

የፌዴራል ነገሥት ሀገራዊት ገጽ

FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራስድስተኛ ዓመት ግንባታ ገንዘብ
አዲስ አበባ ነሐሴ 0 ባን 2010 ዓ.ም

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ጠቅላይ ሚኒስትር
የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

16th Year No. 49
ADDIS ABABA 16th August, 2010

የሀገራዊ ገንዘብ
xêJ qÜR 6)' 5/2፳.2 ጋ.ጠ
yNGD x\ %Rና የሽማግሌ ጥበቃ xêJ ...
ገጽ 51 ቁ) %2

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xêJ qÜR 6)' 5/2፳.2
yNGD x\ %Rና የሽማግሌ ጥበቃ xêJ
yNGD | % xግጥ \$bMTkt | W ynÉ gbÃ
x!፡ñ, ±!s! m\ rT t gb!WN x\ %R t k
ትሎ መካሄድ ስላለበት፤
yNGÇN ^Brt sB kir-WDDR XÂ t gb!
ካልሆኑ የገበያ ተግባራት፣ እንዲሁም ሽማግሌን
k, ÁúSt \$ ygbÃ h#@ãC y, k\$KL Á | nÉ
gbÃ WDDR xmc ET ÁI W | R T ¥ Sf N
xSf \$g! ç ñ bm gBt \$
የንግድ እንቅስቃሴዎች ማደግን ተከትሎ የሽማግሌን
ጤንነትና ደህንነትን አደጋ ላይ የሚጥሉ የንግድ ዕቃዎች
ችንና አገልግሎቶችን መስፋፋት ለመግታት እንዲቻልና
ደህንነታቸውንና ለጤና ተስማሚ መሆናቸውን በዘላቂነት
ለማረጋገጥ ተጠቃሚዎች ላወጡት ዋጋ ተመጣጣኝ
የሆኑ የንግድ ዕቃዎችና አገልግሎቶች ማግኘት የሚችሉ
በትን ሁኔታ ማመቻቸት በማስፈለጉ፤
yz!HN xêJ t f É nT | ¥ r Ug_ የአስፈ.
ግግራትና ሃላፊነት ገንዘብ ገንዘብ ገንዘብ ገንዘብ
y, ñ%cW አካላትን ስልጣንና ተግባር መወሰን
xSf \$g! m ç n#Sl - m nbT ፤
bx!T xùÃ ØÁ %§êEÄlä K%§!ÄêEግጥBI ጠ
?g-m NG| T xNq{ \$5(1) m\ rT y, k
t | W - W@L Ý

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 suitability 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:

ላንግ ግንባታ
Unit Price

ነገሥት ሀገራዊት ገንዘብ ገንዘብ ገንዘብ
Negarit G. P.O.Box 80001

KEL xND
« QSS DNUግጽ C

1/ x+ R R: S

YH xêJ "yNGD x\ %Rና የሽማግሌ ጥበቃ
xêJ ግዴታ 6)' 51ግጽ.2" t BI Ö I !- qS
YCጽፎ ህግ

2. T R U »

y" I #xግጽ AB I @ T Rግጽ M y, ለሥ- W
ካልሆነ በስተቀር በጊዜ ውስጥ፡-

1/ "m\ r-êEyNGD :." wYM xግጽ ግጽ ሆኖ
የገዢውን ግብርና የሥራ ግብርና ለማሻሻል
MKNÁT t gb! ለግጽ yNGD | %I ለግጽ
TL y, CL k'ግጽ ሆኖ፡ IT Fግጽ UR
yt ግጽ የግጽ ሆኖ፡" wYM xግጽ ግጽ nW፤

2/ "m\ r-êE ግጽ ሆኖ" የገዢውን ግብርና
yW! 1/2 ym B%ጽ ሆኖ ለግጽ ግጽ XÂ
ግጽ dcK ግጽ ሆኖ፡ nW፤

3/ "ባለሥልጣን" የገዢውን ግብርና ለማሻሻል
bxNq{ " 1 m\ r T ግጽ ሆኖ የግጽ
አሰራርና የሽማግሌ ጥበቃ ባለሥልጣን
nW፤

4/ "ሽማግሌ" ማለት Ków] ካ " ለሥ ለሥ
KS ግጽ dĀJ" ሆኖ ለሥ ለሥ ለሥ
ሰው የሚከፍልለት ሆኖ ለሥ ለሥ ለሥ
ለሥ ለሥ ሆኖ የሚሆን የግጽ ሆኖ
ወይም አገልግሎት የሚገዛ የተፈጥሮ ሰው
ነው፤

5/ "ነጋዴ" ማለት የሙያ ሥራው አድርጎ
ጥቅም ለማግኘት ሲል በግጽ ሆኖ
አንቀጽ 5 የተዘረዘሩትን ሥራዎች
የሚሠሩ ወይም አገልግሎት የሚሰጥ
ወይም የግጽ ሥራ ነው ተብሎ በሕግ
የሚወሰነውን ሥራ የሚሰሩ ማንኛውም
ሰው ነው፤

6/ "የግጽ ሥራ" ማለት በዚህ አንቀጽ ንዑስ
አንቀጽ /5/ በተተረጎመው መሠረት
ነጋዴ የሚሠሩው ሥራ ነው፤

7/ "ተፈላጊ ግጽ ሆኖ" የገዢውን ግብርና ለማሻሻል
xግጽ ግጽ ግጽ ሆኖ ለግጽ ግጽ
r ግጽ ግጽ ሆኖ ለግጽ ግጽ ሆኖ
yግጽ ግጽ ሆኖ ለግጽ ግጽ ሆኖ
yግጽ ግጽ ሆኖ ለግጽ ግጽ ሆኖ
nW፤

PART ONE
GENERAL PROVISIONS

1. SHORT TITLE

This Proclamation may be cited as “Trade Practice and Consumers’ Protection Proclamation No. 685/2010.”

2. DEFINITIONS

In this Proclamation, unless the context otherwise requires:

1/ “Basic Goods or Services” mean goods or services related to the daily need of consumers, the shortage of which in the market may lead to unfair trade practice;

2/ “Basic Public Utilities” means utilities such as water, electricity, telephone and the like;

3/ “Authority” means Trade Practice and Consumers Protection Authority established pursuant to Article 31 of this Proclamation;

4/ “Consumer” means a natural person who buys goods and services for his personal or family consumption, where the price is being paid by him or another person and not for manufacture or resale;

5/ “Business Person” means any person who professionally and for gain carries on any of the activities specified under Article 5 of the Commercial Code, or who dispenses services, or who carries on those commercial activities designated as such by law;

6/ “Commercial Activity” means any activity carried on by a business person as defined under sub article (5) of this Article;

7/ “Essential Facility” means an infrastructure or resource that cannot easily or reasonably be found, and which is very important to competitors in order to supply their goods and services to their customers;

- 8/ "yNGD : " ā C " ¥ I T k¥ ናቸውም ሃYnT gNzB ና ገንዘብነት ካላቸው ሰነዶች በስተቀር ¥ ናቸውም የሚገዙ ወይም ሃሚ¹ - # ወይም ሃሚክራዩ ወይም በሌላ ሁኔታ በሰዎች መካከል yNGD | % ሃሚkÁwንÆ W y, Nq úq s# : " ā C ¥ I T nW፤
- 9/ " nSt &" wYM " nST R" ¥ I T yNGD Â x INÇ ST ¶ ፣ nSt & wYM ፣ nST R nW፤
- 0/ "sW" ¥ I T yt f _é sW wYM b? G ysWnT mBT yt s- ው አካል ነው፤
- 01/ "xgL Gl Ö " ¥ I T dmwZ wYM yqN Ñ Āt ¾ KFĀ ĀLç n½ gb! y. ĀSg" ¥ N¾WM xgL Gl Ö ym S- T NGD | % nW፤
- 02/ "ተገቢ ያልሆነ የንግድ ሥራ" ማለት ንግድን የሚመለከት ማንኛውም ደንብ ጭነትን የሚጠስ ጥ " 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 በመከላከል ወይም የንግድ ዕቃዎች እና አገልግሎቶች ሻጮች የሚሸጡበትን ዋጋ እንዳይወስኑ በመከላከል ወይም የሽግግሮችን 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 ተግባራት እና 1 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 DRJ T" ¥ I T bመንግሥት የልማት ድርጅቶች xêJ q\$R ! 5'09)' 4 m \ r T yt ì ì m DRJ T WYM h# #M xKs!xñc \$ bፌዴራል mNGl T yt Áz yNGD t ì M ወይም በክልል መንግሥት የሚቋቋም የልማት ድርጅት nW፤

1 2/ በዚህ አዋጅ ውስጥ በወንድ ጾታ የተሸገፈው የሴትንም ጾታ ያካትታል።

3. የ ሕ ል ር ለ

YH xêJ :-

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

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;

6/ የንግድ አሰራርና የሽያጭ ጥበቃ ባለስልጣን የዳኝነት ስልጣን እና የሚኒስቴሩና የቢሮዎች የአስፈጻሚነት ስልጣን እንደተጠበቀ ሆኖ የዚህ አዋጅ ድንጋጌዎች ስለምግብ መድሃኒትና ጤና ክብካቤ አስተዳደርና ቁጥጥር በወጣው አዋጅ ቁጥር 6) %1/2ሺ.2 መሠረት ከሚካሄዱ የቁጥጥር ስራዎች እና ከሚወሰዱ እርምጃዎች ጋር በተያያዘ ተፈጻሚነት አይኖራቸውም።

KFL h#T
የንግድ አሰራር
ምዕራፍ አንድ

bb\$YnT yt ĀzN gbĀ xl xGĀB m- qM

5. S`Q

የ N\$4WM ነጋዴ bGl #M ር n kl @፳ UR bm ር N bb\$YnT yĀzWN gbĀ bGL}M ር n bSWR xl xGĀB bm- qM yNGD ሥራ ማካሄድ አይችልም።

6. TRoM

የ N\$4WM ነጋዴ bGl # wYM kl @፳ UR bm ር N bxND ygbĀ KLL WS_ êUN wYM l @፳ yNGD DRDR h#@ ā CN ym öÈ- R wYM WDDRn y\$ _ í T wYM bGL} ym gd B yt r Ug- አቅም Āl W ር ñ kt gβ gbĀWN bb\$YnT Y² L YĀ\$L Y'Y

7. yb\$YnT N Sl ¥ r Ug

1¼ xND gbĀ bb\$YnT m Āz#N l ¥ r Ug_ ነጋዴው bgbĀW WS_ Āl W DRš wYM l @፳ wd gbĀW XNĀYgb# l m kL kL Āl W xQM wYM አግባብነት ያላቸው l @፳ m m z%ā C wYM ym m z%ā c \$ _ Mr T GMT WS_ y, gb# g#ĀxC Āc W'Y

2¼ bxND gbĀ WS_ yb\$YnT xl l ¥ l T y. OI W ር yt ĀEW gbĀ t wĀĀ¶ ሊሆኑ የሚችሉ ወይም የሚተካኩ የንግድ ዕቃዎችንና xgL Gl @ CN yĀz sl፣ N nW'Y

6/ Without prejudice to the adjudicatory power of Trade Practice and Consumers Protection Authority and the enforcement power of the Ministry and the bureaus, 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.

3¼ yzlh# gbÃ መልክክ ምድራዊ KLL
yWDDR h#@ãC bbqE h#@
xND ›YnT yç n#T XÂ bxgÖ.Æ
gbÃãC k, ¬†T yWDDR h#@ãC
y, l†bT nWÝ

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

8. yb\$YnT N xI xGAB ym - qM DRglè C

bt IYM y, kt l# bb\$YnT yt ÄzN ገበያ
xI xGAB ym - qM DRglè C Äc WÝ

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ማክማቸት ወይም m dbQ wYM
bm db¾W yNGD m | m R XNÄY¹ - #
¥ Dr G ወይም m ÄZ

2¼ yNGD WDDRN l m gd B wYM l ¥
_ Í T b¥ sB k¥ Mr Ö êU b- C Pm
¹_ ወይም yt wÄÄ¶N wጪ. የ¥ úd G
ወይም GB› è CN wYM ySR+ T m S
m é CN qDã uS Á´ t wÄÄ¶ \$Y
ÄnÈ - r g©! DRglT bq_¬ wYM
bt zê ê¶ m NgD መፈፀም

3¼ bq_¬ wYM bt zê ê¶ m NgD ፍት
ሐዊ ያልሆነ ym¹ Ä êU wYM ym
Gĩ êU m - yQ

4¼ ግልፅና ወቅታዊ የሆነ የገበያ አሠራርን
በሚቃረን መልኩ gbÄN bb\$YnT yÄ
zW ነጋዴ bL ¥ D y, Äd RgWN wYM
l !Äd RgW y, CI WN XNd ¥ YCI W
ሆኖ l m d% d R f ” d¼ xI m ç N

5¼ xú¥ ” x!:-ñ, Äê EMKNÄT úYñ R½
gbÄN bb\$YnT bÄz ነጋዴ q \$ _ R
| R ÄI N ተፈላጊ GB› T t wÄÄ¶ l ç n
wYM l ç N I , CL ነጋዴ m kL kL

6¼ yNGD WDDRN l m gd B wYM
l ¥ _ Í T b¥ sB b:” ã CÄ xgL Gl Ö
è C xQRi T Ä Gc E\$Y bደንበኞች መካ
kL bêUÄ bl @© h#@ãC L†nT
m F- R

7¼ xú¥ ” nT bl @W h#@Ä yNGD
WDDRN l m gd B wYM l ¥ _ Í T
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:

h¼ yxNDN yNGD :” wYM xgL GI Ö
xQRiT ½ I © t wÄÄ¶ yç nN wYM
ÄL ç nN yNGD :” wYM xgL GI Ö
km q bL UR XNÄlgÄ” ¥ Dr G wYM
I © t wÄÄ¶ yç nWN yNGD :”
wYM xgL GI Ö b¥ kí f L wYM
b¥ Mr T \$Y gd B m ÈL ½ wYM
b7ÿrው k, f l gW yNGD :” wYM
xgL GI Ö UR GNß#T kl @W yNGD
:” wYM xgL GI Ö G™ UR
XNÄlgÄ” ¥ Dr G

I ¼ yNGD :” ä CNÄ xgL GI Ö CN
xQRiT bt ml kt yT ወይም
I ¥ N ወይም bMN h#@ wYM
m - N wYM bMN ÁI M êU
XNd gÄ S gØ wYM wd W+
መላክ እንዳለበት gdi C” m ÈL ::

9. **ልዩ ሁኔታዎች**

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r S bGD I f } ማቸው ያህ ያህ፣ bÄ¶Äc W
wú” XÄ bl © b¥ Äc Wም m NgD I lúk#
y¥ YCI # መሆኑን በማረጋገጥ የንግድ ሥራን
የሚያከናውን ነጋዴ፣ በተለይም:-

1¼ yNGD :” ä CNÄ yxgL GI Ö CN _%
T Ä dHNt m - bQ½

2¼ I @W t wÄÄ¶ ks- W êU wYM
ጥቅም ጋር መስተካከል፣ እና

3¼ Bq \$ t wÄÄ¶ ç ñ m gßT ¾

ከግብ ለማድረስ የረፀመው ተግባር ገበያውን
ያለአግባብ ተቆጣጥሯል በሚል አያስጠይቅም::

0. **tfÉ nTN SI ¥ SqrT**

y, nIST éC MKR b@ በዚህ ምዕራፍ
አንድ yt ml kt \$ DNUg@C tf É
y¥ Yç n#E WN L ¥ TN I ¥ Í - N Y-
Q¥ I # y, \$c WN xNÄND የንግድ
ስራዎችን b, ÄwÈW dNB XNÄ!wñ#
I !Äd RG YC \$L Ý

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.

2¼ kz!H b\$Y I \ f ,, T DNUg@C የgሽ
የሽ yt ÆW GNB#T y, ሽrW bxND
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መካከል ሲሆን፣ ከላይ ወደታች የተባለው
dGā ከነጋዴዎችĀ bdNb@C wYM
bxQ%blā C wYM kh#t \$ UR
y, ሽR GNB#T nWÝ

04. L t h# @ ā C

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እንደተጠቀሰው ሀገር ወይንም ለሌሎች የዚህን ምዕራፍ ከ#T DNU
g@C bmt \$! F MKNĀT yt kss 'ÒÈ yt kl
kl # DRglèC k, ĀSkTI # g#ĀT YLQ kS
MMnt \$wYM kĀBrT xì Ñ wYM kĀBrT \$
Wún@yt gbW yt ጽጌ ለ ወይም yB" T wYM
bl @ h#@ t wĀĀ¶ bmçN rgD yt gbW
_QM y, ĀmZN mç n#N I ¥ Sr ĀT YC\$LY

ምዕራፍ ሦስት
የውህደት " } ስ = ĀMJ' < ¾' ÓÉ ፡ É É`
} Óv^ f q\$ R | R፡ T

05. m R ?

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bgbĀ WDDR \$Y kFt ¼ t } : ሽ
> eŸf LDM wYM IĀSkTL y, CL
' ፡ wYM ygbĀ WDDRN Ā- Í L
Bl Ö kwsn ውህደቱ\$ XNĀYf iM
Yki K\$LY

2/ ባለሥልጣኑ u² ± > " k ê " @e > " k ê
(1) S W[f ¾ " c' ፡ " ፡ d' @የንግድ
ምዝገባ ለሚያከናውነው አካል ወዲያውኑ
T d" p > Kuf ::

06. T R q# M

1¼ bz!H xēJ m \ r T xND የውህደት t GÆR
xl y, ÆW G\$Et Ì Mn፡ c WN YzW
Yñ,, yr፡,, h#T wYM kz!Ā b\$Y yç n#
የንግድ ማህበራት slèhç wYM Xrz!H
የንግድ ማህበራት xND > \$¥ ĀI W yNGD
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hB፡ c WN s!Áq \$¶I #nWÝ

2¼ > " É c፡ " ĀU w² < sĀC የንግድ
ማህበር xKs!xñC ወይም s@¶t ĒC
wYM NBrèC ወይም የሌላ ሰው
የንግድ መደብCን bGç E wYM bl @
b¥ N\$WMM m NgD bq_፡ wYM
bt zèê¶ h#@ y%S ¥ Dr GM
የውህደት DRg!T Yç ĀL Ý

2) For the purpose of the preceding provisions
horizontal relationship is deemed to exist
between competing business persons in a
certain market, whereas vertical relationship
is deemed to exist between business persons
and its customers or suppliers or both.

14. EXCEPTIONS

It is possible for a business person accused of
anticompetitive practice as provided for under
Article 13(1) (a) and (b) above or other provisions
of this chapter, to prove that the technological or
efficiency or other pro-competitive gains of the
agreement or the concerted practice or the
decision by association outweigh the detriments
of the prohibited acts.

CHAPTER THREE
REGULATION OF MERGER AND UNFAIR
COMPETION

15. PRINCIPLE

- 1) The Authority shall prohibit the act of
merger, if it decides that it causes or is likely
to cause a significant restriction against
competition or eliminates competition.
- 2) The Authority shall immediately notify its
decision under sub article (1) of this Article
to the body that conducts commercial
registration.

16. DEFINITION

- 1) Merger for the purpose of this Proclamation
is deemed to have occurred when two or
more business organizations previously
having independent existence amalgamate or
when such business organizations pool the
whole or part of their resources to carry on a
certain business purpose.
- 2) Merger also occurs by directly or indirectly
acquiring shares or securities or assets of a
business organization by a person or group of
persons jointly or the business of another
person through purchase or any other means.

3/4 ለዚህ አንቀጽ ንዑስ አንቀጽ /2/ ድንጋጌ አፈፃፀም xND sW wYM Bz# sā C bxND የንግድ ማህበር ወይም የንግድ መደብር g#x C wYM xSt Äd%âE | %ā C \$Y t } : ñ y, Äd RS Wún@ l m S- T kÖl # የንግድ ማህበሩን ወይም የንግድ መደብሩን XNd Äz# wYM XNd t öÉ- „ Yö- % ለ ሃ

07. ውህደትን SI ሃ ሰጠ

- 1/ የንግድ ምዝገባ የሚያከናውን የመንግሥት መስሪያ ቤት በንግድ ምዝገባ ውስጥ የሚካተቱ የንግድ ማህበራትን መዋሃድ ወይም የአክሲዮኖች ወይም ሴኩራቲዎች ወይም ንብረቶች ዝውውርን ከመመዘገብ 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 እንዲውል አይፈቀድም።

08. ውህደትን ስለመቆጣጠር

- 1/4 ባለሥልጣኑ bNGD WDDR \$Y g# H t } : ñ y, ÄSkTL wYM l !ÄSkTL y, CL gdB y, _L wYM yNGD WDDRn y, Ä- ፋ yውህደት t GÄRN Yki K\$SL ሃ
- 2/4 ባለሥልጣኑ የውህደት ሃ S- wq ሸ s!q RBIT f " ርN y, s_ wYM y, kl KL m ርn# ለአመልካቹ በተፋጠነ ሁኔታ - d' @ " b{ / # m Gl { x l bT ::
- 3/4 ባለሥልጣኑ Wún@km S- t \$bð T t = ማሪ መረጃዎችንና ሰነዶችን ከአመልካቹ y, f LG k ር n/2 በአስቸኳይ እንዲቀርቡ ወሳኔውን በአጭር ጊዜ ለአመልካቹ ማሳ wQ x l bT ሃ
- 4/4 ባለሥልጣኑ አስፈላጊ ሆኖ ካገኘው፣ አመል ካቹ ውህደቱን XNÄ T ሃ ስፍሌ XNÄl bT XÄ bz!h# m \ r T t ስ> l Ö kqr b f " ር l s_ XNd, CL ሃ S- wQ YC \$SL ሃ

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. **L t h# @ ā C**

ውህደቱ ir WDDR W- @ ĀI W bፍ NM bNGD WDDR ሻY k, ĀSKTIW g#ĀT YLQ kt ጸñl @1/2 kB” T XĀ t wĀĀግ ርñ km gBT xNĒR y, ĀSgBW _QM y, ĀmZN mፍn#” ØpS <uT ” — ፋ U Kፒ ” ÓÉ” uT ĀNĒw S ” NĒ K-Ā ፯4 Ā < M S J ’ < አመልካቹ ማስረዳት kÒl 1/2 ገለጾልጣኑ f ” D l s_ YCፍL ሻ

1. **t f É nTN SI ሻ Sqr T**

y, nIST éC MKR b@ yM: %F ሦስት DNUg@C t f É y ሻ Yፍ n#E WN L ሻ TN l ሻ údG Y- Q ሻ l # y, AE # የንግድ ስራዎችን bdNB l m wsN YCፍL ሻ

1.1. **ተገቢ ያልሆነ የውድድር ተግባር ፣ MYL**

1 1/4 bNGD | %o £dT WS_ ሻ N፯4WM hq 3/4 ĀLፍ n1/2 xúúC 1/2 x- ሻ YnT Āl bT XĀ yt wĀĀግN yNGD _QM ygĀ wYM l ፡ ገፍ y, CL DRgIT wYM t GĀR bt wĀĀግ ሻ Y ĀnĒ- r t gb! ĀLፍ n yNGD ውድድር XNፍፍ n Yö- %L ሻ

2 1/4 bt l YM y, kt l # t gb! ĀLፍ n# yNGD ውድድር ተግባራት የተከሰሱ ናቸው:-

h 1/4 bl @W ነጋዴ wYM በነጋዴው t G ሌC bt l YM ነጋዴው k, ĀqR bW የንግድ ዕቃ wYM xgL Gl ሻ UR bt gĀፆ h# @ ሻ d ĀgRN ĀSk t l wYM l ĀSkT L y, CL ሻ Āc WM DRgIT ፣

l 1/4 AE m BT kፍ nW ymr @W AE b@ ነጋዴ f ” D Wፍ khq 3/4 yNGD x\ %R t É%ግ bፍ n h# @ yl @WN m r @ y ሻ WET 1/2 ym ĀZ wYM ym- qM ሻ Āc WM DRgIT ፣

/ 1/4 yl @WN ነጋዴ ወይም የነጋዴውን t GĀZ-ት bt l YM ነጋዴው k, Ā q RbW የንግድ ዕቃ wYM xgL Gl ሻ UR bt gĀፆ h# @ ፋ ሻ ” nTN ĀúĒ wYM l ĀúĒ y, CL ሻ Āc WM hST yፍ n wYM ሻ r UgĀ yl @W xgፍl { ፣

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;

m ¼ bንግድ ማ St êwQ | % ለd T
የንግድ :” ā CN wYM xgL
Gl ር CN bhsT wYM bt ሂ ለE
h#@ ማ n፣ R፣

\ / ከንግድ :” ā C wYM kxgL Gl ር
è C êU ወይም ለE ር ወይም
xm%፣ T wYM k፣ Mr ር ፣ ፣
ወይም kYZT ወይም kx- ” qM
Mc ር T wYM k_%፣ UR
bt gÂ፣½ t gb! ለL፣ n ፣ QM
l ፣ GBT b፣ sB MNCE
ለL ፣ wq WN = Mé l ፣ ፣ ር
ወይም ለተጠቃሚዎች hst ¾
wYM yt ሂ ለEm r © ማ \ %፣ T ፣

ረ/ ሚስጥራዊ የሆኑ የሌላ ነጋዴ
የንግድ መረጃዎችን በቀድሞ
ተቀጣሪዎቹ አማካኝነት ማግኘት
ወይም ለማግኘት መሞከር ወይም
መረጃዎቹን በማግኘት የነጋዴውን
ደንበኞች ለማስከብላል ወይም ሌላ
ተወዳዳሪነቱን ለሚቀንስ ዓላማ
መጠቀም፡፡

ከፍል 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 አሚደርስበት 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 ex-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 የመካከል ሙብት አለው።

! 3. **የንግድ ዕቃዎችንና አገልግሎቶችን ዋጋ ስለማ መልክት**

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

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

! 4. **ስለንግድ ዕቃዎች መግለጫ**

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

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

- ሀ/ የንግድ ዕቃው ስም፣
- አ/ የንግድ ዕቃው የተሠራበትን ወይም የመጣበትን አገር፣
- በ/ የንግድ ዕቃውን ለግብይት የተጠራ ክብደት፣ መጠን እና ብዛት፣
- መ/ የንግድ ዕቃውን ጥራት፣
- ሠ/ የንግድ ዕቃው ከምን እንደተመረተ የሚያሳይ ዝርዝር፣
- ረ/ የንግድ ዕቃውን የቴክኒክ ዝርዝሮች፣ የአሠራር ወይም የአጠቃቀም ዘዴ፣
- ሰ/ 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 ዕቃው የተመረተበትን ቀን፣

ተ/ በኢትዮጵያ ደረጃዎች የተመለከቱትን መስፈርቶች ያሟላ መሆኑ፣ እና

'/ የኑብረተሰቡን 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 መጻፍ 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 ለሸያጭ ለገዛቸው የንግድ ዕቃዎች ወይም አገልግሎቶች የተቀበላቸውን ደረሰኞች ለአስር /0/ ዓመት መያዝ አለበት።

! 6. ራሱን ስለመግለጽ

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

2/ ማንኛውም ነጋዴ ከሚሸጠው የንግድ እቃ ወይም አገልግሎት ጋር በተያያዘ ሸማቹ በሚያቀርብለት ጥያቄ መሠረት በአጥጋቢ ሁኔታ እራሱን መግለጽና ሸማቹ 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;

l) 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.

! 7 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፡፡

! 8. 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.

3/ ሽማግሌ የገዛው አገልግሎት ጉድለት ያለበት ከሆነ ሽማግሌውን ከገዛበት ቀን ጀምሮ በአስራ አምስት ቀን ውስጥ ሽማግሌውን ምርጫ ነጋዴው አገልግሎቱን ለሽማግሌው በድጋግ ያለ ክፍያ ይሰጠዋል ወይም ነጋዴው ለአገልግሎቱ የተቀበለውን ዋጋ ለሽማግሌው ይመልሳል፡-

ሀ/ በአገልግሎት አሰጣጡ ወቅት ሽማግሌው ንብረት ላይ ለደረሰ ሽርጉም አገልግሎት ሰጪው ሽማግሌ በጽሑፍ የገቡት ውል ይገልጻል፤

ለ/ የጽሑፍ ውል በሌለ ጊዜ አገልግሎት ሰጪው ጉዳት የደረሰበትን ንብረት በሙሉ ወይም የተወሰነ ክፍሉን ይተካል፡፡

! 9. በውል ግዴታን ስለማስቀረት

በሽማግሌና በነጋዴ መካከል የሚደረጉ የውል ግዴታዎች በዚህ አዋጅ ነጋዴው የተጣለበትን ግዴታ የሚያስቀሩ ወይም ሽማግሌ በህግ ያሉትን መብቶች እንዳይጠቀም የሚከለክሉት ከሆነ ውሉ ማህተም ላይ ላይ ነው፡፡

" . } ሽማግሌ ለሽማግሌ ለውል ማህተም ላይ ላይ

፳፭ ለሽማግሌ ለውል ማህተም ላይ ላይ ለውል ማህተም ላይ ላይ የተከለከለ ነው፡-

- 1/ የንግድ ዕቃዎችና አገልግሎቶች ስላላቸው ጥራት ወይም መጠን ወይም ብዛት ወይም ተቀባይነት ወይም ምንጭ ወይም ባህርይ ወይም ውሐድ ወይም ጥቅም የተሳሳተ መረጃ መስጠት፤
- 2/ የንግድ ዕቃዎች ስለአዲስነታቸው ወይም ስለጥያቄያቸው ወይም አገልግሎታቸው የቀነሰ ወይም የተለወጡ ወይም እንደገና የተሰሩ ወይም በአምራቹ እንዲሰበሰቡ የተባሉ ወይም ያገለገሉ ስለመሆናቸው በትክክል አለመግለጽ፤
- 3/ የሌላውን ነጋዴ የንግድ ዕቃዎችና አገልግሎቶች በአሳሳች ሁኔታ መግለጽ፤
- 4/ የንግድ ዕቃዎችና አገልግሎቶችን በማስታወቂያ እንደተነገረላቸው አለመሸጥ ወይም ማስታወቂያው የመጠን ውሉንን መኖሩን ካልገለጸ በስተቀር ሽማግሌው በሚፈልጉት መጠን ልክ ላለማቅረብ ወስኖ ማስታወቂያ መስራት፤

3) Where the service purchased by the consumer is defective, the business person, shall, by the choice of the consumer, deliver the service again to the consumer free of charge or refund the consumer the fee he paid for the service within fifteen days from the date of the purchase of the service:

a) the written contract between the service provider and the consumer shall apply for damages happening to the property of the consumer during the delivery of the service.

b) where there is no written contract, the service provider shall replace the entire or part of the damaged property.

29. WAIVING OBLIGATIONS THROUGH CONTRACT

The contract shall be of no effect, where the provisions of the contract made between a consumer and a business person, waive legal obligations imposed on the business person by this Proclamation or prevent the consumer from exercising his rights under the law.

30. UNFAIR AND MISLEADING ACTS

The following unfair and misleading acts are prohibited from being committed by any person or business person:

- 1) issuing misleading information on quality or quantity or volume or acceptance or source or nature or component or use of goods and service may have;
- 2) failing to disclose correctly the newness or model or the decrease in service or the change in or re-fabrication or the recall by the manufacturer or the second hand condition of goods;
- 3) describing the goods and services of another business person in a misleading way;
- 4) failing to sell goods and services as advertised or advertising goods or services with intent not to supply in quantity consumers demand, unless the advertisement discloses a limitation of quantity;

- 5/ ስለዋጋ ቅናሽ ሐሰተኛ ወይም የተሳሳተ መረጃ ማስተላለፍ፤
- 6/ አንድ ሽማግሌ አንድን የንግድ ዕቃ ወይም አገልግሎት በመግዛቱ ወይም የገንዘብ መዋጮ በማድረግ ተጨማሪ የገንዘብ ወይም የአይነት ጥቅም እንደሚያገኝ በመገለጽ በሽማግሌ አሻሻጭነት ከአሱ ቀጥሎ ሌሎች ሽማግሌ 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 የፒ.ራ.ሚ.ድ የሽያጭ ስልት ተግባራዊ ማድረግ ወይም ተግባራዊ ለማድረግ መሞከር፤
- 7/ ከንግድ ዕቃዎችና አገልግሎቶች ሽያጭ ጋር በተያያዘ የተገቡ የዋስትና ግዴታዎችን አለመወጣት፤
- 8/ የንግድ ዕቃዎች የሚያስፈልጓቸው ዕድሳት ወይም ጥገና ወይም የሚተኩ ክፍሎቻቸው እንደማያስፈልጋቸው አድርጎ ማቅረብ፤
- 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 ከሚጠበቀውና ወይም በንግድ ሥራው ከታወቀው ደረጃ በታች ወይም ባልተሟላ ሁኔታ መስጠት፤
- 0/ ለሰው ጤናና ደህንነት አደገኛ የሆኑ ወይም ምንጫቸው ያልታወቀ ወይም የጥራት ደረጃቸው ከተቀመጡላቸው ደረጃዎች የወረዱ ወይም የተመረዙ ወይም የአገልግሎት ጊዜያቸው ያለፈ ወይም ከባድ ነገሮች ጋር የተደባለቁ የንግድ ዕቃዎችን ወይም አገልግሎቶችን ማዘጋጀት ወይም ለሽያጭ ማቅረብ ወይም መሸጥ፤
- 01/ በንግድ ዕቃዎችና አገልግሎቶች ግብይት ማንኛውንም የማጭበርበር ወይም የማደናገር ተግባር መፈፀም፤
- 02/ የሽማግሌን መብት የሚጠብቅ ባልሆነ ምክንያት የንግድ ዕቃዎችን ወይም አገልግሎቶችን አልሸጥም ማለት፤

- 5) making false or misleading statements of price reduction;
- 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;
- 7) failing to meet warranty obligation entered in connection with the sale of goods and services,
- 8) misrepresenting the need for repair or replacements of parts to be made to goods as though not needed;
- 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;
- 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;
- 11) doing any act of cheating or confusing in any transaction of goods and services;
- 12) refusing to sell goods and services for reasons that are not protecting the rights of the consumer;

- 03/ የደረጃ ማህተም የሚያስፈልጋቸውን የንግድ ዕቃዎችን ወይም አገልግሎቶችን ያለደረጃ ማህተም ለሽያጭ ማቅረብ ወይም መሸጥ፤
- 04/ የንግድ ዕቃዎችን ወይም አገልግሎቶችን በንግድ ዕቃዎቹ 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 መለኪያ መሳሪያ ማጭበርበር።

- 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.

KFL አራት
SI NGD አሰራርና የሽማቾች ጥበቃ
ባለሥልጣን

PART FOUR
TRADE PRACTICE AND CONSUMERS
PROTECTION AUTHORITY

" 1. Si m i i M

- 1/ የንግድ አሰራርና የሽማቾች ጥበቃ ባለሥልጣን /ከዚህ በኋላ “ባለሥልጣን” Xyt Æ y, - %/ ራሱን የቻለ የህግ ሰውነት ያለው የፌዴራል መንግሥት አካል ሆኖ በዚህ አዋጅ ተቋቁሟል።
- 2/ ባለሥልጣኑ } Ö] ' f ለሚኒስቴሩ ለጋ ል።
- 3/ ባለሥልጣኑ u² ± > ሳ ፤ S W[f ለጋ ል።

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.

" 2. ዋና መሥሪያ ቤት

ባለሥልጣኑ ዋና መሥሪያ ቤት በአዲስ አበባ ከተማ ጋ. እንደአስፈላጊ ሆኖ ሊቀጥል ይችላል።

32. HEAD OFFICE

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

3. SI ባለሥልጣኑ ሃጻ\ %R ነቅጠ

ባለሥልጣኑ ዳኝነት ከሚያይባቸው ገጽጻጽ C UR bt ገጸጸ kቶ Nቆ/WM sW ልL ” ገBጠT wYM xጠ %R ነቺ ነWሃሃ

4. ሃባለሥልጣኑ | L ስፍንጣ ጠ ገጸ

ባለሥልጣኑ ሃጻ, kt | ቆ | L ስፍንጣ ጠ ገጸጻT Yሽ, ጠ L ሃ

- 1/ ሃገቤጸ ገL }ጠT | ቶ ህፊ ገ ገገጠT ለጅ c WN እRMጸጻ C Ywስገገ ፤
- 2/ ሃገዘ xጸJ DNUገጸC እና አፈጻጸም b? ZB zND bጻ ገጸ XNገጠ- wገ \$ጠ ገ ገጠT ለጅ c WN እRMጸጻ C Ywስገገ ፤
- 3/ bzIH xጸJ መሠረት የውህደት D RገIT ቶ S- wገ ጸጻ CN Yገ bጅL 1/2 ውሳኔ ይሰ ልL ፤
- 4/ kNGD WDDR Xጸ k1 ቶ ጸC _QM እና መጠት UR bt ገጸጸ _ጸT Xጸ MRጻC ያካሂዳል፤
- 5/ ለፍጅታና ለሽያጭ እንዳይውሉ በመንግ ሥት ወይም በአለም አቀፍ ደረጃ የተከ ለከሉ የንግድ ዕቃዎችን እየተከታተለ በየጊዜው ለሽማቾች ያሳውቃል፤
- 6/ የሽማቾችን ግንዛቤ ለማዳበር የተለያዩ የትምህርትና የY MÖ “ መድረኮችን ያደራጃል፣ ትምህርትና Y MÖ “ U ይሰጣል፤
- 7/ ከጤናና ደህንነት መስፈርቶች ወይም ከዚህ አዋጅ ጋር የማይጣጣሙ የንግድ ዕቃዎችንና አገልግሎቶችን ማስታወቂያዎችን ራሱ ሲደርስባቸው ወይም ከማንኛውም ሰው ጥቆማ ሲደርስው ያግዳል፣ ለእንደዚህ ዓይነቶቹ ማስታ ወቂያዎች ማስታወቂያዎቹ እንዲወ ጡለት ባደረገው ሰው ወጪ መጀመሪያ በተገለጹበት ዘዴ ማረማያዎች እንዲወጡ ያደርጋል፤
- 8/ የሽማቾች 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 በሽማግሌ ላይ አግባብነት የጉደለው ተግባር እንዳይፈጽሙና ምክንያታዊ ያልሆነ ትርፍ ለማግኘት ሲሉ በሽማግሌ ላይ ተገቢ ያልሆነ የንግድ ዕቃዎችና አገልግሎቶች ዋጋ እንዳይጥሉ ይከላከላል፤
- 10/ የዚህን አዋጅ ድንጋጌ በሚተላለፉ ነጋዴዎች ወይም ሌሎች ሰዎች ላይ አስተዳደራዊ እና ፍትሐ ብሔራዊ እርምጃዎችን ይወስዳል፤
- 101/ I, ïïÑ QRNÅ F ጽሕፈት b@C xSf §g!WN MKRÂ DUF YsÈL ፤
- 102/ ተመሳሳይ ዓላማ ካላቸው ብሔራዊ፣ አሀ g#%ê E እÂ >IM xqí êE t ï¥T UR GNB#T Â T BBR Ym\ R- L ፤
- 103/ yNB r T Æ b@ Yç ÂL ½ WL Yê ê§L ½ bSN YkúL ½ YksúL ፤
- 104/ b? G y, s- # N XÂ > §¥ WN kGB I ¥ Dr S y, r Ç TN I @C t GÆ %oT ÄkÄWÄL ፤
- 105/ በ0Ä %L ym NG| T \ %ä @C x êJ m\ r ት የባለሥልጣኑን \ %ä @C Q_ R ½ xSt Äd RÂ SNBT ያከናውናል፤
- 106/ የፖሊሲ ሃሳቦችን ያመነጫል፣ በሌሎች የመንግሥት አካላት በሚካሄዱ የፖሊሲ ሰዎችና ስትራቴጂዎች ቀረፃ ላይ ይሳተፋል።

" 5. የባለሥልጣን የዳኝነት | L ÈNÂ t GÆR

- 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 ¼ ¾ ± > " kî " @e > " kî (1) > Ö n LÃ ድንጋጌ እንደተጠበቀ ሆኖ ባለሥልጣኑ y, kt | # የዳኝነት | L ÈNÂ t GÆ%J Yñ „ - L Ý

- 9) protect consumers from unfair activities of business persons and from unfair prices of goods and services aimed at obtaining unjustifiable profit;
- 10) take administrative and civil measures against business persons or other persons on violation of this Proclamation;
- 11) give necessary advice and support to branch offices to be established;
- 12) establish relationship and cooperation with national, continental and international bodies having similar objectives;
- 13) own property, enter into contracts, sue and be sued in its own name;
- 14) perform such other duties as may be defined by law and undertakes other activities necessary for the attainment of its objectives;
- 15) determine the employment, administration and dismissal of the staff of the authority in accordance with federal civil servants Proclamation.
- 16) initiate policy issues, participate on policy and strategy drafting undertakings by other organs of government.

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:

h¼ bz!H xêJ Â bl @C kg#† UR
xGABnT ASc W ?gC b\ f „ T
DNUg@C wYM YHN xêJ l ¥ S
f i M bw- # dNi C ወይም y? ZB
¥ S- wq Eä C yt kl kl # t GÆ
%T ተፈፅመዉ ሲገኙ የማስተካከያ
wYM l @C t gb!nT ASc WN
አስተዳደራዊ ወይም ፍትሐ ብሔራዊ
እRM@ä C l m WsD y, ÅSCL
yÄ" nT t GÆR ÄkÄWÄL ፤

h¼ yÄ" nT t GÆ N l ¥ kÄwN xSf
§g! yç n# m r @ä C XÄ snì CN
¥ N¼WM sW XNÄ!Äq RBI T
Äd RUL ፤

h¼ MSKéC bዳኝነት CI Ö ðT qR
bW " §c WN XNÄls- # Äd RUL ፤

መ¼ ym / § | R- T wYM y¥ r UgÄ
" L Yq b§L ½ bz!HM m \ r T
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ሠ¼ የሚሰጣቸውን xSt Äd %ê E ወይም
ፍትሐ ብሔራዊ ወሳኔዎችን ያስፈጽ
ማል፣ XNÄ!f i Ñ ም ± l ISN " ÄU
} Ñu=¾' > ካM Ä²L ::

3¼ ባለሥልጣኑ yz!HN xêJ DNUg@C
wYM YHN xêJ l ¥ Sf i M yw- # dN
i CN ወይም y? ZB ¥ S- wq Eä CN
bt §!f ¥ N¼WM sW §Y እንደሁኔ
ታወ:-

h¼ t gb! xYd l M yt ÆEW DRg!T
XNÄ!l r_ wYM XNÄ!öM
¾ Dr G፤

h¼yt ጉ©WN ym wÄdR xQM wdn
br bT i- l m m l S y, ÅSCL
t gb! XRM© m WsDN = Mé ½
bDRg!t \$ g#ÄT l drsbT wgN
ካሣ እNÄ!kf L ¾ Dr G፤

ሐ/ የንግድ ፈቃድ እንዲታገድ ወይም
እንዲሰረዝ ጻግድረግ፤

መ/ ሽማቾች ለደረሰባቸው ጉዳት እንዲካሱ
ጻግድረግ፤

ሠ¼ yNGD : " ä C XNÄ!Äz# XÄ!wYM
XNÄ! - #¾ Dr G፤
> e} ÇÄ^ © እና ፍትሐ ብሔራዊ - d' @
ዎች ሲያስተላልፍ YC§L ::

- a) conduct adjudication on acts of violation prohibited under this Proclamation and provisions stated in other laws which have relevance to the case or regulations or public notices issued to implement this Proclamation and where the acts are committed to take correctional or other appropriate administrative or civil measures;
 - b) commission any person for the submission of information and documents that are necessary to conduct its adjudicative duty;
 - c) summon witnesses to appear and testify before the adjudicative tribunal;
 - d) take affidavits or verifications and makes examinations accordingly;
 - e) execute civil or administrative decisions it passes and order police or any appropriate organ for their execution.
- 3) The Authority may take the following administrative and civil measures as it finds appropriate, against any person who violated the provisions of this Proclamation or regulations or public notices issued to implement this Proclamation:
- a) order the discontinuation or injunction of the act pronounced inappropriate;
 - b) order the payment of compensation to the person affected by the act including taking any other appropriate measure that enables to reinstate the victims competitive position;
 - c) suspend or cancel business licenses;
 - d) order the payments of compensation to consumers for damages they have sustained;
 - e) order the seizure and/ or selling of goods.

4/ ባለሥልጣኑ በዚህ አዋጅ የተመለከቱት ወንጀሎች መፈጸማቸውን ካወቀ ወይም ካመነ በጉዳዩ ላይ ያሰበሰባቸውን 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. SI ባለሥልጣኑ አደረጃጀት

ባለሥልጣኑ፡-

1¼ b, nIST, xQ%bInT b- Q\$Y n! ST, y, ëም xND ዋና ዳይሬክተር፣ XÁ

2¼ | | %W xSf \$g! yç n# ዳኞችና \ %d ©C Yñ, - L Ý

" 7. ሃዋና ዳይሬክተሩ | LÈNÂ t GAR

1¼ ዋና ዳይሬክተሩ የባለሥልጣኑ êÂ | % xSf É bmç N ሃባለሥልጣኑን | % ā C Ād%©L ½ Ym %L ½ ĀSt ĀD%L ::

2¼ yzIH xNq{ N; \$ xNq{ (1) አጠቃላይ x nUgR XNd t - bq ç ñ ዋና ዳይሬክተሩ bzIH xêJ bxNq{ " 4 እና " 5 yt zr z, T የባለሥልጣኑ" ሥልጣንና t GAR%T b| % §Y m ê\$ç WN Ār UG È L ::

" 8. የዳኞች አሰያያዎ

1/ የባለሥልጣኑ እያንዳንዱ የዳኝነት ችሎት በጠቅላይ ሚኒስትሩ የሚሰየሙ አንድ ሰብሳቢ እና ሁለት KKA ዳኞች ይኖሩታል።

2/ ዳኞች ለሥራው ተፈላጊ የሆነ ጻፎ ል wn f ፣ የትምህርት ' Óï f እና የሥራ ልምድ ሊኖራቸው ይገባል።

3/ በዚህ አንቀጽ ንዑስ አንቀጽ /1/ መሠረት የሚሰየሙ ዳኞች በፌዴራል መንግሥት የሲቪል ስርቪስ ሕግ ይተዳደራሉ።

4) When the Authority knows or believes that the of fences 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.

- 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 ለክስ 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 ለክስ 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 } ነሳሽነት ምርመራ ያካሂዳል።
- 2/ ሚኒስቴሩ ወይም ቢሮው በዚህ አዋጅ የተሰጠውን ስልጣንና ተግባር ለማከናወን በራሱ የምርመራ አፈሰር ምርመራ ሊያካሂድ ይችላል።
- 3/ ሚኒስቴሩ ወይም ቢሮው yMRm%o t Gፎ N b, ĀkĀWNbT glz@x Sf \$ፍ! ç ñ s!ĀgβW እንደ ቅደም ተከተሉ bፀÁ%L ±I IS ÷, >N | R ĀI # ፡ YI ፀN ወይም የክልሉን ፖሊስ ፄ zZ YC\$ፀL ፀ
- 4/ የሚኒስቴሩ ወይም የቢሮው ym f t >Ā ym ĀZ | LĒN በተመለከተ xGፆB Ā\$ç W yx!T ×ù Ā ywNj ፆ m QĀ y| n | R፡T ? G DNUg@C t f É Yç ĀI #ፀ
- 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 ናሙና ወይም ለምርመራ አስፈላጊ የሆነ ቁስ ለመውሰድ ወይም sni CN ለm ĀZ½ sni c \$! bwr qT wYM bx@ፀT é n!K QJ ለፄ Dr G½ bt \$ፀ!kRdR wYM bl @ፀ ፡ YnT m ፀፀ!Āā C yt Āz# m r ፀā Cን ለመያዝ ወይም QJ Āc WN ለm WsDና 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 with in 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 with in 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 ለማገዝ 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 ስቦ ምርመራ

- 1/ በፊደል ላይ የሚገኘውን ስም በሰነድ ላይ ማረጋገጥና ለሌሎች አካላት ስም መሰጠት ማቆም።
- 2/ ለሌሎች አካላት ስም መሰጠት ማቆም።

ክፍል ሳይስጥ
ስለንግድ ዕቃዎችና አገልግሎቶች ስርጭት

#4. የንግድ ዕቃዎችና አገልግሎቶችን ስርጭት ስለመቆጣጠር

- 1/ ሚኒስቴሩ እና ቢሮዎች የጤናና የደህንነት ደረጃዎችን ያሳሟሉ የንግድ ዕቃዎችንና አገልግሎቶች ሽያጭንና ስርጭትን አግባብ ካላቸው አካላት ጋር በመሆን ያግዳሉ።
- 2/ ሚኒስቴሩ በሀገር ውስጥ በሚመረቱ ወይም ከውጭ በሚመጡ የንግድ ዕቃዎች ላይ አግባብ ካላቸው አካላት ጋር በመሆን የጥራት ፍተሻ እንዲካሄድ ያደርጋል።
- 3/ ሚኒስቴሩ ወይም ቢሮዎች በነጋዴዎች የሚፈጸሙ የንግድ ዕቃዎች ክምችት ወይም የመደብር በቅ 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 በS 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 !5በመቶ /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 ከገዛበት 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 with in 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.

3/ የዚህ አንቀጽ ንዑስ አንቀጽ /1/ እና /2/ ድንጋጌዎች በሕግ በተሰጣቸው ሥልጣን ወይም በሕግ መሠረት በተሰጠ ፈቃድ መሠረት የንግድ ዕቃዎችን እንዲያከማቹ ፈቃድ በተሰጣቸው ሰዎች ላይ ተፈጻሚ አይሆኑም።

#6. መሠረታዊ የንግድ ዕቃዎችና አገልግሎቶችን ዋጋ ስለመወሰን

አስፈላጊ ሆኖ ሲገኝ ሚኒስቴሩ የዋጋ ቁጥጥር ሊደረግባቸው የሚገቡ መሠረታዊ የንግድ ዕቃዎችና አገልግሎቶች ላይ ያደረገውን ጥናት ለሚኒስትሮች ምክር ቤት አቅርቦ በማስፈቀድ ዝርዝራቸውንና ዋጋዎቻቸውን በሕዝብ ማስታወቂያ ሊያወጣ ይችላል።

#7. ስለመሠረታዊ የንግድ ዕቃዎች ስርጭት

ሚኒስቴሩ ከሚመለከታቸው ሌሎች የመንግሥት መሥሪያ ቤቶች ጋር በመመካከር ዝርዝራቸውና ዋጋዎቻቸው በሕዝብ ማስታወቂያ የተገለጹት መሠረታዊ የንግድ ዕቃዎች እና አገልግሎቶች ስለሚሰጡበት፣ ስለሚሸጡበትና ከቦታ ቦታ ስለሚዘዋወሩበት ሁኔታ ለመወሰንና እንደአስፈላጊነቱም ዕቃዎቹ ባለቁ ጊዜ እንዲተኩ ነጋዴውን ለማዘዝ ይችላል።

ክፍል cvf
L† L† DNUq@C

#8. የፌዴራልና የክልል ፍርድ ቤቶች ሥልጣንና ኃላፊነት

1/ የፌዴራል እና የክልል ፍርድ ቤቶች የንግድ አሠራርና የሽማግሌ ጥበቃ ሥራን ለማቀላጠፍ እንዲቻል የንግድ አሠራርና የሽማግሌ ጥበቃ ጉዳዮች የሚታዩባቸውን ችሎቶች ያደራጃሉ።

2/ በዚህ አንቀጽ በንዑስ አንቀጽ (1) መሠረት የተደራጁ ችሎቶች በዚህ አዋጅ በአንቀጽ #9 የተመለከቱ የወንጀል ጥፋቶችን የማየትና የመወሰን ሥልጣን ይኖራቸዋል።

#9. Q È T

bz!H xêJ bxNq{ " 5 N; \$ xNq{ (3) m\ rT ባለሥልጣኑ y, wSdW xSt Ä d%êEእና ፍትሐ ብሔራዊ XRM© XNdt - bq ç ñ የፌዴራል እና የክልል ፍርድ ቤቶች yz!HN xêJ DNUg@C b, t \$! F b¥ N\$AWM sW \$Y q_! Ö yt ml kt \$ N የወንጀል QE è C ይወስናሉ-Ý

3) The provisions of sub article (1) and (2) of this Article shall not apply to persons that are empowered by law or licensed in accordance with the law to hoard goods.

46. REGULATING PRICES OF BASIC GOODS AND SERVICES

The Ministry, when deemed necessary, submits to the Council of Ministers its study on basic goods and services that shall be subject to price regulation and upon approval publish their list and prices in public notices.

47. DISTRIBUTION OF BASIC GOODS

The Ministry in consultation with other concerned government organs may determine the conditions of distribution, sale and movement of basic goods and services and, as may be necessary, order the business person to replenish the stock of the same.

PART SEVEN
MISCELLANEOUS PROVISIONS

48. RESPONSIBILITIES AND FUNCTIONS OF THE FEDERAL AND REGIONAL STATE COURTS

1) Federal and regional state courts shall organize trade practice and consumer protection divisions in order to expedite the trade practice and consumer protection activities.

2) Divisions organized pursuant to sub article (1) this Article shall have power to adjudicate and pass decisions on criminal violations stated under Article 49 of this Proclamation.

49. PENALTY

Without prejudice to administrative and civil measures the Authority shall take pursuant to sub article (3) of Article 35 of this Proclamation, the federal and regional state courts shall decide the following criminal penalties against any person who violates the provisions of this Proclamation:

- 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 "ጫ" ነገሩ (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 /አሥር/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤
- 3/ የዚህን አዋጅ አንቀጽ !1 የተላለፈ ማንኛውም ነጋዴ የዓመታዊ ገቢውን 0በመቶ /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;

\$. **xSt Äd%êEወይም ፍትሐ ብሔራዊ እገልጫ ስጦታ**

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\$1. **የመተባበር ግዴታ**

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\$2. **የአገልግሎት ስጦታ**

1¼ ¥ N¼WM መንግሥታዊ አካል ያልሆነ ሰው የዚህን አዋጅ ክፍል ሁለት ድንጋጌዎች መተላለፍን በተመለከተ ለባለሥልጣኑ KS s!ÄqRB yxgL Gl Ö KFÄ m Kf L x l bT Ý

2¼ yxgL Gl Ö KFÄ - ¶ú b, n!ST é C MKR b@ YwsÄL Ý

\$3. **ሃይማኖት**

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\$4. **ብድር**

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50. DETERMINATION OF ADMINISTRATIVE OR CIVIL MEASURES

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

- a) the nature, duration, gravity and extent of the contravention;
- b) the loss or damage suffered as a result of the contravention;
- c) the previous behavior of the violator;
- d) the market circumstances in which the contravention took place;
- e) the level of profit derived from the contravention;
- f) the economic status of the violator;
- g) the degree to which the violator cooperated with the Authority; and
- h) 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

- 1) 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.
- 2) 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