## ፌደራል ነጋሪት ጋዜጣ

### FEDERAL NEGARIT GAZETTE

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ሃያ ሰባተኛ ዓመት ቁጥር፲፪ አዲስ አበባ የካቲት ፱ ፪ሺ፲፫ ዓ.ም

በኢትዮጵያ ፌደራሳዊ ዲሞክራሲያዊ ሪፐብሊክ የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ 27<sup>th</sup> Year No.12 ADDIS ABABA 16th Feburary, 2021

#### ማውጫ

#### ደንብ ቁጥር ፬፻፹፪/፪ሺ፲፫

የኢትዮጵያ የተቀማጭ ገንዘብ መድን ፌንድ ማቋቋሚያ እና አስተዳደር ደንብ ......ገጽ ፲፪ሺ፱፻፹

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#### የሚኒስትሮች ምክር ቤት ደንብ ቁጥር ፬፻፹፪/፪ሺ፲፫ የኢትዮጵያ የተቀማጭ ገንዘብ መድን ፌንድ ለማቋቋምና ለማስተዳደር የወጣ የሚኒስትሮች ምክር ቤት ደንብ

ለኢትዮጵያ ቀጣይ የኢኮኖሚ እድግት የሀገሪቱን የፋይናንስ ሥርዓት ጤናማ፣ ለአደ*ጋ* ያልተ*ጋ*ለጠና የተረ*ጋጋ* በማድረግ ማጠናከር አስፌሳጊ በመሆኑ፤

የገንዘብ አስቀማጮች ዋበቃ ለፋይናንስ ሥርዓት መረጋጋት አስተዋጽኦ ያለው በመሆኑ፤

የተቀማጭ ገንዘብ መድን ልንድ እንደ አንድ ተጨማሪ የሀገሪቱ የፋይናንስ ዘርፍ ማረ*ጋጊያ ማ*ቋቋም አስፈላጊ በመሆኑ፤

በመድን ክስተት ወቅት በመድን የተሸራን ተቀማጭ ገንዘብ ላለዉ አባል የፋይናንስ ተቋም ገንዘብ አስቀማጮች ክፍያ መሬጸም የሚያስችል ፌንድ ማቋቋምና ማስተዳደር አስፌላጊ በመሆኑ፤

ከብሔራዊ ባንክ፣ ከአባል ፋይናንስ ተቋማትና ከሌሎች ባለድርሻ አካሳት ጋር በትብብር በመሥራት ተጋሳጭነትን መቀነስና ለፋይናንስ ሥርዓቱ መረጋጋት አስተዋጽኦ ማድረግ ተገቢ በመሆኑ፤

### COUNCIL OF MINISTERS REGULATION NO.482/2021

#### ESTABLISHMENT AND OPERATION OF ETHIOPIAN DEPOSIT INSURANCE FUND COUNCIL OF MINISTERS REGULATION

**WHEREAS**, for the ongoing economic development of Ethiopia it is essential to strengthen the country's financial system by ensuring its safety, soundness and stability;

**WHEREAS**, the protection of depositors contributes to the stability of the financial system;

**WHEREAS**, it is essential to introduce deposit insurance fund as an additional element of the country's financial safety net;

WHEREAS, it is necessary to establish and operate a Fund to enable payment to the member financial institution's depositors with insured deposits in case of the insurance event;

WHEREAS, it is vitally important to collaborate with the National Bank, Member Financial Institutions and other stakeholders to mitigate risk and contribute to stability of the financial system;

*ያንዱ ዋ.* Unit Price ነ*ኃሪት ጋዜጣ ፖ.ግ.*ቀ. ፲፫<u>፬</u>ይ Negarit G. P.O.Box 80001 የሚኒስትሮች ምክር ቤት በኢትዮጵያ ብሔራዊ ባንክ ማቋቋሚያ አዋጅ ቁጥር ፭፻፺፩/፪ሺ (እንደተሻሻለ) አንቀጽ /፳፭/ መሥረት ይህን ደንብ አውጥቷል።

#### ክፍል አንድ

#### <u>ጠቅሳሳ ድንጋጌዎች</u>

#### δ. <u>አጭር ርዕስ</u>

ይህ ደንብ "የኢትዮጵያ የተቀማጭ ገንዘብ መድን ፌንድ ማቋቋሚያ እና አስተዳደር ደንብ ቁጥር ፬፻፹፪/፪ሺ፲፫" ተብሎ ሊጠቀስ ይችላል፡፡

#### ፪. <u>ትርጓሜ</u>

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በስተቀር፣ በዚህ ደንብ ውስጥ፦

- ፩/**'ቦርድ**" ማለት የፌንዱ የዳይሬክተሮች ቦርድ ነው፤
- ፪/ **"የፋይናንስ ተቋም ዋና ሥራ አስፈጻሚ"** ማለት በማናቸውም የማዕረግ ስም የሚጠራ ቢሆንም የአንድን ፋይናንስ ተቋም የዕለት ተዕለት ሥራዎች በዋና ኃላፊነት የመምራት ሥልጣን የተሰጠው ሰው ነው፤
- ፫/ **"የፊንዱ ዋና ሥራ አስፌጻሚ"** ማለት በዚህ ደንብ አንቀጽ /፲፫/ መሠረት የተሾመ የፊንዱ ኃላፊ ነው፤
- ፬/ **"ዳይሬክተር"** ማለት በማናቸውም የማዕረግ ስም የሚጠራ ቢሆንም የአንድ ፋይናንስ ተቋም የዳይሬክተሮች ቦርድ አባል ነው፤
- ፩/ "የፈንዱ ምክትል ዋና ሥራ አስፈጻሚ" ማለት የፌንዱ ዋና ሥራ አስፌጻሚ ምክትል የሆነና በዚህ ዴንብ አንቀጽ /፲፫/ መሠረት የፌንዱ ምክትል ዋና ሥራ አስፌጻሚ ተደርጎ የተሾመ ኃላፊ ነው፤
- ፮ / **"ተቀማጭ ገንዘብ**" ማለት በቁጠባ፣ በተንቀሳቃሽ፣ በጊዜ ገደብ እና በሌሎች *መ*ሰል ተቀማ*ጭ* ሂሳቦች ውስጥ የሚገኝ የገንዘብ አስቀማ ያልተክፊለ ጠቅላላ ገንዘብ ነው፤

NOW, THEREFORE, pursuant to Article 25 of the National Bank of Ethiopia Establishment Proclamation No. 591/2008 (as Amended), the Council of Ministers has issued this Regulation.

#### **PART ONE**

#### **GENERAL PROVISIONS**

#### 1. Short Title

This Regulation may be cited as the "Establishment and Operation of Ethiopian Deposit Insurance Fund Council of Ministers Regulation No.482/2021".

#### 2. Definitions

In this Regulation, unless the context requires otherwise:

- 1/ "Board" means the board of directors of the Fund;
- 2/ "Chief executive officer of a financial institution" means a person, by whatever title that person may be referred to, who is primarily responsible for the day-to-day management of the affairs of a financial institution;
- 3/ "Chief executive officer of the Fund" means the Head of the Fund appointed as per Article 13 of this Regulation;
- **4/ "Director"** means any member of the board of directors of a financial institution by whatever title he may be referred to;
- 5/ "Deputy chief executive officer of the Fund" means any officer of the Fund who is Deputy to the Chief Executive Officer of the Fund and appointed as per Article 13 of this Regulation;
- **6/"Deposit money"** means aggregate of the unpaid balance due to a depositor in respect of all his accounts, saving, circulating and other related by whatever name it may be called;

- ፯/ **"የገንዘብ አስቀማጭ"** ማለት የፌንዱ አባል በሆነ የፋይናንስ ተቋም ውስጥ በተቀማጭ መልክ ገንዘብ ያለው ሰው ነው፤
- ፰/ **"ሥራተኝ**" ማለት የሥራ አስፌጻሚ አመራር አባላትን ጨምሮ ከፊንዱ *ጋ*ር ቋሚ የቅጥር ውል የፊፀመ ሰው ነው፤
- ፱/ **"የሥራ አስፌጻሚ አመራር"** ማለት የፊንዱ ዋና ሥራ አስፌጻሚ እና/ወይም ምክትል ዋና ሥራ አስፌጻሚ ናቸው፤
- ፲/ **"የወደቀ የፋይናንስ ተቋም"** ማለት በባንክ ሥራ አዋጅ ቁጥር ፭፻፺፩/፪ሺ (እንደተሻሻለ) አንቀጽ /፴፪/ እና /፴/፪/ እንዲሁም በአንስተኛ የፋይናንስ ሥራ አዋጅ ቁጥር ፯፻፳፮/፪ሺ፩ (እንደተሻሻለ) አንቀጽ /፰/ መሥረት ብሔራዊ ባንክ የሥራ ፌቃዱ መሰረዙን ያሳወቀው አባል የፋይናንስ ተቋም ነው፤
  - ፲፩/ **"የፋይናንስ ተቋም**" ማለት በብሔራዊ ባንክ ፌቃድ የተሰጠዉ ማንኛዉም የንግድ ባንክ ወይም አነስተኛ የፋይናንስ ተቋም ማለት ነዉ፤
  - ፲፪/ **"መንግሥት**" ማለት የኢትዮጵያ ፌደራሳዊ ዲሞክራሲያዊ ሪፐብሊክ *መንግሥ*ት ነዉ፤
  - ፲፫/ "ገዥ፣ ምክትልገዥ፣ የባንኪንግ ቁጥጥር ዳይሬክተር፣ የአነስተኛ ፋይናንስ ተቋማት ቁጥጥር ዳይሬክተር" ማለት እንደ ቅደም ተከተላቸዉ የብሔራዊ ባንክ ገዥ፣የፋይናንስ ተቋማት ቁጥጥር ምክትልገዥ፣ የባንኪንግ ቁጥጥር ዳይሬክተር እና የአነስተኛ ፋይናንስ ተቋማት ቁጥጥር ዳይሬክተር ማለት ነዉ፤
  - ፲፬/ **"ተደማጭነት ያለው ባለአክሲዮን**" ማለት በሚመለከተዉ የፋይናንስ ተቋም በብሔራዊ ባንክ መመሪያ እንደተገለጸዉ በቀጥታም ሆነ በተዘዋዋሪ በማናቸውም የፌንዱ አባል በሆነ የፋይናንስ ተቋም ውስጥ ተደማጭ የሚያደር ገዉ የአክሲዮን ድርሻ ያለው ሰው ነው፤

- **7/"Depositor of money "** means a person who holds funds as a deposit with a member financial institution:
- **8/"Employee"** means a person who has entered into a permanent employment agreement with the Fund and includes members of executive management;
- **9/"Executive Management"** means the Chief Executive Officer and/or the Deputy Chief Executive Officer of the Fund;
- 10/ "Failed Financial Institution" means a member financial institution that has been notified the revocation of the business license by the National Bank as per Article 32 and 40(2) of Banking Business Proclamation No. 592/2008 as amended by Banking (Amendment) Proclamation No. 1159/2019 and Article 8 of Micro-Financing Business Proclamation No. 626/2009 as amended by Microfinance Business (Amendment) Proclamation No. 1164/2019;
- 11/ "Financial Institution" means a commercial bank or a microfinance institution licensed by the National Bank;
- **12/ "Government"** means the Government of the Federal Democratic Republic of Ethiopia;
- 13/ "Governor, Vice Governor, Banking
  Supervision Director, Microfinance
  Institutions Supervision Director"
  means Governor, Financial Institutions
  Supervision Vice Governor, Banking
  Supervision Director and Microfinance
  Institutions Supervision Director of the
  National Bank;
- 14/ "Influential shareholder" means a person who holds directly or indirectly a certain percent or more of the total subscribed capital of a member financial institution as defined in the National Bank Directive of respective financial institution;

ፌደራል ነጋሪት ጋዜጣ ቁተር ፲፪ የካቲት ፱ ቀን ፪ሺ፲፫ ዓ.

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- "**ሙነሻ ዓረቦን**" ማለት በዚህ ደንብ አንቀጽ ፕ*ጂ/* ፲፮/፩ እና ፳፬/፫ መሠረት ለፌንዱ መነሻ ካፒታል እንዲሆን በፈንዱ አባል የፋይናንስ ተቋም የሚከፈል የተወሰነ የገንዘብ መጠን **ነው**፤
- ፲፮/ "በመድን የተሸፈነ ተቀማጭ ገንዘብ" ማስት በዚህ ደንብ ድንኃኔዎች መሠረት ሙሉ በሙሉ ወይም በከፊል ፈንዱ የመድን ሽፋን የሰጠዉ የአባል ፋይናንስ ተቋም ተቀማጭ ገንዘብ ነው፤
- ፲፯/ **"የመድን ክስተት**" ማለት በመድን የተሸፈነዉን ተቀማጭ ገንዘብ ክፍያ ፈንዱ እንዲፈፅም ተገቢ የሚሆንበት ክስተት ነዉ፤
- 7章/ **"የ**2ራ ተቀማጭ 1ንዘብ" ማለት በሁለት ወይም ከዚያ በላይ ሰዎች የተቀመጠ ገንዘብ ሆኖ የክፍያ ዋያቄ በሁሉም የሂሳቡ ባለቤቶች መቅረብ ያለበት ተቀማጭ ገንዘብ ነዉ፤
- ፲፱/ **"አባል የፋይናንስ ተቋም**" ማለት ከሕዝብ ተቀማጭ ገንዘብ የሚሰበስብ እና በዚህ ደንብ ድንጋጌዎች መሠረት ለፌንዱ **ዓረ**ቦን መክፌል የሚጠበቅበት የፋይናንስ ተቋም ነው፤
- **፩/ "አባልነት"** ማስት በዚህ ደንብ ድን*ጋ*ጌዎች መሠረት የፈንዱ አባል መሆን ማለት ነው፤
- **፳፩/ "ብሔራዊ ባንክ**" ማስት የኢትዮጵያ ብሔራዊ ባንክ ነው፤
- <u>ኛ</u>፪/ **"ዓመታዊ ዓረቦን**" ማለት በዚህ ደንብ አንቀጽ/፲፮ (፭) መሠረት በአባል የፋይናንስ ተቋም ለፌንዱ የሚከፌል ገንዘብ ነው፤
- ያተረፈ ማለት ከወደቀው የፋይናንስ ተቋም ጉዳት ያልተገባ ተቅም ወይም ትርፍ ያገኘ የገንዘብ አስቀማጭ ነው፤
- ማለት የማንኛዉም ፋይናንስ ተቋም ዋና ምክትል PG አስፌጻሚ የሆነ ወይም せのひた በቀጥታ ለፋይናንስ ተቋሙ የዳይሬክተሮች ቦርድ የሆነ ማንኛውም የሥራ ኃላፊ ነው፤

- "Initial premium" means a fixed amount payable by a member financial institution for the establishment of the Fund as initial capital as provided in Articles 16(1) & 24(3) of this Regulation;
- "Insured Deposit money" means the 16./ deposit or any portion thereof of a member financial institution repayment of which is insured by the Fund under the provisions of this Regulation;
- 17/ "Insurance Event" means an event that requires the Fund to undertake payment of insured deposits money;
- "Joint Deposit money" means the deposit made by two or more persons, and the payment of which may be demanded by all the holders of that account;
- 19/ "Member Financial Institution" means a member financial institution that accepts deposits from the general public; and required to pay premium to the Fund under the provisions of this Regulation;
- "Membership" means being a member of the Fund in line with provisions of this Regulation;
- "National Bank" means the National Bank of Ethiopia;
- 22/ "Annual Premium" means the sum payable by a member financial institution to the Fund as provided in Article 16 (5) of this Regulation;
- 23/ "Profited from the failed financial institution" means a depositor who obtained any benefit or gain at the expense of the failed financial institution
- "Senior Executive officer of a financial 24/ Institution" means any officer of a financ ial institution who is deputy to the chief executive officer of a financial institution or is directly accountable to the board of directors of a financial institution;

**፳፯/** ማንኛውም በወንድ *የታ* የተገለጸዉ ሴትንም ይጨምራል፡፡

#### <u>፲</u>. የተፈጻሚነት ወሰን

ይህ ደንብ በፋይናንስ ተቋማት ላይ ተ<mark>ፌጻሚ</mark> ይሆናል፡፡

#### ክፍል ሁለት

#### ስለፈንዱ መቋቋም፣ ሥልጣንና ተግባር እና አደረጃጀት

#### <u>መቋቋም</u>

፩/ የኢትዮጵያ የተቀማም ገንዘብ መድን ፌንድ (ከዚህ በኋላ "ፌንድ" እየተባለ የሚጠራ) ራሱን የቻለ ሕጋዊ ሰዉነት ያለዉ ተቋም ሆኖ በዚህ ደንብ ተቋቁሟል፤

<u>፪/ የፌንዱ ተ</u>ጠሪነት ለብሔራዊ ባንክ ይሆናል፡፡

#### ጀ. <u>ዋና መሥሪያ ቤተ</u>

የፌንዱ ዋና መ/ቤት በአዲስ አበባ ከተማ ሆኖ እንደአስፌላጊንቱ በክልሎች ቅርንጫፍ ጽ/ቤቶች ሊኖሩት ይችላል፡፡

#### ፮. የፌንዱ ሥልጣንና ተግባራት

ፌንዱ ዓላማዉን ለማሳካት የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፦

<u>፩</u>/ መነሻና ዓመታዊ የአረቢኖች መጠን መወሰን፣

- ፪ /በመድን ለተሸፊነ ተቀማጭ ገንዘብ የሽፋን ጣሪያ መወሰን፣ አስፌላጊ ሲሆን ማሻሻል፣
- ፫/ ለፌንዱ የሚቀርቡ የካሣ ክፍያ ጥያቄዎችን መገምገም፣
- ፬/ የገንዘብ አጥረት ሲያጋጥመዉ፣ ከመንግሥት እና/ወይም ከሌሎች ምንጮች ብድር የሚያገኝ በትን ፖሊሲ ማዉጣት፣

**25**/ "**Person**" means any natural or juridical person;

**26**/ Any expression in the masculine gender includes the feminine.

#### 3. Scope of Application

This Regulation shall be applicable to all financial institutions.

# PART TWO ESTABLISHMENT, POWER, AND FUNCTIONS, AND ORGANIZATION OF THE FUND

#### 4. Establishment of the Fund

- 1/ Ethiopian Deposit Insurance Fund (here after shall be referred to as "the Fund") having its own juridical personality is established by this Regulation.
- 2/ The Fund shall be accountable to the National Bank.

#### 5. Head Office of the Fund

The Fund shall have its Head Office in Addis Ababa and may establish branches in Regional states.

#### 6. Power and Functions of the Fund

For the fulfillment of its objectives, the Fund shall have the following powers and duties:

- 1/ determine initial and annual premiums;
- 2/ set and regularly revise the coverage limits for insured money deposits;
- 3/ assess compensation claims made against the Fund;
- 4/ set borrowing policy to find from Government and/or other sources if there is shortage of funds;

- ፩/ ለ1ንዘብ አስቀማጮች የፌጸማቸዉን ክፍያዎች ከወደቁ የፋይናንስ ተቋማት የንብረት ማጣራት ተመላሽ ማድረግ፣
- ፮/ የፌንዱን ሀብት ኢንቨስት ማድረግና ማስተዳደር፣
- ፯/ ከዓለም አቀፍ የተቀማጭ ገንዘብ መድን ሰጪ አካላት *ጋር መ*ተባበር፣
- ፰/ የዓረቦን ክፍያዎችን ከአባል የፋይናንስ ተቋማት እንዲሁም የተለያዩ መዋጮዎችን እንደ መንግሥትና የልማት አጋሮች ካሉ ሌሎች ምንጮች መሰብሰብና ወደ ፊንዱ ሂሳብ ገቢ ማድረግ፣
- ፱/ በመድን የተሸፊነዉን ተቀማጭ ገንዘብ አስፊላጊዉን መስፌርት ላሟሉ አስቀማጮች መክፊል፣
- ፲/ ስለ ተቀማጭ ገንዘብ *መ*ድን ሥርዓቱ የሕዝቡን ግንዛቤ ማሳደም፣
- ፲፩/ ከአባል የፋይናንስ ተቋማት መረጃዎችን መሰብሰ ብና ወቅታዊ ሪፖርቶችን ማዘጋጀት፣
- ፲፪/ ለአባል የፋይናንስ ተቋም መውደቅ ምክንያት እንደሆኑ የተጠረጠሩ አካላትን ለሕግ ማቅረብና የፍርድ ሂደቱን መከታተል፣
- ፲፫/ ከብሔራዊ ባንክ *ጋ*ር በቅንጅትና በቅርበት *መሥራ*ት፣
- ፲፬/ ውል መዋዋል፤
- ፲፫/ መክሰስና መከሰስ፣
- ፲፮/ ንብረት መያዝ፣ ማግኘት፣የንብረት ባለቤት መሆን እና ንብረቱን በሽያጭ ወይም በሌላ መንገድ ማስወገድ፣ እና
- ፲፯/ ከዓሳማዉ *ጋር የማይቃረኑ* እስከሆነ ድረስ ለፌንዱ የሥራ ቅልጥፍና አስፌሳጊ የሆኑ ሌሎች ተግባራትን ማከናወን።

- 5/ recover the payments made from liquidation proceeds of failed financial institutions:
- 6/ invest and manage resources of the Fund;
- 7/ collaborate with international money deposit insurance bodies;
- 8/ collect premiums from member financial institutions and various contributions from other sources like government and development partners and deposit in the account of the Fund;
- 9/ make payments to eligible depositors to the extent of insured deposits;
- 10/ raise public awareness about the system of insured deposit money;
- 11/ collect information from member financial institutions and reports prepare periodic;
- 12/ deal with parties at fault in a member financial institution's failure and manage court cases;
- 13/ work and collaborate closely with the National Bank;
- 14/ Make contract;
- 15/ sue and be sued;
- 16/ acquire, own, possess and dispose its property by sale or in any other manner; and
- 17/ Conduct any other activities necessary for the efficient function of the Fund provided that they do not contradict its objectives.

#### ፯. <u>የፌንዱ አደረጃጀት</u>

6.78.:

- ፩/ የዳይሬክተሮች ቦርድ (ከዚህ በኋሳ "ቦርድ" እየተባለ የሚጠራ)፣
- ፪/ ዋና ሥራ አስፌጻሚና ምክትል ዋና ሥራ አስፌጻሚ፣ እና
- ፫/ አስፈላጊ ሥራተኞች ይኖሩታል፡፡

#### ፰. *የፌንዱ ቦርድ አባላት*

የፌንዱ ቦርድ ሰባት አባላት ይኖሩታል፡፡ ገዥ፣ የገንዘ ብ ሚኒስትር፣ ምክትል ገዥ፣ የባንኪንግ ቁጥጥር ዳይሬ ክተር እና የአነስተኛ ፋይናንስ ተቋማት ቁጥጥር ዳይ ሬክተር የቦርዱ ቋሚ አባላት ይሆናሉ፡፡ በዘርፉ በቂ ዕዉቀት ያላቸዉ ቀሪዎቹ ሁለት አባላት በባንኮችና በአነስተኛ ፋይናንስ ተቋማት ማኅበራት አቅራቢነት በመንግሥት ይሾማሉ፡፡ቦርዱ ከሥራተኛዉ የሚወከ ል የራሱ ፀሐፊ ይኖረዋል፡፡

#### ፱. <u>የቦርዱ ሥልጣንና ተግባር</u>

ቦርዱ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

- ፩/ ይህን ደንብ ፌንዱ በአግባቡ መተግበሩን ማረ*ጋ*ገጥ፣
- ፪/ በተቀማጭ ገንዘብ *መ*ድን አሰጣ**ተ ዙሪያ** ሊደረግ ስለሚገባዉ የሕግ፣ የቁጥተርና የፖሊሲ ማሻሻ*ያ መንግሥትን ማማ*ከር፣
- ፫/ የፌንዱን ፖሊሲዎች፣ ስትራቴጂዎች፣ የዋቅም ግጭት መቆጣጠሪያና የሥነምግባር መመሪ ያዎች እና መዋቅር ማጽዴቅ፣
- ፬/ የፌንዱን የፋይናንስና ኦፕሬሽን ዕቅዶች፣ በጀትና የሂሳብ መግለጫዎች ማጽደቅ፣
- ጅ/ ለዚህ ደንብ ተቆጻሚነት አስፌሳጊ የሆኑ የቁጥጥር መመሪያዎችን ማውጣት፣
- ፮/ እንደ አስፌላጊነቱ ለዚህ ደንብ ማሻሻ*ያ* የሚሆኑ ሀሳቦችን ለ*መንግሥ*ት ማቅረብ፣

#### 7. Organization of the Fund

The Fund shall have:

- 1/ Board of Directors (here after will be referred to as "Board";
- 2/ Chief Executive Officer and Deputy Chief Executive Officer; and
- 3/ Necessary staff.

#### 8. Board Members of the Fund

The Board of the Fund shall be composed of seven members. Governor, Minister of Finance, Vice Governor, Banking Supervision Director and the Microfinance Institutions Supervision Director shall be permanent exofficio members of the Board. The remaining two members of the Board with knowledge in the area shall be appointed by the Government based on recommendations from bankers and microfinance institutions associations. The Board shall have its own secretary designated from staff of the Fund.

#### 9. Powers and Duties of the Board

The Board shall have Powers and Duties to:

- 1/ ensure the proper implementation of this Regulation by the Fund;
- 2/ advise the Government on legislative, regulatory and policy reforms with regard to deposit money insurance;
- 3/ approve policies, strategies, conflict of interest rules and codes of coducts, and structure of the Fund;
- 4/ approve the financial and operational plans, budget and financial statements of the Fund;
- 5/ issue regulatory directives necessary for the implementation of this Regulation;
- 6/ propose ideas of amendments to this Regulation for the Government when necessary;

- ፯/ በመድን ክስተት ወቅት ለገንዘብ አስቀማጮች የሚልጸሙትን ክፍያዎች ማጽደቅ፣
- ፰/ ለአስቸኳይ ጉዳይ የሚሆን የገንዘብ ምንጭና ብድር ማጽደቅ፣
- ፱/ በፌንዱ ዋና ሥራ አስፌጻሚ በሚቀርብ ምክረ ሀሳብ መሠረት በቦርዱ እምነት ለፌንዱ ሥራ የሚያስፌልገዉን ሠራተኛ ብዛት መወሰን፣
- ፲/ ፌንዱ አባል የሚሆንባቸውን ዓለም አቀፍ አካላት መወሰን፣
- ፲፩/ የፌንዱን የውጪ አዲተር መሾም፣
- ፲፪/ የፌንዱን የሥራ አፌፃፀም መከታተልና መገምገም፣
- ፲፫/ በቦርዱ አምነት የፌንዱን ሥልጣንና ተግባር በበቂ ሁኔታ ለመፌፀም የሚረዱ ሌሎች ተዛማጅ፣ ተጨማሪ እና አስቻይ ተግባራትንና ግብይቶችን መሬጸም፣ እና
- ፲፬/ ቦርዱ አስፌላጊ ሆኖ ሲያገኘዉ ሥልጣኑን ለፌንዱ ዋና ሥራ አስፌጻሚ በዉክልና ማስተላለፍ።

#### ፲. ስለቦርዱ አባላት ክፍያ

ለቦርድ አባሳት የሚከፌለው አበል መጠን በመንግሥት ይወሰናል፡፡

#### ፲፩. <u>የቦርድ ስብሰባ</u>

- ፩/ ከቦርድ አባላት አራቱ ከተገኙ ምልዓተ ጉባኤ ይሆናል፡፡ ሆኖም ከተገኙት አባላት ውስጥ አንዱ ገዥ ወይም ምክትል ገዥ መሆን አለበት፡፡
- ፪/ የቦርዱ ስብሰባ በሰብሳቢዉ ወይም እርሱ ባልተገኘ ጊዜ በምክትል ሰብሳቢዉ ወይም ሁለቱም ባልተገኙ ጊዜ ሰብሳቢዉ በወከለው የቦርድ አባል ይጠራል፡፡

- 7/ approve payments to money depositors in case of an insurance event;
- 8/ approve source funding and borrowing for emergency purposes;
- 9/ determine the number of staff with in the opinion of the Board which required for carrying out the functions of the Fund as recommended by the Chief Executive Officer of the Fund;
- 10/ approve international bodies in which the Fund may become a member;
- 11/ appoint external Auditor for the Fund;
- 12/ monitor and evaluate activities of the Fund:
- 13/ perform such other activities and enter into such other transactions which in the opinion of the Board are reasonabl y incidental, supplementary or conduct ive to the exercise of the power and performance of the Fund; and
- 14/ The Board may, where it deems necessary, delegate its powers to the Chief Executive Officer of the Fund.

#### 10. Remuneration of the Board

The Government shall fix the amount of allowance payable to the members of the Boar

#### 11. Board Meeting

- 1/ The presence of four members of the Board shall constitute a quorum; provided, however, that one of them shall be the Governor or the Vice Governor.
- 2/ Meeting of the Board shall be called by the Chairperson or, in his absence, by Deputy Chairperson, or in absence of both by a Board member assigned by the Chairperson

- ፫/ የቦርድ ሰብሳቢወ, በሚኖርበት ጊዜ የቦርዱን ስብሰባዎች ይመራል፡፡ አርሱ ባልተገኘ ጊዜ ምክትል ሰብሳቢወ, ስብሰባዎችን ይመራል ወ ይም ሁለቱም ባልተገኙ ጊዜ ሰብሳቢወ, በወከ ለዉ የቦርድ አባል ስብሰባው ይመራል፡፡
- ፬/ የቦርድ ስብሰባ ቢያንስ በሦስት ወር አንድ ጊዜ ይካሄዳል፡፡ ሆኖም ሰብሳቢወ ወይም እርሱ ባልተገኘ ጊዜ በእርሱ የተወከለ ሰው ወይም የፌንዱ ዋና ሥራ አስፌጻሚ ወይም ከቦርዱ አባላት ሦስቱ ሲጠይቁ ስብሰባው በማናቸውም ጊዜ ሊጠራ ይችላል፡፡
- ጅ/ ማንኛዉም የቦርድ ውሳኔ በስብሰባው በተገኙት አባላት አብላጫ ድምጽ ይወሰናል፡፡ ቦርዱ በድምጽ እኩል ለእኩል በተከፊለ ጊዜ ሰብሳቢዉ ወሳኝ ድምጽ ይኖረዋል፡፡
- ፮/ የቦርድ ስብሰባዎች ቃለ ጉባኤዎች በትክክልና ቦርዱ በሚወስነው አኳኋን ይመዘገባሉ፡፡ በቦርዱ ካልተፌቀደ በቀር ቃለ ጉባኤዎች በምስጢር ይመበቃሉ፡፡
- ፯/ ከፌንዱ ሥራ ጋር የሚጋጩ የግል ተቅሞች ያሉት የትኛዉም የቦርድ አባል ይህንኑ በጽሑፍ ለቦርዱ ማሳወቅ አለበት፣ በእንዚህ ጉዳዮች ዙሪያ በሚደረጉት የቦርድ ውይይ ቶችም አይሳተፍም፡፡

#### ፲፪. <u>የቦርድ አሥራር</u>

- ፩/ ቦርዱ የራሱን የአሥራር መመሪያ ሲያወጣ ይችላል፡፡
- ፪/ ቦርዱ ውሳኔዎቹን ለማቀሳጠፍ ኮሚቴ ሊያቋቁም ይችሳል፡፡

#### ፲፫. <u>የፌንዱ ዋና ሥራ አስፌጻሚ እና ምክትል ዋና</u> <u>ሥራ አስፌጻሚ ሹመት</u>

፩/ የፌንዱ ዋና ሥራ አስፌጻሚ እና ምክትል ዋና ሥራ አስፌጻሚ በብሔራዊ ባንክ አቅራቢነት በመንግሥት ይሾማሉ።

- 3/ The Chairperson shall, whenever present, preside over meetings of the board. In the absence of the Chairperson, Deputy Chairperson shall preside over such meetings or in absence of both Chairpersons a board member of the Fund, who is designated for this purpose by the Chairperson, shall preside over such meeting.
- 4/ Meeting of the Board shall be held at least once every three months; provided, however, that the Chairperson or, in his absence the person delegated by him, may call a meeting at any time or when the Chief Executive Officer of the Fund or three board members so request.
- 5 / All decisions of the Board shall be made by a simple majority vote of the members present. In case of a tie, the Chairperson shall have a casting vote.
- 6/ Minutes of meetings of the Board shall be recorded accurately and in such form as the Board may determine. Unless the Board decides otherwise, minutes of the Board shall be confidential
- 7/ A Board member shall disclose to the Board in writing any personal interests in the activities of the Fund and shall not be present in the deliberations of the Board in respect of that matter.

#### 12. The Board Procedure

- 1/ The Board may adopt its own rules of procedure.
- 2/ The Board may establish a committee to facilitate its decisions.

## 13. Appointment of Chief Executive Officer and Deputy Chief Executive Officer of the Fund

1/ A Chief Executive Officer and Deputy Chief Executive Officer of the Fund shall be appointed by the Government as recommended by the National Bank. ይሆናል።

#### ፲፬. <u>የፈንዱ ዋና ሥራ አስፈጻሚ ሥልጣንና ተግባር</u>

*ሠራተኛ ሆነው መሥራት አይች*ሉም።

የፊንዱ ዋና ሥራ አስፊጻሚ የሚከተሉት ሥልጣንና ተግባር ይኖሩታል፦

- ፩/ በዚህ ደንብና በቦርዱ ውሳኔዎች መሠረት የፌንዱን ሥራ ይመራል፣ ይቆጣጠራል፣
- ፪/ የፌንዱን ፖሊሲዎች፣ ስትራቴጂዎች፣ የአሥራር መመሪያዎች፣ ዕቅዶች እና ዓመታዊ በጀቶች ያዘጋጃል፣ በቦርድ ሲጸድቁ በሥራ ሳይ ያውሳል፣
- ፫/ የቁዋዋር *መመሪያዎችን* አዘ*ጋ*ጅቶ ለቦርድ ውሳኔ ያቀርባል፣
- ፬/ የሲስተም፣ የመዋቅር እና የሰው ኃይል ፍላጎት ምክረ ሀሳብ ለቦርዱ ያቀርባል፣ በቦርድ ሲጸድቅም በሥራ ላይ ያውላል፣
- ፮/ ፈንዱን የሚመለከቱ ውሎችን፣ ደብዳቤዎችን እና ሌሎች ሰነዶችን ይፈርማል፣
- ፯/ ለራንዱ ውጤታማነትና የሥራ ቅልዋፍና አስራላጊ በሆነ መጠን፤ ሥልጣኑንና ተግባሩን ለራንዱ ምክትል ዋና ሥራ አስራጻሚና ለሥራተኞች በክፊል በዉክልና ሊያስተላልፍ ይችላል፣
- ፰/ በፌንዱ የወደፌት ስትራቴ**ጂ**ካዊ አቅጣጫ ሳይ የጎሳ ጉዳት ሊያስከትል ስለሚችል ማንኛዉም ጉዳይ ለቦርዱ ያሳዉቃል፣
- ፱ /ሌሎች ተዛማጅ *ሥራዎችን ያ*ከናዉናል።

- 2/ The Chief Executive Officer of the Fund shall be the principal representative of the Fund.
- 3/ The Chief Executive Officer and the Deputy Chief Executive Officer of the Fund shall not work for any financial institution, neither as consultant nor as employee, within a period of one year after the termination of their assignment for the Fund.

#### 14. <u>Powers and Duties of the Chief Executive</u> <u>Officer of the Fund</u>

The Chief Executive Officer of the Fund shall:

- 1/ direct and supervise operations of the Fund in accordance with this Regulation and the decisions of the Board;
- 2/ prepare policies, strategies, procedures, plans and annual budgets of the fund, and upon approval by the Board implement the same;
- 3/ propose regulatory directives and submit to the Board decesion;
- 4/ propose system, structure and human resource requirement to the Board, and upon approval by the Board implement the same;
- 5/ represent the Fund on different stages;
- 6/ sign contracts, correspondences and other documents for the Fund;
- 7/ delegate part of his Powers and Duties to the Deputy Chief Executive Officer and employees of the Fund to the extent necessary for the effectiveness and efficiency of the Fund;
- 8/ keep the Board informed of any matter that could materially affect the strategic direction of the Fund; and
- 9/ Carry out other related activities.

#### ፲፭ .<u>የፌንዱ ምክትል ዋና ሥራ አስፌፃሚ ሥልጣንና</u> ተግባር

የፊንዱ ምክትል ዋና ሥራ አስፊፃሚ የፊንዱን ዋና ሥራ አስፊፃሚ ይረዳል፤ የፊንዱ ዋና ሥራ አስፊፃሚ በሌለ ጊዜ ለፊንዱ ዋና ሥራ አስፊፃሚ የተሰጡትን ሥራዎች በሙሉ ያከናውናል::

#### <u>ክፍል ሶስት</u>

#### ፋይናንስ *ነክ ድንጋ*ጌዎች

#### ፲፮. ስለአረቦን ክፍያ

- ፩/ ሁሉም አባል የፋይናንስ ተቋማት ይህ ደንብ ሥራ ላይ በዋለ በ፴ ቀናት ውስዋ ከፌንዱ ጋር የአባልነት ውል ተፌራርመው በፌንዱ የሚወሰነዉን መነሻ የዓረቦን ክፍያ ወደ ፌንዱ ሂሳብ ገቢ ያደርጋሉ።
- ፪/ በዚህ አንቀጽ ንዑስ አንቀጽ /፩/ መሥረት የሚደረገ ው መነሻ የዓረቦን ክፍያ የፌንዱ መነሻ ካፒታል ይሆናል፡፡
- ፫/ በዚህ አንቀጽ ንዑስ አንቀጽ /፩/ ላይ በተቀመጠው የጊዜ ገደብ ውስዋ መነሻ የዓረቦን ክፍያ ባይፌጸም ፌንዱ በቀሪው የገንዘብ መጠን ላይ ክፍያው ለዘገየበት ጊዜ የቅጣት ምጣኔ ይጥላል፡፡ የቅጣት ምጣኔዉ በፌንዱ ይወሰናል፡፡
- ፬/ ተጨማሪ መነሻ ካፒታል እንዲሆን መንግሥት ብር ፪፪ ሚሊዮን (ሁለት መቶ ሚሊዮን ብር) ለፌንዱ ይመድባል፡፡
- ፩/ በዚህ አንቀጽ ንዑስ አንቀጽ (፩) መሥረት የአባልነ ት ውል የፌረሙ ሁሉም አባል የፋይናንስ ተቋማ ት የአማካይ ተቀማጭ ገንዘባቸዉን 0.3 በመቶ ዓመታዊ የዓረቦን ክፍያ ለፊንዱ ይፊጽማሉ፡፡

## 15. <u>Powers and Duties of the Deputy Chief</u> <u>Executive Officer of the Fund</u>

The Deputy Chief Executive Officer of the Fund shall assist the Chief Executive Officer of the Fund and in the absence of the Chief Executive Officer of the Fund shall discharge all the functions conferred on the Chief Executive Officer of the Fund.

#### PART THREE

#### FINANCIAL PROVISONS

#### 16. Payment of Premium

- 1/ All member financial institutions, within 30 days from the effective date of this Regulation, shall sign membership contract with the Fund and pay to the Fund's account an initial premium to be determined by the Fund.
- 2/ The initial premium contributed in line with Sub-Article (1) of this Article shall be considered as initial capital of the Fund.
- 3/ In case that the initial premium is not paid within the time specified in Sub-Article(1) of this Article, the Fund shall charge default interest rate on the due amount for the period of delay. The default interest rate shall be determined by the Fund.
- 4/ The Government shall contribute Birr 200 Million (Two Hundred Million Birr) to the initial capital of the Fund.
- 5/ All member financial institutions that signed membership contract as per Sub-Article (1) of this Article shall pay to the Fund annual premiums of 0.3% of their average deposits.
- 6/ The Fund may determine by a directive a special initial premium to be paid by a financial institution with poor financial soundness.

- ፯/ ፌንዱ በዓመታዊ የዓረቦን ክፍያ ላይ ማሻሻያ ከማድረጉ ከ፴ (ሰላሳ) ተከታታይ ቀናት አስቀድሞ ለአባል የፋይናንስ ተቋማት ማሳወቅ አለበት።

#### ፲፯. የፈንዱ ሌሎች የገቢ ምንጮች

- ፪/ በዚህ ደንብ አንቀጽ ፮(፮) በተደነገገው መሠረት ፌንዱ ከተለያዩ የኢንቨስትመንት ሥራዎች ገቢ ሊያመነጭ ይችላል፡፡
- ፫/ በባንክ ሥራ አዋጅ ቁጥር ፭፻፲፱/፭ሺ (እንደተሻ ሻለ) አንቀጽ ፲፱/፭/ መሠረት የይገባኛል ጥያቄ ያልቀረበባቸዉንና ወደ ብሔራዊ ባንክየተሳለፉ የፋይናንስ ተቋም ተከፋይ ሂሳቦችን ፌንዱ ከብ ሔራዊ ባንክ በብድር ወስዶ ሲጠቀምባቸዉ ይችላል።

#### ፲፰. <u>የገንዘብ አከል ሀብት እጥረት ሲያ*ጋ*ጥመዉ ፌንዱ</u> ያሉት የፋይናንስ አማራጮች

- ፩/ በዚህ ደንብ መሥረተ ፌንዱ የገንዘብ አክል ሀብት አጥረት ካጋጠመዉ ጉድለቱ ከሚከተሉት አማራጮ ች በአንዱ ወይም በጣምራ ይሸፊናል፡-
  - ሀ) ፋይናንስ ሥርዓቱ ላይ አጠቃላይ ቀዉስ የሚያስከትል ከሆነ ከመንግሥት በሚገኝ የገንዘብ ድጋፍ፣
  - ለ) በመድን በተሸፈነዉ ተቀማጭ ገንዘባቸዉ ድርሻ መጠን በአባል የፋይናንስ ተቋማት መዋጮ፤
  - ሐ) በአባል የፋይናንስ ተቋማት ዓመታዊ የዓረቦን ቅድሚያ ክፍያ፣እና
  - መ) ፈንዱ በሚያወጣቸው መስፌርቶች መሥረት በተለያዩ ብድሮች።

- 7/ The Fund shall inform the member financial institutions at least 30 (thirty) calendar days before it revises the annual premium.
- 8/ The Fund shall use recoveries from assets of failed financial institutions in case of sale or liquidation, and other sources approved by the Board.

#### 17. Other Incomes of the Fund

- 1/ The Fund's resources shall be maintained in an account to be opened in the National Bank.
- 2/ The Fund may generate income from investment activities as stipulated under Article 6(6) of this Regulation.
- 3/ The Fund may use, by borrowing from the National Bank, unclaimed liabilities of a financial institution transferred to the National Bank in line with Article 52 (1) of the Banking Business Proclamation No. 592/2008 (as amended).

## 18. Financing the Fund when There is Shortfall of Resources

- 1/ If at any time, resources of the Fund fall short of its liabilities under this Regulation, such shortfall may be covered in any one or combination of:
  - a) bailout funding by the Government when the shortfall induces systemic crisis in the financial system;
  - b) requiring the member financial institutions to cover the shortfall in proportion to their insurable deposits;
  - c) requiring member financial institutions to pay advance annual premiums; and
  - d) drawing loans in accordance with the terms and conditions prescribed by the Fund.

- ፪/ በዚህ አንቀጽ ንዑስ አንቀጽ (፩) ፌዴል ተራ (ሐ) መሥረት በቅድሚያ የተፈጸመ ዓመታዊ የዓረቦን ክፍያ በተሰብሳቢ ዓመታዊ የዓረቦን ክፍያ እንዲጣጣ ይደረጋል።
- ፫/ በፌደራል *መንግሥት* ዋስትና ወይም ተሰብሳቢ የዓረቦን ክፍያዎችን ጨምሮ የራሱን ንብረቶች እና/ወይም ሌሎች ዋስትናዎችን በማስያዝ ፌንዱ ሲበደር ይችላል::

#### ፲፱ የፌንዱ ሀብት አጠቃቀም

የልንዱ ሀብት:-

- ፩/ የፊንዱን ካፒታልና መደበኛ ወጪዎች ለመሸፈን፣
- ፪/ በመድን የተሸፌኑትን ተቀማጭ ገንዘቦች ለወደቁ የፋይናንስ ተቋማት አስቀማጮች ተመሳሽ ለማድረብ፣
- ፫/ በመንግሥት ሥነዶች ወይም በመንግስት ዋስትና ሥነዶች ፣ ወይም በፌንዱ በፀደቀ ማንኛ ዉም ሌላ መስክ፣ ኢንቨስት ለማድረግ፣
- ፬/ በመድን የተሸፊኑትን ተቀማጭ ገንዘቦች ክፍያ ለ ፊጸም ፌንዱ ለወሰዳቸዉ ብድሮች ክፍያ፣ ሊወል ይችሳል፡፡

#### <u>ጀ. የሂሣብ ዓመት፤ የሂሣብ መግለጫዎች እና አዲት</u>

- ፩/ የፌንዱ የሂግብ ዓመት እንደ አውሮፓውያን የዘመን አቆጣጠር ሐምሌ ፩ ቀን ጀምሮ በሚቀዋለው ዓመት ሰኔ ፴ ቀን ያበቃል፡፡
- ፪/ ፌንዱ ትክክለኛ እና የተሟላ የሂግብ *መ*ዝገቦችን ይይዛል፡፡
- ፫/ የራንዱ የሂግብ መግለጫዎችና ተያያዥ ማስታወ ሻዎች የሚዘጋጁት በፋይናንስ ሪፖርት አዘገጃጀ ትና አቀራረብ አዋጅ ቁጥር ፰፻፵፯/፪ሺ፮ መሥረት ይሆናል።
- ፬/ የፌንዱ የሂጣብ ዓመት ባለቀ በአንድ ወር ጊዜ ውስጥ ፌንዱ ኦዲት ያልተደረገ የሂጣብ መግለጫ አዘጋጅቶ ለቦርድ ያቀርባል፡፡

- 2/ The amount of annual premium paid in advance under Sub-Article (1) paragraph(c) of this Article shall be adjusted against future annual premiums.
- 3/ Loans drawn by the Fund may be secured by a guarantee issued by the Federal Government, or by Fund's assets, including Fund's future claims on members for premium contributions.

#### 19. Use of the Fund's Resources

The Fund's resources may be used for:

- 1/ capital expenditure and recurrent expenses of the Fund;
- 2/ refund of insured deposits to depositors of failed financial institutions;
- 3/ investment in government securities issued or securities guaranteed by the government; or any other investment mode as approved by the Fund; or
- 4/ Servicing of loans used by the Fund for paying insured deposits.

## 20. <u>Financial Year. Financial Statements</u> and <u>Audits</u>

- 1/ The financial year of the Fund shall begin on July 1 and end on June 30 of the next year.
- 2/ The Fund shall keep accurate and complete books of accounts.
- 3/ The financial statements and related notes to accounts shall be prepared by the Fund in accordance with Financial Reporting Proclamation No. 847/2014.
- 4/ The Fund shall, within one month from the end of each financial year, prepare and submit to the Board unaudited financial statements.

- ፩/ ቦርዱ በየ፫ (ሦስት) ዓመቱ የውጪ ኦዲተር ይሾማል፡፡ ሆኖም ኦዲተሩ የትኛዉም ዓይነት ጉድለት ከታየበት ሊቀይረዉ ይችላል፡፡ የኦዲት ሪፖርቱ ከተጠናቀቀ በኋላ እያንዳንዱ የሂግብ ዓመት ባለቀ በስድስት ወር ጊዜ ውስጥ መርምሮ አንዲያፀድቀው ለቦርዱ መቅረብ አለበት፡፡
- ፲/ በአዲተር በሚገባ የተመረመረ እና የተፈረመ እንዲሁም በቦርዱ የፀደቀ የሂሣብ መግለጫ ለብሔራዊ ባንክ ይላካል እንዲሁም ፌንዱ በሚያወጣው ዓመታዊ ሪፖርት ውስጥ ታትሞ ይወጣል፡፡

#### <u>ክፍል አራት</u> <u>ስለመድን ክስተት፡በመድን</u> ስለሚሸፌኑና ስለተሸፌኑ ተቀማ<del></del> ገንዘቦች

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የወደቁ የፋይናንስ ተቋማት የሥራ ፌቃድ የተሰረዘ መሆኑን ብሔራዊ ባንክ በሚያውጅበት ጊዜ እና በዚህ ደንብ መሥረት ፌንዱ በመድን የተሸፈነውን የተቋሙን ተቀማጭ ገንዘብ ለመክፌል ሲወስን የመድን ክስተት ይፌጠራል፡፡

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በመድን የሚሽልን ተቀማጭ **13HA** በአባል ፋይናንስ ተቋም *አስቀማጭ* ወይም ከኅንዘብ ከተወካዩ የተሰበሰበ ተቀማጭ ሲሆን፣ 1341 የሚከተሉትን አያካትትም፦

- ፩/ የመድን ሰጪ፣ የካፒታል ዕቃ አከራይ ኩባንያ ወይም የሌላ ፋይናንስ ተቋም ተቀማጭ ገንዘብ፣
- ፪/ የመንግሥት ወይም የመንግሥታዊ ድርጅት ተቀማ<del>የ</del>ም ገንዘብ፣

- 5/ The Board shall appoint an external Auditor every 3 (three) years. However, it may change the Auditor in case of any shortcomings observed. The audit report shall be completed and issued to the Board for review and approval, within six months from the end of each financial year.
- 6/ The financial statements duly audited, approved by the Board and signed by Auditor shall be submitted to the National Bank and published in the annual report to be issued by the Fund.

# PART FOUR INSURANCE EVENT, INSURABLE AND INSURED DEPOSITS

#### 21. Insurance Event

An insurance event shall occur on the date when the National Bank announces the revocation of a business license of the failed financial institutions and the Fund undertakes to pay the insured deposits under this Regulation.

#### 22. <u>Insurable Deposits money</u>

An insurable deposit money is a deposit received by a member financial institution from or on behalf of a depositor with the exception of the following:

- 1/ deposits of an insurer, a capital goods lease company or another financial institution,
- 2/ deposits money of Government or an agency of the Government;

- <u>፫</u>/ የአባል ፋይናንስ ተቋም ተደ*ጣጭነት* የስው ባለአክሲዮን፣ **ዳይሬክተር፣** Polo አስፈጻሚ፣ ከፍተኛ ሥራ አስፈጻሚ፣ እና/ወይም ከተጠቀሰው ባለአክሲዮን፣ ዳይሬክተር፣ ሥራ አስፈጻሚ፣ ከፍተኛ ሥራ አስፈጻሚ ጋር የመጀመሪያ ደረጃ የሥጋ የተዳር ወይም ዝምድና ያለው ሰው፣ እና የአባል ፋይናንስ ተቋም ተደማጭነት ያስው ባለአክሲዮን፣ አስሬጻሚ፣ ከፍተኛ ዳይሬክተር፣ ዋና Polo አስ*ሌ*ዳሚ፣ *እና/ወይም* ከተጠቀሰው ባለአክሲዮን፣ ዳይሬክተር፣ ዋና/ከፍተኛ ሥራ አስፌጻሚ እና/ወይም ከእንዚሁ ባለአክሲዮን፣ ዳይሬክተር፣ ዋና *ሥራ* አስፈጻሚ፣ ከፍተኛ Polo አስፈጻሚ .2C የተዳር ወይም የመጀመሪያ ደረጃ የሥጋ ዝምድና ያለው ሰው ከአሥር በመቶ በላይ ድምፅ የሚሰዋበት ሕጋዊ ሰዉነት ያለዉ አካል ተቀማጭ ገንዘቦች፣
- ፬/ የአባል ፋይናንስ ተቋም የው*ሞ* ኦዲተርና የሽሪኩ ተቀማ*ሞ* ገንዘብ፣
- ፩/ የተቀማጭ ገንዘብ ሂሳብና የብድር ሂሳብ ያለው ሰዉ ሲኖርና ተቀማጩ ገንዘብ ለዕዳዉ በዋስትናነት የተያዘ ከሆነ፣
- ፮/ በፍርድ ቤት ውሳኔ የታገዱ ተቀማ*ሞ* ነንዘቦች፣ እና
- ፯/ በየጊዜዉ በፌንዱ የሚወሰኑ ሌሎች ተቀማጭ ንንዘቦች፡፡

#### <u>፳፫. በመድን ስለሚሸፈን ተቀማጭ ገንዘብ መጠን</u>

- ፩/ በመድን የሚሸልን ተቀማም ገንዘብ መጠን በእያ ንዳንዱ የፋይናንስ ተቋም የሚወሰነው አስቀማ ጩ በፋይናንስ ተቋሙ የተለያዩ ሂሳቦች ዉስጥ ያ ስቀመጣቸዉንና በመድን የሚሸፊኑትን የተቀማ ጭ ገንዘቦች በሙሉ በመደመር ይሆናል፤ ይህም የመድን ክስተት እስከተፈጠረበት ዕለት ድረስ በተቀማም ገንዘቡ ላይ የተጠራቀመውን ወለድ የሚጨምር ይሆናል።
- ፪/ ተቀማጭ ገንዘቦቹ የተቀመጡት በዉጭ ምንዛሪ ከሆነ የፋይናንስ ተቋሙ የመድን ክስተት በተፌ ጠረበት ዕለት የሚኖረውን የመግፕ የምንዛሪ ተ መን በመጠቀም ወደ ብር ይቀይራቸዋል፡፡

- 3/ deposits of an influential shareholder, a director, or a chief executive officer, senior executive officer of a financial institution and/or spouse or relation in the first degree of consanguinity or affinity of such director, chief executive shareholder, officer, senior executive officer of a financial institution; and that of a legal entity in which the influential shareholder, director, chief executive officer, senior executive officer of a financial institution and/or spouse or relation in the first degree of consanguinity or affinity of such influential shareholder, director, chief executive officer, senior executive officer of a financial institution holding in excess of 10% of the voting rights;
- 4/ deposits of an external Auditor of the member financial institution and his partner,
- 5/ counterclaims from a person who maintains both deposit and loan accounts, the former serving as a collateral for the loan;
- 6/ deposits frozen by the court decission;
- 7/ Such other deposits as may be specified from time to time by the Fund.

#### 23. Amount of the Insurable Deposits

- 1/ The total amount of the insurable deposits of a depositor shall be determined by a financial institution by adding up all the insurable deposits of that depositor maintained in the different accounts, including the accrued interest on those deposits up to the date of the occurrence of the insurance event.
- 2/ In case where the deposits are denominated in foreign currency, the financial institutio n shall establish the equivalent amount in Birr at the buying exchange rate on the date of occurrence of the insurance event.

- ፫/ የመድን ክስተት በተልጠረበት ዕለት አስቀማጩ ለፋይናንስ ተቋሙ የሚልፅማቸዉ ክፍያዎች ወይም የሚወጣቸዉ ግዴታዎች ካሉ በዚህ ደንብ አንቀጽ ፳፪/፩ ላይ ከተጠቀሰው የመድን ክፍያ ተቀናሽ ይደረጋል።
- ፬/ አስቀማጮቹ ከዚህ የተለየ ማስረጃ ካሳቀረቡ በስተቀር በ,ንራ የተቀመጠ ገንዘብ በአስቀማጮቹ እኩል እንደተዋጣ ይቆጠራል፡፡
- ፮/ በአባል የፋይናንስ ተቋም ወይም በሦስተኛ ወገን በዋስትና የተያዘ ተቀማጭ ገንዘብ ሲኖር በዚህ አንቀፅ ንዑስ አንቀጽ /፩/ መሥረት በመድን በሚሸፌነዉ ጠቅሳሳ ተቀማጭ ገንዘብ ውስጥ ይካተታል፣ ሆኖም ተቀማጭ ገንዘቡ ከዋስትና ነጻ እስኪሆን ድረስ በመድን ከተሸፌነዉ ተቀማጭ ገንዘብ ሳይ ተቀንሶ ሳይክፌል እንዲቆይ ይደረጋል፡፡
- ፯/ በመድን ከሚሸፈነዉ የተቀማጭ ገንዘብ ዉስተ እስከ ተቀማጭ ገንዘብ መድን ሽፋን ጣሪያ ድረስ ያለዉ በዚህ አንቀፅ ንዑስ አንቀጽ /፩/ መሠረት በመድን የተሸፈነ ተቀማጭ ይሆናል፡፡ ፌንዱም በእያንዳንዱ አባል የፋይናንስ ተቋም በመድን የተሸ ፌኑትን ተቀማጭ ገንዘቦች ለእያንዳንዱ አስቀማጭ ይከፍላል፡፡
- ፰/ የፌንዱ የተቀማጭ ገንዘብ መድን ሽፋን ጣሪያ በቦርዱ ይወሰናል፤ ሆኖም ጣሪያዉ ከብር ፩፫ሺ (አንድ መቶ ሺህ ብር) ማነስ የለበትም፡፡

- 3/ When a depositor has obligations towards the financial institution, which are due on the date of occurrence of the insurance event, the amount referred to in Article 22(1) of this regulation here in above shall be reduced by such amount.
- 4/ In case of a joint deposit, the contributions of each depositor in the common account shall be considered equal, unless those depositors submit evidence to the contrary.
- 5/ In case of a deposit contract for the benefit of a third party (trust account), the person on whose behalf the deposit was placed shall be entitled to claim payment from the Fund, unless otherwise stipulated in the contract.
- 6/ The deposit that serves as collateral for the member financial institution or a third party shall be included in the total amount as per Sub Article (1) of this Article, however part of the insured deposit payable for such a deposit shall be withheld until the deposit is freed from collateral.
- 7/ Insurable deposits as per Sub Article (1) of this Article here in above up to the coverage limit of the Fund shall be insured deposits. The Fund shall pay insured deposits per a depositor per a member financial institution.
- 8/ The coverage limit of the Fund shall be set by the Board, however, may not be less than Birr 100,000 (One Hundred Thousand Birr).

#### <u>ክፍል አምስት</u>

#### <u>አባልነትና በመድን የተሸፈነ የተቀማጭ</u> <u> 1ንዘብ ክፍደ</u>

#### <u>ጀ፬. የፌንዱ አባልነት</u>

፩/ የትኛዉም የፋይናንስ ተቋም በዚህ ደንብ ድንጋጌዎች መሠረት የፈንዱ አባል ይሆናል፡፡

ፌደራል ነጋሪት ጋዜጣ ቁጥር ፲፪ የካቲት ፱ ቀን ፪ሺ፲፫ ዓ.

- **፪/ ይህደንብከወጣ በኋላ የሚመሠረት የፋይናንስ** ተቋም የፌንዱ አባልነት ተቋሙ የሥራ ፈቃድ ካገኘበት ቀን ጀምሮ ይሆናል።
- ፫/ በዚህ አንቀጽ ንዑስ አንቀጽ /፪/ መሠረት የፌንዱ አባል የሚሆን የፋይናንስ ተቋም በፌንዱ የሚወሰነውን መነሻ የዓረቦን ክፍያ ይሬጽማል፡፡
- ፬/ የአባል ፋይናንስ ተቋማት መብቶችና ግዴታዎች ፈንዱ ከተቋጣቱ ጋር በሚገባዉ የአባልነት ውል ውስጥ በዝርዝር ይገለፃል፡፡

#### ኟ፟፟፟፟፟፟፟፟፟፟፟፟፟ . <u>ከአባልነት ስለመሰናበት</u>

- ፩ / *ማን*ኛዉም አባል የፋይናንስ ተቋም፦
  - ሀ) የተሰጠዉ የሥራ ፌቃድ በብሔራዊ ባንክ ተመሳሽ ከተደረባ፣ ከተሰረዘ፣ ወይም ከተነጠ ф:
  - ስ) በፋይናንስ ተቋሙ ላይ የመፍረስ ውሳኔ ከተሳለፌበት፤
  - ሐ) የአባል የፋይናንስ ተቋም ተቀማጭ ገንዘቦች ሙሉ በሙሉ ወደሌሳ የፋይናንስ ተቋም ከተላለፉ፤
  - መ) በአባል የፋይናንስ ተቋም በፌቃደኝነት ላይ የተመሠረተ የመፍረስ ጥያቄ መሠረት የንብረት አጣሪ ከተሾመ፤
  - **ሥ**) አባል የፋይናንስ ተቋም ከሌላ የፋይናንስ ተቋም ጋር ሲቀሳቀል ወይም ሲዋሃድ፤ ወይም

#### **PART FIVE**

#### MEMBERSHIP AND PAYMENT OF **INSURED DEPOSITS**

#### 24. Membership of the Fund

- 1/ Any financial institution shall be a member of the Fund according to the conditions laid down in this Regulation.
- Membership of a financial institution that is established after the effective date of this Regulation shall start on the date of issuance of the business license.
- 3/ The financial institution becoming a member of the Fund under Sub-article (2) of this Article shall pay a fixed initial premium to be determined by the Fund.
- 4/ Rights and obligations of the member financial institutions shall be laid down in a membership contract to be signed between the Fund and the member financial institutions.

#### 25. Cessation of Membership

- 1/ A financial institution shall automatically cease being a member of the Fund upon:
  - surrender, cancellation or revocati a) on of a member financial institutio n license by the National Bank;
  - issuance of a winding-up order against the member financial institution;
  - transfer of all deposit liabilities of a member financial institution to any other financial institution;
  - appointment of a liquidator in pursuance of a resolution for the member financial institution voluntary winding up;
  - merger or amalgamation of the member financial institution with any other financial institution; or

ረ) በፌንዱ ተቀባይነት ያለው ሌላ ተመሳሳይ ሁኔታ ሲከሰት፤

ከፌንዱ አባልነት ወዲያው ይሰናበታል፡፡

፪/ የአባል የፋይናንስ ተቋሙ አባልነት በዚህ አንቀጽ ንዑስ አንቀጽ /፩/ መሠረት እንደተቋረጠ ፊንዱ በተቻለ ፍዋነት የተቋሙን ስም በአገሪቱ በስፋት በሚሰራጩ ቢያንስ በሁለት ዕለታዊ ጋዜጦች ታትሞ እንዲወጣ ያደርጋል፡፡

#### <u>፳፮. ከአባልነት መሰናበት ስለሚያስከትለው ዉጤት</u>

በዚህ ደንብ አንቀጽ /፳፭/ በተጠቀሰው መሠረት የፌንዱ አባል የፋይናንስ ተቋም ከአባልነት ሲሰናበት የፋይናንስ ተቋሙ፡-

- ፩/ ከአባልነት ከመሰናበቱ በፊት ለፌንዱ ከነበሩበት ግዱታዎች ወይም *ዕዳዎች ነፃ* አይሆንም፡፡
- ፪/ ለሌሳ የፋይናንስ ተቋም ሊተሳለፍ ወይም ሊሰጥ ይችል በነበረ ተቀማጭ ገንዘብ ሳይ ፌንዱ ለገንዘ ብ አስቀማጮች የፌፀመዉን ክፍያ ተመሳሽ ማድረግ ይኖርበታል።

#### <u>፳፯. በመድን ስለተሸፈነ ተቀማጭ ገንዘብ ክፍያ</u>

- ፩/ የመድን ክስተት ከተፌጠረ ፌንዱ የአባል ፋይናንስ ተቋሙን ዕዳዎች በመድን እስከተሸ ፌነዉ ተቀማጭ ድረስ ለገንዘብ አስቀማጮች ክፍያ ይፌጽማል፡፡
- ፪/ በፌንዱ እምነት ከወደቀ የፋይናንስ ተቋሙ ያተረፌ የገንዘብ አስቀማጭ በመድን የተሸፌነ ተቀማጭ ገንዘብ ክፍያ አደገኝም፡፡
- ፫/ ፌንዱ በመድን የተሸፌነዉን ተቀማሞ ገንዘብ ክፍያ ቦርዱ በሚወስነዉ የፋይናንስ ተቋም በኩል ይፌጽማል፡፡

- f) Happening of any other similar factor acceptable to the Fund.
- 2/ The Fund shall, as soon as reasonably practica ble after termination of membership of a member financial institution under Sub-Article (1) of this Article, cause the name of that member financial institution to be published in at least two daily newspapers of nationwide circulation.

#### 26. Effect of Cessation of Membership

Where a member financial institution ceases to be a member of the Fund as specified in Article 25 of this regulation, the financial institution shall:

- 1/ not be relieved from its obligations or liabilities to the Fund that have accrued before the cessation of its membership; and
- 2/ indemnify the Fund in the event of any payment made by the Fund to depositors, in respect of such deposits as shall have been transferred or acquired by another financial institution.

#### 27. Payment of Insured Deposits money

- 1/ In case of the insurance event, the Fund shall pay the member financial institution's liabilities to its depositors up to the amount of the insured deposits.
- 2/ A depositor, who the Fund believes profited from the failed financial institution, shall not be entitled to the payment of the insured deposits.
- 3/ The Fund shall repay the insured deposits through a financial institution determined by the Board.

- ô/ በዚህ ደንብ አንቀጽ ፴፬ በባንክ ሥራ አዋጅ ቁጥር ራ፻፺፪/፪ሺ (እንደተሻሻለ) አንቀጽ /፴፫/ እና በአነስተኛ የፋይናንስ ሥራ አዋጅ ቁጥር ፯፻፳፮/፪ሺ፩ (እንደተሻሻለ) አንቀጽ /፲፱/ መሠረት ለአባል ፋይናንስ ተቋሙ የተሾመ ሞግዚት ሹመቱ በተሰጠው በ፲፬ (አሥራ አራት) ቀናት ውስጥ በመድን ስለሚሸፌኑ ተቋሙ የአባል ተቀማጭ *ጎንዘቦች የጽሑፍ* መዛግብትንና ደጋፊ ሰንዶችን ለቦርዱ ማቅረብ አለበት፡፡
- ፩/ በዚህ አንቀጽ ንዑስ አንቀጽ /፬/ የተጠቀሱትን መዛግብትና የጽሑፍ 2.26. ሰንዶች በተቀበለ በ፲፬ (አስራ አራት) ቀናት ውስጥ አስቀማጮች ክፍያ 6.78 ለኅንዘብ የሚጀምርበትን በመድን ቀን: ቦታና የተሸፈኑትን ተቀማጭ **ጎንዘቦች** ክፍያ የሚያስፌልጉትን ስመሬጸም ሰንዶች በተመለከተ ቢያንስ በሰፊዉ በሚሰራጭ አንድ ኃዜጣ ታተሞ እንዲወጣ ያደርጋል፡፡
- ፯/ ለገንዘብ አስቀማጮች የሚፌጸመዉ ክፍያ የመድን ክስተቱ በተፌጠረ ከ፺ (ዘጠና) ቀናት ባልበለጠ ጊዜ ዉስጥ መጠናቀቅ ይኖርበታል፡፡
- ፯/ በበቂ ምክንያቶች በዚህ አንቀጽ ንዑስ አንቀጽ /፯/ በተጠቀሰዉ ጊዜ ዉስጥ ቀርበዉ ክፍያ ያልተፈጸመላቸው የገንዘብ አስቀማጮች በመድን የተሸፌጉትን ተቀማጭ ገንዘቦች ክፍያ የተጠቀሰዉ ጊዜ ካለፌ በኋላም ቢሆን መጠየቅ ይችሳሉ፡፡ ሆኖም የመድን ክስተቱ ከተፌጠረ ከ፭ (አምስት) ዓመታት በኋላ ፌንዱ ከማናቸዉም ተዛማጅ ሪዳዎች ንጻ ይሆናል፡፡
- ፰/ በዚህ አንቀጽ ንዑስ አንቀጽ /፯/ መሥረት በቀን-ገደቡ ዉስዋ ክፍያ ባልተፈፀመባቸዉ ተቀማጭ ገንዘቦች ላይ ፌንዱ ለገንዘብ አስቀማጮቹ ወለድ አይክፍልም።

- 4/ The appointed receiver of the member financial institution, as per Article 34 of this Regulation and Article 33 of the Banking Business Proclamation No. 592/2008 (as amended) and Article 19 of Micro-Financing Business Proclamation No. 626/2009 (as amended), shall submit to the Board written records and supporting documentation on the insurable deposits of that member financial institution within fourteen (14) days from the date of such appointment.
- 5/ Within fourteen (14) days from receipt of the records and documents mentioned under Sub-Article (4) of this Article, the Fund shall publish information in at least a widely circulating newspaper the date when repayment to depositors will start, the place where payments will be effected and the documents required for effecting payment of insured deposits.
- 6/ Repayment of depositors shall end no later than 90 (ninety) days from the day of occurrence of the insurance event.
- 7/ Depositors missing the deadline in Sub-Article 6 of this Article for justifiable reasons shall claim refund of their insured deposits even after the deadline. However, latest five years after the insurance event, the Fund shall be relieved of all respective liabilities.
- 8/ The Fund shall not pay interest on insured deposits to depositors missing the deadline in line with Sub-Article 6 of this Article.

- ፱/ በመድን የተሸፊኑትን ተቀማጭ ገንዘቦች በመክፈል ፌንዱ እስከ ከፌለዉ የገንዘብ መጠን ድረስ ከፋይናንስ ተቋሙ አንጻር አስቀማጩን ይተካል፡፡ ከዚህም በተጨማሪ ፌንዱ በባንክ ሥራ አዋጅ ቁዋር ፩፻፺፪/፪ሺ (እንደተሻሻለ) አንቀጽ /፵፭/ መሠረት ከይገባኛል ዋያቄ አከፋፊል ቅደም ተከተል አኳያም አስቀማጮቹን ይተካል፡፡
- ፲/ ራሱ ሞግዚት ሆኖ ካልተሾመ ስገንዘብ አስቀማ ጮች ስለፌጸማቸዉ ክፍያዎች ፌንዱ ለሞግ ዚቱና ለብሔራዊ ባንክ በየጊዜዉ ማሳወቅ ይኖርበታል፡፡

#### ም<u>ዕራፍ ስድስት</u>

#### <u>ልዩ ልዩ ድን*ጋ*ጌዎች</u>

#### <u>፳፰. መረጃን ስለማግኘት፣ ስለመጠቀምና ስለመለዋወተ</u>

δ/ **ፈንዱና ብሔራዊ ባን**ክ፡-

- ሐ) መረጃ እና/ወይም ዳታ ልዉዉፕን፣ እና
- መ) ፌንዱ አስፌላጊ የሚሳቸውን ሌሎች ጉዳዮች፤

በማካተት በመግባቢያ ሰንድ መልክ ዉል ይገባሉ፡፡

፪/ ለመድን ክስተት ቅድመ-ዝግጅት ከማድረግ አንፃር መረጃ ልመዉዋን የሚያሳልዋ ሲስተምና ሶፍትዌር መጠቀም እንዲቻል ፌንዱ ከአባል የፋይናንስ ተቋማት ጋር በትብብር ይሥራል።

- 9/ By effecting payment of the insured deposits, the Fund shall assume the place of the depositor versus the financial institution up to the amount paid. The Fund shall also assume the depositors' place in the priority schedule as per Article 45 of the Banking Business Proclamation No. 592/2008 (as amended).
- 10/ The Fund shall regularly inform the Receiver and the National Bank on the payments it effected to the depositors in case where it is not appointed as Receiver

#### **PART SIX**

#### MISCELLANEOUS PROVISIONS

#### 28. Information Access, Use and Exchange

- 1/ The Fund and the National Bank shall enter into agreement in the form of Memorandu m of Understanding which shall provide the following:
  - the undertaking of examination by the National Bank on behalf of the Fund:
  - exchange of information with respect to member financial institutions with poor financial soundness;
  - c) sharing of information and/or data; and
  - d) Any other matters considered necessary by the Fund.
- 2/ In preparation for the insurance event, the Fund shall work with member financial institutions to ensure that there are adequate systems and software for the transfer of data.

- ፩/ በአባል የፋይናንስ ተቋም ላይ ልዩ ምርመራ እንዲያካሂድና ግኝቱን እንዲያቀርብለት ፌንዱ በማናቸዉም ጊዜ ብሔራዊ ባንክን መጠየቅ ይችላል።
- ፪/ በዚህ አንቀጽ ንዑስ አንቀጽ /፩/ የተደነገነው ቢኖርም የዚህን ደንብ ዓላማዎች ለማሳካት በፌን ዱ የዚህ ዓይነት ምርመራ አስፌላጊነት ሲታመንበ ት የአባል የፋይናንስ ተቋሙ ያለበትን ሁኔታ ለማየት ፌንዱ በማናቸዉም ጊዜ በአባል የፋይናን ስ ተቋሙ ላይ ልዩ ምርመራ የማካሄድ ሥልጣን አለዉ።
- ፫/ ለዚህ አንቀጽ ተፌጻሚነት የፌንዱ ኃላፊዎች ወይም በፌንዱ የሚሾም የትኛዉም ሌላ ሰዉ ከአባል የፋይናንስ ተቋሙ አንድ ኃላፊ፣ ኦዲተር፣ ወኪል ወይም ሌላ ሰዉ ፌንዱ የሚፌልጋቸዉን እንደ ሰነድ፣ ህትመት፣ መረጃ ወይም ማብራሪያ ያሉትን ጠይቆ የመቀበል ሥልጣን አላቸዉ፡፡
- ፬/ ፌንዱ የሚያደርገዉን ልዩ ምርመራ እንዳጠናቀቀ የምርመራዉን ሪፖርት ለብሔራዊ ባንክ መሳክ አለበት፡፡
- ጅ/ ልዩ ምርመራዉን ለማካሄድ ያወጣቸዉን ወጪ ዎች በተሰብሳቢ ሂሳብ በመያዝ ምርመራዉ የተ ደረገበት የፋይናንስ ተቋም እንዲተካለት ፌንዱ ሊጠይቀዉ ይችላል፡፡

#### ፴. <u>መረጃ ስለመሰብሰብና ስለመስ</u>ጠት

፩/ ፌንዱ የተሰጡትን ሥልጣንና ተግባራት በአግባቡ ለመወጣት የሚያስፌልገዉን ማንኛዉንም መረ ጃ ከብሔራዊ ባንክና ከፋይናንስ ተቋማት መቀ በል ይችላል፡፡

*፪/ መረጃዉ የሚሰ*ጠዉ፦

## 29. <u>Special Examination of a Financial</u> Institution

- 1/ The Fund may, at any time, request the National Bank to carry out a special examination of a member financial institution and to avail to the Fund the information obtained from such examination.
- 2/ Notwithstanding the provision of Sub-Article 1 of this Article, the Fund shall have power to conduct a special examination of any member financial institution whenever the Fund deems such examination necessary to determine the condition of such member financial institution for purposes of this Regulation.
- 3/ For purpose of this section, the officers of the Fund or any other person appointed by the Fund shall have powers to require an officer, auditor, agent or any other person of the member financial institution to furnish such document, material, informat ion or explanations as the Fund may require.
- 4/ Upon completion of a special examination, the Fund shall send examination report to the National Bank.
- 5/ The Fund may recover any cost of special examinations from the financial institution examined as a debt due and payable to the Fund.

#### 30. Collecting and Disclosure of Information

- The Fund shall be empowered to collect any information both from the National Bank and the member financial instituti ons as it may deem appropriate to carry out its duties and responsibilities.
- 2) The Fund shall not disclose the informat ion it collected using its authority under Sub-Article (1) of this Article to any person, whether within or outside Ethio pia unless the disclosure is:

- የተጠቀሱትን - ድን*ጋ*ጌዎች በዚህ ደንብ ለማስፈጸም፣

ፌደራል ነጋሪት ጋዜጣ ቁጥር ፲፪ የካቲት ፱ ቀን ፪ሺ፲፫ ዓ.

- ሐ) መረጃዉን ለመቀበል ሕጋዊ ሥልጣን ሳሳቸ*ዉ*፣
- መ) ፌንዱ ተጠሪ ለሆነለት አካል፣
- *w*) በፍርድ ቤት ሲታዘዝ፣ ወይም
- ረ) ኢትዮጵያ የነባችባቸውን የዓለም አቀፍ **ግዴታዎች ለ**መወጣት ሲባል፣ ካልሆን በስተቀር ፌንዱ በዚህ አንቀፅ ንዑስ አንቀጽ (፩) በተሰጠዉ ሥልጣን መሠረት የተቀበለዉን መረጃ ኢትዮጵያ ዉስዋም ሆነ ከኢትዮጵያ ወጪ ላለ ማንኛወም ሰወ አሳልፎ አይሰዋም፡፡

#### ፴፩. ፈንዱን በሞግዚትነት ስለመሾም

ባንክ በባንክ ሥራ ብሔራዊ አዋጅ ቁጥC ፟፟፟<u>ዸ፟</u>፻፺፪/፪ሺ (እንደተሻሻለ) አንቀጽ /፴፫/ እንዲሁም በአንስተኛ የፋይናንስ Polo አዋጅ ቁጥC ፯፻፳፮/፪ሺ (እንደተሻሻለ) አንቀጽ ፲፱ በተሰጠው መሠረት አስፌላጊ US ሲያገኘው ፋ*ይናን*ስ *ሌንዱ*ን የየትኛወም ተቋም ብቾኛ ሞ**ግ**ዚት አድርጎ ሲሾ*መ*ዉ ይችሳል፡፡

#### ፴፪. <u>መመሪያዎችን የማውጣት ሥልጣን</u>

6.38. ይህን ደንብ ለማስፌጸም የሚያስፌልጉ *መመሪያዎችን* ሲያወጣ ይችሳል፡፡

#### ፴፫. <u>ከብሔራዊ ባንክ ለፌንዱ የሚደረግ ድ*ጋ*ፍ</u>

፩/ ፌንዱ እስኪሐናክር ድረስና በምሥረታዉ ወቅት ብሔራዊ ባንክ ንብረት በመግዛትና ሥራዉን ለማከናወን የሚያስፈልጉትን ግብዓቶች በማቅረ ብ ለፌንዱ ድ*ጋ*ፍ ሲያደርግ ይችላል፡፡

- made for the purpose of fulfilling the requirements of this Regulation;
- b) in the interest of ensuring the financ ial soundness of financial institution
- c) made to recipients who are legally authorized to obtain such informatio n;
- d) made to the body to which the Fund is accountable;
- ordered by a court; or
- required for the purpose of meeting obligations which Ethiopia entered into under international agreements.

#### 31. Appointment of the Fund as Receiver

The National Bank may, whenever the circumstances require, appoint the Fund to be the sole and exclusive receiver of any financial institution and in accordance with Articles 33 of Banking **Business** Proclamation No. 592/2008 (as amended) and Article 19 of Micro-Financing Business Proclamation No. 626/2009 (as amended).

#### 32. Power to Issue Directives

The Fund shall have the power to issue Directives necessary for the implementation of this Regulation.

#### 33. Assistance to the Fund from the National Bank

1/ The National Bank may assist the Fund, during its establishment and initial stage of operation, in procuring materials and providi ng resources needed to run the Fund's busin ess.

፪/ ሆኖም ፌንዱ የብሔራዊ ባንክን የሎጀስቲክስና ሌሎች ወጪዎች ተመሳሽ ያደርጋል፡፡

#### <u>፴፬. የሥራተኞች አስተዳደር ደንብ</u>

- ፩/ የፊንዱ ሠራተኞችና የአመራር አባላት ፊንዱ በሚያወጣው መመሪያ መሠረት የሚተዳደሩ ይሆናል።
- g/ የፊንዱ ሥራተኞች የደመወዝ፣ የአበል፣ የተቅጣተቅምና የጣበረታቻ ክፍያ ማዕቀፍ የመንግሥትን የፋይናንስ ተቋማት ክፍያ ከግምት ዉስጥ በጣስገባት ፊንዱ በሚያወጣው መመሪያ ይወሰናል፡፡

#### <u>፫/ የተለያዩ ጥቅማጥቅሞች</u>

- ሀ) የፌደራል መንግሥት ለፌንዱ የሥራ አስፌፃሚ አመራር አባል የመኖሪያ ቤት ይሰጣል፤ ምርጫዉ ከሆነ ግን የሥራ አስፌፃሚ አመራር አባሉ የቤት ኪራይ አበል ያገኛል፡፡
- ለ) ሥራተኞችን ለማቆየት ሲባል፤ ፊንዱ የተለያዩ የጥቅማጥቅም ማዕቀፎችን በጥናቶች ይለያል፣ በቦርዱ ሲፀድቁም ሥራ ላይ ያውሳቸዋል፡፡
- ፬/ የፊንዱ የሥራ አስፌፃሚ አመራር የሠራተኞችን ቅሬታ የሚሰማና ምክረ-ሀሳብ ለሥራ አስፌፃሚ አመራሩ የሚያቀርብ ኮሚቴ ያዋቅራል፡፡ ነገር ግን በሥራ አስፌፃሚ አመራሩ አስተዳደራዊ ውሳኔ ያልረካ ሠራተኛ ቢኖር ጉዳዩን ለመደበኛ ፍርድ ቤት ሊያቀርብ ይችላል፡፡

#### ፴፭. <u>ከዓመታዊ የዓረቦን ክፍያ ዕዳ ነፃ ስለመሆን</u>

በዚህ ደንብ አንቀፅ ፲፮/፩/ እና ፳፬/፫/ መሠረት አባል የፋይናንስ ተቋማት የመነሻውን የዓረበን ክፍያ በጀት ዓመቱ ከተጀመረ ከ፬ (አራት) ወራት በኋላ ከከፌሉ በዚህ ደንብ አንቀፅ ፲፮/፩/ መሠረት የዚያዉ በጀት ዓመት ዓመታዊ የዓረቦን ክፍያ ባለያዳ ላይሆኑ ይችላሉ። 2/ The Fund shall, however, reimburse to the National Bank all costs related to the Fund's logistics or otherwise.

#### 34. Staff Regulations

- 1/ The employees and management staff of the Fund shall be administered in accordance with directive to be issued by the Fund.
- 2/ Payment of salary, allowance, benefits and incentives package to the employees of the Fund, in conformity with that of the governm ent financial institutions, shall be determined by directive to be issued by the Fund.

#### 3/ Various benefits

- a) The Federal Government shall provide residential house to an executive management member of the Fund; however, the executive management member shall be entitled to opt for the payment of house allowance.
- b) With the purpose of retaining its employ ees, the Fund shall undertake studies on various benefits package and implement the same upon approval by the Board.
- 4/ The executive management of the Fund shall establish a grievance handling committee that conducts grievance inquiry between the Fund and its employees, and submits recommendat ion to the executive management. However, an employee aggrieved by the administrative decision of the executive management may present his case to the regular courts.

## 35. Exemption from Liability to Pay Annual Premium

If the member financial institutions paid an initial premium as per Articles 16(1) & 24(3) of this Regulation after lapse of 4 months from the financial year may not be liable to pay annual premium as per Article 16(5) of this Regulation during the same financial year.

#### ፴፮. <u>የፌንዱ ሥራተኞችና ወኪሎች ከግል ተ</u>ጠ<u>ያቂ</u>ነት ስለመጠበቃቸዉ

ይህን ደንብ ለማስፌጸም ሲባል ማንኛዉም የፌንዱ ሥራተኛ ወይም ወኪል በቅን ልቦና ለሚፌጽመዉ ማናቸዉም ድርጊት በግል በዕዳ ሊጠየቅ፣ ሊከሰስ ወይም ማናቸዉም ሌላ ጥያቄ ሊቀርብበት አይችልም፡፡

#### <u> ፴፯. ለሕዝብ ግንዛቤ ስለማስጨበጥ</u>

- ፩/ አባል የፋይናንስ ተቋም የፌንዱ አባል ስለመሆኑና በዚህም ሳቢያ የተቀማጭ ገንዘቡ ጥበቃ እንደሚደረግለት በራሪ ወረቀቶችን <del></del>ምም ር በመጠቀም ለሕዝቡ ግንዛቤ ያስጨብጣል፡፡
- ፪/ የዚህ አንቀጽ ንዑስ አንቀጽ /፩/ ድን*ጋ*ጌ ቢኖርም የፋይናንስ ተቋሙ የፌንዱን አባልነት ራሱን ለማስተዋወቅ ዓላማ አይጠቀምበትም፡፡

#### ፴፰. ቅሬታ ስለመስማት

ፌንዱ በራሱና በፋይናንስ ተቋማት መካከል የሚነሳ ዉን ማንኛዉንም ቅሬታ የሚፌታ ሥርዓት ሊዘረ*ጋ* ይችላል፡፡

#### ፴፱. <u>ወቅታዊ ሪፖርቶችን ለፈንዱ ስለማቅረብ</u>

ልንዱ በሚጠይቀዉ አኳኋን ሁሉም አባል የፋይናን ስ ተቋማት ወቅታዊ ሪፖርቶችን ለፌንዱ ያቀርባሉ ።

#### ፵. <u>መረጃን ለሕዝብ ይፋ ስለማድረግ</u>

- ፩/ ፌንዱ ቢያንስ ዋና የሥራ እንቅስቃሴውን አስመ ልክቶ በዝርዝር መረጃ በተደገፌ መልኩ ዓመታዊ ሪፖርት እያዘጋጀ ለሕዝብ ይፋ ያደርጋል፡፡
- ፪/ ፌንዱ ከአባል የፋይናንስ ተቋማት *ጋ*ር ቢ*ያን*ስ በዓመት አንድ ጊዜ ስብሰባ ያካሂዳል፡፡

## 36. <u>Protection of Employees and Agents of the</u> Fund from Personal Liability

Any employee or agent of the Fund may not be subject to any personal liability, action or any other claim for his bona fide acts done for the purpose of carrying out this Regulation into effect.

#### 37. Public Awareness

- 1/ A member financial institution shall inform the public about its membership in the Fund and the related protection of deposits and use the information materials provided by the Fund for this purpose.
- 2/ Notwithstanding the provision of Sub-Article (1) of this Article, the financial institution shall not use its membership for own promotional purposes.

#### 38. Greviance hearing

The Fund may establish a system to resolve any dispute that may arise between the Fund and member financial institutions.

#### 39. Periodic Reports to the Fund

All member financial institutions shall submit to the Fund periodic reports as prescribed by the Fund.

#### 40. Disclosure of information to the publice

- 1/ The Fund shall prepare and make available to the public an annual report that shall at least include statistical data of its main operation.
- 2/ The Fund shall conduct at least once in a year a meeting with the member financial institutions.

#### ፵፩. <u>ቅጣት</u>

የዚህን ደንብ ድን*ጋጌዎ*ች የተላለል ማንኛዉም ሰዉ ፌንዱ በሚያወጣዉ ዝርዝር መመሪያ መሠረት እስከ ብር ፲ሺ (አሥር ሺ ብር) እና ዋሳቱ ለተከሳተበት ለእያንዳንዱ ቀን እስከ ብር ፩ሺ (አንድ ሺ ብር) ይቀጣል፡፡

#### ፵፪. <u>ተሬጻሚነት ስለማይኖራቸው ሕጎች</u>

ከዚህ ደንብ *ጋ*ር የሚቃረን ማንኛውም ደንብ፣ መመሪያ እና ልማዳዊ አሥራር በዚህ ደንብ በተደነገጉ ጉዳዮች ላይ ተ*ልጻሚ አይሆንም*፡፡

#### ፵፫. <u>ደንቡ የሚፀናበት ጊዜ</u>

ይህ ደንብ በፌደራል ነ*ጋ*ሪት *ጋ*ዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል፡፡

አዲስ አበባ የካቲት ፬ ቀን ፪ሺ፲፫ ዓ.ም

ሕብይ አህመድ (ዶ/ር) የኢትዮጵያ ፌደራሳዊ ዲሞክራሲያዊ ሪፐብሊክ ጠቅሳይ ሚኒስትር

#### 41. Penalty

Any person who contravenes the provisions of this Regulation shall be punished with a fine not exceeding Birr 10,000 (Ten Thousand Birr) and shall be subjected to a daily penalty not exceeding Birr 1,000 (One Thousand Birr) for every day the contravention continues based on the detail directive to be prescribed by the Fund.

#### 42. <u>Inapplicable Law</u>

No regulation, directive or practice may, in so far as it is inconsistent with the provisions of this Regulation, be applicable with respect to matters provided for by this Regulation.

#### 43. Effective Date

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

Done at Addis Ababa, on this 25<sup>th</sup> day of feburary, 2020.

ABIY AHMED (DR.)

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA