CONSULTATION DRAFT — NOT ENACTED LAW

ASSEMBLY ACT NO. ___/2026

MARITIME CODE OF ERITREA, 2026

(ASSEMBLY ACT)

AN ASSEMBLY ACT TO MODERNIZE ERITREAN MARITIME LAW; TO GOVERN MARITIME ADMINISTRATION, PORTS, SHIPS, NAVIGATION, SEAFARERS, CARRIAGE, MARINE CASUALTIES, LIABILITY, INSURANCE AND ENFORCEMENT; TO PROMOTE SAFE, SECURE, ENVIRONMENTALLY RESPONSIBLE AND COMMERCIALLY EFFICIENT USE OF ERITREA'S ACCESS TO THE RED SEA; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Eritrea's ports, coastline, maritime zones, shipping services and access to the Red Sea are national assets whose lawful, safe and commercially efficient use is essential to development;
WHEREAS the inherited transitional maritime legislation requires comprehensive modernization to support constitutional government, open and competitive markets, responsible investment, decent maritime labour, environmental protection and digital trade;
WHEREAS maritime administration must be transparent, professionally independent in individual technical decisions, accessible electronically and accountable to law and judicial review;
WHEREAS under Article 32(1) of the Constitution of Eritrea, the National Assembly is the supreme legislative body, and no person or organization may make a decision having the force of law except as authorized by the Constitution or an Assembly Act;
NOW, THEREFORE, the National Assembly of Eritrea, acting under the Constitution, enacts the following Maritime Code.

STRUCTURAL CONTENTS

BOOK ONE
MARITIME ADMINISTRATION, PORTS AND FOUNDATIONS
TITLE I
GENERAL FOUNDATIONS
CHAPTER I
PURPOSE, PRINCIPLES AND DEFINITIONS

SECTION 1
CONSTITUTIONAL AND LEGAL FOUNDATIONS

Article 1 — Short title

1. This Assembly Act may be cited as the Maritime Code of Eritrea 2026.
2. This Book establishes the foundations of maritime administration, port governance, trade facilitation and maritime development.

Article 2 — Purposes

1. The purposes of this Code are to support safe, secure, environmentally responsible and commercially efficient navigation and to make Eritrea's maritime sector open to lawful enterprise, investment and regional trade.
2. The Code shall promote constitutional government, competitive markets, decent maritime work, reliable private rights, modern technology and accountable use of the Red Sea coast and ports.

Article 3 — Constitutional conformity

1. Every power under this Code shall be exercised consistently with the Constitution, an Assembly Act, equality, property rights, access to justice and the State's responsibility to promote development.
2. No maritime authority, port administration or executive institution may create a tax, offence, forfeiture, monopoly or material restriction on commerce without authority in an Assembly Act.

Article 4 — Scope of the Code

1. This Code governs ships, navigation, maritime administration, ports, seafarers, maritime employment, carriage, marine casualties, maritime claims, security rights, insurance and related matters within its provisions.
2. It applies to public and private persons except where a provision or another Assembly Act expressly and constitutionally provides otherwise.

Article 5 — International obligations

1. A maritime treaty validly made part of Eritrean law applies according to its constitutional authority and enacted terms.
2. A technical standard or international recommendation not having domestic force may guide administration only where consistent with this Code and shall not independently create a duty, penalty or deprivation.

Article 6 — Relationship with other laws

1. The Civil Code of Eritrea 2015 and the Commercial Code of Eritrea apply to a maritime matter not governed by this Code, consistently with its maritime character.
2. Labour, environmental, competition, customs, tax, criminal, civil-procedure and sectoral legislation continue within their proper scope, with the specific maritime rule prevailing only where direct inconsistency cannot be reconciled.

SECTION 2
INTERPRETATION, TECHNOLOGY AND DEFINITIONS

Article 7 — Interpretation

1. This Code shall be interpreted to promote uniform, practical and internationally intelligible maritime law while respecting Eritrea's constitutional order and conditions.
2. A court shall consider the commercial purpose, safety function, maritime usage, technological context and need for predictable cross-border application.

Article 8 — Good faith and maritime reasonableness

1. A person exercising a right or performing a duty under this Code shall act in good faith and observe reasonable maritime and commercial standards.
2. A contractual standard may specify performance but may not exclude good faith, conceal an unsafe practice or excuse intentional or reckless misconduct.

Article 9 — Technology neutrality

1. A maritime transaction, record, certificate, communication or service shall not be denied legal effect solely because it is electronic, automated or maintained through a distributed information system.
2. No institution shall require a particular technology unless an Assembly Act or a proportionate technical rule authorized by it makes that technology necessary for safety, interoperability or evidentiary reliability.

Article 10 — Functional equivalence

1. A requirement for writing, signature, original, production, possession, delivery or retention may be satisfied electronically by a reliable method performing the function of that requirement.
2. Reliability shall be assessed according to purpose, risk, integrity, control, accessibility, identity assurance, agreement and accepted maritime practice.

Article 11 — Equal treatment and open access

1. A maritime service shall be administered without arbitrary discrimination based on nationality, ownership, political opinion or public or private status.
2. A distinction based on safety, security, environmental risk, capacity, reciprocal treaty rights or another legitimate purpose shall be transparent and proportionate.

Article 12 — Definitions

1. In this Code, 'Administration' means the Eritrean Maritime Administration established by Article 25; 'Authority' includes a public institution lawfully exercising a maritime function; 'port administration' means the entity assigned public management of a designated port; and 'ship' has the meaning provided in Book Two.
2. 'Electronic record' means information generated, communicated, received or stored electronically; 'recognized organization' means a qualified body authorized under Article 46; and 'Minister' means the Minister assigned maritime transport by an Assembly Act.

CHAPTER II
APPLICATION, JURISDICTION AND LEGALITY

SECTION 1
APPLICATION TO SHIPS, CRAFT AND MARITIME AREAS

Article 13 — Eritrean ships

1. This Code applies to an Eritrean ship wherever located, subject to an applicable rule of international law and the territorial law lawfully governing the place concerned.
2. An owner, operator, manager, master and seafarer of an Eritrean ship shall comply with duties expressly applicable outside Eritrea.

Article 14 — Foreign ships

1. This Code applies to a foreign ship while it is in an Eritrean port, internal waters or other maritime area within Eritrean jurisdiction.
2. Jurisdiction over a foreign ship shall be exercised consistently with immunities, navigational rights, treaties validly applicable in Eritrea and generally applicable international law.

Article 15 — State and non-commercial ships

1. A warship or other ship used solely for non-commercial public service is excluded from a private-liability rule only where this Code or another Assembly Act so provides.
2. Exclusion does not remove duties concerning safe navigation, pollution prevention, port coordination, rescue or protection of life so far as compatible with the ship's public function.

Article 16 — Small craft and traditional navigation

1. The Administration may apply proportionate simplified requirements to fishing boats, dhows, pleasure craft and other small or traditional craft where equivalent safety and accountability are maintained.
2. Simplification shall not expose crew, passengers, other navigation or the marine environment to unreasonable risk and shall not be used to discriminate against small operators.

Article 17 — Offshore units and emerging craft

1. This Code applies, to the extent appropriate, to mobile offshore units, remotely operated craft, autonomous surface ships and other waterborne structures used for navigation or maritime commerce.
2. The Administration may issue temporary safety conditions for an emerging craft within express delegated authority, but permanent classification and liability rules require an Assembly Act.

Article 18 — Maritime areas

1. References to internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf or other maritime area mean the area lawfully established for Eritrea by an Assembly Act and applicable international law.
2. This Code does not itself delimit a maritime boundary or prejudice a lawful boundary agreement or adjudication.

SECTION 2
COURTS, DUE PROCESS AND DELEGATION

Article 19 — Competent courts

1. A maritime dispute shall be heard by the competent court or Maritime Division designated under an Assembly Act or procedural law.
2. Specialization concerns judicial administration and shall not diminish independence, due process, remedial power or lawful review.

Article 20 — Administrative decisions

1. A material administrative decision under this Code shall identify its legal authority, findings, reasons, effective time and available review.
2. The affected person shall receive prompt notice in an accessible form and access to the non-protected record on which the decision rests.

Article 21 — Hearing and review

1. Before an adverse decision, a person shall receive notice and reasonable opportunity to respond unless an urgent temporary measure is necessary to protect life, navigation, security or the environment.
2. An urgent measure shall be narrowly tailored, recorded with reasons and subject to prompt independent reconsideration and judicial review.

Article 22 — Proportionality of enforcement

1. Inspection, detention, suspension, exclusion, seizure and other enforcement shall be necessary, suitable and proportionate to the identified risk or violation.
2. An official shall prefer effective correction over interruption of trade where safety, security, labour rights, evidence and environmental protection can be preserved.

Article 23 — Protection of property

1. No ship, cargo, equipment, port asset or other property may be expropriated except for a public purpose under an Assembly Act, with due process and prompt fair compensation.
2. A temporary safety or emergency measure shall not be used as disguised confiscation and shall cease when its lawful necessity ends.

Article 24 — Legality of delegation

1. A maritime power may be delegated only where an Assembly Act identifies the delegating institution, permitted delegate, subject and limits.

2. Delegation shall be written, public and supervised and does not transfer final political accountability or authorize subdelegation unless law expressly permits it.

TITLE II
ERITREAN MARITIME ADMINISTRATION
CHAPTER I
ESTABLISHMENT AND GOVERNANCE

SECTION 1
STATUS, OBJECTIVES AND RESOURCES

Article 25 — Establishment of the Administration

1. The Eritrean Maritime Administration is established as the national maritime regulatory and safety institution.
2. The Administration shall perform its functions independently of commercial port and shipping operators and shall be accountable under this Code.

Article 26 — Institutional status

1. The Administration is a body corporate with perpetual succession, capacity to contract, hold property, sue and be sued, and perform functions assigned by an Assembly Act.
2. It is part of the executive branch for constitutional accountability but shall not receive direction in an individual inspection, certification, detention, casualty investigation or enforcement decision.

Article 27 — Objectives of the Administration

1. The Administration shall protect life, safe and secure navigation, decent maritime work, the marine environment and reliable registration and certification.
2. It shall also facilitate lawful maritime trade, efficient ports, private investment, professional capacity and transparent compliance.

Article 28 — Powers incidental to functions

1. The Administration may acquire information, enter lawful agreements, employ qualified personnel, procure services and operate secure systems necessary to perform an assigned function.
2. An incidental power shall not be used to expand regulatory jurisdiction, create a compulsory payment or displace another institution's statutory function.

Article 29 — Head office and service points

1. The Administration shall maintain its principal office in Eritrea and effective service capacity at Massawa and Assab.
2. It may establish additional physical or electronic service points where justified by maritime activity, access and reasonable administrative cost.

Article 30 — Resources and financial independence

1. The National Assembly shall provide appropriations reasonably sufficient for core safety, registry, inspection, casualty and search-and-rescue functions.

2. Revenue from fees shall be transparently accounted for and shall not create incentives to weaken inspection, promote unsafe registration or detain vessels for revenue.

SECTION 2
BOARD AND EXECUTIVE MANAGEMENT

Article 31 — Governing Board

1. The Administration shall be governed by a Board responsible for strategy, integrity, financial oversight and appointment and supervision of the Director-General.
2. The Board shall not reverse or dictate an individual technical, investigative or enforcement determination reserved by law to a qualified officer.

Article 32 — Composition of the Board

1. The Board shall consist of members with collective expertise in maritime law, navigation, engineering, ports, trade, finance, labour, environment, technology and public administration.
2. No class of shipowner, port operator, worker organization or executive ministry may dominate the Board, and meaningful representation of women and affected coastal communities shall be pursued.

Article 33 — Appointment and tenure

1. Board members shall be appointed through a transparent merit process for staggered terms fixed by an Assembly Act or regulations expressly authorized by it.
2. Removal before expiry requires incapacity, serious misconduct, undisclosed conflict, persistent failure or another stated legal ground, with reasons and review.

Article 34 — Conflicts and integrity

1. A member and senior officer shall disclose financial and organizational interests and shall not participate in a matter creating actual or reasonably perceived material conflict.
2. The Administration shall publish an interests register, gifts rules, recusals and post-employment restrictions consistent with privacy and an Assembly Act.

Article 35 — Meetings and decisions

1. The Board shall meet regularly, act by recorded majority with a lawful quorum and preserve minutes identifying decisions and recusals.
2. Policies and decisions of general application shall be published, while protected security, personal and commercially confidential information shall be withheld only to the necessary extent.

Article 36 — Director-General

1. The Board shall appoint a professionally qualified Director-General through open competition to manage the Administration and serve as its accounting officer.
2. The Director-General shall implement Board policy, protect technical independence, maintain competent staffing and report material noncompliance or interference.

CHAPTER II
FUNCTIONS, INSPECTION AND DELEGATION

SECTION 1
FLAG, PORT AND COASTAL-STATE FUNCTIONS

Article 37 — Flag-State functions

1. The Administration shall maintain the Eritrean ship register and regulate, survey and certify Eritrean ships according to this Code and standards lawfully applicable in Eritrea.
2. It shall monitor continuing compliance wherever an Eritrean ship operates and take effective corrective action when evidence establishes deficiency.

Article 38 — Port-State functions

1. The Administration may inspect a foreign ship in an Eritrean port to verify compliance with requirements lawfully applicable to that ship.
2. Selection shall be risk-based and nondiscriminatory, avoid unnecessary delay and support regional port-State-control cooperation.

Article 39 — Coastal-State functions

1. The Administration shall perform maritime safety, traffic, casualty, pollution and navigational functions assigned to Eritrea as a coastal State.
2. It shall coordinate with defence, environment, fisheries, customs, police, local government and other competent institutions without absorbing their independent legal powers.

Article 40 — Registration and certification

1. The Administration shall operate reliable digital systems for ship registration, seafarer credentials, surveys, certificates, security rights and other records assigned by law.
2. A public register shall disclose only information necessary for legal certainty and shall protect identity credentials, personal addresses, security information and other restricted data.

Article 41 — Maritime safety

1. The Administration shall set and enforce standards lawfully authorized for construction, equipment, stability, fire protection, communications, navigation, cargo, dangerous goods and safe operation.
2. Standards shall be risk-based, technology-neutral and aligned with binding law and suitable recognized international practice.

Article 42 — Maritime security

1. The Administration shall coordinate proportionate measures against unlawful interference, piracy, armed robbery, cyber threats and security risks affecting ships and ports.
2. Security measures shall respect constitutional rights, lawful navigation, confidentiality and civilian oversight and shall not become a pretext for arbitrary trade restriction.

Article 43 — Seafarer standards

1. The Administration shall administer maritime qualifications, medical fitness, hours, welfare and service requirements assigned by this Code in coordination with the labour authority.
2. A regulatory arrangement shall protect seafarers without fragmenting responsibility or lowering a generally applicable labour right.

Article 44 — Casualty investigation

1. A functionally independent unit shall investigate a serious marine casualty to determine causes and prevent recurrence rather than assign criminal or civil liability.
2. Investigation records, safety recommendations, cooperation with other States and protection of witness material shall be governed by Book Three and procedural safeguards.

Article 45 — Search and rescue coordination

1. The Administration shall coordinate a national maritime search-and-rescue system capable of continuous distress reception, planning and response.
2. The system shall integrate naval, aviation, port, health, police, fishing, private and volunteer capability and pursue practical cooperation with neighbouring rescue services.

SECTION 2
RECOGNIZED ORGANIZATIONS AND INSPECTION

Article 46 — Recognized organizations

1. The Administration may authorize a technically competent and independent classification society or other organization to conduct specified surveys or certifications.
2. Authorization shall follow transparent qualification, written scope, conflict controls, performance standards, audit and power of suspension or withdrawal.

Article 47 — Terms of authorization

1. An agreement with a recognized organization shall state delegated functions, governing standards, reporting, data access, liability, subcontracting, geographic scope and termination.
2. The organization shall immediately report a serious deficiency, casualty, fraud, unsafe condition or certificate suspension involving an Eritrean ship.

Article 48 — Continuing responsibility

1. Authorization does not relieve the Administration of responsibility for effective flag-State implementation and supervision.
2. The Administration shall audit performance, investigate complaints, sample decisions and publish the identity and scope of every recognized organization.

Article 49 — Maritime inspectors

1. The Administration shall appoint qualified inspectors with written credentials and defined authority.

2. An inspector shall act impartially, record material steps, avoid conflicts, protect confidential information and remain accountable for misuse of power.

Article 50 — Inspection powers

1. For a lawful maritime purpose, an inspector may board a ship, enter non-residential regulated premises, inspect equipment and records, interview responsible persons and take proportionate samples or copies.
2. Entry into a home, intrusive search, compelled access to privileged material or seizure beyond immediate safety needs requires consent or judicial authority unless an Assembly Act expressly provides otherwise.

Article 51 — Deficiency and detention

1. An inspector may issue a deficiency notice and, where a condition creates a serious danger or violation, order detention, operational restriction or another necessary temporary measure.
2. The order shall state reasons, corrective conditions and review rights and shall be lifted promptly when adequate correction is verified.

Article 52 — Review of inspection action

1. A person affected by detention or material restriction may obtain expedited internal review by an officer not responsible for the original decision.
2. Judicial review remains available, and the court may grant release, conditions, security, correction and compensation where authorized by law.

Article 53 — Digital inspection and remote verification

1. The Administration may use authenticated electronic certificates, sensor data, remote survey, imagery and secure data exchange where reliability and equivalent safety are demonstrated.
2. Remote verification shall not replace physical inspection where condition, risk, suspected manipulation or binding standards require direct examination.

Article 54 — Administration reporting

1. The Administration shall publish an annual report on registration, inspections, detentions, casualties, pollution, seafarer certification, search and rescue, service performance, finances and recognized organizations.
2. The report shall include aggregate data, identified systemic risks and corrective plans without compromising protected investigations, security or personal information.

TITLE III
PORTS AND MARITIME TRADE FACILITATION
CHAPTER I
PORT SYSTEM, ACCESS AND COMMERCIAL SERVICES

SECTION 1
NATIONAL PORT SYSTEM

Article 55 — National port system

1. Eritrea's port system shall be administered as essential public infrastructure supporting national development, regional transit, competitive trade and secure access to the Red Sea.
2. Public stewardship of port functions does not require state monopoly over terminal, logistics, agency, towage, repair, supply or other commercial services.

Article 56 — Ports of Massawa and Assab

1. Massawa and Assab are national commercial ports governed by this Code and other applicable Assembly Acts.
2. They shall be developed on equal principles of legality, transparent investment, commercial efficiency, environmental responsibility and nondiscriminatory access, while allowing distinct operational specialization.

Article 57 — Designation of ports

1. An additional national commercial port may be designated only by an Assembly Act after assessment of public need, environment, land rights, security, finance and coastal-community effects.
2. A landing place, marina, fishing harbour or private terminal may be licensed under delegated standards without being designated a national commercial port.

Article 58 — Port limits

1. The Minister may, by regulation expressly authorized by this Article, define or adjust operational port limits after public notice, technical mapping and consultation.
2. A boundary regulation shall not determine an international maritime boundary, extinguish private property or enlarge criminal jurisdiction beyond an Assembly Act.

Article 59 — Port land and property

1. Ownership, lease, concession and acquisition of port land and assets are governed by the Constitution, land law, this Code and the instrument creating the right.
2. Compulsory acquisition requires an Assembly Act, public purpose, due process and prompt fair compensation, and a concession does not transfer sovereign regulatory power.

Article 60 — Port master plans

1. Each national commercial port shall maintain a publicly consulted master plan addressing capacity, land use, intermodal connection, resilience, safety, environment, technology and phased investment.

2. A material departure shall be explained and approved through the same transparent legal process as the plan.

Article 61 — Nondiscriminatory port access

1. A port administration shall provide access to available facilities on published, objective and nondiscriminatory terms.
2. Priority may reflect safety, emergency, schedule integrity, cargo characteristics, capacity and contractual commitments, but not political favour or undisclosed preference.

SECTION 2
PORT ADMINISTRATION AND COMMERCIAL SERVICES

Article 62 — Port administration

1. Each designated port shall have a port administration responsible for harbour coordination, common infrastructure, access allocation, safety support and duties assigned by an Assembly Act.
2. The legal identity, governance and commercial mandate of a port administration shall be public and separated from national maritime regulation.

Article 63 — Separation of functions

1. The Administration regulates maritime safety and compliance, while a port administration manages port operations and infrastructure.
2. Where one public entity temporarily performs regulatory and commercial functions, accounts, decisions, personnel and review shall be separated to prevent conflict and discrimination.

Article 64 — Commercial port services

1. Terminal operation, stevedoring, warehousing, agency, bunkering, repair, towage, pilotage and logistics may be supplied by public, cooperative, private or mixed enterprises meeting lawful standards.
2. A licence requirement shall be based on safety, capacity, integrity or resource use and shall not protect an incumbent from competition.

Article 65 — Competitive allocation

1. A scarce berth, terminal, land parcel, service right or long-term commercial opportunity shall be allocated through transparent competitive procedure unless a published emergency or technically unique circumstance justifies another method.
2. The decision shall disclose criteria, evaluation, beneficial ownership, material terms and reasons, subject to protection of legitimate trade secrets.

Article 66 — Port concessions

1. A concession shall define term, investment, performance, tariff rules, maintenance, labour obligations, environment, data, access, step-in rights, termination and asset return.

2. It shall not guarantee profit, exclude lawful competition, permit uncompensated taking or transfer legislative, policing or adjudicative power.

Article 67 — Port tariffs

1. A port administration and dominant provider shall publish tariffs, calculation units, surcharges, exemptions and complaint procedures before application.
2. A regulated tariff shall be cost-related, reasonable, nondiscriminatory and sufficient for efficient service and prudent investment, without concealed taxation.

Article 68 — Service standards

1. A provider of port services shall publish operating hours, booking procedure, expected processing time, documentation, safety requirements and customer contact.
2. Persistent failure, congestion or discrimination shall be investigated and remedied through performance conditions, competition law, contractual rights and regulatory action.

CHAPTER II
PORT OPERATIONS AND DIGITAL TRADE FACILITATION

SECTION 1
HARBOUR OPERATIONS, SAFETY AND ENVIRONMENT

Article 69 — Harbourmaster

1. A qualified harbourmaster shall coordinate safe vessel movement, anchoring, berthing and emergency response within each designated port.
2. Operational directions shall be proportionate, recorded and based on navigational safety, security, environmental protection and efficient use of capacity.

Article 70 — Vessel traffic services

1. A port may operate vessel traffic and navigational-information services using radar, automatic identification, communications, digital reporting and other reliable systems.
2. Participation requirements and reliance limits shall be published, and service information does not relieve the master of responsibility for safe navigation.

Article 71 — Pilotage

1. Compulsory pilotage areas and exemptions may be prescribed by regulation under stated safety criteria, ship characteristics, local conditions and master competence.
2. Pilotage shall be available on transparent terms, professionally independent in navigational advice and open to qualified providers where safe competition is practicable.

Article 72 — Berthing and cargo operations

1. Berthing, shifting, loading, discharge, storage and delivery shall follow published port rules, safe systems of work and efficient scheduling.
2. A port rule shall facilitate electronic instructions and records and shall not impose unnecessary paper, attendance or intermediary requirements.

Article 73 — Dangerous goods

1. A person bringing dangerous or polluting goods into a port shall classify, declare, package, mark, document, handle and store them according to lawfully applicable standards.
2. The port administration may isolate, move or render safe an undeclared imminent danger, with notice and proportionate recovery of reasonable cost from the responsible person.

Article 74 — Port emergency planning

1. Each designated port shall maintain and exercise coordinated plans for fire, collision, grounding, pollution, dangerous goods, mass rescue, cyber incident and infrastructure failure.
2. Plans shall identify command, communication, equipment, mutual aid, public warning, continuity and post-incident review.

Article 75 — Port environmental management

1. A port administration shall maintain reception, waste, spill-response, air, water, noise and habitat measures required by environmental and maritime law.
2. Fees and procedures shall encourage lawful delivery of ship waste and shall not create incentives for discharge at sea.

SECTION 2
MARITIME SINGLE WINDOW AND DIGITAL SYSTEMS

Article 76 — Maritime Single Window

1. A national Maritime Single Window shall permit ships and authorized persons to submit information required for arrival, stay and departure through one secure electronic entry point.
2. Customs, immigration, health, security, port and maritime institutions shall use and share the submitted information within lawful authority and purpose.

Article 77 — Once-only submission

1. A public institution shall not require the same data repeatedly where current reliable information is available through the Maritime Single Window or another interoperable public system.
2. A request for additional information shall identify legal authority, necessity and the specific deficiency in available data.

Article 78 — Port Community System

1. A port administration may operate or authorize an interoperable Port Community System for booking, cargo status, terminal exchange, logistics and commercial coordination.
2. Participation terms, governance, fees, data rights and access shall be transparent and shall prevent exclusionary control by an incumbent operator.

Article 79 — Electronic documentation and payment

1. Port declarations, clearances, invoices, receipts, permits, certificates and operational orders may be issued, signed, paid and retained electronically.
2. A user shall receive an authenticated acknowledgment, status visibility and a practical procedure for correction, refund and challenge.

Article 80 — Cybersecurity and data governance

1. A maritime digital system shall apply risk-based security, access control, encryption where appropriate, logging, backup, incident response and continuity.
2. Personal, commercial and security data shall be collected and used only for lawful purposes, retained no longer than necessary and disclosed subject to accountability and review.

Article 81 — Interoperability and open standards

1. Public maritime systems shall use documented and interoperable standards capable of exchange with customs, trade, transport, banking and internationally used maritime systems.
2. Procurement shall avoid unnecessary proprietary dependence and shall preserve State access to data, migration capability, auditability and service continuity.

Article 82 — System failure and assisted access

1. A material digital failure shall trigger a published continuity procedure allowing lawful operations through alternative secure means.
2. Assisted service shall be available for disability, remoteness, emergency or lack of reasonable digital access, without discriminatory delay or charge.

TITLE IV
MARITIME DEVELOPMENT AND PUBLIC ACCOUNTABILITY
CHAPTER I
DEVELOPMENT, INVESTMENT AND CAPACITY

SECTION 1
POLICY, CORRIDORS AND INVESTMENT

Article 83 — National maritime policy

1. The executive shall submit to the National Assembly a periodically reviewed national maritime policy covering ports, shipping, safety, environment, labour, trade corridors, technology and human capacity.
2. The policy shall state measurable objectives, responsible institutions, financing, consultation and public reporting and shall not itself alter legal rights.

Article 84 — Regional transit and corridors

1. Eritrea shall pursue reliable and commercially fair port and transport corridors serving its population and neighbouring States through lawful agreements and nondiscriminatory procedures.
2. Transit arrangements shall protect sovereignty, customs integrity, infrastructure, environment, security and equal opportunity for Eritrean enterprise.

Article 85 — Maritime investment

1. A maritime investor shall receive equal protection of law, clear procedures, contract enforcement and protection against arbitrary deprivation.
2. Investment incentives shall be authorized by an Assembly Act, transparent, time-limited where appropriate and assessed for public value rather than political connection.

Article 86 — Public-private partnership

1. A maritime public-private partnership shall be competitively selected, fiscally disclosed, professionally evaluated and allocated to the party best able to manage each risk.
2. Public guarantees, land rights, foreign-currency obligations, termination payments and contingent liabilities require disclosure and authorization under applicable finance law.

Article 87 — Local and small-enterprise participation

1. Maritime procurement and development shall remove unnecessary barriers to qualified Eritrean micro, small and medium enterprises.
2. Capacity support and proportionate qualification may be provided, but no preference permits unsafe performance, corruption, undisclosed ownership or exclusion of fair competition.

SECTION 2
EDUCATION, INNOVATION AND SUSTAINABILITY

Article 88 — Maritime education and training

1. The Administration shall cooperate with educational institutions, employers and workers to develop navigation, engineering, port, logistics, law, environment, technology and rescue competence.
2. Training approval and certification shall be based on published outcomes, independent assessment and safeguards against sale or falsification of credentials.

Article 89 — Research and innovation

1. Public maritime policy shall encourage research, testing and responsible adoption of digital navigation, automation, clean energy, resilient infrastructure and improved logistics.
2. A regulatory pilot shall define duration, safeguards, data, supervision and exit and shall not waive a constitutional right or mandatory protection without an Assembly Act.

Article 90 — Employment and professional development

1. Maritime development shall promote decent employment, apprenticeship, equal opportunity, continuous professional development and safe transition from national service to civilian work.
2. Employment and licensing shall be based on competence and law rather than political affiliation, military history unrelated to safety or arbitrary sponsorship.

Article 91 — Efficiency and decarbonization

1. The Administration and port administrations shall pursue energy efficiency, cleaner fuels, shore power where feasible, emissions measurement and climate-resilient infrastructure.
2. A mandatory emissions charge, fuel restriction or trading obligation requires authority in an Assembly Act and shall be implemented transparently and without disguised protectionism.

CHAPTER II
TRANSPARENCY, EMERGENCY AND IMPLEMENTATION

SECTION 1
CONSULTATION, DATA AND ACCOUNTABILITY

Article 92 — Public consultation

1. A draft regulation, port rule, tariff methodology or policy of general maritime effect shall be published with legal authority, purpose and reasonable time for comment.
2. The final instrument shall address material comments and explain urgent departure from ordinary consultation.

Article 93 — Maritime data and transparency

1. The Administration shall publish reliable aggregate data on ship calls, cargo, port performance, safety, casualties, pollution, inspections, employment and service delivery.
2. Publication shall use open and reusable formats where practicable while protecting personal information, security, active enforcement and legitimate commercial confidentiality.

Article 94 — Fees and charges

1. A fee under this Book may be imposed only under express authority in an Assembly Act and shall be published, proportionate and connected to reasonable service or regulatory cost.
2. No official may demand an informal payment, compulsory agent, unnecessary certificate or service not required by law.

Article 95 — Complaints and service review

1. The Administration and each port administration shall maintain accessible procedures for complaints concerning delay, misconduct, discrimination, system failure and service quality.
2. A complaint shall be tracked, decided with reasons by a person not implicated in it and reported in aggregate without restricting judicial or contractual remedy.

Article 96 — Annual maritime report

1. The Minister shall submit to the National Assembly an annual consolidated report on maritime policy, port performance, investment, safety, environment, labour, public finance and implementation of this Code.
2. The report shall distinguish verified results from plans, identify unresolved institutional failures and remain publicly accessible.

SECTION 2
EMERGENCY, COOPERATION AND REGULATIONS

Article 97 — National maritime emergency

1. During a declared maritime emergency, the executive may coordinate resources and issue temporary operational directions only within powers and safeguards provided by the Constitution and an Assembly Act.
2. Emergency action shall be necessary, time-limited, reviewable and documented and shall not suspend property, labour, judicial or commercial rights beyond lawful necessity.

Article 98 — Cooperation and technical assistance

1. The Administration may cooperate with foreign administrations, regional bodies and international organizations on safety, rescue, pollution, training, port-State control, data and technical assistance.
2. Cooperation shall preserve constitutional authority, confidentiality, public accountability and the rule that external standards acquire domestic force only through lawful Eritrean processes.

Article 99 — Regulations under Book One

1. The Minister or Administration may make regulations only on a matter expressly delegated by this Book and within the stated purpose and limits.
2. A regulation may prescribe technical procedure, form, interoperability, inspection detail and safety standard but may not create a tax, offence, expropriation, statutory monopoly or fundamental change in private liability.

Article 100 — Continuity pending later Books

1. Until later Books of this Code commence, the Transitional Maritime Code and other existing maritime legislation continue to govern matters not provided for in this Book to the extent consistent with the Constitution and this Book.
2. No inference shall be drawn from this consultation draft that an existing private right or later maritime subject has been repealed before express transitional legislation takes effect.

BOOK TWO
SHIPS, REGISTRATION, SECURITY RIGHTS AND JUDICIAL SALE
TITLE I
SHIPS AND ERITREAN NATIONALITY
CHAPTER I
LEGAL CHARACTER AND IDENTIFICATION

SECTION 1
DEFINITION, CLASSIFICATION AND LEGAL CHARACTER

Article 101 — Ship

1. A ship is a waterborne craft intended or capable of navigation and used or capable of use for transport, service, fishing, recreation or another maritime activity.
2. Status as a ship does not depend on propulsion, crew, autonomy, material, size or continuous contact with water, but a fixed offshore structure is included only where this Code expressly provides.

Article 102 — Appurtenances

1. Equipment, machinery, boats, navigational systems and other items permanently assigned to the service of a ship are its appurtenances unless separately owned and clearly identified.
2. A transfer or security right in the ship includes its appurtenances unless the instrument and register lawfully provide otherwise.

Article 103 — Ship under construction

1. A hull or craft under construction may be treated as a ship for registration of ownership, mortgage and protective judicial measures when it is uniquely identifiable.
2. Registration before launch does not certify seaworthiness, nationality or authority to navigate.

Article 104 — Classification by use

1. The Administration may classify ships by use, construction, propulsion, operating area, risk, tonnage and carriage characteristics for proportionate administration.
2. Classification shall be technology-neutral and shall not change ownership, contractual liability or access to court except where an Assembly Act expressly so provides.

Article 105 — Tonnage and measurement

1. Gross and net tonnage shall be determined and certified by methods lawfully applicable in Eritrea.
2. A measurement decision shall be recorded with sufficient technical basis and may be corrected or reviewed without disturbing an accrued third-party right in good faith.

Article 106 — Distinct legal identity

1. A ship is movable property and is not a legal person merely because this Code permits an action against it or registration of rights in it.

2. Liability attributed to a ship means liability enforceable against interests in the ship under this Code and does not eliminate liability of a responsible person.

SECTION 2
NAME, MARKINGS AND SHIP RECORDS

Article 107 — Name

1. An Eritrean ship shall have a registered name that is distinguishable from another current Eritrean ship name and is not deceptive or unlawful.
2. A change requires approval, notice to registered claimants and amendment of certificates and markings.

Article 108 — Official number and identifiers

1. The Registrar shall assign a permanent official number and shall record any internationally recognized ship or company identifier required by law.
2. An identifier shall not be removed, concealed, duplicated or used for another ship.

Article 109 — Markings

1. An Eritrean ship shall display its name, home port, official number, load-line and other required markings in a legible and durable manner.
2. Required scripts and technical placement shall be prescribed by regulations within delegated authority, with reasonable accommodation for small and traditional craft.

Article 110 — Call sign and communications identity

1. A ship required to maintain a radio or digital maritime identity shall use only the call sign and identifiers lawfully assigned to it.
2. The Administration shall coordinate assignment and cancellation with the competent communications authority and relevant international systems.

Article 111 — Home port

1. An Eritrean ship shall have a registered home port in Eritrea for administrative identification and service.
2. Home-port registration does not determine ownership, tax residence, operating base or exclusive judicial jurisdiction unless another Assembly Act so provides.

Article 112 — Ship records

1. A ship shall carry or have secure electronic access to certificates, plans, logs and records required by this Code for its class and voyage.
2. A record may be electronic if accessible, authentic, protected against unauthorized alteration and capable of lawful production without dependence on unavailable shore access.

CHAPTER II
NATIONALITY AND FLAG

SECTION 1
ELIGIBILITY AND ACQUISITION OF NATIONALITY

Article 113 — Right to Eritrean nationality

1. A ship is entitled to Eritrean nationality only through valid registration under this Book and compliance with the eligibility requirements of an Assembly Act.
2. Nationality shall reflect a genuine and accountable connection enabling Eritrea to exercise effective jurisdiction and control.

Article 114 — Eligibility for registration

1. A ship may be registered where its owner is an Eritrean citizen, an Eritrean business organization, the State or another person made eligible by an Assembly Act.
2. Foreign investment in an eligible Eritrean organization is permitted subject to transparent beneficial ownership, effective management, sanctions, security and sector laws.

Article 115 — One flag

1. A ship shall not be permanently registered under the laws of more than one State.
2. Registration is ineffective while an incompatible foreign registration remains, except during a lawful bareboat-charter arrangement or documented transfer procedure.

Article 116 — Genuine link and accountability

1. An applicant shall identify the beneficial owner, operator, manager, responsible contact, principal place of management and arrangements for compliance.
2. The Administration shall refuse a structure designed to conceal control, evade safety or labour duties, launder property, defeat creditors or prevent effective jurisdiction.

Article 117 — Survey before registration

1. A ship shall undergo the identity, condition and documentary examination proportionate to its age, class, history and intended service before permanent registration.
2. Registration shall not be granted where material safety, pollution, labour or identity deficiencies remain uncorrected.

Article 118 — Evidence of prior status

1. The applicant shall provide a deletion certificate or equivalent reliable evidence of release from the former register and disclose recorded mortgages and detentions.
2. The Registrar may verify evidence directly with the former administration, recognized organization, creditor or reliable international database.

Article 119 — Provisional nationality

1. The Registrar may grant provisional registration for a defined period to permit delivery, transfer, emergency replacement of documents or completion of stated requirements.

2. Provisional registration confers the flag subject to its conditions but shall not conceal unresolved title, foreign registration or serious safety deficiency.

Article 120 — Nationality certificate

1. Upon registration, the Registrar shall issue an authenticated certificate of Eritrean nationality stating the ship's official particulars and validity.
2. A secure electronic certificate has the same effect as paper and shall be verifiable through a protected official service.

Article 121 — Rights and duties of the flag

1. An Eritrean ship may fly the Eritrean flag and seek lawful protection and services of Eritrean authorities.
2. The owner, operator and master shall submit to Eritrean jurisdiction, maintain compliance and cooperate with lawful inspection and investigation wherever the ship operates.

SECTION 2
BAREBOAT REGISTRATION, TRANSFER AND CANCELLATION

Article 122 — Bareboat charter-in

1. A foreign-registered ship bareboat chartered to an eligible Eritrean person may receive temporary Eritrean registration if the underlying registry consents or suspends its flag and mortgages remain protected.
2. The temporary register shall disclose the underlying register, ownership, mortgage status, charter period and governing allocation of registry functions.

Article 123 — Bareboat charter-out

1. An Eritrean ship may be temporarily authorized to fly a foreign flag under bareboat charter if registered owners and mortgagees consent and the foreign State assumes specified flag functions.
2. Eritrean title and encumbrance entries remain effective and publicly searchable during suspension of the Eritrean flag.

Article 124 — Transfer to another flag

1. An owner seeking transfer shall satisfy outstanding registry requirements, provide creditor notices and obtain a deletion or suspension certificate.
2. The Administration shall not withhold transfer merely to protect commercial policy, but may preserve lawful detention, court process, sanctions or registered rights.

Article 125 — Loss of eligibility

1. The registered owner shall notify the Registrar promptly of a change affecting nationality eligibility, beneficial ownership or effective control.
2. The Registrar shall allow reasonable cure or orderly transfer unless fraud, abandonment or immediate public danger requires urgent action.

Article 126 — Fraudulent flag or documents

1. A person shall not knowingly cause a ship to fly the Eritrean flag, display Eritrean identifiers or use an Eritrean certificate without valid authority.
2. A ship's documents shall not be forged, materially altered, concealed or knowingly used after suspension, cancellation or expiry.

Article 127 — Refusal of unsafe or abusive registration

1. The Registrar may refuse a ship with concealed identity, unresolved foreign status, systematic serious deficiency, fraudulent history or control incompatible with effective Eritrean jurisdiction.
2. Refusal shall be reasoned, proportionate and reviewable and shall not rest solely on age, foreign ownership or political consideration.

Article 128 — Suspension of nationality

1. Nationality may be suspended during lawful bareboat charter-out, judicial custody or another case expressly provided by this Code.
2. Suspension shall be entered in the register, preserve recorded private rights and state the conditions and date of restoration or cancellation.

Article 129 — Cancellation of nationality

1. Registration shall be cancelled upon total loss, lawful transfer, permanent loss of eligibility, fraudulent registration, abandonment or another ground stated by this Code.
2. Except for total loss or urgent fraud protection, cancellation requires notice to the owner and registered claimants and a reasonable opportunity to respond.

Article 130 — Effect of cancellation

1. Cancellation ends the right to fly the Eritrean flag but does not extinguish ownership, mortgage, lien, liability or court jurisdiction already arising.
2. The closed register record and certificate of deletion shall state surviving registered encumbrances and remain permanently verifiable.

TITLE II
OWNERSHIP AND THE ERITREAN SHIP REGISTER
CHAPTER I
OWNERSHIP AND CO-OWNERSHIP

SECTION 1
ACQUISITION AND TRANSFER OF OWNERSHIP

Article 131 — Ownership of a ship

1. Ownership of a ship confers the right to possess, use, charter, encumber and dispose of it subject to this Code and other law.
2. Registration is evidence and publicity of title but does not validate theft, fraud or a transfer by a person lacking authority.

Article 132 — Acquisition and transfer

1. A transfer of ownership shall be evidenced by an authenticated written or electronic instrument identifying the ship, parties, interest transferred and effective date.
2. Between the parties, transfer takes effect according to the instrument; against a good-faith third party, it takes effect upon registration or earlier actual knowledge.

Article 133 — Delivery and risk

1. Delivery may occur physically, constructively or through transfer of control and documents as the parties agree.
2. Risk, price and warranty are governed by the contract and applicable civil and commercial law, while nationality changes only through registry action.

Article 134 — Title warranties

1. A transferor warrants authority to transfer and absence of undisclosed registered or known encumbrances unless the transferee expressly accepts them.
2. A disclaimer does not protect fraudulent concealment, forged title or knowing misstatement of registry status.

Article 135 — Acquisition by court order or succession

1. Ownership may pass by judicial sale, succession, merger, insolvency or another operation of law upon presentation of the legally sufficient instrument.
2. The Registrar shall record the source and preserve objections, appeals and encumbrances according to the governing law.

Article 136 — Protection of good-faith reliance

1. A person who reasonably relies on a certified current register entry is protected to the extent provided by this Book.
2. Protection is unavailable to a person who knew of falsity, colluded in it or ignored a discrepancy that made reliance commercially unreasonable.

Article 137 — Shipbuilding contract and title

1. A shipbuilding contract shall state when title to the hull, materials and equipment passes and how progress payments and risk are protected.
2. Registration of a ship under construction may publicize title and security rights without displacing contractual remedies or insolvency law.

SECTION 2
CO-OWNERSHIP

Article 138 — Co-ownership

1. Where two or more persons own undivided shares in a ship, their relationship is governed by agreement and this Chapter.
2. Each share shall be expressed in a consistent fraction or percentage and registered with its owner and encumbrances.

Article 139 — Managing owner

1. Co-owners shall appoint a managing owner or other representative authorized for ordinary operation and registry communication.
2. Appointment, authority and termination shall be registered, and an undisclosed limitation is ineffective against a good-faith third party.

Article 140 — Decisions of co-owners

1. Ordinary operational decisions are made by owners holding more than half of the unencumbered ownership interests unless agreement requires a higher threshold.
2. Sale of the whole ship, change of flag, mortgage of the whole or fundamental change of service requires the proportion stated by agreement or, absent agreement, at least three quarters.

Article 141 — Necessary expenditure

1. Each co-owner shall contribute proportionately to necessary preservation, compliance, insurance and approved operation.
2. A co-owner paying another's due contribution obtains reimbursement and a claim against distributions, without acquiring ownership unless lawfully agreed and registered.

Article 142 — Liability of co-owners

1. A co-owner is liable for an authorized common obligation according to contract and applicable law, ordinarily in proportion to the registered share.
2. Personal liability is not enlarged solely by co-ownership, but a co-owner remains responsible for personal fault, guarantee or unauthorized representation.

Article 143 — Transfer of a share

1. A co-owner may transfer or mortgage a registered share subject to an enforceable co-ownership agreement and notice requirements.

2. A restriction not registered or actually known is ineffective against a good-faith transferee.

Article 144 — Pre-emption

1. A co-ownership agreement may grant a reasonable right of first offer or first refusal for a proposed private transfer.
2. Pre-emption shall not obstruct judicial sale, insolvency, enforcement of a registered mortgage or transfer for equivalent consideration after timely nonexercise.

Article 145 — Termination of co-ownership

1. A co-owner may seek partition or sale where continued co-ownership is impracticable, oppressive or contrary to agreement.
2. The court may order buyout, regulated sale or another equitable method protecting navigation, creditors, value and good-faith contractual commitments.

CHAPTER II
REGISTRATION AND PUBLIC RELIANCE

SECTION 1
REGISTER, FILING AND PUBLIC INFORMATION

Article 146 — Eritrean Ship Register

1. The Administration shall maintain a unified electronic Eritrean Ship Register as the authoritative public system for ship status and registrable rights.
2. The Register shall preserve a permanent auditable history and remain interoperable with maritime, company, secured-transaction and judicial systems.

Article 147 — Registrar of Ships

1. A professionally qualified Registrar of Ships shall administer the Register independently in individual registration decisions.
2. The Registrar may delegate administrative functions in writing but remains accountable for legality, integrity, service and review.

Article 148 — Registry divisions

1. The Register may contain divisions for international ships, domestic ships, fishing vessels, small craft, ships under construction and bareboat charters.
2. Division affects procedure and displayed particulars but not priority or substantive rights unless this Code expressly provides.

Article 149 — Application for registration

1. An application shall identify the ship, owner, beneficial owner, builder, prior flag, operator, manager, intended service and registrable claims and shall include reliable supporting evidence.
2. The Registrar shall request only information authorized and reasonably necessary for identity, eligibility, safety and public reliability.

Article 150 — Authentication and filing

1. An application, consent, transfer, mortgage, notice or certificate may be filed and authenticated electronically by a reliable method.
2. The system shall issue a time-stamped acknowledgment and preserve filer identity, authority and document integrity.

Article 151 — Time of registration

1. A filing is received when it enters the designated system in accessible form and receives an official timestamp.
2. If accepted, its registered priority dates from receipt unless this Code expressly prescribes another time.

Article 152 — Examination

1. The Registrar shall examine identity, authority, completeness, legal eligibility, conflicting entries and required consents.
2. A curable defect shall be notified promptly with reasonable opportunity to correct while preserving filing time where no third party would be prejudiced.

Article 153 — Core register particulars

1. The Register shall show the ship's name, official number, identifiers, type, tonnage, construction, home port, flag status, registered owner, manager and current certificates designated public by law.
2. It shall also show registered ownership shares, mortgages, prohibitions, arrests, judicial sale notices and status changes.

Article 154 — Beneficial ownership

1. Beneficial ownership information required by an Assembly Act shall be filed accurately and kept current.
2. Public and official access shall balance prevention of concealment and financial crime with privacy, safety and due process.

Article 155 — Public search

1. Core status, ownership, mortgage, arrest and cancellation information shall be publicly searchable without proof of interest and at no more than reasonable service cost.
2. Sensitive identity credentials, residential addresses, security information and protected personal data shall not be publicly displayed.

Article 156 — Electronic certificates and extracts

1. The Registrar shall issue verifiable electronic certificates, certified extracts and historical reports.
2. A person shall be able to validate authenticity and current status without mandatory physical appearance or private intermediary.

Article 157 — Evidentiary effect

1. A certified extract is prima facie evidence of the registered facts and time of entry.
2. A register entry does not bar proof of fraud, forgery, clerical error or invalid underlying transaction, subject to protection of good-faith reliance.

SECTION 2
CHANGES, PRIORITY, REVIEW AND CONTINUITY

Article 158 — Registration of transfer

1. An application to register transfer shall include the transfer instrument, proof of authority, required consents and updated ownership information.

2. The Registrar shall notify registered mortgagees where the transfer affects a covenant or flag status but shall not require consent beyond law or the registered instrument.

Article 159 — Registration of change

1. The owner shall file a material change in name, address, beneficial ownership, manager, technical particulars, use or status within the prescribed period.
2. Failure may justify notice and proportionate measures but does not silently extinguish title or a third-party right.

Article 160 — Correction of errors

1. The Registrar may correct an obvious clerical or technical error after recording the correction and notifying affected persons.
2. A disputed substantive entry may be altered only with consent or a reasoned decision after hearing, subject to judicial review.

Article 161 — Caveat and disputed title

1. A person asserting a serious documented title claim may apply for a temporary caveat against transfer or new encumbrance.
2. A caveat expires unless court proceedings are begun within the prescribed short period, and the applicant is liable for loss caused by bad-faith use.

Article 162 — Registry restriction

1. A court or authorized institution may register a restriction against dealing where expressly permitted by an Assembly Act.
2. The restriction shall identify authority, scope, duration and review and shall be removed promptly when its basis ends.

Article 163 — Priority of registered instruments

1. Competing registrable interests have priority according to the time of effective filing unless this Code provides a special priority.
2. Registration does not subordinate a maritime lien whose priority arises by operation of law.

Article 164 — Reliance and compensation

1. A person suffering direct loss from negligent registry error, wrongful alteration or unreasonable failure may seek correction and compensation as law provides.
2. The State is not liable for a forged private instrument it could not reasonably detect, without prejudice to claims against the responsible person.

Article 165 — Registry cybersecurity

1. The Registrar shall maintain access controls, encryption where appropriate, audit logs, backup, recovery and independent security testing proportionate to the Register's legal importance.

2. A material breach or corruption shall be contained, investigated, disclosed to affected persons where risk requires and remedied without concealing historical truth.

Article 166 — Continuity during system failure

1. A published continuity procedure shall permit urgent filing and priority preservation during material system failure.
2. A person proving timely attempted filing and prompt completion after restoration shall not lose priority through failure not reasonably within that person's control.

Article 167 — Registry fees

1. Registry fees require authority in an Assembly Act and shall be transparent, proportionate to service cost and structured not to exclude small lawful operators.
2. Basic public search, filing guidance and official forms shall be free.

Article 168 — Refusal and reasons

1. The Registrar may refuse a filing only for a stated legal defect, lack of authority, material inconsistency, fraud concern or technical incapacity.
2. Refusal shall identify correction, reconsideration and appeal procedures and shall not rest on political opinion, nationality beyond eligibility law or protection of an incumbent.

Article 169 — Reconsideration and appeal

1. An affected person may seek prompt reconsideration by a qualified officer not responsible for the original decision.
2. A final decision may be appealed to the competent court, which may affirm, vary, set aside, remit or order registration and interim protection.

Article 170 — Closed records

1. A cancelled, transferred, lost or scrapped ship record shall be closed but permanently retained and searchable as historical information.
2. The closed record shall show the reason and date of closure and surviving rights, proceedings and certificates issued.

TITLE III
MARITIME LIENS AND SHIP MORTGAGES
CHAPTER I
MARITIME LIENS

SECTION 1
CLAIMS AND PRIORITY

Article 171 — Maritime liens

1. A maritime lien is a privileged claim arising by operation of this Code and following the ship without registration, subject to extinction rules.
2. No administrative rule, contract or general equitable claim may create an additional maritime lien.

Article 172 — Claims secured by maritime lien

1. Maritime liens secure crew wages and repatriation; loss of life or personal injury directly connected with operation; reward for salvage; port, canal, waterway and compulsory pilotage dues; and non-contractual physical damage caused by operation of the ship.
2. Pollution claims compensated under a special strict-liability regime and cargo, container and passenger-baggage claims do not obtain a lien under the physical-damage category.

Article 173 — Claims of master and crew

1. The wage lien includes wages, paid leave, social contributions payable by the employer, maintenance, medical care and repatriation arising from service.
2. It protects the master and every seafarer regardless of nationality, contract form or place of engagement.

Article 174 — Priority among liens

1. Maritime liens rank in the order listed in Article 172, except salvage liens rank before earlier liens arising before the salvage operation.
2. Liens within one category rank equally and share proportionately where proceeds are insufficient.

Article 175 — Relation to mortgages

1. Maritime liens under Article 172 rank before registered mortgages, hypothecs and other security rights.
2. A registered mortgage ranks before other statutory or contractual claims except enforcement costs and priorities expressly stated by an Assembly Act.

Article 176 — Costs of preservation and sale

1. Reasonable costs incurred after arrest for preservation, crew subsistence, port custody, appraisal and judicial sale are paid first from sale proceeds.
2. The court shall supervise cost, prevent unnecessary accumulation and publish an account before distribution.

Article 177 — Lien follows ship

1. A maritime lien follows the ship despite change of ownership, registration or flag, except where extinguished by judicial sale under this Book.
2. A good-faith private purchaser may require disclosure and contractual protection but does not take free solely by purchase.

SECTION 2
EXTENT, EXTINCTION AND PROOF

Article 178 — Extent of lien

1. A lien attaches to the ship and its appurtenances and to sale proceeds held by the court.
2. It does not independently attach to freight, insurance proceeds or another ship unless an Assembly Act expressly provides.

Article 179 — Extinction by time

1. A maritime lien expires one year after the claim arises unless the ship is arrested or seized and the arrest leads to enforcement.
2. The period is not suspended merely because the ship is inaccessible, but the court may recognize a mandatory treaty rule validly applicable in Eritrea.

Article 180 — Commencement of period

1. For salvage, time runs from completion of the operation; for personal injury, from disembarkation; for wages, from discharge; and for another lien, from accrual of the claim.
2. A contractual due date shall not artificially extend the statutory life of the lien.

Article 181 — Extinction by judicial sale

1. A judicial sale complying with Articles 211 through 219 extinguishes maritime liens and registered encumbrances attaching to the ship and transfers them to proceeds according to priority.
2. Extinction requires effective notice and a sale conferring clean title under this Code.

Article 182 — Assignment and subrogation

1. Assignment or lawful subrogation of a secured claim transfers its maritime lien and priority to the extent of the claim.
2. Transfer shall not improve the nature, amount or rank of the lien or prejudice a defense existing against the claim.

Article 183 — Proof and notice

1. A claimant bears the burden of proving the facts creating a maritime lien and its amount.
2. A lien may be noted in the Register for notice, but notation neither creates nor extends it and removal does not defeat a valid unexpired lien.

Article 184 — No waiver of protected wage lien

1. A seafarer may not waive a maritime lien for wages, medical care or repatriation before the claim becomes due.
2. A settlement after accrual is effective only if informed, voluntary and not manifestly unfair.

CHAPTER II
SHIP MORTGAGES

SECTION 1
CREATION AND SCOPE

Article 185 — Ship mortgage

1. A ship mortgage is a registered security right granted over a ship or registered share to secure payment or other obligation.
2. It is created by authenticated agreement and becomes effective against third parties upon registration.

Article 186 — Mortgagor and authority

1. A registered owner may mortgage the ship or registered share within the owner's interest.
2. A representative requires specific authority, and a co-owned whole ship may be mortgaged only with the approval required by Article 140.

Article 187 — Secured obligations

1. A mortgage may secure present, future, contingent, fluctuating or determinable obligations and reasonable enforcement cost.
2. The instrument shall identify the obligation or provide an objective method for determining it and shall state any maximum secured amount required for public notice.

Article 188 — Form and contents

1. The mortgage instrument shall identify the parties, ship, secured obligation, priority arrangement, governing law and conditions for discharge.
2. It may be electronic and may incorporate commercially reasonable covenants without authorizing self-help contrary to this Code.

Article 189 — Ship under construction mortgage

1. A registered ship under construction may be mortgaged together with identified materials and equipment allocated to it.
2. Priority and effect against the builder's insolvency are governed by registration, property allocation and applicable insolvency law.

Article 190 — Scope of mortgage

1. A mortgage covers the ship, appurtenances, replacements and identifiable proceeds of judicial or authorized disposition as the instrument and law provide.
2. It does not attach to crew effects, separately owned equipment, freight or insurance proceeds unless a lawful assignment separately creates that right.

Article 191 — Insurance and compensation

1. The owner may assign hull-insurance proceeds and compensation for total loss to the mortgagee by a separately disclosed agreement.

2. Payment by an insurer with notice of a registered assignment discharges only according to its terms and applicable insurance law.

Article 192 — Registration of mortgage

1. A mortgage filing shall include the instrument or prescribed particulars, owner authorization, secured creditor identity, amount or formula, date and duration.
2. The Registrar shall record the exact filing time and issue a verifiable certificate.

SECTION 2
PRIORITY, TRANSFER AND ENFORCEMENT

Article 193 — Priority of mortgages

1. Registered mortgages rank by filing time unless a registered subordination or priority agreement provides otherwise.
2. A mortgage over a share has priority only within that share and does not encumber another co-owner's interest.

Article 194 — Foreign mortgage

1. A mortgage validly registered in the ship's foreign registry may be recognized if the registry is public, the instrument is valid under governing law and recognition is not manifestly contrary to fundamental public policy.
2. Temporary Eritrean bareboat registration shall preserve the recorded rank of an underlying foreign mortgage.

Article 195 — Transfer of mortgage

1. A mortgage and secured obligation may be transferred by authenticated instrument and registration.
2. Transfer does not impair a defense or competing priority arising before registration of transfer.

Article 196 — Amendment and increase

1. An amendment may correct particulars, extend duration or modify obligations with required consent.
2. An increase in secured amount or addition of collateral has priority only from registration of the amendment unless competing claimants consent.

Article 197 — Owner's duties

1. The owner shall preserve the ship, maintain required class, certificates and insurance and not intentionally impair mortgage value.
2. A covenant shall not prevent ordinary operation or lawful chartering unless the registered instrument clearly and reasonably so provides.

Article 198 — Mortgagee protection

1. On material default or serious threat to value, the mortgagee may seek inspection, preservation, arrest, security or judicial enforcement.
2. The mortgagee has no right to navigate, seize peacefully outside judicial process or direct the master merely by holding the mortgage.

Article 199 — Discharge

1. The mortgagee shall register discharge promptly after full satisfaction and termination of any secured commitment.
2. Wrongful failure permits court-ordered discharge and recovery of foreseeable loss and reasonable cost.

Article 200 — Enforcement

1. A ship mortgage shall be enforced through arrest and judicial sale or another court-supervised procedure authorized by this Code.
2. Any waiver of notice, court supervision, clean-title protection or mandatory distribution made before default is ineffective.

TITLE IV
ARREST AND JUDICIAL SALE
CHAPTER I
ARREST AND RELEASE

SECTION 1
NATURE, CLAIMS AND JURISDICTION

Article 201 — Purpose of arrest

1. Arrest is judicial detention or restriction of a ship to secure or enforce a maritime claim.
2. It does not include detention solely for public safety, criminal process, customs or immigration under another Assembly Act.

Article 202 — Maritime claims

1. A maritime claim includes a claim concerning ownership, possession, mortgage, lien, construction, repair, operation, charter, carriage, cargo, passenger, collision, pollution, salvage, towage, pilotage, supplies, port dues, crew employment, general average or insurance premium concerning the ship.
2. The court shall not arrest a ship for an unrelated ordinary claim merely because it is valuable property of the defendant.

Article 203 — Jurisdiction to arrest

1. The competent court may arrest a ship within Eritrean jurisdiction for a maritime claim even where the merits are to be decided elsewhere.
2. Arrest jurisdiction does not by itself establish jurisdiction on the merits beyond this Code, procedural law or party agreement.

Article 204 — Conditions for arrest

1. The claimant shall show a reasonably arguable maritime claim, connection to the ship or liable owner and necessity of security or enforcement.
2. The court shall consider urgency, proportionality, alternative security, risk of departure and harm from wrongful arrest.

Article 205 — Ship subject to arrest

1. The ship to which the maritime claim relates may be arrested where the person liable owned or bareboat chartered it when the claim arose and remains owner or bareboat charterer at arrest.
2. A ship may also be arrested for a maritime lien, mortgage, ownership or possession claim enforceable against it regardless of current ownership.

SECTION 2
ASSOCIATED SHIPS, PROCEDURE AND RELEASE

Article 206 — Associated ship

1. Another ship owned by the person liable for the maritime claim may be arrested where this Code permits associated-ship arrest.
2. Associated-ship arrest is unavailable for a claim concerning ownership or possession of the particular ship and shall not pierce separate corporate ownership without legal basis.

Article 207 — Application and evidence

1. An arrest application shall identify the claim, amount, liable person, ship, legal basis and material supporting evidence and shall disclose related proceedings and security.
2. An applicant seeking relief without notice owes full and frank disclosure of material facts, defenses and uncertainty.

Article 208 — Order and service

1. An arrest order shall identify the ship, claim, maximum security, restrictions, responsible enforcement officer and return date.
2. It shall be served promptly on the master or responsible person, port administration, Registrar and known registered owner and mortgagees.

Article 209 — Applicant security

1. The court may require the applicant to provide reasonable security for loss caused by wrongful or unjustified arrest.
2. Security shall not be set so high as to deny effective protection to seafarers, personal-injury claimants or other vulnerable maritime claimants.

Article 210 — Release from arrest

1. The court shall release the ship upon sufficient security in a form and amount reasonably covering the claim, interest and cost without exceeding the ship's value.
2. Providing security does not admit liability or waive defenses, limitation or jurisdictional objection.

Article 211 — Wrongful arrest

1. A claimant is liable for loss caused by arrest obtained in bad faith, through material nondisclosure or without reasonable grounds.
2. The court may award loss, cost and interest and enforce applicant security, while preserving good-faith access to maritime remedies.

CHAPTER II
JUDICIAL SALE AND DISTRIBUTION

SECTION 1
ORDER, NOTICE AND SALE

Article 212 — Commencement of judicial sale

1. The court may order judicial sale after final enforceable judgment, mortgage enforcement, abandonment, disproportionate custody cost or another ground provided by an Assembly Act.
2. Before sale, interested persons shall receive a reasonable opportunity to satisfy the claim, provide security or contest enforceability.

Article 213 — Notice of sale

1. Notice shall be given sufficiently in advance to the Registrar, registered owner, bareboat charterer, mortgagees, noted lien claimants, arresting claimants and the administration of any foreign registry.
2. Notice shall state court, claim reference, ship, time, place, sale method, deadline for claims and intended clean-title effect.

Article 214 — Appraisal and preservation

1. The court shall obtain an independent appraisal or reliable market assessment and arrange proportionate preservation, insurance and custody.
2. A party may challenge material valuation error, conflict or waste without using challenge solely to delay sale.

Article 215 — Method of sale

1. Sale shall be by transparent public auction, electronic auction or another competitive method reasonably calculated to maximize value.
2. A private negotiated sale requires reasoned court approval after market testing and notice to affected claimants.

Article 216 — Bidding and purchase

1. Bidding terms, deposits, currency, inspection access and qualification shall be published equally and shall prevent collusion and undisclosed related-party advantage.
2. The successful bidder shall pay within the stated period or forfeit lawful security and bear reasonable resale loss.

SECTION 2
CERTIFICATE, CLEAN TITLE AND DISTRIBUTION

Article 217 — Certificate of judicial sale

1. After full payment, the court shall issue a certificate identifying the ship, purchaser, sale, clean-title effect and date ownership transfers.

2. The Registrar shall record the purchaser or issue deletion documentation without requiring consent of former owners or encumbrancers.

Article 218 — Clean title

1. A completed judicial sale under this Book transfers the ship free of prior mortgages, maritime liens, arrests and other charges, which attach to proceeds according to priority.
2. Clean title does not extinguish a personal claim against a responsible person or an obligation expressly assumed by the purchaser.

Article 219 — International effect of sale

1. An Eritrean certificate of judicial sale may be used to obtain deletion or registration abroad according to applicable law and any treaty validly applicable in Eritrea.
2. A foreign judicial sale may receive equivalent effect where jurisdiction, notice, finality and fundamental procedural fairness are established.

Article 220 — Distribution of proceeds

1. Proceeds are applied to preservation and sale costs, maritime liens, registered mortgages and other claims according to this Code, with equal-ranking claims sharing proportionately.
2. The court shall publish a proposed distribution, decide objections, pay the residue to the former owner or lawful successor and preserve reserves for disputed claims.

BOOK THREE
SHIP SAFETY, NAVIGATION, SECURITY AND MARINE ENVIRONMENT
TITLE I
SHIP SAFETY, SURVEY AND CERTIFICATION
CHAPTER I
SEAWORTHINESS AND SAFETY MANAGEMENT

SECTION 1
RESPONSIBILITY AND SAFETY MANAGEMENT

Article 221 — Duty of seaworthiness

1. An owner and operator shall ensure that a ship is seaworthy, safely manned, equipped and supplied for its intended service and voyage.
2. The duty is continuing and includes correction of a defect discovered before or during operation.

Article 222 — Responsibility of owner and operator

1. The registered owner and operator are each responsible for compliance within the functions under their control and shall identify the company responsible for operation.
2. Delegation to a manager, charterer, contractor or recognized organization does not extinguish a statutory duty.

Article 223 — Authority and duty of master

1. The master has final professional authority over the safe operation of the ship and protection of persons, cargo and the marine environment.
2. No owner, charterer or other person shall prevent the master from taking a measure reasonably necessary for safety or lawful emergency response.

Article 224 — Safety management system

1. A ship and company prescribed by regulations shall maintain a documented safety management system proportionate to the ship, trade and risk.
2. The system shall allocate responsibility, control documents, report hazards, investigate failures and support continuous improvement.

Article 225 — Safety culture and reporting

1. The company shall encourage prompt reporting of hazards, near misses, defects and unsafe practices without retaliation for a good-faith report.
2. Intentional misconduct and knowingly false reporting remain subject to lawful disciplinary or enforcement action.

Article 226 — Risk assessment

1. Before a material operational change or hazardous activity, the responsible person shall identify foreseeable hazards and adopt proportionate controls.

2. A risk assessment shall be recorded where required by regulations or reasonably necessary to demonstrate safe decision-making.

Article 227 — Emergency preparedness

1. Every ship shall maintain plans and equipment for reasonably foreseeable emergencies, including fire, flooding, collision, grounding, loss of propulsion, pollution and abandonment.
2. Plans shall identify shore contacts, command responsibilities, communications and coordination with public responders.

Article 228 — Drills and exercises

1. Required emergency drills shall be realistic, periodic and conducted without exposing participants to unnecessary danger.
2. The ship shall record each drill, deficiency and corrective action, and may use simulation where it provides equivalent training value.

SECTION 2
SHIP CONDITION, EQUIPMENT AND EMERGENCY READINESS

Article 229 — Maintenance system

1. The company shall maintain the hull, machinery, electrical systems, equipment and software necessary for safe operation according to an auditable plan.
2. Maintenance shall account for manufacturer instructions, condition, service history, statutory requirements and identified risk.

Article 230 — Critical equipment

1. Equipment whose sudden failure may create serious danger shall be identified, tested and supported by suitable redundancy or contingency arrangements.
2. A known failure shall be reported to the master and company and shall restrict operation where safe performance cannot otherwise be assured.

Article 231 — Life-saving appliances

1. A ship shall carry approved and serviceable life-saving appliances sufficient for all persons on board and suited to its voyages.
2. Instructions, muster arrangements and means of access shall be understandable and reasonably accessible to passengers and crew.

Article 232 — Fire safety

1. A ship shall maintain structural protection, detection, alarms, containment, escape and fire-fighting arrangements appropriate to its design and service.
2. Hot work and another activity creating exceptional fire risk shall be controlled by authorization, precautions and monitoring.

Article 233 — Stability and load line

1. A ship shall comply with approved stability information, loading limits, watertight integrity and any applicable load-line conditions.
2. The master shall not commence or continue a voyage with loading, trim or stability presenting an unreasonable risk.

Article 234 — Machinery and electrical safety

1. Propulsion, steering, power, pumping and electrical systems shall be designed, operated and maintained to support safe navigation and emergency functions.
2. Alternative power and controls shall be available where loss of a single system could foreseeably cause catastrophe.

Article 235 — Radio and navigational equipment

1. A ship shall carry and maintain communication, distress, position, navigation and recording equipment prescribed for its class and voyage.
2. Digital or automated equipment shall be updated, secured, tested and supported by procedures for degradation or failure.

CHAPTER II
SURVEYS AND CERTIFICATES

SECTION 1
SURVEY AND DELEGATED TECHNICAL FUNCTIONS

Article 236 — Survey requirement

1. A ship shall undergo surveys sufficient to verify compliance with applicable construction, equipment, operational and environmental requirements.
2. The Administration shall prescribe survey scope and intervals according to ship type, age, service, risk and international practice suitable for Eritrea.

Article 237 — Initial survey

1. Before first certification, an initial survey shall verify design, construction, equipment, records, operating arrangements and readiness for intended service.
2. A material deficiency shall be corrected before the relevant certificate is issued.

Article 238 — Renewal and intermediate surveys

1. Renewal, annual, intermediate and periodical surveys shall be conducted at intervals prescribed by regulations.
2. The schedule may use continuous or harmonized survey methods if statutory coverage and reliability are preserved.

Article 239 — Additional survey

1. An additional survey is required after serious casualty, substantial alteration, major repair or discovery of a defect affecting certification.
2. The Administration may require a targeted survey when reliable information indicates material noncompliance.

Article 240 — Inspection access and assistance

1. The owner, operator and master shall provide lawful access, records, testing assistance and safe working conditions to a surveyor or inspector.
2. An inspection shall avoid unnecessary interference with navigation and commerce and protect confidential information not relevant to public duties.

Article 241 — Remote and technology-assisted survey

1. The Administration may permit remote inspection, sensor data, imagery, electronic records or another reliable technology to supplement a survey.
2. Remote means shall not replace physical examination where condition, credibility or risk requires attendance.

Article 242 — Recognized organizations

1. The Administration may authorize a technically competent and independent organization to perform specified surveys and certification under a published written agreement.

2. Authorization shall define powers, standards, audit, data access, conflicts, liability, suspension and continuing public oversight.

Article 243 — Responsibility for delegated survey

1. A recognized organization is accountable for the accuracy, independence and timeliness of work entrusted to it.
2. Delegation does not remove the Administration's responsibility to supervise Eritrean ships or power to inspect, correct or withdraw a certificate.

SECTION 2
CERTIFICATES, EQUIVALENTS AND ENFORCEMENT

Article 244 — Issue of certificate

1. The Administration or an authorized recognized organization shall issue a certificate when verified requirements are satisfied.
2. The certificate shall identify its legal basis, ship, scope, conditions, issuer, issue and expiry dates and means of authentication.

Article 245 — Electronic certificate

1. A certificate may be issued and carried electronically if it is authentic, secure, accessible and independently verifiable.
2. A public officer shall not demand a paper original solely because the certificate is electronic.

Article 246 — Validity and endorsement

1. A certificate remains valid only while its conditions, required surveys and endorsements are maintained.
2. A limited extension may be granted for safe completion of a voyage or survey arrangement, with reasons and protective conditions recorded.

Article 247 — Suspension or withdrawal

1. A certificate may be suspended or withdrawn for material noncompliance, unsafe condition, fraud or refusal of required survey.
2. Except where immediate danger requires urgent action, the holder shall receive notice, reasons and an opportunity to respond or correct.

Article 248 — Foreign certificate

1. The Administration may accept a foreign statutory certificate issued under substantially equivalent and reliably administered requirements.
2. Acceptance does not prevent inspection or protective action where the ship presents clear grounds for concern.

Article 249 — Exemption and equivalent

1. An exemption or equivalent arrangement may be approved only where authorized by this Code and safety and environmental protection are not reduced.
2. The decision, technical basis, conditions and duration shall be recorded and made available to inspectors.

Article 250 — False certificate and interference

1. A person shall not forge, alter, conceal or knowingly misuse a certificate, survey report, class record or electronic verification record.
2. A person shall not obstruct a lawful survey or knowingly provide materially false information concerning ship safety.

TITLE II
NAVIGATION, CARGO AND OPERATIONAL SAFETY
CHAPTER I
SAFE NAVIGATION

SECTION 1
VOYAGE, WATCHKEEPING AND COLLISION PREVENTION

Article 251 — Safe navigation

1. A ship shall be navigated with the care, competence and prudence expected of a professional mariner in the circumstances.
2. Compliance with a specific rule does not excuse failure to take another reasonable precaution required by immediate danger.

Article 252 — Voyage planning

1. Before departure, the master shall ensure preparation of a berth-to-berth voyage plan appropriate to the ship, route, weather, traffic, depths and navigational hazards.
2. The plan shall be monitored and revised when conditions materially change.

Article 253 — Master's overriding authority

1. The master may depart from an operational instruction or voyage plan when reasonably necessary to protect life, the ship or the environment.
2. The company shall not penalize a good-faith safety decision and may require a prompt record and review of it.

Article 254 — Watchkeeping

1. A ship shall maintain competent and effective navigational, engineering, radio and security watches appropriate to its operation.
2. Watch arrangements shall account for traffic, visibility, weather, automation, fatigue and foreseeable system failure.

Article 255 — Lookout and safe speed

1. A proper lookout shall be maintained by sight, hearing and available means, and the ship shall proceed at a safe speed.
2. Safe speed shall permit timely action considering visibility, traffic, manoeuvrability, hazards, draft and environmental conditions.

Article 256 — Fatigue management

1. The owner, operator and master shall organize work and rest so that fatigue does not impair safe performance.
2. Records shall be genuine, and commercial pressure shall not justify unsafe hours or false entries.

Article 257 — Charts and publications

1. A ship shall carry current charts, notices and nautical information necessary for its voyage in approved paper or electronic form.
2. An electronic system shall have suitable backup, update and cybersecurity arrangements.

Article 258 — Ship reporting and routeing

1. A ship shall comply with lawful traffic separation, routeing, reporting and no-entry requirements applicable to waters under Eritrean jurisdiction.
2. A requirement shall be published, proportionate, navigationally justified and consistent with lawful rights of navigation.

Article 259 — Vessel traffic services

1. A prescribed ship shall report to and cooperate with an authorized vessel traffic service for navigational safety and traffic efficiency.
2. Advice or information from the service does not displace the master's responsibility for navigation unless an Assembly Act expressly provides otherwise.

Article 260 — Prevention of collision

1. Every ship shall comply with collision-prevention rules lawfully applicable in Eritrea and with prudent seamanship.
2. Lights, shapes, sound signals and automatic identification shall be correctly displayed or transmitted and not deceptively manipulated.

SECTION 2
DISTRESS, PILOTAGE AND SPECIAL OPERATIONS

Article 261 — Distress communications

1. A distress alert shall receive priority, be accurate as circumstances permit and be cancelled promptly if transmitted falsely or inadvertently.
2. A person shall not knowingly transmit a false distress signal or interfere with emergency communications.

Article 262 — Duty to render assistance

1. The master shall render assistance to a person in danger at sea so far as reasonably possible without serious danger to the master's ship or persons aboard.
2. The owner or charterer shall not prevent assistance and shall not penalize reasonable delay or deviation caused by it.

Article 263 — Pilotage

1. Pilotage may be compulsory in an area or for a ship class designated on navigational and environmental grounds under delegated authority.
2. The presence of a pilot does not relieve the master or bridge team of responsibility to monitor navigation and intervene for safety.

Article 264 — Towage and special operations

1. Towage, dredging, diving, offshore support and another special operation shall be planned and conducted with competent personnel, suitable equipment and agreed command arrangements.
2. The responsible persons shall exchange material information and stop the operation when risk becomes unacceptable.

Article 265 — Automated and remotely operated ships

1. A ship using automated or remote functions shall maintain an identified accountable operator, effective human oversight proportionate to risk and a safe fallback mode.
2. The Administration may authorize trials under published conditions protecting navigation, data integrity, cybersecurity, labour rights and the environment.

CHAPTER II
CARGO AND PASSENGER OPERATIONS

SECTION 1
GENERAL CARGO AND PASSENGER SAFETY

Article 266 — Cargo information

1. A shipper shall provide accurate and timely information necessary for safe carriage, handling, stowage, segregation and emergency response.
2. The master may refuse loading until required information and documentation are reliable and complete.

Article 267 — Safe loading and stowage

1. Cargo shall be loaded, distributed, stowed, secured, carried and discharged without unreasonably endangering the ship, persons, property or environment.
2. The master shall retain authority to stop or alter cargo operations for safety.

Article 268 — Cargo securing

1. A prescribed ship shall maintain and follow an approved cargo-securing manual and suitable securing devices.
2. Securing arrangements shall account for expected forces, cargo characteristics, voyage and access for inspection.

Article 269 — Container verified mass

1. A packed container shall not be loaded where its verified gross mass has not been obtained by an approved method and communicated in time for planning.
2. A person responsible for a material false mass declaration is liable to administrative enforcement and resulting private claims under applicable law.

Article 270 — Container safety

1. A container used in maritime transport shall be structurally safe, maintained and marked as required by law.
2. A seriously defective or overloaded container may be rejected, isolated or unloaded at the responsible person's cost subject to due process.

Article 271 — Solid bulk cargo

1. A solid bulk cargo shall be identified, tested and carried with precautions addressing shift, liquefaction, chemical reaction, dust and structural loading.
2. A cargo presenting uncertainty material to safety shall not be loaded until reliable characteristics are established.

Article 272 — Liquid and gas cargo

1. A liquid or gas in bulk shall be handled only by a suitable ship, terminal and transfer system under an agreed safety procedure.

2. Transfer operations shall include communications, emergency shutdown, spill containment and competent supervision.

Article 273 — Passenger safety information

1. Before departure, the ship shall record the number of persons aboard and provide intelligible emergency information and assistance for persons requiring support.
2. Passenger information necessary for search, rescue and family assistance shall be accurate, protected and available to authorized responders.

SECTION 2
DANGEROUS GOODS AND CORRECTIVE ACTION

Article 274 — Dangerous goods

1. Dangerous goods shall be classified, packaged, marked, documented, stowed and segregated according to requirements lawfully applicable in Eritrea.
2. A dangerous good shall not be offered or accepted for carriage under a false, incomplete or misleading description.

Article 275 — Dangerous-goods documentation

1. The ship shall carry an accessible manifest or stowage plan identifying dangerous goods and their location.
2. A reliable electronic record satisfies the requirement if available during system or communications failure by suitable backup.

Article 276 — Incompatible and prohibited cargo

1. Incompatible substances shall be segregated, and a substance prohibited for the ship or voyage shall not be loaded.
2. The Administration may restrict an exceptionally dangerous cargo only under delegated authority and on published, evidence-based grounds.

Article 277 — Cargo emergency response

1. A ship and terminal handling hazardous cargo shall maintain information, equipment and procedures for fire, leakage, exposure and pollution.
2. Emergency information shall be available immediately to crew, port and public responders.

Article 278 — Unsafe cargo operations

1. An inspector, harbour master or master may suspend cargo operations presenting an imminent and serious danger.
2. Suspension shall be limited to what safety requires, promptly reasoned and lifted when adequate controls exist.

Article 279 — Shipper's corrective duty

1. A shipper learning that cargo information is materially incorrect shall notify the carrier, ship and affected terminal without delay.
2. The shipper shall cooperate in safe treatment, discharge or disposal and bear responsibility as provided by contract and law.

Article 280 — Preservation of contractual rights

1. This Chapter establishes minimum public-safety duties and does not determine all contractual risk, freight, indemnity or cargo liability.
2. Private allocation may supplement but shall not waive a duty imposed for protection of life or the public.

TITLE III
MARITIME SECURITY AND POLLUTION PREVENTION
CHAPTER I
MARITIME AND CYBER SECURITY

SECTION 1
SECURITY PLANS, RESPONSIBILITY AND ACCESS

Article 281 — Maritime security assessment

1. A prescribed ship, port or port facility shall assess threats, vulnerabilities and consequences and keep the assessment current.
2. Security measures shall be risk-based, lawful and designed to preserve essential navigation and commerce.

Article 282 — Security plan

1. A prescribed ship, port or port facility shall maintain an approved security plan addressing access, restricted areas, cargo, stores, communications and incident response.
2. Protected details shall be accessible only to persons with operational need and lawful authority.

Article 283 — Security responsibility

1. A company, ship and port facility shall designate qualified persons responsible for security coordination and plan implementation.
2. Designation shall not relieve senior management, the master or public authorities of their respective duties.

Article 284 — Security levels

1. The competent authority may establish graduated security levels and corresponding protective measures in response to assessed threat.
2. A level and resulting restriction shall be reviewed, communicated securely and maintained no longer than reasonably necessary.

Article 285 — Access control

1. Security screening and access restrictions shall be proportionate, nondiscriminatory and respectful of dignity and lawful privacy.
2. Search, detention and use of force require separate lawful authority and shall not be inferred from a private security plan.

Article 286 — Ship-port interface

1. A ship and port facility shall exchange necessary security information and coordinate protective measures before and during their interface.
2. A declaration of security may allocate specific tasks without transferring public coercive power.

Article 287 — Security drills and records

1. Required security drills shall test communications, decision-making and response without creating avoidable alarm or danger.
2. Records shall document performance and correction while protecting sensitive security information.

Article 288 — Security information and privacy

1. Security data shall be collected and retained only for a lawful and necessary purpose and protected against unauthorized use or disclosure.
2. Automated screening shall include human review and a means to correct a material error affecting a person.

SECTION 2
CYBER RISK AND UNLAWFUL INTERFERENCE

Article 289 — Cyber-risk management

1. A ship, company, port and maritime digital service shall manage cyber risk as part of safety, security and business continuity.
2. Controls shall address identity, access, updates, backups, incident response, recovery, supply chains and protection of operational technology.

Article 290 — Cyber incident reporting

1. A material cyber incident affecting navigation, safety, security, pollution control or essential port service shall be reported promptly to designated authorities.
2. Reporting shall support response and learning and shall not require unnecessary publication of exploitable details or protected personal data.

Article 291 — Unlawful interference

1. A person shall not unlawfully seize a ship, endanger safe navigation, place a destructive device or knowingly communicate a false threat causing serious maritime danger.
2. Criminal liability and investigative powers arise only under an Assembly Act and applicable procedural safeguards.

Article 292 — Piracy and armed robbery

1. Ships and authorities shall maintain proportionate measures to prevent, report and respond to piracy and armed robbery at sea.
2. Response shall prioritize life, preserve evidence and respect jurisdiction, human rights and lawful treatment of apprehended persons.

Article 293 — Stowaways

1. A stowaway shall be treated humanely, provided essential care and not subjected to violence, forced labour or unsafe disembarkation.

2. The master, company and authorities shall cooperate to determine identity and lawful disposition while protecting the ship and crew.

Article 294 — Private maritime security

1. Armed or unarmed private security aboard a ship may be used only under lawfully issued standards governing authorization, weapons, training, command, reporting and accountability.
2. The master retains command, and force may be used only when lawful, necessary and proportionate.

Article 295 — Review of security measures

1. A person materially affected by a continuing security restriction shall have access to reasons consistent with legitimate confidentiality and to prompt administrative or judicial review.
2. Emergency action may precede hearing only where delay would create serious risk and shall be reviewed without undue delay.

CHAPTER II
POLLUTION PREVENTION AND RESPONSE

SECTION 1
POLLUTION SOURCES AND PREVENTIVE DUTIES

Article 296 — General pollution-prevention duty

1. A ship, port, terminal and offshore operation shall take reasonable measures to prevent pollution and minimize an accidental release.
2. Compliance with a numerical standard does not excuse reckless or unnecessary pollution.

Article 297 — Oil pollution

1. Discharge of oil or oily mixture is prohibited except under conditions expressly authorized by an Assembly Act and applicable technical regulations.
2. Machinery-space, cargo and bunkering operations shall use required containment, monitoring, filtering and record systems.

Article 298 — Noxious liquid substances

1. A noxious liquid substance in bulk shall be categorized, handled, washed and discharged only under lawful controls appropriate to its hazard.
2. Cargo residues and tank washings shall be delivered to a reception facility when discharge at sea is not authorized.

Article 299 — Harmful substances in packaged form

1. A harmful substance carried in packaged form shall be properly packaged, marked, documented, stowed and secured.
2. Jettison is prohibited except where reasonably necessary to secure safety of the ship or save life and shall be reported.

Article 300 — Sewage

1. A prescribed ship shall maintain sewage treatment, comminuting, holding or discharge arrangements meeting applicable standards.
2. Discharge shall consider distance from land, water depth, rate, local sensitivity and availability of reception facilities.

Article 301 — Garbage

1. Discharge of plastics and another prohibited garbage from a ship is forbidden, and permitted waste shall be managed under a shipboard plan.
2. Ports shall provide or arrange adequate reception and promote reduction, segregation and lawful recovery of ship-generated waste.

Article 302 — Air emissions and energy efficiency

1. A ship shall comply with lawful standards for fuel quality, ozone-depleting substances, incineration and air emissions.

2. The Administration shall promote energy efficiency and lower-emission technology through predictable, technology-neutral requirements within delegated authority.

Article 303 — Ballast water and invasive species

1. A ship shall manage ballast water, sediments and biofouling to reduce transfer of harmful aquatic organisms.
2. Treatment, exchange, cleaning and record requirements shall be proportionate to route, ship and environmental risk.

Article 304 — Anti-fouling systems

1. A prohibited or unreasonably harmful anti-fouling system shall not be applied or maintained on a ship under Eritrean jurisdiction.
2. Removal or sealing shall be conducted so that residues are captured and lawfully managed.

Article 305 — Ship recycling and hazardous materials

1. A ship intended for recycling shall be prepared and delivered to a lawfully authorized facility under measures protecting workers and the environment.
2. Prescribed ships shall maintain reliable information on hazardous materials throughout their operational life.

SECTION 2
RECORDS, REPORTING, RESPONSE AND RECEPTION

Article 306 — Environmental plans and records

1. A prescribed ship shall maintain pollution emergency plans, record books and supporting receipts required for its operation.
2. Electronic records are valid if entries are attributable, time-stamped, protected and available for inspection.

Article 307 — Duty to report pollution

1. The master, operator or responsible facility shall report an actual or probable harmful release without delay through designated channels.
2. A report shall state available facts and updates and shall not be delayed because cause or legal responsibility remains uncertain.

Article 308 — Immediate response

1. A person controlling the source of pollution shall take safe and reasonable measures to stop, contain, recover and mitigate it.
2. Public authorities may direct or undertake necessary action where response is absent, inadequate or creates additional danger.

Article 309 — National contingency system

1. The Administration shall coordinate a national marine-pollution preparedness and response system with ports, environmental bodies, local administrations and emergency services.
2. The system shall define command, resources, notification, training, regional cooperation and transparent post-incident review.

Article 310 — Port reception facilities

1. Massawa, Assab and another designated port shall provide or arrange reception facilities adequate for ships normally using the port without undue delay.
2. Fees shall encourage delivery rather than unlawful discharge and shall be transparent and reasonably related to service and environmental policy.

Article 311 — Waste delivery and receipts

1. A prescribed ship shall notify waste, deliver it where required and retain an authenticated receipt or lawful exemption.
2. Port and ship systems shall exchange the information electronically through the Maritime Single Window where practicable.

Article 312 — Environmental inspection and detention

1. An authorized inspector may examine records, equipment, tanks, emissions, samples and operational compliance under lawful procedures.
2. A ship may be detained only where a deficiency creates serious pollution risk or detention is otherwise authorized and proportionate.

Article 313 — Emergency exception

1. A discharge reasonably necessary to secure ship safety or save life is not prohibited where all reasonable precautions were taken and the resulting harm was minimized.
2. The exception does not apply where the person acted with intent to cause damage or recklessly and with knowledge that damage would probably result.

Article 314 — Intervention and restoration

1. The competent authority may take proportionate measures to prevent or reduce grave and imminent pollution affecting Eritrean waters, coast or resources.
2. Measures shall consider available evidence, affected interests, regional cooperation and avoidance of damage exceeding that reasonably prevented.

Article 315 — Costs and civil liability reserved

1. Reasonable public response and restoration costs may be recovered from a responsible person under the civil-liability provisions of this Code or another Assembly Act.
2. This Chapter does not predetermine strict liability, limitation, compulsory insurance, compensation funds or private damages governed by a later Book.

TITLE IV
MARINE CASUALTIES, SEARCH AND RESCUE, AND WRECKS
CHAPTER I
CASUALTY REPORTING AND SAFETY INVESTIGATION

SECTION 1
REPORTING, RESPONSE AND EVIDENCE

Article 316 — Marine casualty report

1. The master and operator shall promptly report a death, serious injury, loss, collision, grounding, fire, flooding, pollution or other prescribed marine casualty.
2. The report shall contain known material facts and be updated when reliable further information becomes available.

Article 317 — Immediate safety action

1. After a casualty, the master and operator shall protect life, prevent further harm, communicate distress and cooperate with competent authorities.
2. Nothing requires an action that would create an unreasonable additional danger.

Article 318 — Preservation of evidence

1. A person shall preserve logs, recordings, electronic data, charts, equipment and physical evidence reasonably relevant to a casualty.
2. Evidence may be altered or moved for rescue or safety only to the extent necessary, with the action documented where practicable.

Article 319 — Voyage data and digital evidence

1. Required voyage data recorders and related systems shall be maintained so that casualty information can be retrieved and authenticated.
2. Access shall protect investigative integrity, personal data, cybersecurity and legitimate legal privilege.

Article 320 — Notification of interested authorities

1. The Administration shall notify another substantially interested State or Eritrean authority where the casualty engages its flag, coast, nationals, environment or functions.
2. Notification shall support coordinated investigation without delaying urgent Eritrean action.

Article 321 — Cooperation by persons

1. An owner, operator, master, crew member, port and recognized organization shall provide lawful assistance and relevant records to an investigation.
2. A compelled statement shall receive the protections required by the Constitution and criminal procedure law.

SECTION 2
INDEPENDENT SAFETY INVESTIGATION

Article 322 — Independent safety investigation

1. A serious marine casualty shall be investigated by a functionally independent safety-investigation body.
2. The body shall be independent in evidence, analysis, findings and recommendations from regulatory enforcement, prosecution and persons whose conduct is examined.

Article 323 — Purpose of investigation

1. The primary purpose of a safety investigation is to determine causes and prevent recurrence, not to apportion civil or criminal liability.
2. A safety finding does not bind a court deciding fault, though admissible factual material may be used as procedural law permits.

Article 324 — Investigator powers

1. An authorized investigator may enter a casualty site or ship, secure evidence, inspect property, obtain records and interview persons within powers granted by an Assembly Act.
2. A coercive search, seizure or compelled disclosure requires the warrant, necessity and procedural safeguards applicable under law.

Article 325 — Witness and confidential information

1. The investigation body shall protect safety reports, witness material and sensitive operational data against unnecessary disclosure.
2. Confidentiality may yield to overriding justice or safety needs under a reasoned decision and appropriate protective conditions.

Article 326 — Report and recommendations

1. The investigation body shall publish a timely report stating facts, analysis, conclusions and safety recommendations, subject to lawful redaction.
2. A person materially criticized shall receive a fair opportunity to comment on the relevant draft before publication.

Article 327 — Follow-up and reopening

1. A recipient of a safety recommendation shall state the action taken or reasons for declining it within a reasonable period.
2. An investigation may be reopened where significant new evidence could materially change its findings.

CHAPTER II
SEARCH AND RESCUE AND WRECK REMOVAL

SECTION 1
SEARCH AND RESCUE

Article 328 — National search-and-rescue service

1. The State shall maintain or coordinate a continuous maritime search-and-rescue service for persons in distress within the area for which Eritrea assumes responsibility.
2. Service shall be provided without discrimination based on nationality, status, route or circumstances of distress.

Article 329 — Rescue coordination centre

1. A maritime rescue coordination centre shall receive alerts, assess emergencies and coordinate ships, aircraft, ports, medical services and neighbouring centres.
2. Its authority, communications, contingency plans and geographic coordination arrangements shall be publicly and operationally clear.

Article 330 — Distress response

1. A public authority or ship receiving credible distress information shall promptly relay it and take action reasonably within its capability.
2. Commercial, migration or evidentiary considerations shall not delay measures necessary to preserve life.

Article 331 — Coordination of assisting ships

1. The rescue coordination centre may request suitable ships to assist and may release them when continued participation is unnecessary or unsafe.
2. A master shall comply so far as reasonably possible, subject to the duty to protect persons already aboard.

Article 332 — Treatment of rescued persons

1. A rescued person shall receive humane treatment, necessary medical care, basic needs and protection from violence or exploitation.
2. Collection and sharing of personal information shall be limited to rescue, identification, family contact and lawful disembarkation purposes.

Article 333 — Disembarkation after rescue

1. Authorities shall cooperate to arrange timely disembarkation at a place of safety consistent with protection of life and applicable law.
2. The assisting ship shall not be subjected to unreasonable delay solely because it performed a rescue duty.

Article 334 — Regional cooperation and reimbursement

1. The Administration shall pursue practical search-and-rescue cooperation, exercises and communications with neighbouring and other relevant States.
2. Reasonable public or private rescue expense may be addressed under regulations, contract or later provisions without conditioning immediate rescue on payment.

SECTION 2
HAZARDOUS WRECKS

Article 335 — Wreck report

1. The master and operator shall report a wreck, lost object or sunken ship that may endanger navigation or the environment and provide available position and cargo information.
2. The Administration shall notify affected ports, navigators and authorities and maintain accessible hazard information.

Article 336 — Determination and marking of hazard

1. The Administration shall assess whether a wreck presents a hazard by considering depth, traffic, cargo, pollution, coast, infrastructure and likely deterioration.
2. A hazardous wreck shall be marked, monitored and publicized by suitable physical or electronic means pending removal or other treatment.

Article 337 — Owner's removal duty

1. The registered owner shall remove or render harmless a wreck determined to be hazardous within a reasonable period and according to an approved plan.
2. The duty survives loss or abandonment of the ship and may be supported by compulsory financial security under a later Book.

Article 338 — Public removal

1. If the owner fails to act, cannot be found or urgent danger exists, the Administration may remove, destroy, relocate or render the wreck harmless.
2. Action shall be proportionate, documented and conducted with reasonable regard for property, evidence, culture and the environment.

Article 339 — Notice, claims and cost

1. Except in urgent danger, the owner and known secured claimants shall receive notice and opportunity to propose effective action before public removal.
2. Reasonable public marking, monitoring and removal cost is recoverable under the liability provisions of this Code, subject to defenses and limits there provided.

Article 340 — Ownership, salvage and archaeological material

1. Public action concerning a wreck does not transfer ownership or determine salvage rights except as expressly provided by law or court order.

2. Historic, archaeological, military or culturally significant remains shall be protected under applicable law and shall not be disturbed merely under ordinary wreck-removal authority.

BOOK FOUR
MARITIME ENTERPRISES, THE MASTER AND SEAFARERS
TITLE I
SHIPOWNERS, OPERATORS AND MARITIME INTERMEDIARIES
CHAPTER I
OWNERS AND OPERATORS

SECTION 1
RESPONSIBLE ENTERPRISE AND OPERATIONAL CONTROL

Article 341 — Responsible maritime enterprise

1. A person who owns, operates or manages a ship shall organize the enterprise with competent management, adequate resources and effective control over functions assumed.
2. Corporate form, contract or delegation shall not be used to conceal the person exercising operational control or to defeat a duty imposed by this Code.

Article 342 — Identification of operator

1. Before a ship enters service, the registered owner shall identify in the Register the operator and company responsible for statutory compliance.
2. A change shall be filed promptly and shall not take effect against a person reasonably relying on the current public entry until registered or actually known.

Article 343 — Duties of shipowner

1. The shipowner shall provide a seaworthy ship, lawful employment, financial security, insurance and resources necessary for safe and environmentally responsible operation.
2. The shipowner remains responsible for a nondelegable duty and for selecting and supervising a competent operator or manager.

Article 344 — Duties of operator

1. The operator shall control voyages, crewing, maintenance, safety management and commercial operations within its assumed functions.
2. The operator shall give the master timely information and shore support and shall not impose a commercial instruction inconsistent with law or safety.

Article 345 — Ship-management agreement

1. A ship-management agreement shall identify the parties, ship, functions, authority, duration, remuneration, insurance, records and termination arrangements.
2. An undisclosed limitation of ordinary operational authority is ineffective against a good-faith third party dealing within the manager’s apparent functions.

SECTION 2
TRANSPARENCY, COMPLIANCE AND CONTINUITY

Article 346 — Beneficial ownership and control

1. A maritime enterprise shall maintain accurate information on beneficial ownership and persons exercising effective control as required by an Assembly Act.
2. Information shall be available to competent authorities and disclosed publicly only to the extent authorized with protection for legitimate privacy and security.

Article 347 — Fit and proper management

1. A person directing regulated ship operations shall possess integrity, competence and financial reliability proportionate to the function.
2. Disqualification requires lawful grounds, reasons, notice and review, except that urgent interim restriction may be imposed to prevent serious danger.

Article 348 — Compliance officer and contact

1. A prescribed operator shall designate a responsible shore contact with direct access to senior management and authority to escalate safety, labour and environmental concerns.
2. Designation does not transfer the statutory responsibility of the owner, operator, master or governing body.

Article 349 — Records and audit trail

1. A maritime enterprise shall preserve authentic operational, financial, crewing and compliance records for the period prescribed by law.
2. Electronic records shall be searchable, protected against unauthorized alteration and producible without unnecessary delay.

Article 350 — Insolvency and operational continuity

1. An owner or operator facing inability to fund wages, repatriation, essential supplies or safe operation shall notify the Administration and affected secured providers without delay.
2. Notification does not itself establish insolvency, but concealment of an imminent abandonment or safety risk may support protective action.

CHAPTER II
AGENTS, SERVICE PROVIDERS AND MARKET CONDUCT

SECTION 1
MARITIME AGENTS AND DIGITAL TRANSACTIONS

Article 351 — Maritime agent

1. A maritime agent is a person authorized to represent an owner, operator, charterer or carrier in port, documentation or commercial matters.
2. The agent shall disclose the represented principal and shall not imply authority beyond the mandate actually or apparently conferred.

Article 352 — Appointment and registration of agent

1. Appointment may be authenticated electronically and shall identify the principal, scope, ports, duration and authority to receive notices or funds.
2. A locally established agent may be required for a foreign operator only where authorized by an Assembly Act and reasonably necessary for accountability.

Article 353 — Duties of maritime agent

1. An agent shall act with professional care, loyalty, lawful instruction and accurate accounting and shall protect documents and funds received for the principal.
2. The agent shall cooperate with public authorities but is not personally liable for the principal’s obligation merely by acting as disclosed agent.

Article 354 — Authority to bind principal

1. An act within actual or apparent authority binds the principal according to civil and commercial law.
2. A person knowing that authority is absent or exceeded may not rely on apparent authority.

Article 355 — Receipt of notices

1. A registered port agent may receive an operational or administrative notice concerning the represented ship unless the filing excludes that function.
2. Service on the agent does not replace personal or judicial service where procedural law expressly requires another method.

Article 356 — Funds and accounts

1. Client money received by an agent shall be identified, accounted for and kept separate from the agent’s own money where required by regulations or agreement.
2. The agent shall provide a timely statement and remit the balance without unauthorized deduction.

Article 357 — Digital port transactions

1. An authorized agent may submit, receive and authenticate port, customs, immigration and ship documents through the Maritime Single Window.

2. The system shall record the principal, agent, authority, submission time and subsequent correction.

Article 358 — Freight forwarder and logistics provider

1. A freight forwarder or maritime logistics provider shall disclose whether acting as agent, contracting carrier, warehouse operator or multimodal transport operator.
2. Liability shall follow the function actually undertaken and shall not be avoided by an inaccurate commercial label.

Article 359 — Shipbroker

1. A shipbroker shall exercise reasonable skill, disclose material conflicts and accurately communicate an offer, acceptance and authority.
2. The broker does not warrant performance by a disclosed principal unless the broker expressly guarantees it or acts fraudulently.

Article 360 — Port service provider

1. A towage, stevedoring, terminal, chandlery, waste, repair or other port-service provider shall meet published licensing, safety and competence requirements.
2. Access to provide service shall be competitive and nondiscriminatory, subject to capacity, safety and transparent concession law.

SECTION 2
COMPETITION, LICENSING AND COMMERCIAL ACCOUNTABILITY

Article 361 — Competition and State neutrality

1. A public enterprise engaged in maritime commerce shall compete under the same commercial, safety, labour and disclosure rules as a private enterprise unless an Assembly Act expressly provides otherwise.
2. A ministry or port authority shall not grant an undisclosed monopoly, discriminatory preference or cross-subsidy that materially distorts competition.

Article 362 — Public-service obligation

1. A maritime public-service obligation may be imposed only under lawful authority, for a defined public need and through a transparent and proportionate arrangement.
2. Compensation, exclusivity, duration and performance shall be published except for narrowly protected commercial information.

Article 363 — Licensing of maritime businesses

1. A licence may be required only where an Assembly Act authorizes it and public safety, competence, financial security or consumer protection reasonably requires regulation.
2. Criteria, fees, processing times, reasons for refusal and review rights shall be published and administered electronically where practicable.

Article 364 — Equal access to ports

1. A port and essential maritime facility shall provide access on transparent, reasonable and nondiscriminatory terms, subject to safety and available capacity.
2. A denial or material restriction shall be reasoned and open to prompt review.

Article 365 — Tariffs and commercial terms

1. A regulated maritime tariff shall be published before application and shall identify service, rate, calculation, currency, tax and complaint process.
2. No public body or exclusive provider shall collect an unpublished charge or impose a retroactive rate.

Article 366 — Conflicts of interest

1. A public officer regulating maritime commerce shall disclose and avoid a financial or personal interest that could impair impartial performance.
2. A regulated person shall not offer an improper benefit or use an intermediary to influence an official decision.

Article 367 — Professional indemnity and security

1. Regulations may require a prescribed maritime intermediary to maintain proportionate professional indemnity insurance, bond or other financial security.
2. The requirement shall reflect foreseeable loss and shall not create an unreasonable barrier to entry for small Eritrean enterprises.

Article 368 — Complaints and dispute resolution

1. A maritime enterprise shall maintain an accessible process for correcting billing, documentation and service errors.
2. Use of commercial mediation or arbitration is permitted, but a mandatory public-law review or constitutional remedy shall not be excluded.

Article 369 — Cessation and transfer of business

1. A regulated maritime enterprise ceasing or transferring business shall protect client funds, records, pending voyages, crew and public safety.
2. The Administration may require an orderly transition but shall not prevent lawful exit merely to preserve a market structure.

Article 370 — Application of general commercial law

1. The Commercial Code, Civil Code, labour law, competition law and insolvency law apply to maritime enterprises except where this Code provides a specific maritime rule.
2. This Title does not create limited liability or separate personality for a person or arrangement that lacks it under general law.

TITLE II
THE MASTER AND SHIPBOARD AUTHORITY
CHAPTER I
APPOINTMENT, REPRESENTATION AND RECORDS

SECTION 1
APPOINTMENT, COMMAND AND REPRESENTATION

Article 371 — Appointment of master

1. The owner or operator shall appoint a properly certificated and medically fit master by an authenticated record before the ship enters service.
2. The appointment shall identify command, ship, commencement and the company to which the master reports.

Article 372 — Assumption and transfer of command

1. Command begins when accepted and recorded in the official log and ends upon lawful transfer, discharge, incapacity or abandonment of command in necessity.
2. A transfer shall include material information concerning navigation, persons, cargo, defects, security and pending orders.

Article 373 — Removal of master

1. The appointing person may remove the master subject to contract, labour law and safe transfer of command.
2. Removal at sea shall not create danger, impair the master's right to wages or repatriation, or obstruct reporting of unlawful conduct.

Article 374 — Master as public and private authority

1. The master exercises statutory authority necessary for safety, discipline, records and protection of persons and also represents the operator within this Code.
2. Public authority shall be exercised impartially and only for the purpose and within the limits granted by law.

Article 375 — Representation of operator

1. When ordinary communication with the operator is impracticable, the master may make a transaction reasonably necessary for the voyage, ship or persons aboard.
2. The master shall record the necessity and account promptly, and shall not undertake an extraordinary disposition when a less harmful measure is reasonably available.

SECTION 2
PROTECTION, COMPLIANCE AND RECORDS

Article 376 — Protection of ship and persons

1. The master shall use reasonable measures to protect the ship, crew, passengers, cargo, records and environment.

2. The master shall give priority to preservation of life over property when the two cannot reasonably be protected together.

Article 377 — Compliance with law

1. The master shall comply with lawful requirements of the flag State, coastal State and port State applicable to the ship.
2. An unlawful order from an owner, operator, charterer or official shall not excuse the master’s knowing violation.

Article 378 — Official logbook

1. The master shall ensure that the official logbook records prescribed navigational, operational, disciplinary, casualty and crew matters accurately and promptly.
2. An authenticated electronic logbook has equal effect and shall preserve authorship, time, corrections and an auditable history.

Article 379 — Ship documents

1. The master shall safeguard certificates, crew records, cargo documents and official correspondence required aboard.
2. Loss, destruction or material compromise shall be reported and temporary replacement obtained without falsification.

Article 380 — Birth, death and serious illness

1. The master shall record and report a birth, death, disappearance or serious illness aboard and preserve relevant evidence and personal effects.
2. The master shall arrange medical advice, dignified treatment and communication with family and authorities as circumstances permit.

CHAPTER II
DISCIPLINE, EMERGENCIES AND PROFESSIONAL INDEPENDENCE

SECTION 1
ORDER, RESTRAINT AND CARE

Article 381 — Discipline aboard ship

1. The master may issue reasonable and lawful directions necessary for safety, order and performance of shipboard duties.
2. Discipline shall respect dignity, equality, due process and labour law and shall not include corporal punishment, forced labour or collective penalty.

Article 382 — Emergency restraint

1. The master may use the minimum reasonable restraint necessary to prevent imminent serious harm or secure a person reasonably suspected of a grave offence.
2. The grounds, duration, condition and transfer to competent authority shall be recorded, and necessary medical care shall be provided.

Article 383 — Offences and evidence aboard

1. The master shall report a suspected serious offence and take reasonable steps to protect persons and preserve evidence.
2. The master is not a criminal court and shall not impose criminal punishment.

Article 384 — Medical care and deviation

1. The master shall obtain medical advice and may divert or seek evacuation when reasonably necessary for life or serious health.
2. Commercial loss or schedule pressure shall not override necessary care.

Article 385 — Assistance and rescue

1. The master shall comply with the duty to render assistance under Article 262 and coordinate the safe reception and treatment of rescued persons.
2. Assistance shall not unlawfully discriminate by nationality, migration status or circumstances of distress.

SECTION 2
DECLARATIONS, URGENCY AND PROFESSIONAL INDEPENDENCE

Article 386 — Marine protest and declarations

1. The master may make an authenticated marine protest or statutory declaration recording events that may affect rights or liabilities.
2. The declaration is evidence of its making and contents but is not conclusive proof of disputed facts.

Article 387 — Urgent expenditure

1. Where communication is impracticable, the master may incur reasonable expenditure and obtain necessary credit to preserve life, the ship or continuation to a place of safety.
2. Sale or pledge of cargo or essential ship property is permitted only under express law, genuine necessity and careful accounting.

Article 388 — Master's civil liability

1. The master is personally responsible for personal fraud, wilful misconduct and negligent breach of an independent duty.
2. A good-faith decision within reasonable professional judgment during emergency shall not create liability merely because another course later appears preferable.

Article 389 — Relief and succession in emergency

1. If the master dies, becomes incapable or cannot exercise command, the highest qualified officer shall assume temporary command until lawful replacement.
2. The succession, circumstances and notice to the operator and authorities shall be recorded.

Article 390 — Protection of professional independence

1. A master shall not be dismissed, threatened or disadvantaged for refusing an unlawful or manifestly unsafe instruction or making a protected report.
2. A retaliatory measure is subject to urgent labour and judicial relief, including reinstatement or compensation where appropriate.

TITLE III
SEAFARER QUALIFICATION AND SAFE MANNING
CHAPTER I
MANNING AND CERTIFICATION

SECTION 1
SAFE MANNING AND CORE CREDENTIALS

Article 391 — Safe manning document

1. A prescribed ship shall carry a safe manning document issued by the Administration stating the minimum number and qualifications required for its operation.
2. Minimum manning shall consider ship design, automation, route, workload, maintenance, emergencies and hours of rest, and is not a target for ordinary understaffing.

Article 392 — Owner's crewing duty

1. The owner and operator shall employ enough properly qualified, certificated, medically fit and rested seafarers for safe operation.
2. Cost, labour shortage or voyage commitment shall not justify unsafe manning.

Article 393 — Certificate of competency

1. A person shall not serve in a certificated capacity without a valid certificate or lawful recognition appropriate to the function and limitation.
2. The Administration shall maintain a secure electronic register permitting prompt verification while protecting personal data.

Article 394 — Training and assessment

1. Certification shall rest on approved education, practical training, sea service, assessment and examination proportionate to the competence claimed.
2. Assessment shall be independent, documented, accessible and protected against fraud and improper influence.

Article 395 — Medical fitness

1. A seafarer shall hold a current medical certificate issued after an impartial examination against published standards.
2. A restriction shall relate to functional safety, and the seafarer shall have access to reasons, confidentiality and independent review.

SECTION 2
RECOGNITION, REVALIDATION AND ENFORCEMENT

Article 396 — Recognition of foreign certificates

1. The Administration may recognize a foreign certificate after verifying that the issuing system provides substantially equivalent competence and reliable oversight.

2. Recognition may be suspended where fraud, systemic deficiency or inability to verify creates material risk, subject to reasoned review.

Article 397 — Endorsement and limitations

1. A certificate or endorsement shall state capacity, functions, ship or voyage limitations, issue, expiry and authentication.
2. A condition shall be based on competence or safety and shall not discriminate unlawfully.

Article 398 — Revalidation and continued competence

1. Revalidation may require recent service, refresher training, medical fitness and demonstration of continued competence.
2. A fair route to regain validity shall be available after career interruption.

Article 399 — Digital credentials

1. A seafarer credential may be electronic if secure, portable, independently verifiable and usable during communications disruption through suitable backup.
2. No seafarer shall be denied service solely because the credential is electronic.

Article 400 — Fraud and examination integrity

1. A person shall not forge, buy, sell, substitute, improperly obtain or knowingly use a false maritime credential.
2. An allegation shall be investigated with due process, and a credential shall not be permanently cancelled without lawful grounds and review.

CHAPTER II
TRAINING, PROGRESSION AND ENFORCEMENT

SECTION 1
TRAINING PROVIDERS AND CAREER PROGRESSION

Article 401 — Approved training provider

1. A public or private institution may provide approved maritime training if it meets published standards for instructors, facilities, curriculum, assessment and quality control.
2. Approval shall be administered fairly and shall not reserve training to a State monopoly without an Assembly Act.

Article 402 — Simulator and remote learning

1. Simulation, blended learning and supervised remote instruction may satisfy training requirements where they reliably achieve and assess the required competence.
2. Practical shipboard skill shall not be certified solely through remote theory where hands-on performance is essential.

Article 403 — Cadets and apprentices

1. A cadet or apprentice shall receive structured training, supervision, safe work, documented sea service and protection against exploitation.
2. Training status shall not be used to obtain indefinite unpaid or underpaid labour.

Article 404 — Rating and officer progression

1. The certification system shall provide transparent pathways from entry-level rating to advanced officer and master qualifications.
2. Prior learning and verified experience shall be recognized without lowering competence standards.

Article 405 — Specialized competence

1. A person serving on a tanker, passenger ship, high-speed craft, fishing vessel or another prescribed operation shall hold appropriate specialized training.
2. New technology or fuel may be added by regulations within delegated authority after evidence-based assessment and consultation.

SECTION 2
FAMILIARIZATION, COMMUNICATION AND SPECIAL CASES

Article 406 — Familiarization before duty

1. Before assigned safety, security or environmental duties, a seafarer shall receive ship-specific familiarization in a language and form understood.
2. The master shall verify familiarization and shall not assign independent critical duty before it is complete.

Article 407 — Language and communication

1. The working language and emergency communication arrangements shall permit effective performance by all persons with safety duties.
2. Language requirements shall be job-related and shall not be used as disguised nationality discrimination.

Article 408 — Competence of pilots and port personnel

1. A pilot, vessel-traffic operator and another prescribed safety-critical port professional shall meet transparent competence and fitness standards.
2. Certification and discipline shall include impartial assessment, continuing competence and review.

Article 409 — Temporary dispensation

1. The Administration may grant a time-limited dispensation for a particular ship and position only in exceptional necessity without unacceptable safety risk.
2. A dispensation shall not cover the master or chief engineer except in force majeure for the shortest practicable time, and reasons shall be recorded.

Article 410 — Inspection of manning and credentials

1. An inspector may verify manning, credentials, fitness, hours and actual competence where clear grounds exist.
2. Detention or removal from duty shall be proportionate, reasoned and open to prompt review.

TITLE IV
SEAFARER EMPLOYMENT AND MINIMUM RIGHTS
CHAPTER I
EMPLOYMENT, EQUALITY AND WAGES

SECTION 1
SCOPE, EQUALITY AND EMPLOYMENT AGREEMENTS

Article 411 — Minimum maritime labour rights

1. Every seafarer has the right to safe and decent work, fair terms, timely wages, medical care, rest, repatriation and access to complaint and remedy.
2. A contract, collective agreement or foreign-law clause may improve but shall not waive a mandatory protection applicable under this Book.

Article 412 — Application and equality

1. This Title applies to a person employed, engaged or working in any capacity aboard a prescribed ship, regardless of contractual label or nationality.
2. Employment and access to maritime work shall be free from unlawful discrimination, forced labour, trafficking and retaliation.

Article 413 — Minimum age

1. A person under eighteen years shall not perform night work or hazardous shipboard work except within a lawful supervised training exception.
2. No person below the general minimum age established by labour law may be employed aboard a ship.

Article 414 — Recruitment and placement

1. A recruitment or placement service shall operate transparently, protect personal data and charge no prohibited recruitment fee to a seafarer.
2. The service shall verify employment offers and maintain financial protection where its failure may cause loss.

Article 415 — Seafarer employment agreement

1. Before joining a ship, a seafarer shall receive and freely sign an understandable agreement stating the parties, position, wages, leave, benefits, termination, repatriation and applicable collective terms.
2. The seafarer shall have opportunity for advice and shall receive an accessible paper or electronic copy.

Article 416 — Information and governing terms

1. The ship shall carry accessible employment agreements and applicable collective agreements for lawful inspection.
2. A choice of law shall not deprive a seafarer of mandatory protection that would otherwise apply under this Code.

SECTION 2
WAGES AND REMITTANCES

Article 417 — Wages

1. Wages shall be paid in full at least monthly, with an itemized account showing rate, additions, deductions, exchange and amount paid.
2. A deduction requires law, collective agreement or informed written authorization and shall not be arbitrary or disguised confiscation.

Article 418 — Remittance and currency

1. A seafarer may direct all or part of wages to a nominated person or account at reasonable cost.
2. Conversion shall use the lawful market-based rate or contractually agreed fair rate disclosed before payment.

CHAPTER II
LIVING CONDITIONS, HEALTH AND COLLECTIVE RIGHTS

SECTION 1
HOURS, LEAVE AND REPATRIATION

Article 419 — Hours of work and rest

1. Work and rest shall be organized within limits prescribed by an Assembly Act or regulations authorized by it and sufficient to prevent fatigue.
2. Records shall reflect actual hours, be accessible to the seafarer and not be falsified to conceal understaffing.

Article 420 — Leave, repatriation and continuing protection

1. A seafarer is entitled to paid annual leave, shore leave where operationally practicable, and repatriation at the shipowner's cost on expiry, illness, ship loss, termination without fault or another prescribed ground.
2. The shipowner shall maintain financial security for abandonment, outstanding contractual entitlements and repatriation, and employment terms shall continue where a seafarer is held captive because of piracy or armed robbery as prescribed by law.

SECTION 2
ACCOMMODATION, HEALTH AND SOCIAL PROTECTION

Article 421 — Accommodation and recreational facilities

1. Shipboard accommodation shall be safe, decent, ventilated, lighted, maintained and sufficient for privacy, rest and sanitary needs appropriate to the ship and voyage.
2. Recreational, communication and laundry facilities shall be provided to the extent reasonably required by regulations and shall not be withdrawn as punishment.

Article 422 — Food and drinking water

1. A ship shall provide all persons aboard with sufficient, nutritious and culturally reasonable food and safe drinking water without charge to employed seafarers.
2. Catering personnel shall be trained, and storage, preparation and galley conditions shall protect health and hygiene.

Article 423 — Medical care aboard and ashore

1. A seafarer shall receive prompt and adequate medical and dental care, medicines, equipment, advice and emergency evacuation appropriate to the voyage.
2. Necessary care for sickness or injury arising during service shall be provided at the shipowner's cost to the extent prescribed by law, without improper wage deduction.

Article 424 — Occupational safety and health

1. The owner and operator shall maintain a shipboard occupational safety and health programme addressing prevention, training, protective equipment, reporting and investigation.

2. A seafarer may withdraw from work presenting an imminent and serious danger after notifying the responsible officer, without retaliation for a reasonable good-faith action.

Article 425 — Accident, injury and disease

1. An occupational death, injury or disease shall be recorded, reported, investigated and compensated according to this Code and social-protection law.
2. A settlement or release obtained through coercion, concealment or before the seafarer can reasonably understand the injury is ineffective.

Article 426 — Social protection

1. Eritrean seafarers and other seafarers covered by Eritrean social-protection law shall have access to prescribed sickness, injury, maternity, disability, unemployment, old-age and survivor protection.
2. Coordination with a foreign system shall prevent unjustified loss or duplication while preserving accrued rights.

Article 427 — Collective rights

1. Seafarers may form and join organizations, bargain collectively and engage in lawful concerted activity under the Constitution and labour law.
2. A blacklisting, discriminatory hiring practice or retaliation for lawful association is prohibited.

Article 428 — Seafarer identity and facilitation

1. The competent authority shall issue secure and internationally intelligible seafarer identity documents under an Assembly Act and protect the holder’s personal data.
2. A seafarer shall receive reasonable facilitation for shore leave, transit, transfer and repatriation, subject to lawful and proportionate security controls.

CHAPTER III
CERTIFICATION, COMPLAINTS AND ENFORCEMENT

SECTION 1
LABOUR CERTIFICATION AND COMPLAINTS

Article 429 — Maritime labour certificate

1. A prescribed Eritrean ship shall carry a maritime labour certificate or equivalent evidence demonstrating verified compliance with applicable requirements.
2. Certification shall identify scope, validity, issuer and verification method and may be electronic under Article 245.

Article 430 — Declaration of maritime labour compliance

1. A prescribed ship shall maintain a declaration identifying national requirements and the shipowner's measures for continuing compliance.
2. The declaration shall be accessible to seafarers and inspectors in a language reasonably understood aboard.

Article 431 — Onboard complaint procedure

1. Every ship shall maintain a fair and prompt procedure permitting a seafarer to complain directly or through a representative without retaliation.
2. The procedure shall allow escalation beyond the immediate supervisor and direct confidential access to the master, shipowner and competent authority.

Article 432 — Shore-based complaint

1. A seafarer or representative may submit a labour complaint to the Administration, labour inspector, port authority or court without prior exhaustion where urgency or serious abuse exists.
2. The receiving body shall refer the matter promptly to the competent body and protect identity where disclosure is unnecessary.

Article 433 — Maritime labour inspection

1. An authorized inspector may examine employment agreements, wage accounts, hours, accommodation, food, medical arrangements, complaints and financial security.
2. Inspection shall include confidential access to seafarers and shall avoid unnecessary detention or disclosure of protected information.

Article 434 — Correction and detention

1. A deficiency shall ordinarily be addressed by a reasoned correction notice stating legal basis, required action and time.
2. A ship may be detained where conditions present serious danger, constitute a serious or repeated breach of seafarer rights, or show that the ship will depart without effective correction.

SECTION 2
VICTIMIZATION, FINANCIAL SECURITY AND REMEDIES

Article 435 — Protection against victimization

1. A person shall not dismiss, threaten, blacklist, confine or otherwise disadvantage a seafarer for a good-faith complaint, testimony, safety action or cooperation with inspection.
2. The seafarer may obtain urgent protective relief, reinstatement, compensation and another remedy appropriate under law.

Article 436 — Death and long-term disability

1. The shipowner shall ensure prompt notification, dignified handling of remains, return of personal effects and payment of accrued entitlements following a seafarer's death.
2. Financial security or insurance shall cover prescribed contractual compensation for death or long-term disability arising from occupational injury, illness or hazard.

Article 437 — Financial-security evidence

1. Financial security required for repatriation, abandonment, death or disability shall be issued by a reliable provider and remain directly verifiable by seafarers and authorities.
2. The provider shall give advance notice of cancellation and shall not cancel retroactively or defeat a claim arising during coverage.

Article 438 — Abandonment response

1. A seafarer is abandoned where the shipowner fails to fund repatriation, leaves the seafarer without necessary maintenance or support, or fails to pay contractual wages for the prescribed period.
2. The Administration shall coordinate immediate subsistence, medical care, documentation and repatriation and may recover costs from the responsible person and security provider.

Article 439 — Jurisdiction and access to remedy

1. An Eritrean court or competent body may hear a maritime labour claim where the ship flies the Eritrean flag, employment was arranged or performed substantially in Eritrea, the employer is established in Eritrea or another sufficient connection exists.
2. A forum or arbitration clause shall not prevent urgent relief or make enforcement unreasonably inaccessible to the seafarer.

Article 440 — Relation to labour law and future standards

1. General labour, civil-service, social-protection and procedural law supplements this Book to the extent consistent with the special conditions of seafaring.
2. Regulations may update technical standards within delegated authority but shall not reduce a statutory minimum right or create an offence or coercive power without an Assembly Act.

BOOK FIVE
CHARTERPARTIES AND CONTRACTS OF CARRIAGE
TITLE I
CHARTERPARTIES
CHAPTER I
GENERAL CHARTERPARTY RULES

SECTION 1
FORMATION, TERMS AND PERFORMANCE

Article 441 — Charterparty

1. A charterparty is a contract by which a shipowner or disponent owner makes all or part of a ship available for a voyage, period or agreed service.
2. Its legal character depends on the functions and control actually allocated, not solely on the title used by the parties.

Article 442 — Freedom of contract

1. Commercial parties may determine charter terms subject to mandatory safety, labour, environmental, competition and third-party protections.
2. A clause obtained by fraud, illegality or abuse of manifest bargaining inequality remains subject to general contract law.

Article 443 — Formation and authentication

1. A charterparty may be formed by signed instrument, electronic communication, fixture recap or conduct showing agreement on essential terms.
2. An electronic charterparty is valid where identity, assent, content and time are reliably attributable and the record remains accessible.

Article 444 — Essential terms

1. The parties should identify the ship or method of nomination, service, duration or voyage, cargo, freight or hire, delivery, redelivery and governing dispute process.
2. An omitted term may be supplied by established course of dealing, applicable trade usage and this Code without inventing an agreement the parties did not make.

Article 445 — Good faith and cooperation

1. Each party shall act honestly and cooperate in matters necessary to perform the charterparty.
2. Good faith does not require surrender of an express commercial right but prohibits deliberate obstruction of the contract's agreed purpose.

SECTION 2
SHIP, ORDERS AND SAFE PLACE

Article 446 — Ship description and performance

1. A material description of capacity, class, speed, consumption, equipment or trading ability is warranted as stated or reasonably understood.
2. A minor inaccuracy gives only a proportionate remedy unless it substantially deprives the charterer of the expected benefit.

Article 447 — Seaworthiness and due diligence

1. The owner shall exercise due diligence to provide a seaworthy, properly manned, equipped and supplied ship at the time required by the charter.
2. A clause excluding liability for personal failure to exercise that due diligence is ineffective where the failure causes serious safety or pollution harm.

Article 448 — Nomination and substitution

1. Where the owner may nominate or substitute a ship, the ship supplied shall satisfy the contract and be reasonably suitable for the contemplated service.
2. Substitution shall not materially prejudice timing, cargo, insurance, sanctions compliance or the charterer's legitimate operational interest.

Article 449 — Orders and indemnity

1. The charterer shall give lawful orders within the contractual employment of the ship and shall indemnify the owner for the direct consequence of complying with an extraordinary risk created by such an order.
2. No indemnity arises to the extent that the owner or master knowingly acts unlawfully or unreasonably fails to mitigate.

Article 450 — Safe port and berth

1. A charterer nominating a port or berth warrants that the ship can reach, use and leave it safely, subject to abnormal and unforeseeable danger.
2. The master may refuse or leave an unsafe place and shall permit a reasonable alternative nomination where circumstances allow.

CHAPTER II
VOYAGE CHARTER

SECTION 1
READINESS, LAYTIME AND CARGO WORK

Article 451 — Voyage charter

1. Under a voyage charter, the owner undertakes to carry agreed cargo on one or more voyages in return for freight.
2. The owner retains navigation and management of the ship unless the contract expressly allocates a particular function otherwise.

Article 452 — Notice of readiness

1. Laytime begins only after the ship is an arrived ship, legally and physically ready to load or discharge, and a valid notice of readiness is given as required.
2. A notice may be electronic and may become effective upon later readiness if the charterparty clearly so provides.

Article 453 — Laytime

1. Allowed laytime and its commencement, interruption and calculation are governed by the charterparty and applicable trade usage.
2. Time shall not count while loading or discharge is prevented by the owner's breach or the ship's material unreadiness, unless clearly and lawfully agreed.

Article 454 — Loading and discharge

1. The parties shall perform their allocated cargo functions with reasonable dispatch, competent personnel and safe methods.
2. The master retains authority over stowage, stability and ship safety even where the charterer performs cargo work.

Article 455 — Demurrage

1. Demurrage is agreed compensation for detention beyond laytime at the stipulated rate.
2. It ordinarily covers delay loss but not a distinct loss caused by a separate breach unless the contract provides otherwise.

SECTION 2
FREIGHT, REMEDIES AND CANCELLATION

Article 456 — Despatch

1. Where despatch is agreed, the owner shall pay it for laytime saved according to the stated rate and calculation.
2. The account shall be settled with supporting time records and without unreasonable delay.

Article 457 — Freight

1. Freight is earned and payable at the time and on the basis agreed, subject to this Code and commercial usage.
2. Prepaid freight is not returnable merely because performance later fails unless the contract, fault or governing law requires repayment.

Article 458 — Deadfreight

1. A charterer failing to supply the agreed quantity is liable for resulting freight loss after credit for expense saved and substitute cargo reasonably obtained.
2. The owner shall take reasonable measures to mitigate and shall disclose the calculation.

Article 459 — Lien and withholding delivery

1. A contractual lien on cargo or subfreight is enforceable only to the extent clearly agreed and permitted by this Code.
2. Goods shall not be withheld for an unrelated or genuinely disputed amount where adequate security is provided.

Article 460 — Cancellation and frustration of voyage

1. A charterer may cancel when the ship is not ready by the contractual cancelling date, subject to any agreed notice procedure.
2. A supervening event discharges or adjusts performance only under the contract and general law governing force majeure, impossibility and frustration.

CHAPTER III
TIME CHARTER

SECTION 1
DELIVERY, HIRE AND EMPLOYMENT

Article 461 — Time charter

1. Under a time charter, the owner provides the ship and crew for a period while the charterer directs its commercial employment within agreed limits.
2. Navigation, safety, crew employment and technical management remain with the owner unless lawfully and expressly transferred.

Article 462 — Delivery

1. The ship shall be delivered at the agreed place and time in the promised condition, with certificates, stores and capabilities required for service.
2. A joint survey or digital condition record may establish delivery condition without preventing proof of concealed defect.

Article 463 — Hire

1. Hire is payable at agreed intervals and rates, subject to lawful deductions and set-off.
2. Withdrawal for nonpayment requires clear contractual authority, notice where practicable and good-faith regard to cargo and third-party interests.

Article 464 — Off-hire

1. Hire ceases or is reduced during a period in which an agreed event prevents the full working of the ship.
2. The charterer bears the burden of showing the event, loss of time and contractual connection, while the owner shall provide relevant operational records.

Article 465 — Employment and agency

1. The master shall follow lawful commercial instructions concerning employment, agency and routes within the charterparty.
2. The charterer shall not direct navigation, safety management, crew discipline or an unlawful operation.

SECTION 2
DOCUMENTS, BUNKERS AND REDELIVERY

Article 466 — Bills of lading under time charter

1. The master or authorized agent shall sign transport documents conforming to receipts and lawful charter instructions.
2. The charterer shall indemnify the owner for liability caused solely by an instruction to sign terms beyond authority, except to the extent of owner fault or knowledge.

Article 467 — Bunkers and energy

1. Responsibility for supplying and paying for fuel or energy shall follow the charterparty, and supplies shall meet lawful quality and safety requirements.
2. The supplying party is responsible for reasonably foreseeable loss caused by off-specification supply, subject to proof and mitigation.

Article 468 — Redelivery

1. The charterer shall redeliver the ship at the agreed place and within the permitted period in substantially the condition required, ordinary wear excepted.
2. Early or late redelivery gives the remedy stated by contract or the loss reasonably proved under general law.

Article 469 — Trading limits and sanctions

1. The charterer shall employ the ship only within agreed geographic, cargo, insurance and legal limits.
2. A party may refuse performance that would violate applicable sanctions or law, but shall not invoke a remote or self-created risk as a pretext to escape a bargain.

Article 470 — Data and performance monitoring

1. The parties may use sensors, voyage data and agreed analytics to measure performance, consumption and emissions.
2. Data shall be authentic, mutually accessible to the extent material, protected against manipulation and interpreted according to agreed tolerances and conditions.

CHAPTER IV
BAREBOAT CHARTER

SECTION 1
POSSESSION, REGISTRATION AND OPERATION

Article 471 — Bareboat charter

1. Under a bareboat charter, possession and operational control of the ship pass to the charterer for the agreed period without the owner providing the crew.
2. The bareboat charterer assumes the responsibilities assigned to an owner and operator, without acquiring title unless separately agreed and registered.

Article 472 — Delivery under bareboat charter

1. The owner shall deliver the ship with title and registry information, class, certificates and condition required by the charter.
2. The charterer shall inspect and record condition and promptly notify a latent or material discrepancy.

Article 473 — Registration and flag

1. A bareboat charter affecting flag or registry shall comply with Articles 122 and 123 and protect registered mortgages.
2. Neither party shall create dual flag status or conceal the underlying ownership register.

Article 474 — Operation and maintenance

1. The bareboat charterer shall crew, victual, operate, maintain, repair and insure the ship at its cost as agreed.
2. The charterer shall preserve class, statutory certificates and value and permit reasonable owner and mortgagee inspection.

Article 475 — Alteration

1. A material structural or machinery alteration requires owner consent and all regulatory approval.
2. An emergency repair necessary for safety may proceed without prior consent where notice is impracticable, with prompt documentation.

SECTION 2
CLAIMS, INSURANCE AND TERMINATION

Article 476 — Encumbrance and supply claims

1. The charterer shall not mortgage the owner's title and shall take reasonable measures to prevent unauthorized liens.
2. A notice against lien does not defeat a maritime lien arising by law or the rights of a supplier reasonably relying on authorized procurement.

Article 477 — Insurance under bareboat charter

1. The charterer shall maintain hull, liability and other agreed insurance in the names and interests required by the charter and registered security.
2. Material cancellation or reduction shall be notified promptly to the owner and registered mortgagee.

Article 478 — Termination for default

1. A material default may justify termination after required notice and reasonable opportunity to cure, unless cure is impossible or urgent repossession is necessary to protect life or the ship.
2. Repossession shall be peaceful or judicial and shall protect crew, cargo and port interests.

Article 479 — Redelivery and restoration

1. At termination, the charterer shall redeliver the ship, records and appurtenances at the agreed place and condition, ordinary wear excepted.
2. Agreed alterations shall be restored only where required by the charter and reasonably practicable.

Article 480 — Finance lease and purchase option

1. A bareboat charter may include financing and a purchase option without changing its legal effect before valid exercise and registration.
2. A court shall respect commercial substance, creditor notice and insolvency law and shall not treat disguised secured finance as an absolute transfer.

TITLE II
CARRIAGE OF GOODS BY SEA
CHAPTER I
SCOPE, PARTIES AND PERFORMANCE

SECTION 1
CONTRACT, PARTIES AND RESPONSIBILITY

Article 481 — Contract of carriage of goods

1. A contract of carriage is an agreement by which a carrier undertakes, for freight, to carry goods wholly or partly by sea.
2. This Title applies according to its scope provisions whether the contract is evidenced by paper, electronic record or no transport document.

Article 482 — Carrier and performing party

1. The carrier is the person entering the contract with the shipper; a performing party is a person performing or undertaking a carrier function at the carrier's request or under its control.
2. The contractual carrier remains responsible within this Title notwithstanding delegation.

Article 483 — Shipper and documentary shipper

1. The shipper is the person entering the contract with the carrier, and a documentary shipper is a consenting person identified as shipper in the transport document.
2. A documentary shipper has the rights and duties expressly assigned by this Code without displacing the contracting shipper's obligations.

Article 484 — Period of responsibility

1. The carrier's responsibility begins when it or a performing party receives the goods for carriage and ends when delivery is completed.
2. The parties may define receipt and delivery consistently with mandatory law but shall not artificially exclude a period of actual carrier custody.

Article 485 — Duty to carry and deliver

1. The carrier shall carry the goods to destination and deliver them to the person entitled under the contract and transport record.
2. The carrier shall perform with reasonable dispatch and comply with lawful instructions of the controlling party.

SECTION 2
CARE, SEAWORTHINESS AND SPECIAL CARGO

Article 486 — Care of goods

1. During its responsibility, the carrier shall properly and carefully receive, load, handle, stow, carry, keep, care for, unload and deliver the goods.

2. A function validly allocated to the shipper remains subject to the master's safety authority and the carrier's nondelegable duty of seaworthiness.

Article 487 — Seaworthiness of carrying ship

1. The carrier shall exercise due diligence before, at the beginning of and during the voyage to keep the ship seaworthy, properly crewed, equipped and supplied and cargo spaces fit.
2. The obligation is continuing and a contractual exclusion is ineffective against a protected holder or cargo interest.

Article 488 — Route and deviation

1. The carrier shall follow the agreed or customary route and may make a reasonable deviation for safety, rescue or another proper purpose.
2. An unreasonable deviation is assessed as breach under this Title and does not automatically destroy every contractual protection.

Article 489 — Deck carriage

1. Goods may be carried on deck where agreed, required by law or customary for the trade and type of goods.
2. Unauthorized deck carriage exposing goods to special risk makes the carrier responsible for loss caused by that risk and defeats an inconsistent limitation where this Code so provides.

Article 490 — Live animals and special cargo

1. Terms reasonably allocating the special risks of live animals or inherently sensitive cargo are valid if transparent and not contrary to public safety.
2. The carrier remains liable for loss caused by its failure to exercise required care.

CHAPTER II
LIABILITY, CLAIMS AND LIMITS

SECTION 1
LIABILITY FOR LOSS, DAMAGE AND DELAY

Article 491 — Basis of carrier liability

1. The carrier is liable for loss, damage or delay occurring during its period of responsibility unless it proves that the cause was not attributable to its fault or that of a person for whom it is responsible.
2. Where several causes contribute, the carrier is liable to the extent it cannot prove the loss would have occurred independently of its fault.

Article 492 — Responsibility for others

1. The carrier is responsible for a performing party, master, crew, employee and agent acting within entrusted functions.
2. A maritime performing party is also directly liable for its own performance within Eritrean jurisdiction and receives the defenses and limits applicable to the carrier.

Article 493 — Delay

1. Delivery is delayed when not made within the expressly agreed time or, absent agreement, the time reasonable for a diligent carrier in the circumstances.
2. Economic loss from delay is recoverable only if foreseeable and proved, subject to the statutory limit.

Article 494 — Fire and nautical fault

1. Fire and navigation or management error are governed by the general liability rule and are not categorical exemptions.
2. The carrier may prove absence of attributable fault or another cause under Article 491.

Article 495 — Dangerous goods

1. The shipper shall inform the carrier of dangerous nature and necessary precautions and shall correctly mark or label the goods.
2. The carrier may refuse, unload, destroy or render harmless undeclared dangerous goods where reasonably necessary, with allocation of loss according to knowledge and fault.

SECTION 2
SHIPPER DUTIES, CLAIMS AND LIMITS

Article 496 — Shipper information and packing

1. The shipper shall provide accurate particulars and shall pack, mark and prepare goods sufficiently for ordinary contemplated transport.
2. The shipper is liable for loss caused by breach but is not presumed at fault merely because cargo is damaged.

Article 497 — Freight and charges

1. Freight and lawful charges are payable as agreed, and the carrier shall provide a transparent account on request.
2. A consignee accepting delivery is liable only for charges it expressly assumes or that are clearly stated in a transport document binding upon it.

Article 498 — Notice of loss

1. Apparent loss or damage should be notified at delivery and concealed loss within the prescribed period, with reasonable description.
2. Failure to notify is evidence of delivery as described but does not extinguish a claim where loss is otherwise proved.

Article 499 — Time for suit

1. A claim under this Title is barred unless judicial or arbitral proceedings begin within two years after delivery or the date delivery should have occurred.
2. The liable person may extend the period by authenticated declaration after the claim arises, and recourse actions receive the additional period prescribed by procedural law.

Article 500 — Limits and loss of limitation

1. Carrier liability is limited by package, shipping unit, weight or delay amounts stated in a Schedule enacted with this Code and expressed in Special Drawing Rights.
2. A person loses limitation for personal act or omission committed with intent to cause the loss or recklessly and with knowledge that it would probably result.

CHAPTER III
TRANSPORT DOCUMENTS AND DELIVERY

SECTION 1
ISSUE, CONTENTS AND EVIDENTIARY EFFECT

Article 501 — Transport document

1. At the shipper's request, the carrier shall issue a negotiable or non-negotiable transport document or electronic transport record appropriate to the agreement.
2. The record shall identify the carrier and goods, acknowledge receipt and state information required by this Code.

Article 502 — Bill of lading functions

1. A negotiable bill of lading is evidence of receipt and contract terms and represents the right to control and obtain delivery of the goods.
2. Its issue does not transfer ownership independently of the governing sale, security and property law.

Article 503 — Contents and reservations

1. The carrier shall state shipper particulars, apparent order and condition, quantity, marks, dates, ports and agreed delivery information.
2. The carrier shall qualify a particular it reasonably cannot verify and shall state the basis rather than use a meaningless general reservation.

Article 504 — Evidentiary effect

1. A transport document is prima facie evidence of receipt as stated and is conclusive in favour of a good-faith transferee for value where this Code so provides.
2. The carrier may prove fraud or that the transferee knew a stated particular was false.

Article 505 — Negotiability

1. A document is negotiable where it states that goods are deliverable to order, bearer or another expression giving equivalent effect.
2. Transfer occurs by endorsement and delivery or by the equivalent electronic-control method.

SECTION 2
CONTROL, TRANSFER AND DELIVERY

Article 506 — Non-negotiable record

1. A sea waybill or other non-negotiable record identifies the consignee but need not be surrendered where identity and delivery authority are reliably established.
2. The shipper may change the consignee before delivery unless the record or contract makes the designation irrevocable.

Article 507 — Right of control

1. The controlling party may give or modify lawful instructions concerning goods during carriage if the instruction is reasonably capable of performance and does not prejudice another protected person.
2. The controlling party shall reimburse reasonable additional cost and provide security where requested on reasonable grounds.

Article 508 — Transfer of rights

1. Transfer of a negotiable transport record transfers the rights embodied in it, subject to defenses and property law.
2. A transferee does not assume shipper liabilities merely by holding the record unless it exercises a corresponding right or expressly assumes them.

Article 509 — Delivery against record

1. The carrier shall deliver negotiable goods only against surrender or transfer of control of the transport record, except under a lawful alternative-delivery procedure.
2. Delivery to the wrong person makes the carrier liable without benefit of limitation where done knowingly or recklessly.

Article 510 — Goods remaining undelivered

1. If the entitled person cannot be found, refuses delivery or fails to give instructions, the carrier may store, discharge or sell perishable goods after reasonable notice.
2. Action shall protect value and account for proceeds after freight, storage and reasonable cost.

TITLE III
ELECTRONIC AND MULTIMODAL TRANSPORT
CHAPTER I
ELECTRONIC TRANSFERABLE RECORDS

SECTION 1
FUNCTIONAL EQUIVALENCE AND RELIABILITY

Article 511 — Electronic transport record

1. An electronic transport record shall not be denied legal effect solely because it is electronic.
2. It satisfies a writing, signature, original, possession or endorsement requirement when the reliable functional equivalent stated by this Code is met.

Article 512 — Reliable method

1. Reliability is assessed from the purpose, operational rules, security, integrity, audit, error correction, standards and agreement of the parties.
2. No particular technology, registry, token or private platform is legally required unless an Assembly Act expressly provides otherwise.

Article 513 — Integrity

1. An electronic record retains integrity when information remains complete and unaltered apart from authorized change arising in ordinary communication, storage or display.
2. The system shall preserve an auditable history of issue, amendment, endorsement, transfer and cancellation.

Article 514 — Exclusive control

1. Where possession of a transferable document is required, an electronic record satisfies it through a reliable method establishing exclusive control by the entitled person.
2. Exclusive control shall be capable of transfer and independent verification without creating simultaneous valid holders.

Article 515 — Identity and signature

1. An electronic signature is sufficient where it reliably identifies the signer, indicates intention and links the signer to the record.
2. The method shall be proportionate to transaction risk and shall not discriminate against an accessible lawful signature service.

SECTION 2
CONVERSION, FAILURE AND RECOGNITION

Article 516 — Conversion between media

1. A paper transport document may be replaced by an electronic record, or conversely, with holder consent and a reliable statement terminating the prior medium.

2. After valid conversion, the replaced record has no transferable effect and shall be marked cancelled or otherwise made inoperative.

Article 517 — System failure and recovery

1. Operating rules shall address loss of access, compromise, mistaken transfer, insolvency of a service provider and recovery of authoritative state.
2. A court may preserve or restore control on reliable evidence without validating duplicate entitlement.

Article 518 — Recognition of foreign electronic records

1. An electronic transport record shall not be denied effect because it was issued, stored or administered abroad.
2. Its legal validity depends on this Code's functional requirements and applicable private international law, not the location of a server.

Article 519 — Interoperability and open access

1. Public systems shall use reasonable interoperable standards and shall not require a single private provider for electronic trade records.
2. A service fee and technical condition shall be transparent, proportionate and nondiscriminatory.

Article 520 — Data protection and confidentiality

1. A transport-record system shall collect, use and disclose personal and confidential commercial data only for lawful and necessary purposes.
2. Access controls, retention, correction and breach response shall comply with applicable data-protection law.

CHAPTER II
MULTIMODAL AND CONTAINER TRANSPORT

SECTION 1
MULTIMODAL RESPONSIBILITY AND DOCUMENTS

Article 521 — Multimodal carriage involving sea

1. A contract covering sea carriage and another mode is governed by this Title as to the sea stage and by mandatory law applicable to another stage.
2. Where the stage of loss cannot be identified, the uniform rules stated in this Chapter apply unless another mandatory regime controls.

Article 522 — Contracting multimodal operator

1. A person undertaking door-to-door carriage as principal is responsible for the whole promised transport, notwithstanding subcontracting.
2. The operator may rely on defenses and limits applicable to the stage where loss is proved to have occurred.

Article 523 — Through transport document

1. A through transport record may cover receipt, inland movement, port handling, sea carriage and final delivery.
2. It shall clearly identify the contracting carrier or multimodal operator and shall not misleadingly describe an agent as principal.

SECTION 2
CONTAINERS AND MANDATORY PROTECTION

Article 524 — Containers and unit loads

1. A carrier receiving a sealed container may describe contents as declared and reserve inability to inspect, while recording apparent external condition and seal.
2. Responsibility for packing, securing and declared contents follows the party performing or controlling those functions.

Article 525 — Mandatory protection and volume contracts

1. A term reducing carrier duties or liability below this Title is ineffective against a shipper, consignee or holder except in a genuinely negotiated volume contract meeting statutory transparency safeguards.
2. A volume-contract derogation shall be prominent, individually negotiated, not incorporated solely by reference and shall not bind a third party without informed express consent.

TITLE IV
CARRIAGE OF PASSENGERS AND LUGGAGE
CHAPTER I
PASSENGER CONTRACT AND PERFORMANCE

SECTION 1
CONTRACT, PARTIES AND PASSENGER RIGHTS

Article 526 — Passenger contract

1. A passenger contract is an agreement to carry a person by sea, with or without luggage or a vehicle, for reward or as part of a commercial service.
2. A person carried unlawfully, a crew member acting in employment and a person aboard solely for rescue are not passengers for contractual classification, without losing other legal protection.

Article 527 — Passenger ticket and information

1. The carrier shall provide an accessible ticket or electronic record identifying carrier, voyage, passenger, fare, principal terms and complaint contact.
2. Before booking and departure, material safety, accessibility, cancellation and liability terms shall be clearly available.

Article 528 — Carrier and performing carrier

1. The contractual carrier remains responsible for the entire carriage and a performing carrier is responsible for the part it performs.
2. Their liability is joint to the extent both are responsible, without double recovery.

Article 529 — Period of carriage

1. Carriage includes embarkation and disembarkation and the period aboard, together with carrier-provided transfer by water between shore and ship.
2. It excludes presence in a marine terminal before embarkation or after disembarkation unless the carrier has assumed custody under another law.

Article 530 — Dignity, equality and accessibility

1. A carrier shall treat passengers with dignity and without unlawful discrimination and shall provide reasonable accessibility and assistance.
2. A person shall not be refused solely because of disability where safe carriage is reasonably possible with proportionate accommodation.

SECTION 2
PERFORMANCE, CANCELLATION AND SAFETY

Article 531 — Passenger safety duties

1. The carrier shall provide a seaworthy ship, competent crew, required insurance, safety information and reasonable care throughout carriage.

2. The passenger shall follow lawful safety instructions and disclose a condition only where reasonably necessary for safe assistance.

Article 532 — Cancellation and delay

1. A carrier shall provide timely information and reasonable rerouting, refund, care or accommodation for substantial cancellation or delay as prescribed by regulations under delegated authority.
2. An exclusion may address extraordinary unavoidable circumstances but shall not eliminate basic care or refund for service not provided.

CHAPTER II
LIABILITY, INSURANCE AND REMEDIES

SECTION 1
DEATH, INJURY AND LUGGAGE

Article 533 — Death and personal injury

1. The carrier is liable for passenger death or personal injury according to the maritime incident and fault rules and limits stated in a Schedule enacted with this Code.
2. For a shipping incident, the carrier bears liability up to the statutory first tier unless it proves the exceptional defenses stated by the Schedule.

Article 534 — Luggage and vehicles

1. The carrier is liable for loss of or damage to cabin luggage, other luggage and vehicles occurring during carriage according to the fault presumptions and limits in the Schedule.
2. Valuables are covered beyond ordinary limits only when deposited with the carrier or expressly accepted under a declared-value arrangement.

Article 535 — Contributory conduct

1. Compensation may be reduced to the extent the passenger’s intentional or negligent conduct caused or contributed to the loss.
2. The carrier bears the burden and may not rely on conduct arising from disability or emergency confusion without proving unreasonable failure to follow clear assistance.

Article 536 — Limits and loss of limitation

1. Passenger and luggage limits shall be expressed in Special Drawing Rights and periodically reviewed only through lawful amendment.
2. A person loses limitation for personal intentional or reckless conduct with knowledge that loss would probably result.

SECTION 2
INSURANCE, CLAIMS AND MANDATORY RIGHTS

Article 537 — Compulsory insurance

1. A prescribed passenger ship shall maintain insurance or other financial security covering statutory death and personal-injury liability.
2. Passengers and claimants shall have a direct right of action against the provider subject to defenses available under the governing liability regime.

Article 538 — Notice and time for suit

1. A passenger should notify apparent luggage damage before or at disembarkation and concealed damage within the prescribed period.
2. A death, injury or luggage claim is barred only after the limitation period stated in the Schedule, subject to lawful suspension, extension and protection of minors or incapacity.

Article 539 — Jurisdiction and arbitration

1. A passenger may bring proceedings in a competent forum with a substantial connection to residence, departure, destination, carrier establishment or ship registration as prescribed by this Code.
2. A pre-dispute term forcing an inaccessible forum or arbitration upon a consumer passenger is ineffective.

Article 540 — Mandatory passenger protection

1. A contractual term reducing a passenger's statutory rights, burden of proof, insurance access, limit or forum protection is ineffective.
2. A settlement after an incident is valid if informed, voluntary and fair and does not prejudice another claimant's independent right.

BOOK SIX
MARINE INCIDENTS, LIABILITY AND COMPENSATION
TITLE I
COLLISION AND NAVIGATIONAL DAMAGE
CHAPTER I
FAULT, DAMAGE AND ALLOCATION

SECTION 1
COLLISION, FAULT AND CAUSATION

Article 541 — Collision

1. Collision includes contact between ships and damage caused by manoeuvre, wash, suction or navigational interaction without physical contact.
2. This Title applies to seagoing and inland craft and to State ships engaged in commercial service, subject to lawful immunity for noncommercial public service.

Article 542 — Fault-based liability

1. Liability for collision damage rests on proved fault of a ship or person for whom it is responsible.
2. Fault includes breach of navigation rules and failure to exercise reasonable maritime skill and care in the circumstances.

Article 543 — Presumption from rule breach

1. Breach of a collision-prevention rule is evidence of fault but does not create automatic liability unrelated to causation.
2. The person in breach may prove that the breach neither caused nor contributed to the loss.

Article 544 — Inevitable accident and unknown cause

1. No liability arises where collision results from an inevitable accident despite reasonable care.
2. Where cause remains uncertain, each interest bears its own loss unless a claimant proves another legal basis.

Article 545 — Common fault

1. Where two or more ships are at fault, liability for property and economic loss is allocated in proportion to causal responsibility.
2. If degrees cannot reasonably be distinguished, responsibility is equal.

SECTION 2
PERSONAL, PROPERTY AND ENVIRONMENTAL LOSS

Article 546 — Personal injury and death

1. Ships at fault are jointly and severally liable to a person suffering death or personal injury, subject to contribution between responsible persons.

2. A claimant's compensation may be reduced only to the extent of the claimant's own legally relevant conduct.

Article 547 — Property damage

1. Recoverable property damage includes reasonable repair, replacement, survey, towage, salvage, detention and associated expense.
2. Recovery shall not exceed the amount reasonably necessary to restore the claimant to the position absent the collision.

Article 548 — Economic loss

1. Loss of use, profit, freight or hire is recoverable where directly caused, reasonably foreseeable and proved with reasonable certainty.
2. Remote market loss and speculative opportunity are not recoverable.

Article 549 — Environmental damage

1. Collision liability includes reasonable preventive measures, environmental reinstatement and consequential loss recognized under this Code.
2. A specialized pollution regime applies in priority where its conditions are met.

Article 550 — Liability for pilot

1. The owner and operator remain civilly responsible for navigational fault while a pilot is aboard, including compulsory pilotage.
2. This rule does not prevent recourse against a pilotage provider for its independent fault or preserve an unlawful contractual immunity.

CHAPTER II
DUTIES, CLAIMS AND PROCEDURE

SECTION 1
POST-COLLISION DUTIES AND JURISDICTION

Article 551 — Duties after collision

1. Each master shall render assistance so far as possible without serious danger and exchange ship identity, registry and contact information.
2. Failure creates liability for resulting additional loss and may support separate public enforcement.

Article 552 — Preservation and reporting

1. The ships shall preserve relevant logs, voyage data, communications and physical evidence and make required casualty reports.
2. A party shall not manipulate data or repair material evidence before reasonable inspection except for safety or continued essential service.

Article 553 — Jurisdiction

1. An Eritrean court may hear a collision claim where the collision or damage occurred in Eritrean waters, a defendant is domiciled or established in Eritrea, an involved ship is arrested in Eritrea or another substantial connection exists.
2. Jurisdiction shall be exercised consistently with forum agreements, parallel proceedings and access to an effective remedy.

Article 554 — Applicable law

1. Collision in Eritrean waters is governed by this Code, subject to a treaty validly applicable in Eritrea.
2. For collision elsewhere, private international law shall consider place, flags, common residence and the legal system most closely connected.

Article 555 — Sister-ship and associated liability

1. Fault of one ship does not make another ship personally liable merely because ownership is common.
2. Arrest of an associated ship may secure the responsible owner’s claim only under Articles 202 through 206.

SECTION 2
CONTRIBUTION, LIMITATION AND TIME

Article 556 — Contribution

1. A person paying more than its share may recover contribution from another responsible person according to causal responsibility.

2. A settlement made reasonably and with notice may support contribution without binding a nonparticipating person to an unreasonable amount.

Article 557 — Limitation preserved

1. A person liable for collision may invoke the limitation regime in this Book unless limitation is lost.
2. Allocation of fault occurs before application and distribution of a limitation fund.

Article 558 — Time for collision claim

1. A collision claim is barred unless proceedings begin within two years after the incident.
2. A contribution claim may begin within one year after payment or final determination, subject to lawful extension or suspension.

Article 559 — Other navigation damage

1. This Chapter applies with necessary modification to grounding, allision with fixed property and damage caused by unsafe navigation.
2. A port, bridge, cable, pipeline or offshore facility owner remains responsible for its independent fault and unlawful obstruction.

Article 560 — Contractual allocation

1. Parties may allocate collision risk between themselves by charterparty, towage or service contract.
2. The allocation does not bind an injured third party or excuse intentional, reckless or unlawful conduct.

TITLE II
SALVAGE
CHAPTER I
RIGHT TO SALVAGE REWARD

SECTION 1
OPERATION, DANGER AND ENTITLEMENT

Article 561 — Salvage operation

1. A salvage operation is an act or activity undertaken to assist a ship or other property in danger in navigable waters or other waters.
2. It includes action to prevent or minimize environmental damage in connection with the endangered property.

Article 562 — Right to reward

1. A useful salvage result gives the salvor a right to reward payable by salved ship, cargo, freight and other property interests in proportion to salved value.
2. No reward is due under the ordinary rule without useful result, subject to special environmental compensation.

Article 563 — Danger

1. Danger must be real and reasonably apprehended, though it need not be immediate or certain.
2. Assessment considers condition, location, weather, crew, assistance available and risk to property or environment.

Article 564 — Voluntary service

1. A person owes no salvage reward for performance of an existing contractual or official duty unless service exceeds what could reasonably be required.
2. A crew member may claim only for exceptional service outside ordinary employment after the ship has faced genuine peril.

Article 565 — Consent and refusal

1. The owner or master may conclude a salvage agreement and may refuse assistance reasonably.
2. No reward is due for services rendered despite an express and reasonable prohibition, except necessary action to protect life or the public environment.

SECTION 2
DUTIES AND ASSESSMENT OF REWARD

Article 566 — Duties of salvor

1. The salvor shall act with due care, minimize environmental damage, seek other assistance where reasonably required and accept intervention reasonably requested.

2. The salvor shall protect rescued persons and property and account for property taken into custody.

Article 567 — Duties of owner and master

1. The owner and master shall cooperate with the salvor, protect the environment and accept redelivery when the property reaches safety.
2. They shall provide material information concerning cargo, hazards, ship condition and insurance.

Article 568 — Criteria for reward

1. The reward shall encourage salvage and consider salved value, success, skill, environmental protection, danger, time, expense, equipment readiness and risk incurred.
2. The criteria have no mandatory order and shall be weighed according to the operation.

Article 569 — Maximum reward

1. Ordinary salvage reward, excluding interest and recoverable legal cost, shall not exceed the salved value of property.
2. Payment is apportioned among property interests according to their respective salved values.

Article 570 — Life salvage

1. A person saving life is entitled to a fair share of reward arising from salvage of property in the same operation.
2. Where no property reward arises, public compensation may be available only under an Assembly Act or authorized programme.

CHAPTER II
ENVIRONMENT, SECURITY AND CLAIMS

SECTION 1
ENVIRONMENTAL COMPENSATION AND CONTRACTS

Article 571 — Environmental special compensation

1. A salvor of a ship or cargo threatening substantial environmental damage may recover reasonable expenses where ordinary reward is insufficient.
2. The tribunal may allow an enhancement within limits stated in the Schedule for successful prevention or minimization, reduced for salvor negligence.

Article 572 — Salvage contract

1. A salvage agreement may be concluded in any reliable form, including electronically, by a person with authority over the endangered property.
2. The court or tribunal may modify or annul a term obtained under danger by undue influence or manifestly inequitable pressure or providing an excessively disproportionate reward.

Article 573 — Public-authority salvage

1. A public authority or person acting under its direction may claim salvage only to the extent permitted by law and where service exceeds ordinary public duty.
2. Emergency regulation shall promote cooperation and shall not appropriate private salvage without legal basis and fair treatment.

Article 574 — Salvage by State or warship

1. A State-owned ship engaged in noncommercial service may receive or owe salvage only under an Assembly Act or applicable treaty.
2. Persons aboard retain individual rights only where law expressly permits and no conflict with public duty exists.

Article 575 — Apportionment among salvors

1. Reward among salvors is apportioned by contribution to the criteria in Article 568.
2. An employee, subcontractor or assisting ship may claim according to contract and contribution without double recovery.

SECTION 2
APPORTIONMENT, SECURITY AND TIME

Article 576 — Master and crew share

1. The share of master and crew of an Eritrean salving ship shall be determined by agreement made after the event or by fair statutory allocation.
2. A pre-event waiver by a seafarer of all salvage share is ineffective, except for professional salvage employment with fair remuneration.

Article 577 — Security for salvage

1. Before property is released, the salvor may require reasonable security for reward, interest and cost.
2. The shipowner shall use reasonable efforts to ensure cargo interests provide their security before release.

Article 578 — Maritime lien

1. A salvage claim gives rise to the maritime lien recognized by Article 172 and its priority and duration.
2. The salvor shall not enforce the lien after sufficient security is accepted or ordered.

Article 579 — Interim payment

1. The court or tribunal may order a fair interim payment where entitlement is reasonably clear and delay would cause hardship.
2. Security shall be reduced correspondingly and repayment protected if final award is lower.

Article 580 — Time for salvage claim

1. A salvage claim is barred unless proceedings begin within two years after termination of the operation.
2. The person against whom the claim is made may extend the period by authenticated declaration after the operation.

TITLE III
GENERAL AVERAGE
CHAPTER I
GENERAL AVERAGE ACT AND ALLOWANCES

SECTION 1
COMMON ADVENTURE AND ALLOWANCES

Article 581 — General average act

1. A general average act occurs only when an extraordinary sacrifice or expenditure is intentionally and reasonably made for common safety to preserve property in a common maritime adventure from peril.
2. The resulting allowable loss is shared among contributing interests under this Title.

Article 582 — Common maritime adventure

1. Ship, cargo, freight, bunkers and other property are in a common maritime adventure when exposed together to a common maritime peril.
2. Separate ownership or multimodal continuation does not alone prevent a common adventure during the maritime stage.

Article 583 — Reasonableness and causation

1. Only a sacrifice or expenditure reasonably made and directly consequential upon the general average act is allowable.
2. Indirect loss, market loss, delay and loss of profit are excluded unless expressly allowed by applicable agreed rules.

Article 584 — Fault and contribution

1. General average is adjusted notwithstanding fault that caused the peril, without prejudice to defenses or recourse against the person at fault.
2. A party shall not benefit from its fault beyond what contribution and recourse law permits.

Article 585 — Contractual rules

1. The parties may incorporate a stated edition of the York-Antwerp Rules or other internationally recognized adjustment rules.
2. Absent valid agreement, this Title and regulations made within delegated technical authority govern.

SECTION 2
SACRIFICES AND EXPENDITURES

Article 586 — Sacrifice of cargo

1. Cargo intentionally sacrificed for common safety is allowed at its net value at destination, subject to freight, damage and charges saved.

2. Undeclared or knowingly misdescribed dangerous cargo may be excluded where the nondisclosure caused the sacrifice.

Article 587 — Damage to ship

1. Damage to ship, machinery or equipment caused by a reasonable general average act is allowed according to repair or depreciated replacement and value enhancement.
2. Ordinary wear, pre-existing defect and routine maintenance are excluded.

Article 588 — Port of refuge expenses

1. Reasonable costs of entering, remaining at and leaving a port of refuge, including handling necessary for common safety or repairs, may be allowed.
2. Expense incurred solely to complete the commercial voyage after common safety is restored is excluded unless the applicable rules provide otherwise.

Article 589 — Substituted expense

1. An extraordinary expense incurred instead of another allowable expense is allowed up to the amount reasonably saved.
2. The allowance does not depend on benefit to every contributing interest.

Article 590 — Salvage and general average

1. Salvage remuneration may be treated in general average only as provided by the applicable adjustment rules and to prevent inequitable duplication.
2. Environmental special compensation is allocated according to its legal basis and is not automatically a cargo contribution.

CHAPTER II
CONTRIBUTION, SECURITY AND ADJUSTMENT

SECTION 1
VALUES, SECURITY AND ADJUSTMENT

Article 591 — Contributing values

1. Contribution is based on net actual values at termination of the adventure, including property preserved and general average allowances.
2. Deductions shall be made for post-casualty charges and loss not borne by the contributing interest according to adjustment rules.

Article 592 — General average security

1. Before delivery, the carrier may require a reasonable bond, guarantee or deposit from cargo subject to contribution.
2. Security shall not exceed a good-faith estimate and shall be released or reduced when no longer reasonably required.

Article 593 — Adjustment

1. General average shall be adjusted by an independent qualified adjuster under the governing rules and in the currency stated by contract or adjustment.
2. The adjuster shall disclose methodology, material documents, calculations and conflicts to interested parties.

SECTION 2
INTEREST AND TIME

Article 594 — Interest and commission

1. Interest and commission are allowable only at rates and on items authorized by the governing adjustment rules.
2. A rate shall be commercially reasonable, transparent and not punitive.

Article 595 — Time for general average rights

1. A claim for contribution is barred unless adjustment or proceedings begin within the period stated in the Schedule after termination of the adventure.
2. A contractual or statutory extension shall preserve reasonable time for contribution and recourse.

TITLE IV
POLLUTION AND WRECK LIABILITY
CHAPTER I
POLLUTION DAMAGE AND STRICT LIABILITY

SECTION 1
DAMAGE AND PREVENTIVE MEASURES

Article 596 — Pollution damage

1. Pollution damage includes property loss outside the polluting ship, reasonable reinstatement of environmental impairment, preventive measures and consequential loss recognized by this Code.
2. Compensation for environmental impairment beyond lost profit is limited to reasonable measures actually undertaken or to be undertaken.

Article 597 — Preventive measures

1. A person taking reasonable measures after an incident to prevent or minimize pollution may recover resulting cost and loss under the applicable regime.
2. Measures shall be proportionate to the threatened harm and coordinated with competent authorities where practicable.

SECTION 2
TANKER OIL AND CHANNELLING

Article 598 — Tanker oil pollution

1. The registered owner of a ship carrying persistent oil in bulk as cargo is strictly liable for pollution damage caused by escape or discharge from the ship.
2. Liability is channelled to the owner subject to defenses, limitation, insurance and contribution stated by this Code.

Article 599 — Defenses to tanker-oil liability

1. The owner is not liable if the damage was wholly caused by war or comparable hostilities, an exceptional and irresistible natural phenomenon, intentional act of an unrelated third party, or negligent maintenance of navigational aids by a responsible authority.
2. Contributory conduct of the claimant may reduce compensation to the extent proved.

Article 600 — Channelling and recourse

1. A pollution claim governed by Article 598 shall not be brought against crew, pilot, charterer, manager, salvor or employee absent personal intentional or reckless conduct as prescribed.
2. The owner retains recourse against a person independently responsible.

SECTION 3
BUNKERS AND HAZARDOUS SUBSTANCES

Article 601 — Bunker oil pollution

1. The registered owner, bareboat charterer, manager and operator are jointly and severally liable for pollution damage caused by bunker oil from the ship.
2. The registered owner shall maintain compulsory insurance for prescribed ships, without prejudice to contribution among responsible persons.

Article 602 — Hazardous and noxious substances

1. The registered owner is strictly liable for death, injury, property damage, contamination and preventive measures caused by hazardous or noxious substances carried by sea.
2. Substances, defenses, limitation and any supplementary compensation mechanism shall be stated in a Schedule or separate Assembly Act.

Article 603 — Packaged hazardous substances

1. Liability for packaged hazardous substances follows Article 602 where designated by Schedule and otherwise follows fault-based law.
2. A shipper failing to disclose the substance is liable to the owner and affected persons to the extent the failure caused or increased loss.

Article 604 — Other ship-source pollution

1. Pollution not governed by Articles 598, 601 or 602 is subject to fault-based liability of the person causing it.
2. Breach of a prevention duty is evidence of fault and does not exclude strict liability under another regime.

Article 605 — Multiple ships and unknown source

1. Where pollution from two or more ships cannot reasonably be separated, responsible owners are jointly and severally liable under the applicable regimes.
2. A ship is not liable merely because it was near the incident without proof linking it to the pollution.

CHAPTER II
CLAIMS, INSURANCE AND COMPENSATION

SECTION 1
GEOGRAPHIC SCOPE AND CLAIMANTS

Article 606 — Geographic scope

1. This pollution Title applies to damage in Eritrean territory, territorial sea and other maritime zones over which Eritrea lawfully exercises relevant rights.
2. It also applies to preventive measures wherever taken to avert or minimize such damage.

Article 607 — Environmental claims by public bodies

1. The State, local administration and authorized environmental body may claim reasonable assessment, response and restoration cost.
2. Recovery shall be used for the stated public purpose and shall be transparently accounted for.

Article 608 — Private pollution claims

1. A person suffering death, injury, property damage or established economic loss from pollution may bring a direct claim.
2. A claimant relying solely on use of a public resource shall show a sufficiently direct and legitimate economic interest.

SECTION 2
INSURANCE, FUNDS AND LIMITS

Article 609 — Compulsory pollution insurance

1. A ship subject to strict pollution liability shall maintain insurance or other financial security up to the applicable statutory limit.
2. The Administration shall issue or recognize a verifiable certificate and may detain a ship lacking required security.

Article 610 — Direct action against insurer

1. A pollution claimant may proceed directly against the insurer or financial-security provider.
2. The provider may invoke statutory defenses and limits but not the owner’s insolvency or a policy cancellation ineffective against the claimant.

Article 611 — Aggregation and limitation

1. All claims arising from one incident are aggregated for the applicable specialized pollution limit.
2. The owner loses limitation only through the personal intentional or reckless conduct specified by this Code.

Article 612 — Supplementary compensation

1. Where an Assembly Act establishes or joins a compensation fund, eligible claimants may recover unpaid qualifying loss according to that regime.
2. Contributions, governance, audits, claims and State commitments require express legislative authority and shall not be created by executive regulation alone.

CHAPTER III
WRECK LIABILITY AND COMMON RULES

SECTION 1
HAZARDOUS WRECKS AND SECURITY

Article 613 — Hazardous wreck liability

1. The registered owner is strictly liable for reasonable locating, marking and removal cost of a hazardous wreck under Articles 335 through 340.
2. Defenses, limitation and compulsory insurance apply as stated in this Book and the Schedule.

Article 614 — Wreck insurance and direct action

1. A prescribed ship shall maintain financial security for hazardous-wreck liability and carry a verifiable certificate.
2. A claimant may proceed directly against the provider subject to statutory defenses and limits.

Article 615 — Notice and mitigation

1. A claimant and responsible person shall give timely notice and take reasonable measures to mitigate pollution or wreck loss.
2. Failure reduces recovery only to the extent it caused avoidable prejudice or additional loss.

SECTION 2
EVIDENCE, SETTLEMENT AND TIME

Article 616 — Assessment and evidence

1. Environmental and removal claims shall be supported by reliable sampling, modelling, invoices, expert analysis and operational records appropriate to the circumstances.
2. Scientific uncertainty shall be stated candidly and does not bar proportionate preventive action.

Article 617 — Settlement and allocation

1. A settlement shall not exhaust a common limitation fund beyond the settling claim's proper share to the prejudice of other known claimants.
2. A reasonable settlement may support subrogation and contribution.

Article 618 — Subrogation

1. An insurer, fund or public body paying compensation is subrogated to the claimant's rights to the extent paid.
2. Subrogation shall not impair the claimant's priority for an unpaid balance except as law provides.

Article 619 — Time for pollution and wreck claims

1. A pollution or wreck claim is barred after the periods stated in the Schedule, including an ultimate period from the incident.
2. Proceedings against an insurer preserve the claim only according to the same substantive time regime.

Article 620 — No double recovery

1. A claimant shall not recover the same loss under more than one pollution, wreck, contract or tort regime.
2. The court shall coordinate overlapping rights while preserving the most specific mandatory protection.

TITLE V
LIMITATION, INSURANCE AND COMPENSATION PROCEDURE
CHAPTER I
RIGHT AND CLAIMS SUBJECT TO LIMITATION

SECTION 1
ENTITLED PERSONS AND COVERED CLAIMS

Article 621 — Persons entitled to limit

1. A shipowner, charterer, manager, operator, salvor and person for whose act they are responsible may limit liability for claims covered by this Chapter.
2. An insurer has the same right to limitation as the insured for the covered liability.

Article 622 — Claims subject to limitation

1. Limitation applies to claims for death, injury, property damage, delay and specified measures arising from operation of a ship or salvage.
2. It applies whether the claim sounds in contract, tort, recourse or indemnity, subject to exclusions.

Article 623 — Claims excluded

1. Limitation under the general fund does not apply to salvage reward, general average contribution, prescribed oil or hazardous-substance claims, nuclear damage, or crew claims excluded by the Schedule.
2. A specialized regime governs its own limit without cumulative limitation.

SECTION 2
LOSS OF LIMITATION AND CALCULATION

Article 624 — Conduct barring limitation

1. Limitation is lost only if the claimant proves that the liable person personally acted or omitted to act with intent to cause the loss or recklessly and with knowledge that it would probably result.
2. Fault of an employee does not break the enterprise's limit unless attributable as the personal conduct required by this Article.

Article 625 — General limits

1. Limits for death and personal injury and for other claims shall be calculated by ship tonnage and Special Drawing Right amounts in the Schedule.
2. A separate enhanced amount applies to passenger claims as provided by the Schedule.

Article 626 — Small ships and craft

1. The Schedule may establish proportionate minimum tonnage or fixed limits for small ships, inland craft and non-seagoing vessels.

2. A reduced limit shall preserve meaningful compensation and shall not discriminate by ownership nationality.

Article 627 — Special Drawing Right

1. A Special Drawing Right amount is converted into nakfa at the official market-based value published for the date the fund is constituted or payment is made without fund.
2. The National Bank shall publish the method and rate transparently and shall not use an administratively confiscatory exchange rate.

Article 628 — Distinct occasion

1. Claims arising from the same occurrence are aggregated into one limitation amount for each legally distinct liable ship or salvor.
2. A series of events forms one occurrence where it has a common originating cause and sufficient continuity.

CHAPTER II
FUND AND DISTRIBUTION

SECTION 1
CONSTITUTION AND EFFECT OF FUND

Article 629 — Constitution of fund

1. A person alleged liable may constitute a limitation fund in the competent court by deposit, guarantee or other acceptable security equal to the limit, interest and prescribed cost.
2. Constitution does not admit liability and shall be available without first paying a judgment.

Article 630 — Distribution of fund

1. The fund is distributed among established claims in proportion to their amounts, with the personal-injury priority stated in the Schedule.
2. A reserve may be maintained for disputed, future or foreign claims on fair conditions.

Article 631 — Effect of fund

1. After a sufficient fund is constituted, a claimant against it shall not maintain another arrest or enforcement against the same person's property for the limited claims.
2. Existing arrest shall be released upon effective availability of the fund and protection of the claimant's procedural rights.

Article 632 — Multiple liable persons

1. A fund constituted by one entitled person is available to all persons entitled to limit for the same ship and occurrence to the extent stated by law.
2. Contribution rights are determined after satisfaction of claimants and do not enlarge the fund.

SECTION 2
SUBROGATION, PROCEDURE AND FOREIGN FUNDS

Article 633 — Subrogated claims

1. A person paying a claim before distribution acquires the claimant's fund rights to the extent paid.
2. The court may recognize anticipated payment where necessary to prevent inequitable distribution.

Article 634 — Procedure and evidence

1. An application shall state occurrence, ship, tonnage, claimed limit, security and known claims and shall notify identifiable claimants.
2. The court shall decide entitlement, amount, challenges and distribution through a prompt transparent procedure.

Article 635 — Foreign limitation fund

1. A foreign fund may be recognized where established by a competent court under substantially equivalent limits and fair procedures.
2. Recognition shall not deny an Eritrean claimant practical access, notice or equal participation.

CHAPTER III
COMPULSORY INSURANCE AND REVIEW

SECTION 1
COVERAGE, CERTIFICATES AND CANCELLATION

Article 636 — Compulsory liability insurance

1. A ship shall maintain liability insurance or financial security for categories and amounts prescribed by this Code and Schedule.
2. Coverage shall be provided by a financially sound and accountable provider and evidenced by a verifiable certificate.

Article 637 — Certificate and port control

1. The certificate shall identify ship, owner, provider, coverage, limits, duration and verification contact.
2. An Eritrean or foreign ship lacking required evidence may be denied entry, detained or directed to a safe place under proportionate procedure.

Article 638 — Cancellation and continuity

1. The provider shall give prescribed advance notice to the Administration before cancellation or material reduction.
2. Cancellation does not prejudice a claim arising before the effective date or during a protected voyage period stated by law.

SECTION 2
DIRECT ACTION AND JUDICIAL COORDINATION

Article 639 — Direct action and defenses

1. A direct action exists where this Code or Schedule so provides, and the provider may rely on statutory limits and defenses.
2. The provider may additionally defend on the insured’s wilful misconduct where the specialized regime permits, but shall not rely on ordinary policy exclusions against a protected claimant.

Article 640 — Integrated claims and judicial review

1. Courts shall coordinate liability, limitation, insurance, arrest, fund and distribution proceedings to avoid inconsistent recovery and unnecessary cost.
2. Every detention, security demand, fund decision and final allocation remains subject to reasoned judicial process and effective review.

BOOK SEVEN
MARINE INSURANCE
TITLE I
MARINE INSURANCE CONTRACT AND INSURABLE INTEREST
CHAPTER I
NATURE, INTEREST AND ASSIGNMENT

SECTION 1
CONTRACT, ADVENTURE AND PERILS

Article 641 — Marine insurance contract

1. A marine insurance contract is an agreement by which an insurer, for premium, undertakes to indemnify or provide agreed benefits against marine risks.
2. The contract may cover maritime property, liability, earnings, expenses or another lawful interest incidental to a marine adventure.

Article 642 — Application of general insurance law

1. General insurance, contract, company and financial-services law supplements this Book.
2. This Book prevails where a specific marine-insurance rule is inconsistent with a general rule.

Article 643 — Marine adventure

1. A marine adventure includes exposure of ship, goods, freight, liability or another insurable interest to maritime perils.
2. It may include inland, air, storage and multimodal risks incidental to a voyage where the policy so provides.

Article 644 — Marine perils

1. Marine perils include fortuitous navigation casualties, weather, fire, piracy, theft, jettison, barratry and another peril designated by policy.
2. Ordinary wear, inherent vice and certain or inevitable loss are not fortuitous perils unless expressly and lawfully covered.

Article 645 — Indemnity and valued benefits

1. Marine property and liability insurance is indemnity insurance except where law permits an agreed value or benefit.
2. Insurance shall not provide a profit from loss, but agreed valuation and first-loss cover are enforceable within this Book.

SECTION 2
INSURABLE INTEREST AND ASSIGNMENT

Article 646 — Insurable interest

1. A person has an insurable interest where the person stands in a lawful economic relationship to the adventure and may benefit from safety or suffer from loss or liability.

2. Legal or equitable ownership is sufficient but not necessary.

Article 647 — Time of interest

1. The insured shall possess insurable interest at the time of loss, though interest need not exist when the policy is concluded.
2. A policy known by both parties to be a wager without genuine interest is unenforceable.

Article 648 — Defeasible and contingent interest

1. A defeasible, contingent, partial, future or contractual interest may be insured if genuine and capable of reasonable identification.
2. The indemnity shall not exceed the value of the interest that exists at loss.

Article 649 — Multiple interests

1. Owner, mortgagee, charterer, carrier, cargo owner, secured creditor and other persons may insure their distinct interests in the same subject.
2. Payment to one does not discharge another independent interest except to the extent its loss is satisfied or rights are lawfully assigned.

Article 650 — Assignment of interest

1. Assignment of the insured subject does not automatically transfer the policy unless the policy or insurer consents as law requires.
2. An assignment of claim after loss is valid according to contract and general law and does not require a new insurable interest.

CHAPTER II
POLICY FORM AND VALUE

SECTION 1
FORMATION AND POLICY RECORD

Article 651 — Formation

1. A marine policy may be concluded in writing or electronically and becomes binding when agreement is reached on essential terms.
2. The insurer shall provide an accessible policy record within a reasonable time.

Article 652 — Policy contents

1. The policy shall identify insurer, insured, subject, interest, risks, voyage or period, sum, deductible, premium, exclusions and governing claims process.
2. An ambiguity not individually negotiated is interpreted against the drafter after considering commercial context and established usage.

Article 653 — Signature and authentication

1. A reliable electronic signature and record satisfy signature, writing and original requirements.
2. Authentication shall identify issuance and later endorsement without preventing proof of fraud or error.

Article 654 — Open cover and declaration

1. An open cover may insure successive shipments or voyages upon declarations made under agreed terms.
2. A declaration shall be accurate and timely, and an inadvertent omission shall receive the proportionate remedy applicable to the resulting risk.

Article 655 — Floating policy

1. A floating policy may describe insurance generally and allocate subject, value or voyage by later declaration.
2. Declarations shall be made honestly in order and shall not select known losses while omitting known safe risks.

SECTION 2
VALUED AND UNVALUED INTERESTS

Article 656 — Valued policy

1. A valued policy states an agreed value that is conclusive between insurer and insured absent fraud or a valuation contrary to mandatory law.
2. The value determines indemnity and constructive total loss calculations as the policy provides.

Article 657 — Unvalued policy

1. Under an unvalued policy, insurable value is proved under Articles 658 through 660 up to the sum insured.
2. The insured shall provide reliable valuation evidence without recovering more than actual indemnifiable loss.

Article 658 — Insurable value of ship

1. Ship value includes value at inception together with equipment, stores and reasonable insurance cost as the policy provides.
2. A separate freight, disbursement or increased-value interest shall be disclosed to prevent unintended double recovery.

Article 659 — Insurable value of goods

1. Goods value includes invoice or market value at shipment, transport and insurance cost and an agreed reasonable anticipated profit.
2. A declared value in the transport document does not alone determine insurance value.

Article 660 — Insurable value of freight and liability

1. Freight value is the amount at risk plus insurance cost, and liability value is the reasonably insured exposure and defense cost.
2. The policy may provide separate limits for occurrence, aggregate, expense and deductible.

TITLE II
FAIR PRESENTATION, WARRANTIES AND RISK
CHAPTER I
FAIR PRESENTATION AND REMEDIES

SECTION 1
DUTY, KNOWLEDGE AND MATERIALITY

Article 661 — Duty of fair presentation

1. Before contract or material variation, the insured shall fairly present material circumstances known or reasonably discoverable through a reasonable search.
2. Presentation shall be substantially accurate, clear and sufficient to put a prudent insurer on notice of further inquiry.

Article 662 — Knowledge of insured

1. A corporate insured knows what its senior management and persons responsible for arranging the insurance know.
2. It is also attributed information that a reasonable search of relevant personnel and records would reveal, excluding privileged information as law provides.

Article 663 — Knowledge of insurer

1. An insurer knows what responsible underwriting personnel know and what should reasonably have been communicated within its organization.
2. The insurer is presumed to know matters of common knowledge and those an insurer in that class of business ought to know.

Article 664 — Material circumstance

1. A circumstance is material if it would influence a prudent insurer in deciding whether to insure or on what terms.
2. Materiality, inducement and the underwriting decision are questions of fact proved by reliable evidence.

Article 665 — Matters not requiring disclosure

1. The insured need not disclose a circumstance diminishing risk, known or presumed known to the insurer, waived by the insurer, or rendered unnecessary by an express warranty.
2. A specific truthful answer does not excuse concealment of another material matter plainly within the question's purpose.

SECTION 2
INQUIRY, BREACH AND PROPORTIONATE REMEDIES

Article 666 — Insurer inquiry

1. An insurer shall ask clear questions about a matter it considers essential and follow an indication requiring reasonable inquiry.

2. The insurer may rely on fair presentation but may not remain deliberately ignorant and later avoid the contract.

Article 667 — Deliberate or reckless breach

1. For deliberate or reckless failure of fair presentation, the insurer may avoid the contract, refuse claims and retain premium except where retention would be unjust.
2. The insurer bears the burden of proving the required state of mind.

Article 668 — Non-deliberate breach

1. For another material breach, the remedy shall reflect what the insurer would actually have done with fair presentation.
2. The contract may be treated as declined, amended or subject to proportionate claim reduction, with premium adjustment, according to proof.

Article 669 — Fraudulent inducement by insurer

1. An insured induced by insurer fraud or knowing material misstatement may rescind and claim resulting loss.
2. A broker or agent responsible for the misstatement remains liable according to agency and professional law.

Article 670 — Contracting out and transparency

1. Commercial parties may modify the fair-presentation regime only by a clear term brought prominently to the other party's attention.
2. A term permitting deliberate or reckless bad faith, or hidden in standard wording without clear effect, is ineffective.

CHAPTER II
REPRESENTATIONS, WARRANTIES AND LEGALITY

SECTION 1
REPRESENTATION AND CHANGE

Article 671 — Representation

1. A representation is interpreted reasonably in context and need be substantially correct when made.
2. A statement of expectation or belief is correct if honestly held on reasonable grounds.

Article 672 — Change before attachment

1. A material change occurring before risk attaches shall be disclosed where the insurer remains committed on the original basis.
2. The insurer's remedy is proportionate to the underwriting consequence and shall not affect an unrelated prior-attached risk.

SECTION 2
WARRANTIES AND RISK RELEVANCE

Article 673 — Warranty

1. A warranty is a promissory risk term requiring specified conduct, condition or fact.
2. A term is not a warranty merely because the policy labels it one; its function and consequence determine its effect.

Article 674 — Effect of breach of warranty

1. Liability is suspended only for loss occurring while a remediable warranty breach continues and resumes when the breach is remedied.
2. A breach does not discharge the insurer permanently or excuse liability for an earlier covered loss.

Article 675 — Risk relevance

1. An insurer may not rely on breach of a risk-control term if the insured proves that noncompliance could not have increased the risk of the loss that occurred.
2. This Article does not protect fraudulent compliance evidence or a breach defining the essential scope of cover.

Article 676 — Excuse and waiver

1. Compliance is excused where circumstances change so that it becomes unlawful or the warranty ceases to be relevant to the adventure.
2. The insurer may waive breach expressly or by unequivocal conduct with knowledge of material facts.

SECTION 3
SEAWORTHINESS, LEGALITY AND SANCTIONS

Article 677 — Seaworthiness in voyage policy

1. In a voyage policy on a ship, an implied obligation requires seaworthiness at commencement of the voyage and appropriate fitness at each distinct stage.
2. The obligation is satisfied by due diligence where the policy or mandatory law so provides.

Article 678 — Seaworthiness in time policy

1. A time policy contains no absolute continuing warranty of seaworthiness merely by operation of law.
2. The insurer is not liable for loss attributable to unseaworthiness knowingly and recklessly allowed by the insured.

Article 679 — Legality

1. A policy does not cover an adventure unlawful under governing law or knowingly conducted without required authority.
2. An incidental regulatory breach does not void unrelated coverage unless the policy clearly and lawfully makes it material.

Article 680 — Sanctions and public policy

1. A party need not make a payment prohibited by lawfully applicable sanctions, but shall perform lawful portions and preserve the claim where possible.
2. A general public-policy allegation shall not replace proof of the particular legal prohibition.

TITLE III
DURATION, CAUSATION AND LOSS
CHAPTER I
VOYAGE, TIME AND CHANGE OF RISK

SECTION 1
POLICY PERIOD AND ATTACHMENT

Article 681 — Voyage policy

1. A voyage policy covers the subject during a voyage, transit or specified geographic movement.
2. Risk attaches and terminates according to policy language, trade usage and this Code.

Article 682 — Time policy

1. A time policy covers the subject during a stated period and may include customary continuation or held-covered provisions.
2. A material extension shall state premium and termination consequences.

Article 683 — Mixed policy

1. A policy may combine voyage, time, construction, port, storage or operational cover.
2. Each component is interpreted coherently without duplicating indemnity.

Article 684 — Attachment of ship risk

1. Ship risk under a voyage policy attaches when the ship commences the insured voyage or at another clearly agreed point.
2. Delay or change before attachment is governed by the policy and fair-presentation duties.

Article 685 — Attachment of cargo risk

1. Cargo risk may attach from leaving the initial place of storage for transit and continue through ordinary transport to the stated destination.
2. Voluntary storage, deviation or interruption outside the contemplated transit is governed by held-covered and change-of-risk terms.

SECTION 2
CHANGE, DEVIATION AND TERMINATION

Article 686 — Change of voyage

1. A voluntary change of destination or voyage materially outside cover terminates prospective liability unless agreed or excused.
2. The insurer remains liable for loss occurring before the change and for measures reasonably necessary for safety or rescue.

Article 687 — Deviation and delay

1. Unreasonable voluntary deviation or delay may suspend cover for loss materially connected to the increased risk.
2. Deviation or delay is excused by authorization, safety, rescue, medical necessity, compliance with law or another reasonable cause beyond control.

Article 688 — Held-covered provision

1. A held-covered term continues insurance after a specified change if the insured gives prompt notice and pays a reasonable additional premium.
2. Late notice does not defeat cover where not deliberate and the insurer suffers no material prejudice.

Article 689 — Termination of risk

1. Risk terminates at the time, place or event stated in the policy, subject to reasonable completion and emergency extensions.
2. Cancellation requires the notice and protection of accrued claims prescribed by policy and law.

Article 690 — Return of premium

1. Premium is returnable where consideration wholly fails, risk never attaches without insured fault, or the policy so provides.
2. Return is proportionate where the risk is severable and only part fails, less lawful earned premium and expense.

CHAPTER II
CAUSATION, EXCLUSIONS AND MITIGATION

SECTION 1
PROXIMATE AND CONCURRENT CAUSES

Article 691 — Proximate cause

1. The insurer is liable for loss proximately caused by an insured peril, determined by effective dominant cause rather than the event nearest in time.
2. Concurrent causes are treated according to their relative legal effect and any clear policy exclusion.

Article 692 — Concurrent causes

1. Where insured and uninsured causes independently and concurrently produce an indivisible loss, cover exists unless an applicable exclusion clearly prevails.
2. Where loss can reasonably be divided, indemnity is allocated to the covered cause.

Article 693 — Wilful misconduct

1. The insurer is not liable for loss caused by the insured's deliberate misconduct intended to produce the loss.
2. Negligence, even serious negligence, is not wilful misconduct unless the policy lawfully provides a narrower cover.

Article 694 — Inherent vice and ordinary loss

1. The insurer is not liable for inherent vice, ordinary leakage, ordinary wear or natural deterioration unless expressly covered or precipitated by an insured peril.
2. The insurer bears the burden of an exclusion while the insured proves a covered occurrence.

Article 695 — Delay

1. Loss caused solely by delay is excluded unless the policy expressly covers it.
2. Physical loss caused by an insured peril remains covered merely because delay contributed, subject to causation.

SECTION 2
MISCONDUCT, SPECIAL RISKS AND MITIGATION

Article 696 — Crew and agent misconduct

1. A ship or cargo insured is not deprived of cover solely because loss was caused by negligence or misconduct of crew or an agent.
2. The insured's own wilful misconduct and express dishonesty exclusions remain effective.

Article 697 — Nuclear, war and cyber risks

1. Nuclear, war, terrorism, confiscation and cyber risks are covered or excluded according to clear policy terms.
2. A cyber exclusion shall identify its scope and shall not be extended to ordinary electronic failure unrelated to hostile or malicious activity.

Article 698 — Pollution liability cover

1. Pollution insurance responds according to the insured's statutory or contractual liability and the policy, including direct-action rules.
2. A policy exclusion ineffective against a protected third-party claimant may remain relevant to recourse between insurer and insured where law permits.

Article 699 — Sue and labour duty

1. The insured shall take reasonable measures to avert or minimize covered loss and follow reasonable insurer directions.
2. The insurer shall reimburse reasonable measures even if unsuccessful, subject to the policy limit or a separate expense limit.

Article 700 — Preservation and mitigation expense

1. Reasonable survey, preservation, temporary repair, towage and emergency expense caused by an insured peril is recoverable as policy or law provides.
2. The insured shall account for savings, recoveries and value retained.

CHAPTER III
TOTAL AND PARTIAL LOSS

SECTION 1
CLASSIFICATION OF LOSS

Article 701 — Total and partial loss

1. A loss is actual total, constructive total or partial according to this Chapter.
2. A partial loss includes particular average and other covered loss not amounting to total loss.

Article 702 — Actual total loss

1. Actual total loss occurs where the subject is destroyed, irretrievably lost, or the insured is irretrievably deprived of it.
2. No notice of abandonment is required for actual total loss.

Article 703 — Constructive total loss

1. Constructive total loss occurs where actual total loss appears unavoidable or reasonable recovery and repair expense exceeds the value when recovered or repaired.
2. The calculation includes costs reasonably incident to recovery, repair and completion as the policy provides.

Article 704 — Notice of abandonment

1. To claim constructive total loss as total, the insured shall give reasonable notice abandoning the insured interest to the insurer.
2. Notice may be oral or electronic, need not use technical language and is excused where the insurer could not benefit or has waived it.

Article 705 — Time and effect of notice

1. Notice shall be given with reasonable diligence after reliable information of the loss, allowing reasonable inquiry.
2. Acceptance is irrevocable and admits sufficiency of abandonment, while rejection leaves the insured to prove constructive total loss.

SECTION 2
ABANDONMENT AND PARTIAL LOSS

Article 706 — Effect of abandonment

1. Upon valid accepted abandonment and payment, the insurer may take the insured's remaining interest and proprietary recoveries.
2. The insurer is not compelled to accept ownership of hazardous property or public liabilities beyond the insured interest.

Article 707 — Partial loss of ship

1. Indemnity for partial ship loss is reasonable repair cost less policy deductions and value improvement.
2. If unrepaired, recovery is reasonable depreciation not exceeding estimated repair cost and the sum insured.

Article 708 — Partial loss of goods

1. Indemnity for damaged goods is the insured proportion of reduction in gross sound value at destination or another agreed valuation point.
2. Necessary sorting, reconditioning and forwarding costs may be included where reasonable.

Article 709 — Freight and earnings loss

1. Loss of freight or earnings is measured by the covered amount actually lost because of an insured peril.
2. Expense saved and substitute earnings are credited to prevent double recovery.

Article 710 — General average and salvage charges

1. The insurer covers the insured's lawful general average contribution and salvage charges to the extent within policy risk and value.
2. Underinsurance reduces recovery proportionately unless the policy provides first-loss or full-contribution cover.

TITLE IV
INDEMNITY, CLAIMS AND SUBROGATION
CHAPTER I
MEASURE, MULTIPLE COVER AND NOTICE

SECTION 1
INDEMNITY, UNDERINSURANCE AND DOUBLE COVER

Article 711 — Measure of indemnity

1. Indemnity is the insured loss measured under this Book, not exceeding applicable sum, limit, deductible and aggregate.
2. Related payments under multiple covers shall be coordinated to prevent recovery beyond loss.

Article 712 — Underinsurance

1. Where value exceeds the insured amount, the insured bears the uninsured proportion if the policy applies average.
2. An average clause shall be clear and its calculation disclosed.

Article 713 — Overinsurance

1. Insurance exceeding value does not permit recovery beyond indemnifiable loss.
2. Premium return or correction is governed by good faith, mistake and whether the overinsurance was knowingly procured.

Article 714 — Double insurance

1. Double insurance exists where the same interest and risk are covered for the same insured beyond indemnifiable value.
2. The insured may claim under any responsive policy, and insurers contribute rateably subject to valid coordination terms.

Article 715 — Deductible and franchise

1. A deductible is borne by the insured for each loss, occurrence or aggregate as the policy clearly states.
2. A franchise or threshold shall not be treated as a deductible unless its effect is clearly explained.

SECTION 2
NOTICE, COOPERATION AND PAYMENT

Article 716 — Notice of claim

1. The insured shall notify a claim within the policy period or reasonable time stated, providing information then available.
2. Late notice reduces or defeats recovery only to the extent permitted by a claims-made term or proven material prejudice, absent deliberate concealment.

Article 717 — Claims cooperation

1. The insured shall provide reasonable documents, access and assistance and shall preserve privilege and confidentiality as law permits.
2. The insurer shall not demand irrelevant, duplicative or impossible proof or use investigation to cause improper delay.

Article 718 — Adjustment and admission

1. An insurer may investigate, appoint surveyors, defend liability and negotiate settlement without admitting coverage.
2. A reservation of rights shall identify the genuine coverage issues with reasonable specificity.

Article 719 — Reasonable time for payment

1. The insurer shall investigate, decide and pay a valid claim within a reasonable time, including time reasonably needed to investigate.
2. Unreasonable delay gives rise to interest and foreseeable loss in addition to the policy amount.

Article 720 — Interim payment

1. Where part of a claim is undisputed and payment is needed to mitigate loss or hardship, the insurer shall make a reasonable interim payment.
2. Interim payment does not waive a genuine defense to the balance.

CHAPTER II
FRAUD, SUBROGATION AND CONTRIBUTION

SECTION 1
FRAUD AND SUBROGATION

Article 721 — Fraudulent claim

1. If the insured fraudulently makes or exaggerates a claim, the insurer may refuse the fraudulent claim and recover payments made on it.
2. The contract may be terminated prospectively from the fraud, but valid earlier claims remain payable.

Article 722 — Fraud by one beneficiary

1. Fraud of one beneficiary does not defeat the independent good-faith interest of another insured unless agency, collusion or policy terms lawfully require attribution.
2. The fraudulent person shall not recover indirectly through another claimant.

Article 723 — Subrogation

1. After paying indemnity, the insurer is subrogated to the insured's rights against responsible third parties to the extent paid.
2. The insured retains priority for an uninsured balance unless agreement or equitable allocation provides otherwise.

Article 724 — Control of recovery

1. The insurer may control a subrogated claim proportionately after payment and shall consult the insured on material uninsured interests.
2. Settlement shall not prejudice the insured's remaining claim without informed consent or adequate protection.

Article 725 — Waiver of subrogation

1. A waiver of subrogation is effective where agreed before loss and reflected in the risk.
2. The waiver does not protect fraud or intentional harm unless unmistakably and lawfully stated.

SECTION 2
CONTRIBUTION, RECOVERIES AND TIME

Article 726 — Contribution among insurers

1. Insurers covering the same interest, peril and loss shall contribute equitably according to their contractual liabilities.
2. A rateable-proportion or excess clause is reconciled to avoid circular noncoverage and unjust enrichment.

Article 727 — Recovery and proceeds

1. A recovery from salvage, sale, carrier, tortfeasor or security is applied after reasonable recovery cost to the indemnified loss.
2. The insured and insurer shall account transparently according to their respective interests.

Article 728 — Limitation and insurance

1. An insured's statutory limitation of maritime liability benefits the insurer unless policy or law provides greater cover.
2. Failure to constitute a limitation fund does not enlarge policy cover, but the insurer shall not unreasonably obstruct an available fund.

Article 729 — Settlement with third party

1. A reasonable good-faith settlement of covered liability is binding on the insurer to the extent liability and amount were reasonably established.
2. The insured shall obtain required consent where practicable, and consent shall not be unreasonably withheld.

Article 730 — Time for insurance proceedings

1. Proceedings under a marine policy shall begin within the general contractual limitation period, subject to any mandatory specialized rule.
2. A policy may not impose an unreasonably short period that makes a claim practically impossible.

TITLE V
MARINE INSURANCE MARKET AND INNOVATION
CHAPTER I
INSURERS, BROKERS AND SUBSCRIPTION

SECTION 1
AUTHORIZATION AND BROKERS

Article 731 — Marine insurer authorization

1. A person shall not carry on marine insurance business in Eritrea without authorization under an Assembly Act governing insurance supervision.
2. Authorization shall address solvency, governance, reinsurance, claims capacity, conduct and cross-border recognition.

Article 732 — Foreign insurer and cross-border cover

1. A qualified foreign insurer may provide marine cover according to transparent market-access and financial-security rules.
2. A local-presence requirement shall be imposed only by an Assembly Act and shall not unnecessarily restrict responsible capacity.

Article 733 — Marine insurance broker

1. A broker shall act with reasonable skill, disclose capacity and conflicts, transmit material information and account for premium and claims money.
2. The broker shall maintain prescribed professional indemnity and segregate client funds where required.

SECTION 2
PLACING AND SUBSCRIPTION

Article 734 — Broker authority and placing

1. A broker may bind insured or insurer only within actual or apparent authority.
2. A digital placing record shall identify terms, markets, shares, authority and time of binding.

Article 735 — Subscription insurance

1. Where several insurers subscribe stated shares, each is liable severally for its share unless the policy expressly creates joint liability.
2. A lead insurer may administer claims under agreed authority without increasing another subscriber's share.

CHAPTER II
REINSURANCE AND DIGITAL INNOVATION

SECTION 1
REINSURANCE

Article 736 — Reinsurance

1. Reinsurance is a contract by which an insurer transfers agreed insurance risk to another insurer.
2. The original insured has no direct right against the reinsurer absent an express cut-through term, trust, assignment or Assembly Act.

Article 737 — Follow settlements

1. A follow-settlements term binds the reinsurer to a good-faith reasonable settlement within the underlying cover and reinsurance.
2. It does not require payment of an ex gratia amount clearly outside both contracts.

SECTION 2
DIGITAL, AUTOMATED AND PARAMETRIC COVER

Article 738 — Digital and automated insurance

1. A policy, certificate, endorsement, premium, claim and settlement may be created and administered electronically through reliable systems.
2. Automated decisions shall be explainable, auditable and subject to meaningful human review where they materially affect coverage or payment.

Article 739 — Parametric and index cover

1. A marine policy may pay an agreed amount upon a verifiable event, index or sensor threshold without proof of exact loss.
2. The trigger, data source, fallback, manipulation controls and basis risk shall be clear, and the contract shall not be a disguised unlawful wager.

Article 740 — Mandatory law and regulatory boundary

1. This Book governs private marine-insurance rights but does not itself create an insurance regulator, tax, offence or compulsory cover beyond another express provision of this Code.
2. Regulations may prescribe technical forms and reporting only within authority delegated by an Assembly Act.

BOOK EIGHT
ENFORCEMENT, OFFENCES AND FINAL PROVISIONS
TITLE I
COMPLIANCE INSPECTION AND PROTECTIVE ACTION
CHAPTER I
AUTHORITY, ENTRY AND INSPECTION

SECTION 1
PURPOSE AND AUTHORIZED OFFICERS

Article 741 — Purpose of compliance action

1. Compliance action shall prevent harm, correct breach and secure lawful maritime operation rather than punish without statutory authority.
2. Every measure shall be necessary, proportionate, reasoned, nondiscriminatory and open to review.

Article 742 — Authorized officers

1. Inspection and enforcement powers may be exercised only by an officer designated under an Assembly Act and carrying verifiable authority.
2. Delegation shall identify function, limits, duration and accountability and shall not transfer coercive public power to an interested private person.

Article 743 — Routine inspection

1. An authorized officer may inspect a ship, port facility, regulated enterprise, certificate and record at a reasonable time for compliance with this Code.
2. Routine inspection shall avoid unnecessary disruption and shall respect safety, privacy, privilege and protected commercial information.

SECTION 2
PRIVATE PREMISES AND ELECTRONIC SYSTEMS

Article 744 — Entry to private premises

1. Nonconsensual entry into a dwelling or nonpublic shore premises requires a judicial warrant except during an immediate threat to life or serious environmental harm.
2. Emergency entry shall be limited to the threat and reported promptly for independent review.

Article 745 — Inspection of electronic systems

1. An officer may require access to relevant electronic records and verification functions but shall not demand unrelated data or system credentials beyond necessity.
2. A forensic copy shall preserve integrity, scope and chain of custody and shall not impair essential navigation or business continuity.

CHAPTER II
TESTING, INFORMATION AND REPORTS

SECTION 1
SAMPLING, RECORDS AND INTERVIEWS

Article 746 — Sampling, testing and survey

1. An officer may take reasonable samples, measurements, images and tests and may require an independent survey where clear grounds exist.
2. The regulated person may obtain a sealed counterpart sample and the official result, subject to safety and evidentiary practicality.

Article 747 — Production of records

1. A person responsible for regulated activity shall produce a record required by this Code within a reasonable period.
2. Compelled production shall respect constitutional protection, legal professional privilege and criminal-procedure safeguards.

Article 748 — Interview and assistance

1. An officer may request information and operational assistance reasonably necessary for inspection.
2. A person shall be informed when an answer is compulsory and of applicable rights against self-incrimination and to counsel.

SECTION 2
REPORTS, CONFIDENTIALITY AND USE

Article 749 — Inspection report

1. The officer shall provide a report identifying scope, material findings, evidence, legal basis, required correction and review route.
2. A factual error shall be correctable through a prompt accessible process without concealing the original audit history.

Article 750 — Confidentiality and use

1. Inspection information shall be used only for lawful administration, safety, investigation and proceedings.
2. Publication shall protect personal data, trade secrets and security-sensitive information unless overriding public interest and law require disclosure.

TITLE II
ADMINISTRATIVE ENFORCEMENT AND REVIEW
CHAPTER I
NOTICES, DETENTION AND REVIEW

SECTION 1
COMPLIANCE AND PROHIBITION NOTICES

Article 751 — Compliance notice

1. Where a correctable breach exists, the Administration may issue a notice stating the provision, facts, action, period and consequence of noncompliance.
2. The period shall reflect seriousness, technical feasibility and immediate risk.

Article 752 — Improvement plan

1. A regulated person may propose a documented improvement plan with milestones and verification where immediate full correction is impracticable and risk is controlled.
2. Acceptance does not waive the law and may be revoked for material nonperformance.

Article 753 — Prohibition notice

1. An activity presenting imminent serious danger may be prohibited or restricted until adequate control is verified.
2. The notice shall be no broader or longer than necessary and shall receive expedited review.

SECTION 2
DETENTION, RELEASE AND REMEDY

Article 754 — Ship detention

1. A ship may be detained for a deficiency creating unreasonable danger, serious pollution risk, grave labour abuse, fraudulent status or another express statutory ground.
2. Detention shall identify release conditions and shall not be used to collect an unrelated civil debt.

Article 755 — Direction to safe place

1. Where immediate detention at the present location is unsafe, the Administration may direct a ship to anchor, berth, leave or proceed to a stated safe place.
2. The master retains authority to depart from the direction to meet an immediate overriding safety necessity and shall report the reason.

Article 756 — Release and continuing conditions

1. A detained ship shall be released promptly when grounds cease or sufficient corrective security and safe conditions exist.
2. Release may include a limited voyage to repair under stated monitoring and insurance conditions.

Article 757 — Recognition of foreign detention

1. The Administration may act on a reliable foreign inspection or detention report after independently assessing current risk and procedural fairness.
2. Foreign action is not conclusive proof of breach and shall not produce automatic blacklisting.

Article 758 — Cost of inspection and detention

1. Routine public inspection is funded as provided by law, while reasonable extraordinary reinspection and custody costs caused by proved breach may be recovered.
2. No cost shall be imposed without published authority, itemized basis and review.

Article 759 — Emergency order

1. The Administration may make a temporary individualized emergency order to prevent imminent death, major casualty or serious pollution.
2. The order expires within the period stated by this Code unless confirmed after notice and hearing or by a court.

Article 760 — Judicial review and compensation

1. A person affected by detention, prohibition or emergency order may obtain prompt judicial review.
2. Unlawful action may support release, declaration, injunction, restitution and compensation under applicable law.

CHAPTER II
ADMINISTRATIVE PENALTIES AND AUTHORIZATIONS

SECTION 1
PENALTIES, WARNINGS AND UNDERTAKINGS

Article 761 — Administrative penalty

1. An administrative monetary penalty may be imposed only for a contravention expressly designated by this Code and within the statutory maximum.
2. The decision shall prove the contravention on the civil standard after notice, disclosure and opportunity to respond.

Article 762 — Penalty factors

1. Amount shall consider seriousness, harm, culpability, cooperation, correction, prior history, benefit obtained and ability to pay.
2. A penalty shall not be grossly disproportionate or calculated to confiscate lawful enterprise.

Article 763 — Warning and undertaking

1. For a minor or first breach, the Administration may use a warning or accept an enforceable undertaking where adequate for compliance.
2. An undertaking shall be public in material terms and shall not bargain away a claimant's private right.

SECTION 2
SUSPENSION, CANCELLATION AND APPEAL

Article 764 — Suspension of certificate or licence

1. A certificate, approval or licence may be suspended for material continuing noncompliance, incapacity, fraud or serious risk within the governing statutory grounds.
2. Except for urgent interim suspension, the holder is entitled to notice, evidence, hearing and reasons.

Article 765 — Cancellation and disqualification

1. Permanent cancellation or professional disqualification requires grave or repeated breach, fraud, demonstrated unfitness or another express ground.
2. The period and scope shall be proportionate and subject to judicial review and a lawful route to rehabilitation where appropriate.

Article 766 — Restoration

1. A suspended or cancelled authorization may be restored when statutory conditions, competence and risk controls are satisfied.
2. A decision shall not be withheld for political opinion, unrelated conduct or protection of a State monopoly.

Article 767 — Administrative appeal

1. A person may appeal an administrative measure to an independent tribunal or designated appellate authority before or in addition to judicial review as law provides.
2. An appeal shall be prompt, accessible and capable of granting effective interim and final relief.

Article 768 — No double punishment

1. The same conduct shall not receive duplicative punitive administrative and criminal sanctions contrary to constitutional fairness.
2. Corrective orders, compensation and recovery of benefit are not punishment merely because a penalty also applies.

CHAPTER III
CIVIL ENFORCEMENT AND PRIVATE RIGHTS

SECTION 1
CIVIL ENFORCEMENT

Article 769 — Civil enforcement

1. The Administration or Advocate General may seek an injunction, compliance order, restoration, recovery of public cost or another civil remedy authorized by this Code.
2. Civil enforcement shall not create an offence or imprisonment through contempt for inability to perform an impossible act.

SECTION 2
PRIVATE RIGHTS

Article 770 — Private rights preserved

1. Administrative action does not extinguish a private contract, tort, labour, property or constitutional claim.
2. A final administrative finding has only the evidentiary effect assigned by procedural law and does not bind a person denied fair participation.

TITLE III
MARITIME OFFENCES AND PENALTIES
CHAPTER I
GENERAL CRIMINAL PRINCIPLES

SECTION 1
LEGALITY, FAULT AND ORGANIZATIONS

Article 771 — Principle of legality

1. No act or omission is a maritime offence unless this Code or another Assembly Act defines it and states the applicable penalty.
2. An offence shall not be created, enlarged or made retroactive by regulation, circular, licence term or administrative practice.

Article 772 — Fault requirement

1. Unless an Article expressly creates strict liability, an offence requires intention, knowledge, recklessness or negligence stated or necessarily implied.
2. A strict-liability offence shall permit a defense of due diligence unless the Assembly expressly and constitutionally provides otherwise.

Article 773 — Liability of organization

1. A legal person commits an offence where conduct is authorized, directed, tolerated or materially enabled by its senior management or organizational failure defined by law.
2. Conviction of an organization does not automatically convict an officer, employee or shareholder.

Article 774 — Liability of officer

1. An officer is personally liable only for personal participation, authorization, knowing consent or culpable failure to act despite a specific duty and capacity.
2. Title or position alone is insufficient.

Article 775 — Attempt, assistance and conspiracy

1. Attempt, aiding, directing and agreement to commit a serious offence are punishable only as provided by the Penal Code or this Code.
2. Ordinary professional advice or good-faith emergency assistance is not participation in an offence.

CHAPTER II
SAFETY, DOCUMENT AND POLLUTION OFFENCES

SECTION 2
CORE MARITIME OFFENCES

Article 776 — Unsafe operation offence

1. A person commits an offence by knowingly or recklessly operating, directing or permitting operation of a ship in a condition creating imminent serious danger to life.
2. The maximum penalty is the amount or imprisonment stated in the Schedule, increased where death or serious injury results.

Article 777 — False maritime document offence

1. A person commits an offence by knowingly forging, materially altering, trafficking in or using a false statutory ship or seafarer certificate.
2. Innocent possession, clerical correction and good-faith reliance are not offences.

Article 778 — Pollution offence

1. A person commits an offence by intentionally or recklessly making a prohibited harmful discharge or knowingly concealing a reportable discharge.
2. A lawful emergency exception and reasonable life-saving measure remain defenses.

Article 779 — Obstruction and evidence offence

1. A person commits an offence by intentionally obstructing a lawful inspection or destroying, falsifying or concealing material evidence after notice or foreseeable investigation.
2. Lawful refusal based on privilege, constitutional right or unsafe demand is not obstruction.

Article 780 — Abandonment of seafarers offence

1. A responsible person commits an offence by knowingly abandoning seafarers without maintenance, wages, medical care or repatriation when able and legally bound to provide them.
2. Genuine insolvency alone is not criminal, but concealment or diversion of available security may establish culpability.

CHAPTER III
FLAG, CARGO AND PERSON OFFENCES

SECTION 1
REGISTRATION, FLAG AND DANGEROUS GOODS

Article 781 — Fraudulent registration offence

1. A person commits an offence by knowingly obtaining Eritrean ship registration through false identity, concealed ownership, forged deletion or incompatible foreign status.
2. A good-faith filing error corrected promptly is not an offence.

Article 782 — Unlawful flag use offence

1. A person commits an offence by knowingly flying the Eritrean flag or using Eritrean identifiers without valid nationality.
2. Temporary emergency display to identify or protect life without intent to deceive is not an offence.

Article 783 — Dangerous-goods offence

1. A person commits an offence by knowingly or recklessly offering materially dangerous goods under false description or without required warning.
2. Penalty shall reflect quantity, danger, actual harm and whether the conduct was corrected before carriage.

SECTION 2
PERSONS ABOARD AND DUTY TO ASSIST

Article 784 — Unlawful detention or mistreatment

1. A master or other person commits an offence by intentionally imposing unlawful violence, forced labour, cruel treatment or prolonged confinement aboard.
2. Reasonable emergency restraint under Article 382 is excluded.

Article 785 — Failure to assist

1. A master commits an offence by knowingly failing without reasonable excuse to render assistance required by Article 262.
2. Serious danger to the assisting ship or persons aboard is a reasonable excuse.

CHAPTER IV
SENTENCING, FORFEITURE AND TIME

SECTION 1
SENTENCING AND REMEDIAL ORDERS

Article 786 — Sentencing principles

1. A court shall impose a penalty proportionate to culpability, harm, gain, correction, cooperation and capacity.
2. For an organization, the court may consider turnover without imposing a penalty that arbitrarily destroys lawful livelihoods.

Article 787 — Remedial orders

1. Upon conviction, the court may order restoration, compliance, compensation, publication, training or disqualification where authorized and proportionate.
2. A remedial order shall not duplicate compensation already received or appropriate innocent third-party property.

SECTION 2
FORFEITURE, DEFENSE AND LIMITATION

Article 788 — Forfeiture

1. Property may be forfeited only where it is proceeds or an instrument of serious offence and forfeiture is proportionate.
2. An innocent owner, mortgagee, seafarer, cargo owner and other good-faith claimant shall receive notice and opportunity to protect the interest.

Article 789 — Corporate compliance defense

1. Where law permits, an organization may show that it maintained and implemented reasonable systems to prevent the offence.
2. A paper programme ignored by management is not due diligence.

Article 790 — Limitation for prosecution

1. A prosecution shall begin within the period stated by the Penal Code or Schedule, with longer time for concealed serious pollution or document fraud as expressly provided.
2. No executive act may extend criminal limitation retroactively.

TITLE IV
PROCEEDINGS, INTERNATIONAL COOPERATION AND FINAL AUTHORITY
CHAPTER I
JURISDICTION, PROCEDURE AND EVIDENCE

SECTION 1
JURISDICTION AND PROCEDURE

Article 791 — Maritime jurisdiction

1. Eritrean courts have jurisdiction over conduct aboard an Eritrean ship, in Eritrean maritime zones, or producing substantial unlawful effect in Eritrea as provided by law.
2. Extraterritorial jurisdiction shall rest on a recognized legal connection and respect concurrent foreign jurisdiction.

Article 792 — Arrest and criminal procedure

1. Arrest, search, seizure, detention and compelled testimony are governed by the Constitution and Criminal Procedure Code.
2. Maritime urgency does not create an unwritten coercive power.

SECTION 2
SERVICE AND EVIDENCE

Article 793 — Service and electronic filing

1. A notice, claim and court document may be served and filed electronically through a reliable designated system where procedural law permits.
2. The method shall provide proof, accessibility and a remedy for genuine failure of notice.

Article 794 — Expert and electronic evidence

1. A court may receive maritime expert, sensor, satellite, voyage-data and authenticated electronic evidence under evidentiary law.
2. Automated output shall be explainable, tested and open to challenge regarding integrity, calibration and inference.

CHAPTER II
COOPERATION, TREATIES AND REGULATIONS

SECTION 1
INTERNATIONAL ASSISTANCE AND RECOGNITION

Article 795 — International assistance

1. Eritrean authorities may exchange information and assist foreign maritime authorities under law, treaty, reciprocity or case-specific arrangement.
2. Assistance shall protect due process, personal data, confidentiality and against use for persecution or unlawful punishment.

Article 796 — Recognition of foreign decision

1. A final foreign civil or administrative maritime decision may be recognized under procedural law where jurisdiction, notice, impartiality and public policy requirements are met.
2. A foreign criminal judgment has only the effect assigned by an Assembly Act or treaty.

SECTION 2
TREATIES, REGULATIONS AND FINAL PROVISIONS

Article 797 — Treaties and domestic authority

1. A treaty affects domestic rights and duties only through constitutionally valid Eritrean lawmaking as determined by the Constitution and this Code.
2. Technical reference to an international standard does not by itself delegate legislative power or make an unincorporated treaty domestic law.

Article 798 — Regulation-making power

1. The Minister may make regulations only on technical and administrative matters expressly delegated by identified provisions of this Code.
2. Regulations shall not create a tax, offence, imprisonment, compulsory acquisition, new licence category, substantive liability or power to search, detain or forfeit.

Article 799 — Procedure for regulations

1. A proposed regulation shall state authority, purpose, evidence and expected effect and shall ordinarily receive public consultation.
2. The final text, response to material comments, commencement and accessible electronic version shall be published before enforcement, except for a lawful temporary emergency measure.

Article 800 — Final and transitional provisions

1. The repeal, savings, transition, schedules and commencement stated after this Article form part of this Code.

2. No transition shall retrospectively impair a final judgment, accrued property right or constitutional remedy.

SCHEDULE ONE
MONETARY LIABILITY LIMITS

Cargo carriage limits

1. Carrier liability is 875 Special Drawing Rights per package or other shipping unit, or 3 Special Drawing Rights per kilogram of gross weight of goods lost or damaged, whichever is higher.
2. Liability for economic loss from delay is limited to two and one-half times the freight payable on the goods delayed and shall not exceed the limit for total loss of those goods.

Passenger limits

1. Death or personal injury from a shipping incident is subject to a first tier of 250,000 Special Drawing Rights per passenger on each distinct occasion and an aggregate maximum of 400,000 Special Drawing Rights unless limitation is lost.
2. Luggage limits are 2,250 Special Drawing Rights for cabin luggage per passenger, 12,700 Special Drawing Rights per vehicle including luggage in or on it, and 3,375 Special Drawing Rights for other luggage per passenger.

General limitation

1. For death or personal injury claims, the limit for a ship not exceeding 2,000 gross tons is 3.02 million Special Drawing Rights, plus 1,208 for each ton from 2,001 to 30,000, 906 for each ton from 30,001 to 70,000, and 604 for each ton above 70,000.
2. For other claims, the limit for a ship not exceeding 2,000 gross tons is 1.51 million Special Drawing Rights, plus 604 for each ton from 2,001 to 30,000, 453 for each ton from 30,001 to 70,000, and 302 for each ton above 70,000.

Special pollution limits

1. Tanker-oil liability is 4.51 million Special Drawing Rights for a ship not exceeding 5,000 gross tons, plus 631 for each additional ton up to a maximum of 89.77 million Special Drawing Rights.
2. Hazardous and noxious substance liability shall not exceed 100 million Special Drawing Rights for bulk HNS or 115 million Special Drawing Rights where packaged HNS causes or contributes to the damage, subject to a valid treaty or separate Assembly Act governing any supplementary fund.

SCHEDULE TWO
CLAIM AND PROSECUTION PERIODS

Civil claim periods

1. Collision and salvage proceedings shall begin within two years as provided by Articles 558 and 580, and cargo proceedings within two years under Article 499.
2. Passenger, pollution, wreck, general-average and insurance claims shall be brought within the specific period enacted by applicable procedural or treaty-implementing law; until then, the ordinary Civil Code period applies without shortening a more protective express period in this Code.

Criminal periods

1. A maritime offence punishable only by a fine shall be prosecuted within the ordinary Penal Code period for an offence of corresponding classification.
2. A concealed serious pollution, abandonment or document-fraud offence is governed by the Penal Code rules on commencement, interruption and concealment, and no period is enlarged by regulation.

SCHEDULE THREE
OFFENCE CLASSIFICATIONS AND MAXIMUM PENALTIES

Penalty unit and general rules

1. One penalty unit is 1,000 nakfa. The amount of a penalty unit may be changed only by an Assembly Act.
2. A fine stated in this Schedule is a maximum. A court shall impose a proportionate sentence after considering culpability, actual and potential harm, cooperation, remediation, ability to pay and any benefit obtained.
3. An organization is liable to a fine not exceeding five times the maximum applicable to an individual, but imprisonment applies only to a natural person personally responsible under this Code.

Offence categories

1. Category A carries a maximum fine of 10,000 penalty units or imprisonment for ten years, or both.
2. Category B carries a maximum fine of 5,000 penalty units or imprisonment for five years, or both.
3. Category C carries a maximum fine of 1,000 penalty units or imprisonment for two years, or both.
4. Category D carries a maximum fine of 250 penalty units and does not authorize imprisonment.

Classification of offences

1. An offence under Article 776 is Category B and becomes Category A if it intentionally or recklessly causes death, serious injury or a major casualty.
2. An offence under Article 777 is Category B; an offence under Article 778 is Category B and becomes Category A if it intentionally or recklessly causes grave or widespread environmental harm; and an offence under Article 779 is Category C.
3. An offence under Article 780 is Category B; an offence under Article 781 is Category B; and an offence under Article 782 is Category C.
4. An offence under Article 783 is Category B and becomes Category A if it intentionally or recklessly causes death, serious injury, a major casualty or grave environmental harm.
5. An offence under Article 784 is Category A where it involves forced labour, trafficking, torture or inhuman treatment and is otherwise Category B; an offence under Article 785 is Category B.

SCHEDULE FOUR
REPEAL, SAVINGS, TRANSITION AND COMMENCEMENT

Repeal and savings

1. Proclamation No. 7/1991 adopting the Transitional Maritime Code is repealed to the extent that the former Maritime Code is replaced by this Code.
2. A right, liability, proceeding, registration, certificate and security validly existing before commencement continues unless inconsistent with an express transitional provision.

Transition and commencement

1. The Administration shall migrate registers, certificates and pending matters to this Code within twenty-four months while maintaining public access and legal continuity.
2. This Code comes into force on the date published in the Gazette of Eritrean Laws or on a later date fixed by an Assembly Act, and no executive notice may advance substantive obligations before lawful publication.

Made at Asmara this ___ day of __________ 2026.

PRESIDENT OF THE STATE OF ERITREA
President of the State of Eritrea