የኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ

ፌደራል ነጋሪት ጋዜጣ

FEDERAL NEGARIT GAZETTE OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ሃያ ስድስተኛ ዓመት ቁጥር ፶፪
አዲስ አበባ ሰኔ ፬ ቀን ፪ሺ፲፪

በኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

26th Year No. 52
ADDIS ABABA, 11th June , 2020

ማውጫ

አዋጅ ቁጥር ፩ሺ፪፻፬/፪ሺ፲፪ ዓ.ም

የጂኦተርማል ሀብት ልማት (ማሻሻያ) አዋጅ .... ገጽ ፲፪ሺ፭፻፶፯

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<u>የጂኦተርማል ሀብት ልማት አዋጅን ለማሻሻል የወጣ አዋጅ</u>

የጂኦተርማል ሃብት ልማት አዋጅ ቁጥር ፱፻፹፩/፪ሺ፰ ማሻሻል አስፈላጊ ሆኖ በመገኘቱ፤

በኢትዮጵያ ፌደራላዊ ሞክራሲያዊ ሪፐብሊክ ሕገ መንግስት አንቀጽ ፶፭(፩)መሠረት የሚከተለው ታውጇል፡፡

፩ .**<u>አጭር ርዕስ</u>**

ይህ አዋጅ “የጂኢተርማል ሀብት ልማት (ማሻሻያ) አዋጅ ቁጥር ፩ሺ፪፻፬/፪ሺ፲፪ ”ተብሎ ሊጠቀስ ይችላል፡፡

፪.**<u>ማሻሻያ</u>**

የጂኢተርማል ሀብት ልማት አዋጅ ቁጥር ፱፻፹፩/፪ሺ፰ እንደሚከተለው ተሻሽሏል፡-

፩/ የአዋጁ ክፍል አምስት ርዕስ ተሰርዞ በሚከተለው አዲስ ርዕስ ተተክቷል:-

PROCLAMATION No. 1204/2020

<u>A PROCLAMATION TO AMEND THE GEOTHERMAL RESOURCES DEVELOPMENT PROCLAMATION</u>

WHEREAS, it has become necessary to amend the Geothermal Resource Development Proclamation No. 981/2016;

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

1. **<u>Short Title</u>**

This proclamation may be cited as the “Geothermal Resource Development (Amendment) Proclamation No. 1204/2020”.

2.**<u>Amendment</u>**

The Geothermal Resource Development Proclamation No. 981/2016 is hereby amended as follows:

1/ The title of part five of the proclamation is deleted and replaced by the following new title:

“administration, compensation, exemption from custom duties and taxes, income tax, license fees

“ስለአስተዳደር፣ ስለካሣ ክፍያ፣ ከጉምሩክ ቀረጥና ታክስ ክፍያ ነጻ ስለመሆን፣ ስለገቢ ፲፪ሺ፭፻፶፰ ግ፣ ስለፈቃድ ክፍያ እና ስለአካባቢ ደህንነት”

፪/ የአዋጁ አንቀጽ ፵፬ ርዕስ ተሰርዞ በሚከተለው አዲስ ርዕስ ተተክቷል፡፡

“ከጉምሩክ ቀረጥና ታክስ ነጻ ስለመሆንና በባለፈቃዱ ስለሚከፈል የገቢ ግብር”

፫/ ከአዋጁ አንቀጽ ፵፬ ንዑስ አንቀጽ (፪) ቀጥሎ አዲስ ንዑስ አንቀጽ (፫) ተጨምሯል፡-

“፫.የጂኦተርማል ኃይል አልምቶ በመሸጥ ላይ የተሰማራ ማንኛውም ድርጅት ላይ ተፈጻሚ የሚሆኑት የግብር ምጣኔዎች በፌደራል ገቢ ግብር አዋጅ ቁጥር ፱፻፸፱/፪ሺ፰ ምዕራፍ ፬ ላይ ለማዕድንና ለነዳጅ ሥራዎች የተመለከቱት ምጣኔዎች ይሆናሉ፤”

፬/ የአዋጁ አንቀጽ ፵፮ ንዑስ አንቀጽ (፪) ተሰርዞ በሚከተለው አዲስ ንዑስ አንቀጽ (፪) ተተክቷል፡፡

“፪.በፈቃድ ሰጪው ባለሥልጣንና በባለፈቃዱ መካከል የሚፈጠር አለመግባባት በዘጠና (፺) ቀናት ውስጥ ሊፈታ ካልቻለ በግልግል ዳኝነት ሥርዓት ታይቶ የመጨረሻና አስገዳጅ ውሳኔ ያገኛል፤”

፭/የአዋጁ አንቀጽ ፵፮ ንዑስ አንቀጽ (፫) ተሰርዟል፡፡

፮/ከአዋጁ አንቀጽ ፵፰ ንዑስ አንቀጽ (፫) ቀጥሎ የሚከተለው አዲስ ንዑስ አንቀጽ (፬) ተጨምሯል፡-

፬.“ይህ አዋጅ በስራ ላይ ከመዋሉ በፊት በማዕድን ሥራዎች አዋጅ ቁጥር

and environmental safety.”

2/ The title of Article 44 of the Proclamation is deleted and replaced by the following new title:

‘’Exemption from Customs Duties and Taxes and Income Tax paid by the Licensee”

3/ The following new sub-article (3) is added following sub Article (2) of Article 44 of the Proclamation:

“3/The tax rate applicable on any Licensee engaged in developing geothermal energy for sale shall be the rate provided for mining and petroleum operations under chapter four of the Federal Income Tax Proclamation No. 979/2016.”

4/ Sub article (2) of Article 46 of the Proclamation is deleted and replaced by the following new sub article (2):

“2/ In the event that agreement cannot be reached between the licensing authority and a licensee through negotiation within ninety (90) days, the case shall be referred to an arbitration tribunal which will give a binding and final decision.”

5/ Sub article (3) of Article 46 of the proclamation is deleted.

6/ The following new sub-article (4) is added after sub article (3) of Article 48 of the Proclamation is added:

“4/ Provisions of this Proclamation which are inconsistent with agreements that were under negotiation on the basis of a geothermal exploration license issued in accordance with the Mining Operations Proclamation No. 678/2010 (as amended) prior to the coming into force of this proclamation to engage in

፯፻፸፰/፪ሺ፪ (እንደተሻሻለ) መሰረት የጂኦተርማል ሀብት ምርመራ ፍቃድ ተሰጥቶባቸው የጂኦተርማል ሀብት ስራዎች ለመስራት በድርድር ሂደት ላይ ከነበሩ ስምምነቶች ጋር የሚቃረኑ የአዋጁ ድንጋጌዎች በስምምነቶቹ (በተዋዋይ
፲፪ሺ፭፻፶፱ ወገኖች እንደተሻሻሉ) ላይ ተፈፃሚ አይሆኑም፤"

፫. **<u>አዋጁ የሚፀናበት ጊ□</u>**

ይህ አዋጅ በፌደራል ነጋሪት ጋዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል፡፡

አዲስ አበባ ሰኔ ፬ ቀን ፪ሺ፲፪ ዓ.ም

ሣህለወርቅ ዘውዴ

የኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ

ሪፐብሊክ ፕሬዚዳንት

geothermal operations be applicable to such agreements (as amended or varied by the parties thereto)".

3. <u>Effective Date</u>

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

Done at Addis Ababa, this 11th day of June , 2020.

SAHLEWORK ZEWDE

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA