

የኢትዮጵያ ፌዴራል ዲሞክራሲያዊ ሪፐብሊክ

ፌዴራል ነገሥተ ሀገር

FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

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PROCLAMATION NO. 685/2010.

TRADE PRACTICE AND CONSUMERS' PROTECTION PROCLAMATION

Whereas, it is necessary that commercial activities must be undertaken in accordance with appropriate practices based on free market economic policy of the country;

Whereas, it is desirable to protect the business community from anti-competitive and unfair market practices, and also consumers from misleading market conducts, and to establish a system that is conducive for the promotion of competitive market;

Whereas, it is necessary to prevent the proliferation of goods and services that endanger the health and well being of consumers, following the expansion of commercial activities, and to ensure their safeness and suitableness to human health in a sustainable manner, and to create the possibility that consumers get goods and services equivalent to the price they pay;

Whereas, it is found important to determine the powers and duties of organs that will be in charge of the responsibility to carry on executive and judiciary activities in order to ensure the implementation of this Proclamation;

Now therefore, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:

አገልግሎት
Unit Price

የገንዘብ ጥበቃና የደንበኞች ጥበቃ
Negarit G. P.O.Box 80001

- 8/ "yNGD : " ãC" ¥IT k¥çƒWM >YnT gNzBç ʎʎh-ññት ካላቸው ሰነዶች በስተቀር ¥çƒWM የሚገዙ ወይም ሃሚ¹ -፤ ወይም ሃሚከራዩ ወይም በሌላ ሁኔታ በሰዎች መካከል yNGD |% ሃሚkÅwንÆcW y , NqúqS፥ : " ãC ¥IT nW፤
- 9/ " , n!StIR" wYM " , n!STR" ¥IT yNGDÂ xINÇST¶ , n!StIR wYM , n!STR nW፤
- 0/ "sW" ¥IT ytf_é sW wYM b?G ysWnT mBT yts -ው አካል ነው፤
- 01/ "xgLGIOÛT" ¥IT dmwZ wYM yqN ÑÃt¾ KFÃ ÃLçn½ gb! y , ÃSg" ¥N¾WM xgLGIOÛT ymS - T NGD |% nW፤
- 02/ "ተገቢ ያልሆነ የንግድ ሥራ" ማለት ንግድን የሚመለከት ~ ¾ሕግ ድንጋጌዎችን የሚጥስ T "— ጋ U ድርጊት ነው፤
- 03/ "ቢሮ" ማለት የክልል ንግድና ኢንዱስትሪ ቢሮ ወይም ሌላ የሚመለከተው ቢሮ ነው፤
- 04/ "አስመጪ" ማለት የንግድ ዕቃዎችን በየብስ ወይም በባህር ወይም በአየር ከውጭ ሀገር ወደ ኢትዮጵያ የሚያስመጣ ሰው ነው፤
- 05/ "ላኪ" ማለት የንግድ ዕቃዎችን በየብስ ወይም በባህር ወይም በአየር ከኢትዮጵያ ወደ ውጭ ሀገር የሚልክ ሰው ነው፤
- 06/ "የጅምላ ሻጭ" ማለት የንግድ ዕቃዎችን ከአምራች ወይም ከአስመጪ ገዝቶ ለቸርቻሪ የሚሸጥ ማንኛውም ሰው ሲሆን አምራች ወይም አስመጪ የንግድ ዕቃዎችን ለቸርቻሪ ወይም ለጅምላ ሻጭ ሲሸጥ በጅምላ ንግድ ውስጥ እንደተሳተፈ ይቆጠራል፤
- 07/ "የቸርቻሮ ሻጭ" ማለት የንግድ ዕቃዎችን ከጅምላ ሻጭ ወይም ከአምራች ወይም ከአስመጪ ገዝቶ ለሸማች ወይም ለተጠቃሚ የሚሸጥ ማንኛውም ሰው ሲሆን ጅምላ ሻጭ ወይም አምራች ወይም አስመጪ የንግድ ዕቃዎችን ለሸማች ወይም ለተጠቃሚ ሲሸጥ የቸርቻሮ ንግድ ውስጥ እንደተሳተፈ ይቆጠራል፤

- 8/ “Goods“ means movable commodities that are being purchased or sold or leased or by which any commercial activity is conducted between persons except monies in any form and securities;
- 9/ “Minister” or “Ministry” means the Minister or the Ministry of Trade and Industry;
- 10/ “Person” means any natural or juridical person;
- 11/ “Service” means any commercial dispensing of service for consideration other than salary or wages;
- 12/ “Unfair Trade Practice” means any act in violation of provisions of trade related Laws;
- 13/ “Bureau” means regional state trade and industry bureau or another appropriate bureau;
- 14/ “Importer” means any person who imports goods from abroad via land or sea or air into Ethiopia;
- 15/ “Exporter” means any person who exports goods abroad via land or air or sea from Ethiopia;
- 16/ “Wholesaler” means any person who sells goods to a retailer after buying them from a manufacturer or an importer, or when a manufacturer or an importer sells goods to a retailer or to a wholesaler is considered to have been engaged in wholesale business.
- 17/ “Retailer” means any person who sells goods to consumers or users after buying them from a wholesaler or a manufacturer or an importer, or when a wholesaler or a manufacturer or an importer sells goods to consumers or users is considered to have been engaged in retail business;

- 08/ "ፀረ ውድድር ወይም የገበያ ውድድርን የሚገድቡ ተግባራት" ማለት ዋጋ በመቀነስ ተመሳሳይ የንግድ ዕቃ ወይም አገልግሎት የሚሸጡ ነጋዴዎችን ኪሣራ ላይ በመጣል ወይም በተመሳሳይ የንግድ ሥራ ላይ የተሰማሩ ነጋዴዎችንና ቴክኖሎጂዎችን በመጠቅለል ወይም ሌሎች ነጋዴዎች ወደ ንግድ እንዳይገቡ በመከልከል ወይም የንግድ ዕቃዎች እና አገልግሎቶች ሻጮች የሚሸጡበትን ዋጋ እንዳይወስኑ በመከልከል ወይም የሽማቾችን ወይም የተጠቃሚዎችን ምርጫ በመገደብ የንግድ ዕቃዎችን ወይም የአገልግሎቶች ሽያጭን ከሌሎች ተመሳሳይ ካልሆኑ የንግድ ዕቃዎች ወይም አገልግሎቶች ሽያጭ ጋር በማያያዝ በንግድ ሥራ ውስጥ የሌሎች ነጋዴዎችን የመወዳደር አቅም የሚገድቡ ተግባራት ወይም በዚህ አዋጅ አንቀጽ 5፣ 01፣ 05 እና 11 የተከለከሉት ተግባራት እና የመሳሰሉት ናቸው፤
- 09/ "የማምረት ሥራ" ማለት በኢንዱስትሪ የሚከናወን የመቀመም፣ የመለወጥ፣ የመገጣጠምና የማሰናዳትን ሥራ ይጨምራል፤
- 1/ "ደንብ" ማለት ይህን አዋጅ ለማስፈጸም የሚወጣ ደንብ ነው፤
- 1/ "የመንግሥት yL ¥ T DRJT" ¥IT bመንግሥት የልማት ድርጅቶች xêJ q|_R !5%09)' 4 m\rT ytìlm DRJT wYM hêl#M xKs!×ñc bፌዴራል mNG|T ytÃz yNGD tìM ወይም በክልል መንግሥት የሚቋቋም የልማት ድርጅት nW፤
- 12/ በዚህ አዋጅ ውስጥ በወንድ ጾታ የተሸጋገሉ የሴቶችንም ጾታ ያካትታል።

3. § ¥ ã C

YH xê J:-

- 1/ የሸማቾችን መብትና ጥቅም የማስጠበቅ፤
- 2/ የንግድ ዕቃ እና አገልግሎት አቅርቦት ለሰው ጤናና ደህንነት ተጭማሚ ሆኖ እንዲገኝ የክትትል ስርአት የመዘርጋት፤
- 3/ አምራቾች ፣ አስመጪዎች፣ አገልግሎት ሰጪዎች እና በአጠቃላይ በንግድ ሥራ የተሰማሩ ነጋዴዎች በተጠያቂነት እንዲሰሩ የማይረግ፤

- 18/ “Anti Competitive or Acts Restricting Market Competition” means acts limiting the competitive capacity of other business persons in commercial activities through acts of putting business persons engaged in selling similar goods and services at loss by reduction of prices or through acts of taking over of businesses and technologies of business persons engaged in similar businesses or through act of restricting the entry of other business persons in to market or through acts of restricting the suppliers of goods and services from determining their selling prices or through the tying of the sale of certain goods and services with the sale of other unlike goods and services by limiting the choices of consumers or users or are the acts prohibited under Articles 5, 11, 15 and 21 of this Proclamation and the like;
- 19/ “Manufacturing Activity” includes any formulation, alteration, and assembling and prefabrication activity carried on by an industry;
- 20/ “Regulation” means regulation issued to implement this Proclamation;
- 21/ “Public Enterprise” means an enterprise established in accordance with Public Enterprises Proclamation № 25/1992 or a business organization whose shares are totally owned by the federal government or public enterprise established by a regional state;
- 22/ any expression in the masculine gender includes the feminine.

3. OBJECTIVES

This Proclamation has the objectives of:

- 1/ protecting consumers rights and benefits;
- 2/ ensuring the suitability of the supply of goods and services to human health and safety and installing a system of follow up;
- 3/ ensuring that manufacturers, importers, service dispensers and persons engaged in commercial activities in general carry on their activities in a responsible way;

4/ የንግድ ሰነድ ለማግኘት የሚያስፈልጉ ገንዘብ ምንጮችን ማስፈጸምና ማስፈጸሙን ማረጋገጥ፤

5/ የኢኮኖሚ ልማትን የማፋጠን፤

ዓላማዎች አሉት፡፡

4. የፕሮክላሜኒው ወሰን

1% የፕሮክላሜኒው ወሰን በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

2% የፕሮክላሜኒው ወሰን በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

3% የፕሮክላሜኒው ወሰን በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

ከ% የፕሮክላሜኒው ወሰን በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

ለ% በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

ለ% በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

ጠ% የአስሪና ሠራተኛ ግንኙነትን በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

4/ የዚህ አንቀጽ ንዑስ አንቀጽ /3/ ድንጋጌዎች እንደተጠበቁ ሆነው የዚህ ንዑስ አንቀጽ /3/ለ/ እና /ሐ/ን በተመለከተ የተቀመጠው ፡፡ ፊርማው በዚህ አዋጅ ውስጥ ለማግኘት በተመለከተ ከተደነገጉት ጋር በተያያዘ ተፈጻሚነት አይኖረውም፡፡

5/ የዚህ አዋጅ አፈፃፀም በማናቸውም ሁኔታ ለማግኘት በፌዴራል ዲሞክራሲያዊ ሪፐብሊክ ውስጥ በግብርና ምርትና አገልግሎት ማግኘት ያለውን ሰነድ ያሳያል፡፡

4/ preventing and eliminating trade practices that damage the interests and goodwill of business persons;

5/ accelerating economic development.

4. SCOPE OF APPLICATION

1/ This Proclamation shall apply to all persons carrying on commercial activities and to any transaction in goods and services within the Federal Democratic Republic of Ethiopia.

2/ This Proclamation shall apply to a commercial activity even though conducted outside the Federal Democratic Republic of Ethiopia if its out come has effect in Ethiopia.

3/ This Proclamation shall not, however, apply to:

a) the sovereign act of the state which is exclusive of public enterprises;

b) basic utilities;

c) basic goods and services subject to decision of the Council of Ministers to price regulation;

d) collective agreements applying to employer and employee relationships.

4/ Without prejudice to the provision of sub article (3) of this Article, the limitations of scope of application provided for under this sub article (3)(b) and (c) shall not apply to matters stated in this Proclamation in connection with consumers.

5/ The application of this Proclamation shall not in any way prevent civil actions consumers may file on matters of extra contractual liabilities under the civil code.

6/ የንግድ አሰራርና የሽማግሌ ጥበቃ ባለስልጣን የዳኝነት ስልጣን እና የሚኒስቴሩና የቢሮዎች የአስፈፃሚነት ስልጣን እንደተጠበቀ ሆኖ የዚህ አዋጅ ድንጋጌዎች ስለምግብ መድሃኒትና ጤና ክብካቤ አስተዳደርና ቁጥጥር በወጣው አዋጅ ቁጥር 6)1/2ሺ2 መሠረት ከሚካሄዱ የቁጥጥር ስራዎች እና ከሚወሰዱ እርምጃዎች ጋር በተያያዘ ተፈፃሚነት አይኖራቸውም።

KEL hET
የንግድ አሰራር
ምዕራፍ አንድ

bbSYnT ytÄZN gbÄ xlxGÆB m - qM

5. S`Q

¥N¾WM ነጋዴ bGl#M ርn kl|lÖC UR bmፍN bbSYnT yÄzWN gbÄ bGL}M ርn bSWR xlxGÆB bm - qM yNGD ሥራ ማካሄድ አይችልም።

6. TRq#M

¥N¾WM ነጋዴ bGl# wYM kl|lÖC UR bmፍN bxND ygbÄ KLL WS_ êUN wYM l|lÖC yNGD DRDR h#n| - äCN ymöÈ - R wYM WDDRN y¥_IT wYM bGL} ymgdB ytrUg - አቅም ÄIW ርñ ktgß gbÄWN bbSYnT Y²'L YÆSLÝÝ

7. ybSYnTN SI ¥ rUg

1¼ xND gbÄ bbSYnT mÄz#N l¥ rUg_ ነጋዴው bgbÄW WS_ ÄIW DRŠ wYM l|lÖC wd gbÄW XNÄYgb# lmkLkL ÄIW xQM wYM አግባብነት ያላቸው l|lÖC mmz¾äC wYM ymmz¾äc|_MrT GMT WS_ y, gb# gÄxC ÄcWÝÝ

2¼ bxND gbÄ WS_ ybSYnT x l l¥ IT y, ÖIW¿ ytÆIW gbÄ twÄÄ¶ ሊሆኑ የሚችሉ ወይም የሚተካኩ የንግድ ዕቃዎችንና xgLGlÖèCN yÄz slፍN nWÝÝ

6/ Without prejudice to the adjudicatory power of Trade Practice and Consumers Protection Authority and the enforcement power of the Ministry and the bureaux, the provisions of this Proclamation may not apply to matters with regard to supervisory activities and measures undertaken in accordance with the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009.

PART TWO
TRADE PRACTICES
CHAPTER ONE

ABUSE OF MARKET DOMINANCE

5. PRINCIPLE

No business person, either by himself or acting together with others, may carry on commercial activity by openly or dubiously abusing the dominant position he has in the market.

6. DEFINITION

A business person either by himself or acting together with others in a relevant market, is deemed to have a dominant market position, if he has the actual capacity to control prices or other conditions of commercial negotiations or eliminate or utterly restrain competition in the relevant market.

7. ASSESSMENT OF DOMINANCE

1) A dominant position in a certain market may be assessed by taking in to account the business person's share in the market or his capacity to set barriers against the entry of others into the market or other factors as may be appropriate or a combination of these factors.

2) The market relevant for the assessment of a dominant position is the market that comprises goods or services that actually compete with each other or fungible goods or services that can be replaced by one another.

3% yz!h# gbÃ መልክክ ምድራዊ KLL
yWDDR h#ñ- ãC bbq: h#ñ-
xND >YnT yçñbT XÂ bxg0%ÆC
gbÃãC k, -†T yWDDR h#ñ- ãC
y, l†bT nWŸŸ

4/ የሚኒስትሮች ምክር ቤት በአኃዝ የሚገለጽ
የገበያ የበላይነትን መጠን በደንብ ሊወስን
ይችላል።

8. ybSYnTN xlxGÆB ym - qM DRg!èC

btIYM y, ktI#T bbSYnT ytÄzN ገበያ
xIxGÆB ym - qM DRg!èC ÄcWŸ-

1% MRTN mgdB½ yNGD : " ãCN
ማከማቸት ወይም mdbQ wYM
bmdb¾W yNGD m | mR XNÄY¹ - #
¥DrG ወይም mÄZ፤

2% yNGD WDDRN lmgdB wYM l¥
_ÍT b¥sB k¥MrÖ êU b-C የm
¹_ ወይም ytwÄÄ¶N wጨ. የ¥údG
ወይም GB>èCN wYM ySR+T mS
méCN qDä uSÁ´ twÄÄ¶ §Y
ÄnÈ - r g0©! DRg!T bq_- wYM
btzêê¶ mNgD መፈፀም፤

3% bq_- wYM btzêê¶ mNgD ፍት
ሐዊ ያልሆነ ym¹Ä êU wYM ym
G Ĩ êU m - yQ፤

4% ግልፅና ወቅታዊ የሆነ የገበያ አሠራርን
በሚቃረን መልኩ gbÄN bbSYnT yÄ
zW ነጋዴ bL¥D y, ÄdRgWN wYM
l!ÄdRgW y, ClWN XNd¥YClW
ሆኖ lmd%dR f " d¾ xlmçN፤

5% xú¥" x!÷ñ, Äê MKNÄT úYñR½
gbÄN bbSYnT bÄz ነጋዴ q!_R
| R ÄIN ተፈላጊ GB>T twÄÄ¶ lçñ
wYM l!çN l, CL ነጋዴ mkLkL፤

6% yNGD WDDRN lmgdB wYM
l¥_ÍT b¥sB b: " ãCÄ xgLGIÖ
èC xQRİTÄ G¶ §Y bደንበኞች መካ
kL bêUÄ bl¶lÖC h#ñ- ãC LtñT
mF - R፤

7% xú¥"nT bl¶IW h#ñ-Ä yNGD
WDDRN lmgdB wYM l¥_ÍT
b¥sB:-

3) The geographic area of this market is the area
in which the conditions of competition are
sufficiently homogeneous and can be
distinguished from the conditions of
competition in neighboring areas.

4) The Council of Ministers may determine by
regulation the numerical expression of the
degree of market dominance.

8. ACTS OF ABUSE OF DOMINANCE

The following acts shall, in particular, be
considered acts of abuse of market dominance:

1) limiting production, hoarding or diverting or
preventing or withholding goods from being
sold in regular channels of trade;

2) with the view to restrain or eliminate
competition, doing directly or indirectly such
harmful acts, aimed at a competitor, as
selling at a price below cost of production,
causing the escalation of the costs of a
competitor, preempt inputs or distribution
channels;

3) directly or indirectly imposing unfair selling
price or unfair purchase price;

4) contrary to the clearly prevalent trade
practice refuse to deal with others on terms
the dominant business person customarily or
possibly could employ as though the terms
are not economically feasible to him;

5) without justifiable economic reasons,
denying access by a competitor or a potential
competitor to an essential facility controlled
by the dominant business person;

6) with a view to restrain or eliminate
competition, impose discrimination between
customers, in prices and other conditions in
the supply and purchase of goods and
services;

7) without any justifiable cause and with the
view to restrain or eliminate competition:

h% yxNDN yNGD : " wYM xgLGIOt xQRIT½ I§ twÄÄ¶ yçnN wYM ÄLçnN yNGD : " wYM xgLGIOt kmqbl UR XNÄ!gÄ" ¥DrG wYM I§ twÄÄ¶ yçnWN yNGD : " wYM xgLGIOt b¥kÍfL wYM b¥MrT \$Y gdB mÈL½ wYM b7ÿrø k, flgW yNGD : " wYM xgLGIOt UR GNßñT kl¶IW yNGD : " wYM xgLGIOt G™ UR XNÄ!gÄ" ¥DrG

I% yNGD : " äCNÄ xgLGIOèCN xQRIT btmikt yT ወይም I¥N ወይም bMN hñ- wYM m - N wYM bMN ÁIM êU XNdGÄ SgØ wYM wd W+ መላክ እንዳለበት gdïC" mÈL::

9. ልዩ ሁኔታዎች

tgb!nT ÄIW N yNGD >\$¥ kGB I¥D rS bGD I!f}ማቸW y, gñ: bÆH¶ÄcW wú" XÄ bI§ b¥ÄcWም mNgD I!úK# y¥YCI# መሆኑን በማረጋገጥ የንግድ ሥራን የሚያከናውን ነጋዴ፤ በተለይም:-

1% yNGD : " äCNÄ yxgLGIOèCN _% TÄ dHnNT m - bQ½

2% I§SW twÄÄ¶ ks - W êU wYM ጥቅም ጋር መስተካከል፣ እና

3% BqÄ twÄÄ¶ çñ mgßT½

ከግብ ለማድረስ የረዕመው ተግባር ገበያውን ያለአግባብ ተቆጣጥሯል በሚል አያስጠይቅም::

10. tfÉ, nTN SI¥SqrT

y, n!STéC MKR b¶T በዚህ ምዕራፍ አንድ ytmiktIT DNUgäC tfÉ, y¥Yçn#ÆcWN L¥TN I¥Í - N Y - Q¥I# y, §cWN xNÄND የንግድ ስራዎችን b, ÄwÈW dNB XNÄ!wñ# I!ÄdRG YC\$LY

a) making the supply of particular goods or services dependent on the acceptance of competitive or non competitive goods or services or imposing restrictions on the distribution or manufacture of competing goods or services or making the supply dependent on the purchase of other goods or services having no connection with the goods or services sought by the customer;

b) in connection with the supply of goods or services, imposing such restrictions as where or to whom or in what conditions or quantities or at what prices the goods or services shall be resold or exported.

9. EXCEPTIONS

A business person who conducts business to achieve legitimate business purposes, by ensuring that acts he commits are indispensable, decisive by their nature and cannot be achieved in any other ways; in particular:

- 1) maintenance of quality and safety of goods;
- 2) leveling with prices or benefits offered by a competitor; and
- 3) achieving efficiency and competitiveness; shall not be considered as abusing market dominance.

10. EXEMPTIONS

The Council of Ministers may specify by regulation, those trade activities which shall be exempted from the application of the foregoing provisions of this Chapter One, when it deems such activities are vital in facilitating economic development.

ምዕራፍ ሁለት
SMMnèC½ b^BrT y. Äz# xì äC XÄ
ኃጋዴዎች
ቅጥረው አማካኝነት የ ያሳልፏቸው
WúniäC

01. መርህ

yNGD WDDRN y, ÄGD½ y, gDB
 wYM y, Ä²E >S¥ wYM Wm.T ÄIW
 SMMnT ¥DrG½ b^BrT xìM mÄZ
 wYM b¥^bR Wúni ¥úIF ytklkl
 ' - ::

02. ተግባር

1% bz!H ምዕራፍ SMMnT y, IW / rG
 b?G tfÉ, nT b!ñrWM ÆYñrWM
 mGÆETN¿ b{ / #F wYM b" L
 የተፈፀመ ውልን እና የአካሄድ ሥርዓትን
 Y = M%L YÝ

2% bz!H ምዕራፍ b^BrT xìM መያዝ
 ¥IT SMMnT b¥YmSL hñi -
 ከኃጋዴዎች መካከል በቀጥታ ወይም
 btzêê¶ mNgD byGL y, fiMN
 ተግባር ለመተካት የሚደረግ የተባረሰ
 wYM yTBBR DRg!T nWYÝ

03. የብልህነት ማረጋገጫ

1% y, ktI#T F[#M ytklkl# DRg!èC
 ÄcWÝ-

h% wdgõN GNßnT ÆScW ኃጋዴዎች
 መካከል ከሚከተሉት አንዱ >YnT >S¥
 wYM W - ¶T ÄIW SMMnT ¥DrG
 ወይም b^BrT xìM mÄZ wYM
 b¥^bR Wúni ¥úIF:-

i% bq_ - wYM btzêê¶ መን
 gD êUN mwsN፤

ii% ተመሳሳይ መጠራረጥ፤

iii% dNb©CN ወይም ygbÄ KLLN
 ወይም MRTÄ >Ä + N b÷ -
 m m dB፤

I% GNßn - cW kSY wd - C bç' <
 ኃጋዴዎች መካከል የሚፈፀም ዓላማው
 wYM W - ¶t ZQt¾ yCRÖé êU
 mwsN yçn SMMnTYÝ

CHAPTER TWO
AGREEMENTS, CONCERTED PRACTICES
AND DECISIONS OF ASSOCIATIONS OF
BUSINESS PERSONS

11. PRINCIPLE

Agreement or concerted practice or a decision by an association is prohibited if it has the object or effect of preventing, restricting or distorting competition.

12. DEFINITION

1) For the purpose of this chapter, the term agreement includes mutual understanding, written or oral contract and operational procedures, whether or not legally enforceable.

2) For the purpose of this chapter concerted practice means a unified or cooperative conduct of business persons depicted in a way that does not look like an agreement and done to substitute individual activity.

13. ABSOLUTE PROHIBITION

1) The following acts are absolutely prohibited:

a) agreements or concerted practices or decisions by associations of business persons in a horizontal relationship and have the object or effect of the following:

i. directly or indirectly fixing prices;

ii. collusive tendering;

iii. allocating customers, or marketing territories or production or sale by quota;

b) agreement between business persons in a vertical relationship that has an object or effect of setting minimum retail price.

3% ለዚህ አንቀጽ ንዑስ አንቀጽ /2/ ድንጋጌ አፈፃፀም xND sW wYM Bz# sãC bxND የንግድ ማህበር ወይም የንግድ መደብር g#ÃxC wYM xStÃd%Ê | %ãC \$Y t}:ñ y, ÃdRS Wún¶ |mS- T kÒI# የንግድ ማህበሩን ወይም የንግድ መደብሩን XNdÃz# wYM XNd t öÊ - „ Yö - %LŸŸ

07. ውህደትን SI ¥úwQ

- 1/ የንግድ ምዝገባ የሚያከናውን የመንግሥት መስሪያ ቤት በንግድ ምዝገባ ውስጥ የሚካተቱ የንግድ ማህበራትን መዋሃድ ወይም የአክሲዮኖች ወይም ሴኩራቲዎች ወይም ንብረቶች ዝውውርን ከመመዝገቡ በፊት ለባለሥልጣኑ ማሳወቅ አለበት፡፡
- 2/ ማንኛውም የውህደት ዓላማ ያለው ቅንብር ወይም ስምምነት የሚመለከት ሰው የውህደት ዓላማ ያለው ቅንብር ወይም ስምምነት መደረጉን ወይም ለማድረግ ሙከራ መኖሩን ለባለሥልጣኑ ማሳወቅ አለበት፡፡
- 3/ የባለሥልጣኑ ፈቃድ ከመገኘቱ በፊት የውህደት ድርጊት በተግባር ላይ እንዲወልድ አይፈቀድም፡፡

08. ውህደትን ስለመቆጣጠር

- 1% ባለሥልጣኑ bNGD WDDR \$Y g#LH t}:ñ y, ÃSkTL wYM !!ÃSkTL y, CL gdB y, _L wYM yNGD WDDRN y, Ã-ፋ yውህደት tGERN YkIK\$SLŸŸ
- 2% ባለሥልጣኑ የውህደት ¥S¬wqÃ s!qRBIT f "ÇN y, s_ wYM y, kIKL mçn#ን ለአመልካቹ በተፋጠነ ሁኔታ ¬d'¶¬" b{ /#F mG|{ x|bT::
- 3% ባለሥልጣኑ Wún¶ kmS- t| bðT t = ማሪ መረጃዎችንና ሰነዶችን ከአመልካቹ y, fLG kçn½ በአስቸኳይ እንዲቀርቡ ወሳኔውን በአጭር ጊዜ ለአመልካቹ ማሳ wQ x|bTŸŸ
- 4% ባለሥልጣኑ አስፈላጊ ሆኖ ካገኘው፣ አመልካቹ ውህደቱን XNÁ T ¥ššL XNÁI bT XÁ bz!h# m\ rT tš>Ið kqrb f "Ç l!s_ XNd, CL ¥S¬wQ YC\$SLŸŸ

- 3) For the purpose of the implementation of sub article (2) of this Article, a person or a group of persons shall be deemed to have acquired or to have taken control of a business organization or a business where such person or group of persons could influence the decision making in the affairs or in the administrative activities of a business organization or a business.

17. NOTIFICATION OF MERGER

- 1) A government office, which conducts commercial registration, shall inform the Authority, the merger of business organizations or the transfer of shares or securities or assets which shall be entered in the commercial register before registering the same.
- 2) Any person, who is concerned with an agreement or arrangement that has the purpose of merger, shall, inform the Authority of the conclusion of an arrangement or agreement with the purpose of merger or an attempt to conclude the same.
- 3) No merger arrangement shall be implemented before the Authority grants permission.

18. REGULATING MERGER

- 1) The Authority shall prohibit the acts of merger that cause or are likely to cause a significant restriction on competition or that eliminate competition.
- 2) The Authority, when a notification of merger is submitted to it, shall, immediately communicate to the applicant in writing of its decision either to grant or deny its permission.
- 3) If the Authority needs additional information or documents, it shall communicate its decision to the applicant within a short period of time in order that the information and documents be submitted.
- 4) Where the Authority deems necessary, may notify the applicant how he shall amend the merger and that it gives the permission on condition of the submission of the amendment.

5/ የሚኒስትሮች ምክር ቤት ቁጥጥር የሚደረግባቸውን የውህደት ተግባራት ዝርዝር ጉዳዮች በደንብ ሊወሰን ይችላል።

5/ The Council of Ministers may specify by regulation those acts of mergers that are subject to supervision.

09. Lተ ከብ- ልር

ውህደቱ ir WDDR W-¶T ልIW b!ç NM bNGD WDDR SY k, ልSkTIW g፡ፈT YLQ ktKñI0©!½ kB" T XÄ tw፡ፈ፡¶ çñ kmgBT xNÉR y, ልSgßW _QM y, ልmZN mçnN" ØpS< uT"— ፡U K'L "ÓÉ" uT፡ፈ፡ÑÉw S"ÑÉ K-Ñ~ ¾T ል<M S J'<" አመልካቹ ማስረዳት k0I½ ባለሥልጣኑ f "D !Is_ YCSLŸŸ

1. t fÉ, nTN SI¥SqrT

y, n!STéC MKR b¶T yM:%F ሦስት DNUg፡ፈC t fÉ, y¥Yçn#ÆcWN L¥TN I¥údG Y-Q¥I# y, ልI# የንግድ ስራዎችን bdNB ImwsN YCSLŸŸ

1.1. ተገቢ ያልሆነ የውድድር ተግባር iMŸL

1፡ bNGD J% £dT WS_ ¥N¾WM hq¾ ልLçn½ xúúC½ x-§YnT ልIbT XÄ ytw፡ፈ፡¶N yNGD _QM yg0፡ፈ wYM !!g፡ፈ y, CL DRg!T wYM tGÆR btw፡ፈ፡¶ SY ልñÈ - r tgb! ልLçn yNGD ውድድር XNdçn Yö - %LŸŸ

2፡ btiYM y, kti#T tgb! ልLçn# yNGD ውድድር ተግባራት የተከለከሉ ናቸው፡-

h፡ bI፡ፈW ነጋዴ wYM በነጋዴው tG ልÉC btiYM ነጋዴው k, ልqR bW የንግድ ዕቃ wYM xgLG!0T UR btg፡ፈ፡፡ hñ፡፡ ¥d፡ፈgRN ልSk ti wYM !፡ፈSkTL y, CL ¥Äc WM DRg!T፤

I፡ ልImBT kçnW ymr©W ልIb¶T ነጋዴ f "D W፡ፈ. khq¾ yNGD x\%R tÉ%¶ bçn hñ፡፡ yI፡ፈSWN mr© y¥WÉT½ ym፡ፈZ wYM ym - qM ¥ÄcWM DRg!T፤

/፡ yI፡ፈSWN ነጋዴ ወይም የነጋዴውን tG፡ፈ-ት btiYM ነጋዴው k, ል qRbW የንግድ ዕቃ wYM xgL GI0T UR btg፡ፈ፡፡ hñ፡፡ ፡¥" nTN ልúÈ wYM !፡ፈúÈ y, CL ¥ÄcWM hsT yçn wYM ¥rUg፡ፈ yI፡ፈIW xgSI{፤

19. EXCEPTIONS

The Authority may grant a permission to implement a merger in spite of the fact that it has an anticompetitive effect, where the applicant can justify the merger by proving that gains in this respect cannot be obtained without restricting competition and technology, efficiency and pro-competitive gains resulting from the merger outweigh its anticompetitive effects.

20. EXEMPTIONS

The Council of Ministers may specify by regulation those trade activities it deems are vital in facilitating economic development to be exempted from the application of the provisions of chapter three.

21. PROHIBITION OF UNFAIR COMPETITION

1) Any act or practice carried out in the course of trade, which is dishonest, misleading, or deceptive and harms or is likely to harm the business interest of a competitor shall be deemed to be an act of unfair competition.

2) In particular the following acts of unfair competition shall be prohibited:

a) any act that causes or is likely to cause confusion with respect to another business person or its activities, in particular, the goods or services offered by such business person;

b) any act of disclosure, possession or use of information, without the consent of the rightful owner of that information, in a manner contrary to honest commercial practice;

c) any false or unjustifiable allegation that discredits, or is likely to discredit another business person or its activities, in particular the products or services offered by such business person;

ጠፃፃ፡ ለገጽ 9 ነገሱ 0 ባለ 2ኛው ገጽ
ፅፌሌ ነገጥ ሆኖ ለገጽ 9 ነገሱ 0 ባለ 2ኛው ገጽ

ሆኖ ለገጽ 9 ነገሱ 0 ባለ 2ኛው ገጽ
ፅፌሌ ነገጥ ሆኖ ለገጽ 9 ነገሱ 0 ባለ 2ኛው ገጽ

ሆኖ ለገጽ 9 ነገሱ 0 ባለ 2ኛው ገጽ
ፅፌሌ ነገጥ ሆኖ ለገጽ 9 ነገሱ 0 ባለ 2ኛው ገጽ

ክፍል ሦስት የሽማግሌ ጥበቃ

12. የሽማግሌ መብት

ማንኛውም ሽማግሌ፡-

- 1/ ስለሚገዛው ዕቃ ወይም አገልግሎት ጥራትና አይነት በቁና ትክክለኛ መረጃ ወይም መግለጫ የማግኘት፤
- 2/ ዕቃዎችን ወይም አገልግሎቶችን አማርጦ የመግዛት፤
- 3/ የዕቃዎችን ወይም አገልግሎቶችን ጥራት ወይም አማራጮችን በማየቱ ወይም የዋጋ ድርድር በማድረግ ምክንያት እንዲገዛ ያለመገደድ፤
- 4/ በማንኛውም ነጋዴ በትህትናና በአክብሮት የመስተናገድ እና በነጋዴው አሟደርስበት የስድብ፣ የዛቻ፣ የማስፈራራት እና የስም ማጥፋት ተግባር የመጠበቅ፤
- 5/ በዚህ አዋጅ መሠረት ለንግድ አሠራርና ለሽማግሌ ጥበቃ ባለሥልጣን ቅሬታውን ለዳኝነት የማቅረብ፤ እና

- d) comparing goods and services falsely or equivocally in the process of commercial advertisement;
- e) with a view to acquire an unfair advantage, disseminating to consumers or users, false or equivocal information including the source of which is not known, in connection with the prices or nature or system of manufacturing or manufacturing place or content or suitability for use or quality of goods and services;
- f) obtaining or attempting to obtain confidential business information of another business person through his employee or obtaining the information to pirate his customers or to use for purposes that minimize his competitiveness.

PART THREE PROTECTION OF CONSUMERS

22. THE RIGHT OF CONSUMER

Any consumer shall have the right to:

- 1) get sufficient and accurate information or explanation on the quality and type of goods and services he purchases;
- 2) selectively buy goods or services;
- 3) not to be obliged to buy for the reasons that he looked into quality or options of goods and services or he made price bargain;
- 4) be received humbly and respectfully by any business person and to be protected from such acts of the business person as insult, threat, frustration and defamation;
- 5) submit his complaints to the Trade Practice and Consumers Protection Authority for adjudication; and

6/ በንግድ ዕቃዎችና አገልግሎቶች ግብይት ምክንያት ለሚደርስበት ጉዳት በዚህ አዋጅ መሠረት የመከላከል መብት አለው።

!3. የንግድ ዕቃዎችንና አገልግሎቶችን ዋጋ ስለማ መልከት

1/ ማንኛውም ነጋዴ የንግድ ዕቃዎችንና የአገልግሎቶችን የዋጋ ዝርዝር በንግድ ቤቱ በግልጽ በሚታይ ቦታ ማመልከት ወይም በንግድ ዕቃዎች ላይ መለጠፍ ያለበት።

2/ የዕቃው ወይም የአገልግሎቱ ዋጋ ቀረጥ፣ ታክስ ወይም ሌላ ሕጋዊ ክፍያ ያካተተ መሆኑን አለበት።

!4. ስለንግድ ዕቃዎች መግለጫ

1/ ማንኛውም ነጋዴ በሚሸጥው የንግድ ዕቃዎች ላይ መግለጫ መለጠፍ ወይም በተለየ ወረቀት ላይ ጽፎ ለሸማቹ መስጠት አለበት።

2/ በንግድ ዕቃዎች ላይ የሚጠየቅ መግለጫ እንደአግባቡ የሚከተሉትን ዝርዝሮች የሚያመለክት መሆን አለበት፡-

ሀ/ የንግድ ዕቃው ስም፡

K/ የንግድ ዕቃው የተሠራበትን ወይም የመጣበትን አገር፤

N/ የንግድ ዕቃውን ÖpLL“ የተጣራ ክብደት፣ መጠን እና ብዛት፣

መ/ የንግድ ሰቃውን ጥራት፡፡

ሠ/ የንግድ ዕቃው ከምን እንደተመረተ
የሚያሳይ ዝርዝር፤

ፈ/ የንግድ ዕቃውን የቴክኒክ ዝርዝሮች፣
የአሠራር ወይም የአጠቃቀም ዘዴ፣

ለ/ በንግድ ዕቃው አጠቃቀም ወቅት ሊወሰዱ የሚገባቸውን የጥንቃቄ እርምጃዎች፤

ሸ/ ነጋዴው ስለንግድ ዕቃው አገልግሎት ለገዢው የሚሰጠውን ዋስትና፤

6) be compensated for damages he suffers because of transactions in goods and services.

23. DISPLAY OF PRICE OF GOODS AND SERVICES

- 1) Any business person shall, display price of his goods and services by posting such list in a conspicuous place in his business premise or by affixing price tags on the goods.

2) The price of goods and services shall be inclusive of customs duties, taxes and other lawful fees.

24. LABELS OF GOODS

- 1) Any business person shall, affix labels on the goods he sells or provide them to the consumer on a separate paper.

2) Labels affixed on goods shall indicate the following particulars as may be appropriate:

a) the name of the goods;

b) country of manufacturing or export of the goods;

c) the gross and net weight, volume, and quantity of the goods;

d) quality of the goods;

e) statement of materials used to manufacture the goods;

f) technical specification of the goods and their operational or utilization methods;

g) safety measures to be considered during the use of the goods;

h) a warranty of the service of the goods to be provided by the business person;

k/ የፋብሪካው፣ የአሻጊው እና የአስ
መጪው ስምና አድራሻ፤

ሀ/ የንግድ ዕቃው አገልግሎት መስጠት የሚያበቃበትን ጊዜ፤

}/ የንግድ ስቃዉ የተመረተበትን ቀን፤

†/ በኢትዮጵያ ደረጃዎች የተመለከቱትን መስፈርቶች ያሟላ መሆኑ፤ እና

’/ የጉብረተሰቡን ጥቅም ለመጠበቅ አስፈላጊ ሆኖ ሲገኝ ሚኒስቴሩ በሕዝብ ማስታወቂያ የሚያወጣቸውን ሌሎች ዝርዝሮች።

3/ በንግድ ዕቃዎች ላይ የሚለጠፍ መግለጫ በቀላሉ የማይላቀቅ ሆኖ በራሱ በዕቃው ላይ ወይም በመያዣው ላይ መለጠፍ ወይም መታተም የሚገባው ሲሆን ቢያንስ በአማርኛ ወይም በእንግሊዝኛ ቋንቋ መፃፍ አለበት።

!5. ደረሰኞችን ስለመስጠትና ቀሪዎችን ስለመያዝ

1/ ማንኛውም ነጋዴ ለሸጠው ዕቃ ወይም አገልግሎት ደረሰኝ የመስጠት ግዴታ አለበት።

2/ በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሠረት ነጋዴው ለሸጣቸው ዕቃዎች ወይም አገልግሎቶች የሰጣቸውን የደረሰኝ ቀሪዎች ወይም ለሽያጭ ለገዛቸው የንግድ ዕቃዎች ወይም አገልግሎቶች የተቀበላቸውን ደረሰኞች ለአስር /0/ ዓመት መያዝ አለበት።

! 6. ራስን ስለመግለጽ

1/ ማንኛውም ነጋዴ የንግድ ስሙን በግልጽ በሚታይ ቦታ መሰጠፍ አለበት።

2/ ማንኛውም ነጋዴ ከሚሸጠው የንግድ እቃ ወይም አገልግሎት ጋር ብተያያዝ ሽማቹ በሚያቀርብለት ጥያቄ መሠረት በአጥጋቢ ሁኔታ እራሱን መግለፅና ሽማቹ የሚፈልገውን መረጃ እንዲወስድ መፍቀድ አለበት።

i) the name and address of the factory, packer and the importer;

j) expiry date of the goods;

k) manufacturing date of the goods;

- 1) indication that the goods have fulfilled requirements set in Ethiopian standards; and

m) other details published in public notices by the Ministry when deemed necessary to safeguard public interest.

3) Labels to be posted on goods shall be posted or printed on the good or its pack, being not easily detachable and shall be written at least in the Amharic or English language.

25. ISSUING RECEIPTS AND KEEPING THEIR PADS

- 1) Any business person shall have the obligation to issue receipts to the consumer in respect of goods or services sold.

2) The business person shall keep pads of receipts issued in respects of goods and services he sold pursuant to sub article (1) of this Article or receipts obtained in respect goods and services he bought for sale, for ten (10) years.

26. SELF DISCLOSING

- 1) Any business person shall display his trade name in an overt place.

2) Any business person, shall, upon a request by a consumer relating to goods or services he sell, satisfactorily disclose himself and let the consumer take the information he wants.

17. ስለንግድ ማስታወቂያ

በማንኛውም የሚገለጹ ስለንግድ ዕቃዎችና አገልግሎቶች የሚወጡ የንግድ ማስታወቂያዎች በማንኛውም ሁኔታ በተለይም፡-

- 1/ የዕቃውን ባህርይ፣ ውሁድ እና ብዛት፤ ወይም
- 2/ የዕቃውን ምንጭ፣ ክብደት፣ መጠን፣ የአመራረት ዘዴ፣ የማምረቻ ቀን፣ አገልግሎት የሚያበቃበት ጊዜ እና ስለአጠቃቀሙ፤ ወይም
- 3/ የዕቃውን አምራች ወይም የአገልግሎቱን አቅራቢ፤ ወይም
- 4/ አገልግሎትን በተመለከተ አገልግሎቱ የሚሰጥበትን ቦታ፣ መሠረታዊ ባህርይ፣ የአገልግሎቱን ጥቅም እና ስለአገልግሎቱ አጠቃቀም፤ ወይም
- 5/ የዕቃው ወይም የአገልግሎቱ የግዢ ሁኔታ፣ ከግዢ በኋላ ስለሚሰጥ አገልግሎትና ዋስትና፣ ስለክፍያ ሁኔታ እና ዋጋ፤ ወይም
- 6/ የጥራት ምልክቶችን፤ ወይም
- 7/ የንግድ ምልክትን እና አርማን፤ ወይም
- 8/ ዕቃውን ወይም አገልግሎቱን በመጠቀም የሚጠበቅ ውጤትን፤ በተመለከተ ሀሰተኛ ወይም አሳሳች መሆን የለባቸውም፡፡

18. በንግድ ዕቃዎችና አገልግሎቶች ላይ ስለሚገኙ ጉድለቶች

- 1/ ማንኛውም ሽማች በገዛው የንግድ ዕቃ ወይም አገልግሎት ላይ ያገኛቸውን ጉድለቶችና ጉድለቶቹ ሊያስከትሉ ስለሚችሉት ጉዳት ለሚኒስቴሩ ወይም ለቢሮው ማሳወቅ ይችላል፡፡
- 2/ ለሽማቹ የበለጠ የሚጠቅሙ ስለ ንግድ ዕቃው የተሰጡ ዋስትናዎች ወይም የሕግ ወይም የውል ድንጋጌዎች እንደተጠበቁ ሆነው ሽማቹ የንግድ ዕቃው ላይ ጉድለት ያገኘበት እንደሆነ የንግድ ዕቃውን ከገዛበት ቀን ጀምሮ በአስራ አምስት ቀን ውስጥ የንግድ ዕቃው እንዲለወጥለት ወይም ዋጋው እንዲመለስለት መጠየቅ ይችላል፡፡

27. COMMERCIAL ADVERTISEMENTS

Commercial advertisements about goods and services announced by any one shall not be false or misleading in any manner particularly on:

- 1) the nature, components and quantity of the goods; or
- 2) the source, weights, volume, method of manufacturing, date of manufacturing, expiry date of the goods and how it is used; or
- 3) the manufacturer or the supplier of the goods or services; or
- 4) the place of delivery, basic nature, the use and on how to use it, as far as services is concerned; or
- 5) conditions of purchase, warranty and services after purchase, conditions of payment and prices of the goods and services; or
- 6) quality marks; or
- 7) trade mark and emblem; or
- 8) results expected by using the goods or services.

28. DEFECTS FOUND IN GOODS AND SERVICES

- 1) Any consumer may report defects in goods and services purchased and the damage the defects may cause, to the Ministry or the bureau.
- 2) Without prejudice to warranties on goods or legal or contractual provisions more advantageous to the consumer, where the consumer finds defect in the good, he may demand the replacement of the good or a refund within fifteen days from the date of purchase of the goods.

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| <p>5/ ስለዋጋ ቅናሽ ሐሰተኛ ወይም የተሳሳተ መረጃ ማስተላለፍ፤</p> | <p>5) making false or misleading statements of price reduction;</p> |
| <p>6/ አንድ ሽማግሌ አንድን የንግድ ዕቃ ወይም አገልግሎት በመግዛቱ ወይም የገንዘብ መዋጮ በማድረግ ተጨማሪ የገንዘብ ወይም የአይነት ጥቅም እንደሚያገኝ በመግለጽ በሽማግሌ አሻሻሎት ከአሱ ቀጥሎ ሌሎች ሽማግሌዎች የንግድ ዕቃውን ወይም አገልግሎቱን የሚገዙ ወይም የገንዘብ መዋጮ የሚያደርጉ ከሆነ ወይም በሽያጭ ስልቱ ውስጥ የሚገቡ ከሆነ በሽማግሌ ቁጥር ልክ ተጨማሪ የገንዘብ ወይም የአይነት ጥቅም እንደሚያገኝ የሚገልጽ የፒራሚድ የሽያጭ ስልት ተግባራዊ ማድረግ ወይም ተግባራዊ ለማድረግ መሞከር፤</p> | <p>6) applying or attempting to apply a pyramid scheme of sale by describing that a consumer will get a reward in cash or in kind by purchasing a good or service or by making a financial contribution and which describes that the consumer will get additional reward in cash or in kind where other consumers through his salesmanship purchase the good or service or make financial contribution or enter into the sales scheme, based on the number of consumers;</p> |
| <p>7/ ከንግድ ዕቃዎችና አገልግሎቶች ሽያጭ ጋር በተያያዘ የተገቡ የዋስትና ግዴታዎችን አለመወጣት፤</p> | <p>7) failing to meet warranty obligation entered in connection with the sale of goods and services,</p> |
| <p>8/ የንግድ ዕቃዎች የሚያስፈልጓቸው ዕድሳት ወይም ጥገና ወይም የሚተኩ ክፍሎቻቸው እንደማያስፈልጋቸው አድርጎ ማቅረብ፤</p> | <p>8) misrepresenting the need for repair or replacements of parts to be made to goods as though not needed;</p> |
| <p>9/ በንግድ ዕቃዎች ወይም በማይንቀሳቀሱ ንብረቶች ላይ የሚሰጡ የዕድሳት የጥገና ወይም የተወሰኑ አካላቶቻቸውን የመተካት ወይም የማይንቀሳቀሱ ንብረቶችን የመስራት ወይም የመገንባት አገልግሎቶችን ወይም ሌላ ማንኛውም አገልግሎት የመስጠት ሥራን ከሚጠበቀው ወይም በንግድ ሥራው ከታወቀው ደረጃ በታች ወይም ባልተሟላ ሁኔታ መስጠት፤</p> | <p>9) delivering services of repairing or replacing parts of goods or immovable properties or delivering the service of making or building immovable properties or delivering any other services below the standard recognized in the business or with deficiency;</p> |
| <p>10/ ለሰው ጤናና ደህንነት አደገኛ የሆኑ ወይም ምንጮቻቸው ያልታወቀ ወይም የጥራት ደረጃቸው ከተቀመጡላቸው ደረጃዎች የወረዱ ወይም የተመረዙ ወይም የአገልግሎት ጊዜያቸው ያጠፋ ወይም ከባድ ነገሮች ጋር የተደባለቁ የንግድ ዕቃዎችን ወይም አገልግሎቶችን ማዘጋጀት ወይም ለሽያጭ ማቅረብ ወይም መሸጥ፤</p> | <p>10) preparing or making available for sale or selling goods or services that are dangerous to human health and safety or those source of which is not known or whose quality is below standards set in advance or are poisoned or have expired or are adulterated;</p> |
| <p>101/ በንግድ ዕቃዎችና አገልግሎቶች ግብይት ማንኛውንም የማጭበርበር ወይም የማደናገር ተግባር መፈፀም፤</p> | <p>11) doing any act of cheating or confusing in any transaction of goods and services;</p> |
| <p>102/ የሽማግሌን መብት የሚጠብቅ ባልሆነ ምክንያት የንግድ ዕቃዎችን ወይም አገልግሎቶችን አልሸጥም ማለት፤</p> | <p>12) refusing to sell goods and services for reasons that are not protecting the rights of the consumer;</p> |

- 03/ የደረጃ ማህተም የሚያስፈልጋቸውን የንግድ ዕቃዎችን ወይም አገልግሎቶችን ያለደረጃ ማህተም ለሽያጭ ማቅረብ ወይም መሸጥ፤
- 04/ የንግድ ዕቃዎችን ወይም አገልግሎቶችን በንግድ ዕቃዎች ላይ ወይም በንግድ መደብሩ ውስጥ ከተለጠፈው ዋጋ አስበልጦ መሸጥ፤
- 05/ የንግድ ዕቃዎች የተሰሩበትን ሀገር አሳስቶ መግለጽ፤
- 06/ በሽማቾች መካከል ተገቢ ያልሆነ አድልዎ መፈጸም፤
- 07/ አንድን የንግድ ዕቃ ወይም አገልግሎት ለመሸጥ ሽማቹ ያልፈለገውን ሌላ የንግድ ዕቃ ወይም አገልግሎት አብሮ እንዲገዛ ማስገደድ፤
- 08/ ህጋዊ ከሆነው ውጪ በሚሳካ ወይም በመስፈሪያ ወይም በሌላ መሰረድ መሳሪያ ማጭበርበር።

KFL አራት
SINGD አስራርና የሽማቾች ጥበቃ
ባለሥልጣን

"1. Simlīm

- 1/ የንግድ አስራርና የሽማቾች ጥበቃ ባለሥልጣን /ከዚህ በኋላ “ባለሥልጣን” XytÆl y, - %/ ራሱን የቻለ የህግ ሰውነት ያለው የፌዴራል መንግሥት አካል ሆኖ በዚህ አዋጅ ተቋቁሟል።
- 2/ ¼ባለሥልጣኑ }Ö]’f ለሚኒስቴሩ ÅJ “ል።
- 3/ ባለሥልጣኑ u2=I > a ĩ SW[f Å}ÇÅ^M።

"2. ዋና መሥሪያ ቤት

¼ባለሥልጣኑ ዋና መሥሪያ ቤት በአዲስ አበባ ከተማ J • እንደአስፈላጊ ~ uK!KA < ቦታዎች ቅርንጫፍ ጽሕፈት ቤቶችን ሊያቋቁም ይችላል።

- 13) making available for sale or selling goods or services without standard marks for which the standard mark is needed;
- 14) selling goods or services at a price above the price affixed to the goods or the price posted in the business premise;
- 15) describing the country of the making of goods falsely;
- 16) unduly favoring one consumer over the other;
- 17) subjecting the consumer to purchase a good or service not desired in order to sell another good or service;
- 18) cheating in balance or measurements or any other measurement contrary to the lawful ones.

PART FOUR
TRADE PRACTICE AND CONSUMERS
PROTECTION AUTHORITY

31. ESTABLISHMENT

- 1) Trade Practice and Consumers Protection Authority, (hereinafter referred to as “the Authority”), is hereby established as an autonomous federal government organ having its own legal personality.
- 2) The Authority shall be accountable to the Ministry.
- 3) The Authority shall be governed by this Proclamation.

32. HEAD OFFICE

The Authority shall have its head office in Addis Ababa and may establish branch offices elsewhere as may be necessary.

"3. SIQAAQIጥ- yx\%R nÉnT

ባለሥልጣኑ ዳኝነት ከሚያይባቸው ምጽጃጋር
UR btgÄß k¥N¾WM sW ÈL "gBnT
wYM xm%R nÉ nWÝ

"4. yQAAQIጥ- | LÈNÂ tGÆR

ባለሥልጣኑ y, ktI፡T | LÈNÂ tGÆ%T
Yñ „ - LÝ-

- 1/ ygbÄN GL}nT | ¥údG tgb!nT ÄS
cWN ሸRM©äC YwñÄL፤
- 2/ yzIH xêJ DNUg!äC እና አፈፃፀም
b?ZB zND b, gÆ XNÄ!-wq| tg
b!nT ÄS cWN XRM©äC YwñÄL፤
- 3/ bzIH xêJ መሠረት የውህደት DRg!T
¥S-wqÄäCN YqbSL½ ውሳኔ ይሰ
ÈL፤
- 4/ kNGD WDDR XÂ k¹¥ÓC _QM
እና መብት UR btgÄß _ÄT XÂ
MRምር ያካሂዳል፤
- 5/ ለፍጅታና ለሽያጭ እንዳይውሉ በመንግ
ሥት ወይም በአለም አቀፍ ደረጃ የተከ
ለከሉ የንግድ ዕቃዎችን እየተከታተለ
በየጊዜው ለሽማግሌ ያሳውቃል፤
- 6/ የሽማግሌትን ግንዛቤ ለማዳበር የተለያዩ
የትምህርትና የ Y MÖ “ መድረኮችን
ያደራጃል፤ ትምህርትና Y MÖ “ U
ይሰጣል፤
- 7/ ከጤናና ደህንነት መስፈርቶች ወይም
ከዚህ አዋጅ ጋር የማይጣጣሙ የንግድ
ዕቃዎችንና አገልግሎቶችን ማስታወቂያ
ያዎችን ራሱ ሲደርስባቸው ወይም
ከማንኛውም ሰው ጥቆማ ሲደርስው
ያግዳል፤ ለእንደዚህ ዓይነቶች ማስታ
ወቂያዎች ማስታወቂያዎች እንዲወ
ጡለት ባደረገው ሰው ወጪ መጀመሪያ
በተገለጹበት ዘዴ ማረሚያዎች
እንዲወጡ ያደርጋል፤
- 8/ የሽማግሌት ፍላጎት ተገቢውን ትኩረት
ያገኘ መሆኑን ያረጋግጣል፤

33. INDEPENDENCE OF THE AUTHORITY

The Authority shall be free from any interference
or direction by any person with regard to the
cases it adjudicates.

34. POWERS AND DUTIES OF THE AUTHORITY

The Authority shall have the following powers
and duties:

- 1) takes appropriate measures to increase
market transparency;
- 2) takes appropriate measures to develop
public awareness on the provisions of this
proclamation and implementation;
- 3) receives and decides on merger
notifications;
- 4) makes study and research in connection
with commercial competition and
consumer interests and rights;
- 5) regularly announces to consumers goods
banned by government or internationally
from being consumed or sold;
- 6) organizes various education and training
fora and provides education and training
in order to enhance the awareness of
consumers;
- 7) ban advertisements of goods and services
which are inconsistent with health and
safety requirements or with this
Proclamation when it is aware of them by
itself or when it is reported to it by any
person, and order the issuance of
announcements of corrections for such
advertisements, in the methods the
advertisements were made at the expense
of the person in whose interest they were
made;
- 8) ensure that the interests of consumers
have got proper attention;

9/ ነጋዴዎች በሽማቾች ላይ አግባብነት የጉደለው ተግባር እንዳይፈጽሙና ምክንያታዊ ያልሆነ ትርፍ ለማግኘት ሲሉ በሽማቾች ላይ ተገቢ ያልሆነ የንግድ ዕቃዎችና አገልግሎቶች ዋጋ እንዳይጥሉ ይከላከላል፤	9) protect consumers from unfair activities of business persons and from unfair prices of goods and services aimed at obtaining unjustifiable profit;
10/ የዚህን አዋጅ ድንጋጌ በሚተላለፉ ነጋዴዎች ወይም ሌሎች ሰዎች ላይ አስተዳደራዊ እና ፍትሐ ብሔራዊ እርምጃዎችን ይወስዳል፤	10) take administrative and civil measures against business persons or other persons on violation of this Proclamation;
01/ I , ì Ì Ñ QRNÅ F ጽሕፈት b፤è C xSfšg!WN MKRÂ DUF YsÈL፤	11) give necessary advice and support to branch offices to be established;
02/ ተመሳሳይ ዓላማ ካላቸው ብሔራዊ፣ አሀ ም፡፡፩. እል >IM xqíē፤ tì¥T UR GNßñTÂ TBBR Ym \R→L፤	12) establish relationship and cooperation with national, continental and international bodies having similar objectives;
03/ yNB rT ÆIb፤T YçÂL½ WL Yê êšL½ bS Ñ YkúL½ YksúL፤	13) own property, enter into contracts, sue and be sued in its own name;
04/ b?G y , s -#TN XÂ >š¥WN kGB I¥DrS y , rçTN I፤IôC tGÊ %T ÄkÂWÂL፤	14) perform such other duties as may be defined by law and undertakes other activities necessary for the attainment of its objectives;
05/ በØÁ%L ymNG T \ % t®C xê J m \ rት የባለሥልጣኑን \ % t®C Q_R½ xStÄdRÂ SNBT ያከናውናል፤	15) determine the employment, administration and dismissal of the staff of the authority in accordance with federal civil servants Proclamation.
06/ የፖሊሲ ሃሳቦችን ያመነጫል፣ በሌሎች የመንግሥት አካላት በሚካሄዱ የፖሊሲ ሰዎችና ስትራቴጂዎች ቀረፃ ላይ ይሳተፋል፡፡	16) initiate policy issues, participate on policy and strategy drafting undertakings by other organs of government.

"5. ሃብሥልጣኑ የዳኝነት | LÈNÂ tGÆR

- 1/ የዚህን አዋጅ መተላለፍ በተመለከተ በሚቀርቡለት አቤቱታዎች መሠረት ዳኝነት ያያል፣ በነጋዴዎች ወይም በሌሎች ሕግ ተላላፊዎች ላይ አስተዳደራዊና ፍትሐ ብሔራዊ ውሳኔዎችን ያስተላልፋል አቤቱታ አቅራቢዎች ለደረሰባቸው ጉዳት በፍትሐብሔር እንዲካሉ ያደርጋል፡፡
- 2% ¾2=I >"kî "®×e >"kî (1) >ÖnLÃ ድንጋጌ እንደተጠበቀ ሆኖ ባለሥልጣኑ y , kt I#T የዳኝነት | LÈNÂ tGÆ%T Yñ „ →Lÿ-

35. JUDICIAL POWER AND DUTIES OF THE AUTHORITY

- 1) The Authority, based on applications submitted to it on violations of this Proclamation, adjudicates, impose administrative and civil sanctions, and gets complainants compensated for damages they sustained.
- 2) Without limiting the generality of sub article (1) of this Article, the Authority shall have the following judicial powers and duties:

- 4/ ባለሥልጣኑ በዚህ አዋጅ የተመለከቱት ወንጀሎች መፈፀማቸውን ካወቀ ወይም ካመነ በጉዳዩ ላይ ያሰባሰባቸውን ማስረጃዎችና ያለውን አስተያየት የወንጀል ምርመራ መዝገቡን መርምሮ ውሳኔ ለመስጠት ስልጣን ላለው ዐቃቤ ህግ ማቅረብ አለበት።
- 5/ ባለሥልጣኑ በንግድ አሰራር አዋጅ ቁጥር 3)፡9/09)(5 ተቋቁሞ በነበረው የንግድ አሰራር አጣሪ ኮሚሽን የተወሰኑ ውሣኔዎችን ያስፈጽማል።

"6. በጥራት አገልግሎት አደራጃጀት

ባለሥልጣኑ:-

- 1% b, n!ST „ xQ%b!nT b - QSY , n!
ST „ y , ë9° xND 9G 999999
+C: XÂ
- 2% | | %W xSfSg! yçn# 999999 \ %t
®C Yñ „ - Lÿÿ

"7. ሃዋና ዳይሬክተሩ | LÈNÂ tGÆR

- 1% **ዋና ዳይሬክተሩ የባለሥልጣኑ** êÂ | %
xSfÉ, bmçN **የባለሥልጣኑን** | %
ãC Äd%©L½ Ym%L½ ÄStÄD%L::
- 2% yz!H xNq{ N;#S xNq{ (1) **አጠቃላይ**
xnUgR XNd t - bq çñ **ዋና ዳይሬክተሩ**
bz!H xêJ bxNq{ "4 እና "5
ytzrz„T **የባለሥልጣኑ** " **ሥልጣንና**
tGÆ%T b | % \$Y mê\$CWn ÄrUG
ÈL ::

" 8. የዳኞች አሰያየም

- 1/ የባለሥልጣኑ እያንዳንዱ የዳኝነት ችሎት በጠቅላይ ሚኒስትሩ የሚሰየሙ አንድ ሰብሳቢ እና ሁለት K'KA < ዳኞች ይኖሩታል።
- 2/ ዳኞች ለሥራው ተፈላጊ የሆነ $\frac{3}{4}$ S < ል w n f ፣ የትምህርት ' Ó Ĭ f እና የሥራ ልምድ ሊኖራቸው ይገባል።
- 3/ በዚህ አንቀጽ ንዑስ አንቀጽ /1/ መሠረት የሚሰየሙ ዳኞች በፌዴራል መንግሥት የሲቪል ሰርቪስ ሕግ ይተዳደራሉ።

- 4) When the Authority knows or believes that the offences provided in this Proclamation are committed, it shall, together with its evidential findings and opinion, submit to the public prosecutor in charge of examining and determining the case.
- 5) The Authority shall execute decisions passed by the trade practice investigation commission that was established pursuant to the trade practice proclamation No. 329/2003.

36. ORGANIZATION OF THE AUTHORITY

The Authority shall have:

- 1) a Director General to be appointed by the Prime Minister upon the recommendation of the Minister; and
- 2) the necessary judges and staff.

37. POWERS AND DUTIES OF THE DIRECTOR GENERAL

- 1) The Director General being the chief executive of the Authority shall organize, direct and administer the activities of the Authority.
- 2) Without limiting the generality stated under sub article (1) of this Article, the Director General shall make sure that the powers and duties of the Authority provided for under Articles 34 and 35 of this Proclamation are being executed.

38. APPOINTMENT OF JUDGES

- 1) Each division of the adjudicative tribunal of the Authority shall have one presiding and two other judges to be appointed by the Prime Minister.
- 2) The judges shall have the necessary professional qualification, educational background and experience needed for the post.
- 3) The judges, to be appointed pursuant to sub article (1) of this Article, shall be governed by the federal government civil service laws.

"9. የክልሎች የሽማግሌት ጥበቃ ዳኝነት አካላት

- 1/ ክልሎች በዚህ አዋጅ የሽማግሌትን መብት ጥበቃ በተመለከተ በተቀመጡት ድንጋጌዎች ላይ ዳኝነት የሚያዩ አካላትን በዚህ አዋጅ መሠረት እንደአስፈላጊነቱ ሊያቋቁሙ ይችላሉ።
- 2/ በክልሎች የሚቋቋሙ የሽማግሌት መብት ጥበቃ ዳኝነት አካላት በዚህ አዋጅ ስለሽማግሌት በተደነገጉት ጉዳዮች ላይ ዳኝነት የሚያዩት በክልል መንግሥታት ፈቃድ ከሚሰጡባቸው የንግድ ሥራ መስኮች ወይም በእነዚህ የስራ መስኮች ከተሰማሩ ነጋዴዎች ወይም በክልሉ ከሚሰሩ የንግድ ሥራዎች ጋር በተያያዘ ነው።
- 3/ በክልሎች የሚቋቋሙ የሽማግሌት መብት ጥበቃ ዳኝነት አካላት ውስጥ የሚሰሩ ዳኞች በየክልሎቹ ንጋዴዎች ይሾማሉ።

#. y l n- l R> T ? a0C t fÉ nT

[illegible]

ክፍል ጎ Uef

ክስ ስለማቅረብ እና ምርመራ ስለማከናወን

#1. ክስ ስለማቅረብ

- 1/ የዚህ አዋጅ ክፍል ሁለት ድንጋጌዎች የተጣሱ መሆኑን በመግለጽ የዚህ ክፍል ተፈፃሚነት የሚመለከተው ሰው ሀዳኝነት እንዲታይKf ወይም መብቱ እንዲከበርለት ለባለሥልጣኑ ማመልከት ይችላል።
- 2/ ሽማፍች በዚህ አዋጅ የተደነገጉ መብቶቻቸው እንዲከበሩ ዳኝነት እንዲታይላቸው Kባለሥልጣኑ ወይም Kክልል የሽማፍች ጥበቃ ተቋም ክስ ማቅረብ ይችላሉ።
- 3/ ሚኒስቴሩን ጨምሮ ማንኛውም ሰው የዚህን አዋጅ ድንጋጌዎች በተላለፉ ሰዎች ላይ አስተዳደራዊ ወይም ፍትሐብሔራዊ እርምጃ እንዲወሰድ ለባለሥልጣኑ ክስ ማቅረብ ይችላል።

39. REGIONAL STATES' CONSUMERS PROTECTION JUDICIAL ORGANS

- 1) Regional states may, when necessary, establish organs that adjudicate on matters of consumer rights protections as indicated in this Proclamation.
- 2) Consumer rights protection judicial bodies to be established by regional states to adjudicate matters related to consumers as provided for in this Proclamation shall have jurisdiction in connection with commercial activities licensed by the regional states or business persons engaged in such commercial activities or commercial activities conducted in the regional states.
- 3) Judges working in the consumer rights protection judicial bodies to be established by the regional states shall be appointed by the presidents of the regional states.

40. APPLICABILITY OF PROCEDURAL LAWS

In conducting adjudication the Authority shall apply civil and criminal procedure laws of the Federal Democratic Republic of Ethiopia.

PART FIVE

INSTITUTING OF ACTIONS AND CONDUCTING INVESTIGATION

41. INSTITUTING ACTIONS

- 1) By stating the provisions of Part Two of this Proclamation have been violated, any person who is concerned with the application of this Part may apply to the Authority for adjudication or for his right to be protected.
- 2) Consumers may institute actions for adjudication to protect their rights provided for under this Proclamation at the Authority or at regional state consumer protection body.
- 3) Any person including the Ministry may institute action at the Authority for administrative or civil measures to be taken against violators of the provisions of this Proclamation.

- 4/ በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ የወንጀል ህግ ክስን እና ቅጣትን ስለማቋረጥና ማስቀረት የተደነገጉት በዚህ አዋጅ ስለወንጀል ቅጣት በተደነገጉት ላይ ተፈጻሚ ይሆናሉ።
- 5/ በዚህ አንቀጽ ንዑስ አንቀጽ /1/ መሠረት የሚቀርብ ፍትሐ ብሔራዊ ወይም አስተዳደራዊ ክስ ለክሱ መነሻ የሆነው ነገር ከተከሰተ ጀምሮ በስድስት ወር ጊዜ ውስጥ ካልቀረበ ቀሪ ይሆናል።
- 6/ በዚህ አንቀጽ ንዑስ አንቀጽ /2/ መሠረት የሚቀርብ ፍትሐ ብሔራዊ ወይም አስተዳደራዊ ክስ ለክሱ መነሻ የሆነው ነገር ከተከሰተ ጀምሮ በአንድ ወር ጊዜ ውስጥ ካልቀረበ ቀሪ ይሆናል።

#2. ምርመራ ስለማከናወን

- 1/ ሚኒስቴሩ ወይም ቢሮው ከዚህ አዋጅ አፈጻጸም ጋር በተያያዘ በሚቀርቡለት አቤቱታዎች መሠረት ወይም በራሱ ነጻነት ምርመራ ያካሂዳል።
- 2/ ሚኒስቴሩ ወይም ቢሮው በዚህ አዋጅ የተሰጠውን ስልጣንና ተግባር ለማከናወን በራሱ የምርመራ አፈሰር ምርመራ ሊያካሂድ ይችላል።
- 3/ ሚኒስቴሩ ወይም ቢሮው yMRm% tGE„N b , ĀkĀWNbT glzj xSfSg! çñ s!ĀgßW እንደ ቅደም ተከተሉ bØÁ%L ±!IS ÷ , >N |R ĀI# `YIØCN ወይም የክልሉን ፖሊስ ሄረግ ሃርግ ይሆናል።
- 4/ የሚኒስቴሩ ወይም የቢሮው ymft>Ā ymĀZ |LĒN በተመለከተ xGÆB ĀScW yx!T×ùĀ ywNjA mQĀ y|n |R>T ?G DNUgĭāC t fĒ , YçĀI#Ÿ
- 5/ የሚኒስቴሩ ወይም የቢሮው የምርመራ አፈሰር ከዚህ አዋጅ አፈጻጸም ጋር ተያይዞ ለሚያከናውነው የምርመራ ተግባር አቤቱታ የቀረበበትን ነጋዴ መደብር ወይም ለምርመራ ስራ አስፈላጊ በሆነ በማንኛውም ነጋዴ መደብር የንግድ መጋዘን ወይም ሌላ የንግድ ዕቃ የተከማቸበት ወይም አገልግሎት የሚሰጥበት ወይም ተያያዥነት ያለው ህንፃ ለመግባት፣ ለመፈተሽ፣ ለማሸግ፣ መያዣዎችን ለማስከፈት፣ የንግድ ዕቃ ማውሰድ ወይም ለምርመራ አስፈላጊ የሆነ ቁስ ለመውሰድ ወይም snìCN ለmĀZ½ snìcN bwrqT wYM bx!l|Ktén!K QJ ለፄDrG½ btß¶kRdR wYM bl!lØC >YnT mœ¶ĀāC ytĀz# mr©āCን ለመያዝ ወይም QJĀcWN ለmWsDና ለምርመራ ያስፈልጋል ብሎ ያመነበትን የንግድ ዕቃ ለመያዝና ለማቆየት ይችላል።

- 4) The provisions of the Criminal Code of the Federal Democratic Republic of Ethiopia on discontinuance and extinction of prosecution and penalty shall apply to criminal penalty provisions of this Proclamation.
- 5) Civil or administrative action to be instituted under sub article (1) of this Article shall be barred if not instituted within six months from the happening of the cause of action.
- 6) Civil or administrative action to be instituted under sub article (2) of this Article shall be barred if not instituted within one month from the happening of the cause of action.

42. CONDUCTING INVESTIGATION

- 1) The Ministry or the bureau shall conduct investigation based on applications submitted to it in connection with the implementation of this Proclamation or on its own initiative.
- 2) The Ministry or the bureau may conduct investigation through its investigation officer in order to carry out its powers and duties vested in it by this Proclamation.
- 3) When conducting its investigation activities and finds it necessary, the Ministry or the bureau may order the forces under the Federal Police Commission or the regional state police respectively.
- 4) The relevant provisions of the Criminal Procedure Code of Ethiopia shall apply concerning the search and seizure power of the Ministry or the bureau.
- 5) The investigation officer of the Ministry or the bureau when conducting investigation in connection with the implementation of this Proclamation, may enter into, search, seal, order the opening of containers in, take samples of goods or other materials necessary for the investigation or seize documents from, copy the documents on papers or electronically from, seize or take copies of information contained on tape recorders or any other equipment or seize or keep goods that are believed to be necessary for the investigation from, the business of the business person against whom application is filed or the business warehouse or any other premise in which goods are stored or services are delivered or related building of any business person necessary for the investigation.

- 6/ የንግድ ተቋማት ባለቤቶች ወይም ኃላፊዎች ወይም ሠራተኞች በዚህ አዋጅ መሠረት የሚደረግ ምርመራን ለማግዝ የመተባበር ግዴታ አለባቸው።
- 7/ ከምርመራ ሥራ ጋር በተያያዘ የተያዘ የንግድ ዕቃ ወይም ሌላ ቁስ ምርመራው ሲጠናቀቅ ወይም ሚኒስቴሩ ወይም ቢሮው አስፈላጊ መሆኑን በወሰነ ጊዜ ለባለቤቱ እንዲመለስ ሊያደርግ ይችላል።
- 8/ ማንኛውም የሚኒስቴሩ ወይም የቢሮው መርማሪ የተሰጠውን የምርመራ ስልጣን ማረጋገጫ ምርመራ ለሚካሄድበት የንግድ መደብር ወይም ተቋም ወይም ህንፃ ባለቤት ወይም ለወኪሉ ማሳየት አለበት።

#3. ከሌሎች አካላት ጋር ሲ ሽር ምን ምን ጥያቄ

- 1/ bz!H xêJ y\ f„ T DNUg!ãC tG
Æ%ê! b, drg#bT wQT b?G l!§
መንግሥታዊ አካል ከተሰ-# tGÆ%T
UR GNB#nT ÃScW çnW slgB#½
ባለሥልጣኑ l!§WN ?G k, ÃStÃD
ረው አካል ጋር በመተባበር እና በስምም
nT §Y btm\rt GNB#nT Y\%LŸ
ስምምነት ላይ መድረስ ካልተቻለ ጉዳዩ
b, n!ST éC Mክር b!T YwsÃLŸ
- 2/ ባለሥልጣኑ SMMnT §Y l mDrS
b¥N¾WM glz! yz!HN xêJ >§¥ãC
GMT WS ¥SqÆT x!bTŸ

ክፍል ሳይኛ
ስለንግድ ዕቃዎችና አገልግሎቶች ስርጭት

#4. የንግድ ዕቃዎችና አገልግሎቶችን ስርጭት ስለመቆጣጠር

- 1/ ሚኒስቴሩ እና ቢሮዎች የጤናና የደህንነት ደረጃዎችን ያላሟሉ የንግድ ዕቃዎችንና አገልግሎቶች ሽያጭንና ስርጭትን አግባብ ካላቸው አካላት ጋር በመሆን ያግዳሉ።
- 2/ ሚኒስቴሩ በሀገር ውስጥ በሚመራቱ ወይም ከውጭ በሚመጡ የንግድ ዕቃዎች ላይ አግባብ ካላቸው አካላት ጋር በመሆን የጥራት ፍተሻ እንዲካሄድ ያደርጋል።
- 3/ ሚኒስቴሩ ወይም ቢሮዎች በነጋዴዎች የሚፈጸም የንግድ ዕቃዎች ክምችት ወይም የመደበቅ ተግባር ላይ ቁጥጥር ያደርጋሉ።

- 6) The owners or officials or employees of business establishments shall have the obligation to cooperate in assisting in investigations to be conducted in accordance with this Proclamation.
- 7) Upon completion of the investigation or when deemed necessary, the Ministry or the bureau, may cause the return of goods or other materials seized in connection with the investigation to the owner.
- 8) Any investigator of the Ministry or the bureau shall show the authorization issued to him to conduct investigation to the owner or representative of the business or the establishment or the building against which investigation is to be conducted.

43. RELATIONSHIP WITH OTHER ORGANS

- 1) In the implementation of this Proclamation, where it is found out that the provisions of this Proclamation are related to duties incumbent upon other government organs by law, the Authority shall, concur with the other organ which administers the other law. Failing to reach an agreement, the matter shall be decided by the Council of Ministers.
- 2) In reaching an agreement, the Authority shall always take into account the objectives of this Proclamation.

PART SIX
THE DISTRIBUTION OF GOODS AND
SERVICES

44. REGULATING THE DISTRIBUTION OF GOODS AND SERVICES

- 1) The Ministry and bureaus in collaboration with other appropriate bodies shall ban the distribution of goods and services that do not fulfill the standards of health and safety.
- 2) The Ministry in collaboration with other appropriate bodies may order quality inspection of locally manufactured or imported goods.
- 3) The Ministry and the bureaus shall inspect any acts of hoarding or diverting of goods.

4/ ሚኒስቴሩ ወይም ቢሮዎች የተበላሹና ለሰው ጤናና ደህንነት አደገኛ የሆኑ የንግድ ዕቃዎችን ከሚመለከታቸው አግባብ ካላቸው አካላት ጋር በ S S ካሃር እንዲወገዱ ያደርጋሉ።

5/ ሚኒስቴሩ ወይም ቢሮዎች በዚህ አዋጅ ክፍል ሦስት ለባለሥልጣኑ ከተሰጡት ሥልጣንና ተግባራት በስተቀር የዚህን ክፍል ሦስት ድንጋጌዎች የማስፈፀም ሥልጣን አላቸው።

#5. የንግድ ዕቃዎችን ስለማከማቸት ወይም ስለመደበቅ

1/ የንግድ ዕቃዎችን ከመደበኛ የግብይት አሰራር ውጪ ማከማቸት ወይም መደበቅ ክልክል ነው።

2/ በሌላ ህግ የንግድ ዕቃዎችን ስለማከማቸት የተደነገገው እንደተጠበቀ ሆኖ ማንኛውም የንግድ ዕቃ ተከማችቷል ወይም ተደብቋል የሚባለው በሚኒስቴሩ የንግድ ዕቃው በገበያ ላይ እጥረት ያለበት መሆኑ የተገለጸ፤ የንግድ ዕቃው ተከማችቶ ወይም ተደብቆ የተገኘበት መጠን የነጋዴውን የንግድ ካፒታል !50መቶ /4ያ አምስት በመቶ/ ሲያህል ወይም ነጋዴ ባልሆነ ጊዜ ለግል ወይም ለቤተሰብ ፍጆታ ከሚውል መጠን በላይ በሆነ ጊዜ፤ እና፡-

ሀ/ ከውጭ ሀገር የመጣ የንግድ ዕቃ እና የምርት ጥሬ ዕቃ ወይም ከውጭ ሀገር በመጣ የምርት ጥሬ ዕቃ በሀገር ውስጥ የተመረተ የንግድ ዕቃ እንደቅደም ተከተሉ ወደ ሀገር ውስጥ ከገባበት ወይም ከተመረተበት ቀን ጀምሮ ለሦስት ወራት ለሽያጭ ወይም ለምርት አገልግሎት ካልዋለ፤ ወይም

ለ/ ከሀገር ውስጥ በተገኘ የምርት ጥሬ ዕቃ የተመረተ የንግድ ዕቃ እና ከሀገር ውስጥ የተገኘ የምርት ጥሬ ዕቃ ወይም በግብርና ሥራ የሚተዳደር ሆኖ ለግል ወይም ለቤተሰብ ፍጆታ ከሚውለው በስተቀር በሀገር ውስጥ የተመረተ የእርሻ ምርት እንደ ቅደም ተከተሉ ከተመረተበት ወይም ነጋዴው ወይም ሌላ ማንኛውም ሰው ከገባበት ቀን ጀምሮ ለሁለት ወራት ለሽያጭ ወይም ለምርት አገልግሎት ካልዋለ፤ ነው።

4) The Ministry or the bureaus shall in consultation with other concerned appropriate bodies commission the disposition of goods that are spoiled and are dangerous to human health and safety.

5) The Ministry and the bureaus shall have the power to implement the provisions of Part Three of this Proclamation other than those provisions of Part Three which are incumbent upon the Authority.

45. THE HOARDING OR DIVERTING OF GOODS

1) The hoarding or diverting of goods contrary to regular commercial practice is prohibited.

2) Without prejudice to provisions of other laws on hoarding of goods, goods are presumed to have been hoarded or diverted, where the goods are designated by the Ministry as to have been scarce in the market, where the quantity of the goods found in hoarding or diverted amounts 25% (twenty five percent) of the capital of the business person or where it is not a business person the quantity is beyond that of personal or family consumption and:

a) where an imported good and an imported raw material of a product or a good manufactured locally from an imported raw material of a product has not been made available for sale or has not been used for manufacturing within three months from the date of its entry in to the country or its date of production respectively; or

b) where a good manufactured from a locally acquired raw material of a product and a locally acquired raw material of a product or a locally produced agricultural product except the one who is engaged in farming practices and saves the product for private or family consumption, has not been made available for sale or has not been used for manufacturing within two months from the date of its production or from the date of its purchase by a business person or any other person respectively.

1/ የዚህን አዋጅ አንቀጽ 8 የተላለፈ ማንኛውም ነጋዴ የዓመታዊ ገቢውን 05 በመቶ /አሥራ አምስት በመቶ/ ወይም የዓመታዊ ገቢውን መጠን መወሰን ባልተቻለ ጊዜ ከብር 5)ሺ /አምስት መቶ ሺ ብር/ እስከ ብር 1ሚሊዮን /አንድ ሚሊዮን ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ5 /አምስት/ እስከ 05 /አሥራ አምስት/ አመት በሚደርስ ጽኑ እስራት ይቀጣል፤

2/ የዚህን አዋጅ አንቀጽ 03 "፳፪ >"k ê (1) /ሀ/ እና /ለ/ ድንጋጌዎች የተላለፈ ማንኛውም ነጋዴ የዓመታዊ ገቢውን በመቶ /ሃያ በመቶ/ ወይም የዓመታዊ ገቢውን መጠን መወሰን ባልተቻለ ጊዜ ከብር 1ሚሊዮን /አንድ ሚሊዮን ብር/ እስከ ብር 2ሚሊዮን /ሁለት ሚሊዮን ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ5 /አምስት/ እስከ 0 /አሥራ/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤

3/ የዚህን አዋጅ አንቀጽ !1 የተላለፈ ማንኛውም ነጋዴ የዓመታዊ ገቢውን በመቶ /አሥር በመቶ/ ወይም የዓመታዊ ገቢውን መጠን መወሰን ባልተቻለ ጊዜ ከብር 3)ሺ /ሦስት መቶ ሺ ብር/ እስከ ብር 6)ሺ /ስድስት መቶ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ3 /ሦስት/ እስከ 5 /አምስት/ ዓመት በሚደርስ ጽኑ እሥራት ይቀጣል፤

4/ የዚህን አዋጅ አንቀጽ " ንዑስ አንቀጽ (6) እና (0) የተላለፈ ማንኛውም ነጋዴ ከብር 1)ሺ /አንድ መቶ ሺ ብር/ እስከ ብር 2)ሺ /ሁለት መቶ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ0 /አስር/ እስከ ! /ሃያ/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤

5/ በዚህ አዋጅ አንቀጽ " ስር ያሉትንና ከዚህ በላይ በዚህ አንቀጽ ንዑስ አንቀጽ /4/ ከተጠቀሰው የአንቀጽ " ንዑስ አንቀጽ /6/ እና /0/ ድንጋጌዎች ውጪ ያሉትን ድንጋጌዎች የተላለፈ ማንኛውም ነጋዴ ከብር \$ሺ /ሃምሳ ሺ ብር/ እስከ ብር 1)ሺ /አንድ መቶ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ3 /ሦስት/ እስከ 7 /ሰባት/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤

6/ የዚህን አዋጅ አንቀጽ #5 በመተላለፍ የንግድ ዕቃዎችን አከማችቶ ወይም ደብቆ የተገኘ ማንኛውም ነጋዴ ከብር 2)ሺ /ሁለት መቶ ሺ ብር/ እስከ ብር 4)ሺ /አራት መቶ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ3 /ሦስት/ እስከ 7 /ሰባት/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤

1) any business person who violates Article 8 of this Proclamation shall be punished with a fine of 15% (fifteen percent) of his annual income or where it is impossible to determine the amount of his annual income with fine from birr 500,000 (five hundred thousands birr) to birr 1,000,000 (one million birr) and with rigorous imprisonment from 5 (five) to 15 (fifteen) years;

2) any business person who violates the provisions of Article 13 sub article (1) (a) and (b) of this Proclamation shall be punished with a fine of 20% (twenty percent) of his annual income or where it is impossible to determine the amount of his annual income with fine from birr 1,000,000 (one million birr) to birr 2,000,000 (two million birr) and with rigorous imprisonment from 5 (five) to 10 (ten) years;

3) any business person who violates Article 21 of this Proclamation shall be punished with fine of 10% (ten percent) of his annual income or where it is impossible to determine his annual income with fine from birr 300,000 (three hundred thousands birr) to birr 600,000 (six hundred thousands birr) and with rigorous imprisonment from 3 (three) to 5 (five) years;

4) any business person who violates sub articles (6) and (10) of Article 30 of this Proclamation shall be punished with fine from birr 100,000 (one hundred thousands birr) to birr 300,000 (three hundred thousands birr) and with rigorous imprisonment from 10 (ten) to 20 (twenty) years;

5) any business person who violates the provisions of Article 30 of this Proclamation other than sub articles (6) and (10) of Article 30 of this Proclamation stated under sub article /4/ of this Article shall be punished with fine from birr 50,000 (fifty thousands birr) to birr 100,000 (one hundred thousands birr) and with rigorous imprisonment from 3 (three) to 7 (seven) years;

6) any business person who has been found hoarding or diverting goods in violation of Article 45 of this Proclamation, shall be punished with fine from birr 200,000 (two hundred thousands birr) to birr 400,000 (four hundred thousands birr) and with rigorous imprisonment from 3 (three) to 7 (seven) years;

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| <p>7/ በዚህ አንቀጽ ከንዑስ አንቀጽ /1/ እስከ /6/ በተዘረዘሩት ወንጀሎች ውስጥ በቀጥታም ሆነ በተዘዋዋሪ መንገድ የማንኛውም ነጋዴ ያልሆነ ሰው ተሳትፎ መኖር ከተረጋገጠ ከብር 2)ሺ /ሁለት መቶ ሺ ብር/ እስከ ብር 4)ሺ /አራት መቶ ሺ ብር/ በሚደርስ የገንዘብ ቅጣት እና ከ3 /ሦስት/ እስከ 5 /አምስት/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤</p> <p>8/ በዚህ አንቀጽ ከንዑስ አንቀጽ /1/ እስከ /6/ ከተጠቀሱት ውጪ ያሉትን የዚህን አዋጅ ድንጋጌዎች ወይም ይህን አዋጅ ለማስፈጸም የሚወጣውን ደንብ ድንጋጌዎች ወይም ይህን አዋጅ ለማስፈጸም የሚወጡ የሕዝብ ማስታወቂያዎች ድንጋጌዎችን የተላለፈ ነጋዴ የሆነ ወይም ነጋዴ ያልሆነ ሰው ከብር "ሺ /ሰላሳ ሺ ብር/ እስከ ብር \$ሺ /ሃምሳ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ2 /ሁለት/ እስከ 4 /አራት/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤</p> <p>9/ የዚህ አንቀጽ ሌሎች ንዑስ አንቀጾች ድንጋጌዎች እንደተጠበቁ ሆነው የባለሥልጣኑ ዳኛ ወይም ዋና ዳይሬክተር ወይም ሌላ ሠራተኛ ወይም የሚኒስቴሩ ወይም የቢሮው ሠራተኛ ወይም የክልል የሽማግሌ ጉዳይ የዳኝነት አካል ዳኛ የሆነ መደለያ በመቀበል ወይም በወዳጅነት ወይም በዝምድና ወይም አግባብ ባልሆነ ሌላ ግንኙነት በዚህ አዋጅ ከተደነገገው ውጪ እንዲፈጸም ያደረገ እንደሆነ ከ0 /አሥር/ እስከ 05 /አስራአምስት/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤</p> <p>0/ በዚህ አንቀጽ ንዑስ አንቀጽ /9/ የመለከተው ቅጣት መደለያ በሰጠው ባለጉዳይ ላይም ተፈጻሚ ይሆናል፤</p> <p>01/ ከንግድ ዕቃዎች ወይም አገልግሎቶች ሽያጭ ወይም ዝውውር ጋር ተያይዞ በአምራችነት ወይም በላኪነት ወይም በአስመጪነት ወይም በጅምላ ሻጭነት ወይም በችርቻሮ ሻጭነት ወይም በሌላ ማንኛውም ሁኔታ በሽያጩ ወይም በዝውውሩ የተሳተፉ ሰዎች የዚህን አዋጅ ድንጋጌዎች መተላለፍ በተመለከተ የተናጠል እና የጋራ የወንጀል ተጠያቂነት አለባቸው፡፡</p> | <p>7) where the participation of a person other than a business person in the crimes mentioned from sub article (1) to (6) of this Article has been ascertained he shall be punished with fine from birr 200,000(two hundred thousands birr) to birr 400,000 (four hundred thousand birr) and with rigorous imprisonment from 3 (three) to 5 (five) years;</p> <p>8) any business person or any person other than a business person who violates the provisions of this Proclamation other than those mentioned under sub articles (1) to (6) of this Article or the provisions of regulations to be issued to implement this Proclamation or the provisions of public notices to be issued to implement this Proclamation, shall be punished with fine from birr 30,000 (thirty thousands birr) to birr 50,000 (fifty thousands birr) and with rigorous imprisonment from 2 (two) to 4 (four) years;</p> <p>9) without prejudice to the other provisions of this Article, where a judge or Director General or another employee of the Authority or the Ministry or the bureau or the judge of regional state consumers protection judicial organ, by taking bribes or through favoritism or nepotism or other improper relationships implements otherwise than provided for in this Proclamation shall be punished with rigorous imprisonment from 10 (ten) to 15 (fifteen) years;</p> <p>10) the penalty provided for under sub article (9) of this Article shall also be applicable to the person who has given the bribe;</p> <p>11) In connection with the sale or circulation of goods and services persons who participate in the sale or circulation as manufacturers or exporters or importers or wholesalers or retailers or in any other way, shall have criminal liability individually and jointly concerning the violations of the provisions of this Proclamation.</p> |
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50. DETERMINATION OF ADMINISTRATIVE OR CIVIL MEASURES

When determining penalty or administrative measures, the Authority shall consider the following factors:

- the nature, duration, gravity and extent of the contravention;
- the loss or damage suffered as a result of the contravention;
- the previous behavior of the violator;
- the market circumstances in which the contravention took place;
- the level of profit derived from the contravention;
- the economic status of the violator;
- the degree to which the violator cooperated with the Authority; and
- whether the violator has previously been found in contravention of this Proclamation.

51. DUTY TO COOPERATE

Any person shall have the duty to cooperate in the implementation of this Proclamation.

52. SERVICE FEES

- Any person other than government organ shall pay service fee when instituting action at the Authority, concerning the violations of provisions of Part Two of this Proclamation.
- The tariff shall be prescribed by the Council of Ministers.

53. APPEAL

Any person aggrieved by adjudicative decision of the Authority may appeal to the Federal High Court with in sixty days from the date of the decision of the Authority.

54. BUDGET

The government shall allocate the budget of the Authority.

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55. POWER TO ISSUE REGULATION AND DIRECTIVE

- 1) The Council of Ministers may issue regulation to implement this Proclamation.
- 2) The Ministry may issue public notice to implement this Proclamation and the regulation to be issued pursuant to this Proclamation.

56. TRANSITORY PROVISIONS

Public notices issued pursuant to Trade Practice Proclamation № 329/2003 shall be implemented until they are replaced by public notices to be issued pursuant to this Proclamation.

57. REPEALED LAWS

- 1/ Trade Practice Proclamation № 329/2003 is hereby repealed and replaced by this Proclamation.
- 2/ No other law or customary practice that is inconsistent with this Proclamation shall have effect with respect to matters provided for in this Proclamation.

58. Effective Date

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

Done at Addis Ababa, this 16th day of August , 2010

GIRMA WOLDEGIORGIS

**PRESIDENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA**