this Proclamation. Information derived from these sources may be used solely to assess whether a declared transaction value appears reasonable and to determine whether further inquiry is warranted.

7) The introduction part of article 90 (1) and Sub article (d) of the same article are deleted and replaced by the following:

- “1. The transaction value of imported goods shall be the price actually paid or payable for the goods when sold for export to Ethiopia, and adjusted where necessary, as set forth in Article 96 of this Proclamation; provided, however, that:
- (d) Where the buyer and seller are related, the Commission may question the acceptability of the declared transaction value where it has reasonable grounds to believe that the relationship influenced the price, following the procedure set out in Article 99 of this Proclamation. If the importer is unable to prove that such relationship did not influence the price, the Commission may reject the declared transaction value.

8) The following new sub-articles 4, 5 and 6 are added after sub-article 3 of Article 98;

“(4) The customs value of imported carrier media bearing software shall be determined based solely on the cost or value of the carrier medium itself.

(5) When sub-article (4) of this provision is applied, the cost or value of the software recorded on the carrier medium shall be deducted from the customs value. This deduction shall only be applicable if the declarant provides information that clearly distinguishes the cost or value of the software from the cost or value of the physical carrier medium.

(6) for the purpose of this article.

(a) **‘Carrier medium’** means a physical object, such as a magnetic disc, optical disc, or tape, designed for the storage and conveyance of software. This definition excludes integrated circuits, semiconductors, and similar devices, as well as any articles into which such circuits or devices are incorporated.

(b) **‘Data or instructions (Software)’** means recorded programs or instructions, supplied for the operation of data processing equipment. This definition excludes sound recordings, cinematic films, and video recordings.

9) Article 99 of the Proclamation is deleted and replaced by the following new Article 99.

99. Production of Additional Information and Evidence

1) Where the Commission has reasonable grounds to believe that the declared transaction value may not reflect the price actually paid or payable, or that the buyer-seller relationship may have influenced the price as per sub-article 2 of Article 90, it may require the declarant to produce additional information or evidence demonstrating that the declared transaction value is correct.

2) Where the Commission, after receiving further information or evidence still has reasonable doubts about the accuracy of the declared value or in the absence of a response by the declarant, the customs value of the goods may be determined under the next applicable method provided in Articles 91 to 95 of this Proclamation.

3) Upon written request, the Commission shall provide the declarant with the written reasons for the customs value determined, including the grounds for any decision rejecting the declared transaction value. The declarant shall be given an opportunity to respond to such reasons before a final determination is made.

10) Article 101 of the Proclamation is deleted and replaced by the following new Article 101:

101. Exchange Rate

The customs value of imported or exported goods shall be calculated on the basis of the indicative exchange rate declared by the National Bank of Ethiopia on the date the customs declaration for the goods is submitted to and accepted by the Customs Commission.”

11) Article 107 of the Proclamation is deleted and replaced by the following new Article 107:

107. Origin Marking

- 1/ Without prejudice to the provision of Sub-Article 3 of this Article, the name of the country of origin of imported goods shall be affixed, in English, on each good and/or the package thereof in a manner that such marking cannot be easily deleted, removed or altered.
- 2/ The provision of Sub-Article (1) of this Article shall not apply to personal use items that are not intended for trade.
- 3/ The Ministry shall issue a detailed directive concerning the country of origin, including goods that are not subject to origin marking, and the treatment of goods that do not fulfill the requirements set forth in Sub-Article (1) of this Article.

12) Article 108 of the Proclamation is deleted and replaced by the following new Article 108:

108. Rules of Preferential Origin of Goods

- 1/ The preferential origin of goods shall be governed exclusively by the rules of origin laid down in the international, regional or bilateral agreements providing for preferential tariff treatments to which Ethiopia is a party.
- 2/ The granting of preferential tariff treatment shall be conditional upon compliance with the applicable preferential rules of origin and the submission of valid proof of origin, as prescribed in the relevant agreement.
- 3/ The Commission shall be the competent authority responsible for the administration, implementation, issuance and verification of proofs of preferential origin, in accordance with the provisions of the relevant agreement and this Proclamation.

13) Sub-Article 1 of Article 118 of the Proclamation is deleted and replaced by the following new Sub-Article 1:

- 1/ Where a security is required to be furnished pursuant to this Proclamation, such security shall be by cash deposit, bank guarantee, and insurance bond or in case of public bodies, public enterprises and authorized economic operators a written undertaking.”

14) Sub-Article 2 of Article 123 of the Proclamation is deleted and replaced by the following new Sub-article 2;

- “2. Any claim of refund of taxes and duties can be entertained on the basis of sub-article (1) of this Article only where the claim is lodged within one year from the date the customs formalities were completed and the declaration was finalized, or, in the event it is confirmed that the goods will not enter the country, from the date the declaration was deleted from the customs information system.”

15) Sub-Article 3 of Article 133 of the Proclamation is deleted and replaced by the following new Sub-Article 3:

- 3/ Where the information supplied to the Authority or other law enforcement body pursuant to sub- article (1) of this Article leads to seizure of the goods, all persons that have provided information and support shall be rewarded in accordance with directive issued by the Ministry of Finance.

16) Paragraphs (a) and (b) of sub-article (3) of Article 147 of the Proclamation are deleted and replaced by the following new paragraphs (a), (b) and (c) of sub-article (3).

- (a) If it is constructed or modified or fitted with a compartment in a manner that enables it to conceal goods,
- (b) If the goods loaded on the means of transport are contraband goods with the volume to be determined in accordance with the Directive to be issued by the Ministry of Finance, the means of transport shall be confiscated and forfeited to the government without regard to the estimated value of the goods.
- (c) Prior to confiscation, the owner of the means of transport shall be notified and given the opportunity to present evidence or explanations regarding the use of the means of transport.

17) The following new sub-article (4) is added after sub article (3) of Article 133;

- “4 All information which is by nature confidential or which is provided on a confidential basis for the purposes of customs valuation shall be treated as strictly confidential by the authorities concerned who shall not disclose it without the specific permission of the person or government providing such

information, except to the extent that it may be required to be disclosed in the context of judicial proceedings.”

18) Sub-Article 2 of Article 155 of the Proclamation is deleted and replaced by the following new Sub-Article 2:

2/ If the appeal is with respect to payment of duties and taxes, the Federal Tax Appeal Commission shall not admit lodging of the appeal unless 50% (fifty percent) of the disputed duties and taxes have been paid.

19) Sub-Article 3 of Article 157 of the Proclamation is deleted and the remaining sub-articles of Article 157 are renumbered.

20) Article 160 of the Proclamation is deleted and replaced by the following new Article 160 :

160 Obligations of Carriers and Violations Related to the Act of Transporting Contraband

1/ Any carrier who:

- (a) Fails to submit a passenger or cargo manifest within the specified time limit.
- (b) Allows any person other than an authorized person to enter the means of transport; or
- (c) Causes the means of transport to remain at a customs port after a decision has been made for its departure without explaining the reason to and obtaining permission from a customs officer; shall be punished with a fine to be determined by Council of Ministers Regulations.

2/ Any carrier who loads, unloads, or attempts to load or unload goods on a means of transport that has arrived at a customs port in the absence of a customs officer shall be punished with a fine to be determined by Council of Ministers Regulations.

3/ Without prejudice to criminal liability where it is confirmed that the owner of a means of transport loaded with contraband goods participated in the contraband offence or failed to exercise due diligence to prevent such offence and without prejudice to the confiscation of the contraband goods,

the owner of a means of transport shall be punished with a fine to be determined by Council of Ministers Regulations.

- 4/ The provisions of sub-article 3 of this Article shall also apply to a public transport vehicles, considering the specific operational circumstances and to the extent to which the owner has complied with preventive obligations explicitly set out in the customs regulations, including documentation, inspection and sealing requirements.
- 5/ The owner of a means of transport found to have loaded contraband goods by mixing them after opening a cargo seal or container shall, without prejudice to the confiscation of the goods, be punished with a fine to be determined by Council of Ministers Regulations.
- 6/ If the means of transport referred to in sub- article (3) of this Article is an animal, the owner sh loaded contraband goods or the current all be punished with a fine equal to one hundred percent of the value of the value of the animal, whichever is lesser.
- 7/ Notwithstanding the provisions of sub- articles transport shall in no case exceed the (3) and (4) of this Article, the fine imposed on the owner of the means of current market value of the means of transport.

21) Article 161 of the Proclamation is deleted and replaced by the following new Article 161:

- 1/ Any licensed customs warehouse operator who fails to comply with the obligations specified in this Proclamation shall, without prejudice to additional administrative measures that may be taken based on the directive to be issued pursuant to Article 176(3) of this Proclamation, pay a fine to be determined by Council of Ministers Regulations.

- 2/ customs bonded warehouse are found to have entered a temporary storage warehouse, and the goods are not transferred to the authorized customs warehouse within five working days, the importer shall pay a fine to be determined by Council of Ministers Regulations and transfer the goods to a bonded warehouse or ensure that customs formalities are completed while the goods are in the temporary storage warehouse.
- 3/ Where goods imported into the country on a temporary basis are not re-exported within the period specified in the Proclamation, the importer shall, without prejudice to the payment of duties and taxes based on the depreciated value as well as other expenses, pay a fine to be determined by Council of Ministers Regulations. have the held security returned, and ensure the goods are re- exported within one month.

3. Effective Date

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

Done at Addis Ababa this ____ day of ____ 2026

TAYE ATSKE SILASSIE

PRESIDENT OF THE FEDERAL DEMOCRATIC

REPUBLIC OF ETHIOPIA