ØÁ‰L nU¶T Uz¤È FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራስድስተኛ ዓመት q<u>⊩</u>R \$9 አዲስ አበባ ነሐሴ 0 qN 2ሺ2 ዓ.ም bxþT×eà ØÁ‰§ê! ÄþäK‰sþÃê! ¶pBl þK የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

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

¥WÅ

xêJ q<u>l</u>R 6)' 5/271.2 >.M

yNGD x\‰Rና የሸማቾች ጥበቃ xêJ **ገጽ** 5¹|4)%2

CONTENTS

Proclamation No. 685/2010

Trade Practice and Consumers' Protection Proclamation..... Page 5462

xêJ q<u>l</u>R 6)' 5/2ሺ2 <u>vNGD x\‰Rና የሽማቾች ጥበቃ xêJ</u>

yNGD | ‰ xg¶t\$bMTktIW ynÉ gbÃ x!֖¸ ±I!s! m\rT tgb!WN x\‰R tk ትሎ መካሂድ ስሳለበት፤

yNGÇN ^BrtsB kir—WDDR XÂ tgb! ካልሆኑ የገቢያ ተግባራት፣ እንዲሁም ሽጣቶን k¸ÃúSt\$ ygbà h#m@¬ãC y¸k§kL InÉ gbà WDDR xmchT ÃIW | R>T ¥SfN xSf§g! çñ bmgßt\$

የንግድ እንቅስቃሴዎች ማደግን ተከትሎ የሽማቾችን ጤንነትና ደህንነትን አደጋ ላይ የሚጥሉ የንግድ ዕቃዎችንና አገልግሎቶችን መስፋፋት ለመግታት እንዲቻልና ደህንነታቸውንና ለጤና ተስማሚ መሆናቸውን በዘላቂነት ለማረጋገጥ" ተጠቃሚዎች ላወጡት ዋጋ ተመጣጣኝ የሆኑ የንግድ ዕቃዎችና አገልግሎቶች ማግኘት የሚችሉ በትን ሁኔታ ማመቻቸት በማስፈስጉ፤

yz!HN xêJ tfɸnT l¥rUg_ የአስፌ የሚነትና yÄ"nT tGƉTN l¥kÂwN `§ðnT y¸ñ‰cW አካላትን ስልጣንና ተግባር መወሰን xSf§g! mçn# Sl¬mnbT፤

bx!T×ùà ØÁ‰§ê! Ä!äK‰s!Ãê! ¶TBI!K ?g-mNG| T xNq{ \$5(1) m\rT y¸k tIW ¬W©°LÝ PROCLAMATION NO. 685/2010.

TRADE PRACTICE AND CONSUMERS' PROTECTION PROCLAMATION

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

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

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

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

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

ÃNÇ êU Unit Price nU¶T Uz=È ±.œ.q.l * 1/1 Negarit G. P.O.Box 80001

<u>KFL xND</u> «Q§§ DNU¤ãC

1/ x + RR:S

YH xêJ "yNGD x\‰Rና የሽማቾች ጥበቃ xêJ q<u>\$</u>R 6)' 5½ሺ2" tBI l!- qS YC§L\(\text{\text{W}}\)

2. TRÙ»

y" l# xgÆB l 🗣 TRg#M y j Ãs- W ካልሆነ በስተቀር በz!H xêJ ውስጥ:-

- 1/ "m\r!yNGD :" wYM xgLGIÖT" ¥IT bgbà §Y X_rT bmf-" MKNÃT tgb! ÃLçn yNGD | ‰ !!ÃSk TL y¸CL k¹¥芥 yy:IT F§gÖT UR ytgÂß የንግድ :" wYM xgLGIÖT nW፤
- 2/ "m\rl **ግ**ልጋl ឿT" ¥IT XNd yW¦½ ymB‰T `YL½ ySLK XÂ ¾S dcK **ግልጋሎት** nW፤
- 3/ "ባለሥልጣን" ¥IT bz!H xêJ bxNq{ "1 m\rT ¾} ssS *የንግ*ድ አሰራርና የሸማቾች ጥበቃ ባለሥልጣን nW፤
- 4/ "ሸማች" ማለት Ków]ካ ¨ÃU SMf KSgØ dÃJ" ዋጋዉን ራሱ ወይም ሴላ ስዉ የሚክፍልስት ሆኖ ለራሱ ወይም ለቤተሰቡ ፍጆታ የሚሆን የንግድ ዕቃ ወይም አገልግሎት የሚገዛ የተፈጥሮ ሰው ነው፤
- 5/ "ነጋዴ" ማስት የሙያ ሥራው አድርጎ ዋቅም ለማግኘት ሲል በንግድ ሕጉ አንቀዕ 5 የተዘረዘሩትን ሥራዎች የሚሥራ ወይም አገልግሎት የሚሰጥ ወይም የን ግድ ሥራ ነው ተብሎ በሕግ የሚወሰነውን ሥራ የሚሰራ ማንኛውም ሰው ነው፤
- 6/ "የንግድ ሥራ" ማለት በዚህ አንቀጽ ንዑስ አንቀጽ /5/ በተተረነመው መሠረት ነ*ጋ*ዴ የሚሠራው ሥራ ነው፤
- 7/ "ተፈላጊ GB>T" ¥IT : " ãCN xgLGI DèCN I dNb®ÒcW b¥QrB rgD I twÄĶãC bÈM xSf§g! yçn" bq§I# wYM XNdLB I!g" y¥YCL m\r∱ 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 :" ãC" ¥IT k¥ናቸWM >YnT qNzBና ገንዘብነት ካላቸው ሰነዶች በስተቀር ¥ናቸWM የሚገዙ ወይም yሚ1-# ወይም ሃሚከራዩ ወይም በሌሳ ሁኔታ በሰዎች *መ*ካከል yNGD | % yankÂwnkcW y Nqúqs# :" ãC ¥IT nWī
- " n!StR" wYM " n!STR" ¥ITyNGDÂ x!NÇST¶ n!StR wYM ¸ n!STR nW፤
- 0/ "sW" ¥IT ytf_é sW wYM b?G ysWnT mBT yts-ው አካል ነው፤
- 01/ "xgLGIÖT" ¥IT dmwZ wYM yaN ÑÃt¾ KFÃ ÃLçn½ gb! y ÃSg" ¥N¾WM xgLGI ÖT ymS-T NGD | % nWI
- 02/ "ተገቢ ያልሆነ የንግድ ሥራ" ማለት የሚመስከ~ ¾ሕግ ድንጋ ንግድን *ጌዎችን የሚ*ጥስ T″−¬∪ ድርጊት ነው፤
- "ቢሮ" ማለት የክልል ንግድና ኢንዱ 03/ ስትሪ ቢሮ ወይም ሌላ የሚመለከተው ቢሮ ነው፤
- "አስመጪ" ማለት የንግድ ሪቃዎችን በየብስ ወይም በባህር ወይም በአየር ከውዌ ሀገር ወደ ኢትዮጵያ የሚያስ መጣ ሰው ነው፤
- "ላኪ" ማለት የንግድ ሪቃዎችን በየብስ ወይም በባህር ወይም በአየር ከኢትዮ ጵያ ወደ ውጭ ሀገር የሚልክ ሰው ነው፤
- 06/ "የጅምላ ሻጭ" ማለት የንግድ ዕቃዎችን ከአምራች ወይም ከአስመጪ ገዝቶ ለቸርቻሪ የሚሸጥ ማንኛውም ሲሆን አምራች ወይም አስመጨ የንግድ *ዕቃዎችን ለቸርቻሪ ወይም ለጅምላ* ሻ*ጭ* ሲሸዋ በጅምላ ንግድ ውስዋ እንደተሳተል ይቆጠራል፤
- "የችርቻሮ ሻጭ" ማለት የንግድ ዕቃ 07/ *ዎችን* ከጅምላ ሻ*ቄ* ወይም ከአምራች ወይም ከአስመጪ ገዝቶ ለሸማች ወይም ለተጠቃሚ የሚሸዋ ማንኛውም ሰው ሲሆን ጅምሳ ሻጭ ወይም አምራች ወይም አስመጪ የንግድ ዕቃዎችን ለሸማች ወይም ለተጠቃሚ ሲሸጥ የችርቻሮ ንግድ ውስጥ እንደተሳተል ይቆጠራል፤

- "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;
- "Person" means any natural or juridical per son;
- "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;
- "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;

- "ፀረ ውድድር ወይም የገበያ ውድድርን 08/ የሚገድቡ ተግባራት" ማለት ዋጋ በመቀነስ ተመሳሳይ የንግድ ዕቃ ወይም አገልግሎት የሚሸጡ ነጋዴዎችን ኪግራ ላይ በመጣል ወይም በተመሳሳይ የንግድ ሥራ ላይ የተሰማሩ ነ*ጋ*ዴዎችንና ቴክኖሎጂዎችን በመጠቅለል ወይም ሌሎች ነጋዴዎች ወደ ንግድ እንዳይገቡ በመከልከል ወይም የንግድ ዕቃዎች እና አገልግሎቶች ሻጮች የሚሸጡበትን ዋጋ እንዳይወስኑ በመከልከል ወይም የሸጣቾችን ወይም የተጠቃሚዎችን ምርጫ በመገደብ የንግድ ዕቃዎችን ወይም የአገልግሎቶች ሽያቄን ከሌሎች ተመሳሳይ የንግድ ዕቃዎች ካልሆኑ ወይም አገልግሎቶች ሽያጭ ጋር በጣያያዝ በንግድ ሥራ ውስዋ የሌሎች ነጋዴዎችን የመወ **ዳደር አቅም የሚገድ**ቡ ተግባራት ወይም በዚህ አዋጅ አንቀጽ 5፣ 01፣ 05 እና ! 1 የተከለከሉት ተግባራት እና የመሳሰሉት ናቸው፤
- 09/ "የማምረት ሥራ" ማለት በኢንዱስትሪ የሚከናወን የመቀመም፣ የመለወዋ፣ የመገጣጠምና የማሰናዳትን ይጨምራል፤
- "ደንብ" ማለት ይህን አዋጅ ለማስፈጸም የሚወጣ ደንብ ነው፤
- "የመንግሥት yL¥T DRJT" ¥IT ! 1/ bመንግሥት የልጣት ድርጅቶች xêJ q\$_R !51/09)' 4 m\rT ytllm DRJT wYM h#I#M xKs!×ñc\$ bፌዴራል mNG| T ytÃz yNGD tì M ወይም በክልል መንግሥት የሚቋቋም የልማት ድርጅት nW፤
- በዚህ አዋጅ ውስጥ በወንድ ጸታ የተÑKì ው የሴትንም ጸታ ያካትታል።

$3. \rightarrow \S + \tilde{a} C$

YH xêJ ∹

- 1/ የሽጣቾችን መብትና ጥቅም የማስጠበቅ፤
- 2/ የንግድ ዕቃ እና አገልግሎት አቅርቦት ስሰው ጤናና ደህንነት ተeጣጣ ሆኖ *እንዲገኝ የክትትል ስርአት የመዘር ጋት* ፤
- አምራቾች ፣ አስመጪዎች፣ አንልግሎት ሰጪዎች እና በአጠቃላይ በንግድ ሥራ የተሰማሩ ነ*ጋ*ዬዎች በተጠያቂነት *እንዲ* ሰሩ 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;
- ensuring the suitableness of the supply of goods and services to human health and safety and installing a system of follow up;
- ensuring that manufacturers, importers, service dispensers and persons engaged commercial activities in general carry on their activities in a responsible way;

- የነ*ጋ*ኤዎችን ተቅምና መልካም ዝና የሚ 4/ gÏÇ yNGD x\%éCN ymk\kLÂ y¥SwgD1
- የኢኮኖሚ ልማትን የማፋጠን፤

ዓላማዎች አሉት።

4. vtfÉ nT wsN

- YH xêJ bx!T×ùà ØÁ‰§êEÄ!ä K‰s!ÃêE CTBI!K WS_ yN75 ሥራ በሚያካሂዱ ሰዎችና በማናቸውም የዕቃ ወይም ¾አንልግሎት ግብይት §Y tfÉ, YçÂLŴ
- yNGD | %W kx!T×ùÃ ØÁ%§êE 21/4 ÁlaK‰s!Ãêl *CT*BI!K W+ y k ÂwN b!çNM½ W-@t\$ bx!T×ùÃ WS t}:ñ ÃIW kçn xê° tfÉ nT YñrêLŴ
- 31/4 çñM xê° b ktl#T §Y tfÉ 、nT xYñrWMί(
 - h¼ የmNG| ት yL¥T ድርጅቶችን úY = MR½ mNG | T I # \$êF yçn tG Æ"N I¥kÂwŃ b f}¥cW tGÆ %T §YΞ
 - I¼ (lm\r¬ê[7A2| lèC §Yī
 - /¼ b n!STéC MKR b@T Wún@ yêU a<u>\$</u>R b drGÆcW :"ãCÂ m∖r¬ê[yNGD xgLGI 0èC §YI
 - m¼ የአሰሪና *ሠራተኛ ግንኙነትን* b ml kt\$ y?BrT **SMMnèC** §Y::
 - የዚህ አንቀጽ ንዑስ አንቀጽ /3/ ድን,ጋጌዎች እንደተጠበቁ ሆነው የዚሁ ንዑስ አንቀጽ /3/ስ/ እና /ሐ/ን በተመስከተ የተቀመጠው ¾} ðí T ፡ f ¨ c" ÑÅw በዚህ አዋጅ ውስጥ ሽማቾችን በተመ**ለ**ከተ ከተደነ*ገጉት ጋ*ር በተያያዘ ተፈፃሚነት አይኖረውም።
- የዚህ አዋጅ አፈፃፀም በማናቸውም ሁኔታ ሸጣቾች በፍትሐብሔር ሕግ ከውል ውጭ *ኃ*ላፊነትን በተመለከተ ሲያቀርቡ የሚችሉትን ክስ አይከለክልም።

- 4/ preventing and eliminating trade practices that damage the interests and goodwill of business persons;
- 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.
- This Proclamation shall not, however, apply to:
 - the sovereign act of the state which is exclusive of public enterprises;
 - b) basic utilities;
 - 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 የሸማቾች ጥበቃ ባለስልጣን የዳኝነት ስልጣን አና የሚኒስቴሩና የቢሮዎች የአስፌፃሚነት ስልጣን እንደተጠበቀ ሆኖ የዚህ አዋጅ ድን*ጋጌዎ*ች ስለምንብ፣ *መ*ድሃኒትና **መና ክብካቤ አስተዳደርና ቁጥጥር** በወጣው አዋጅ ቁጥር 6)%1/2**ท.**2 መሠረት ከሚካሔዱ የቁጥጥር ስራዎች *እርምጃዎች* ከሚወሰዱ በተደያዘ ተልፃሚነት አይኖራቸውም።

bb§YnT vt ÃzN abà xl xGÆB m-aM

5. S`Q

¥N¾WM ነጋኤ bGl#M çn kl@lÖC UR bmcN bb§YnT yÃzWN gbà bGL}M çn bSWR xIxGÆB bm-qM yNGD ሥራ ማካሄድ አይችልም።

6. <u>TRa#M</u>

¥N¾WM 128 bGI# wYM kI@OC UR bmçN bxND ygbà KLL WS_ êUN wym lelüc yngd drdr hme-acn ymöÈ-R wYM WDDRN y¥_I T wYM bGL} ymgdB ytrUg- አቅም ĀIW çñ ktgß gbÃWN bb§YnT Y²*L YƧLÝÝ

vb§YnTN SI¥rUa

- 1¼ xND gbà bb§YnT mÃz#N l¥rUg_ ነ*ጋ*ዬው bgbÃW WS_ ÃI W DRš wYM I d OC wd gbAW XNAYgb# I mkLkL ÃIW MDxwYM አማባብነት ያላቸው I d lC mmz¾ãC wYM ymmz¾ãc\$ _MrT GMT WS_ y gb# g#A×C AcWY
- 2% bxND gbà WS_ yb§YnT xI I¥ IT y¸ ÒlW¿ ytÆlW gbà twÄĶ ሊሆኑ የሚችሉ ወይም የሚተካኩ የንግድ ዕቃዎችንና xgLGI 0èCN yÃz s!çN nWÝÝ

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.

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 yz!h# gbà *ሙልክ*ሉ ምድራዊ KLL yWDDR h#m@‹C bbq[h#m@ xND >YnT yçn#bT X bxgð‰ÆC gbÃãC k¸ ¬†T yWDDR h#m@¬ãC y¸I†bT nWW
- 4/ የሚኒስትሮች ምክር ቤት በአኃዝ የሚገለጽ የገበያ የበላይነትን መጠን በደንብ ሊወስን ይችላል፡፡

8. vb§YnTN xl xG/EB vm-aM DRa!èC

btlYM y ktl#T bb§YnT ytÃzN 111,9 xlxGÆB ym-qM DRg!èC ÂcWÍ-

- 1¼ MRTN mgdB½ yNGD :" ãCN ማከጣናት ወይም mdbQ wYM bmdb¾W yNGD m| mR XNÄY¹-# ¥DrG ወይም mÃZ፤
- 2¼ yNGD WDDRN I mgdB wYM I¥
 __Í T b¥sB k¥MrÒ êU b¬C fm

 ¹__ øይም ytwÄĶN wæn, f¥údG
 øይም GB>èCN wYM ySR+T mS
 méCN qDä uSÁ´ twÄĶ §Y
 ÃnÈ-r gồ©! DRg!T bq_¬ wYM
 btzêê¶ mNqD ø&JP™E
- 3¼ bq_¬ wYM btzêê¶ mNgD ፍት ሐዊ ያልሆነ ym¹Å êU wYM ym GÏ êU m-yQ፤
- 4¼ ማልዕና ወቅታዊ የሆነ የገበያ አሥራርን በሚቃረን መልኩ gbÃN bb§YnT yÃ zW ነጋዴ bL¥D y ÃdRgWN wYM I!ÃdRgW y CIWN XNd¥YCIW ሆኖ I md‰dR f″ d¾ xI mçN፤
- 5¼ xú¥" x!÷ñ¸ ÃêI MKNÃT úYñR½ gbÃN bb§YnT bÃz ነጋኤ q\$_R | R ÃI N ተፈላጊ GB>T twÄĶ lçn wYM I!ÇN l CL ነጋኤ mkLkL፤
- 6¼ yNGD WDDRN I mgdB wYM I¥_ÍT b¥sB b:"ãC xgLGIŮ èC xQRïT G¢[§Y bደንበኞች መካ kL bêU bl∉ŮC h#n@¬ãC L†nT mF-Rī
- 7¼ xú¥"nT bl@W hme¬Â yNGD WDDRN ImgdB wYM I¥_ÍT b¥sB:-

- 3) The geographic area of this market is the area in which the conditions of competition are sufficiently homogeneous and can be distinguished from the conditions of competition in neighboring areas.
- 4) The Council of Ministers may determine by regulation the numerical expression of the degree of market dominance.

8. ACTS OF ABUSE OF DOMINANCE

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

- 1) limiting production, hoarding or diverting or preventing or withholding goods from being sold in regular channels of trade;
- 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;
- 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;
- with a view to restrain or eliminate competition, impose discrimination between customers, in prices and other conditions in the supply and purchase of goods and services;
- 7) without any justifiable cause and with the view to restrain or eliminate competition:

- h% yxNDN yNGD :" wYM xgLGI \r T xQRïT½ l∮ twÄĶ yçnN wYM ÃLÇNN yNGD :" wYM xgLGI OT kmqbL UR XNÄ!gÂ" ¥DrG wYM I® twÄĶ yçnWN yNGD :" wYM xgLGIÖT b\kifL wYM b¥MrT §Y gdB mÈL½ wYM bንዥው k¸ flgW yNGD :" wYM xqLGIÖT UR GNBmT kI & W yNGD wYM xgLGIÖT G™ UR XNÄ!gÂ" ¥DrGI
- I¼ yNGD :"ãCNÃ xgLGI (èCN xQRï T btmlkt yT ወይም I¥N ወይም bMN h#n@¬ wYM m-N wYM bMN ÁIM êU XNdg SgØ wYM wd W+ መሳክ እንዳለበት gdï C" mÈL።

ልዩ ሁኔታዎች

tgb!nT ÃI WN yNGD > §¥ kGB I¥D rS bGD l!f}ጣቸW y gቡ፣ bÆH¶ÃcW wú" X bl s b¥ÂcW?" mNgD l!úk# y¥YCI# መሆኑን በጣሬጋገጥ የንግድ ሥራን የሚያከናዉን ነጋኤ፤ በተለይም፡-

- 1¼ yNGD :"ãCNÂ yxgLGIÜèCN _‰ TÂ dHNnT m-bQ½
- 2¼ I §W twÄĶ ks-W êU wYM
- 3¼ Bast twää¶çñ mgßT7½

ከግብ ለማድረስ የፈፀመዉ ተግባር ገበያዉን ያለአግባብ ተቆጣጥሯል በሚል አያስጠይቅም።

0. <u>tfÉ nTN SI¥SarT</u>

y nistéc MKR bet NHLV ምዕራፍ አንድ ytmlkt ነገ **DNUg@C** tfÉ. y¥Yçn#cWN L¥TN I¥Í-N Υy, §cWN xNÄND የንግድ Q¥I# ስራዎችን b ÃwÈW dnb xnä!wn# I!ÃdRG YC§LÝ

- 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:

- maintenance of quality and safety of goods;
- leveling with prices or benefits offered by a competitor; and
- 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.

<u>ምዕራፍ ሁስት</u> SMMnèC½ bሕBrT y Ãz# xÌ äC XÂ <u>ነ*ጋ*ዬዎች</u> <u>b¥ህበራቸው አማካኝነት የሚያሳልድቸው</u> Wún@C

01. <u>መርሕ</u>

yNGD WDDRN y¸ ÃGD½ y¸ gDB wYM y, $\tilde{A}^2\tilde{A} \rightarrow \S Y$ wYM $W \cap_b T$ $\tilde{A} \mid W$ SMMnT \u22a4DrG\u22a6 b^BrT x\u22a1 M m\u00e4Z wYM b¥^bR Wún@ ¥úlF ytklkl

02. <u>**f**`Ñ<U</u>

- 1¼ bz!H *ምዕራ*ፍ SMMnT y¸ IW /rG b?G tfÉ nT b!ñrWM ÆYñrWM mGAATN; b{/#F wYM b" L የተፈፀመ ውልን እና የአካሄድ ሥርዓትን Y = M%LÝ
- 2¼ bz‼H ምዕራፍ b^BrT xÌM መያዝ ¥IT SMMnT b¥YmSL h#n@ bነ*ጋ*ዴዎች መካከል በቀጥታ ወይም btzêê¶ mNgD byGL y fiMN ተግባር ለመተካት የሚደረግ የጎብረት wYM yTBBR DRg!T nWf

03. Fi#M KLk§

- 1¼ y¸ ktl#T F[#M ytklkl# DRg!èC ÂcWÝ
 - h¼ wdgin Gnbmt ÆscW ነጋኤዎች መካከል ከሚከተሉት አንዱ > YnT > §¥ wYM W-@T ÃIW SMMnT ¥DrG ወይም b^BrT xÌ M mÃZ wYM b¥^bR Wún@ ¥úl F:
 - i¼ bq_¬ wYM btzêê¶ ø₽? gD êUN mwsNī
 - ii¼ ተመሳጥሮ መጫሬት፤
 - iii¼ dNb®CN ወይም ygbà KLLN ወይም MRTÂ >Ã+ N mmdB_Ξ
 - I¼ GNBm¬cW k§Y wd ¬C bç'< ነ*ጋ*ዴዎች መካከል የሚፈፀም ዓሳማው wYM W-@t\$ZQt¾ yCRÒé êU mwsN yçn SMMnTÝÍ

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

11. PRINCIPLE

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

12. <u>DEFINITION</u>

- 1) For the purpose of this chapter, the term agreement includes mutual understanding, written or oral contract and operational procedures, whether or not legally enforceable.
- 2) For the purpose of this chapter concerted practice means a unified or cooperative conduct of business persons depicted in a way that does not look like an agreement and done to substitute individual activity.

13. ABSOLUTE PROHIBITION

- 1) The following acts are absolutely prohibited:
 - agreements or concerted practices or decisions by associations of business persons in a horizontal relationship and have the object or effect of the following:
 - directly or indirectly fixing prices;
 - collusive tendering;
 - iii. allocating customers, or marketing territories or production or sale by quota;
 - b) agreement between business persons in a vertical relationship that has an object or effect of setting minimum retail price.

2¼ kz!H b§Y l\f"T DNUg@C PgÖN ዮሽ ytÆlW GNBmT y ñrW bxND gbà WS_ ÆI# twÄĶ ነጋኤዎች መካከል ሲሆን፣ ከሳይ ወደታች የተባለው dGä bነ2ዬዎችÂ bdNb®C wYM bxQ%b!ãC wYM kh#l tM y ñR GNB#nT nWÝÝ

04. <u>L† h#n@¬ãC</u>

kz!H b§Y bxNq{ 03/1/ bðdL /h/ XÂ /I/ እንደtmlktW ወሬ WDDR tGÆR f}m¦L tBI ፣ ወይም ሴሎች የዚህን ምዕራፍ h# T DNU g@aC bmt§IF MKNAT ytkss 'ÒÈ ytkl kl#T DRglèC k ÃSkTI#T g#ÄT YLQ kS MMnt\$ wYM k^BrT x N wYM k^Brt\$ Wún@ ytgßW ytKñl Ö©! øß% yB" T wYM bl § hme- twää¶ bmcN rgD ytgßW _QM y ÃmZN mçn#N I ¥SrÄT YC§LŴ

ምዕራፍ ሦስት የውህደ f " } Ñu= ÁMJ '< ¾"ÓÉ ¬ÉÉ` $\frac{1}{2} \frac{\dot{O} v^{f}}{f} = \frac{1}{2} \frac{R}{R} + \frac{1}{R} \frac{R}{T}$

05. <u>m R ?</u>

- 1/ ባ**ለሥልጣ**ኩ T "−¬ U የውህደት DRg!T bgbà WDDR §Y kFt¾ t}:ñ $\rightarrow e\ddot{Y}fLIM$ wYM I! $\tilde{A}SkTL$ y, CL wYM ygbà WDDRN Ã-ÍL BIÖ kwsn ውህደቱ\$ XNÄYfiM Ykl K§LÝÍ
- ባለሥልጣ**ኮ** u²=l > "kê "®<e > "kê (1) $SW[f \%] "c' \neg " \neg d' @ ??7%$ ምዝገባ ለሚያከናውነው አካል ወዲያውኑ $Td^{"}p \rightarrow Kuf::$

06. TR a# M

- 1¼ bz!H xêJ m\rT xND yውህደት tGÆR xI y ÆIW G§ê tì Mn¬cWN YzW Yñ " ynb " h# T wYM kz!Ã b§Y yçn# የንግድ ማህበራት s!êhÇ wYM Xnz!H የንግድ ማህበራት xND >§¥ ÃI W yNGD | % I¥kÂwN h#I#NM wYM kðI#N hB¬cWN s!Áq§∳I#nWÝÝ
- → ″É c¬ ¨ÃU w²< sãC የንግድ ๆบก xks!xñC のとም sekftãC wYM NBrèC ወይም የሴሳ የንግድ መደብርን bG¢E wym bl s b¥N¾WM mNgDbq_ wYM btzêê¶ h#n@ v‰S **¥DrGM** yውህደት DRg!T YÇÂLŰ

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 አፈባወም xND sW wYM Bz# sãC bxND የንግድ ማህበር ወይም የንግድ መደብር g#Ä×C wYM xStÄd‰êf | ‰ãC §Y t}:ñ y¸ ÃdRS Wún® I mS- T kÒI# የንግድ ማህበሩን ወይም የንግድ መደብሩን XNdÃz# wYM XNdt öÈ- "Yö-‰L∰

07. <u>ውህደትን SI ¥úwO</u>

- 1/ የንግድ ምዝገባ የሚያከናውን የመንግሥት መስሪያ ቤት በንግድ ምዝገባ ውስጥ የሚካተቱ የንግድ ማህበራትን መዋሃድ ወይም የአክሲዮኖች ወይም ሴኩሪቲዎች ወይም ንብረቶች ዝውውርን ከመመዝገቡ በፊት ስባለሥልጣኑ ማሳወቅ አለበት፡፡
- 2/ ማንኛውም የውህደት ዓላማ ያለው ቅንብር ወይም ስምምነት የሚመለከት ሰው የውህደት ዓላማ ያለው ቅንብር ወይም ስምምነት መደረጉን ወይም ለማድረግ ሙከራ መኖሩን ለባለሥልጣት ማሳወቅ አለበት።
- 3/ የባሰሥልጣት *ፌቃ*ድ ከመንኘቱ በፊት የውህደት ድርጊት በተግባር ላይ እንዲውል አይፈቀድም፡፡

08. <u>ውህደትን ስለመቆጣጠር</u>

- 1¼ ባለሥልጣን bNGD WDDR §Y g#LH t}:ñ y¸ÃSkTL wYM I!ÃSkTL y¸CL gdB y¸_L wYM yNGD WDDRN y¸Ã-ኁ yውህደት tGÆRN YKIK§L帲
- 2¼ ባለሥልጣት የውህደት ¥S¬wqÃ s!qRBIT f"ÇN y s_ wYM y kIKL mçn#ን ለአመልካቹ በተፋጠነ ሁኔታ ¬d'@¬" b{/#F mGI{ xIbT::
- 3¼ ባለሥልጣ፦ Wún@ kmS- t\$ bðT t = ማሪ መረጃዎችንና ሰነዶችን ከአመልካቹ y¸ fLG kçn½ በአስቸኳይ ሕንዲቀርቡ ዉሳኔዉን በአጭር ጊዜ ለአመልካቹ ማሳ wQ xI bT∰
- 4¼ ባለሥልጣኑ አስፈላጊ ሆኖ ካገኘው፣ አመል ካዥ ውህደቱን XNÁT ¥ššL XNÄI bT XÂ bz!h# m\rT tš>l Ø kqrb f" Ç l!s_ XNd CL ¥S¬wQ YC§L∰

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

- 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

- 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.
- 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 ይችሳል።

09. <u>L† h#n@¬ãC</u>

ውህዴቱ ir WDDR W-@T ÃIW bịç NM bNGD WDDR §Y k¸ÃSKTIW g#ÄT YLQ kt KñI Ďº!½ kB" T XÂ twÄĶ çñ kmgßT xNÉR y¸ÃSgßW _QM y¸ÃmZN mçn#N" ØpS< uT"— ¬U K!L "ÓÉ" uTÃNÉW S"NÉ KĐÑ ¾TÃ< M SJ'<" አመልካቹ ማስረዳት kÒI½ ባለሥልጣኑ f" D I!s YC§Lዅ

!. tff nTN SI¥SqrT

y n!STéC MKR beT yM:‰F ሦስት DNUgeaC tfÉ y¥Yçn無cWN L¥TN I¥údG Y-Q¥I# y ÆI# የንግድ ስራዎችን bdNB I mwsN YC§L帲

! 1. <u>ተንቢ ያልሆ' የውድድር ተማባ` ¡ MŸL</u>

- 1% bNGD | ‰ £dT WS_ ¥N¾WM hq¾ ÃLçn½ xúúC½ x¬§YnT ÃI bT X ytwÄĶN yNGD _QM ygŮÄ wYM I!gŮÄ y¸CL DRg!T wYM tGÆR btwÄĶ §Y ÃnÈ-r tgb! ÃLçn yNGD ው朵朵C XNdçn YÖ-‰L∰
- 2¼ btlYM y ktl#T tgb! ÃLçn# yNGD ውድድር ተግባራት የተከለከሱ ናቸው:
 - h¼ bl ⑥W ነጋኤ wYM በነጋኤው tG ÆéC btl YM ነጋኤው k¸ ÃqR bW የንግድ ዕቃ wYM xgLGI ÖT UR btgÂß hme¬ ¥dÂgRN ÃSk tl wYM l!ÃSkTL y¸ CL ¥Âc WM DRq!T!
 - I¼ ÆI mBT kçnW ymr©W ÆI ber カクル f″ D W砧、khq¾ yNGD x\‰R tɉ¶ bçn h#ne¬ yI 優WN mr© y¥WÈT½ ymÃZ wYM ym-qM ¥ÂcWM DRg!T፤
 - /¼ yl֍WN ነጋዱ ወይም የነጋኤውን tGÆራት btlYM ነጋኤው k¸Ã qRbW የንግድ ዕቃ wYM xgL GIÖT UR btgÂß h#m@¬ ¬¥" nTN ÃúÈ wYM I!ÃúÈ y¸ CL ¥ÂcWM hsT yçn wYM ¥rUgÅ yldW xq§l{፤

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

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 procompetitive 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

- 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;
 - 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;
 - 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;

- m¼ bንንድ ¥StêwQ | ‰ £dT የንንድ : ″ãCN wYM xgL GIÜèCN bhsT wYM bt²Æ ከሐው ¥nÉiR፤
- ∖/ ከንግድ :″ãC wYM kxgLGI≬ èC êU ወይም Æ?ሪ ወይም xm‰rT wYM k¥MrÒ ï¬ ወይም kYzT ወይም kx- " qM MchT wYM k ‰T UR bt gÂß½ ÃLÇn t gb! QM I ¥GßT b¥sB MNŒ ÃL¬waWN = Mé I1¥ÓC ወይም ስተጠቃሚዎች hst¾ wYM yt 2Æ mr© ¥\%= T!
- ረ/ ሚስጥራዊ የሆኑ የሴላ ነ*ጋ*ዴ የንግድ መረጃዎችን በቀድሞ ተቀጣሪዎቹ አማካኝነት ማግኘት ወይም ለማግኘት መሞከር ወይም መረጃዎቹን በማግኘት የነ*ጋ*ዴውን ደንበኞች ለማስኮብለል ወይም ሴላ ተወዳዳሪነቱን ለሚቀንስ ዓላማ መጠቀም።

<u>ክፍል ሦስት</u> የሽ<mark>ማ</mark>Œች ጥበቃ

! 2. <u>የሸማች መብት</u>

ማንኛውም ሽማች፡-

- 1/ ስለሚገዛው *ዕቃ* ወይም አገልግሎት ጥራትና አይነት በቂና ትክክለኛ መረጃ ወይም መግለጫ የማግኘት፤
- 2/ *ዕቃዎችን* ወይም አገልግሎቶችን አማርጦ የመግዛት፤
- 3/ የዕቃዎችን ወይም አገልግሎቶችን ጥራት ወይም አጣራጮችን በጣየቱ ወይም የዋጋ ድርድር በጣድረጉ ምክንያት ሕንዲገዛ ያለመገደድ፤
- 4/ በማንኛውም ነጋዱ በትህትናና በአክብሮት የመስተናንድ እና በነጋኤው ከሚደርስበት የስድብ፣ የዛቻ፣ የማስፌራራት እና የስም ማጥፋት ተግባር የመጠበቅ፤
- 5/ በዚህ አዋጅ መሠረት ሰንግድ አሠራርና ሰሽማቾች ጥበቃ ባለሥልጣን ቅሬታውን ሰዳኝነት 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 suitableness for use or quality of goods and services;
- f) obtaining or attempting to obtain confidential business information of another business person through his exemployee 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:

- 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 የመካስ፤ መብት አለው።

! 3. <u>የንግድ ዕቃዎችንና አገልግሎቶችን ዋ</u>ጋ <u>ስለማ</u> <u>መልከት</u>

- 1/ ማንኛውም ነ*ጋ*ኤ የንግድ ዕቃዎቹንና የአገልግሎቶቹን የዋ*ጋ* ዝርዝር በንግድ ቤቱ በግልጽ በሚታይ ቦታ ማመልከት ወይም በንግድ ዕቃዎቹ ሳይ መሰጠፍ አለበት።
- 2/ የዕቃው ወይም የአገልግሎቱ ዋ*ጋ* ቀረጥ፣ ታክስ ወይም ሴላ ሕጋዊ ክፍያ *ያ*ካተተ መሆን አለበት፡፡

! 4. <u>ስለንግድ *ዕቃዎች መ*ግለጫ</u>

- 1/ ማንኛውም ነ*ጋ*ዱ በሚሸጣቸው የንግድ ዕቃዎች ሳይ መግስጫ መሰጠፍ ወይም በተሰየ ወረቀት ሳይ ጽፎ ለሽጣቹ መስጠት አለበት።
- 2/ በንግድ ዕቃዎች ላይ የሚKÖÕ መግስጫ እንደአማባቡ የሚከተሉትን ዝርዝሮች የሚ ያመስክት መሆን አስበት፡-
 - ሀ/ የንግድ ዕቃው ስም፣
 - K/ የንግድ ዕቃው የተሠራበትን ወይም የመጣበትን አንር፣
 - N/ የንግድ ዕቃውን ÖpLL" የተጣራ ክብደት፣ መጠን እና ብዛት፣
 - መ/ የንግድ ዕቃውን ጥራት፣
 - υ/ የንግድ ዕቃው ከምን ሕንደተመረተ የሚያሳይ ዝርዝር፣
 - ረ/ የንግድ ዕቃውን የቴክኒክ ዝርዝሮች፣ የአሠራር ወይም የአጠቃቀም ዘዴ፣
 - ሰ/ በንግድ ዕቃው አጠቃቀም ወቅት ሲወሰዱ የሚገባቸውን የጥንቃቄ እርምጃዎች፣

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

23. <u>DISPLAY OF PRICE OF GOODS AND SERVICES</u>

- 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;
 - 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፣
- u/ የንግድ ዕቃው አገልግሎት መስጠት የሚያበቃበትን ጊዜ፣
- } / የንግድ ዕቃው የተመረተበትን ቀን፣
- †/ በኢትዮጵያ ደረጃዎች የተመለከቱትን መስፈርቶች ያሟሳ መሆኑ፣ እና
- '/ የኅብረተሰቡን ጥቅም ለመጠበቅ አስፈ ሳጊ ሆኖ ሲ*ገ*ኝ ሚኒስቴሩ በሕዝብ ማስታወቂያ የሚያወጣቸውን ሴሎች ዝርዝሮች፡፡
- 3/ በንግድ ዕቃዎች ላይ የሚስጠፍ መግለጫ በቀሳሱ የማይላቀቅ ሆኖ በራሱ በዕቃው ላይ ወይም በመያዣው ላይ መለጠፍ ወይም መታተም የሚገባው ሲሆን ቢያንስ በአማርኛ ወይም በሕንግሊዝኛ ቋንቋ መፃፍ አለበት።

!5. ደረሰኞችን ስለመስጠትና ቀሪዎችን ስለመያዝ

- 1/ *ጣን*ኛውም ነ*ጋ*ዬ ሰሽጠው *ዕቃ* ወይም አገልግሎት ደረሰኝ የመስጠት ግዬታ አለበት።
- 2/ በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሠረት ነጋኤው ለሽጣቸው ዕቃዎች ወይም አገልግሎቶች የሰጣቸውን የደረሰኝ ቀሪዎች ወይም ለሽያጭ ለግዛቸው የንግድ ዕቃዎች ወይም አገልግሎቶች የተቀበላቸውን ደረሰኞች ለአስር /0/ ዓመት መያዝ አለበት።

! 6<u>. ራስን ስለመግለጽ</u>

- 1/ ማንኛዉም ነ*ጋ*ኤ የንግድ ስሙን በግልጽ በሚታይ ቦታ *መ*ለጠፍ አለበት።
- 2/ ማንኛውም ነጋዴ ከሚሸጠው የንግድ እቃ ወይም አገልግሎት ጋር በተያያዘ ሸማቹ በሚያቀርብለት ጥያቄ መሥረት በአጥጋቢ ሁኔታ እራሱን መግለፅና ሸማቹ የሚፊልገውን 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;
- 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. <u>ISSUING RECEIPTS AND KEEPING THEIR PADS</u>

- 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.
- 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 <u>.ስለንግድ ማስታወቂያ</u>

በማንኛውም የሚገሰጹ ስለንግድ *ዕቃዎ*ችና አገልግሎቶች የሚወጡ የንግድ ማስታወቂ*ያ* ዎች በማንኛውም ሁኔታ በተሰይም፡-

- 1/ የዕቃውን ባህርይ፣ ውሁድ እና ብዛት፤ወይም
- 2/ የዕቃውን ምንጭ፣ ክብደት፣ መጠን፣የአመ ራረት ዘዴ፣ የማምረቻ ቀን፣ አገልግሎት የሚያበቃበት ጊዜ እና ስለአጠቃቀሙ፤ ወይም
- 3/ የዕቃውን አምራች ወይም የአገልግሎ ቱን አቅራቢ፤ወይም
- 4/ አገልግሎትን በተመለከተ አገልግሎቱ የሚሰጥበትን ቦታ፣ መሠረታዊ ባህርይ፣ የአገልግሎቱን ጥቅም እና ስለአገልግሎቱ አጠቃቀም፤ወይም
- 5/ የዕቃው ወይም የአገልግሎቱ የግገር ሁኔታ፣ ከግገር በኋላ ስለሚሰጥ አገልግሎ ትና ዋስትና፣ ስለክፍያ ሁኔታ እና ዋጋ፣ወይም
- 6/ የጥራት ምልክቶችን፤ወይም
- 7/ የንግድ ምልክትን እና አርጣን፤ወይም
- 8/ ዕቃውን ወይም አገልግሎቱን በመጠ ቀም የሚጠበቅ ውጤትን፤ በተመስከተ ሀሰተኛ ወይም አሳሳች መሆን የሰባቸውም።

! 8. <u>በንግድ ዕቃዎችና አገልግሎቶች ላይ ስለሚገኙ</u> <u>ጉድለቶች</u>

- 1/ ማንኛውም ሽማች በንዛው የንንድ ዕቃ ወይም አገልግሎት ላይ ያገኛቸውን ንድስቶችና ንድስቶቹ ሲያስከትሉ ስለሚችሉት ንዳት ለሚኒስቴሩ ወይም ለቢሮው ማሳወቅ ይችላል፡፡
- 2/ ለሽማቹ የበለጠ የሚጠቅሙ ስለ ንግድ ዕቃው የተሰጡ ዋስትናዎች ወይም የሕግ ወይም የውል ድን*ጋጌዎች* 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
- results expected by using the goods or services.

28. <u>DEFECTS FOUND IN GOODS AND SERVICES</u>

- 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/ ሽጣቹ የንዛው አንልግሎት ጉድለት ያለበት ከሆነ > ÑMÓKA~ን ከንዛበት ቀን ጀምሮ በአስራ አምስት ቀን ውስጥ በሽጣቹ ምርጫ ነጋኤው አገልግሎቱን ለሽጣቹ በድ*ጋ*T> ያለ ክፍያ ይሰጠዋል ወይም ነ*ጋ*ኤው ለአንልግሎቱ የተቀበለውን ዋ*ጋ* ለሸማቹ ይመልሳል፡-
 - ሀ/ በአንልግሎት አሰጣጡ ወቅት በሽ ማቹ ንብረት ላይ **ለ**ደረሰ Ñ<Ç*f* አገልግሎት ሰጪውና ሽጣቹ በጽ ሑፍ የንቡት ውል } ðí T > ይሆ SAI
 - ለ/ የጽሑፍ ውል በሌለ ጊዜ አንል **ግሎ**ት ሰጪው *ጉዳ*ት የደረሰበ ትን ንብረት በሙሉ ወይም የተ ወሰነ ክፍሉን ይተካል።

! 9. በውል ማኤታን ስለማስቀረት

በሽማችና በነጋዬ መካከል የሚደረጉ የውል **ግ**ኤታዎች በዚህ አዋጅ ነ*ጋ*ኤው የተጣ**ለ**በትን **ግ**ኤታ የ*ሚያ*ስቀሩ ወይም ሽማቹ በህፃ ያሉትን መብቶች እንዳይጠቀም የሚከለክሉት ከሆነ ውሉ ^a Ò > Mv ነው::

% Nu= AMJ'<" > dd< % Ov^ f

 $^{4}T\ddot{y}$ Kf'' $\tilde{N}u=\tilde{A}MJ'\tilde{G} \rightarrow dd< <math>\tilde{Y}$ ^*f መ*ሬፀም ለማንኛውም ሰው ወይም ነ*ጋ*ዴ የተከለከለ ነው፡-

- 1/ *የንግድ ዕቃዎች*ና አ*ገ*ልግሎቶች ስሳሳቸው ጥራት ወይም *መ*ጠን ወይም ብዛት ወይም ተቀባይነት ወይም ምንጭ ወይም ባህርይ ወይም ውሑድ ወይም ጥቅም የተሳሳተ መረጃ መስጠት፤
- 2/ **የንግ**ድ *ዕቃዎ*ች ስለአዲስነታቸው ന ഉ.ഈ ስሰሞዴሳቸው ወይም አንልግሎታቸው የቀነሰ ወይም የተሰወጡ ወይም እንደንና የተሰሩ ወይም በአምራቹ እንዲሰበሰቡ የተባሉ ወይም ያገለገሉ ስለመሆናቸው በትክክል አለመግለጽ፤
- 3/ የሴላውን ነ*ጋ*ኤ የንግድ *ዕቃዎ*ችና አገል **ማሎቶች በአሳሳች ሁኔታ መግለጽሀ፤**
- 4/ የንግድ ዕቃዎችና አንልግሎቶችን በማስታወቂያ እንደተነገረሳቸው አለመሸጥ ወይም ማስታወ ቂያው የመጠን ውሱንነት መኖሩን ካልንለፀ በስተቀር ሽማቾች በሚፈልጉት መጠን ልክ ሳሰማቅረብ 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.

OBLIGATIONS 29. WAIVING 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/ ስሰዋ*ጋ* ቅናሽ ሐሰተኛ ወይም የተሳሳተ *መረጃ ማ*ስተሳሰፍ፤
- አንድ ሽማች አንድን የንግድ ዕቃ ወይም አንልግሎት በመግዛቱ ወይም የንንዘብ መዋጮ በማድረጉ ተጨማሪ **?73**HA ወይም የአይነት ጥቅም *እንደሚያገኝ* በመግለጽ በሽጣቹ አሻሻጭነት ከእሱ ቀጥሎ ሴሎች ሸጣቾች *የን*ግድ *ዕቃ*ውን ወይም አንልግሎቱን የሚገዙ ወይም የንንዘብ መዋጮ የሚያደርጉ ከሆነ ወይም በሽያጭ ስልቱ ውስጥ *የሚገ*ቡ ከሆነ በሽማቾቹ ቁጥር ልክ ተጨማሪ የንንዘብ ወይም የአይነት ጥቅም እንደሚያገኝ የሚገልጽ የፒራሚድ የሽያጭ ስልት ተግባራዊ *ማድረግ ወይም ተግባራዊ* ስማድረግ መሞከር፤
- 7/ ከንግድ ዕቃዎችና አገልግሎቶች ሽያጭ ጋር በተያያዘ የተገቡ የዋስትና ግዴታ ዎችን አለመወጣት፤
- 8/ የንግድ ዕቃዎች የሚያስፈልጓቸው ዕድ ሳት ወይም ጥገና ወይም የሚተኩ ክፍ ሎቻቸው እንደማያስፈልጋቸው አድርጎ ማቅረብ፤
- 9/ በንግድ ዕቃዎች ወይም በማይንቀሳቀሱ ንብረቶች ላይ የሚሰጡ የዕድሳት የጥገና ወይም የተወሰኑ አካላቶቻቸውን የመተካት ወይም የማይንቀሳቀሱ ንብረቶችን የመስ ራት ወይም የመገንባት አገልግሎቶችን ወይም ሌላ ማንኛውም አገልግሎት የመስ ጠት ሥራን ከሚጠበቀውና ወይም በንግድ ሥራው ከታወቀው ደረጃ በታች ወይም ባልተማላ ሁኔታ መስጠት፤
- 0/ ለሰው ጤናና ደህንነት አደገኛ የሆኑ ወይም ምንጫቸው ያልታወቀ ወይም የጥራት ደረጃቸው ከተቀመጡሳቸው ደረጃዎች የወ ረዱ ወይም የተመረዙ ወይም የአገልግሎት ጊዜያቸው ያKỗ ወይም ከባእድ ነገሮች ጋር የተደባለቁ የንግድ ዕቃዎችን ወይም አገልግሎቶችን ማዘጋጀት ወይም ለሽያጭ ማቅረብ ወይም መሸጥ፤
- 01/ በንግድ *ዕቃዎ*ችና አ<mark>ገልግሎ</mark>ቶች ግብ ይት ጣንኛውንም የጣጭበርበር ወይም የጣደናገር ተግባር መፈፀም፤
- 02/ የሸጣቹን መብት የሚጠብቅ ባልሆነ ምክንያት የንግድ ዕቃዎችን ወይም አንልግሎቶችን 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;
- 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;
- 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 *ዕቃዎች*ን ወይም አገልግሎ ቶችን ያለደረጃ ማህተም ለሽ*ያጭ* ማቅረብ ወይም መሸጥ፤

ØÁ‰L ነሀ¶ፐ Uz⊫È q‼_R \$9 ነሐሴ 0 qN 2ሺ2 >.M

- 04/ የንግድ ዕቃዎችን ወይም አገልግሎቶችን በንግድ ሪቃዎቹ ላይ ወይም በንግድ መደብሩ ውስፕ ከተሰጠፈው አስበልጦ መሸጥ፣
- የንግድ ዕቃዎች የተሰሩበትን ሀገር 05/ አሳስቶ መግለጽ፣
- በሸጣቾች መካከል 06/ ተገቢ ያልሆነ አድል*ዎ መ*ፈጸም፣
- 07/ አንድን የንግድ ዕቃ ወይም አገልግሎት ለመሸጥ ሽጣቹ ያልፈለገውን ሌላ የንግድ ዕቃ ወይም አገልግሎት አብሮ *እንዲገዛ ማስገ*ደድ፣
- 08/ ህጋዊ ከሆነው ውጪ በሚዛን ወይም በሴሳ መስኪያ በመስፈሪያ ወይም መሳ*ሪያ ጣ*ዌበርበር።

<u>KFL አራተ</u> <u>SINGD አሰራርና የሸማቾች ጥበቃ</u> <u>ባለሥልጣን</u>

"1. <u>SI mì Ì M</u>

- የንግድ አሰራርና የሸማቾች ዋበቃ ባለ ሥልጣን /ከዚህ በኋላ "ባለሥልጣን" XytÆl y - ‰/ ራሱን የቻለ የህፃ ሰውነት ያለው የፌዴራል መንግሥት አካል ሆኖ በዚህ አዋጅ ተቋቁሟል።
- ¾ባ**ስ**ሥልጣት } Ö]'*f* ለሚኒስቴሩ ÃJ "**ል**፡፡
- 3/ ባለሥልጣኑ u2=l SW[f]A) ÇA^M::

<u>ዋና መሥሪያ ቤት</u>

¾ባ**ለ**ሥልጣት ዋና *መሥሪያ* ቤት በአዲስ አበባ ከተማ J• እንደአስፈላጊ'~ uK?KA< ቦታዎች ቅርንጫፍ ጽሕፈት ቤቶችን ሲያቋ ቁም ይችላል።

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

PART FOUR TRADE PRACTICE AND CONSUMERS PROTECTION AUTHORITY

31. ESTABLISHMENT

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

32. HEAD OFFICE

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

"3. SI ባስሥልጣ<u>ት vx\‰R nÉnT</u>

ባለሥልጣት ዳኝነት ከሚያይባቸው αÄ×C UR btgÂß k¥N¾WM sW ÈL" gBnT wYM xm%R nÉ nWÝÝ

"4. <u>v</u>ባስሥልጣኑ<u> | LÈNÂ tGÆR</u>

ባለሥልጣ፦ y¸ ktl#T | LÈN tGƉT Yñ" ¬LÍ-

- ygbÃN GL}nT I¥údG tqb!nT ç cWN ARM©ãC YwhÄLI
- 2/ yz!H xêJ DNUg@ãC እና አሌባፀም b?ZB zND b gÆ XNÄ!¬wq\$ tg b!nT çcWN XRM©ãC YwhÄLI
- bz!H xêJ መሠረት የውህደት DRg!T ¥S¬wqÃãCN Yqb§L½ ውሳኔ ይሰ ÈL፤
- kNGD WDDR XÂ k¹¥ÓC _QM እና መብት UR btgÂß _ÂT XÂ MRPC SHYSAI
- 5/ ለፍጆታና ለሽያጭ ሕንዳይውሉ በመንግ ሥት ወይም በአለም አቀፍ ደረጃ የተከ ስከሉ የንግድ ዕቃዎችን እየተከታተለ በየጊዜው ለሸማቾች ያሳውቃል፤
- የሽማቾችን ግንዛቤ ለማዳበር የተለያዩ 6/ የትምህርትና የY MÖ" መድረኰችን ትምህርትና ያደራጃል፣ Y MÖ" U ይሰጣል፤
- 7/ ከጤናና ደህንነት መስፈርቶች ወይም ከዚህ አዋጅ *ጋር የጣይጣጣሙ የንግ*ድ *ዕቃዎችን*ና አንልፃሎቶችን ማስታወቂ ያዎችን ራሱ ሲደርስባቸው ወይም ከማንኛውም ሰው ጥቆማ ሲደርሰው ያግዳል፣ ለእንደነዚህ ዓይነቶቹ ማስታ ወቂያዎች ማስታወቂያዎቹ እንዲወ **ጡለት** ባደረገው ሰው ወጪ *መጀመሪያ ማረሚያዎ*ች በተንለጹበት H& እንዲወጡ ያደርጋል፤
- የሽጣቾች ፍላጐት ተንቢውን ትኩረት ያገኘ መሆኑን ያረጋግጣል፤

33. <u>INDEPENDENCE OF THE AUTHORITY</u>

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 commercial competition 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;
- ban advertisements of goods and services which are inconsistent with health and safety requirements or with 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;
- ensure that the interests of consumers have got proper attention;

- 9/ ነ*ጋ*ዴዎች በሽማቾች ላይ አማባብነት የምደለው ተግባር ሕንዳይፈጽሙና ምክንያታዊ ያልሆነ ትርፍ ለማግኘት ሲሉ በሽማቾች ላይ ተ*ገ*ቢ ያልሆነ የንግድ ዕቃዎችና አገልግሎቶች ዋጋ እንዳይጥሉ ይከሳከሳል፤
- በሚተሳስፉ 0/ የዚህን አዋጅ ድን*ጋጌ* ነ*ጋ*ኤዎች ወይም ሌሎች ሰዎች ላይ አስተዳደራዊ እና ፍትሐ ብሔራዊ **ሕርምጃዎችን ይወስዳል፤**
- 01/ l llÑ QRNÅF ጽሕፌት bec xSf§g!WN MKRÂ DUF YsÈLI
- ተመሳሳይ ዓሳማ ካላቸው ብሔራዊ፣ አህ 02/ q‰ê[ħ > IM xqĺê[tì¥T UR GNBMTÂ TBBR Ym\R¬L₺
- yNBrT Ælb@T YçÂL½ WL Yê 03/ ê§L½ bSÑ YkúL½ YksúLI
- 04/ b?G y s-#TN XÂ >§¥WN kGB Ĩ¥Drs y rÇTN ldÜC %T ÃkÂWÂL₺
- 05/ NØÁ%L ymNG| T \%t®C xêJ m\rት የባለሥልጣኑን \%t®C Q R½ xStÄdRÂ SNBT \$hso-SAI
- የፖሊሲ ሃሣቦችን ያመነጫል፣ በሌሎች 06/ የመንግሥት አካላት በሚካሔዱ የፖሲ ሲዎችና ስትራቴጂዎች ቀረዓ ላይ ይሳተፋል።

"5. yባለሥልጣኑ የዳኝነት | LÈNÂ tGÆR

- የዚህን አዋጅ መተላለፍ በተመለከተ በሚ ቀርቡለት አቤቱታዎች መሠረት ዳኝነት ያያል፣ በነ*ጋ*ዶዎች ወይም በሌሎች ሕግ ተሳሳፊዎች ሳይ አስተዳደራዊና ፍትሐ **ዉሳ**ኔዎችን ብሔራዊ ያስተሳልፋል አቤቱታ አቅራቢዎች ለደረሰባቸዉ ጉዳት በፍትሐብሔር እንዲካሱ ያደርጋል።
- 2¼ ¾²=I → "kî "®<e → "kî (1) → ÖnLÃ ድን*ጋጌ* እንደተጠበቀ ሆኖ ባለሥልጣኑ v ktl#T የዳኝነት | LÈN tGƉT Yñ" ¬LÝ-

- protect consumers from unfair activities 9) 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:
- give necessary advice and support to 11) branch offices to be established;
- 12) establish relationship and cooperation national, continental and international bodies having similar objectives;
- own property, enter into contracts, sue 13) 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, administeration and dismissal of the staff of the authority in accordance with federal civil servants Proclamation.
 - 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 bl@lÖC kg#Ć UR xGÆBnT ƧcW ?gÖC b\f"T DNUg@C wYM YHN xêJ I¥S fiM bw-# dNiC σ,6,7° y?ZB ¥S¬wqÃãC ytklkl#T tGÆ ‰T ተፈፅመዉ ሲ*ገኙ* የማስተካከደ wYM I@OC tab!nT AScWN አስተዳደራዊ ወይም ፍትሐ ብሔራዊ ሕRM©ãC ImWsD y¸ ÃSCL yÄ"nT tGÆR ÃkÂWÂLI
- ለ¼ yÄ"nT tGÆ"N I¥kÂwN xSf §q! ycn# mr©ãC XÂ snì CN ¥N¾WM sW XNÄ!ÃqRBI T ÃdRUL
- ሐ¼ MSKéC bዳኝነት CIŰT ÕT qR bW " §cWN XNÄ!s-# ÃdRULI
- σω¼ ym/§ | R>T wYM y¥rUgÅ "L Yab§L½ bz!HM m\rT MRm‰ ÃdRULI
- ሥ¼ የሚሰጣቸውን xStäd‰êl ወይም ፍትሐ ብሔራዊ ዉሳኔዎችን ያስፈጽ ማል፣ XNÄ!fiÑም ±I!SN ¨ÃU } Nu= ¾J′ → hM òL::
- 3¼ ባለሥልጣ፦ yz!HN xêJ DNUg@C wYM YHN xêJ I¥SfiM yw-#dN ïCN ФСУ y?ZB ¥S¬wqÃãCN bt§lf ¥N¾WM sW §Y እንደሁኔ ታዉ:
 - h¼ tgb! xYdIM ytÆIW DRq!T XNÄ!Ì r_ wYM XNÄ!ÖM ¾¥DrG፤
 - ስ¼ yt r©!WN ymwÄdR xQM wdn brbT ï¬ ImmIS y¸ ÃSCL tgb! XRM© mWsDN = Mé½ bDRg!t\$ g#ÄT IdrsbT wgN ካሣ እNÄ!kfL ¾¥DrG፤
 - ሐ/ የንግድ ፌቃድ እንዲታገድ ወይም እንዲሰረዝ ¾ማድረግ፤
 - መ/ ሽጣቾች ለደረሰባቸው ጉዳት እንዲካሱ 3499829I
 - XNÄ!1-#¾¥DrGI >e} ÇÅ^© 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.
- 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.

- ባለሥልጣኑ በዚህ አዋጅ የተመለከቱት ወንጀሎች መሬፀጣቸውን ካወቀ ወይም ካመን በጉዳዩ ላይ ያሰባሰባቸውን ማስረጃ ያለውን አስተያየት የወንጀል ምርመራ መዝገቡን መርምሮ ውሳኔ ለመ ስጠት ስልጣን ላለው ዐቃቢ ህግ ማቅረብ አለበት።
- 5/ ባለሥልጣት በንግድ አሰራር አዋጅ ቁጥር 3)! 9/09) (5 ተቋቁሞ በነበረው **የንግ**ድ አሰራር አጣሪ ኮሚሽን የተወሰኑ ውሣኔ *ዎችን ያስ*ፈጽማል።

''6. SI ባለሥልጣት አደረጃጀት

ባለሥልጣት፡-

- 1¼ b n!ST " xQ%b!nT b- Q§Y ST"y¸ë9" ዋና ዳይሬክ xNDተር፣ XÂ
- 2¼ I | ‰W xSf§g! yçn# ዳኞችና \‰t ®C Yñ"¬L₩

"7. y**ዋና ዳይሬክተ**ሩ | LÈNÂ tGÆR

- 1¼ ዋና ዳይሬክተሩ የባለሥልጣኑ ê | ‰ xSfÉ bmcN ሃባስሥልጣኑን | ‰ ãC Ãd‰©L½ Ym‰L½ ÃStÄD‰L::
- 2¼ yz!H xNq{ N; #S xNq{ (1) አጠቃሳይ xnUgR XNdt-bg çñ ዋና ዳይሬ ክተሩ bz!H xêJ bxNq{ "4 እና "5 ytzrz" T የባለሥልጣኑ" ሥልጣንና tGƉT b| % §Y mê§cWN ÃrUG ÈL።

- 1/ የባለሥልጣኑ *እያንዳንዱ የዳኝነት ችሎት* በጠቅላይ ሚኒስትሩ የሚሰየሙ አንድ ሰብሳቢ ሕና ሁለት K?KA< ዳኞች ይኖሩታል።
- 2/ **ዳ**ኞች ስሥራው ተፈላጊ የሆነ ¾S∢Á wnf፣ የትምህርት ´ÓÏ f ሕና የሥራ ልምድ ሲኖራቸው ይጣል።
- በዚህ አንቀጽ ንዑስ አንቀጽ /1/ መሠረት የሚሰየሙ ዳኞች በፌዴራል መንግሥት የሲቪል ሰርቪስ 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 the trade practice investigation commission that was established pursuant to the trade practice proclamation No. 329/2003.

36. ORGANIZATION OF THE AUTHORITY

The Authority shall have:

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

37. POWERS AND DUTIES OF THE DIRECTOR **GENERAL**

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

38. APPOINTMENT OF JUDGES

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

''9. <u>የክልሎች የሸማቾች ጥበቃ ዳኝነት አካላት</u>

- ክልሎች በዚህ አዋጅ የሽጣቾችን መብት ጥበቃ በተመ**ለ**ከተ በተቀመጡት ድን*ጋጌ ዎች ላይ ዳኝነት የሚያ*ዩ አካላ*ትን* በዚህ አዋጅ መሠረት እንደአስፈላጊነቱ ሲያቋ ቁሙ ይችላሉ።
- በክልሎች የሚቋቋሙ የሽማቾች መብት ጥበቃ ዳኝነት አካላት NHLÐ አዋጅ ስለሽማቾች በተደነገጉት ጉዳዮች ላይ ዳኝነት የሚያዩት በክልል መንግሥታት ከ**ሚ**ሰጡባቸው ፈቃድ የንግድ መስኮች ወይም በእንዚህ የስራ መስኮች *ነጋዬዎ*ች ከተሰማሩ ወይም በክልሱ ከሚሰሩ የንግድ *ሥራዎች ጋ*ር በተ*ያያ*ዘ ነው።
- 3/ በክልሎች የሚቋቋሙ የሽጣቾች ጥበቃ *ዳኝነት አካላት ውስጥ የሚሰ*ሩ ዳኞች በየክልሎቹ ኘሬዚዳንቶች ይሾማሉ።

#. <u>v| n-| R>T ?aÖC tfÉ nT</u>

ባለሥልጣኩ ¡`¡a‹" uTxTuf "pf Yx!T×ùà ØÁ‰§êl Ä!äK‰s!Ãêl &TB I!K yFT/B/@R XÂ ywNj A mQÅ | n| R>T ?G*2***汁%** b| ‰ §Y ÃW§LŴ

ክፍል *>* Ue*f* <u>ክስ ስለማቅረብ እና ምርመራ ስለማከናወን</u>

#1. ክስ ስለማቅረብ

- 1/ የዚህ አዋጅ ክፍል ሁለት ድን*ጋጌዎ*ች የተጣሱ መሆኑን በመግለጽ የዚህ ክፍል ተፈፃሚነት የሚመለከተው ሰው ሀዳኝነት እንዲታይK f ወይም መብቱ እንዲከበርስት ሰባለሥልጣኑ ማመልከት ይችላል።
- 2/ ሽማቾች በዚህ አዋጅ የተደነገጉ መብቶ ቻቸው እንዲከበሩ ዳኝነት እንዲታይላቸው Kባለሥልጣኑ ወይም Kክልል የሽጣቾች ጥበቃ ተቋም ክስ ማቅረብ ይችላሉ።
- 3/ ሚኒስቴሩን ጨምሮ ማንኛውም ሰው የዚ ህን አዋጅ ድን*ጋጌዎ*ች በተ**ላለ**ፉ ሰዎች ላይ አስተዳደራዊ ወይም ፍትሐብሔራዊ እርምጃ *እንዲ*ወሰድ ሰባለሥልጣት ክስ ጣቀረብ ይችላል።

39. REGIONAL STATES' CONSUMERS PROTECTION JUDICIAL ORGANS

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

40. APPLICABILITY OF PROCEDURAL LAWS

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

PART FIVE INSTITUTING OF ACTIONS AND **CONDUCTING INVESTIGATION**

41. INSTITUTING ACTIONS

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

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

#2. <u>ምርመራ ስለማ</u>ከናወን

- 1/ ሚኒስቴሩ ወይም ቢሮው ከዚህ አዋጅ አፈጻጸም *ጋር* በተያያዘ በሚቀርቡለት አቤቱታዎች መሠረት ወይም በራሱ } ነሳሽነት *ምርመራ ያካሂዳ*ል።
- 2/ ሚኒስቴሩ ወይም ቢሮው በዚህ አዋጅ የተሰጠውን ስልጣንና ተግባር ለማከናወን የምርመራ አፊሰር ምርመራ በራሱ ሊያካሂድ ይችሳል።
- 3/ ሚኒስቴሩ ወይም ቢሮው yMRm‰ tGÆ"N b ÃkÂWNbT g!z@ xSf§g! çñ s!ÃgßW እንደ ቅደም ተከተሉ bØÁ‰L ±1!S ÷ . >N | R ÃI# `YIÖCN ወይም የክልሱን ፖሊስ ¥zZ YC§LÝ
- የሚኒስቴሩ ወይም የቢሮው ymft>Â ymÃZ | LÈN በተመለከተ çcW yx!T×ùÃ ywNj A mQÅ y| n | R>T ?G DNUg@aC tfÉ, YÇÂI 🗐
- 5/ የሚኒስቴሩ ወይም የቢሮው የምርመራ አፊሰር ከዚህ አዋጅ አፈፃፀም ጋር ተያይዞ ለሚያከና ውነው የምርመራ ተግባር አቤቱታ የቀረበበትን ነጋኤ መደብር ወይም ለምርመራ ስራ አስፈላጊ በሆነ በማንኛውም ነጋኤ መደብር የንግድ መጋ ዘን ወይም ሴላ የንግድ ዕቃ የተከማቸበት ወይም አገልግሎት የሚሰጥበት ወይም ተደደ ለማሽግ፣ መያዣዎችን ለማስከፈት፣ የንግድ ዕቃ ናሙና ወይም ስምርመራ አስፈላጊ የሆነ ቁስ ለመውሰድ ወይም snì CN ለmÃZ½ snì cN bwrqT wYM bx@ &Tén!K QJ ስ¥DrG½ btß¶kRdR wYM bl예ÖC >YnT mæ¶ÃãC ytÃz# mr©ãCን ሰሙ ያዝ ወይም QJÃcWN ስmWsDና ስምር መራ 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.
- 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 ተቋጣት ባለቤቶች ወይም ኃላፊዎች ወይም ሠራተኞች በዚህ አዋጅ መሠረት የሚደረግ ምርመራን ለማንዝ የመተባበር **ግ**ዴታ አ**ሰ**ባቸው።
- 7/ ከምርመራ ሥራ ጋር በተያያዘ የተያዘ የንግድ ዕቃ ወይም ሴላ ቁስ ምርመራው ሲጠናቀቅ ወይም ሚኒስቴሩ ወይም ቢሮው አስፈላጊ መሆኑን በወሰነ ጊዜ ሰባለቤቱ *ሕንዲመ*ለስ ሲ*ያ*ደርግ ይችላል።
- 8/ ማንኛውም የሚኒስቴሩ ወይም የቢሮው መርጣሪ የተሰጠውን የምርመራ ስልጣን *ጣረጋገጫ ምርመራ ስሚካ*ሄድበት *የንግ*ድ መደብር ወይም ተቋም ወይም ህንፃ ባለቤት ወይም ለወኪሱ ማሳየት አለበት።

#3. <u>ከሌሎች አካላት ጋ</u>R SI <u>ñR GNβ</u>#T

- 1/ bz!H xêJ y\f"T DNUg@aC tG Ɖê b drg#bT wQT b?G II 6 *መንግሥታ*ዊ አካል ከተሰ-# tGƉT UR GNBmT çcW cnW s!gß% ባለሥልጣኑ l֍WN ?G k ÃStÄD ረው አካል *ጋር በመ*ተባበር እና በስምም nT §Y btm\rt GNB#T Y\%LÝ ስምምነት ሳይ መድረስ ካልተቻለ ጉዳዩ b n!STéC MħC b@T YwsÂLŴ
- 2/ ባለሥልጣኑ SMMnT §Y ImDrS $b \pm N\%WM g!z@yz!HN xêJ > \S \pm \tilde{a}C$ GMT WS_ ¥SgÆT xI bTÝ

ክፍል eÉeት <u>ስለንግድ ዕቃዎችና አገልግሎቶች ስርጭት</u>

#4. <u>የንግድ *ዕቃዎ*ችና አገልግሎቶችን ስር</u>ጭት ስለመቆጣጠር

- 1/ ሚኒስቴሩ እና ቢሮዎች የጤናና የደህንነት ደረጃዎችን ያላሟሉ የንግድ ዕቃዎችንና አንልግሎቶች ሽያጭንና ስርጭትን አማባብ ካላቸዉ አካላት *ጋር በመሆን ያግዳ*ሉ።
- 2/ ሚኒስቴሩ በሀገር ውስጥ በሚመረቱ ወይም ከውጭ በሚመጡ የንግድ ዕቃዎች ሳይ አማባብ ካላቸዉ አካላት *ጋር* በመሆን የጥራት ፍተሻ እንዲካሄድ ያደርጋል።
- 3/ ሚኒስቴሩ ወይም ቢሮዎች በነ*ጋ*ዴዎች የሚል ጸም *የንግድ ዕቃዎች ከምችት* ወይም የመደ በቅ ተማባር ላይ ቁጥጥር ያደር*ጋ*ሉ።

- 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 የንግድ ዕቃዎችን ከሚመለከታቸው አማባብ ካላቸዉ አካላት ጋር NS ShŸC *እንዲወገዱ ያደር,*ዖሉ።
- ሚኒስቴሩ ወይም ቢሮዎች በዚህ አዋጅ ክፍል ሦስት ሰባለሥልጣኑ ከተሰጡት ሥልጣንና ተግባራት በስተቀር የዚህን ድ*ንጋጌዎች* ክፍል ሦስት የማስፌፀም ሥልጣን አሳቸው።

የንግድ ዕቃዎችን ስለማከማቸት ወይም <u>ስለመደበቅ</u>

- *ስቃዎች*ን ከመደበኛ የማብይት 1/ የንማድ አሰራር ውጪ ማከጣቸት ወይም መደበቅ ክልክል ነው።
- 2/ በሴላ ህግ የንግድ ዕቃዎችን ስለማከጣቾት የተደነገገው ሕንደተጠበቀ ሆኖ ጣንኛውም የንግድ ዕቃ ተከማችቷል ወይም ተደብቋል የሚባለው በሚኒስቴሩ የንግድ ዕቃው ሳይ ሕጥሬት 0.008ያለበት መሆኑ የተገለጸ፣ የንግድ ዕቃው ተከጣችቶ ወይም ተደብቆ የተንኘበት መጠን የነጋኤውን የንግድ ካፒታል ! 5በመቶ /ዛይ አምስት በመቶ/ ሲያህል ወይም ነጋኤ ባልሆነ ጊዜ ሰግል ወይም ለቤተሰብ ፍጆታ ከሚውል መጠን በላይ በሆነ ጊዜ፤ ሕና፡-
 - ከውጭ ሀገር የመጣ የንግድ ዕቃ እና የምርት ጥሬ ዕቃ ወይም ከውጭ ሀገር በመጣ የምርት ጥሬ ዕቃ በሀገር ውስጥ *እን*ደቅደም የተመረተ የንግድ ዕቃ ተከተሉ ወደ ሀገር ውስጥ ወይም ከተመረተበት ቀን ጀምሮ ለሦስት ወራት ለሽያጭ ወይም ለምርት አንልግሎት ካልዋለ፤ ወይም
 - ከሀገር ውስጥ በተገኘ የምርት ጥሬ ዕቃ የተመረተ የንግድ ዕቃ ሕና 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 ነ*ጋ*ኤው ወይም **ሴሳ ማን**ኛውም ሰው ከንዛበት ቀን ጀምሮ ለሁለት ወራት ለሽያጭ ወይም ለምርት አንልግሎት 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 that of personal or family beyond 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
 - 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/ ድን*ጋጌ*ዎች በሕፃ በተሰጣቸው ሥልጣን ወይም በሕግ መሠረት በተሰጠ ፈቃድ መሠረት የንግድ ዕቃዎችን እንዲያከጣቹ ፈቃድ በተሰጣቸው ሰዎች **ላ**ይ ተፈፃሚ አይሆትም።

#6. <u>መሠፈታዊ የንግድ ዕቃዎችና አገልግሎቶችን</u> ዋ*ጋ* ስለመወሰን

አስፈላጊ ሆኖ ሲገኝ ሚኒስቴሩ የዋጋ ቁጥጥር ሲደረማባቸው *የሚገ*ቡ መሠረታዊ የንፃድ ዕቃዎችና አገልግሎቶች ላይ ያደረገውን ጥናት ለሚኒስትሮች ምክር ቤት አቅርቦ በማስፈቀድ ዝርዝራቸውንና ዋጋዎቻቸውን በሕዝብ ማስታ ወቂያ ሲያወጣ ይችሳል።

#7. <u>ስለመሠሬታዊ የንግድ ዕቃዎች ስርጭት</u>

ሚኒስቴሩ ከሚመለከታቸው ሴሎች የመንግሥት መሥሪያ ቤቶች *ጋር በመመ*ካከር ዝርዝራቸውና ዋ*ጋዎ*ቻቸው በሕዝብ ማስታወቂያ የተገለፁት መሠረታዊ የንግድ ዕቃዎች እና አገልግሎቶች ስለ ሚሰራጩበት፣ ስለሚሽጡበትና ከቦታ ቦታ ስለሚዘ ዋወሩበት ሁኔታ ለመወሰንና እንደአስፈላጊነቱም ዕቃዎቹ ባለቁ ጊዜ እንዲተኩ ነጋኤውን ለማዘዝ ይችላል።

<u>ክፍል cv f</u> L† L† DNUg@C

#8. የፌዴራልና የክልል ፍርድ ቤቶች ሥልጣንና *ኃ*ላፊነት

- 1/ የፌዴራል እና የክልል ፍርድ ቤቶች የንግድ አሠራርና የሽማቾች ጥበቃ ሥራን ለማቀ ሳጠፍ እንዲቻል የንግድ አሠራርና የሽማ ቾች ጥበ*ቃ ጉዳ*ዮች የሚታዩባቸዉን ችሎ ቶች ያደራጃሉ።
- በዚህ አንቀፅ በንዑስ አንቀፅ (1) መሠረት የተደራጃ ችሎቶች በዚህ አዋጅ በአንቀፅ #9 የተመለከቱ የወንጀል ጥፋቶችን የማየትና የመወሰን ሥልጣን ይኖራቸዋል።

#9. <u>Q È T</u>

bz!H xêJ bxNq{ "5 N;#S xNq{ (3) m\rT ባለሥልጣኮ y wSdW xStÄ d‰ê[እና ፍትሐ ብሔራዊ XRM© XNdtbg çñ የፌዴራል እና የክልል ፍርድ ቤቶች xêJ DNUg@aC b t§IF b¥N¾WM sW §Y q_lÖ ytmlkt\$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.

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. <u>DISTRIBUTION OF BASIC GOODS</u>

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 የተ**ሳለ**ፈ *ማን*ኛ ውም ነጋኤ የዓመታዊ ገቢውን 05 በመቶ /አሥራ አምስት በመቶ/ ወይም የዓመታዊ *ገ*ቢውን መጠን መወሰን ባልተቻለ ጊዜ ከብር 5)ሺ /አምስት መቶ ሺ ብር/ እስከ ብር 1**ሚ**ሊዮን /አንድ ሚሊዮን $\Omega C/$ በሚደርስ የንንዘብ முடிவூ /አምስት/ እስከ 05 /አሥራ አምስት/ አመት በሚደርስ ጽኑ እስራት ይቀጣል፤
- የዚህን አዋጅ አንቀጽ 03 "®<e → "kê (1) /ሀ/ ሕና /ስ/ ድ*ንጋጌዎች* የተሳሰፈ ማንኛውም ነጋኤ የዓመታዊ ንቢውን ! በመቶ /ዛያ በመቶ/ ወይም የዓመታዊ *ገ*ቢውን መጠን መወሰን ባልተቻለ ጊዜ ከብር 1ሚሊዮን /አንድ ሚሊዮን ብር/ እስከ ብር 2**ሚ**ሊዮን /ሁለት **ሚ**ሊዮን ብር/ በሚደርስ የገንዘብ መቀጫ እና ከ5 /አምስት/ እስከ 0 ዓመት /አሥ*ር/* በሚደርስ ጽ৮ እስራት ይቀጣል፤
- የዚህን አዋጅ አንቀጽ !1 የተላሰፈ ማንኛውም **ነ** 2% የዓመታዊ ገቢውን ዐበመቶ /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 የንንዘብ መቀጫ ሕና ከ3 /ሦስት/ እስከ 5 /አምስት/ ዓመት በሚደርስ ጽ৮ እሥራት ይቀጣል፤
- 4/ የዚህን አዋጅ አንቀጽ " ንዑስ አንቀጽ (6) እና (0) የተ**ሳሰ**ፈ *ማን*ኛውም ነ*ጋ*ዴ ከብር 1) ሺ /አንድ *መ*ቶ ሺ ብር/ እስከ ብር 2) ሺ /ሁለት መቶ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ ሕና h0 /አስር/ ሕስከ ! /ሃ*ያ*/ ዓመት በሚደርስ ጽ৮ ሕስራት ይቀጣል፤
- በዚህ አዋጅ አንቀጽ " ስር ያሉትንና ከዚህ በላይ በዚህ አንቀጽ ንዑስ አንቀጽ ከተጠቀሰው የአንቀጽ " ንዑስ አንቀጽ /6/ እና /0/ ድን*ጋጌ*ዎች ውጪ *ያሉትን ድንጋጌ*ዎች የተሳሰፈ ማንኛውም ነጋዬ ከብር \$ሺ /ዛምሣ ሺ ብር/ እስከ ብር 1)ሺ /አንድ መቶ ሺ ብር/ በሚደርስ የገንዘብ መቀጫ ሕና ከ3 /ሦስት/ እስከ 7 /ሰባት/ *ዓመት* በሚደርስ ጽ৮ እስራት ይቀጣል፤
- የዚህን አዋጅ አንቀጽ #5 በመተሳሰፍ የንግድ ዕቃዎችን አከጣችቶ ወይም ደብቆ የተገኘ ማንኛውም ነ*ጋ*ኤ ከብር 2)ሺ /ሁለት መቶ ሽ ብር/ እስከ ብር 4) ሺ /አራት መቶ ሺ ብር/ በሚደርስ የንንዘብ መቀጫ እና ከ3 /ሦስት/ እስከ 7 /ሰባት/ ዓመት በሚደርስ ጽኑ እስራት ይቀጣል፤

- 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;
- 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;
- 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;
- 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 **አንቀ**ፅ ከንዑስ አንቀጽ /1/ እስከ /6/ በተዘረዘሩት ወንጀሎች ውስጥ በቀጥታም ሆነ በተዘዋዋሪ መንገድ የማንኛውም ነጋዬ ያልሆነ ሰው ተሳትፎ መኖር ከተፈጋገጠ ከብር 2)ሺ /ሁለት መቶ ሺ ብር/ እስከ /አራት ሽ መቶ 4) ሽ**.** $\Omega C/$ በሚደርስ የንንዘብ ቅጣት እና ከ3 /ሦስት/ እስከ 5 /አምስት/ ዓመት በሚደርስ ጽ<u>ት</u> አስራት ይቀጣል፤
- 8/ በዚህ አንቀፅ ከንዑስ አንቀጽ /1/ እስከ /6/ ከተጠቀሱት ውጪ ያሉትን የዚህን አዋጅ ድንጋጌዎች ወይም ይህን አዋጅ ለማስፈ ፀም የሚወጣውን ደንብ ድን*ጋጌዎች* ወይም ይህን አዋጅ ለማስፈፀም የሚወጡ *ማ*ስታወቂ*ያዎ*ች ድንጋጌዎችን የሕዝብ የተሳሰፈ ነጋኤ የሆነ ወይም ነጋኤ ያልሆነ ሰው ከብር "ሺ /ሰላሳ ሺ ብር/ እስከ ብር **\$ሺ /ሃምሣ ሺ ብር/ በሚደርስ የ**73ዘብ መቀጫ ሕና ከ2 /ሁስት/ ሕስከ 4 /አራት/ ዓመት በሚደርስ ጽ৮ እስራት ይቀጣል፤
- 9/ የዚህ አንቀጽ ሴሎች ንዑስ አንቀጾች ድንጋ *ጌዎች ሕን*ደተጠበቁ ሆነው የባ**ለ**ሥልጣት ሠራተኛ ወይም የሚኒስቴሩ ወይም የቢሮው ሠራተኛ ወይም የክልል የሽጣቾች ጉዳይ የዳኝነት አካል ዳኛ የሆነ መደለያ ወይም ወይም በመቀበል በወዳጅነት በዝምድና ወይም አማባብ ባልሆነ ሌላ *ግንኙነት* በዚህ አዋጅ ከተደነገገው ውጪ እንዲፈጸም ያደረገ እንደሆነ h0 /አሥር/ እስከ 05 /አስራአምስት/ *ዓመት* በሚደርስ ጽ৮ እስራት ይቀጣል፤
- 0/ በዚህ አንቀጽ ንዑስ አንቀጽ /9/ የመለከተው ቅጣት መደሰደ በሰጠው ባስጉዳይ ሳይም ተፈፃሚ ይሆናል፤
- ከንግድ ዕቃዎች ወይም አንልግሎቶች 01/ ሽያጭ ወይም ዝውውር ጋር ተያይዞ በአ ምራችነት ወይም በላኪነት ወይም በአስመ ጨነት ወይም በጅም**ሳ** ሻኇነት ወይም በችርቻሮ ሻጭነት ወይም በሌላ ማንኛውም ሁኔታ በሽያጩ ወይም በዝውውሩ የተሳ ተፉ ሰዎች የዚህን አዋጅ ድን*ጋጌዎ*ች መተሳሰፍ በተመሰከተ የተናጠል እና የጋራ የወንጀል ተጠያቂነት አሰባቸው።

- 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 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;
- 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.

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50. <u>DETERMINATION OF ADMINISTRATIVE</u> 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;
- 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:
- 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 Proclamation.

51. DUTY TO COOPERATE

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

52. <u>SERVICE FEES</u>

- 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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\$7. <u>vtš., ?aÖC</u>

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- 2/ ማንኛውም ሴላ ሕግ ወይም የተሰመደ አሠራር ከዚህ አዋጅ *ጋር የሚቃሬን* ሆኖ ከተገኘ በዚህ አዋጅ በተመለከቱት ጉዳዮች ላይ ተፈፃሚነት አይኖረውም።

\$8. <u>xê° v iÂbT a!z@</u>

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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.

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