

ፌዴራል ነጋሪት ጋዜጣ

FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራስድስተኛ ዓመት ጊዜ ላይ
አዲስ አበባ ነሐሴ 0 ቀን 2010 ዓ.ም

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

የገበያ ጥበቃና የሽያጭ ጥበቃ
xêJ ጊዜ 6) ' 5/2010 ጋዜጣ
yNGD x\%Rና የሽያጭ ጥበቃ xêJ ...
ገጽ 514)2

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yNGD | % xgገት\$ bMTktIW ynÉ gbĀ
x!÷ñ, ±!s! m\RT tgb!WN x\%R tk
ትሎ መካሄድ ስላለበት፤

yNGÇN ^BrtsB kir-WDDR XĀ tgb!
ካልሆኑ የገበያ ተግባራት፣ እንዲሁም ሽያጭን
k, ĀúSt\$ ygbĀ h#ē-āC y, k\$KLĀ InÉ
gbĀ WDDR xmchT ĀIW | R>T ¥SfN
xSf\$g! ርñ bmgβt\$

የንግድ እንቅስቃሴዎች ማደግን ተከትሎ የሽያጭን
ጤንነትና ደህንነትን አደጋ ላይ የሚጥሉ የንግድ ዕቃዎችን
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 tfe, nT |¥rUg_ የአስፈ.
የሚነትና yĀ"nT tGÆ%TN |¥kĀwN `šōnT
y, ñ%cW አካላትን ስልጣንና ተግባር መወሰን
xSf\$g! ጠርቆ SI -mnbt፤

bx!T×ūĀ ØĀ%šēf Ā!äK%š!Āēf ገጥቢ |K
?g-mNG| T xNq{ \$5(1) m\RT y, k
tIW -W©LŴ

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:

ÄNÇ eU
Unit Price

nUገጥ Uzፎ ±.æ.c.ገ * 1ገ
Negarit G. P.O.Box 80001

KEL xND
«OŠŠ DNUq:ĀC

1/ x+R R:S

YH xēJ "yNGD x\%Rና የሽማቾች ጥበቃ
xēJ q\$R 6)' 510ሺ.2" tBI 0 !!- qS
YC\$LY

2. T R Ū »

y" I# xgÆB I\$ TRg#M y, Ās- W
ካልሆነ በስተቀር በz!H xēJ ውስጥ:-

1/ "m\r-ēf yNGD : " wYM xgLGI 0T"
¥IT bgbĀ \$Y X_rT bmf- "
MKNĀT tgb! ĀLçn yNGD | % !ĀSk
TL y, CL k1¥ቾች yy:IT F\$g0T UR
ytgĀß የንግድ : " wYM xgLGI 0T nW፤

2/ "m\r-ēf ግልጋላ 0T" ¥IT XNd
yW1/2 ymB%T `YL1/2 ySLK XĀ
3/4S dcK ግልጋሎት nW፤

3/ "ባለሥልጣን" ¥IT bz!H xēJ
bxNq{ " 1 m\rT 3/4} sSS የንግድ
አሰራርና የሽማቾች ጥበቃ ባለሥልጣን
nW፤

4/ "ሽማቻ" ማለት Ków]ካ ፡፡ ĀU SMF
KS g0 dĀJ " ዋጋውን ራሱ ወይም ሌላ
ሰው የሚከፍልለት ሆኖ ለራሱ ወይም
ለሌላሰው ፍጆታ የሚሆን የንግድ ዕቃ
ወይም አገልግሎት የሚገዛ የተፈጥሮ ሰው
ነው፤

5/ "ነጋዴ" ማለት የሙያ ሥራው አድርጎ
ጥቅም ለማግኘት ሲል በንግድ ሕጉ
አንቀፅ 5 የተዘረዘሩትን ሥራዎች
የሚሠራ ወይም አገልግሎት የሚሰጥ
ወይም የንግድ ሥራ ነው ተብሎ በሕግ
የሚወሰነውን ሥራ የሚሰራ ማንኛውም
ሰው ነው፤

6/ "የንግድ ሥራ" ማለት በዚህ አንቀጽ ንዑስ
አንቀጽ /5/ በተተረጎመው መሠረት
ነጋዴ የሚሠራው ሥራ ነው፤

7/ "ተፈላጊ GB>T" ¥IT : " āCNĀ
xgLGI 0èCN l dNb@0cW b¥QrB
rgD l twĀĀqāC bĒM xSf\$g!
yçn" bq\$!# wYM XNdLB !g"
y¥YCL m\rተ L¥T wYM hBT
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 : " ልC" ማለት kጻናቸWMM >YnT gNzBና ገንዘብነት ካላቸው ሰነዶች በስተቀር ጻናቸWMM የሚገዙ ወይም ሃሚ¹-# ወይም ሃሚክራዩ ወይም በሌላ ሁኔታ በሰዎች መካከል yNGD | %። ሃሚkጻWንጅCW ሃ. NqúqS# : " ልC ማለት nW፤
- 9/ " ኃ n!StR" wYM " ኃ n!STR" ማለት yNGDጎ x!NፍSTገገ ኃ n!StR wYM ኃ n!STR nW፤
- 0/ "sW" ማለት ytf_é sW wYM b?G ysWnT mBT yts- ው አካል ነው፤
- 01/ "xgLG!ፀT" ማለት dnmwZ wYM yqN ፍ ልጥፋ Kፍጎ ልጎnፋ gb! ሃ. ልSg" ማለት NፋWMM xgLG!ፀT ymS- T NGD | %። nW፤
- 02/ "ተገቢ ያልሆነ የንግድ ሥራ" ማለት ንግድን የሚመለከት ፋሕግ ድንጋጌዎችን የሚጥስ ጥ-ጥ ሀ 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;

4/ የነጋዴዎችን ጥቅምና መልካም ዝና የሚገደብ የNGD ጸላጭነትን ማስቀደስ ማድረግ፤

5/ የኢኮኖሚ ልማትን የማፋጠን፤

ዓላማዎች አሉት፡፡

4. የጥፋት ስርዓት

1% YH xEJ bx!T xùÃ ØÁ%\$Èf Ä!ä K%\$!ÄÈf ሪፐብሊክ ሆስፒታል ሥራ በሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

2% yNGD | %W kx!T xùÃ ØÁ%\$Èf Ä!ä K%\$!ÄÈf ሪፐብሊክ ሆስፒታል ላይ ለሥራ ማድረግ ለሆስፒታል ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

3% ርዕሰ ጉዳይ ላይ ለሆስፒታል ሥራ ማድረግ ለሆስፒታል ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

h% የጠቅላይ ግዛድ ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

l% በጠቅላይ ግዛድ ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

/% ሆስፒታል ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

m% የአሰሪና ሥራተኛ ግንኙነትን ማስቀደስ ማድረግ፤

4/ የዚህ አንቀጽ ንዑስ አንቀጽ 3/ ድንጋጌዎች እንደተጠበቁ ሆነው የዚህ ንዑስ አንቀጽ 3/ለ/ እና 3/ሐ/ን በተመለከተ የተቀመጠው ማንኛውንም ማሻሻያ ማድረግ ለሆስፒታል ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

5/ የዚህ አንቀጽ አፈፃፀም በማናቸውም ሁኔታ ማሻሻያ ማድረግ ለሆስፒታል ሥራ ላይ ለሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም አገልግሎት ግብይት ሆስፒታል ላይ ማድረግ

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 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።

KEL h#T
የንግድ አሰራር
ምዕራፍ አንድ

bb\$YnT ytÄzN gbÄ xl xGÆB m- qM

5. S`Q

፳N¾WM ነጋዴ bGI#M ርn kI፩ ሰC UR bm፭N bb\$YnT yÄzWN gbÄ bGL}M ርn bSWR xl xGÆB bm- qM yNGD ሥራ ማካሄድ አይችልም።

6. TRq#M

፳N¾WM ነጋዴ bGI# wYM kI፩ ሰC UR bm፭N bxND ygbÄ KLL WS_ êUN wYM I፩ ሰC yNGD DRDR h#፬- äCN ymöË- R wYM WDDRn y፳- ፲ T wYM bGL} ymgdB ytrUg- አቅም ለI W ርñ ktg፱ gbÄWN bb\$YnT Y²L YÆ\$LŸ

7. yb\$YnTN SI ፳rUg_

1¼ xND gbÄ bb\$YnT mÄz#N I ፳rUg_ ነጋዴው bgbÄW WS_ ለI W DR፳ wYM I፩ ሰC wd gbÄW XNÄYgb# I mkLkL ለI W xQM wYM አግባብነት ያላቸው I፩ ሰC mmz¾äC wYM ymmz¾äc\$ _MrT GMT WS_ y, gb# g#ÄxC ÄcWŸ

2¼ bxND gbÄ WS_ yb\$YnT xl I ፳ I T y, ÖI W፤ ytÆI W gbÄ twÄÄŸ ሊሆኑ የሚችሉ ወይም የሚተካኩ የንግድ ዕቃዎችንና xgLG I ÖèCN yÄz sl፭N nWŸ

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 ከክፍለ-ገጠማዊ ስራዎች አካል ሆኖ ለውጤቱ ለውጥ ማድረግ ይቻላል።

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

8. yb\$YnTN xI xGÆB ym- qM DRg!èC

btIYM y, ktI#T bb\$YnT ytÃzN ገበያ xI xGÆB ym- qM DRg!èC ለውጥ ማድረግ ይቻላል።

1¼ MRTN mgdB½ yNGD : " ለውጥ ማድረግ ይቻላል።

2¼ yNGD WDDRN I mgdB wYM I ለውጥ ማድረግ ይቻላል።

3¼ bq_ wYM btzêé¶ mNgD ፍትህ ስራዎች ላይ ማድረግ ይቻላል።

4¼ ግልፅና ወቅታዊ የሆነ የገበያ አሰራርን በሚቃረን መልኩ ለውጥ ማድረግ ይቻላል።

5¼ xú≠" x!÷ñ, ለውጥ ማድረግ ይቻላል።

6¼ yNGD WDDRN I mgdB wYM I ለውጥ ማድረግ ይቻላል።

7¼ xú≠"nT bl d W ከክፍለ-ገጠማዊ ስራዎች አካል ሆኖ ለውጤቱ ለውጥ ማድረግ ይቻላል።

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:

ከ¼ yxNDN yNGD :” wYM xgLGI 0T xQRiT½ I፩ twÄÄ¶ yçN wYM ÄLçN yNGD :” wYM xgLGI 0T kmqbL UR XNÄ!gÄ” ¥DrG wYM I፩ twÄÄ¶ yçNWN yNGD :” wYM xgLGI 0T b¥kí fL wYM b¥MrT §Y gdB mÈL½ wYM b7ÿrው k, fI gW yNGD :” wYM xgLGI 0T UR GNß#T KI ¶ W yNGD :” wYM xgLGI 0T G™ UR XNÄ!gÄ” ¥DrG፤

I¼ yNGD :” äCNÄ xgLGI 0èCN xQRiT btmlkt yT ወይም I¥N ወይም bMN ከ#ው- wYM m- N wYM bMN ÁIM êU XNdgÄ SgØ wYM wd W+ መላክ እንዳለበት gdi C” mÈL::

9. **ልዩ ሁኔታዎች**

tgb!nT ÄI WN yNGD >§¥ kGB I¥D rS bGD I!f}ማቸW y, gቡ፣ bÆH¶ÄcW wú” XÄ bl፩ b¥ÄcWም mNgD I!úk# y¥YCI# መሆኑን በማረጋገጥ የንግድ ሥራን የሚያከናውን ነጋዴ፣ በተለይም:-

1¼ yNGD :” äCNÄ yxgLGI 0èCN _% TÄ dHNnT m- bQ½

2¼ I፩W twÄÄ¶ ks- W êU wYM ጥቅም ጋር መስተካከል፣ እና

3¼ BqÄ twÄÄ¶ çñ mgßTን½

ከግብ ለማድረስ የረፀመው ተግባር ገበያውን ያለአግባብ ተቆጣጥሯል በሚል አያስጠይቅም::

10. **ተፈላጊ ገንዘብ ለማግኘት የሚችሉ ስራዎች**

y, n!STéC MKR b@T በዚህ ምዕራፍ አንድ ytmlkt፣ DNUg፩C t fÉ, y¥YçN#ÆcWN L¥TN I¥Í - N Y- Q¥I# y, §cWN xNÄND የንግድ ስራዎችን b, ÄwÈW dNB XNÄ!wስ# I!ÄdRG YC§LŸ

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.

2% kz!H b\$Y I \f,, T DNUGC P g0N P'ñ ytÆI W GNB#T y, ñrW bxND gbA WS_ ÆI# twAA¶ ነጋዴዎች መካከል ሲሆን፣ ከላይ ወደታች የተባለው dGä ከነጋዴዎችA bdNb®C wYM bxQ%b!äC wYM kh# tM UR y, ñR GNB#T nWY

04. L t hñe-äC

kz!H b\$Y bxNq{ 03/1/ bödL /h/ XÄ /I/ እንደተጠቀሰው ፀረ WDDR tGÆR f}m;L tBI0 ወይም ሌሎች የዚህን ምዕራፍ ከ# T DNU gäC bmt\$IF MKNÄT ytkss 'ÖE ytkl kl#T DRglèC k, ÄSKTI#T g#ÄT YLQ kS MMnt\$wYM k^BrT xì Ñ wYM k^BrT\$ Wúne ytgBW ytkñl 0! ወይም yB" T wYM bl\$ hñe- twAA¶ bmcN rgD ytgBW _QM y, ÄmZN mcñN I ¥SrÄT YC\$LW

ምዕራፍ ሦስት
የውህደት ስራ ስርዓት
የውህደት ስራ ስርዓት

05. m R ?

1/ ባለሥልጣኑ T " - - U የውህደት DRglT bgbÄ WDDR \$Y kFt¼ t}:ñ >eYfLIM wYM I!ÄSkTL y, CL ' - wYM ygbÄ WDDRN Ä- Í L BI0 kwsn ውህደቱ\$ XNÄYfIM Yki K\$LW

2/ ባለሥልጣኑ u²=I >" kè "®e >" kè (1) SW[f ¼} " c' - " - d'® የንግድ ምዝገባ ለሚያከናውነው አካል ወዲያውኑ T d" p > Ku f::

06. T R g# M

1% bz!H xèJ m\rT xND yውህደት tGÆR xl y, ÆI W G\$èf tì Mn-cWN YzW Yñ,, ynb,, h#T wYM kz!Ä b\$Y yçñ# የንግድ ማህበራት slèhÇ wYM Xnz!H የንግድ ማህበራት xND >\$¥ ÄI W yNGD | % I ¥kÄwN h# NM wYM k0I #N hB-cWN slÄq\$¶I # nWY

2% >" É c- " ÄU w²< sÄC የንግድ ማህበር xKs!xñC ወይም sK#tèC wYM NBrèC ወይም የሌላ ሰው የንግድ መደብርን bGÇI wYM bl\$ b¥N¾WMM mNgD bq_- wYM btzéè¶ hñe- y%S ¥DrGM yውህደት DRglT YÇÄLW

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.

3¼ ለዚህ አንቀጽ ንዑስ አንቀጽ /2/ ድንጋጌ አፈፃፀም xND sW wYM Bz# sāC bxND የንግድ ማህበር ወይም የንግድ መደብር g#AxC wYM xStÄd%ēf | %āC \$Y t}; ñ y, ĀdRS Wún@ l mS- T kÖl# የንግድ ማህበሩን ወይም የንግድ መደብሩን XNdĀz# wYM XNdt öE- „ Yö- %LŸ

07. ውህደትን SI ሄሰወ

- 1/ የንግድ ምዝገባ የሚያከናውን የመንግሥት መስሪያ ቤት በንግድ ምዝገባ ውስጥ የሚካተቱ የንግድ ማህበራትን መዋሃድ ወይም የአክሲዮኖች ወይም ሴኩራቲዎች ወይም ንብረቶች ዝውውርን ከመመዘገቡ 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

- 1¼ ባለሥልጣኑ bNGD WDDR \$Y g#LH t}; ñ y, ĀSkTL wYM l!ĀSkTL y, CL gdB y, _L wYM yNGD WDDRn y, Ā- ፋ yውህደት tGÆRN Yki K\$LŸ
- 2¼ ባለሥልጣኑ የውህደት ሄS-wqĀ s!qRBI T f" ÇN y, s_ wYM y, kl KL mÇn#ን ለአመልካቹ በተፋጠነ ሁኔታ -d'@- " b{/#F mGl { xl bT::
- 3¼ ባለሥልጣኑ Wún@ kmS- t\$ bÖT t = ማሪ መረጃዎችንና ሰነዶችን ከአመልካቹ y, fLG kÇn½ በአስቸኳይ እንዲቀርቡ ወሳኔውን በአጭር ጊዜ ለአመልካቹ ማሳወቅ wQ xl bTŸ
- 4¼ ባለሥልጣኑ አስፈላጊ ሆኖ ካገኘው፣ አመልካቹ ውህደቱን XNĀT ሄ\$S_L XNĀl bT XĀ bz!h# m\rT t\$>l0 kqrb f" Ç l!s_ XNd, CL ሄS-wQ YC\$LŸ

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.

ከ/ የፋብሪካው፣ የአሻጊው እና የአስ መጪው ስምና አድራሻ፣

ሀ/ የንግድ ዕቃው አገልግሎት መስጠት የሚያበቃበትን ጊዜ፣

ሀ) / የንግድ ዕቃው የተመረተበትን ቀን፣

ተ/ በኢትዮጵያ ደረጃዎች የተመለከቱትን መስፈርቶች ያሟላ መሆኑ፣ እና

ሀ) የተሰጡትን ጥቅም ለመጠበቅ አስፈላጊ ሆኖ ሲገኝ ሚኒስቴሩ በሕዝብ ማስታወቂያ የሚያወጣቸውን ሌሎች ዝርዝሮች።

3/ በንግድ ዕቃዎች ላይ የሚለጠፍ መግለጫ በቀላሉ የማይለቀቅ 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.

- 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 በመግለጽ 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 የፒራሚድ 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።

KFL አራት
SINGD አሰራርና የሽማቾች ጥበቃ
ባለሥልጣን

"1. Simlīm

- 1/ የንግድ አሰራርና የሽማቾች ጥበቃ ባለሥልጣን /ከዚህ በኋላ "ባለሥልጣን" XytÆI y - %/ ራሱን የቻለ የህግ ሰውነት ያለው የፌዴራል መንግሥት አካል ሆኖ በዚህ አዋጅ ተቋቁሟል።
- 2/ ¼ባለሥልጣኑ } Ö] ' f ለሚኒስቴሩ ልጋ ልጋ።
- 3/ ባለሥልጣኑ u²=| >ªï SW[f ልጋ ልጋ።

"2. ዋና መሥሪያ ቤት

¼ባለሥልጣኑ ዋና መሥሪያ ቤት በአዲስ አበባ ከተማ ጋ. እንደአስፈላጊ ሆኖ ሊቀረጽ 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.

h% bz!H xêJ Â bl@ ÛC kg#Ä† UR xGÆBnT Æ§cW ?gÛC b\ f „ T DNUg@C wYM YHN xêJ I ¥S fiM bw- # dNi C ወይም y?ZB ¥S-wqÄãC ytklkl!T tGÆ %T ተፈፅመዉ ሲገኙ የማስተካከያ wYM l@ ÛC tgb!nT Ä§cWN አስተዳደራዊ ወይም ፍትሐ ብሔራዊ አRM@ãC l mWsd y, ÄSCL yÄ"nT tGÆR ÄkÄWÄL፤

ሰ% yÄ"nT tGÆ, N I ¥kÄwN xSF §g! yçn# mr@ãC XÄ snì CN ¥N¾WM sW XNÄ!ÄqRBI T ÄdRUL፤

ሐ% MSKÉC bዳኝነት CI ÕT ðT qR bW " §cWN XNÄ!s- # ÄdRUL፤

መ% ym/§ | R>T wYM y¥rUgÄ " L Yqb§L½ bz!HM m\rT MRm% ÄdRUL፤

ሠ% የሚሰጣቸውን xStÄd%êf ወይም ፍትሐ ብሔራዊ ወሳኔዎችን ያስፈጽማል፤ XNÄ!fiÑም ±!ISN " ÄU } Ñu= ¾J' > ካM Ä²L::

3% ባለሥልጣኑ yz!HN xêJ DNUg@C wYM YHN xêJ I ¥SfiM yw- # dN iCN ወይም y?ZB ¥S-wqÄãCN bt§!f ¥N¾WM sW §Y እንደሁኔታው:-

h% tgb! xYdIM ytÆ!W DRg!T XNÄ!l r_ wYM XNÄ!öM ¾¥DrG፤

ሰ% yt?@!WN ymwÄdR xQM wdn brbT i- lmm!S y, ÄSCL tgb! XRM@ mWsdN = Mé½ bDRg!t§ g#ÄT l drsbT wgN ካሣ እNÄ!kfl ¾¥DrG፤

ሐ/ የንግድ ፈቃድ እንዲታገድ ወይም እንዲሰረዝ ¾ማድረግ፤

መ/ ሽማቾች ለደረሰባቸው ጉዳት እንዲካሱ ¾ማድረግ፤

ሠ% yNGD: " äC XNÄ!Äz# XÄ!wYM XNÄ!¹- # ¾¥DrG፤ > e} ÇÄ^© እና ፍትሐ ብሔራዊ -d'@ ዎች ሊያስተላልፍ 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.

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† DNUg@C

#8. የፌዴራልና የክልል ፍርድ ቤቶች ሥልጣንና ኃላፊነት

- 1/ የፌዴራል እና የክልል ፍርድ ቤቶች የንግድ አሠራርና የሽማግሌ ጥበቃ ሥራን ለማቀጠል 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;#S xNq{ (3) m\rT ባለሥልጣኑ y, wSdW xStÄ d%êE እና ፍትሐ ብሔራዊ XRM© XNdt - bq ናቭ የፌዴራል እና የክልል ፍርድ ቤቶች yz!HN xêJ DNUg@C b, t\$| F b¥N¾WWM sW \$Y q_!0 yt ml kt \$TN የወንጀል QÈèC ይወስናሉ-

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 "ፀጠጥ >"kፀ (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;

- 7/ በዚህ አንቀጽ ክንድስ 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፤
- 8/ በዚህ አንቀጽ ክንድስ 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፤
- 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፤
- 0/ በዚህ አንቀጽ ንዑስ አንቀጽ /9/ የመለከተው ቅጣት መደለያ በሰጠው ባለጉዳይ ላይም ተፈጻሚ ይሆናል፤
- 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፡፡

- 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;
- 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;
- 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;
- 10) the penalty provided for under sub article (9) of this Article shall also be applicable to the person who has given the bribe;
- 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.

\$. **xStÄd%ê፣ ወይም ፍትሐ ብሔራዊ እገልጫ ስጦታ**

ባለሥልጣኑ xStÄd%ê፣ ወይም ፍትሐ ብሔራዊ እገልጫ ስጦታ b, wSNbT glz@ y, ktI#TN h#e-äC GMT WS_ ¥SgÆT xI bTY-

h¼ ytfimWN _Í T Æ?RY½ yöY -WN glz@½ y_Í t\$N KBdT XÄ m- N፤

l¼ btfimW _Í T MKNÄT ydrsWN yk!æ% wYM yg#ÄT m- N፤

/¼ yx_öWN yqDä Æ?RY፤

m¼ _Í t\$ytfimbTN ygbÄ h#e-፤

\¼ ktfimW _Í T x_öW ÄgB WN _QM፤

r¼ yx_öWN yx!:-ñ, dr©፤

s¼ x_öW kባለሥልጣኑ UR Ädr gWN TBBR፤ እና

1¼ x_öW kz!H böT YHN አዋጅ ymt\$IF DRg!T f}ä ynbr wYM ÄLnbr mçn#N፤

\$1. **የመተባበር ግዴታ**

ማንኛውም ሰው ይህን አዋጅ ለማስፈጸም የመተባበር ግዴታ አለበት፡፡

\$2. **የአገልግሎት ተጠቃሚነት ስጦታ**

1¼ ለአገልግሎት ሰጪ አካል ያልሆነ ሰው የዚህን አዋጅ ክፍል ሁለት ድንጋጌዎች መተላለፍን በተመለከተ ለባለሥልጣኑ KS s!ÄqRB yxgLGİ ÖT KFÄ mKfL xI bTY

2¼ yxgLGİ ÖT KFÄ -ገሰጠ b, n!STÉC MKR b@T YwsÄLY

\$3. **ሃይማኖት**

ባለሥልጣኑ የዳኝነት Wún@ QR ytsB wgN b% qÄT WS_ Iፀላ%L kFt¾ FRD b@T YGÄ" ¥QrB YCSLY

\$4. **ብቁነት**

ባለሥልጣኑ ብቁነት በመንግሥት ይመደባል፡፡

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.

