

Waggaa 28^{ffaa} Lak.10/2012

ጳጳሳዊ ዓመት.....ቁጥር.....፲/፪ሺ፲፪

28th year No.10/2020



Finfinnee,.....Guraandhala 11 Bara 2012

ፊንፊንኤ፣የካቲት ፲፩ ቀን ፪ሺ፲፪ ዓ.ም

Finfine,.....February 19, 2020

MAGALATA OROMIYAA

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MEGELETA OROMIA

Gatiin Tokkoo Qarshii 29.90 የአገሩ "የ" ብር 29.90 Unit Price Birr 29.90	To'annoo Caffee Mootummaa Naannoo Oromiyaatiin Kan Bahe ፲%Z M i ፣ ብሔራዊ ፎፍ" ፣ L ራ R r በጨፌ ኦሮሚያ ዕጢክረ ፎ' »	Lak. S. Poostaa 21383-1000 ፎ.ፓ.ቂ.የፋሃ21383-1000 P.O.Box 21383-1000
QABIYYEE Labsii Lakk. 223/2012 Labsii Bulchiinsa Hojiiwwan Misooma Albuudaa Naannoo Oromiyaa Murteessuuf Bahe Lakkoofsa 91/1997 Irra Deebiidhaan Fooyyessuuf Bahe, Lak. 223/2012Fuula 1	ማውጫ አዋጅ ቁጥር 223/2012 የኦሮሚያ ክልል የማዕድን ልማት ሥራዎች አስተዳደርን ለመወሰን የወጣ አዋጅ ቁጥር 91/1997 እንደገና ለማሻሻል የወጣ አዋጅ ቁጥር 223/2012ገጽ 1	CONTENT Proclamation No. 223/2020 Proclamation No. 223/2020 A Proclamation to Amend Oromia Region Mineral Development Operation Administration No. 91 /2005Page 1
Labsii Bulchiinsa Hojiiwwan Misooma Albuudaa Naannoo Oromiyaa Murteessuuf Bahe Lakkoofsa 91/1997 Irra Deebiidhaan Fooyyessuuf Bahe, Lak. 223/2012	የኦሮሚያ ክልል የማዕድን ልማት ሥራዎች አስተዳደርን ለመወሰን የወጣ አዋጅ ቁጥር 91/1997 እንደገና ለማሻሻል የወጣ አዋጅ ቁጥር 223/2012	Proclamation No. 223/2020 A Proclamation to Amend Oromia Region Mineral Development Operation Administration No. 91 /2005 Whereas, it is necessary to protect and conserve the mineral resource in our region to be used for the benefit of the people as it is the natural resource of the people and the regional state; Whereas, the government has to ensure that the minerals found on and inside the earth is sustainably used for the benefit of the people and economic development of the region and country since it is exhausting non-renewable natural resource;
Albuudni naannoo keenya keessatti argamu qabeenya uumamaa ummataa fi mootummaa naannichaa waan ta'ee faayidaa ummataatiif akka oolu eegumsaa fi kunuunsa gochuun waan barbaachiseef;	በክልላችን ውስጥ የሚገኘው ማዕድን የክልሉ ህዝብና መንግስት የተፈጥሮ ሃብት በመሆኑ ለህዝብ ጥቅም እንዲውል ጥበቃና እንክብካቤ ማድረግ በማስፈለጉ፤	
Albuubdni lafa irraa fi lafa keessatti argamu qabeenya uumamaa dhumataa deebi'ee bakka hin bu'amne waan ta'ee faayidaa ummataa, diinagdee naannichaatiif fi biyyaatiif ittifu fiinsa ooluun isaa mootummaan mirkanaa'uu waan qabuuf;	በገፅ ምድር ላይ እና በክርስ ምድር ውስጥ የሚገኝ ማዕድን አላቂና የማይታደስ የተፈጥሮ ሃብት ስለሆነ በዘላቂነት ለህዝብ ጥቅም፤ ለክልሉና ለሀገር ኢኮኖሚ መዋሉ በመንግስት መረጋገጥ ስላለበት፤	

Sirni hojii oomishaa fi geejjiba albuudaa seera qabeessa ta'e akka jiraatu taasisuu fi daldala seeraan alaa to'achuun naannichi qabeenya kanarraa bu'aa barbaachisaa ta'e akka argatuuf bulchiinsa hojiiwwan albuudaa seeraan deeggaruun barbaachisaa ta'ee waan argameef;

Akkaataa Heera Mootummaa Naannoo Oromiyaa Fooyya'ee Bahe, Lakk. 46/1994 Keewwata 49 (3)(a) tiin kan kanatti aanu labsamee jira.

Kutaa Tokko Tumaalee Waliigalaa

1. Mata Duree Gabaabaa

Labsiin kun "Labsii Bulchiinsa Hojiiwwan Misooma Albuudaa Naannoo Oromiyaa Fooyya'ee Bahe, Lak. 223/2012" jedhamee waamamuu ni danda'a.

2. Hiika

Akkaataan jechichaa hiika biroo kan kennisiisuuf yoo ta'e malee, Labsii kana keessatti:

- 1) "Abbaa Hayyamaa" jechuun nama hayyama hojii albuudaa kamiyyuu akkaataa Labsii kanaatiin argatee hojii albuuda qorannoo, qabatanii turuu yookiin oomishuu irrattii bobba'e jechuudha.
- 2) "Abbaa Taayitaa" jechuun Abbaa Taayitaa Misooma Albuudaa Oromiyaa fi caasaa isaa sadarkaan jiru jechuudha.
- 3) "Adeemsa Oomishaa Albuudni Keessa Darbu" jechuun mala adda addaa fayyadamuun albuudaa baasuu, qotuu, bocuu, gogsuu, gosa gosaan kaa'uu, daakuu, qulqulleessuu, miiccuu, baqsuu, bulleessuu yookiin gara gaazitti jijjiiruu jechuudha.
- 4) "Albuuda Ijaarsaa" jechuun albuuda kallattiinis ta'ee al-kallattiin galtee ijaarsaaf kan tajaajilan kan akka maarbilii, giraanaayitii, dhagaa gurraacha, cirracha, saddeeqaa, biyyoo suphee, garagaantii fi albuuda ijaarsaaf tajaajilan kan biroo jechuudha.

ህጋዊ የማዕድን ማምረትና ማንጓዝ ተግባር ሥርዓት እንዲኖር ማድረግና ሕገወጥ ንግድን በመቆጣጠር ክልሉ ከዚህ ሃብት አስፈላጊውን ጥቅም እንዲያገኝ የማዕድን ሥራዎች አስተዳደርን በህግ መደገፍ አስፈላጊ ሆኖ በመገኘቱ፤

ተሻሽሎ በወጣው የኦሮሚያ ክልል ህገ መንግሥት አዋጅ ቁጥር 46/1994 አንቀጽ 49 (3) (ሀ) መሠረት የሚከተለው ታውጧል፡፡

ክፍል አንድ ጠቅላላ ድንጋጌዎች

1. አጭር ርዕስ

ይህ አዋጅ "ተሻሽሎ የወጣው የኦሮሚያ ክልል የማዕድን ልማት ሥራዎች አስተዳደር አዋጅ ቁጥር 223/2012" ተብሎ ሊጠቀስ ይችላል፡፡

2. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በስተቀር በዚህ አዋጅ ውስጥ፡-

- 1) "ባለፈቃድ" ማለት በዚህ አዋጅ መሰረት ማንኛውንም የማዕድን ሥራ እንዲያከናውን ፈቃድ አግኝቶ የማዕድን ምርመራ፣ ይዞ የመቆየት ወይም የማምረት ሥራ ላይ የተሰማራ ሰው ማለት ነው፡፡
- 2) "ባለሥልጣን" ማለት የኦሮሚያ ማዕድን ልማት ባለሥልጣንና በየደረጃው ያለው መዋቅሩ ማለት ነው፡፡
- 3) "የማዕድን ማምረት የሚያልፍበት ሂደት" ማለት የተለያዩ ስልቶችን በመጠቀም ማዕድን ማውጣት፣ መቆፈር፣ መቅረጽ፣ ማድረቅ፣ በአይነት ማስቀመጥ፣ መፍጨት፣ ማጣራት፣ ማጠብ፣ ማቅለጥ፣ ማድቀቅ ወይም ወደ ጋዝነት መቀየር ማለት ነው፡፡
- 4) "የግንባታ ማዕድን" ማለት በቀጥታም ሆነ በተዘዋዋሪ ለግንባታ ግብዓትነት የሚያገለግል እንደ እምነበረድ፣ ግራናይት፣ ጥቁር ድንጋይ፣ አሸዋ፣ ጠጠር፣ የሸክላ አፈር፣ ገረጋንቲ፣ እና ለግንባታ የሚያገለግሉ ሌሎች ማዕድናት ማለት ነው፡፡

Whereas, it is found necessary to support the administration of mineral works with laws to enable the region get necessary benefit from such resource by ensuring the availability of lawful mineral production and transportation works system and controlling the illegal trade of minerals;

Now, Therefore, in accordance with Article 49 (3) (a) of Oromia Regional State Revised Constitution, Proclamation No. 46/2001, it is hereby proclaimed as follows:

Part One General Provisions

1. Short Title

This proclamation may be cited as "Revised Oromia Mineral Development Operations Administration Proclamation No. 223/2020."

2. Definitions

Unless the context requires otherwise, in this proclamation:

- 1) "Licensee" means a person who obtained any mineral operation license in accordance with this proclamation and engaged in activities of exploration, retention or production of minerals.
- 2) "Authority" means Oromia Mineral Development Authority and its structures at each hierarchy.
- 3) "Production Process of the Mineral Undergoes" means the mining, digging, molding, drying, classifying in types, crushing, cleaning, washing, melting, flouring or changing in to gas of minerals using various methods.
- 4) "Construction Mineral" means minerals, which directly or indirectly used as input for construction purposes such as marble, granite, basalt, sands, clay soil gravel and other minerals used for construction.

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| <p>5) “Albuuda Kabajamoo” jechuun albuuda faayidaan isaa guddina diinagdee biyyaaf shoora ol’aa-naa qabu kan akka pilaatiniyeemii, sookoo fi meetii yookiin dhagaa miidhaaginaa kan akka diyaamandii, ruubii, imeraaldii fi sufayirii ta’ee, albuudaalee biroo mootummaan Dambiin moggaasu ni dabalata.</p> <p>6) “Albuuda Karaa Aadaan Oomishamu” jechuun hojii oomisha albuudaa nama dhuunfaan yookiin waldaa interpiraayizii maayikiroo xixiqaadhaan gurmaa’aniin caalmaatti humna namaa fayyadamuun kan oomishamu jechuudha.</p> <p>7) “Albuuda Oomishuu” jechuun tooftaa hojii kaminiyyuu albuuda lafa irratti yookiin lafa keessatti yookiin qaama bishaanii keessatti kuufamaan argamu yookiin haftee kuufama albuudaa keessaa addaan foo’anii baasuuf hojii hojjatamu ta’ee, hojiiwwan kanaan walqabatee rawwataman kanneen akka albuuda kuusuu, qopheessuu, geejjibsiisuu fi gurguruu ni dabalata.</p> <p>8) “Albuuda Sibiilummaa Qabu” jechuun albuuda kan akka ayiranii, koopparii, ziinkii, meetii, nahaasii, liidii, kiroomaayitii, nikeelii, tantaaliyeemii, maangaanezii fi kan kana fakkaatan jechuudha.</p> <p>9) “Albuuda” jechuun wanta gatii qabu kamiyyuu irra yookiin keessaa lafaatti bifa jajjaboo, dhangala’oo yookiin gaaziitiin uumamaan kuufamee argamu yookiin bishaan keessatti yookiin jalatti adeemsa ji’oolojiitiin uumamuu fi albuuda haala kaminiyyuu qotamee bahe, bishaan ashabaawaa fi haftee albuudaa biyyoo waliin walitti qabame yookiin kuufame albuuda biroo keessatti argamu kan dabalatu ta’ee:</p> | <p>5) “የከበረ ማዕድን” ማለት ለአገር ምጣኔ ሃብት እድገት ከፍተኛ ድርሻ ያለው እንደ ፕላቲኒየም፣ ወርቅ እና ብር ወይም እንደ ዳይመንድ፣ ሩቢ፣ ኢመራልድና ሳፋዩር የመሰሉ የማስዋጊያ ድንጋይ ሆኖ መንግስት በደንብ የሚሰይማቸው ሌሎች ማዕድናትን ይጨምራል።</p> <p>6) “በባህላዊ መንገድ የሚመረት ማዕድን” ማለት በግለሰብ ወይም በማይክሮና ጥቃቅን በተደራጁ ማህበራት በአብዛኛው የሰው ጉልበትን በመጠቀም የሚመረት የማዕድን ማምረት ሥራ ነው።</p> <p>7) “ማዕድን ማምረት” ማለት በማንኛውም ዘዴ በመሬት ላይ ወይም በመሬት ውስጥ ወይም በውሀ አካላት ውስጥ ተጠራቅሞ የሚገኝ ወይም ከተጠራቀመ ማዕድን ተራፊ ውስጥ ለይቶ ለማውጣት የሚሰራ ሥራ ሲሆን ከዚህ ጋር ተያይዞ የሚከናወኑ ሥራዎች እንደ ማዕድን ማጠራቀም፣ ማዘጋጀት፣ ማጓጓዝና መሸጥን ይጨምራል።</p> <p>8) “ብረት ነክ ማዕድን” ማለት እንደ አይረን፣ ኮፐር፣ ዚንክ፣ ብር፣ ነሀስ፣ ሊድ፣ ክሮሚየት፣ ኒኬል፣ ታንታሊየም፣ ማንጋኒዝና የመሳሰሉ ማዕድናት ማለት ነው።</p> <p>9) “ማዕድን” ማለት ማንኛውም ዋጋ ያለው በጠጣር፣ በፈሳሽ ወይም በጋዝ መልክ በተፈጥሮ በመሬት ላይ ወይም ውስጥ ተከማችቶ የሚገኝ ወይም በውሃ ውስጥ ወይም ስር በጂኦሎጂ ሂደት የሚፈጠርና በማንኛውም ሁኔታዎች ተቆፍሮ የወጣ ማዕድን፣ ጨዋማ ውሃ እና ከአፈር ጋር የተያያዘ ተራፊ ማዕድን ወይም በቀሪ የማዕድን ክምችት ውስጥ የሚገኝ ማዕድንን የሚጨምር ሆኖ፡-</p> | <p>5) “Precious Minerals” means minerals that play significant role for the economic development of the country such as platinum, gold and silver or aesthetical stones like diamond, rubs, emeralds; and it also includes other minerals which the government designates as such by regulation.</p> <p>6) “Artisanal Mineral Production” means mineral production activity performed by private person or associations organized in micro and small-scale enterprises mainly by using manpower.</p> <p>7) “Mineral Production” means an activity performed to draw out separating the minerals accumulated on or inside the earth or in the water bodies or from the deposit of mineral remains using whatever method; and include other related activities like depositing, preparing, transporting and selling minerals.</p> <p>8) “Metallic Minerals” means minerals like iron, copper, zinc, silver, bronze, lead, chromite, nickel, tantalum, manganese and other similar minerals.</p> <p>9) “Mineral” means anything having a value which is found naturally deposited on or inside the earth in solid, liquid or gaseous form or created by geological processes in or under water or mineral extracted out from inside the earth in whatever means; including salty water and remains of mineral deposited or accumulated with soil to be found within another mineral; but does not include:</p> |
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| <p>(a) Bishaan oomisha albuudaaf ta-
jaajiluun ala jiruu;</p> <p>(b) Biyyoo lafa irraa fi sheelii dhagaa
qarsaa fi;</p> <p>(c) Peetroliyeemii fi gaazii uum-
mamaa hin dabalatu.</p> <p>10) “Daangaa Naannoo Hayyamaa”
jechuun bakka hayyamni hojii
albuudaa kaartaadhaan daangef-
famee itti kenname jechuudha.</p> <p>11) “Dabarsuu” jechuun mirga
hayyama albuudaa Abbaa Taay-
itaan kenname gurguruu, idaan
qabsiisuu, dhaalchisuu fi haala
biraan nama biroof dabarsuu
jechuudha.</p> <p>12) “Fandii” jechuun maallaqa ab-
baa hayyamaatiin ramadamu
ta’ee, lafa misooma albuudaatiin
miidhame deebisanii misoom-
suuf yookiin hawaasa naanna-
wa hojiiwwan albuudaa jiraatan
fayyaduuf oolu jechuudha.</p> <p>13) “Galmee” jechuun akkaataa
Labsii kanaatiin galmee abbaan
mirgummaa abbaa hayyama al-
buudaa irratti galmaa’u yookiin
ragaan lafa albuudaa kaadaasta-
rii elektiroonkistiin qindaa’ee itti
taa’u jechuudha.</p> <p>14) “Haftaa Kuufama Oomishaa”
jechuun albuuda yeroo walii-
galteen hayyama albuudaa add-
aan citu, haqamu yookiin barri
hayyamaa dhumatutti albuuda
oomishamee walitti kuufamee
jiru jechuudha.</p> <p>15) “Hayyama Oomishaa” jechuun
oomisha albuudaa sadarkaa gud-
daa, sadarkaa xiqqaa, sadarkaa
xiqqaa addaa yookiin albuuda
karaa aadaan oomishuuf hayya-
ma akkaataa Labsii kanaatiin
kennamu jechuudha.</p> <p>16) “Hayyama Qorannoo” jechuun
qorannoo albuudaa gaggeessuuf
hayyama kennamu jechuudha.</p> <p>17) “Hayyama” jechuun hojii al-
buudaa kan akka qorannoo,
qabatanii turuu yookiin oom-
ishuu hojjechuuf hayyama ak-
kaataa Labsii kanaatiin kennamu
jechuudha.</p> | <p>(ሀ) ለማዕድን ማምረት ከሚያገለግል ውጪ
ያለ ውሃ፤</p> <p>(ለ) የመሬት ላይ አፈር እና ሲሻ ድንጋይ
ሼል፤</p> <p>(ሐ) ፔትሮሊየም እና የተፈጥሮ ጋዝን
አይጨምርም፡፡</p> <p>10) “የፈቃድ አካባቢ ወሰን” ማለት በካርታ
ተወስኖ የተሰጠ የማዕድን ሥራ ፈቃድ
ቦታ ማለት ነው፡፡</p> <p>11) “ማስተላለፍ” ማለት በባለሥልጣኑ
የተሰጠን የማዕድን ፈቃድ መብት መሸጥ፣
በዕዳ ማስያዝ፣ ማውረስና በሌላ ሁኔታ
ለሌላ ሰው ማስተላለፍ ማለት ነው፡፡</p> <p>12) “ፈንድ” ማለት በባለፈቃድ የሚመደብ
ገንዘብ ሆኖ በማዕድን ልማት የተጎዳን
መሬት መልሶ ለማልማት ወይም
በማዕድን ሥራው አካባቢ የሚኖረውን
ህብረተሰብ ለመጥቀም የሚውል ማለት
ነው፡፡</p> <p>13) “መዝገብ” ማለት በዚህ አዋጅ መሰረት
የማዕድን ፈቃድ ባለቤት ባለመብትነት
የሚመዘገብበት መዝገብ ወይም የማዕድን
መሬት መረጃ በኤሌክትሮኒክስ ካዳስተር
ተቀናጅቶ የሚቀመጥበት ማለት ነው፡፡</p> <p>14) “የምርት ክምችት ትራፊ” ማለት የማዕድን
ፈቃድ ውል በሚቋረጥበት፣ በሚሰረዝበት
ወይም የፈቃድ ዘመኑ በሚጠናቀቅበት
ጊዜ ተመርቶና ተከማችቶ ያለ ማዕድን
ማለት ነው፡፡</p> <p>15) “የማምረት ፈቃድ” ማለት ከፍተኛ ደረጃ፣
አነስተኛ ደረጃ፣ ልዩ አነስተኛ ደረጃ ወይም
በባህላዊ መንገድ ማዕድን ለማምረት በዚህ
አዋጅ መሰረት የሚሰጥ ፈቃድ ነው፡፡</p> <p>16) “የምርመራ ፈቃድ” ማለት የማዕድን
ምርመራ ለማካሄድ የሚሰጥ ፈቃድ ነው፡፡</p> <p>17) “ፈቃድ” ማለት እንደ የማዕድን ምርመራ፣
ይዞ ማቆየት ወይም የማምረት ሥራዎችን
ለመስራት በዚህ አዋጅ መሰረት የሚሰጥ
ፈቃድ ነው፡፡</p> | <p>(a) water other than the water used
for mineral production;</p> <p>(b) soil on the surface and lime-
stone shell;</p> <p>(c) Petroleum and natural gas.</p> <p>10) “Boundary of License Area”
means an area on which the
mineral operation license is is-
sued being limited in maps.</p> <p>11) “Transfer” means passing the
right of mineral license issued
by the Authority to other per-
son through selling, pledging,
inheritance and other ways.</p> <p>12) “Fund” means the finance allo-
cated by the licensee to be used
for rehabilitating or re-devel-
oping the land damaged due to
mineral development or to sup-
port the community residing
around the mineral works.</p> <p>13) “Book” means a book on which
the ownership right of min-
eral license is registered or on
which evidence of mineral land
is maintained being organized
by electronic cadaster in accor-
dance with this proclamation.</p> <p>14) “Remains of Production De-
posit” means the deposit of
produced minerals by the time
the contract of mineral license
terminated or revoked or li-
cense period is expired.</p> <p>15) “Production License” means a
mineral license issued in accor-
dance with this proclamation to
engage in large scale, small scale,
special small scale or artisanal
method mineral production.</p> <p>16) “Exploration License” means a
license issued for conducting
exploration of minerals.</p> <p>17) “License” means a license is-
sued in accordance with this
proclamation to engage in min-
eral operations like exploration,
retention or production.</p> |
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| <p>18) “Hojii Oomisha Albuuda Sadarkaa Xiqqaa” jechuun hojii oomisha albuudaalee ijaarsaa fi industirii waggaatti oomishamu ta’ee:</p> <p>(a) Albuuda ijaarsaa hanga meetirkuubii 80,000 (kuma saddeettama);</p> <p>(b) Albuuda industirii fi kabajamoo sadarkaa xiqqaa addaa hanga oomisha isaanii Dambii bahuun kan murtaa’u jechuudha.</p> <p>19) “Hojii Oomisha Albuudaa Sadarkaa Guddaa” jechuun hojii oomisha albuudaa ijaarsaa meetirkuubii 80,000 (kuma saddeettamaa) ol waggaatti oomishamu jechuudha.</p> <p>20) “Hojii Oomisha Albuudaa Sadarkaa Xiqqaa Addaa” jechuun dursa hayyama albuuda aadaan oomishaa turanii booda albuuda miidhaginaa yookiin kuufama biyyoo lolaan fuudhee deemu keessatti kan argamu sookoo, meetii, pilaatiniyeemii yookiin albuuda tantaaliyemii oomishaa kan jiranii fi humni maallaqa isaanii meeshaa ammayyaatti fayyadamuu kan isaan dandeesisu waldaan interpirayizii maa-yikiroo fi xixiqqaan gurmaa’uun hojii oomishaa albuudaa hojjatamu jechuudha.</p> <p>21) “Hojiwwan Albuudaa” jechuun hojiwwan albuuda qorachuu, qabatanii turuu yookiin oomishuuf taasifaman kamiyyuu jechuudha.</p> <p>22) “Mootummaa” jechuun Mootummaa Naannoo Oromiyaatii.</p> <p>23) “Nama” jechuun nama uumamaa yookiin qaama seeraan mirgi namummaa kennameef jechuudha.</p> <p>24) “Qabatanii Turuu” jechuun bakka hayyama qorannoo albuuda irratti kenname tokko irratti daangaan yeroo hojii qorannoo albuudaaf kenname xumuramee sadarkaa albuuda oomishuutti ce’uun kan hin danda’amne ta’ee yoo argame mirga hayyama qorannoo sanaa yeroo murtaa’eef qabachuu jechuudha.</p> | <p>18) “አነስተኛ ደረጃ የማዕድን ማምረት ሥራ” ማለት በዓመት የሚመረት የግንባታና ኢንዱስትሪ ማዕድናት ሥራ ሆኖ፡-</p> <p>(ሀ) የግንባታ ማዕድን እስከ 80,000 (ሰማኒያ ሺ) ሜትር ኪዩቢ፤</p> <p>(ለ) ልዩ አነስተኛ ደረጃ የኢንዱስትሪና የተከበሩ ማዕድናት የምርት መጠናቸው በሚወጠው ደንብ የሚወሰን ማለት ነው፡፡</p> <p>19) “ከፍተኛ ደረጃ የማዕድን ማምረት ሥራ” ማለት በዓመት ከ80,000 (ሰማኒያ ሺ) ሜትር ኪዩቢ በላይ የሚመረትበት የግንባታ ማዕድናት ማምረት ሥራ ማለት ነው፡፡</p> <p>20) “ልዩ አነስተኛ የማዕድን ማምረት ሥራ” ማለት ቀድሞ በባህላዊ የማዕድን ማምረት ፈቃድ ሊያመርቱ በቆዩ ከዚያ በጎላ የማስዋቢያ ማዕድን ወይም ጎርፍ ከሚወስደው የአፈር ክምችት ውስጥ የሚገኝ ወርቅ፣ ብር፣ ፕላቲኒየም ወይም ታንታሊየም ማዕድናትን በማምረት ላይ ያሉ እና በዘመናዊ መሳሪያ ለማምረት የሚያስችላቸው የፋይናንስ አቅም ያላቸው በማይክሮና ጥቃቅን ኢንተርፕራይዝ በመደራጀት የሚሰራ የማዕድን ሥራ ማለት ነው፡፡</p> <p>21) “የማዕድን ሥራዎች” ማለት የማዕድን ምርመራ፣ ይዞ ማቆየት ወይም ለማምረት የሚፈጸሙ ማናቸውም ሥራዎች ማለት ነው፡፡</p> <p>22) “መንግስት” ማለት የኦሮሚያ ክልላዊ መንግስት ነው፡፡</p> <p>23) “ሰው” ማለት የተፈጥሮ ሰው ወይም በህግ የሰውነት መብት የተሰጠው አካል ማለት ነው፡፡</p> <p>24) “ይዞ መቆየት” ማለት የማዕድን ምርመራ ሥራ ፈቃድ በተሰጠበት ቦታ ላይ ለማዕድን ምርመራ ሥራ የተሰጠው የጊዜ ገደብ ተጠናቆ ማዕድን ወደ ማምረት ደረጃ መሻገር የማይቻል ሆኖ ከተገኘ የምርመራውን ፈቃድ መብት ለተወሰነ ጊዜ ይዞ መቆየት ማለት ነው፡፡</p> | <p>18) “Small Scale Mineral Operation” means production of construction and industrial minerals produced per annum which means:</p> <p>(a) Construction minerals up to eighty thousand (80,000) cubic-meter;</p> <p>(b) Special small-scale industrial and precious minerals, which their amount of production is determined by the regulation to be issued.</p> <p>19) “Large Scale Mineral Operation” means production of construction minerals of more than eighty thousand (80,000) cubic-meter per annum.</p> <p>20) “Special Small Scale Mineral Operation” means the mineral operation carried out by persons who have been previously producing using artisanal mining license and then after turned to the mining operation of aesthetic minerals or minerals found in the soil deposited by erosion such as gold, silver, platinum or tantalum mineral being organized in micro and small scale enterprises as their financial capacity qualify them for using modern equipment.</p> <p>21) “Mineral Operations” means any operation performed for exploring, retention or producing minerals.</p> <p>22) “Government” means Oromia National Regional Government.</p> <p>23) “Person” means natural or juridical person</p> <p>24) “Retention” means retaining the right of exploration license for a fixed period where it is found impossible to transfer to mineral production after the completion of the time limit provided to mineral exploration activity on an area for which mineral exploration license is issued.</p> |
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| <p>25) “Qorannoo” jechuun albuuda argachuuf mallattoowwan albuudaa naannoo tokko keessatti jiran irratti hundaa’uun, irra lafaa fi keessa lafaa, bishaan keessa, biyyoo albuudni kanaan dura qotamee keessaa bahee fi kan hafe yookiin kuufama biyyoo albuuda of keessaa qabu keessaa tooftaalee suuraan, ji’oolojii, ji’oofiziksii fi ji’oo keemistriitiin fayyadamuunii fi haala naannoo irratti jijjiirama fiduu danda’uun boolla adda addaa qotuu fi kan kana fakkaatanitti gargaaramuun jiraachuu albuudaa, faayidaa diinagdee inni qabu, hanga isaa beekuu fi adda baafachuuf hojii hojjetamu jechuudha.</p> <p>26) “Rooyaalitii” jechuun kaffaltii abbaan hayyamaa albuuda oomishu bakka albuuda oomishetti baasii oomishaa fi baasii biraa osoo hin dabalatiin yeroo yeroon dhibeentaan shallagamee mootummaaf kaffalu jechuudha.</p> <p>27) “Sagantaa Hojii” jechuun sagan-taa hojiiwwan albuudaaf bahu ta’ee, karoora tarreeffama hojii, yeroo hojiiin itti gaggeeffamu, hanga humna namaa barbaachisuu fi kan kana fakkaatan kan qabate jechuudha.</p> <p>28) “To’ataa” jechuun nama hojiiwwan albuudaa to’achuudhaaf Abbaa Taayitichaan yookiin caasaa isaa sadarkaan jiraniin ittigaafatmumaan kennameef jechuudha.</p> <p>29) “Waliigaltee” jechuun waliigaltee Abbaa Taayitichaa fi abbaa hayyamaa gidduutti albuuda qorachuu, qabatanii turuu fi oomishuuf taa-sifamu jechuudha.</p> | <p>25) “ምርመራ” ማለት ማዕድን ለማግኘት በአንድ አካባቢ ውስጥ ባሉ ማዕድናት ላይ በመመስረት በገጽ ምድር ላይ እና በከርሰ ምድር ውስጥ፣ በውሃ ውስጥ፣ ከዚህ በፊት ማዕድን ተቆፍሮ ከወጣበትና ከቀረው አፈር ወይም ማዕድን አዘል ከሆነ የአፈር ክምችት ውስጥ የማዕድን መኖርን በስዕላዊ መግለጫ፣ ጂኦሎጂ፣ ጂኦኢክከስና ጂኦኬሚስትሪ ሥልቶችን በመጠቀምና በአካባቢ ላይ ለውጥ በሚያመጣ ሁኔታ የተለያዩ ጉድጋዶች በመቆራርና የመሳሰሉትን በመጠቀም፣ የማዕድን መኖር ያለውን ኢኮኖሚያዊ ጠቀሜታ፣ መጠኑን ለማወቅና ለመለየት የሚሰራ ሥራ ማለት ነው።</p> <p>26) “ሮያሊቲ” ማለት የማዕድን ማምረት ባለፈቃድ ማዕድን ባመረተበት ቦታ የማምረትና ሌላ ወጪን ሳይጨምር በየጊዜው በመቶኛ ተስልቶ ለመንግስት የሚከፍለው ክፍያ ማለት ነው።</p> <p>27) “የሥራ ፕሮግራም” ማለት ለማዕድን ሥራዎች የሚወጣ ፕሮግራም ሆኖ ዝርዝር የስራ እቅድ፣ ሥራው የሚካሄድበትን ጊዜ፣ የሚያስፈልገው የሰው ሀይል መጠንና የመሳሰሉትን የያዘ ማለት ነው።</p> <p>28) “ተቆጣጣሪ” ማለት የማዕድን ሥራዎችን ለመቆጣጠር በባለሥልጣኑ ወይም በየደረጃው ባሉት መዋቅሩ ሃላፊነት የተሰጠው ሰው ማለት ነው።</p> <p>29) “ውል” ማለት ማዕድን ለመመርመር፣ ይዞ ለመቆየትና ለማምረት በባለሥልጣኑና በባለፈቃዱ መካከል የሚደረግ ውል ማለት ነው።</p> | <p>25) “Exploration” means to undertake any activity done to search for minerals in one place by using different methods on and inside the earth, inside water, excavation of mineral soil before and from the remainig soil or mineral contented soil indicating the existence of minerals in pictorial signs, geology, geophysics and geochemistry, excavating different hollow spot that can change the environment, and the economic benefit of existence of mineral, to know and identify its size.</p> <p>26) “Royalty” means the payment made periodically to the government by mineral operation licensee being calculated in percentage for his production area excluding production and other expenses.</p> <p>27) “Work Schedule” means schedule set for mineral operations, which contains plan of list of activities, time for carrying out such activity, the required manpower and the likes.</p> <p>28) “Inspector” means a person given responsibility by the Authority or its structures at each hierarchy to control the mineral operations.</p> <p>29) “Agreement” means a contractual agreement concluded between the Authority and the licensee for exploration, retention and production of minerals.</p> |
| <p>3. Ibsa Koorniyaa
Labsii kana keessatti koorniyaa dhiiraatiin kan ibsame dubartiis ni dabalata.</p> | <p>3. የፆታ አገላለጽ
በዚህ አዋጅ ውስጥ በወንድ ፆታ የተገለፀው የሴት ፆታንም ይጨምራል።</p> | <p>3. Gender Reference
In this proclamation, any expression in masculine gender shall include the feminine.</p> |
| <p>4. Daangaa Raawwatiinsaa
Labsiin kun hojiiwwan oomisha albuudaa fi albuudaan walqabatani Naannoo Oromiyaa keessatti gaggeeffaman hunda irratti raawwatiinsa ni qabaata.</p> | <p>4. የተፈጻሚነት ወሰን
ይህ አዋጅ የማዕድን ማምረት እና ከማዕድን ጋር በተያያዙ በኦሮሚያ ክልል ውስጥ በሚካሄዱ ሥራዎች ሁሉ ላይ ተፈጻሚነት ይኖረዋል።</p> | <p>4. Scope of Application
This proclamation shall be applicable to all mineral and mineral related production operations undertaken in Oromia Region.</p> |

Kutaa Lama Kaayyoo fi Qajeeltoowwan Bu'uuraa Hojii Misooma Qabeenya Albuudaa	ክፍል ሁለት የማዕድን ሀብት ልማት ሥራ ዓላማና መሰረታዊ መርሆች	Part Two Objective and Basic Principles of Mineral Resources Development Operations
5. Kaayyoo Labsiin kun kaayyoowwan armaan gadii ni qabaata: 1) Aangoo fi ittigaafatamummaa mootummaan qabeenya albuudaa naannichaa bulchuu fi eeguuf Heeraan qabu hojiirra oolchuuf; 2) Misoomni albuudaa guddina diinagdee fi hawaasummaa naannichaa akka saffisiisuu fi carraan hojii bal'inaan akka uumamu gochuuf; 3) Abbootii qabeenyaa naannicha keessatti hojii misooma albuudaa irratti bobba'aniif eegumsa seeraa kennuuf; 4) Qabeenya albuudaa naannichaa haala ittifuufiinsa qabuun misoomsuuf sirna barbaachisu diriirsuuf; fi 5) Qisaasama qabeenya albuudaa keessatti uumamu ittisuu fi seeraan akka misoomu taasisuufidha.	5. ዓላማ ይህ አዋጅ የሚከተሉት ዓላማዎች ይኖረዋል፡- 1) መንግስት በህገ መንግስቱ ያለውን የክልሉን የማዕድን ሀብት የማስተዳደር እና የመጠበቅ ስልጣንና ኃላፊነት ተግባራዊ ለማድረግ፤ 2) የማዕድን ልማት የክልሉን ኢኮኖሚና ማህበራዊ ዕድገት እንዲያፋጥንና የስራ እድል በስፋት እንዲፈጠር ለማድረግ፤ 3) በክልሉ ውስጥ የማዕድን ልማት ሥራ ላይ ለተሰማሩ ባለሀብቶች የህግ ክልል ለመስጠት፤ 4) የክልሉን የማዕድን ሀብት በቀጣይነት ለማልማት የሚያስፈልግ ስርዓትን ለመዘርጋት፤ እና 5) በማዕድን ሀብት ውስጥ የሚፈጠረውን ብክነት ለመከላከልና በህጋዊ መንገድ እንዲለማ ለማድረግ ነው፡፡	5. Objective This proclamation shall have the following objectives: 1) To enforce the constitutional power and responsibility vested in the government to administer and protect the mineral resources of the region; 2) To enable the mineral development speed up the socio-economic development of the region and to ensure the creation of job opportunities widely; 3) To provide legal protection for the investors engaged in mineral development operations in the region; and 4) To establish a system necessary to sustainably develop the mineral resources of the region; 5) To avoid the wastage taking place in the mineral resources and make it to be developed legally.
6. Lafa Hojii Albuudaa Daangees-sanii Qabuu 1) Lafti qabeenya albuudaa qabuu fi naannicha keessatti argamu hojii misooma albuudaaf ni oola. 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma jirutti ta'ee, mootummaan faayidaa ummataatiif barbaachisaadha jedhee yeroo itti amane ummataaf beeksisa baa-suun lafa kamirrattuu hojiin albuudaa akka hin gaggeeffamne dhorkuu ni danda'a.	6. የማዕድን ስራ መሬትን ክልሉ ስለመያዝ 1) በክልሉ ውስጥ የሚገኝና የማዕድን ሀብት ያለው መሬት ለማዕድን ልማት ሥራ ይውላል፡፡ 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ፤ መንግሥት ለህዝብ ጥቅም አስፈላጊ ነው ብሎ ባመነበት ጊዜ ለህዝብ ማስታወቂያ በማውጣት በማንኛውም መሬት ላይ የማዕድን ሥራ አንዳይካሄድ ሊከለክል ይችላል፡፡	6. Enclosing Mineral Operation Land 1) The land having minerals in the region shall be used for the purpose of mineral developments. 2) Without prejudice to the provision under sub article 1 of this article, the government may prohibit conducting mineral operations on any land by announcing it to the public if it believes that it is necessary for the benefit of the public.
7. Iddoowwan Dhorkaman Iddoowwan armaan gadiitti ibsaman irratti hojii misooma albuudaa gaggeessuun dhorkaadha: 1) Iddoo seena qabeessa, aadaa yookiin amantaan itti gaggeeffamuu fi bakka tajaajila hawaasummaa biroo qaama aangoo seeraa qabuun galmaa'e;	7. የተከለከሉ ስፍራዎች ከዚህ በታች በተገለጹት ቦታዎች ላይ የማዕድን ልማት ሥራ ማካሄድ የተከለከለ ነው፡- 1) ታሪካዊ ሥፍራዎች፤ ባህል ወይም እምነት የሚካሄድበት እና በህግ ሥልጣን ባለው አካል የተመዘገበ ሌላ የማህበራዊ አገልግሎት ሥፍራ፤	7. Prohibited Areas It is prohibited to conduct mineral development operations on the following areas: 1) Historical places, cultural or religious places and other social service areas registered as such by the body having lawful power;

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| <p>2) Paarkiiwwanii fi lafa qabeenya bosonaa fi bineensa bosonaaf daangeffame;</p> <p>3) Bu'uuraalee misoomaa irraa faageenya meetira 500 keessatti hayyama hojiiwwan albuudaa kennuu;</p> <p>4) Iddoowwan Dambii Labsii kana raawwachiisuuf bahuun hojii albuudaa gaggeessuun dhorkaada ha jedhamee ibsamanitti.</p> | <p>2) ፓርኮችና ለደን ሀብትና ለዱር አራዊት የተከለሰ መሬት፤</p> <p>3) ከመስረተ ልማቶች በ500 ሜትር ርቀት ውስጥ የማዕድን ሥራዎች ፈቃድ መስጠት፤</p> <p>4) ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ የማዕድን ሥራን ማካሄድ ክልክል ነው ተብለው በሚገለጹ ቦታዎች፡፡</p> | <p>2) Parks and land enclosed for forest resources and for wild animals;</p> <p>3) Issuing mineral operation license within 500 meters distance away from infrastructure developments;</p> <p>4) Areas specified as prohibited for conducting mineral operation by the regulation to be issued for the implementation of this proclamation.</p> |
| <p>8. Hojii Albuudaa Hojjechuuf Hayyamni Barbaachisaa Ta'uu</p> | <p>8. የማዕድን ሥራን ለማከናወን ፈቃድ ስለማስፈለግ</p> | <p>8. Requirement License to Undertake Mineral Operations</p> |
| <p>1) Namni kamiyyuu hayyama albuudaa seera qabeessa ta'e osoo hin qabaatiin hojii misooma albuudaa kanneen akka albuuda qorachuu, oomishuu, gurguruu, qabatanii argamuu fi geejjibuu hojjechuu hin danda'u.</p> | <p>1) ማንኛውም ሰው ህጋዊ የሆነ የማዕድን ፈቃድ ሳይኖረው የማዕድን ልማት ሥራዎችን እንደ ማዕድን መመርመር፣ ማምረት፣ መሸጥ፣ ይዞ መቆየትና ማጓጓዝን መስራት አይችልም፡፡</p> | <p>1) No person shall undertake mineral development operations like mineral exploration, production, selling, retention and transportation without having lawful mineral license.</p> |
| <p>2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame jiraatullee, namni seeraan abbaa qabiyyee lafaa ta'e albuudaalee ijaarsaa lafa qabiyyee isaa jala jiru irratti hayyama osoo hin barbaachisin kaayyoo daldalaatiif kan hin oolle oomishee dhuunfaan fayyadamuu ni danda'a.</p> | <p>2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው ቢኖርም፣ ሕጋዊ የመሬት ባለይዞታ የሆነ ሰው የኮንስትራክሽን ማዕድናትን በይዞታው ስር ከሚገኝ መሬት ላይ ፍቃድ ሳያስፈልገው ለንግድ ላልሆነ ዓላማ አምርቶ በግሉ መጠቀም ይችላል፡፡</p> | <p>2) Notwithstanding to the provision under sub article 1 of this article, any person who is a legitimate holder of a land may produce and use for his private consumption the construction minerals not used for business objectives on the land under his possession without the need to have license.</p> |
| <p>3) Qaamni bu'uuraalee misoomaa hojjetu yookiin pirojektii mootummaan gaggeeffaman baajan ni hin ramadamne yookiin gatiin albuudaa waliigaltee ijaarsaa keessatti hin hammatamne yoo ta'e, Abbaa Taayitichaa dursanii hayyamsiisuun albuudaalee ijaarsaa kaffaltii malee oomishee ittifayyadamuu ni danda'u.</p> | <p>3) የመሠረተ ልማት አውታሮችን የሚሰራ አካል ወይም በጀት ያልተመደበላቸው በመንግስት የሚካሄዱ ፕሮጀክቶች ወይም በግንባታ ውል ውስጥ የማዕድኑ ዋጋ ያልተካተተ ከሆነ ባለሥልጣኑን አስቀድሞ በማስፈቀድ የኮንስትራክሽን ማዕድናትን ያለ ክፍያ አምርቶ መጠቀም ይችላል፡፡</p> | <p>3) The body constructing infrastructures or projects conducted by the government for which budget is not allocated or if the price of the mineral is not incorporated in the construction contract, may produce and use the construction minerals without payment by acquiring the prior authorization of the Authority.</p> |
| <p>4) Keewwata kana Keewwata Xiqqaa 3 jalatti kan tumame akkuma eegametti ta'ee, albuudni oomishamee hojiirraa hafe mootummaaf galii ta'uu qaba. Hangi haftee fi haalli galii itti ta'u Dambii bahuun kan murtaa'u ta'a.</p> | <p>4) በዚህ አንቀጽ ንዑስ አንቀጽ 3 ስር የተደነገገው እንደተጠበቀ ሆኖ፣ ከሥራው የሚቀረው የተመረተው ማዕድን ለመንግስት ገቢ መደረግ አለበት፡፡ የቀረው መጠንና ገቢ የሚሆንበት ሁኔታ በሚወጣው ደንብ የሚወሰን ይሆናል፡፡</p> | <p>4) Without prejudice to the provision under sub article 3 of this article, the remain of the produced mineral from work shall be deposited to the government. The amount remains and as to how it is deposited shall be determined by the regulation to be issued.</p> |

9. Waldaa Interipiraayizii Maayikiroo fi Xixiqqaatiif Dursi Kan Kennamu Ta'uu

Nama waldaa interipiraayizii maayikiroo fi xixiqqaan gurmaa'ee hojii albuudaa karaa aadaan oomishamu irratti bobba'uu barbaaduuf dursi ni kennama. Tarreeffamni isaa Dambii bahuun kan murtaa'u ta'a.

10. Hojiiwwan Albuudaa Mootummaan Gaggeeffaman

Mootummaan hojiiwwan albuudaa guddina diinagdee waliigalaaf murteessaa ta'an, ofiin yookiin abbootii qabeenyaa dhuunfaa waliin waldaa aksiyoona hundeessuun qindoominaan hojjechuu ni danda'a. Akkaataan raawwi isaa Dambii bahuun kan murtaa'u ta'a.

11. Hayyama Argachuuf Gahaa Ta'uu

- 1) Namni hayyama hojiiwwan albuudaa argachuuf barbaadu kamiyyuu ulaagaalee armaan gadii guutuu qaba:
- (a) Akkaataa seera daldalaatiin nama daldala gaggeessuu danda'u;
- (b) Ragaa qorannoo sakatta'iinsa dhiibbaa naannoo fi hawaasaa qaama aangoon seeraan kennameef irraa dhiyeessuu;
- (c) Dandeettii maallaqaa, teekinikaa fi ogummaa hojichaaf barbaachisu qabaachuu;
- (d) Nama kisaaraa keessa hin jirre yookiin liqeessitoota waliin bu'uur waliigaltee liqaa keessa galeen kaffalee kan xumure yoo ta'e;
- (e) Waldaa daldalaa diigamuu irra hin jirree; fi
- (f) Ragaa sobaa yookiin gocha dogoggorsuutiin hayyamni kan jalaa hin haqamne.
- 2) Ulaagaan Keewwata kan Keewwata Xiqqaa 1 (a - e) jalatti tumame waldaa interpirayizii maayikiroo fi xixiqqaan gurmaa'ee irratti raawwatiinsa hin qabaatu.

9. ለጥቃቅንና አነስተኛ ማህበራት ቅድሚያ የሚሰጥ ስለመሆኑ

በጥቃቅንና አነስተኛ ማህበራት ተደራጅቶ በባህላዊ መንገድ በሚመረት የማዕድን ሥራ ላይ ለመሰማራት ለሚፈልግ ሰው ቅድሚያ ይሰጣል። ዝርዝሩ በሚወጣው ደንብ የሚወሰን ይሆናል።

10. በመንግስት የሚካሄዱ የማዕድን ሥራዎች

መንግስት ለጠቅላላ የኢኮኖሚ ዕድገት ወሳኝ የሆኑ የማዕድን ሥራዎችን፣ በራሱ ወይም ከግል ባለሀብቶች ጋር የአክሲዮን ማህበር በመመስረት በቅንጅት ሊሰራ ይችላል። አፈጻጸሙ በሚወጣው ደንብ የሚወሰን ይሆናል።

11. ፈቃድ ለማግኘት ብቁ ስለመሆን

- 1) የማዕድን ሥራዎች ፈቃድ ለማግኘት የሚፈልግ ማንኛውም ሰው የሚከተሉትን መስፈርቶች ማሟላት አለበት፡-
 - (ሀ) በንግድ ሕግ መሰረት የንግድ ሥራን ለማከናወን የሚችል ሰው፤
 - (ለ) በህግ ሥልጣን ከተሰጠው አካል የተሰጠ የአካባቢና የህብረተሰብ ተፅዕኖ ጥናት ማስረጃ ማቅረብ፤
 - (ሐ) ለስራው የሚያስፈልገውን የገንዘብ፣ የቴክኒክና የሙያ ችሎታ መኖር፤
 - (መ) ኪሳራ ውስጥ የሌለ ወይም ከአበዳሪዎች ጋር በገባው የብድር ውል መሰረት ከፍሎ የጨረሰ ሰው ከሆነ፤
 - (ሠ) በመፍረስ ላይ የሌለ የንግድ ድርጅት፤ እና
 - (ረ) በሀስተኛ ማስረጃ ወይም በማታለል ተግባር ፈቃዱ ያልተሰረዘበት።
- 2) በዚህ አንቀጽ ንዑስ ቁጥር 1(ሀ-ሠ) ሥር የተደነገገው መስፈርት በጥቃቅንና አነስተኛ ማህበራት በተደራጁ ላይ ተፈጻሚነት አይኖረውም።

9. Priority Given to Micro and Small Scale Enterprise Association

Priority shall be given to a person who wishes to be organized in micro and small scale enterprise and engage in artisanal mineral operation. Its particulars shall be determined by the regulation to be issued.

10. Mineral Operations Undertaken by the Government

The government may engage in mineral operations that are crucial for the overall economic development by itself or in collaboration with private investors through forming shares associations. Its implementation particulars shall be determined by the regulation to be issued.

11. Eligibility For License

- 1) Any person who wants to acquire mineral license shall fulfill the following criteria:
 - (a) person who can perform trade activity in accordance with the commercial law;
 - (b) submit evidence of environmental and social impact assessment from legally authorized body;
 - (c) have the financial, technical and professional capacities required for the operation;
 - (d) person not in bankruptcy or who has completed paying his debts for creditors as per the contract;
 - (e) trade association or organization not on dissolution; and
 - (f) whose license is not revoked due to false evidences or deceitful acts.
- 2) The criteria provided under sub article 1(a-e) of this article shall not be applicable to persons organized in micro and small scale enterprises.

3) Keewwata kan Keewwata Xiqqaa 1 (f) jalatti kan tuma-me ilaalchisee, namni hayyamni isaa sababa ragaa sobaa yookiin gocha dogoggorsuutiin jalaa haqame, yeroo hayyamni isaa itti haqamee eegalee hanga waggaa 5 (shanii) tti hayyama biraa argachuu hin danda'u.

12. Iyyannoo Hayyamaa

- 1) Namni hayyama albuudaa argachuuf yookiin haaromsuuf yookiin dabarsuuf barbaadu kamiyyuu iyyannoo isaa unka Abbaan Taayitichaa qopheesse irratti guutuun Abbaa Taayitichaa dhiyeessuu qaba. Tarreefamni isaa Dambii bahuun kan murtaa'u ta'a.
- 2) Abbaan Taayitichaa iyyannoo dhiyaate ilaalee ulaagaalee barbaachisoo Labsii kana keessatti tumaman guutuu isaa yoo mirkaneesse galmeessee iyyataaf hayyamicha ni kenna.

13. Tartiiba Iyyannoo Hayyamni Hojii Albuudaa Ittiin Keessummaa'u

Abbaan Taayitichaa hayyama albuudaa yeroo kennu, waldaa interpiraayzii maayikiroo fi xixiqqaa jajjabeessuuf yookiin albuudni guddina diinagdeef ooluu ni danda'a jedhee haala biroon yoo murteesse malee, tartiibni iyyannoon itti keessummaa'u akkaataa Dambii bahu keessatti murtaa'uun ta'a.

14. Qaama Dhimmi Ilallatu Beeksisuu

- 1) Abbaan Taayitichaa akkaataa Labsii kanaatiin iyyannoo dhiyaate erga galmeessee booda, bakka gaaffiin irratti dhiyaate daangaa, bal'inaa fi teessoo itti argamu tuquun xalayaan yookiin sabqunnamtii miidiyaa naannichaa fayyadamuun qaamni sadaffaan akka beeku ni taasisa.

3) በዚህ አንቀጽ ንዑስ አንቀጽ 1(ፈ) ሥር የተደነገገውን በተመለከተ፣ ፈቃዱ በሃሰተኛ ማስረጃ ወይም በማታለል ተግባር ምክንያት የተሰረዘበት ሰው፣ ፈቃዱ ከተሰረዘበት ጊዜ ጀምሮ እስከ 5 (አምስት) አመት ሌላ ፈቃድ ማግኘት አይችልም፡፡

12. ስለፈቃድ ማመልከቻ

- 1) የማዕድን ፈቃድ ለማግኘት፣ ለማደስ ወይም ለማስተላለፍ የሚፈልግ ማንኛውም ሰው ማመልከቻውን ባለሥልጣኑ በሚያዘጋጀው ቅፅ ላይ በመሙላት ለባለሥልጣኑ ማቅረብ አለበት፡፡ ዝርዝሩ በሚወጣው ደንብ የሚወሰን ይሆናል፡፡
- 2) ባለሥልጣኑ የቀረበውን ማመልከቻ በማጤን በዚህ አዋጅ ሥር የተደነገጉትን አስፈላጊ መስፈርቶች መሟላታቸው ካረጋገጠ መዝገብ ለአመልካቹ ፍቃዱን ይሰጣል፡፡

13. የማዕድን ሥራ ፍቃድ ማመልከቻ ስለሚሰተናገዱበት ቅደም ተከተል

ባለሥልጣኑ የማዕድን ፍቃድ በሚሰጥበት ጊዜ ጥቃቅንና አነስተኛ ማህበርን ለማበረታት ወይም ማዕድኑ ለኢኮኖሚያዊ ዕድገት መዋል ይችላል ብሎ በሌላ አኳኒን ካልወሰነ በቀር፣ ማመልከቻዎች የሚሰተናገዱበት ቅደም ተከተል በሚወጣው ደንብ የሚወሰን ይሆናል፡፡

14. ለሚመለከተው አካል ስለማሳወቅ

- 1) ባለሥልጣኑ በዚህ አዋጅ መሰረት የቀረቡትን ማመልከቻ ከመዘገበ በኋላ፣ ጥያቄው የቀረበበትን ቦታ ወሰን፣ ስፋት እና የሚገኝበትን አድራሻ በመጥቀስ በደብዳቤ ወይም የክልሉን የመገናኛ ብዙሃን በመጠቀም ሶስተኛ ወገን እንዲያውቀው ያደርጋል፡፡

3) Regarding the provision under sub article 1(f) of this article, a person whose license is cancelled due to false evidences or deceitful acts shall not acquire another evidence for 5 (five) years from the time of its cancellation.

12. Application for License

- 1) Any person wishing to obtain, renew, or transfer mineral license shall fill and submit to the Authority his application on the format prepared by the Authority. Its particulars shall be determined by the regulation to be issued.
- 2) The Authority shall examine the application submitted to it and issue the license for the applicant up on ensuring that it fulfill the necessary criteria provided in this proclamation.

13. Order of Receiving Application for Mineral License

When the Authority issues mineral license, unless it is to encourage the micro and small-scale enterprises or determines otherwise believing that the mineral can be used for economic development, the steps for receiving the application for mineral license shall be as determined in the regulation to be issued.

14. Notifying the Concerned Body

- 1) The Authority shall, after registering the application submitted in accordance with this proclamation, notify to the third party through letter or using media communications of the region by stating the area which the request is submitted, its boarder, size and its place of location.

- 2) Qaamni kennamuu hayyamaa irratti mormii qabu kamiyyuu guyyaa beeksisni akkaataa Keewwata kana Keewwata Xiqqaa 1 tiin beeksifamee eegalee guyyaa hojii 7 (torba) keessatti sababa isaa waliin mormii isaa Abbaa Taayitichaaf dhiyesuu ni danda'a.
- 3) Abbaan Taayitichaa mormii ka'e irratti qaamolee dhimmii ilaallatu waamuun akka waliigalteen hiikan ni taasisa.
- 4) Akkaataa Keewwata kana Keewwata Xiqqaa 3 jalatti tumaameen gareen lamaan mormii ka'e waliigalteedhaan hiikuu yoo hin dandeenye, Abbaan Taayitichaa falmii bitaa fi mirgaa dhagahuun guyyaa 7 (torba) keessatti mormii ka'e fudhachuu yookiin kufaa gochuun murteessuu qaba.

15. Ragaalee Hayyama Hojiiwwan Albuudaa Galmeessuu

- 1) Abbaan Taayitichaa galmee hayyamaa, iyyannoo, komii dhiyaatee fi ragaa mirgi hayyama albuudaa ittiin dabarfame, dhorkame, kenname, haqamee fi dhaalame ilaalchisee galmee haadhoo hojii albuudaa ni hundeesa; ni galmeessa; ni qabata. Tarreefamni isaa Dambii bahuun kan murtaa'u ta'a.
- 2) Abbaan hayyamaa kamiyyuu sanadoota mirgaa Keewwata kana Keewwata Xiqqaa 1 jalatti tumaman, guyyaa uumaman irraa eegalee guyyaa walitti aanan 90 (sagalatama) keessatti Abbaa Taayitichaatti dhiyessee kan hin galmeessifne yoo ta'e fudhatama hin qaban.

- 2) ፈቃድ በመስጠቱ ላይ ተቃውሞ ያለው ማንኛውም አካል ማስታወቂያው በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት እንዲታወቅ ከተደረገበት ቀን ጀምሮ በ7 (ሰባት) የስራ ቀን ውስጥ ተቃውሞውን ከነምክንያቱ ጋር ለባለሥልጣኑ ማቅረብ ይችላል።
- 3) ባለሥልጣኑ በተነሳው ተቃውሞ ላይ የሚመለከታቸውን አካላት በመጥራት በስምምነት እንዲፈቱ ያደርጋል።
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ 3 ሥር በተደነገገው መሰረት የተነሳውን ተቃውሞ ሁለቱ ወገኖች በስምምነት መፍታት ካልቻሉ፣ ባለሥልጣኑ የግራ ቀኙን ክርክር በመስማት በ7 (ሰባት) ቀን ውስጥ የቀረበውን ተቃውሞ በመቀበል ወይም ውድቅ በማድረግ መወሰን አለበት።

15. የማዕድን ሥራዎች ፈቃድ ማስረጃዎችን መመዝገብ

- 1) ባለሥልጣኑ የፍቃድ፣ ማመልከቻ፣ የቀረበ ቅሬታ መዝገብ እና የማዕድን ፍቃድ መብት የተላለፈበትን፣ የተከለከለበትን፣ የተሰጠበትን፣ የተሰረዘበት እና የተወረሰበትን ማስረጃ አስመልክቶ የማዕድን ሥራዎች ዋና መዝገብን ያቋቁማል፣ ይመዝገባል፣ ይይዛል፡፡ ዝርዝሩ በሚወጣው ደንብ የሚወሰን ይሆናል።
- 2) ማንኛውም ባለፈቃድ በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገጉትን የመብት ሰነዶች፣ ከተፈጠሩበት ቀን ጀምሮ በ90 (ዘጠና) ተከታታይ ቀናት ውስጥ ለባለሥልጣኑ ቀርበው ካልተመዘገቡ ተቀባይነት የላቸውም።

- 2) Anybody having an objection on the issuance of such license may submit its objection with its reason to the Authority within seven days from the date of announcement of the notice in accordance with sub article 1 of this article.
- 3) The Authority may summon the concerned bodies regarding the objection arise and make them settle such issue in agreement.
- 4) Where the two parties unable to settle the objection arise in agreement pursuant to sub article 3 of this article, the Authority shall hear the two parties and decide by accepting or rejecting the objection within seven (7) days.

15. Registering Evidences of Mineral Operations License

- 1) The Authority shall establish major record of mineral operation, register and maintain regarding the records of license, application, objection submitted and evidence by which the right of mineral license is transferred, suspended, provided, cancelled and inherited. Its particulars shall be determined by the regulation to be issued.
- 2) If any licensee is unable to present the documents of rights provided under sub article 1 of this article and register to the Authority within 90 (Ninety) consecutive days from the date they have been warranted, they shall not be acceptable.

Kutaa Sadii**Hayyama Albuudaa fi Waraqaa Ragaa
Kutaa Xiqqaa Tokko
Hayyama Albuudaa****16. Gosoota Hayyamaa**

Hayyamni hojiiwwan albuudaaf kennamu kanneen armaan gadiiti:

- 1) Hayyama qorannoo albuudaa;
- 2) Hayyama qabatanii turuu; fi
- 3) Hayyama oomisha hojii albuudaa.

17. Hayyama Albuudaa Kennuu

- 1) Hayyamni albuudaa sadarkaa Mootummaa Federaalawa Dimokiraatawa Rippaabliika Itiyoophiyaatiin bu'uura seera rogummaa qabuun kennamu akkuma eeggameetti ta'ee, hayyamni albuudaa naannicha keessatti kan kennamu, haaromfamu, haqamu yookiin addaan kutamu Abbaa Taayitichaatiin ta'a.
- 2) Abbaa Taayitichaatiin alatti qamni kamiyyuu hayyama albuudaa kennuu, haaromsuu, haquu yookiin addaan kutuun dhorkaadha.

18. Hayyama Qorannoo Albuudaa

- 1) Hayyamni qorannoo albuudaa abbaa hayyamaaf kennamu albuudaalee hayyamicha irratti ibsaman bakka hayyama keessaa qorachuuf mirga qofa-ta'eesa ta'e ni argachiisa.
- 2) Abbaan Taayitichaa hayyama qorannoo iyyataaf kennuu kan danda'u:
 - (a) Iyyataan dandeettii maallaqaa fi ogummaa hojii qorannoo albuudaaf barbaachisu akkaataa sagantaa hojii karoofateen gaggeessuuf dandeessisu qabaachuu isaa yoo agarsiise;
 - (b) Baasiin qorannoof ramadu yoo xiqqaate baasii ka'umsaa sagan-taa hojii qorannoo irratti ibsame bu'uura kan godhate yoo ta'ee; fi
 - (c) Sakatta'insi dhiibbaa naannoo mirkana'ee yoo jiraatedha.

ክፍል ሦስት**የማዕድን ፈቃድና የምስክር ወረቀት****ንዑስ ክፍል አንድ****የማዕድን ፈቃድ****16. የፈቃድ ዓይነቶች**

ለማዕድን ሥራዎች የሚሰጠው ፈቃዶች የሚከተሉት ናቸው፡-

- 1) የማዕድን ምርመራ ፈቃድ፤
- 2) ይዞ የመቆየት ፈቃድ እና፤
- 3) የማዕድን ማምረት ሥራ ፈቃድ፡፡

17. የማዕድን ፈቃድ መስጠት

- 1) በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ መንግስት ደረጃ አግባብ ባለው ሕግ መሰረት የሚሰጠው የማዕድን ፈቃድ እንደተጠበቀ ሆኖ፣ በክልሉ ውስጥ የማዕድን ፈቃድ የሚሰጠው፣ የሚታደሰው፣ የሚሰረዘው ወይም የሚቋረጠው በባለሥልጣኑ ይሆናል፡፡
- 2) ከባለሥልጣኑ ውጪ በማንኛውም አካል የማዕድን ፈቃድ መስጠት፣ ማደስ፣ መሰረዝ ወይም ማቋረጥ ክልክል ነው፡፡

18. የማዕድን ምርመራ ፈቃድ

- 1) ለባለፈቃዱ የሚሰጠው የማዕድን የምርመራ ፈቃድ በፈቃዱ ላይ የተመለከቱትን ማዕድናት በፈቃዱ ክልል ውስጥ ለመመርመር የሚያስችል ብቸኛ የሆነ መብት ያስገኛል፡፡
- 2) ባለሥልጣኑ የምርመራ ፈቃድ ለአመልካች መስጠት የሚችለው፡-
 - (ሀ) አመልካቹ የገንዘብ እና የማዕድን ምርመራ ሥራ ባቀረበው የሥራ እቅድ መሰረት ለማከናወን የሚያስችል ሙያ እና አቅም እንዳለው ካሳየ፤
 - (ለ) ለምርመራ የሚመደበው ወጪ ቢያንስ በምርመራ ሥራ መርሃ ግብሩ ላይ የተጠቀሰውን መነሻ ወጪ መሰረት ያደረገ ከሆነ፤ እና
 - (ሐ) የተረጋገጠ የአካባቢ ተጽዕኖ ግምገማ ካለ ነው፡፡

Part Three**Mineral License and Certificate****Sub Part One****Mineral License****16. Types of License**

The licenses to be issued for mineral operations shall be the following:-

- 1) Mineral Exploration license;
- 2) Retention license;
- 3) Mineral production license;

17. Issuing Mineral License

- 1) Without prejudice to the mineral license issued at federal level in accordance with appropriate laws, the mineral license shall be issued, renewed, cancelled or terminated in the region only by the Authority.
- 2) It is prohibited to issue, renew, cancel or terminate mineral license by anybody except the Authority.

18. Mineral Exploration License

- 1) The exploration license issued for the licensee shall qualify him acquire the exclusive right owner to explore the minerals specified on the license at the license area.
- 2) The Authority shall issue exploration license for the applicant where:
 - (a) the applicant shows that he has financial capacity and the profession required for mineral exploration that enables him undertake in accordance with the schedule he has planned;
 - (b) the expenditure he allocates is on the basis of at least the threshold expense expressed on the survey activity schedule; and
 - (c) Where there exist an approved environmental impact assessment.

3) Abbaan Taayitichaa hayyamni qorannoo akka hin kennamne yeroo dhoorku murtii isaa barreeffamaan sababa waliin ibsuun iyyataaf beeksisuu qaba.

19. Bara Hayyamaa fi Haaromsa Hayyama Qorannoo

- 1) Hayyamni qorannoo hanga yeroo waliigalticha keessatti ibsameetti fudhatama kan qabu ta'ee, haala kamiinuu turtiin hayyamichaa waggaa 3 (sadii) caaluu hin danda'u.
- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma jirutti ta'ee, hayyamni qorannoo yeroo lamaaf turtii waggaa 1, 1 (tokko tokkoo) haaromfamuu ni danda'a.

20. Mirgaa fi Dirqama Abbaa Hayyama Qorannoo

- 1) Abbaan hayyama qorannoo mirgoota armaan gadii ni qabaata:
 - (a) Hayyamni qabatanii turuu albuudaa akka kennamuuf iyyachuu fi argachuu;
 - (b) Ulaagaa hayyama oomishaa argachuu yoo guute hayyamni oomisha albuudaa akka kennamuuf iyyachuu fi argachuu;
 - (c) Hayyama barreeffamaa Abbaa Taayitichaa irraa dursa yoo argate saamuda albuudaa laabooraatooriin qorachiisuuf jecha hamma hayyamameef qofa fudhatee geejjibsisuun qorachiisuu ni danda'a. Albuudni saamudaaf fudhatame qabeenyummaan isaa kan mootummaa ta'ee erga qorannoon xumuramee booda Abbaa Taayitichaaf deebi'uu qaba.
- 2) Abbaan hayyamaa qorannoo albuudaa dirqama armaan gadii ni qabaata:
 - (a) Hojii qorannoo albuudaa guyyaa hayyama fudhate irraa eegalee guyyaa walitti aanan 60 (jahaatama) keessatti calqabuu;
 - (b) Tumaalee fi haal-dureewwan hayyamichaa kabajuu; fi
 - (c) Saamuda albuudaa qorannoof fudhatee geejjibsiise qorachiisuu fi deebisuu.

3) ባለሥልጣኑ የምርመራ ፈቃድ እንዳይሰጥ ሲከለክል ውሳኔውን በጽሁፍ ምክንያቱን በመግለጽ ለአመልካቹ ማሳወቅ አለበት፡፡

19. ስለምርመራ ፈቃድ ዘመንና ዕድሳት

- 1) የምርመራ ፈቃድ በስምምነቱ ውስጥ ለተጠቀሰው ጊዜ ተቀባይነት ያለው ሆኖ፣ በማንኛውም ሁኔታ የፈቃዱ ቆይታ ከ3 (ሶስት) አመት መብለጥ አይችልም፡፡
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ፣ የምርመራው ፈቃድ ለሁለት ጊዜ እያንዳንዱ ለአንድ አንድ ዓመት ቆይታ ሊታደስ ይችላል፡፡

20. የምርመራ ባለፈቃድ መብትና ግዴታዎች

- 1) የምርመራ ባለፈቃድ የሚከተሉት መብቶች ይኖረዋል፡-
 - (ሀ) ማዕድን ይዞ የመቆየት ፈቃድ እንዲሰጠው ማመልከት እና ማግኘት፤
 - (ለ) የማምረት ፈቃድ የማግኘት መስፈርቶችን ካሟላ የማዕድን ማምረት ፈቃድ እንዲሰጠው ማመልከት እና ማግኘት፤
 - (ሐ) ከባለሥልጣኑ በቅድሚያ የጽሁፍ ፈቃድ ካገኘ የማዕድኑን ናሙና በላቦራቶሪ ለማስመርመር ሲባል የተፈቀደለትን መጠን ብቻ ወስዶ በማንጓዝ ማስመርመር ይችላል፡፡ ለናሙና የተወሰደው ማዕድን ባለቤትነቱ የመንግሥት ሆኖ ምርመራው ከተጠናቀቀ በኋላ ለባለሥልጣኑ መመለስ አለበት፡፡
- 2) የማዕድን ምርመራ ባለፈቃድ የሚከተሉት ግዴታዎች ይኖረዋል፡-
 - (ሀ) ፈቃዱን ከወሰደበት ቀን ጀምሮ በ60 ተከታታይ ቀናት ውስጥ የማዕድን ምርመራ ሥራውን የመጀመር፤
 - (ለ) የፈቃዱን ድንጋጌዎችና ቅድመ-ሁኔታዎችን ማክበር፤
 - (ሐ) ለምርመራ የወሰዳቸውን የማዕድን ናሙናዎች በማንጓዝ ማስመርመርና መመለስ፡፡

3) Where the Authority refuses to grant an exploration license, it shall notify, in writing, the applicant of the decision and the reasons thereof.

19. Duration Of Exploration License And Renewal

- 1) An exploration license shall be valid for the period specified in the contract; and its duration shall not in any way exceed three (3) years.
- 2) Without prejudice to sub article 1 of this article, exploration may be renewed for two times for duration of oneyear each.

20. Rights and Obligations of Exploration License Holder

- 1) The exploration license holder shall have the following rights:
 - (a) To apply for and acquire the mineral retention license;
 - (b) Where he fulfils the criteria to acquire mineral production license, to apply for and acquire such license;
 - (c) Where he has acquire written license from the Authority before, he may take and transport only the amount of mineral permitted to him for sample testing in laboratory and cause same to be tested. The mineral taken for sample testing shall remain under the ownership of the government and shall be returned to the Authority after the testing is completed.
- 2) The mineral exploration licensee shall have the following obligations:
 - (a) To commence mineral exploration activity within sixty (60) days from the date he acquired the license;
 - (b) To respect the provisions and preconditions of the license; and
 - (c) To transport and cause to be tested then return the sample mineral he has taken for testing purpose.

21. Hayyama Qabatanii Turuu Kennuu

- 1) Abbaan Taayitichaa hayyama qabatanii turuu mirga qofa-ta'eesa gonfachiisu iyyataadhaaf kennuu kan danda'u:
- (a) Iyyataan daangaa hayyama qorannoo albuudaa isaaf kenname keesatti kuufamni albuuda faayidaa diinagdummaa qabu argamuu isaa yoo ibsee; fi
- (b) Kuufamni albuudaa argame sababoota haala gabaa irra ka'een, dhiibbawwan diinagdee biroo abbaa hayyamichaa qunnamaniin yookiin teeknooloojiin oomishaaf barbaachisu jiraachuu dhabuu isaatiin yeroof sadarkaa albuudicha oomishuutti ce'uun kan hin danda'amne ta'ee yoo argameedha.
- 2) Abbaan Taayitichaa hayyamni qabatanii turuu akka hin kennamne dhorkuu kan danda'u wantoonni armaan gadii yoo jiraataniidha:
 - (a) Teeknooloojiin oomishaaf barbaachisu jiraachuun isaa fi albuuda kuufamee haala bu'aa qabeessa ta'en oomishuun kan danda'amu ta'uun isaa yoo hubatame;
 - (b) Dorgommii daldala haqa qabeessa daangeessuu yoo danda'e; yookiin
 - (c) Qabeenyi albuudichaa to'annoo harka iyyataa jalatti akka sassaabamu yoo ta'e.
- 3) Abbaan Taayitichaa hayyamani qabatanii turuu akka hin kennamne yammuu dhorku murtii isaa sababa itti dhorke waliin ibsuun barreeffamaan iyyataadhaaf beeksisuu qaba.

22. Bara Hayyamaa fi Haaroomsa Hayyama Qabatanii Turuu

- 1) Hayyamni qabatanii turuu hanga yeroo waliigalticha irratti ibsameetti fudhatama kan qabaatu ta'ee, haala kamiinuun yoo ta'e turtiin yeroo hayyama kanaa waggaa 3 (sadii) caaluu hin danda'u.
- 2) Hayyamni qabatanii turuu ulaagaan Labsii kana Keewwata 21 (1) jalatti ibsaman jiraachuun yoo itti fufe yeroo tokkof yeroo waggaa 2 (lama) hin caalleef haaromfamuu ni danda'a.

21. ይዞ የመቆየት ፈቃድ መስጠት

- 1) ባለሥልጣኑ ለአመልካቹ የብቸኛ መብት የሚያገናኝ ይዞ የመቆየት ፈቃድ መስጠት የሚችለው፡-
 - (ሀ) አመልካቹ በተሰጠው የማዕድን ምርመራ ፈቃድ ክልል ውስጥ ኢኮኖሚያዊ ጠቀሜታ ያለው የማዕድን ክምችት መገኘቱን ካሳየ፤ እና
 - (ለ) የተገኘው የማዕድን ክምችት ከገበያ ሁኔታ ጋር በተያያዘ ምክንያት ባለ ፈቃዱን የገጠመው ሌሎች ኢኮኖሚያዊ ጫናዎች ወይም ለማምረት የሚያስፈልገው ቴክኖሎጂ ባለመኖሩ ምክንያት ለጊዜው ማዕድኑን ወደ ማምረት ደረጃ መሸጋገር የማይችል ሆኖ ከተገኘ፡፡
- 2) ባለሥልጣኑ ይዞ የመቆየት ፈቃድ እንዳይሰጥ መከላከል የሚችለው የሚከተሉት ሁኔታዎች ካሉ ነው፡-
 - (ሀ) ለማምረት የሚያስፈልገው ቴክኖሎጂ መኖሩና የተከማቸውን ማዕድን ውጤታማ በሆነ መንገድ ማምረት እንደሚችል ግንዛቤ ከተወሰደ፤
 - (ለ) መልካም የንግድ ፋክክርን መገደብ ከቻለ፤ ወይም
 - (ሐ) የማዕድኑ ሃብት በአመልካቹ እጅ ቁጥጥር ሥር እንዲሰበሰብ ከሆነ፡፡
- 3) ባለሥልጣኑ ይዞ የመቆየት ፈቃድ እንዳይሰጥ ሲከላከል ውሳኔውን ከከለከለበት ምክንያት ጋር በጽሁፍ በመግለጽ ለአመልካቹ ማስታወቅ አለበት፡፡

22. የፈቃድ ዘመንና የአድሳት ፈቃድ ይዞ መቆየት

- 1) ይዞ የመቆየት ፈቃድ በስምምነቱ ላይ ለተጠቀሰው ጊዜ ተቀባይነት የሚኖረው ሆኖ በማንኛውም ሁኔታ ቢሆን የዚህ ፈቃድ የቆይታ ዘመን ከ3 (ሶስት) ዓመት መብለጥ አይችልም፡፡
- 2) ይዞ የመቆየት ፈቃድ በዚህ አዋጅ አንቀጽ 21(1) ሥር የተገለጹት መስፈርቶች መኖራቸው ከቀጠለ ሁለት አመት ላልበለጠ ቆይታ ለአንድ ጊዜ ሊታደስ ይችላል፡፡

21. Issuance of Retention License

- 1) The Authority may issue exclusive retention license to the applicant where:
 - (a) the applicant indicates the existence of deposit of minerals having economic advantage within the boundary of the mineral exploration license issued to him;
- (b) Where it is impossible for the time being to transfer to production of minerals due to market situations, other economic impacts that face the licensee or absence of technologies required for production.
- 2) The Authority may refuse the issuance of retention license where there exist the following conditions:
 - (a) Where it is understood that there exist the technology required for production and it is possible to effectively produce the deposited mineral;
 - (b) Where it can limit the fair commercial competition; and
 - (c) Where there exists a condition that entails deposit of mineral resources under control of the applicant.
- 3) When the Authority refuses the issuance of retaining license, it shall notify its decision to the applicant in writing with its reason for refusal.

22. Duration and Renewal of Retention License

- 1) The retention license shall be valid for the period specified in the contract; and its duration shall not in any way exceed three years.
- 2) The retention license may be renewed once for a period not exceeding 2 (two) years where the criteria specified under article 21(1) of this proclamation continues to exist.

23. Mirgaa fi Dirqama Abbaa Hayyamaa Qabatanii Turuu

- 1) Namni hayyama qabatanii turuu qabu albuuda qorannoon argate irratti daangaa hayyama isaa keessatti mirga hayyama oomisha albuudaa argachuu qaba.
- 2) Abbaan hayyama qabatanii turuu gabaasa fooyya'iinsaa wag-gaa waggaan Abbaa Taayitaaf dhiyeessuu qaba. Gabaasichiis:
 - (a) Haala gabaan irra jiruu fi rakkoowwan teeknikaa isa muudatan, miidhaa isaanii fi sababa hayyamni kun laficha irratti isaaf barbaachisee; fi
 - (b) Hojii oomisha albuudichaa yeroo isaaf kenname keessatti eegaluuftarkaanfii fudhatame ibsuu qaba.

24. Hayyama Oomisha Albuudaa

Abbaan Taayitichaa hayyamoota oomisha albuudaa armaan gadii kennuu ni danda'a:

- 1) Hayyama oomisha albuudaa sadarkaa guddaa;
- 2) Hayyama oomisha albuudaa sadarkaa xiqqaa;
- 3) Hayyama oomisha sadarkaa xiqqaa addaa;
- 4) Hayyama oomisha albuudaa mala aadaa.

25. Hayyama Hojii Oomisha Albuudaa Sadarkaa Guddaa fi Xiqqaa Kennuu

- 1) Abbaan Taayitichaa nama hayyama sadarkaa guddaa fi xiqqaa oomishuuf gaafateef ulaagaa armaan gadii yoo guute hayyama kennuu ni danda'a:
 - (a) Sagantaan hojii albuudaa yoo raggaa;
 - (b) Iyyataan qabeenya maallaqaa fi gahumsa teeknika hojii misooma albuudaa karoorfame raawwachuuf dandeessisu haala gahaa ta'een yoo qabaate;
 - (c) Sakatta'insi dhiibbaa naannoo fi hawaasaa mirkanaa yoo jiraatee; fi
 - (d) Iyyataan hayyama qorannoo kan fudhatee ture yoo ta'e dirqama isaa kamiyyuu kan hin cabsine yoo ta'e.

23. ይዞ የመቆየት ባለፈቃድ መብትና ግዴታዎች

- 1) ይዞ የመቆየት ፈቃድ ያለው ሰው በምርመራ ባገኘው ማዕድን ላይ በፈቃዱ ክልል ውስጥ የማዕድን መምረት ፈቃድ የማግኘት መብት አለው።
- 2) ይዞ የመቆየት ባለፈቃድ በየአመቱ የእምርታ ሪፖርት ለባሥልጣኑ ማቅረብ አለበት። ሪፖርቱም፦
 - (ሀ) ገበያው ያለበትን ሁኔታና የገጠሙትን የቴክኒክ ችግሮች፣ ጉዳታቸውና ፈቃዱ በመራቱ ላይ ያስፈለገበት ምክንያት፣ እና
 - (ለ) ማዕድኑን የማምረት ሥራ በተሰጠው ጊዜ ውስጥ ለመጀመር የተደረገውን ጥረት መግለጽ አለበት።

24. የማዕድን ማምረት ፈቃድ

ባለሥልጣኑ የሚከተሉትን የማዕድን ማምረት ፈቃድ ሊሰጥ ይችላል፦

- 1) የከፍተኛ ደረጃ የማዕድን ማምረት ፈቃድ፤
- 2) የአከተኛ ደረጃ የማዕድን ማምረት ፈቃድ፤
- 3) ልዩ የአከተኛ ደረጃ የማዕድን ማምረት ፈቃድ፤
- 4) የባህላዊ ዘዴ የማዕድን ማምረት ፈቃድ።

25. የከፍተኛና አከተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ መስጠት

- 1) ባለሥልጣኑ የከፍተኛና አከተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ ለጠየቀ ሰው የሚከተሉትን መስፈርቶች ካሟላ ፈቃድ መስጠት ይችላል፦
 - ሀ) የማዕድን የሥራ ዕቅድ ተቀባይነት ካገኘ፤
 - ለ) አመልካቹ የታቀደውን የማዕድን ልማት ሥራ ለማከናወን የሚያስችለውን የገንዘብ እና የቴክኒክ ብቃት በበቂ ሁኔታ ካለው፤
 - ሐ) የፀደቀ የአከባቢና ህብረተሰብ ተዕዕና ግምገማ ካለ፤ እና
 - መ) አመልካቹ የምርመራ ፈቃድ ወስዶ የነበረ ከሆነ ማንኛውንም ግዴታ ያልጣለ ከሆነ።

23. Rights and Obligations of Holder of Retention License

- 1) A person having retention license shall have the right to get mineral production license in the limit of his license area on the mineral he has found through exploration.
- 2) The licensee shall submit the improvement report to the Authority annually; and such report shall describe:
 - (a) The market situation and the technical problems facing him, their impacts and the reason that necessitates this license on such land; and
 - (b) The measure taken to commence mineral production within the time given to him.

24. Mineral Production License

The Authority may issue the following mineral production licenses:

- 1) Large scale mineral production license;
- 2) Small scale mineral production license;
- 3) Special small scale mineral production license;
- 4) The artisanal method of mineral production license.

25. Issuing Large and Small Scale Mineral Production License

- 1) The Authority may issue license for a person who applies to engage in large and small scale mineral production operations where he fulfills the following criteria where:
 - (a) The mineral operation schedule is approved;
 - (b) The applicant sufficiently possesses the financial resources and technical capabilities that enable him undertake the planned mineral development operation;
 - (c) There exist approved environmental and social impact assessment; and
 - (d) The applicant is not in contravention of any obligations of the exploration license, if any.

- | | | |
|--|--|---|
| <p>2) Abbaan Taayitichaa hayyamni oomishaa akka hin kennamne yeroo dhorku murtii isaa saba-ba itti dhorke waliin ibsuun barreeffamaan iyyataadhaaf beeksi-suu qaba.</p> <p>3) Ulaagaan oomisha albuudaa sadarkaa xiqqaa fi guddaa ittiin addaan baafamu Dambii bahuun kan murtaa'u ta'a.</p> | <p>2) ባለሥልጣኑ የማምረት ፈቃድ እንዳይሰጥ ሲሰረዝ ውሳኔውን ከአስከሰበት ምክንያት ጋር በመግለፅ በጽሁፍ ለአመልካቹ ማሳወቅ አለበት።</p> <p>3) የከፍተኛና አነስተኛ ደረጃ የማዕድን ማምረት ሥራ የሚለይበት መስፈርት በሚወጣው ደንብ የሚውሉን ይሆናል።</p> | <p>2) When the Authority refuse the issuance of mineral license, it shall notify its decision to the applicant in writing with the reason for refusal.</p> <p>3) The criteria for identifying the small and large scale mineral production operation shall be determined by the regulation to be issued.</p> |
| <p>26. Bara Hayyamaa fi Haaromsa Hojii Albuudaa Sadarkaa Xiqqaa</p> <p>1) Hayyamni hojii oomisha albuudaa sadarkaa xiqqaa waliigalteen kan murtaa'u ta'ee, yeroon turtii isaa waggaa shan caaluu hin danda'u.</p> <p>2) Abbaan hayyamaa, kuufama albuuda oomishu sadarkaa di-inagdummaa qabuun itti fufuu danda'uu isaa yoo agarsiise, dirqamoota hayyamichaa guutee yoo raawwatee fi tumaalee Labsii kana yookiin Dambii Labsii kana raawwachiisuuf bahu keessatti tumaman kabajee yoo raawwate mirga hayyamicha haaromsiifachuu ni qabaata.</p> <p>3) Hayyamni hojii oomisha albuudaa sadarkaa xiqqaa, haalli Keewwata kana Keewwata Xiqqaa 2 jalatti ibsame yoo guutame, hayyamichi dabalataan turtii yeroo waggaa shan hin caalleef waggaa waggaa kan haaromfamuu ta'ee kennamu ni danda'a.</p> | <p>26. የአነስተኛ ደረጃ የማዕድን ሥራ ፈቃድ ዘመንና እድሳት</p> <p>1) የአነስተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ በስምምነት የሚወሰን ሆኖ የቆይታ ጊዜው ከ5 (አምስት) አመት መብለጥ አይችልም።</p> <p>2) ባለፈቃዱ የተከማቸ ማዕድን ማምረት ኢኮኖሚያዊ ባለው ደረጃ መቀጠል የሚችል መሆኑን ካሳየ፣ የፈቃዱን ግዴታ አሟልቶ መፈጸም ከቻለና የዚህን አዋጅ ወይም አዋጁን ለማስፈጸም የሚወጣውን ደንብ ድንጋጌዎች አክብሮ ከፈጸመ ፈቃዱን የማሳደስ መብት ይኖረዋል።</p> <p>3) የአነስተኛ ደረጃ ማዕድን ሥራ ፈቃድ በዚህ አንቀጽ ንዑስ አንቀጽ 2 ሥር የተገለፀው ከተሟላ፣ ፈቃዱ በተጨማሪ ለአምስት ዓመት ላልበለጠ የቆይታ ጊዜ በየአመቱ የሚታደስ ሆኖ ሊሰጥ ይችላል።</p> | <p>26. Duration and Renewal of Small Scale Mineral Operation License</p> <p>1) The small scale mineral operation license shall be determined by the contractual agreement; and its duration shall not exceed five (5) years.</p> <p>2) If the licensee indicates his capability of continuing the production of the mineral deposit in economical level, he fully discharges the obligations of the license and complies with the provisions of this proclamation or the regulation to be issued for the implementation of this proclamation; he has the right to renew the license.</p> <p>3) The small scale mineral operation license may additionally be provided for a duration not exceeding five (5) years to be renewed annually where the condition specified under sub article 2 of this article is satisfied.</p> |
| <p>27. Bara Hayyamaa fi Haaromsa Hojii Oomisha Albuudaa Sadarkaa Guddaa</p> <p>1) Hayyamni hojii oomisha albuudaa sadarkaa guddaa waliigalteen kan murtaa'u ta'ee, turtiin isaa waggaa kudhan (10) caaluu hin danda'u.</p> <p>2) Abbaan hayyamaa, kuufama albuuda oomishu sadarkaa di-inagdummaa qabuun itti fufuu danda'uu isaa yoo agarsiise, dirqamoota hayyamichaa guutee yoo raawwatee fi tumaalee Labsii kana yookiin Dambii Labsii kana raawwachiisuuf bahu keessatti tumaman kabajee yoo raawwate mirga hayyamicha haaromsiifachuu ni qabaata.</p> | <p>27. የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ ዘመንና እድሳት</p> <p>1) የከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ በስምምነት የሚወሰን ሆኖ የቆይታ ጊዜው 10 (አስር) አመት መብለጥ አይችልም።</p> <p>2) ባለፈቃዱ ክምችቱን ኢኮኖሚያዊ በሆነ ደረጃ ማምረት መቀጠል የሚችል መሆኑን ካሳየ፣ በፈቃዱ የተመለከቱትን ግዴታዎችን አሟልቶ ከፈፀመ እና የዚህን አዋጅ ወይም ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ውስጥ የተደነገጉትን ድንጋጌዎች አክብሮ ከፈጸመ ፍቃዱን የማሳደስ መብት ይኖረዋል።</p> | <p>27. Duration and Renewal of Large Scale Mineral Operation License</p> <p>1) The large scale mineral operation license shall be determined by the contractual agreement; and its duration shall not exceed ten (10) years.</p> <p>2) Where the licensee indicates his capability of continuing the production of the mineral deposit in economical level, he fully discharges the obligations of the license and respects the provisions of this proclamation and the regulation to be issued for the implementation of this proclamation, he has the right to renew the license.</p> |

3) Hayyamni hojii oomisha albuudaa sadarkaa guddaa, haalli Keewwata kana Keewwata Xiqqaa 2 jalatti ibsame yoo guutame, hayyamichi dabalataan turtii yeroo waggaa kudhan hin caalleef waggaa shan shaniin kan haaromfamu ta'ee kennamu ni danda'a.

28. Mirgaa fi Dirqama Abbaa Hayyamaa Sadarkaa Xiqqaa fi Guddaa

- 1) Abbaan hayyamaa hojii oomisha albuudaa sadarkaa xiqqaa fi guddaa mirga armaan gadii ni qabaata:
 - (a) Albuuda hayyamicha irratti tarreeffame bakka hayyamichaa keessaa oomishuu; fi
 - (b) Albuuda oomishame gabaatti dhiyyeessee gurguruu.
- 2) Abbaan hayyamaa hojii oomisha albuudaa sadarkaa xiqqaa fi guddaa dirqama armaan gadii ni qabaata:
 - (a) Guyyaa hayyama fudhate irraa eegalee waggaa 1 (tokko) keessatti hojii oomisha albuudaa calqabuu;
 - (b) Naannoo irra miidhaa osoo hin dhaqqabsiisin yookiin faalama dhaqqabu haala ittisu danda'uun hojii albuudaa gaggeessuu;
 - (c) Iddoowwan oomishni albuudaa itti gaggeeffamu deebisanii misoomsuu; fi
 - (d) Tumaalee fi haaldureewwan walii-galtee kabajuu.
- 3) Abbaan Taayitichaa haala gosa albuudaa, kuufama albuudaa fi naannoo albuudni itti oomishamu ilaaluunii fi ulaagaalee Dambii keessatti murtaa'an bu'uura godhachuun yeroo Keewwata kana Keewwata Xiqqaa 2 (a) jalatti tumame waliigaltee albuudaa keessatti dheeressuu yookiin gabaabsuu ni danda'a.

29. Hayyama Oomisha Albuudaa Sadarkaa Xiqqaa Addaa

- 1) Namoonni waldaa interpirayizii maayikiroo fi xixiqqaan ijaaramanii albuuda kabajamoo mala aadaan oomishaa erga turaniin booda humni maallaqa isaanii sadarkaa meeshaa ammayyaatiin fayyadamuu isaan dandeessisu irra yoo gahan hayyamni albuuda sadarkaa xiqqaa addaa akka isaanii kennamu Abbaa Taayitichaa gaafachuu ni danda'u.

3) የከፍተኛ ደረጃ ማዕድን ሥራ ፈቃድ በዚህ አንቀጽ ንዑስ አንቀጽ 2 ሥር የተገለጸው ከተሟላ፣ ፈቃዱ በተጨማሪ አስር ዓመት ላልበለጠ የቆይታ ጊዜ በየአምስት ዓመቱ የሚታደስ ሆኖ ሊሰጥ ይችላል።

28. የአነስተኛ እና ከፍተኛ ደረጃ ባለፈቃድ መብትና ግዴታ

- 1) የአነስተኛ እና ከፍተኛ ደረጃ የማዕድን ባለፈቃድ የሚከተለው መብት ይኖረዋል፡-
 - ሀ) በፈቃዱ ላይ የተዘረዘሩትን ማዕድናት ከፈቃድ ክልሉ ውስጥ የማምረት፤ እና
 - ለ) ያመረታቸውን ማዕድናት ለገበያ በማቅረብ የመሸጥ።
- 2) የአነስተኛ እና ከፍተኛ ደረጃ የማዕድን ባለፈቃድ የሚከተለው ግዴታ ይኖረዋል፡-
 - ሀ) ፈቃድ ከወሰደበት ቀን አንስቶ በ1 (አንድ) አመት ውስጥ ማዕድን የማምረት ሥራን መጀመር፤
 - ለ) በአካባቢ ላይ ጉዳት ሳያደርስ ወይም የሚደርሰውን ብክለት በሚከላከል ሁኔታ የማዕድን ስራውን ማካሄድ፤
 - ሐ) የማዕድን ስራ የሚካሄድባቸውን ቦታዎች መልሶ ማልማት፤ እና
 - መ) የውሉን ድንጋጌዎችና ቅድመ-ሁኔታዎች ማክበር።
- 3) ባለሥልጣኑ የማዕድኑን ዓይነት፣ ክምችትና ማዕድኑ የሚመረትበትን አካባቢ በማየትና በደንቡ ውስጥ የሚወሰኑ መስፈርቶችን መሰረት በማድረግ በዚህ አንቀጽ ንዑስ አንቀጽ 2(ሀ) ስር የተደነገገውን ጊዜ በማዕድን ውል ውስጥ ሊያራዝመው ወይም ሊያሳጥረው ይችላል።

29. ልዩ አነስተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ

- 1) በጥቃቅንና አነስተኛ ማህበር ተደራጅተው የከበረ ማዕድን በባህላዊ መንገድ እያመረቱ ከቆዩ በኋላ የገንዘብ አቅማቸው በዘመናዊ መሳሪያ ለመጠቀም የሚያስችላቸው ደረጃ ላይ የደረሱ ሰዎች ልዩ የአነስተኛ ደረጃ የማዕድን ፈቃድ እንዲሰጣቸው ባለሥልጣኑ መጠየቅ ይችላል።

3) The large scale mineral operation license may additionally be provided for a duration not exceeding ten (10) years as to be renewed in five years intervals where the condition specified under sub article 2 of this article is satisfied.

28. Rights and Obligations of Small and Large Scale Licensee

- 1) The small and large scale mineral production licensee shall have the following rights:
 - (a) To produce minerals listed on the license from the license area; and
 - (b) To supply the produced minerals to the market and sell.
- 2) The small and large scale mineral licensee shall have the following obligations:
 - (a) To commence the mineral production operation within one year as of the date of obtaining the license;
 - (b) To conduct the mineral operation without causing destruction on the environment or in a way that prevents the pollution caused;
 - (c) To re-develop the areas used for conducting mineral production; and
 - (d) To comply with the provisions and pre-conditions of the agreement.
- 3) The Authority may extend or shorten the period provided under sub article 2(a) of this article in the mineral contractual agreement by considering the type of mineral, deposition of the mineral and the area where the mineral is produced and based on the criteria determined in the regulation.

29. Special Small Scale Mineral License

- 1) Persons who previously engaged in artisanal mineral production being organized in micro and small scale enterprises may request the Authority to acquire special small scale mineral production operation license when their financial capacity develops to the level that enable them produce using modern technology.

- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma eegameetti ta'ee, Abbaan Taayitichaa namni hayyama sadarkaa xiqqaa addaa oomishuuf gaafate ulaagaalee armaan gadii yoo guute hayyama kennuu ni danda'a:
- (a) Sagantaan hojii albuudaa yoo raggaa;
- (b) Iyyataan qabeenya maallaqaa fi gahumsa teeknika hojii misooma albuudaa karoorfame raawwachuuf dandeessisu haala gahaa ta'een yoo qabaatee; fi
- (c) Sakatta'iinsi dhiibbaa naannoo mirkanaa'ee yoo jiraate.
- 3) Abbaan hayyama albuudaa sadarkaa xiqqaa addaa argate babal'ifannaa yoo gaafatee fi Abbaan Taayitichaa yoo itti amane hayyamuufii ni danda'a.
- 30. Bara Hayyamaa fi Haaromsa Hojii Albuudaa Sadarkaa Xiqqaa Addaa**
- 1) Hayyamni hojii oomisha albuudaa sadarkaa xiqqaa addaa waliigalteen kan murtaa'u ta'ee, yeroon turtii isaa Dambii bahuun kan murtaa'u ta'a.
- 2) Abbaan hayyamaa dirqamoota hayyamichaa guutee yoo raawwatee fi tumaalee Labsii kanaa yookiin Dambii Labsii kana raawwachisuuf bahu keessatti tumaman yoo raawwate, mirga hayyamicha haaromsiiifachuu ni qabaata.
- 3) Hayyamni hojii oomisha albuudaa sadarkaa xiqqaa addaa, haalli Keewwata kana Keewwata Xiqqaa 2 yoo guutame, hayyamichi dabalataan kan haaromfamu ta'ee kennamuu ni danda'a; yeroon turtii isaa Dambii bahuun kan murtaa'u ta'a.
- 31. Hayyama Aadaan Albuuda Oomishuu**
- 1) Albuudota mala aadaatiin oomishaman irratti hayyamni kan kennamu abbaa qabiyyee lafaa maatii isaa waliin qabiyyee isaa irratti gurmaa'ee yookiin waldaa interpraayizii maayikiroo fi xixiqqaan gurmaa'aniif ta'a.

- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ፤ በለሥልጣኑ ልዩ የአነስተኛ ደረጃ የማዕድን ማምረት ፈቃድ እንዲሰጠው ለጠየቀ ሰው የሚከተሉትን መስፈርት ካሟላ ፈቃድ መስጠት ይችላል፡-
- ሀ) የማዕድን የሥራ ዕቅድ ተቀባይነት ካገኘ፤
- ለ) አመልካቹ የታቀደውን የማዕድን ልማት ሥራ ለማከናወን የሚያስችለውን የገንዘብ ሁብት እና የቴክኒክ ብቃት በበቂ ሁኔታ ካለው፤ እና
- ሐ) የፀደቀ የአካባቢ ተፅዕኖ ግምገማ ካለ፡፡
- 3) የልዩ አነስተኛ ደረጃ የማዕድን ሥራ ፈቃድ ያገኘ ባለፈቃድ ማስፋፊያ ከጠየቀ እና ባለሥልጣኑ ካመነበት ማስፋፊያ ሊፈቅድለት ይችላል፡፡
- 30. ልዩ የአነስተኛ ደረጃ የማዕድን ሥራ ፈቃድ ዘመንና አድሳት**
- 1) ልዩ የአነስተኛ ደረጃ የማዕድን ማምረት ሥራ ፈቃድ በስምምነት የሚወሰን ሆኖ የቆይታ ጊዜው በሚወጣው ደንብ የሚወሰን ይሆናል፡፡
- 2) ባለፈቃዱ የፈቃዱን ግዴታዎች አሟልቶ ከፈፀመ እና የዚህን አዋጅ ወይም ይህን አዋጅ ለማስፈጸም በሚወጣ ደንብ ውስጥ የተደነገጉትን ድንጋጌዎች ከፈጸመ ፈቃዱን የማሳደስ መብት ይኖረዋል፡፡
- 3) ልዩ የአነስተኛ ደረጃ የማዕድን ማምረት ፈቃድ የዚህ አንቀጽ ንዑስ ቁጥር 2 ሁኔታ ከተሟላ፤ ፈቃዱ በተጨማሪ የሚታደስ ሆኖ ሊሰጥ ይችላል፤ የቆይታ ጊዜው በሚወጣው ደንብ የሚወሰን ይሆናል፡፡
- 31. በባህላዊ መንገድ ማዕድን ማምረት ፈቃድ**
- 1) በባህላዊ መንገድ የሚመረቱ ማዕድናት ላይ ፈቃድ የሚሰጠው በመሬቱ ላይ ከቤተሰቡ ጋር ለተደራጀ የመሬት ባለይዞታ ወይም በጥቃቅንና አነስተኛ ማህበር ለተደራጁ ይሆናል፡፡

- 2) Without prejudice to the provision under sub article 1 of this article, the Authority may issue license if the person requesting to get the special small scale mineral production license fulfils the following criteria:
- (a) Where the mineral operation schedule is approved;
- (b) Where the applicant sufficiently possesses the financial resources and technical competency that enables him undertake the planned mineral development operation;
- (c) Where there exist approved environmental impact assessment.
- 3) Where the person who acquired the special small scale mineral production license requests for extending it and where the Authority is convinced, it may accept such request and permit for him.
- 30. Duration and Renewal of Special Small Scale Mineral Operation License**
- 1) The special small scale mineral license shall be determined by the contractual agreement; and its duration shall be determined by the regulation to be issued.
- 2) Where the licensee fully discharges the obligations of the license and complies with the provisions of this proclamation and the regulation to be issued for the implementation of this proclamation, he shall have the right to renew the license.
- 3) The large-scale mineral production license may be provided as additionally renewed where the condition specified under sub article 2 of this article is satisfied. Its duration shall be determined by the regulation to be issued.
- 31. Artisanal Method Mineral Production License**
- 1) License shall be issued on artisanal method produced minerals for private person or possessor of the land organized with his family on his possession or for associations organized in micro and small scale enterprises.

- 2) Hayyamni hojii albuudaa mala aadaan oomishuu, albuuda hayyamicha irratti kaa'ame, bakka hayyamichaa keessatti oomishuuf abbaa hayyamaatiif mirga qofa-ta'eessa ni kenna.
- 3) Hayyamni albuuda mala aadaan oomishamu waliigalteen kan murtaa'u ta'ee, waggaa 2 (lama) caaluu hin danda'u.
- 4) Hayyamni albuuda mala aadaan oomishuu haaromfamuu hin danda'u.

32. Mirgoota Waliigalaa Abbaa Hayyamaa

Mirgoonni biroo Labsii kana keessattii fi seerota birootiin tumaman akkuma eegamaniitti ta'ee, abbaan hayyamaa kamiyyuu mirgoota armaan gadii ni qabaata:

- 1) Daangaa hayyamaa keessatti hojii albuudaa gaggeessuuf warshaalee barbaachisoo hundees-su, maashinootaa fi mi'oota galchuu, bu'uuralee misooma lafa irratti yookiin lafa jalatti diriirsuu fi ijaaru;
- 2) Daangaa hayyamaa keessatti bu'uuralee misoomaa barbaachisoo ta'an diriirsuu;
- 3) Albuuda ijaarsaa daangaa hayyamaa keessatti argaman dhimma gurgurtaa fi daldalaa hin taaneef fayyadamuu;
- 4) Namoonni biroo itti fayyadamuuf hanga gufuu hin taanetti, bu'uuralee misoomaa duraan turanitti fayyadamuu; fi
- 5) Daangaa hayyamaa keessatti albuudaaleen biroo hayyamaan hin hammatamne yoo argaman, hayyamni albuudaalee haaraa argaman irratti akka kennamuuf gaafachuu.

33. Dirqamoota Waliigalaa Abbaa Hayyamaa

- 1) Dirqamoonni biroo Labsii kana keessa jiranii fi seerota birootiin tumaman akkuma eegamaniitti ta'ee, abbaan hayyamaa kamiyyuu dirqamoota armaan gadii ni qabaata:

- 2) በባህላዊ ማንገድ ማዕድን የማምረት ፈቃድ፣ ለባለፍቃዱ በፈቃዱ ላይ የተጠቀሰ ማዕድን በፈቃዱ ክልል ውስጥ በብቸኝነት የማምረት መብት ይሰጠዋል።
- 3) በባህላዊ መንገድ ማዕድን የማምረት ፈቃድ በስምምነት የሚወሰን ሆኖ የቆይታ ጊዜው ከ2 (ሁለት) አመት መብለጥ አይችልም።
- 4) የባህላዊ መንገድ ማዕድን ማምረት ሥራ ፈቃድ ሊታደስ አይችልም።

32. የባለፈቃዱ አጠቃላይ መብቶች

በዚህ አዋጅ ውስጥ እና በሌሎች ህጎች የተደነገጉት ሌሎች መብቶች እንደተጠበቁ ሆነው፣ ማንኛውም ባለፈቃድ የሚከተሉት መብቶች ይኖረዋል፡-

- 1) በፈቃዱ ክልል ውስጥ የማዕድን ሥራን ለማከናወን አስፈላጊ የሆኑ ፋብሪካዎችን ማቋቋም፣ ማሽኒሪዎች እና እቃዎችን ማስገባት፣ በመሬት ላይ ወይም በመሬት ሥር መሠረተ ልማቶችን የመዘርጋትና የመገንባት፤
- 2) በፈቃዱ ክልል ውስጥ አስፈላጊ የሆኑ መሠረተ ልማቶችን መዘርጋት፤
- 3) በፈቃዱ ክልል ውስጥ የሚገኙ የግንባታ ማዕድናትን ከሽያጭ እና ከንግድ አላማዎች ወጪ መጠቀም፤
- 4) ሌሎች ሰዎች እንዲገለገሉበት መሰናክል የማይፈጥር እስከሆነ ድረስ በነባር የመሠረተ ልማት አውታሮች የመገልገል፤ እና
- 5) በማዕድን ክልሉ ውስጥ ሌሎች በፈቃዱ ላይ ያልተገለፁ ማዕድናት ከተገኙ፣ አዲስ የተገኙት ማዕድናት ላይ ፈቃድ እንዲሰጠው የመጠየቅ።

33. የባለፈቃድ አጠቃላይ ግዴታዎች

- 1) በዚህ አዋጅ ውስጥ እና በሌሎች ህጎች የተደነገጉት ግዴታዎች እንደተጠበቁ ሆነው፣ ማንኛውም ባለፈቃድ የሚከተሉት ግዴታዎች ይኖሩታል፡-

- 2) Artisanal method mineral production license entitles exclusive right for the licensee to produce the mineral mentioned on the license in the limited license area.
- 3) Artisanal method mineral production license shall be determined by the contractual agreement; and shall not exceed 2 (two) years.
- 4) Artisanal method mineral license shall not be renewed.

32. General Rights of the Licensee

Without prejudice to other rights provided in this proclamation and in other laws, any licensee shall have the following rights:

- 1) To install factories required to undertake mineral operation in the licensed area; import machineries and materials, to extend and construct infrastructures on or under the ground;
- 2) To extend the necessary infrastructures within the license area;
- 3) To use the construction minerals in the licensed area for purposes other than sell and trade;
- 4) To use the existing infrastructures so far as such use cannot create obstacles for other users; and
- 5) To request license for the newly discovered minerals in case where other minerals not covered in the existing license are discovered.

33. General Obligations of the Licensee

- 1) Without prejudice to other obligations provided in this proclamation and in other laws, any licensee shall have the following obligations:

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| <p>(a) Hojii albuudaa teeknooloojii fi muuxannoo adeemsa industirii albuudaatiin fudhatama argate bu'uureeffachuun gaggeessuu;</p> <p>(b) Nageenyaa fi fayyummaa namootaa, bakka bu'oota, hojjetoota isaanii fi kan biroo kan mirkaneessuu fi uumama naannoo irra miidhaa osoo hin dh-aqqabsiisin yookiin faalama dh-aqqabu haala ittisuu danda'uun hojii albuudaa gaggeessuu;</p> <p>(c) Hojii albuudaa irratti hojjettoonni leenjii fi barumsa barbaachisaa ta'e akka argatan taasisuu;</p> <p>(d) Naannoo hayyamaatti, lafa kireeffatee fi lafa daangeesitoota ta'an irratti namoota abbootii qabiyyee seera qabeessa ta'an akka hin jeeqnee fi miidhaa hin geessisine ofeeggannoo gochuu;</p> <p>(e) Namoota biroo yookiin abbootii hayyamaa biroo fi lafa kireeffate irratti bu'uuraalee misoomaa diriiranii yookiin ijaaramanii jiran waliin kan itti fayyadaman maallaqa buusuun waldeeggaruun haaromsuu fi suphaa taasisuu;</p> <p>(f) Hojii oomisha albuudaa irratti hanga gufuu hin taanetti, bilisaan yookiin kaayyoo daldalaatiif yoo ta'e kaffaltii barbaachisaa ta'e kaffalchiisuun bu'uuraalee misoomaa diriirfametti namoonni biroo akka fayyadaman hayyamuu;</p> <p>(g) Lammii biyya keenyaa fi jiraatoota naannoo albuudichaatti argaman dandeettii barbaachisaa ta'e qabaniif qacarrii hojii dursaa kennuu;</p> <p>(h) Keewwata kana Keewwata Xiqqaa 1 (g) jalatti kan tumame akkuma eegametti ta'ee, hojii-chi dandeettiin barbaadamu biyya keessa kan hin jirre yoo ta'e, hayyama Abbaa Taayitaa malee lammii biyya alaa hojjechisuu hin danda'u;</p> <p>(i) Meeshaalee fi tajaajila biyya kees-saa gatii fi qulqullinaan dorgomaa ta'an, sadarkaa walfakkaatu qabanii fi akka barbaadametti argamaniif dursa kennuu;</p> <p>(j) Akkaataa seeraatiin kaffaltii irraa barbaadamu kamiyyuu yeroon kaffaluu;</p> | <p>(ሀ) የማዕድን ሥራን በቴክኖሎጂና በማዕድን ኢንዱስትሪ ተቀባይነት ባገኘ የአሰራር ልምድ መሠረት የማካሄድ፤</p> <p>(ለ) የሰዎችን፣ የወኪሎችን፣ የሠራተኞችንና የሌሎች ደህንነትና ጤንነት የሚያረጋግጥና በተፈጥሮ አካባቢ ላይ ጉዳት ሳያደርስ ወይም የሚደርሰውን ብክለት በሚከላከል ሁኔታ የማዕድን ሥራን የማከናወን፤</p> <p>(ሐ) በማዕድን ሥራ ላይ ሠራተኞች አስፈላጊ የሆነ ሥልጠናና ትምህርት እንዲያገኙ የማድረግ፤</p> <p>(መ) በፈቃዱ ክልል፣ በተከራየው መሬትና አዋሳኝ በሆነ መሬት ላይ ሕጋዊ የይዞታ መብት ያላቸውን ሰዎች ላለማወክና ጉዳት ላለማድረስ ተገቢውን ጥንቃቄ የማድረግ፤</p> <p>(ሠ) ከሌሎች ሰዎች ወይም ከሌሎች ባለፈቃዶች በጋራ ለሚጠቀሙባቸው በፈቃዱ ክልል ወይም በተከራየው መሬት ላይ ለተዘረጉ ወይም ለተገነቡ የመሠረተ ልማት አውታሮች በመተባበር ገንዘብ በማዋጣት ማደስና ጥገና ማድረግ፤</p> <p>(ረ) በማዕድን ማምረት ሥራ ላይ እንቅፋት እስካልሆነ ድረስ በነፃ ወይም ለንግድ ዓላማ ከሆነ ተገቢውን ክፍያ በማስከፈል በተዘረገው የመሠረተ ልማት አውታሮች ላይ ሌሎች ሰዎች እንዲጠቀሙ የመፍቀድ፤</p> <p>(ሰ) ተፈላጊውን ችሎታ ላላቸው የሀራችን ዜጎች እና በማዕድኑ አካባቢ ለሚኖሩ ነዋሪዎች ቅድሚያ የሥራ ቅጥር የመስጠት፤</p> <p>(ሸ) በዚህ አንቀጽ ንዑስ አንቀጽ 1(ሰ) ሥር የተደነገገው እንደተጠበቀ ሆኖ፣ ሥራው የሚፈልገው ችሎታ በአገር ውስጥ የሌለ ከሆነ ከባለሥልጣኑ ፈቃድ ውጪ የውጪ አገር ዜጋን ማሰራት አይችልም፤</p> <p>(ቀ) በዋጋና በጥረት ተዋዳዳሪ የሆኑ፣ ተመሳሳይ ደረጃ ያላቸውና እንደልብ ለሚገኙ የሃገር ውስጥ ዕቃዎችና አገልግሎቶች ቅድሚያ የመስጠት፤</p> <p>(በ) በህግ መሠረት የሚፈለግበትን ማንኛውንም ክፍያ በወቅቱ የመክፈል፤</p> | <p>(a) To undertake mineral operation on the basis of technologies and experiences accepted by mineral industry processes;</p> <p>(b) To undertake mineral operations in a way that it ensures the safety and health of persons, representatives, their workers and it does not cause damage on natural resources or in a way it prevents the pollution that may be caused;</p> <p>(c) Cause the workers to get the necessary trainings and education on mineral operations;</p> <p>(d) To take precaution not to disturb and endanger the lawful possessors at the licensed area, at areas he rented and on the bordering areas;</p> <p>(e) To renew and maintain the infrastructures extended or constructed on the possessions of other persons or other license owners and on the land he rented which serve them in common by contributing their finance together;</p> <p>(f) To permit other people to use the extended infrastructures freely or where it is for commercial purposes by collecting necessary payment from them so far as such act cannot become obstacle on mineral production activity;</p> <p>(g) To give employment priority for the citizens of the country and residents around the mineral having the necessary abilities;</p> <p>(h) Without prejudice to the provision under sub article 1(g) of this article, where the ability that such work requires is not found in the country, he cannot work it with a foreigner without the permission of the Authority;</p> <p>(i) To give priority for local materials and services competent in quality, having similar standards and easily available as required;</p> <p>(j) To pay any payment required from him in accordance with the law on time;</p> |
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- (k) Galmeewwanii fi riikordiiwwan Abbaa Taayitichaan yookiin qaamota biroo seeraan aangoon kenneefiin akka qoratamaniif dhiyeessuu;
- (l) Barri hayyamaa yoo xumurame yookiin naannoo hayyamameef yoo gadi dhiise, naannoo hayyamaa irratti ijaarsa ijaaree ture dhabamsiisuu; yoo dhabamsiisuu baate mootummaan kan dhaalamu ta'a;
- (m) Abbaan Taayitaa haala addaatiin kan hin murteessine yoo ta'een ala, gosa albuudaa oomishee fi hanga isaa yeroo Dambii bahuun murtaa'uu keessatti abbaa taayitaaf gabaasaan beeksisuu; fi
- (n) Akkaataan itti fayyadamaa fi haalli kaffaltii dambii bahuun kan murtaa'u ta'ee, fandii naannoo fi deebisanii misoomsuu ilaalchisee lakkoofsa herreega cufamaa baankitti banuun Qarshii galii taasisuu qaba.
- 2) Hammi maallaqaa, bu'uura Keewwata kana Keewwata Xiqqaa 1 (e) fi (f) tiin, bu'uuraalee misoomaa diriirsuu fi suphuuf barbaachisu akkasumas itti fayyadamuuf kaffalamu kan murtaa'u Abbaa Taayitichaatiin ta'ee, maallaqni kunis bu'uuraalee misoomaa ijaaramu waliin kan walgitu ta'uu qaba.
- 3) Abbaan hayyamaa kamiyyuu hayyama dhimma oomishaa albuudaa fuudhatee hojjechaa jiru irratti waliigaltee qaama 3ffaa waliin taasisu dursee Abbaa Taayitichaa beeksisuu qaba. Waliigalteen beekamtii Abbaa Taayitichaatiin ala taasifamu fudhatama hin qabu.

34. Daangaa Naannawa Hayyamaa

- 1) Daangaan hayyamaa hojii oomisha albuudaa dalalii yookiin kuufama bu'uura bakka lafa daangaa hayyamaa keessattii fi naannawa daangaawwan sarara gadi-fageenyi isaa hin murtoofne keessatti jiru hunda ni qabata.

- (ተ) መዛግብቶችና ሪከርዶችን በባለሥልጣኑ ወይም በሕግ ሥልጣን በተሰጣቸው ሌሎች አካላት እንዲመረመሩ የማቅረብ፤
- (ቸ) የፈቃድ ዘመኑ ሲያበቃ ወይም የፈቃድ ክልሉን ሲለቅ በፈቃድ ክልሉ ላይ የገነባቸውን ግንባታዎች የማስወገድ፤ ካላስወገደ በመንግስት የሚወረስ ይሆናል፤
- (ካ) ባለሥልጣኑ በልዩ ሁኔታ ካልወሰነ በስተቀር፤ ያመረተው የማዕድን አይነትና ብዛቱ በሚወጣው ደንብ ውስጥ በሚወሰነው ጊዜ ውስጥ ለባለሥልጣኑ በሪፖርት የማሳወቅ፤
- (ኘ) የአጠቃቀም እና የክፍያው ሁኔታ በሚወጣው ደንብ የሚወሰን ሆኖ፤ የአካባቢና መልሶ ማልማት ፈንድን በተመለከተ ዝግ የሂሳብ ቁጠር በባንክ በመክፈት ገንዘብ ገቢ ማድረግ አለበት፡፡
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1(ሀ እና ረ) መሰረት መሰረተ ልማትን ለመዘርጋትና ለመጠገን የሚያስፈልገው እንዲሁም ለመጠቀም የሚከፈለው የገንዘብ መጠን በባለሥልጣኑ የሚወሰን ሆኖ ይሄውም ገንዘብ ከሚሰራው መሠረተ ልማት ጋር የሚመጣጠን መሆኑን አለበት፡፡
- 3) ማንኛውም ባለፈቃድ የማዕድን ማምረት ፈቃድ ወስዶ እየሰራ ባለው ጉዳይ ላይ ከሶስተኛ ወገን ጋር የሚያደርገውን ውል አስመልክቶ በቅድሚያ ለባለሥልጣኑ ማሳወቅ አለበት፡፡ ከባለሥልጣኑ ዕውቅና ውጭ የሚደረግ ውል ተቀባይነት የለውም፡፡

34. የፈቃድ ክልል ወሰን

- 1) የማዕድን ማምረት ስራ የፈቃድ ክልል በደለል ወይም በጽንሰ ተከማችተው በፈቃድ ወሰኑ ውስጥ እና ጥልቀቱ ባልተወሰነ የወሰን ክልሎች አካባቢ የሚገኝ መስመር ውስጥ ያለውን ክልል ሁሉ ይይዛል፡፡

- (k) To present the books and records to the Authority or other legally authorized bodies for investigation;
- (l) To remove the constructions he has built on the licensed area up on the completion of license period or if he leaves his license area; where he fail to remove, it shall be confiscated by the government;
- (m) Unless the Authority determines otherwise, he shall notify the Authority in report the types and amount of mineral he has produced within the time to be determined by the regulation to be issued; and
- (n) Manner of utilization and payment shall be determined by the regulation to be issued; and regarding the locality and re-development fund, he shall open a deposit bank account and deposit the money;
- 2) The amount of finance required to extend and maintenance of infrastructures as well as paid to utilize them in accordance with sub article 1(e) and (f) of this article shall be determined by the Authority; and such finance shall be equivalent with the infrastructure to be constructed.
- 3) Any licensee shall notify the Authority in advance about any contractual agreement he concludes with the third party on the mineral production license he has taken and is working on. The contractual agreement made without the knowledge of the Authority shall have no acceptance.

34. Boundary of Licensed Area

- 1) The boundary of mineral license shall comprise all the basis deposit found in the licensed area and in the surrounding of lined boundaries which its depth is not determined.

2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma jirutti ta'ee, hayyamni hojii oomisha albuuda kuufama haft-ee irratti kenname haftee qofa hammata.

35. Walirra Bu'iinsa Hayyamaa

- 1) Abbaan Taayitichaa bakka lafa hayyama tokkotti hayyamoota gosa albuudaalee adda addaa kennuu ni danda'a.
- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame jiraatullee, Abbaan Taayitichaa hayyamni boodarra kennamu dhiibbaa hojii hayyama duraa irratti qabaatu gamaaggamuun abbaa hayyamaa duraatiif beeksisuu qaba. Raawwiin isaa Dam-bii bahuun kan murtaa'u ta'a.

36. Hayyama Dursaa

- 1) Abbaan Taayitichaa faayidaa diinagdummaa albuudichaa yookiin kaayyoowwan investimantii kanaan walqabatan biroo bu'uura godhachuudhaan yoo murteesse malee:
- (a) Hayyamni albuudaa sadarkaa guddaa hayyama sadarkaa xiqqaa fi aadaa irratti dursa ni qabaata.
- (b) Hayyamni sadarkaa xiqqaa hayyama aadaa irratti dursa ni qabaata.
- 2) Naannoo daangaa tokkotti gosa albuudaa adda addaa irratti hayyamoanni sadarkaa walfakkaataa qaban kan kennaman yoo ta'e, hayyamni hojii albuudaa duraan kenname hayyamoota booda kennaman irratti dursa ni qabaata.

37. Hayyama Dabarsuu

- 1) Abbaan hayyamaa, hayyama qabataniituu ala hayyama hojii albuudaa qabu Abbaa Taayitichaa dursa beeksisuun qaama sadaffaatiif dabarsuu ni danda'a.

2) በዚህ አንቀጽ ንዑስ አንቀጽ (1) ሥር የተደነገገው እንደተጠበቀ ሆኖ፣ ለተራራ የማዕድን ክምችት ማምረት የተሰጠ ፈቃድ ተራራውን ብቻ ያጠቃልላል፡፡

35. የፈቃድ መደራረብ

- 1) ባለሥልጣኑ በአንድ የፈቃድ መሬት ላይ ለተለያዩ ማዕድኖች ፈቃዶች ሊሰጥ ይችላል፡፡
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ (1) ሥር የተደነገገው ቢኖርም ባለሥልጣኑ በኋላ ላይ የሚሰጠው ፈቃድ አስቀድሞ በተሰጠው ፈቃድ ላይ የሚኖረውን የሥራ ተጽዕኖ በመገምገም ለቀድሞው ፈቃድ ባለቤት ማሳወቅ አለበት፡፡ አፈጻጸሙ በሚወጣው ደንብ የሚወሰን ይሆናል፡፡

36. የፈቃድ ቅድሚያ

- 1) ባለሥልጣኑ የማዕድኑን ኢኮኖሚያዊ ጠቀሜታ ወይም ከዚህ ኢንቨስትመንት ጋር የተያያዙ ሌሎች ዓላማዎችን መሰረት በማድረግ ካልወሰነ በስተቀር፡-
- (ሀ) ከፍተኛ ደረጃ የማዕድን ፈቃድ ከአስተኛ ደረጃ እና ከባህላዊ የማዕድን ፈቃድ ቅድሚያ ይኖረዋል፤
- (ለ) አስተኛ ደረጃ የማዕድን ፈቃድ ከባህላዊ የማዕድን ፈቃድ ቅድሚያ ይኖረዋል፡፡
- 2) በአንድ የማዕድን ክልል ውስጥ ለተለያዩ የማዕድን ዓይነቶች ተመሳሳይ ደረጃ ያላቸው ፈቃዶች ተሰጥተው ከሆነ በቅድሚያ የተሰጠው የማዕድን ሥራ ፈቃድ በኋላ ከተሰጡት ፈቃዶች ቅድሚያ ይኖረዋል፡፡

37. ፈቃድ ስለማስተላለፍ

- 1) ከይዞ ማቆየት ፈቃድ ውጪ የማዕድን ሥራ ፈቃድ ያለው ባለፊቃድ ለባለሥልጣኑ አስቀድሞ በማሳወቅ ፈቃዱን ለሶስተኛ ወገን ሊያስተላልፍ ይችላል፡፡

2) Without prejudice to the provision under sub article (1) of this article, the mineral production license issued on remainder deposit shall include only such remainder.

35. Overlap of Licenses

- 1) The Authority may issue other licenses of different types of minerals on the land of one license area.
- 2) Notwithstanding to the provision under sub article (1) of this article, the Authority shall assess the impact of the latter license on the activities of the former license and notify same to the former license holder. Its implementation particulars shall be determined by the regulation to be issued.

36. Priority of License

- 1) Unless the Authority decides based on the economic significance of the mineral or other objectives related to this investment:
- (a) Large scale mineral license shall have priority over the small scale and artisanal method mineral production licenses;
- (b) The small-scale mineral license shall have priority over artisanal method mineral license.
- 2) Where licenses having similar level are issued on different types of minerals on the land of one licensed area, the formerly issued mineral operation license shall have priority over the licenses issued latter.

37. Transfer of License

- 1) The licensee may, by notifying the Authority, transfer mineral operation license to the third party except retention license.

- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame jiraatullee, abbaan hayyamaa osoo hojiitti hin galin hayyama isaa dabarsuu hin danda'u.
- 3) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame jiraatullee, abbaan hayyamaa hayyama oomisha albuuda aadaa yookiin hayyama oomisha albuuda sadarkaa xiqqaa addaa dhaaltummaan yoo ta'e malee nama biraaf dabarsuu hin danda'u.
- 4) Hayyamni kamiyyuu nama yookiin dhaabbata bu'uura Labsii kanaa Keewwata 11 jalatti ibsameen ulaagaa hayyama argachuu hin guunneef darbuu hin danda'u.
- 5) Abbaan hayyamaa hayyama isaa dabarse kamiyyuu hanga Abbaa Taayitichaan galmee dhimma kanaaf qophaa'e irratti galmaa'utti fudhatama hin qabaatu.
- 6) Akkaataan hayyamni itti darbuu danda'u Dambii Labsii kana raawwachiisuuf bahuun kan murtaa'u ta'a.

38. Mirga Ofii Dhiisuu

- 1) Abbaan hayyama oomisha albuudaa sadarkaa xiqqaa yookiin guddaa, walta'iinsi faallaa kanaa yoo jiraate malee, yoo xiqqaate dursanii barreeffamaan beeksisa waggaa 1 (tokkoo) Abbaa Taayitaaf kennuudhaan hayyama isaa dhiisuu ni danda'a.
- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma eegametti ta'ee, namni mirga hayyama isaa akkaataa tumaa kanaatiin dhiise kamiyyuu dirqamoota hanga waliigalteen kun ragga'ee jirutti jiran raawwachuu irraa bilisa hin taasisu.

39. Ibsa Odeeffannoo

- 1) Odeeffannoo, gabaasa yookiin ragaalee biraa akkaataa Labsii kanaatiin abbaa hayyamaatiin Abbaa Taayitaaf yookiin qaama mootummaa biroof dhiyaatu kamiyyuu, hanga hayyamichi ragga'ee turutti fedhii abbaa hayyamaatiin malee nama biroof ibsamu hin danda'u.

- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው ቢኖርም ባለፈቃዱ ወደ ሥራ ሳይገባ ፈቃዱን ሊያስተላልፍ አይችልም፡፡
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው ቢኖርም የባህላዊ የማዕድን ፈቃድ ወይም የልዩ አነስተኛ ደረጃ የማዕድን ሥራ ባለፈቃድ በውርስ ካልሆነ በስተቀር ፈቃዱን ለሌላ ሰው ማስተላለፍ አይችልም፡፡
- 4) ማንኛውም ፈቃድ በዚህ አዋጅ አንቀጽ 11 ሥር የተደነገገውን ፈቃድ የማግኘት መስፈርት ለማያሟላ ሰው ወይም ተቋም ሊተላለፍ አይችልም፡፡
- 5) ፈቃዱን ያስተላለፈ ማንኛውም ባለፈቃድ ለዚሁ ጉዳይ በተዘጋጀው መዝገብ ላይ በባለሥልጣኑ እስኪመዘገብ ድረስ ተቀባይነት የለውም፡፡
- 6) ፈቃድ ሊተላለፍ የሚችልበት ሁኔታ ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ የሚወሰን ይሆናል፡፡

38. መብትን ስለመተው

- 1) የአነስተኛ ወይም ከፍተኛ ደረጃ የማዕድን ማምረት ባለፈቃድ ተቃራኒ ስምምነት ከሌለ በስተቀር ቢያንስ አንድ (1) አመት ቀድሞ ማስታወቂያ ለባለሥልጣኑ በጽሁፍ በመስጠት ፈቃዱን ሊተው ይችላል፡፡
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ በዚህ ድንጋጌ መሰረት መብቱን የተወ ማንኛውም ሰው ይህ ስምምነት ጸንቶ እስኪቆይበት ድረስ ያሉትን ግዴታዎች ከመፈጸም ነጻ አያደርገውም፡፡

39. መረጃን ስለመግለጽ

- 1) በዚህ አዋጅ መሰረት በባለፈቃዱ ለባለሥልጣኑ ወይም ለሌሎች የመንግስት አካላት የሚቀርብ ማንኛውም መረጃ፣ ሪፖርት ወይም ሌላ ማስረጃ ፈቃዱ ጸንቶ እስኪቆይበት ጊዜ ድረስ ከባለፈቃዱ ፍላጎት ውጪ ለሌላ ሰው ሊገለጽ አይችልም፡፡

- 2) Notwithstanding to the provision under sub article 1 of this article, the licensee shall not transfer his license before commencing operation.
- 3) Notwithstanding to the provision under sub article (1) of this article, the licensee shall not transfer artisanal method mineral license or special small scale mineral license except by inheritance.
- 4) No license shall be transferred to a person or organization that does not satisfy the criteria of acquiring mineral license provided under article 11 of this proclamation;
- 5) Any holder of license who has transferred his license shall have no acceptance until it is registered in the record book prepared for this purpose by the Authority.
- 6) The manner of transfer of license shall be determined by the regulation to be issued for the implementation of this proclamation.

38. Waiver of Right

- 1) The small or large scale mineral operation licensee may waive his license right by giving to the Authority, unless otherwise agreement, at least one (1) year prior notice in writing.
- 2) Without prejudice to the provision under sub article (1) of this article, any person who waives his right of license in accordance with this provision shall not be free from discharging the obligations existing until this agreement remains valid.

39. Disclosure of Information

- 1) No information, reports, documents or data submitted to the Licensing Authority or any other government agency under this Proclamation by the licensee shall, for as long as the license remains in effect, be disclosed, except with the consent of the licensee.

- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame jiraatullee odeeffannoon armaan gadii ibsamuu ni danda'u:
- (a) Falmii qaamolee haqaa biratti qabame qulqulleessuuf yookiin qorannoof yoo ta'ee; fi
- (b) Odeeffannoowwan kun gorsaan mootummaa yookiin hojjetaan akka fudhatu Abbaa Taayitaan kan hayyamame yoo ta'e.

40. Rikoordii fi Gabaasa

- 1) Abbaan hayyamaa kamiyyuu odeeffannoo fi ragaawwan barbaachisoo ta'an haala armaan gaditti ibsameen qindeeffachuun Abbaa Taayitaaf gabaasa dhiyeessuu qaba:
- (a) Hojii albuudaa bu'aalee odeeffannoo ragaa boolla gadifagoo keessaa bahee fi tarree ragaa galmamaa jiru dabalatee argaman ilaallatu; fi
- (b) Ragaa qacarrii, faayinaansii, daldalaa fi odeeffannoowwan biroo seera qabeessa ta'an.
- 2) Abbaan hayyamaa Abbaa Taayitichaa irraa hayyama barreeffamaan kennameef osoo hin qabaatin, bu'uura Keewwata kana Keewwata Xiqqaa 1 jalatti tumameen, galmee ragaalee boolla gadifagoo keessaa bahe yookiin irratti galmamaa dhabamsiisuu yookiin balleessuu hin danda'u.

41. Waa'ee Abbummaa Albuudaaalee, Gurguruu fi Gara Biyya Alaatti Erguu

- 1) Abbaan hayyama qorannoo albuudaa mirga albuuda baasuu, qorachuu fi qabatee socho'uuf dursee Abbaa Taayitaa hayyamsiisuudhaan saamuda fudhachuun qorachiisuu ni danda'a.
- 2) Saamudni albuudaaalee bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin qorannoof abbaa hayyamaatiin fudhatamu kamiyyuu qabeenya mootummaa ta'ee tura; waliigaltee Abbaa Taayitichaatiin ala abbaan hayyamaa gurguruu hin danda'u.

- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው ቢኖርም የሚከተሉት መረጃዎች ሊገለጹ ይችላሉ፡-
- (ሀ) በፍትህ አካላት ዘንድ የተያዘ ክርክርን ለማግራት ወይም ለምርመራ ከሆነ፤ እና
- (ለ) እነዚህን መረጃዎች የመንግስት አማካሪ ወይም ሰራተኛ እንዲወስድ በባለሥልጣኑ የተፈቀደ ከሆነ፡፡

40. ሪከርድ እና ሪፖርት

- 1) ማንኛውም ባለፈቃድ አስፈላጊ የሆኑ መረጃዎችና ማስረጃዎችን በሚከተለው ሁኔታ በማቀናጀት ለባለሥልጣኑ ሪፖርት ማቅረብ አለበት፡-
- (ሀ) ከጥልቅ ጉድጓድ ውስጥ የወጣ የማዕድን ሥራ ውጤት መረጃዎች ማስረጃና እና የተመዘገበው የማስረጃ ዝርዝር ጨምሮ የተገኙትን የሚመለከት፤ እና
- (ለ) የቅጥር፣ የፋይናንስ፣ የንግድ ማስረጃዎችና ሌሎች ህጋዊ የሆኑ መረጃዎች፡፡
- 2) ባለፈቃዱ ከባለሥልጣኑ የተሰጠው የጽሑፍ ፈቃድ ሳይኖረው በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር በተደነገገው መሰረት ከጥልቅ ጉድጓድ ውስጥ የወጣ ማስረጃ ወይም ላዩ የተመዘገበበትን መዝገብ ማስወገድ ወይም ማጥፋት አይችልም፡፡

41. ስለማዕድናት ባለቤትነት፣ መሸጥና ወደ ውጭ መላክ

- 1) የማዕድን ምርመራ ባለፈቃድ ማዕድን የማውጣት፣ የመመርመርና ይዞ የመንቀሳቀስ መብት አስቀድሞ ባለሥልጣኑን በማስፈቀድ ናሙና በመውሰድ ሊያስመረምር ይችላል፡፡
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር በተደነገገው መሰረት በባለፈቃዱ ለምርመራ የሚወሰድ ማንኛውም ማዕድን የመንግስት ንብረት ሆኖ ይቀጥላል፤ ከባለሥልጣኑ ስምምነት ውጭ ባለፈቃዱ ማዕድኑን ሊሸጥ አይችልም፡፡

- 2) Notwithstanding to the provision under sub article (1) of this article, the following information may be disclosed:

- (a) for the purpose of legal proceedings, an inquiry or investigation conducted by an organ of justice administration;
- (b) to any person being a consultant to the government or officer who is authorized by the Licensing Authority to receive such information.

40. Record and Report

- 1) Any licensees shall organize the necessary information and evidences and report to the Authority in the following manner:
- (a) information pertaining to his mining operations and the results connected therewith, including borehole core and core-log data;
- (b) Evidences of employment, finance, trade and other lawful information.
- 2) The Licensee shall not dispose of or destroy any record of evidences borehole core or core-log data specified in sub-article (1) of this Article, without the prior written consent of the Authority.

41. Ownership, Sale and Export of Minerals

- 1) Holder of mineral exploration license may, in order to mine, explore and move holding minerals take sample of minerals cause to be tested by securing prior authorization of the Authority.
- 2) Any mineral sample taken by the licensee for testing in accordance with sub article (1) of this article shall remain the property of the government and the licensee shall not sell such mineral without the consent of the Authority.

- 3) Namni hayyama hojii albuudaa oomishuu qabu, albuudaalee hayyamicha irratti ibsaman oomishuuf mirga abbummaa ni qabaata.
- 4) Namni hayyama hojii albuuda oomishuu qabu, albuudaalee Keewwata kana Keewwata Xiqqaa 3 jalatti kaa'aman biyya keessatti yookiin biyya alaatti gurguruu ni danda'a.
- 5) Keewwata kana Keewwata Xiqqaa 4 jalatti kan tumame jiraatus, abbaan hayyamaa albuuda mala aadaa yookiin hayyama albuuda sadarkaa xiqqaa addaa oomisha albuuda sookoo fi meetii irratti bobba'e oomisha isaa Baankii Biyyaalessaa Itiyophiphiyaatiif gurguruu qaba.

42. Sirna Walta'iinsa Ce'umsa Teeknooloojii

- 1) Abbaan hayyamaa kamiyyuu hojii albuudaan walqabatee walta'iinsa ce'umsa teeknooloojii yeroo taasisutti Abbaa Taayitaatti dhiyeessuun hayyamsiisuu fi galmeessisuu qaba.
- 2) Abbaan Taayitichaa akkaataa Keewwata kana Keewwata Xiqqaa 1 tiin walta'iinsi teeknooloojii ce'umsaa yoo isaaf dhiyaatu, bu'uura seera ce'umsa teeknooloojii rogummaa qabuun sakatta'ee murtii barbaachisaa ni kenna.

43. Galmeessa Daldalaa Abbaa Hayyamaa

- 1) Abbaan hayyamaa kamiyyuu hojii albuudaa hojjechuuf galmee hayyama daldalaa qaama dhimmi ilaalu irratti galmaa'uun bara hayyama isaatti naannicha keessatti waajjira hundeessuuf dirqama qaba.
- 2) Abbaan hayyamaa albuudaalee hayyama isaarratti kaa'aman oomishuuf, gurguruu fi gara biyya alaatti erguuf hayyama Abbaan Taayitaa isaaf kennuun alatti mana hojii mootummaa biraa irraa hayyamni isa hin barbaachisu.
- 3) Tumaan Keewwata kana Keewwata Xiqqaa 2 jalatti tumame abbaa hayyamaa dirqama foormalitii gumuruukaa fi baankii guuturraa bilisa hin taasisu.

- 3) ማዕድን የማምረት ሥራ ፈቃድ ያለው ሰው በፈቃዱ ላይ የተገለጹትን ማዕድናት ለማምረት የባለቤትነት መብት ይኖረዋል።
- 4) ማዕድን የማምረት ሥራ ፈቃድ ያለው ሰው በዚህ አንቀጽ ንዑስ አንቀጽ (3) ሥር የተመለከቱትን ማዕድናት በሀገር ውስጥ ወይም በውጭ ሀገር ሊሸጥ ይችላል።
- 5) በዚህ አንቀጽ ንዑስ አንቀጽ 4 ሥር የተደነገገው ቢኖርም በባህላዊ ዘዴ ማዕድን ወይም በልዩ አነስተኛ ደረጃ በወርቅና በብር ማዕድናት ማውጣት ሥራ ላይ የተሰማራ ባለፈቃድ ምርቱን ለኢትዮጵያ ብሔራዊ ባንክ መሸጥ አለበት።

42. የቴክኖሎጂ ሽግግር ስምምነት ሥርዓት

- 1) ማንኛውም ባለፈቃድ አማዕድን ሥራ ጋር በተያያዘ የቴክኖሎጂ ሽግግር ስምምነት በሚፈጽምበት ጊዜ ለባለሥልጣኑ በማቅረብ ማስፈቀድና ማስመዝገብ አለበት።
- 2) ባለሥልጣኑ በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር በተደነገገው መሰረት የቴክኖሎጂ ሽግግር ስምምነት ሲቀርብለት አግባብ ባለው የቴክኖሎጂ ሽግግር ሕግ መሰረት በመፈተሽ ተገቢውን ውሳኔ ይሰጣል።

43. የባለፈቃድ የንግድ ምዝገባ

- 1) ማንኛውም ባለፈቃድ የማዕድን ሥራ ለመስራት በሚመለከተው አካል የንግድ ፈቃድ መዝገብ ላይ በመመዝገብ በፈቃድ ዓመቱ በክልሉ ውስጥ ጽህፈት ቤት የመመስረት ግዴታ አለበት።
- 2) ባለፈቃዱ በፈቃዱ ላይ የተጠቀሱትን ማዕድናት ለማምረት፣ ለመሸጥና ወደ ውጭ ለመላክ ባለሥልጣኑ ከሚሰጠው ፈቃድ በስተቀር ከሌላ የመንግስት መስሪያ ቤት ፈቃድ አያስፈልገውም።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ (2) ሥር የተደነገገው ባለፈቃዱን የጉምሩክና የባንክ ፎርማሊቲን ከማሟላት ነጻ አያደርገውም።

- 3) A person having mineral production operation license shall have the ownership right to produce the minerals specified on the license.
- 4) A person having mineral production operation license may sell the minerals provided under sub article (3) of this article within the country or abroad.
- 5) Notwithstanding to the provision under sub article 4 of this article, holder of the artisanal or special small scale mineral production license engaged in gold and silver minerals production shall sell his product to the National Bank of Ethiopia.

42. Procedure of Technology Transfer Agreement

- 1) Any licensee shall get the authorization of and be registered to the Authority when he make agreement of transfer of technology regarding mineral operation.
- 2) The Authority, shall up on receiving the transfer of technology agreement in accordance with sub article 1 of this article, examine it and pass necessary decision in accordance with appropriate laws of transfer of technology.

43. Trade Registration of the Licensee

- 1) Any licensee has obligation to be registered on the trade license registration book of the concerned body and establish an office in the region during his license period in order to conduct mineral operation.
- 2) The licensee is not required to have a license from other government office other than the license issued to him by the Authority to produce, sell and export the minerals specified on his license.
- 3) The provision under sub article (2) of this article shall not exempt the licensee from fulfilling customs and bank formalities.

Kutaa Xiqqaa Lama Waraqaa Ragaa	ንዑስ ክፍል ሁለት የምስክር ወረቀት	Sub Part Two Certificate
44. Waraqaa Ragaa Abbaan Taayitichaa bu'uura Labsii kanaatiin waraqaa ragaa argannoo albuudaa kennuu ni danda'a. 45. Iyyannoo Waraqaa Ragaa Argannoo Albuudaa Argachuuf Dhiyaatu 1) Namni albuudni jiraachuu yookiin mallattoon albuudaa jiraachuu irra dhaqqabe unkaa dhimma kanaaf qophaa'e irratti guutuun barreeffamaan waraqaa ragaa argannoo akka kennamuuf Abbaa Taayitaatti iyya-chuu ni danda'a. 2) Abbaan Taayitaa akkaataa Keewwata kana Keewwata Xiqqaa 1 tiin ulaagaan barbaadamu guutamuu yoo mirkaneesse iyyannoo waraqaa ragaa argannoo dhiyaate fuudhee ni galmeessa.	44. የምስክር ወረቀት ባለሥልጣኑ በዚህ አዋጅ መሰረት የማዕድን ግኝት የምስክር ወረቀት ሊሰጥ ይችላል። 45. የማዕድን ግኝት የምስክር ወረቀት ለማግኘት የሚቀርብ አቤቱታ 1) የማዕድን መኖር ወይም የማዕድን መኖር ምልክትን ያገኘ ሰው ለዚህ ጉዳይ በተዘጋጀ ቅጽ ላይ በመሙላት የማዕድን ማግኘት የምስክር ወረቀት እንዲሰጠው ለባለሥልጣኑ በጽሑፍ አቤቱታ ሊያቀርብ ይችላል። 2) ባለሥልጣኑ በዚህ አንቀጽ ንዑስ አንቀጽ 1 መሰረት የሚፈለገው መስፈርት መሟላቱን ካረጋገጠ የማዕድን ግኝት የምስክር ወረቀት እንዲሰጠው የቀረበውን አቤቱታ በመቀበል ይመዘግባል።	44. Certificate The Authority may issue mineral discovery certificate in accordance with this proclamation. 45. Application for Mineral Discovery Certificate 1) A person who discovers the existence or signs indicating the existence of minerals may apply to the Authority in writing by filling the format prepared for this purpose requesting mineral discovery certificate. 2) The Authority shall accept and register the application for mineral discovery certificate submitted in accordance with sub article (1) of this article up on ascertaining the fulfilment of the necessary criteria.
46. Waraqaa Ragaa Argannoo Kennuu Abbaan Taayitaa iddoo albuudni argametti albuudni duraan jiraachuun kan hin beekamne, hayyamni kan hin kennamnee fi iyyannoon kan irratti hin dhiyaanne yookiin hojiin albuudaa kan hin dhorkamne yoo ta'e guyyaa iyyannoon isa dhaqqabe irraa eegalee guyyaa 15 (kudha shan) keessatti qaama albuuda argateef albuudaalee tarsiimaawaan ala jiraniif waraqaa ragaa argannoo kennuu ni danda'a.	46. የማዕድን ግኝት የምስክር ወረቀት መስጠት ባለሥልጣኑ ማዕድን የተገኘበት ሥፍራ ላይ ከዚህ ቀደም ማዕድን እንዳለበት የማይታወቅ፣ ፈቃድ ያልተሰጠ እና አቤቱታ ያልቀረበበት ወይም የማዕድን ሥራ ያልተከለከለ ከሆነ አቤቱታው ከደረሰው ቀን ጀምሮ በ15 (አሥራ አምስት) ቀን ውስጥ ከስትራተጂያዊ ማዕድናት በስተቀር ማዕድኑን ላገኘው አካል የማዕድን ግኝት የምስክር ወረቀት ሊሰጥ ይችላል።	46. Issuance of Mineral Discovery Certificate The Authority may issue discovery certificate to the body that discovers such mineral except for strategic minerals within 15 (fifteen) days from the date of receiving the application, if the area where the mineral discovered is not known for the existence of minerals previously, license is not issued and an application is not submitted or mineral operation has not been prohibited on such area.
47. Turmaataa fi Haaromsa Waraqaa Ragaa Argannoo 1) Waraqaan ragaa argannoo hanga ji'a 18 (kudha saddeet) tiif kan kennamu ta'a. 2) Waraqaan ragaa argannoo hin haaromfamu. 3) Hangi lafaa waraqaa ragaa argannoof kennamuu yoo baay'ate kaaree meetira 10 (kudhan) caaluu hin qabu.	47. የማዕድን ግኝት የምስክር ወረቀት ቆይታና እድላት 1) የግኝት የምስክር ወረቀት እስከ 18 (አስራ ስምንት) ወር የሚሰጥ ይሆናል። 2) የግኝት የምስክር ወረቀት አይታደስም። 3) ለግኝት የምስክር ወረቀት የሚሰጥ የመሬት መጠን ቢበዛ ከ10 (አስር) ካሬ ሜትር መብለጥ የለበትም።	47. Duration and Renewal of Discovery Certificate 1) The discovery certificate shall be provided for a period of 18 (eighteen) months. 2) The discovery certificate shall not be renewed. 3) The size of land to be provided for discovery certificate shall not exceed 10 (ten) square meters.

48. Mirgaa fi Dirqama Abbaa Qabiyyee Waraqaa Ragaa Argannoo

- 1) Namni waraqaan ragaa argannoo kennameef ragaan argannoo isaa yeroo ragga'e turuu osoo hin xumuramin dura hayyama qorannoo yookiin oomishuu argachuudhaaf mirga dursaa ni argata.
- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma eegametti ta'ee, namni waraqaan ragaa argannoo kennameef abbaa hayyamaa yoo ta'e, hayyamni isaa duraanii, albuudaalee isa dura argaman yookiin naannoo bakka hayyama isaatiin waldaangessu dabalammeefii akka hayyamni fooyya'uuf akka filannootti gaafachuuf mirga ni qabaata. Haa ta'u malee, bakki fooyya'e kun fiixee hayyamaamuu danda'uu ol darbuu hin danda'u.

Kutaa Afur**Bulchiinsa Hojiiwwan Albuudaa****49. Aangoo fi Hojii Abbaa Taayitaa**

- Aangoo fi hojiiin seerota birootiin kennameef akkuma eegametti ta'ee, Abbaan Taayitaa aangoo fi hojii armaan gadi ni qabaata:
- 1) Iyyannoo hojii albuudaaf dhiyaatu ni mirkaneessa yookiin kufaa ni taasisa;
 - 2) Abbaan hayyamaa kamiyyuu dirqamoota hayyama keessatti ibsaman bahuu isaa, madda maallaqaa fi gahumsa teeknikaa qabaachuu isaa ni mirkaneessa;
 - 3) Kallattii walta'iinsa ilaallatuun mootummaa bakka bu'uun waliigaltee qabeenya albuudaa bulchuu yookiin misoomsuuf taasifamu ni raawwata;
 - 4) Hayyama hojiiwwan albuudaa armaan gadii ni kenna; ni haaromsa; ni dhorka; yookiin ni haqa:
 - (a) Hayyama albuudaa aadaan oomishuu kennuu;
 - (b) Hayyama oomisha albuudaa sadarkaa xiqqaa addaa;

48. የግኝት የምስክር ወረቀት ባለይዞታ መብትና ግዴታ

- 1) የግኝት የምስክር ወረቀት የተሰጠው ሰው የግኝቱ ማስረጃ ጸንቶ የሚቆይበት የጊዜ ገደብ ሳይጠናቀቅ በፊት የማዕድን ምርመራ ወይም ማምረት ፈቃድ ለመግኘት የቅድሚያ መብት ያገኛል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ የግኝት የምስክር ወረቀት የተሰጠው ሰው ባለፈቃድ ከሆነ የቀድሞው ፈቃዱ ከሰበፊት የነበሩ ማዕድናትን ወይም ከሰፈቃድ ክልል ጋር የሚዋሰነውን ባካተተ መልኩ እንዲሻሻልለት እንደ አማራጭ የመጠየቅ መብት ይኖረዋል። ይሁን እንጂ ይህ የተሻሻለው ሥፍራ ሊፈቀድ የሚችለውን ክፍተኛ መጠን መብለጥ አይችልም።

ክፍል አራት**የማዕድን ሥራዎች አስተዳደር****49. የባለሥልጣኑ ሥልጣንና ተግባር**

- በሌሎች ህጎች የተሰጠው ሥልጣንና ተግባር እንደተጠበቀ ሆኖ ባለሥልጣኑ የሚከተለው ሥልጣንና ተግባር ይኖረዋል፡-
- 1) ለማዕድን ሥራ የሚቀርብ አቤቱታን ያጸድቃል ወይም ውድቅ ያደርጋል፤
 - 2) ማንኛውም ባለፈቃድ በፈቃዱ ውስጥ የተገለጹትን ግዴታዎች መወጣቱን፣ የገንዘብ ምንጭና የቴክኒክ ብቃት መኖሩን ያረጋግጣል፤
 - 3) ስምምነትን በተመለከተ መንግስትን በመወከል የማዕድን ሀብትን ለማስተዳደር ወይም ለማልማት የሚደረግ ስምምነትን ይፈጽማል፤
 - 4) የሚከተሉትን የማዕድን ሥራዎች ፈቃዶችን ይሰጣል፣ ያድሳል፣ ያግዳል ወይም ይሰርዛል፡-
 - (ሀ) በባህላዊ ዘዴ ማዕድን የማምረት ፈቃድ መስጠት፤
 - (ለ) ልዩ አነስተኛ ደረጃ የማዕድን ማምረት ፈቃድ፤

48. Rights and Obligations of Discovery Certificate Holder

- 1) A person given with discovery certificate shall be entitled priority right to obtain exploration or production license before the expiry of its limitation period.
- 2) Without prejudice to the provision under sub article 1 of this article, if the person provided with discovery certificate is a licensee, he shall have the right to apply for the amendment of his previous license on minerals discovered before him or by adding the area bordering his license area as an option. However, the newly amended area shall not exceed the maximum of the area that can be permitted.

Part Four**Administration of Mineral Operations****49. Power and Duties of the Authority**

- Without prejudice to the power and duties vested in it by other laws, the Authority shall have the following power and duties:
- 1) Approve or reject the application submitted for mineral operations;
 - 2) Ensure that any licensee discharges the obligations specified in the license and to have financial source and technical competence;
 - 3) Concerning contracts, perform mineral resources administration or development contract on behalf of the government;
 - 4) Issue, renew, suspend or revoke the following mineral operation licenses:
 - (a) Artisanal method of mineral production license;
 - (b) Special small scale mineral operation license;

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| <p>(c) Abbaa qabeenyaa biyya keessaatiif yoo ta'e hayyama qorannoo fi qabatanii turuu albuudaalee ijaarsaa fi industirii irratti;</p> <p>(d) Albuudaalee industirii irratti hayyama oomisha albuuda aadarkaa xiqqaa;</p> <p>(e) Albuudaalee ijaarsaa irrattii hayyama oomishaa sadarkaa xiqqaa fi sadarkaa guddaa;</p> <p>5) Odeeffannoo fi ragaawwan hojii albuudaa ni sassaaba; ni qindeessa;</p> <p>6) Hojiiwwan albuudaa akkaataa seeraatiin gaggeeffamaa jiraachuu isaa ni to'ata, ni mirkanneessa;</p> <p>7) Abbaan hayyamaa albuuda oomisha hunda yookiin hanga tokko haala gatii addunyaa wayitawaatiin mootummaatti yookiin dhaabbilee misoomaa biyya keessaatiif akka gurguru taasisuu ni danda'a;</p> <p>8) Bakka oomishni hojii albuudaa aadaa itti gaggeeffamu qorachuun ni daangeessa;</p> <p>9) Rooyaalitii fi kaffaltiin biroo akka sassaabamu ni taasisa; sassaabamuu isaa ni mirkaneeffata; herreega abbaa hayyamaa ni qorata;</p> <p>10) Abbootiin hayyamaa hojii oomisha albuudaa gaggeessan hojiin isaanii seera eegumsa naannoo kan bu'uureeffatee fi misooma ummata naannootiif deeggarsa kan taasisu ta'uu ni mirkaneeffata;</p> <p>11) Galii oomisha hojii albuudaa irraa sassaabamu ummataaf ifa ni taasisa;</p> <p>12) Qabeenya albuuda naannichaa bulchuu irratti hojiin misooma albuudaa akka babal'atuuf hojii beeksisaa ni gaggeesa; ragaa albuudaalee ni qindeessa; qaama dhimmi isaa ilaalu ni beeksisa; uumamaa fi facaatii albuudaa beekuuf hojii qo'annoo, kaartaa ji'oloojii hojjechuu fi akkaataa seeraatiin kaartaan ni daangeessa.</p> | <p>(ሐ) ለሀገር ውስጥ ባለሀብት ከሆነ የግንባታና ኢንዱስትሪ ማዕድናት የምርመራና ይዞ መቆየት ፈቃድ፤</p> <p>(መ) በኢንዱስትሪ ማዕድናት ላይ አነስተኛ ደረጃ የማዕድን ማምረት ፈቃድ፤</p> <p>(ሠ) በግንባታ ማዕድናት ላይ አነስተኛና ከፍተኛ ደረጃ የማዕድን ማምረት ፈቃድ፤</p> <p>5) የማዕድን ሥራ መረጃዎችና ማስረጃዎችን ይሰበስባል፤ ያቀናጃል፤</p> <p>6) የማዕድን ሥራዎች በህጉ መሰረት እየተከናወኑ መሆናቸውን ይቆጣጠራል፤ ያረጋግጣል፤</p> <p>7) በላፊቃዱ ያመረተውን ማዕድን ሙሉ በሙሉ ወይም የተወሰነውን በወቅቱ የዓለም ዋጋ ለመንግስት ወይም ለሀገር ውስጥ የልማት ድርጅቶች እንዲሸጥ ሊያደርግ ይችላል፤</p> <p>8) የባህላዊ ዘዴ ማዕድን ማምረቻ ቦታን በመመርመር ይከልላል፤</p> <p>9) ሮያሊቲ እና ሌሎች ክፍያዎች እንዲሰበሰቡ ያደርጋል፤ መሰብሰቡንም ያረጋግጣል፤ የባለፈቃዱን ሂሳብ ይመረምራል፤</p> <p>10) የማዕድን ማምረት ሥራ የሚያከያሄዱ ባለፈቃዶች ተግባራቸው የአካባቢ ጥበቃ ህግን መሰረት ያደረገና ለክልሉ ህዝብ ልማት ድጋፍ የሚያደርግ መሆኑን ያረጋግጣል፤</p> <p>11) ከማዕድን ማምረት ሥራ የሚሰበሰበውን ገቢ ለህዝቡ ይፋ ያደርጋል፤</p> <p>12) የክልሉን ማዕድን ሀብት ማስተዳደር ላይ የማዕድን ልማት ሥራ እንዲስፋፋ የማስተዋወቅ ሥራ ያካሂዳል፤ የማዕድን ማስረጃዎችን ያቀናጃል፤ ለሚመለከተው አካል ያሳውቃል፤ የማዕድናትን ተፈጥሮና ሥርጭት ለማወቅ የጥናት፣ የጂኦሎጂ ካርታ መስራትና በህጉ መሰረት በካርታ ይከልላል፡፡</p> | <p>(c) For domestic investor, exploration and retention licenses on construction and industrial minerals;</p> <p>(d) Small scale mineral production-license on industrial minerals;</p> <p>(e) Small scale and large scale mineral production operation licenses on construction minerals;</p> <p>5) Collect and organize information and evidences of mineral operations;</p> <p>6) Supervise; ensure that the mineral operations are being undertaken lawfully;</p> <p>7) May make the licensee to sell all or portion of the mineral he has produced to the government or for domestic public enterprises with the current international market price;</p> <p>8) Study and enclose an area where artisanal method mineral production be undertaken;</p> <p>9) Cause the collection of royalty and other payments; ensure that it has been collected; investigate the financial accounts of the licensee;</p> <p>10) Ensure that the mineral operations of the licensee to be undertaken on the basis of environmental protection laws and it contributes for the development of the people in the area/region;</p> <p>11) Disclose the income collected from the mineral operations to the people;</p> <p>12) Conduct promotion activities for the expansion of mineral developments in connection with mineral resource administration of the region; organize evidences of minerals and notify same to the concerned body; to understand the nature and distribution of minerals, it undertakes studies, geological maps and enclose with maps in accordance with the law.</p> |
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50. To'annoo fi Sakatta'iinsa

- 1) Abbaan Taayitaa yookiin caas-aaleen isaa sadarkaan jiran to'attoota albuudaa ramaduun hojiiwwan misooma albuudaa to'achuu fi sakatta'uu ni danda'a.
- 2) To'ataan hojiiwwan misooma albuudaa akka to'atuuf Abbaa Taayitaadhaan ramadame kamiyyuu sa'aatii hojiitti daangaa hayyama albuudaa keessa seen-uun tooftaalee armaan gadiitiin to'annoo fi sakatta'iinsa taasisuu ni danda'a:
 - (a) Sochii hojii gaggeeffamu hunda to'achuu;
 - (b) Galmee kamiyyuu, riikoordii, ibsa yookiin harshammeewwan qorachuu fi kutaa waraabbii harshamichaa qorannoof fudhachuu;
 - (c) Meeshaalee fi dhiyeessa bakka hojii jiran qorachuu;
 - (d) Saamudoota albuudaa kamiyyuu fudhachuu, sakatta'uu, qorachuu, tarreessuu fi gosa gosaan adda baasuu; fi
 - (e) Deeggarsa hojii akkaataa Keewwata kanaatiin hojiiwwan to'annoo raawwachuuf barbaachisan argachuu.
- 3) Keewwata kana Keewwata Xiqqaa 2 jalatti kan tumame akkuma eegametti ta'ee, to'ataan Abbaa Taayitichaatiin ramadame kamiyyuu sa'aatii hojiitti yookiin haala addaatiin sa'aatii hojiitiin alatti daangaa hayyamaatiin alatti to'annoo fi sakatta'insa gaggeessuun ni danda'a.
- 4) Bu'uura Keewwata kana Keewwata Xiqqaa 2 (b) tiin meeshaaleen galmeewwan ibsi yookiin harshammeewwan kamiyyuu to'annoo Abbaa Taayitichaa jala akka turu yeroo taasifamu:
 - (a) Nama harshammeen yookiin qabiyyeen isaa to'annoo isaa jala ture harkatti qabameef, to'ataan hordofee harshammichaa yookiin kutaa waraabbii harshammichaa akka fudhatu taasisuu ni danda'a;

50. ቁጥጥርና ፍተሻ

- 1) ባለሥልጣኑ ወይም በየደረጃው ያሉት መዋቅሮች የማዕድን ተቆጣጣሪዎችን በመመደብ የማዕድን ልማት ሥራዎችን ሊቆጣጠርና ሊፈትሽ ይችላል።
- 2) የማዕድን ልማት ሥራዎችን እንዲቆጣጠር በባለሥልጣኑ የተመደበ ማንኛውም ተቆጣጣሪ በሥራ ሰዓት ወደ ማዕድን ፈቃድ ክልል ውስጥ በመግባት በሚከተሉት ሥልቶች ቁጥጥርና ፍተሻ ሊያደርግ ይችላል፡-
 - (ሀ) የሚካሄደውን የሥራ እንቅስቃሴ ሁሉ መቆጣጠር፤
 - (ለ) ማንኛውንም መዝገብ፣ ሪከርድ፣ መግለጫ ወይም ሰነዶችን መመርመርና የሰነዱን ቅጂ ክፍል ለምርመራ መውሰድ፤
 - (ሐ) በሥራ ቦታ ያሉትን መሳሪያዎችና አቅርቦት መመርመር፤
 - (መ) ማንኛውም የማዕድን ናሙና መውሰድ፣ መፈተሽ፣ መመርመር፣ መዘርዘርና በየዓይነታቸው መለየት፣ እና
 - (ሠ) በዚህ አንቀጽ መሰረት የቁጥጥር ሥራ ለመስራት የሚያስፈልጉትን የሥራ ድጋፍ ማግኘት።
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ሥር የተደነገገው እንደተጠበቀ ሆኖ በባለሥልጣኑ የተመደበ ማንኛውም ተቆጣጣሪ፣ በስራ ሰዓት ወይም በልዩ ሁኔታ ከስራ ሰዓት ውጪ ከፈቃድ ክልል ውጪ ቁጥጥርና ፍተሻ ሊያካሄድ ይችላል።
- 4) በዚህ አንቀጽ ንዑስ አንቀጽ (2) (ለ) መሰረት ማንኛውም መሳሪያዎች በመዝገብ መግለጫ ወይም ሰነድ በባለሥልጣኑ ቁጥጥር ሥር እንዲቆይ በሚደረግበት ጊዜ፡
 - (ሀ) በይዞታው ወይም በቁጥጥሩ ሥር የነበረ ሰነድ የተያዘበት ሰው ተቆጣጣሪው እየተከታተለው የሰነዱ ወይም የሰነዱን ክፍል ቅጂዎች እንዲወስድ ማድረግ ይችላል፤

50. Control and Search

- 1) The Authority or its structures at each hierarchy may control and search the mineral development activities by designating mineral inspector.
- 2) Any Inspector designated by the Authority to control the mineral development activities may, at working hours enter into the territory of mining license area and conduct inspection and searching by the following mechanisms:
 - (a) Controlling all the activities carried out;
 - (b) Investigating any book, records, statements and documents and taking copies of the receipts for more investigation;
 - (c) Investigating the materials and supplies found at work place;
 - (d) Taking any mineral samples, searching, investigating, listing out and sorting in types; and
 - (e) Obtaining the necessary support to perform the controlling activities in accordance with this article.
- 3) Without prejudice to the provision under sub article 2 of this article, any inspector assigned by the Authority may conduct control and searching out of the license area at working hours or exceptionally out of working hours.
- 4) When the materials, books, statements or any monetary document is made to remain under control of the Authority in accordance with sub article 2(b) of this article:
 - (a) The inspector may follow up and make the person whose monetary documents or possession is put under its control to take such document or the copy thereof;

(b) Qabeenya meeshaa, maateriyaa-
lii, galmee, ibsa yookiin harsham-
meewwan qabamaniin walqa-
batee yoo himannaan irratti hin
dhiyaanne yookiin falmii kami-
yyuu keessattuu ragummaaf ta-
jaajiluun isaa yoo shakkisiisaa ta'e
hin argamne yookiin ajaja mana
murtiitiin nama jalaa qabameef
battalumatti ni deebisaaf.

51. Dirqama To'ataa

To'ataan yookiin sakatta'aa hojii
albuudaa yeroo hojii isaa raaw-
watu dirqama hojii armaan gadii
ni qabaata:

- 1) Bu'uura Labsii kana Keewwata
50 tiin qorannoo akka gaggees-
su yeroo ajajamu xalayaa Abbaa
Taayitichaatiin kennameef qaba-
tee hojjetaa abbaa hayyama seera
qabeessa ta'ef agarsiisuu;
- 2) Hojii isaa ittigaafatamummaa ci-
maa fi loogii malee raawwachuu;
- 3) Hojiirra oolmaa Labsii, Dambii
fi Qajeelfama hojii albuudaa fi
dirqamoota kanaan walqabatanii
jiran hordofuu;
- 4) Waraqaa eenyummaa fi mallat-
too to'annoo albuudaa Abbaa
Taayitaadhaan kennameef qaba-
chuu fi yeroo gaafataman qaama
dhimmi ilaaluuf agarsiisuu; fi
- 5) Bakka hojii oomisha albuudaa
yookiin kuufama albuudaa
dhaabbata kamiyyuu yeroo
seenan abbaa hayyamaa yookiin
hojii gaggeessaa dhaabbatichaa
yookiin bakka bu'aa isaa beeksi-
suu qabu.

52. Oomishni Hojii Albuudaa Hir'achu fi Bu'aan Xiqqaachuu

- 1) Abbaan hayyamaa oomisha ho-
jii albuudaa sadarkaa guddaa fi
xiqqaa irratti bobba'e wantoonni
armaan gadii yoo isa muudatan
Abbaa Taayitaa beeksisu qaba:
- (a) Haala diinagdee yeroottiin bu'aan
oomisha albuudaa galii waliin
yoo madaalamu ji'oota walitti
aanan 12 (kudha lama) keessatti
giddugaleessan % 6n gadii bu'ee
yoo argame; yookiin

(ለ) ከተያዙት ንብረቶች፣ መሳሪያዎች፣
መዝገብ፣ መግለጫ ወይም ሰነዶች
ጋር በተያያዘ ክስ ካልቀረበት ወይም
በማንኛውም ክርክር ውስጥ ለማስረጃነት
ማገልገሉ አጠራጣሪ ሆኖ ካልተገኘ ወይም
በፍርድ ቤት ትዕዛዝ ለተያዘበት ሰው
ወዲያውኑ ይመልስለታል።

51. የተቆጣጣሪው ግዴታ

የማዕድን ሥራ ተቆጣጣሪ ወይም
ፈታሽ ሥራውን በሚያከናውንበት ጊዜ
የሚከተለው የሥራ ግዴታ ይኖረዋል፡-

- 1) በዚህ አዋጅ አንቀጽ 50 መሰረት
ምርመራ እንዲያካሂድ በሚታዘዝበት
ጊዜ በባለሥልጣኑ የተሰጠውን ደብዳቤ
በመያዝ ለባለፈቃዱ ህጋዊ ሰራተኛ
ማሳየት፤
- 2) ሥራውን በከፍተኛ ሀላፊነትና ያለ አድሎ
መፈጸም፤
- 3) የማዕድን ሥራ አዋጅ፣ ደንብና መመሪያ
እና ከዚህ ጋር የተያያዙ ግዴታዎችን
መከታተል፤
- 4) በባለሥልጣኑ የተሰጠውን መታወቂያና
የማዕድን ተቆጣጣሪነት ምልክት መያዝና
ሲጦቹም ለሚመለከተው አካል ማሳየት፤ እና
- 5) ወደ ማዕድን ማምረት ሥራ ወይም ወደ
ማንኛውም ድርጅት የማዕድን ክምችት
በሚገቡበት ጊዜ ባለፈቃዱን ወይም
የድርጅቱን ሀላፊ ወይም ተወካዩን
ማሳወቅ አለበት።

52. የማዕድን ሥራ ምርት መቀነስ እና የትርፍ ማነስ

- 1) በከፍተኛና አነስተኛ ደረጃ የማዕድን
ማምረት ሥራ ላይ የተሰማራ ባለፈቃድ
የሚከተሉት ጉዳዮች ከገጠሙት
ለባለሥልጣኑ ማሳወቅ አለበት፡-
- (ሀ) በወቅቱ የኢኮኖሚ ሁኔታ የማዕድን ምርት
ትርፍ ከገቢ ጋር ሲነጻጸር 12 (በአስራ
ሁለት) ተከታታይ ወራት ውስጥ በአማካኝ
በ6% ወደታች ወርዶ ከተገኘ፤ ወይም

(b) In connection with properties,
materials, statements or docu-
ments seized, unless a charge
is filed against or it is found
doubtful to serve as evidence
for any litigation, it shall forth-
with return to the person from
whom it is seized upon the
court order.

51. Obligations of the Inspector

The inspectors searcher of min-
eral operation shall have the
following obligations while
performing his activity:

- 1) To show the letter given for him
by the Authority to the lawful
licensee while conducting in-
vestigation in accordance with
article 50 of this proclamation;
- 2) To perform his activity with strict
accountability and impartially;
- 3) To follow up the implemen-
tation of this proclamation,
regulation and mineral work
directive and other related ob-
ligations;
- 4) To hold his identity card and min-
eral operations controllingsign
provided to him by the Authority
and show to the concerned body
when requested to do so;
- 5) To notify the license owner or
manager of the organization or
his representative when he enters
in to the mineral production or
deposit area of any organization.

52. Reduction of Mineral Produc- tion and Curtailment of Proceeds

- 1) The licensee engaged in large
and small scale mineral pro-
duction operation shall notify
the Authority where he faces
the following situations:
- (a) If the proceeds of mineral pro-
duction is diminished to an av-
erage of 6% in the 12 (twelve)
consecutive months due to the
current economic situation; or

- (b) Hojiin oomisha albuudaa kamiyyuu ji'oota 12 (kudha lama) kees-satti %10n ol hojjetaa sadarkaa hir'isiisuu danda'uun kan gahu yoo ta'e yookiin kan dhaabbatu yoo ta'e.
- 2) Abbaan Taayitichaa bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin beeksifni abbaa hayyamaa irraa yoo isa gahu, Biiroo Dhimma Hojjetaa fi Hawaasummaa erga marisiiseen booda abbaan hayyamaa oomisha albuudaa tarkaanfii sirreeffamaa akka fudhatuuf barreeffamaan qajeelfama kennuu ni danda'a.
- 3) Abbaan Taayitaa, abbaan hayyamaa hojii oomisha albuudaa sadarkaa xiqqaa fi guddaa bu'uura qajeelfama kenneetiin raawwachuu fi tarkaanfii sirreeffamaa fudhachuu isaa qaamaan argamuu fi barreeffamaan mirkaneeffachuu qaba.

Kutaa Shan

Waa'ee Beenya fi Eegumsa Naannoo

53. Qajeeltoo Kaffaltii Beenya

- 1) Kaayyoo Labsii kana raawwachisuuf barbaachisaa ta'ee yoo argame, Abbaan Taayitichaa qabeenya hin sochoone kamiyyuu abbaa qabeenya seera qabeessa ta'ee beenya madaalawaa ta'e seera rogummaa qabuun murtaa'u dursee akka kaffalamu taasisuun fudhachuu ni danda'a.
- 2) Abbaan hayyamaa kamiyyuu hojii albuudaa gaggeessuuf lafti akka isaa gadi lakkifamuuf kan gaafatu yoo ta'e, haala faayidaa ummataaf jecha qabiyyeen lafaa gadi lakkifamuu fi haala qabeenyaaf beenyaan itti kaffalamu bu'uura seeraa roggummaa qabuun kan murtaa'u ta'a.
- 3) Keewwata kana Keewwata Xiqqaa 2 jalatti kan tumame jiraatulle, abbaan qabiyyee lafaa qabiyyeen isaa misooma albuudaatiif abbaa qabeenyaatiin kan irraa fudhatamu yoo ta'e, misooma gaggeefamu keessatti sheerii qabaachuu ni danda'a. Raawwiin isaa Dambii bahuun kan murtaa'u ta'a.

- (ለ) ማንኛውም የማዕድን ማምረት ሥራ በ12 (አስራ ሁለት) ወራት ውስጥ ከ10% በላይ ሰራተኞችን በሚያስቀንስ ደረጃ የሚደርስ ከሆነ ወይም የሚቆም ከሆነ፡፡
- 2) ባለሥልጣኑ በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሰረት ከባለፈቃዱ ማስታወቂያ ሲደርሰው የሰራተኛና ማህበራዊ ጉዳይ ቢሮ ካማከረ በኋላ የማዕድን ማምረት ሥራ ባለፈቃዱ የማስተካከያ እርምጃ እንዲወስድ በጽሁፍ መመሪያ ሊሰጥ ይችላል፡፡
- 3) ባለሥልጣኑ የአካባቢና ከፍተኛ ደረጃ የማዕድን ማምረት ሥራ ባለፈቃድ በተሰጠው መመሪያ መሰረት መፈጸሙንና የማስተካከያ እርምጃ መውሰዱን በአካል በመገኘትና በጽሁፍ ማረጋገጥ አለበት፡፡

ክፍል አምስት

ስለ ካሳ እና የአካባቢ ጥበቃ

53. የካሳ ክፍያ መርህ

- 1) በዚህ አዋጅ አላማ አፈጻጸም አስፈላጊ ሆኖ ከተገኘ ባለሥልጣኑ ማንኛውንም የማይንቀሳቀስ ንብረት ህጋዊ ለሆነ ባለንብረት አግባብ ባለው ህግ መሰረት የሚወሰን ተመጣጣኝ ካሳ አስቀድሞ እንዲከፈለው በማድረግ ሊወስደው ይችላል፡፡
- 2) ማንኛውም ባለፈቃድ የማዕድን ሥራ ለማካሄድ መሬት እንዲለቀቅለት የሚጠይቅ ከሆነ ለህዝብ ጥቅም ሲባል የሚለቀቀው የመሬት ይዞታና ለንብረት ካሳ የሚከፈልበት ሁኔታ አግባብነት ባለው ህግ መሰረት የሚወሰን ይሆናል፡፡
- 3) በዚህ አንቀጽ ንዑስ አንቀጽ 2 ሥር የተደነገገው ቢኖርም የመሬት ባለይዞታው ይዞታው ለማዕድን ልማት በባለሀብት የሚወሰድበት ከሆነ በሚካሄደው ልማት ውስጥ ሼር ሊኖረው ይችላል፤ አፈጻጸሙ በሚወጣው ደንብ የሚወሰን ይሆናል፡፡

- (b) If any mineral production work reaches to the extent of more than 10% reduction of workers within the 12 (twelve) months or if it stops operation.
- 2) The Authority, when it receives the notice from the licensee in accordance with sub article 1 of this article may, after consulting the Labor and Social Affairs Bureau, give written direction to the mineral production operation licensee to take corrective measures;
- 3) The Authority shall prove that the small scale and large scale mineral production operation licensee as he has performed in accordance with the direction given to him and as he has taken corrective measures by appearing in person and in writing.

Part Five

Compensation and Environmental Protection

53. Principles of Compensation Payment

- 1) Where found necessary for the implementation of this proclamation, the Authority may acquire any immovable property by making reasonable compensation to be decided in accordance with the appropriate laws for the lawful owner in advance.
- 2) If any licensee requires for relinquishment of a land to conduct mineral production operation, the condition of expropriation of landholdings for public purpose and the payment of compensation for the property shall be determined in accordance with the appropriate laws.
- 3) Notwithstanding to the provision under sub articles (2) of this article, if the land is taken away from the land holder by an investor for mineral development purpose, he may have a share in the investment conducted. Its implementation shall be determined by the regulation to be issued.

- 4) Sheerii qabaachuuf fedhii qabaatee abbaan qabeenyichaa kana gochuudhaaf haalli dandeessisu yoo jiraachuu baate, abbaan qabeenyichaa furmaata diinagdee biroo kaafamtoota pirojekticha irraa fayyadamaa taasisu uumuu qaba.
- 5) Keewwata kana Keewwata Xiqqaa 2 - 4 jalatti kan tumame jiraatulle, abbaan qabiyyee humna oomishuu yoo qabaate mirga dursa oomishuu ni qabaata.
- 6) Abbaan hayyamaa kamiyyuu dhimma hojii albuudaa waliin walqabatee miidhaa dhaqqabuuf beenyaa kaffaluuf ittigaafatamummaa ni qabaata.

54. Waliigaltee Beenyaa

- 1) Abbaa hayyamaa fi abbaa qabiyyee gidduutti beenyaa ilaalchisee waliigaltee irra yoo gahame, abbaan hayyama waliigaltichaa qaama aangoo qabuun mirkan-eessisee guyyaa 45 (afurtamii shan) keessatti Abbaa Taayitaaf dhiyeessuu yoo baate fudhatama hin qabu.
- 2) Abbaan Taayitichaa akkuma waraabbiin waliigaltee beenyaa isa dhaqqabeen qaama aangoo qabuun mirkannaa'ee dhiyaachuu isaa adda baafatee ni galmeessa.
- 3) Abbaan Taayitaa lafa hojii albuudaa waliin walqabatee beenyaa kaffaluun yeroo barbaachisaa ta'etti, laficha faayidaa ummataaf beenyaan kaffalamee akka gadi lakkifamu gochuuf qaama aangoon kennameef waliin ta'uun hojichi akka saffisaan raawwatuuf haala ni mijeessa.
- 4) Beenyaa ilaalchisee komiin dhiyaatu bu'uura seera faayidaa ummataaf jecha qabiyyeen lafaa haala itti gadi lakkifamuu fi qabeenyaaf beenyaan itti kaffalamu murteessuuf roggummaa qabuun ilaalama.

- 4) ሼር እንዲኖረው ፍላጎት ኖሮት ባለሀብቱ ይህን ለማድረግ የሚያስችለው ሁኔታ ከሌለ ባለሀብቱ ለተገሺዎች ከፕሮጀክቱ ተጠቃሚ የሚያደርግ ሌላ ኢኮኖሚያዊ መፍትሄ መፍጠር አለበት፡፡
- 5) በዚህ አንቀጽ ንዑስ አንቀጽ 2-4 ሥር የተደነገገው ቢኖርም ባለይዞታው የማምረት አቅም ካለው ቅድሚያ የማምረት መብት ይኖረዋል፡፡
- 6) ማንኛውም ባለፈቃድ ከማዕድን ሥራ ጉዳይ ጋር በተያያዘ ለሚደርሰው ጉዳት ካለ የመክፈል ሀላፊነት ይኖረዋል፡፡

54. የካሳ ስምምነት

- 1) ካሳን በተመለከተ በባለፈቃዱና በባለይዞታ መካከል ስምምነት ላይ ከተደረሰ ባለፈቃዱ ስምምነቱን በሚመለከተው አካል አስጸድቆ በ45 (አርባ አምስት) ቀናት ውስጥ ለባለሥልጣኑ ማቅረብ ካልቻለ ተቀባይነት የለውም፡፡
- 2) ባለሥልጣኑ የካሳ ስምምነት ቅጂ እንደደረሰው ሥልጣን ባለው አካል ተረጋግጦ መምጣቱን በመለየት ይመዘግባል፡፡
- 3) ከማዕድን ሥራ መሬት ጋር በተያያዘ ካሳ መክፈል አስፈላጊ በሚሆንበት ጊዜ ባለሥልጣኑ ለህዝብ ጥቅም ሲባል ካሳ ተከፍሎ መሬቱ እንዲለቀቅ ለማድረግ ሥልጣን ከተሰጠው አካል ጋር በመሆን ይህ ሥራ በፍጥነት እንዲከናወን ሁኔታዎችን ያመቻቻል፡፡
- 4) ካሳን አስመልክቶ የሚቀርብ ቅሬታ ለህዝብ ጥቅም ሲባል የመሬት ይዞታ የሚለቀቅበት ሁኔታና ለንብረት ካሳ የሚከፈልበት ሁኔታን ለመወሰን አግባብነት ባለው ህግ መሰረት የሚታይ ይሆናል፡፡

- 4) If landholder has an interest to hold a share but the investor is not in a situation that enables him fulfill this, the investor shall devise other economic solution that benefits the dislocated ones from such project.
- 5) Notwithstanding to the provisions under sub articles 2-4 of this article, if the land holder has the capacity to produce, he shall have priority right to produce.
- 6) Any licensee shall be responsible to pay compensation for the damage caused in connection with his mineral operation.

54. Compensation Agreements

- 1) Where an agreement has been reached between the licensee and the land holder regarding compensation, such contractual agreement shall not be acceptable unless the licensee cause it approved by the body having power and submit to the Authority within forty-five (45) days.
- 2) The Authority shall, up on receiving a copy of the compensation agreement, register same by identifying its approval by the body having power.
- 3) In cases where it is necessary to pay compensation in connection with the mineral operation land, the Authority shall facilitate condition in collaboration with the authorized body for the speedy-completion of the activity of dislocating the holders from such land by paying compensation for the best interests of the people.
- 4) Complaint submitted regarding compensation shall be treated in accordance with the appropriate laws governing the ways of land expropriation for the interests of the people and the compensation to be decided for such property.

55. Ragaa Qorannoo Sakatta'iinsa Dhiibbaa Naannoo, Hawaasaa fi Fandii Deebisanii Misoomsuu

- 1) Nama hayyama oomisha albuuda aadaa fi qabatanii turuu gaa-fatuun alatti iyyataan hayyamni albuudaa akka kennamuuf gaa-fatu kamiyyuu ragaa qorannoo sakatta'iinsa dhiibbaa naannoo fi hawaasaa qaama aangoon kennameefiin mirkanaa'e dhiyeessuu qaba.
- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma eegametti ta'ee, abbaan hayyama aadaa boolla qotame deebisee duuchuu fi muka murame bakka buusuu qaba.
- 3) Nama hayyama oomisha albuuda aadaa fi qabatanii turuu qabuun alatti abbaan hayyama kamiyyuu baasii fandii dhiibbaa naannoo fi hawaasaa irra gahu deebisanii misoomsuuf barbaachisu hunda ramaduu qaba.
- 4) Abbaan hayyamaa akkaataa Abbaan Taayitichaa ajajuun maallaqa fandii deebisanii misoomsuu murtaa'u Lakkoofsa Herreega Baankii cufaa saaqa-mutti waggaa waggaan ji'a jalqaba waggaatti galchuu qaba.
- 5) Abbaan hayyama oomisha albuudaa kamiyyuu haala seera qabeessaan daangaa hayyamaa fi walta'iinsaan kan murtaa'un jiraattoota hawaasa naannoo sana jiraataniif karoora misooma hawaasummaa irratti hirmaachuun misooma kanaaf baasii maallaqa barbaachisu ramaduu qaba.
- 6) Tumaan Keewwata kana Keewwata Xiqqaa 5 jalatti tumame abbaa hayyama oomisha albuudaa aadaa irratti raawwatiinsa hin qabaatu.
- 7) Tarreeffamni Kewwwata kanaa Dambii bahuun kan murtaa'u ta'a.

55. የአካባቢና ህብረተሰብ ተጽዕኖ ዳሰሳ ጥናት ማስረጃ እና የመልሶ ማልማት ፈንድ

- 1) በባህላዊ ዘዴ ማዕድን ማምረትና ይዞ መቆየት ፈቃድ ከሚጠይቅ ሰው በስተቀር፣ የማዕድን ፈቃድ እንዲሰጠው የሚጠይቅ ማንኛውም አመልካች ሥልጣን በተሰጠው አካል የተረጋገጠ የአካባቢና ህብረተሰብ ተጽዕኖ ዳሰሳ ጥናት ማስረጃ ማቅረብ አለበት፡፡
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ የባህላዊ ዘዴ ማዕድን ማምረት ባለፈቃድ የተቆፈረውን ጉድጓድ መልሶ መድፈንና የተቆረጠውን እንጨት መተካት አለበት፡፡
- 3) በባህላዊ ዘዴ ማዕድን ማምረትና ይዞ መቆየት ፈቃድ ካለው ሰው በስተቀር፣ ማንኛውም ባለፈቃድ በአካባቢና ህብረተሰብ ላይ የሚደርሰውን ተጽዕኖ መልሶ ለማልማት የሚያስፈልገውን አጠቃላይ ፈንድ መመደብ አለበት፡፡
- 4) ባለፈቃዱ ባለሥልጣኑ በሚያዘው መሰረት ለመልሶ ማልማት የሚወሰነውን የፈንድ ገንዘብ በሚከፈተው ዝግ የባንክ ሂሳብ ቁጥር በየአመቱ በአመቱ የመጀመሪያ ወር ላይ ማስገባት አለበት፡፡
- 5) ማንኛውም የማዕድን ማምረት ባለፈቃድ በህጋዊ ሁኔታ በፈቃድ ክልሉና በስምምነት በሚወሰነው መሰረት በዚያ አካባቢ የሚኖሩትን ህብረተሰብ በማህበራዊ ልማት ዕቅድ ላይ በማሳተፍ በዚህ ልማት የሚያስፈልገውን የገንዘብ ወጪ መመደብ አለበት፡፡
- 6) በዚህ አንቀጽ ንዑስ አንቀጽ 5 ሥር የተደነገገው ድንጋጌ በባህላዊ ዘዴ ማዕድን ማምረት ባለፈቃድ ላይ ተፈጻሚነት አይኖረውም፡፡
- 7) የዚህ አንቀጽ ዝርዝር በሚወጣው ደንብ የሚወሰን ይሆናል፡፡

55. Evidences of Environmental and Societal Impact Assessment and Rehabilitation Fund

- 1) With the exception of artisanal method mineral production and retention licenses, any person applying to acquire mineral operation license shall present the environmental and societal impact assessment evidence approved by the authorized body.
- 2) Without prejudice to the provision under sub article 1 of this article, the artisanal method mineral licensee shall re-level the open holes dug for his activity and replace the plants cleared away by planting other trees.
- 3) Except the artisanal mineral production and retention licenses, any licensee shall allocate all the fund necessary for the re-development of the impact caused on the environment and the society.
- 4) The licensee shall deposit the finance of re-development fund to be determined in to the closed bank account annually at the first month of the year in accordance with the direction given by the Authority.
- 5) Any mineral production licensee shall take part on the social development plan facilitated for the community residing around the legal license boundary and to be determined through agreement and allocate the finance necessary for such development.
- 6) The provision under sub article 5 of this article shall not be applicable to artisanal mineral production licensee.
- 7) Particulars of this article shall be determined by the regulation to be issued.

56. Aangoo Furmaata Kennuu

- 1) Abbaan hayyamaa kan du'e yoo ta'e yookiin yoo argamuu baate yookiin dhaabbata daldalaa yoo ta'e qaamni seerummaa isaa kan irraa mulqame yookiin kisaaraan kan cufame yoo ta'e, Abbaan Ta-ayitichaa faalamni biroo akka hin dhaqqabne gochuuf tarkaanfii barbaachisoo ta'e fudhachu ni danda'a.
- 2) Baasiin hojii Keewwata kana Keewwata Xiqqaa 1 jalattii ibsame hojjechuuf barbaachisu kan haguugamu maallaqa abbaan hayyamaa dhimma kanaaf jedhee kuufate irraa yookiin maallaqni kuufame kan hin jirre yoo ta'e yookiin gahaa yoo ta'uu baate kaazinaa mootummaa keessaa bahii ta'ee ni hojjetama.

Kutaa Jaha**Rooyaaliitii, Galii Gibiraa fi Dhim-moota Maallaqaa Biroo****57. Royaaliitii**

Abbaan hayyamaa hojii oomisha albuudaa qabu albuuda oomish-ee waljijjiirraa daldalaa keessatti gatii gurgurtaa itti raawwate ir-raa royaaliitii kaffaluu qaba.

58. Yeroo fi Hamma Tilmaama Royaaliitii

- 1) Hammi kaffaltii royaaliitii kaffalamuu qabu Abbaa Taayitichaatiin shallagamee abbaan hayyamaa kan kaffalu ta'a.
- 2) Royaaliitiin abbaa hayyamaatiin kaffalamuu qabu garaagarummaa qabaachuun isaa yeroo mirkanaa'u, abbaan hayyamaa garaagarummaa gidduu jiru kaffaluu qaba.
- 3) Hammi royaaliitii fi akkaataan kaffaltii isaa Dambii Labsii kana raawwachiisuuf bahuun kan murtaa'u ta'a.

59. Galii Gibiraa

Abbaan hayyama oomisha albuudaa sadarkaa guddaa, xiqqaa fi xiqqaa addaa akkaataa Labsii Gibira Galii Mootummaa Naanoo Oromiyaatiin galii hojii albuudaa irraa argatu irraa gibira mootummaa naannichaaf kaffaluu qaba.

56. መፍትሄ የመስጠት ሥልጣን

- 1) ባለፈቃዱ ከሞተ ወይም ካልተገኘ ወይም የንግድ ድርጅት ከሆነ የህግ ሰውነቱ የተነሳ ወይም በመክሰሩ የተዘጋ ከሆነ ባለሥልጣኑ ሌላ ብክላ እንዳይደርስ ለማድረግ አስፈላጊውን እርምጃ ሊወስድ ይችላል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተገለጸውን ሥራ ለመሥራት የሚያስፈልገው ወጪ የሚሸፈነው ባለፈቃዱ ለዚሁ ጉዳይ ካጠራቀመው ገንዘብ ወይም የተጠራቀመ ገንዘብ ከሌለ ወይም በቂ ካልሆነ ከመንግስት ካገና ወጪ ሆኖ ይሰራል።

ክፍል ስድስት**ሮያሊቲ፣ የገቢ ግብር እና ሌሎች ገንዘብ ነፃ ጉዳዮች****57. ሮያሊቲ**

የማዕድን ማምረት ሥራ ባለፈቃድ ያመረተውን ማዕድን በንግድ ልውውጥ ውስጥ ከፈጸመው የሽያጭ ዋጋ ላይ ሮያሊቲ መክፈል አለበት።

58. የሮያሊቲ ግምት ጊዜ እና መጠን

- 1) ሊከፈል የሚገባው የሮያሊቲ ክፍያ መጠን በባለሥልጣኑ ተሰልቶ ባለፈቃዱ የሚከፍል ይሆናል።
- 2) በባለፈቃዱ መክፈል ያለበት ሮያሊቲ ልዩነት እንዳለው በሚረጋገጥበት ጊዜ ባለፈቃዱ ያለውን ልዩነት መክፈል አለበት።
- 3) የሮያሊቲ መጠንና የአከፋፈል ሁኔታ ይህን አዋጅ ለማስፈጸም በሚወጣው ደንብ የሚወሰን ይሆናል።

59. የገቢ ግብር

የከፍተኛ፣ አነስተኛና ልዩ አነስተኛ የማዕድን ማምረት ሥራ ባለፈቃድ በኦሮሚያ ክልላዊ መንግስት የገቢ ግብር አዋጅ መሰረት ከማዕድን ሥራ ከሚያገኘው ገቢ ለክልሉ መንግስት ግብር መክፈል አለበት።

56. Power to Provide Solution

- 1) The Authority may take necessary measure to avoid further environmental pollution or damage if the licensee dies or disappears or if it is commercial organization, its legal personality is repudiated or closed due to insolvency.
- 2) The cost necessary to carry out the activities provided under sub article 1 of this article shall be covered from the finance that the licensee deposits for such purpose or where there is no money deposited or is not sufficient, from the government treasury.

Part Six**Royalty, Income Tax and Other Pecuniary Issues****57. Royalty**

The mineral production operation licensee shall pay royalty from his mineral sale price in the business transaction.

58. Period and Rate of Royalty

- 1) The rate of royalty payable shall be estimated by the Authority and paid by the licensee.
- 2) When the royalty payable by the licensee is proved to have a difference, the licensee shall pay such difference.
- 3) The rate of royalty and manner of its payment shall be determined by the regulation to be issued for the implementation of this proclamation.

59. Income Tax

The large scale, small scale and special small scale mineral production licensee shall pay tax from the income he gained out of mineral operation for the regional state in accordance with Oromia Regional State Income Tax Proclamation.

60. Odeeffannoo Walitti Qabuu

- 1) Abbaan Taayitichaa abbaan hayyamaa kamiyyuu kaffaltii royaaliitii waliin walqabatee tumaa'ee Labsii kanaa kabajuu isaa mirkaneeffachuuf ragaaleen barbaachisaa ta'an barreeffamaan yookiin odeeffannoo elektirooniksii akka dhiyeeffatu barreeffamaan ajajuu ni danda'a.
- 2) Abbaan hayyamaa oomisha albuudaa kamiyyuu, kaffaltii gibira seeraan irraa barbaadamu raawwachu isaatiif ragaa qulqullina qaama dhimmi ilaalu irraa dhiyeeffachu qaba.
- 3) Abbaan Taayitichaa, abbaan hayyamaa bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin odeeffannoowwan barbaachisoo ta'an akka hin dhiyaanne yookiin akka badu taasiseera jedhee yoo itti amane, bu'uura Labsii kana Keewwata 50 tiin qorannoon akka gaggeeffamu ajajuu ni danda'a.

61. Royaaliitii fi Galii Gibiraa Kaffaluu Dhabuu

Abbaan hayyamaa yeroo kaffaluu qabu keessatti royaaliitii, galii gibiraa yookiin kaffaltii biroo yoo kaffaluu baate, Abbaan Taayitichaa kaffaltiiwwan hafan hanga kaffalamanii xumuramannitti yookiin kaffalticha raawwachuuf kan isa dandeessisu tooftaan fudhatama qabu, gama Abbaa Taayitichaan hanga miijeefamuutti oomishni albuudaa kamiyyuu akka hin sochoonee fi akka hin gurguramne dhorkuu ni danda'a.

62. Kaffaltii Hayyamaa

Namni kamiyyuu akkaataa Labsii kanaatiin hayyama argachuuf yookiin hayyama haaromsiifachuuf kaffaltii barbaachisu waggaa waggaadhaan mootummaaf raawwachu qaba. Hammii fi akkaataa kaffaltiin hayyamaa itti kaffalamu Dambii bahuun kan murtaa'u ta'a.

60. መረጃ መስጠት

- 1) ባለሥልጣኑ ማንኛውም ባለፈቃድ ከሮያሊቲ ክፍያ ጋር በተያያዘ የዚህን አዋጅ ድንጋጌዎች ማክበሩን ለማረጋገጥ አስፈላጊ ማስረጃዎችን በጽሁፍ ወይም በኤሌክትሮኒክስ መረጃ እንዲያቀርብ በጽሁፍ ሊያዝ ይችላል።
- 2) ማንኛውም የማዕድን ማምረት ባለፈቃድ በህግ የሚፈለግበትን የግብር ክፍያ መፈጸሙን የሚያረጋግጥ ክሊራንስ ከሚመለከተው አካል ማቅረብ አለበት።
- 3) ባለሥልጣኑ ባለፈቃዱ በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሰረት አስፈላጊ መረጃዎች እንዲያቀርቡ ወይም እንዲጠፋ አድርጓል ብሎ ካመነበት፣ በዚህ አዋጅ አንቀጽ 50 መሰረት ምርመራ እንዲካሄድ ሊያዝ ይችላል።

61. ሮያሊቲና የገቢ ግብር አለመክፈል

ባለፈቃዱ መክፈል በሚገባው ጊዜ ውስጥ ሮያሊቲ፣ የገቢ ግብር ወይም ሌሎች ክፍያዎች ካልከፈለ፣ ባለሥልጣኑ ቀሪ ክፍያዎች ተከፍለው እስኪጠናቀቁ ወይም ክፍያውን ለመፈጸም የሚያስችለው ተቀባይነት ያለው ስልት በባለሥልጣኑ በኩል እስከሚመቻች ድረስ ማንኛውም የማዕድን ምርት እንዳይንቀሳቀስና እንዳይሸጥ ሊከለከል ይችላል።

62. የፈቃድ ክፍያ

ማንኛውም ሰው በዚህ አዋጅ መሰረት ፈቃድ ለማግኘት ወይም ፈቃድ ለማደስ የሚያስፈልገውን ክፍያ በየዓመቱ ለመንግስት መፈጸም አለበት። የፈቃዱ ክፍያ መጠንና የአከፋፈሉ ሁኔታ በሚወጣው ደንብ የሚወሰን ይሆናል።

60. Collecting Information

- 1) The Licensing Authority may, by notice in writing, require any licensee to produce important documents in writing or through electronic information as may be required to ensure the proper adherence to the provisions of this Proclamation with respect to royalty.
- 2) Any mineral production licensee shall present clearance from the concerned body, which verifies that he has performed the tax payment legally required from him.
- 3) The Authority may order investigation to be conducted in accordance with article 50 of this proclamation where it believes that the licensee has obstructed the production of necessary information in accordance with sub article 1 of this article or make it to be lost.

61. Failure to Pay Royalty and Income Tax

If a licensee fails to pay royalty, income tax or any other payment on the due date, the Authority may by order prohibit the disposal of any mineral from the mining area concerned, or from any other mining area held by the licensee until all outstanding payments have been paid or until an arrangement has been accepted by the Authority for the payment thereof.

62. Payment for a License

Any person shall perform the payment necessary to acquire or renew license in accordance with this proclamation for the government annually. The amount and manner of payment of license shall be determined by the regulation to be issued.

63. Kiraa Lafa Albuudaa

Abbaan hayyamaa kamiyyuu bakka hayyama isaarratti waggaa waggadhaan kiraa lafaa dursee mootummaaf kaffaluu qaba. Hammi kiraa kaffalamu akkaataa Labsii Kiraa Lafaa Mootummaan Naannichaa baasuun kan murtaa'u ta'a.

64. Aksiyoona Mootummaan Qabamu

- 1) Bu'uura Keewwata Labsii kanaa Keewwata 10 jalatti ibsameen mirgi mootummaan hojiiwwan albuudaa gaggeessuuf qabu akkuma eegametti ta'ee, Aksiyoona ni mootummaan qabamu bu'aa misooma albuudaa oomishamu irraa argamu keessaa abbaa hayyama oomisha albuuda aadaan alatti abbaa hayyamaa kamirraayyuu % 5 baasii tokko malee qabachuu ni danda'a.
- 2) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame akkuma eegametti ta'ee, gahee dhibbeentaa, haala kaffaltii, hirmaannaa irraa mirgaa fi dirqa mootaa maddanii fi tarreeffama biroo haalota hirmaannaa bu'uura waliigaltee abbaa hayyamiichaa waliin taasifamuun mootummaan aksiyoona dabalataa qabachuu ni danda'a.

65. Qaraxa Irraa Bilisa Ta'uu

- 1) Abbaan hayyamaa hojiiwwan misooma albuudaa raawwachuuf jalqaba hojichaa irratti meeshaalee barbaachisoo ta'an hojii oomisha albuudaatiif meeshaalee qorannoo bu'aa qabeessumma pirojeektichaa (project feasibility study) keessatti kaa'aman qofa qaraxa irraa bilisaan akka galaniif yoo barbaade Abbaan Taayitichaa xalayaa deeggarsaa kennuufii ni danda'a.
- 2) Abbaan Taayitichaa meeshaaleen haala Keewwata kana Keewwata Xiqqaa 1 tiin alaa gara biyya keessatti galan tajaajila hojii albuudaatiif qofa ooluu isaanii ni hordofa; hanqinaalee jiran qaama ilaallatu ni beeksisa.

63. የማዕድን መሬት ኪራይ

ማንኛውም ባለፈቃድ በፈቃድ ቦታው ላይ በየዓመቱ የመሬት ኪራይ አስቀድሞ ለመንግስት መክፈል አለበት። የሚከፈለው የኪራይ መጠን የክልሉ መንግስት በሚያወጣው አዋጅ የሚወሰን ይሆናል።

64. በመንግስት የሚያዝ አክሲዮን

- 1) በዚህ አዋጅ አንቀጽ 10 ሥር በተገለጸው መሰረት መንግስት የማዕድን ሥራዎችን ለማካሄድ ያለው መብት እንደተጠበቀ ሆኖ፣ በመንግስት የሚያዝው አክሲዮን ከሚመረተው የማዕድን ልማት ምርት ከሚገኘው ትርፍ ውስጥ በባህላዊ ዘዴ ማዕድን ማምረት ባለፈቃድ ካለምንም ወጪ 5% ሊይዝ ይችላል።
- 2) በዚህ አንቀጽ ንዑስ አንቀጽ 1 ሥር የተደነገገው እንደተጠበቀ ሆኖ መቶኛ ድርሻ፣ የአከፋፈል ሁኔታ፣ ከተሳትፎ የሚመነጩ መብትና ግዴታዎችና ሌሎች ዝርዝር የተሳትፎ ሁኔታ ከባለፈቃዱ ጋር በሚደረግ ስምምነት መሰረት መንግስት ተጨማሪ አክሲዮን ሊኖረው ይችላል።

65. ከቀረጥ ነጻ ስለመሆን

- 1) ባለፈቃዱ የማዕድን ልማት ሥራዎች ለመፈጸም በቅድሚያ ለሥራው የሚያስፈልጉ መሳሪያዎች ለማዕድን ማምረት ሥራ አስፈላጊ መሆናቸው በፕሮጀክቱ አዋጪነት ጥናት ውስጥ የተመለከቱ መሳሪያዎችን ብቻ ከቀረጥ ነጻ እንዲገቡለት ከፈለገ ባለሥልጣኑ የድጋፍ ደብዳቤ ሊሰጠው ይችላል።
- 2) ባለሥልጣኑ በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሰረት ከውጭ ወደ ሀገር ውስጥ የገቡት መሳሪያዎች ለማዕድን ሥራ ብቻ መዋላቸውን ይከታተላል፤ ያሉትን ውስንነቶችንም ለሚመለከተው አካል ያሳውቃል።

63. Rent of Mineral Land

Any licensee shall pay annually in advance the land rent to the government on his license area annually. The amount of lease to be paid shall be determined in accordance with the land lease proclamation proclaimed by the government of the region.

64. Shares Held by the Government

- 1) Without prejudice to rights of the government to conduct mineral operations as specified under article 10 of this proclamation, the government may hold 5% shares without any expense from any licensee except artisanal licensee out of the profit gained from the mineral development produced.
- 2) Without prejudice to the provision under sub article 1 of this article, the government may hold additional shares based on the agreement made with the licensee regarding percentage of share, condition of payment, the rights and obligations emanating from participation and other details about condition of payment.

65. Exemption from Custom Duty

- 1) The Authority may provide co-operation letter for the licensee if he wants to import custom free the materials necessary for the commencement of mineral development operation only the materials specified in the project feasibility study to be used for mineral production.
- 2) The Authority shall follow up that the materials imported from abroad in accordance with sub article 1 of this article as they are used only for mineral production operation services; notify the existing limitations to the concerned body.

Kutaa Torba**Addaan Citiinsa Hayyamaa fi Cufamuu Hojii Albuudaa****66. Addaan Citiinsa Hayyamaa**

- 1) Hayyamni kan addaan citu:
 - (a) Abbaan hayyamaa bakka hayyama isaa guutumatti yeroo gadi lakkisu;
 - (b) Bu'uura Labsii kanaa fi Dambii Labsicha raawwachiisuuf bahuun hayyamichi Abbaa Taayitaan yeroo haqamu;
 - (c) Hayyamni osoo hin haaromfamiin yeroo hafu; yookiin
 - (d) Mirgi dhaaltotaa akkuma eegametti ta'ee, abbaan hayyamaa yoo du'e yookiin abbaan hayyamaa dhaabata daldalaa yoo ta'e yeroo diigamu yookiin abbaan hayyamaa haala seera qabeessa ta'een murtiin kasaaruu yeroo itti kennamu.
- 2) Mirgi hayyama albuudaa yoo addaan cite abbaan hayyamaa qabiyyee lafaa misooma albuudaatiif fudhate mootummaaf deebisuu qaba.
- 3) Mirgi hayyama sadarkaa xiqqaa yookiin guddaa akkuma addaan citeen, waliigalteen haala birootiin yoo jiraate malee, mootummaan qabeenya socho'aa fi dhaabbii oomisha albuudaatiif tajaajilu hunda gatii qabeenyichaa galmee herregaa abbaa hayyamaa irratti ibsame kaffaluun fudhachuu ni danda'a.
- 4) Mootummaan mirga Keewwata kana Keewwata Xiqqaa 3 jalatti tumameen yoo fayyadamuu baate, abbaan hayyamaa bu'uura seera ro gummaa qabuun qabeenyicha nama biraaf dabarsuu ni danda'a; yookiin erga waliigaltichi addaan cite irraa eegalee yeroo ji'a 3 (sadii) hin caalle keessatti abbaan hayyamaa qabeenya isaa kaasuu qabiyyicha gadidhiisuuf dirqama qaba.
- 5) Abbaan hayyama qabeenya isaa bu'uura Keewwata kana Keewwata Xiqqaa 4 tiin yeroo kaawame keessatti yoo kaasuu baate qabeenyichi mootummaan kan dhaalamu ta'a.

ክፍል ሰባት**የፈቃድ መቋረጥና የማዕድን ሥራ መዘጋት****66. የፈቃድ መቋረጥ**

- 1) ፈቃድ የሚቋረጠው፡-
 - (ሀ) ባለፈቃዱ የፈቃድ ክልሉን ሙሉ በሙሉ በሚለቅበት ጊዜ፤
 - (ለ) በዚህ አዋጅና አዋጁን ለማስፈጸም በሚወጣው ደንብ መሰረት ፈቃዱ በባለሥልጣኑ ሲሰረዝ፤
 - (ሐ) ፈቃዱ ሳይታደስ ሲቀር፤ ወይም
 - (መ) የወራሾች መብት እንደተጠበቀ ሆኖ ባለፈቃዱ ከሞተ ወይም ባለፈቃዱ የንግድ ድርጅት ከሆነ በሚፈርስበት ጊዜ ወይም ባለፈቃዱ ህጋዊ በሆነ ሁኔታ የመክሰር ውሳኔ በሚወሰንበት ጊዜ፡፡
- 2) የማዕድን ፈቃድ መብት በሚቋረጥበት ጊዜ ባለፈቃዱ ለማዕድን ልማት የወሰደውን የመሬት ይዞታ ለመንግስት መመለስ አለበት፡፡
- 3) የአነስተኛ ወይም ከፍተኛ ደረጃ የማዕድን ፈቃድ መብት እንደተቋረጠ በሌላ ሁኔታ ስምምነት ከሌለ በስተቀር መንግስት ለማዕድን ማምረት የሚያገለግሉ ተንቀሳቃሽና ቋሚ ዕቃዎችን በሙሉ በባለፈቃዱ የሂሳብ መዝገብ ላይ የተገለጸውን የንብረቱን ዋጋ በመክፈል ሊወስድ ይችላል፡፡
- 4) መንግስት በዚህ አንቀጽ ንዑስ አንቀጽ 3 ሥር በተደነገገው መብት ካልተጠቀመ፤ ባለፈቃዱ አግባብ ባለው ህግ መሰረት ንብረቱን ለሌላ ሰው ሊያስተላልፍ ይችላል ወይም ባለፈቃዱ ስምምነቱ ከተቋረጠበት ጀምሮ ከ3 (ሦስት) ወር ባልበለጠ ጊዜ ውስጥ ንብረቱን በማንሳት የመሬት ይዞታውን የመልቀቅ ግዴታ አለበት፡፡
- 5) ባለፈቃዱ በዚህ አንቀጽ ንዑስ አንቀጽ (4) ሥር በተቀመጠው ጊዜ ውስጥ ንብረቱን ካላነሳ ንብረቱ በመንግስት የሚወረስ ይሆናል፡፡

Part Seven**Termination of License and Closure of Mineral Operation****66. Termination of License**

- 1) A license may be terminated if:
 - (a) the licensee completely relinquish his license area;
 - (b) The license is revoked by the Authority in accordance with this proclamation and regulation to be issued to implement this proclamation;
 - (c) The license is not renewed; or
 - (d) Without prejudice to the rights of heirs, the licensee dies or if the licensee is juridical person, it is liquidated or declared bankrupt.
- 2) Where the right of mineral license is terminated, the licensee shall return the land holding he has taken for mineral production operation to the government.
- 3) Upon termination of mining rights of the holder of a small scale or large scale mining license, unless otherwise agreed, the government may acquire all the movable and immovable properties used for mineral production by paying their prices stated in the financial account of the licensee.
- 4) If the government has not exercised its right provided under sub article 3 of this article, the licensee may transfer such property to other person in accordance with the appropriate laws or the licensee is obliged to remove his property and relinquish the land holding within not exceeding 3 (three) months as of the termination of the agreement.
- 5) If the licensee fail to remove his property within the time provided under sub article 4 of this article, the property shall be inherited by the government.

67. Cufamuu Hojii Albuudaa

- 1) Abbaan hayyamaa hojiin oomisha albuudaa haala armaan gadiitiin yoo cufame waraqaan ragaa akka kennamuuf Abbaa Taayitichaa gaafachuu ni danda'a:
 - (a) Hayyamni yoo haqame;
 - (b) Hojiin albuudaa yoo addaan cite;
 - (c) Bakka hayyama isaa guutumattii yookiin gartokkeen yoo gadi lak-kise; yookiin
 - (d) Mirga hayyama isaa yoo dhiise.
- 2) Abbaan hayyamaa waraqaan ragaa cufamuu hojii albuudaa akka kennamuuf gaafatu sababiin cufamuu hojii albuudaa Kee-wwata kana Keewwata Xiqqaa 1 jalatti ibsame guyyaa uumame irraa eegalee iyyannoo isaa guyyaa hojii 90 (sagaltama) kees-satti Abbaa Taayitichaatiif dhiyeesuu qaba.
- 3) Tumaalee seerota fayyaa, nageen- yaa fi eegumsa naannoo ilaalchi- see bahaniin furmaanni itti ken- namuun isaa yoo mirkanaa'een ala waraqaan ragaa cufamuu hojii albuudaa hin kennamu.
- 4) Kennamuun waraqaa ragaa cu- famuu hojii albuudaa, erga hoji- in albuudaa cufameen booda ab- baan hayyamaa naannoo irratti miidhaa geessisuun isaa yoo itti dhaqqabame ittigaafatamum- maa jalaa kan isa baasuu miti.

Kutaa Saddeet**Sirna Waldhabdeen Itti Hiikamuu fi Waa'ee Adabbii****68. Waldhabdeewwan Hiikuu**

- 1) Hojiiwwan misooma albuudaa gaggeeffaman keessatti wald- habbii waliigaltee irraa madde, ulaagaalee waliigaltichaa cabsu- un yookiin sababa addaan citiin- saan yookiin sababoota dhimma kanaan walqabatee waldhabi- insa Abbaa Taayitichaa fi abbaa hayyamaa gidduutti uumaman yookiin waldhabdeewwan ab- bootii hayyamaa gidduutti ka'u yookiin qaama sadaffaa gidduut- ti uumamuu yoo danda'e waltajjii mariitiin hiikamuu qabu.

67. የማዕድን ሥራ መዘጋት

- 1) ባለፈቃዱ የማዕድን ማምረት ሥራ በሚከተለው ሁኔታ ከተዘጋ የምስክር ወረቀት እንዲሰጠው ባለሥልጣኑን ሊጠይቅ ይችላል፡-
 - (ሀ) ፈቃዱ ከተሰረዘ፤
 - (ለ) የማዕድን ሥራው ከተቋረጠ፤
 - (ሐ) የፈቃድ ክልሉን ሙሉ በሙሉ ወይም በከፊል ከለቀቀ፤ ወይም
 - (መ) የፈቃድ መብቱን ከተወ፡፡
- 2) የማዕድን ማምረት ሥራ መዘጋት የምስክር ወረቀት እንዲሰጠው የሚጠይቅ ባለፈቃድ በዚህ አንቀጽ ንዑስ አንቀጽ (1) ሥር የተገለጸው የማዕድን ማምረት ሥራ መዘጋት ምክንያት ከተፈጠረበት ቀን ጀምሮ አቤቱታውን በ90 (ዘጠና) የሥራ ቀናት ውስጥ ለባለሥልጣኑ ማቅረብ አለበት፡፡
- 3) በጤና፣ በደህንነትና አካባቢ ጥበቃን አስመልክቶ በወጡ ህጎች ድንጋጌዎች መፍትሄ የተሰጠው መሆኑ ካልተረጋገጠ በስተቀር የማዕድን ማምረት ሥራ መዘጋት የምስክር ወረቀት አይሰጥም፡፡
- 4) የማዕድን ማምረት ሥራ መዘጋት የምስክር ወረቀት መስጠት የማዕድን ማምረት ሥራ ከተዘጋ በኋላ ባለፈቃዱ በአካባቢ ላይ ጉዳት ማድረሱ ከተደረሰበት ከሃላፊነት አያድነውም፡፡

ክፍል ስምንት**የግጭት አፈታት ሥነ-ሥርዓት እና ስለ ቅጣት****68. ግጭቶችን መፍታት**

- 1) በሚካሄዱ የማዕድን ልማት ሥራዎች ውስጥ ከስምምነት የሚመነጭ አለመግባባት፣ የስምምነቱን መስፈርቶች በመጣስ ወይም በስምምነት መቋረጥ ወይም ከዚህ ጉዳይ ጋር በተያያዙ ምክንያቶች በባለሥልጣኑና በባለፈቃዱ መካከል ወይም በባለፈቃዶች መካከል ወይም በሶስተኛ ወገኖች መካከል የሚፈጠሩ አለመግባባቶች ቢቻል በውይይት መድረክ መፈታት አለባቸው፡፡

67. Closure of Mineral Operation

- 1) The licensee may request a certificate from the Authority if the mineral production operation is closed as follows:
 - (a) If the license is revoked;
 - (b) If the mineral operation is terminated;
 - (c) If he relinquish his license area fully or partially; or
 - (d) If he waives his right of license.
- 2) The licensee requesting certificate of closure of mineral production operation shall submit his application to the Authority within ninety (90) working days from the date of occurrence of the reasons for the closure of mineral operation specified under sub article 1 of this article.
- 3) No closure certificate shall be issued until the provisions law pertaining to health, safety and the environment has been addressed.
- 4) The issuance of closure of mineral operation certificate to the licensee shall not be a defense for his liability where it is proved that he has caused damage on the environment after the closure of mineral production operation.

Part Eight**Dispute Resolution Procedures and Penalty****68. Resolving Disputes**

- 1) The disputes that between the Authority and licensee or amongst the licensees or amongst third parties arising from the contracts, by violating criteria of the contract or due to termination or reasons related to this issue in the process of mineral development operations shall be resolved through negotiations.

- 2) Dhimmichi waltajjii mariitiin hiikkachuu yoo hin dandeenye sirna bu'uura waliigaltee keessatti taa'een jaarsummaan ilaalamee murtaa'a. Murtiin jaarsummaan kennamu qaamolee waliigaltee seenan irratti kan ragga'u ta'a.
- 3) Murtii jaarsummaan kennamu irratti qaamni komii qabu kamiyyuu komii isaa Mana Murtii ilaallattutti ol'iyyannoo isaa dhiyeffachuu ni danda'a.

69. Tarkaanfii Bulchiinsaa

- 1) Abbaan Taayitichaa, haala ulfaatina dhimmichaa fi miidhaa gahee irratti bu'uureeffachuun nama kamiyyuu irratti tarkaanfii bulchiinsaa armaan gadii fudhachuu ni danda'a:
 - (a) Akeekachiisa barreeffamaa kennuu;
 - (b) Hayyama dhorkuu;
 - (c) Hayyama haquu;
 - (d) Adabbii maallaqaa;
 - (e) Albuuda dhaaluu.
- 2) Abbaan Taayitichaa adabbii bulchiinsaa bu'uura tumaalee kutaa kanaatiin yeroo fudhatu, adabbii fudhate kamiyyuu nama tarkaanfiin irratti fudhatameef barreeffamaan beeksisuu qaba.

70. Hayyama Dhorkuu

- 1) Abbaan Taayitichaa gochi abbaa hayyamaa ummata naannoo yookiin hojjettoota irratti balaa kan geessisu ta'uu isaa yoo mirkaneeffatee fi haala qabatamaa jiruun dhorkuun furmaata ta'ee yoo argame, hayyamicha guutumaan guututti yookiin gartokkeen dhorkuu ni danda'a.
- 2) Abbaan Taayitichaa guyyaa dhorkiin ka'uu fi hojiin itti eegalamu abbaa hayyamaatiif beeksisuu qaba.

- 2) ጉዳዩ በውይይት መድረክ መፈታት ካልቻለ በስምምነቱ ውስጥ በተቀመጠው ሥነ-ስርዓት መሰረት በሽምግልና ታይቶ ይወሰናል። በሽምግልና የሚሰጠው ውሳኔ ስምምነት በገቡት አካላት ላይ የሚጸና ይሆናል።
- 3) በሽምግልና የሚሰጠው ውሳኔ ላይ ቅሬታ ያለው ማንኛውም ወገን፣ ቅሬታውን ለሚመለከተው ፍርድ ቤት ይግባኙን ሊያቀርብ ይችላል።

69. አስተዳደራዊ እርምጃ

- 1) ባለሥልጣኑ፣ በጉዳዩ ክብደትና በደረሰው ጉዳት ላይ በመመስረት በማንኛውም ሰው ላይ የሚከተሉትን አስተዳደራዊ እርምጃ ሊወስድ ይችላል፦
 - (ሀ) የጽሁፍ ማስጠንቀቂያ መስጠት፤
 - (ለ) ፈቃድ መከልከል፤
 - (ሐ) ፈቃድ መሰረዝ፤
 - (መ) የገንዘብ መቀጮ፤
 - (ሠ) ማዕድን መውረስ።
- 2) ባለሥልጣኑ በዚህ ክፍል ድንጋጌዎች መሰረት አስተዳደራዊ እርምጃ በሚወስድበት ጊዜ፣ የወሰደውን ማንኛውም እርምጃ እርምጃው ለተወሰደበት ሰው በጽሁፍ ማሳወቅ አለበት።

70. ፈቃድ መከልከል

- 1) ባለሥልጣኑ የባለፈቃዱ ድርጊት በአካባቢው ህብረተሰብ ወይም በሰራተኞች ላይ ጉዳት የሚያስከትል መሆኑን ካረጋገጠ እና ባለው ተጨባጭ ሁኔታም መከልከል መፍትሄ ሆኖ ከተገኘ፣ ፈቃዱን ሙሉ በሙሉ ወይም በከፊል ሊከልከል ይችላል።
- 2) ባለሥልጣኑ ክልከለው የሚነሳበትንና ሥራ የሚጀመርበትን ቀን ለባለፈቃዱ ማሳወቅ አለበት።

- 2) If the issue cannot be resolved through negotiations, it shall be settled through arbitration in accordance with the procedure provided in the agreement. The arbitral award shall be binding upon parties entered into agreement.
- 3) Any party aggrieved of the decision passed through arbitration may lodge his appeal to the concerned court.

69. Administrative Measure

- 1) The Authority may take the following administrative measures on any person depending on the gravity of the case and the damage caused:
 - (a) Giving written reprimand;
 - (b) Suspending license;
 - (c) Revoking license;
 - (d) Fines penalty;
 - (e) Inheriting the mineral.
- 2) Where the Authority takes administrative measure pursuant to the provisions of this part, it shall notify its decision of penalty in writing to the person on whom such measure is taken.

70. Suspension of License

- 1) Where the Authority ascertains that the acts of the licensee causes damage on the community of the locality or on the workers and suspending the license is found as better solution as per the existing situation, it may suspend the license fully or partially.
- 2) The Authority shall notify the licensee about the date for lifting up of such suspension and resumption of work.

71. Hayyama Haquu

Abbaan hayyamaa gochoota armaan gadii raawwatee yoo argame Abbaan Taayitaa hayyama hojii albuudaa jalaa haquu ni danda'a:

- 1) Hojii albuudaa dagannoo gud-daadhaan yookiin ta'e jedhee karaa seera qabeessa hin taaneen yoo gaggeesse;
- 2) Waliigalteewwan bu'uura hayyamaa yookiin dirqamoota jiran yoo cabse;
- 3) Bu'uura sagantaa hojiitiin hojiiwwan albuudaa hayyama itti fudhatee kan hin gaggeessine yoo ta'e;
- 4) Tumaalee sakatta'iinsa dhiibbaa naannoo, sadarkaalee nageenyaa fi fayyaa mirkanaa'ee jiru cabsee yoo argame;
- 5) Hojiin oomisha albuudichaa fayyummaa yookiin nageenya nama kamiyyuu yookiin uuma-naannoo irratti miidhaa kan geessisu yoo ta'e yookiin kuufama albuudichaa balaa irra kan buusu yoo ta'e;
- 6) Nagahee gurgurtaa albuudaa yookiin ragaa seera qabeessa ta'e Abbaa Taayitichaatiin kennamu malee albuuda yoo gurgure yookiin gara biyya alaatti yoo erge yookiin albuuda yoo fe'ee yookiin qabatee yoo socho'e;
- 7) Ragaa sirrii hin taane yookiin dogoggora qabu ta'e jedhee dhiyeessee yoo argame;
- 8) Galmeewwanii fi riikardoota barbaachisoo guutuu fi sirrii ta'an, haala yeroo agarsiisan kan hin qabne, harshammeewwan biraa yeroon dhiyeessuu baate yookiin beeksisaawwan barbaachisaa yeroon kennuu yoo hin dandeenye;
- 9) Abbaa Taayitichaa osoo hin beeksisiin lafa kireeffatanii hojii oomisha albuudaa yoo gaggeesse;
- 10) To'attoota haala seera qabeessaan gara iddoo hojiiwwan albuudaa itti gaggeeffaman akka hin galle, dhaabbata, galmeewwan, rikordoota, harshammeewwan biroo yookiin meeshaalee akka hin ilaalle yoo taasise; yookiin

71. ፈቃድ መስረዝ

ባለፈቃዱ የሚከተሉትን ድርጊቶች ፈጽሞ ከተገኘ ባለሥልጣኑ የማዕድን ሥራ ፈቃዱን ሊሰርዝበት ይችላል፡-

- 1) የማዕድን ሥራን በከፍተኛ ቸልተኝነት ወይም ሆን ብሎ ሀገራዊ በሆነ መንገድ ካካሄደ፤
- 2) መስረታዊ የፈቃድ ስምምነቶችን ወይም ያሉትን ግዴታዎች ከጣለ፤
- 3) ፈቃድ የወሰደባቸውን የማዕድን ሥራዎች በሥራ ፕሮግራም መስረት ያላከናወነ ከሆነ፤
- 4) የጸደቀውን የአካባቢ ተጽዕኖ ግምገማ፤ የደህንነትና ጤና ደረጃዎች ድንጋጌዎችን ተላልፎ ከተገኘ፤
- 5) የማዕድን ማምረት ሥራው በማንኛውም ሰው ጤንነት ወይም ደህንነት ላይ ወይም በአካባቢ ተፈጥሮ ላይ ጉዳት የሚያደርስ ከሆነ ወይም የማዕድኑን ክምችቱን አደጋ ላይ የሚጥል ከሆነ፤
- 6) የማዕድን ሽያጭ ደረሰኝ ወይም በባለሥልጣኑ ከሚሰጠው ህጋዊ ማስረጃ ውጪ ማዕድን ከሸጠ ወይም ወደ ውጭ ሀገር ከላከ ወይም ማዕድን ከጫነ ወይም ይዞ ከተንቀሳቀሰ፤
- 7) ሆን ብሎ ትክክለኛ ያልሆነ ወይም ስህተት ያለበት ማስረጃ አቅርቦ ከተገኘ፤
- 8) አስፈላጊ፣ ሙሉና ትክክለኛ የሆኑ እንዲሁም ወቅታዊ ሁኔታን የሚያሳዩ መዛግብትና ሪከርዶች ከሌለው፤ ሌሎች ሰነዶችን በወቅቱ ካላቀረበ ወይም አስፈላጊ ማስታወቂያዎችን በወቅቱ መስጠት ካልቻለ፤
- 9) ባለሥልጣኑን ሳያሳውቅ መራት በመከራየት የማዕድን ማምረት ሥራ ካከናወነ፤
- 10) በህጋዊ መንገድ ተቆጣጣሪዎች የማዕድን ማምረት ሥራዎች ወደሚካሄዱባቸው ቦታ እንዳይገቡ፣ ድርጅቱን፣ መዛግብትን፣ ሪከርዶችንና ሌሎች ሰነዶችን ወይም መሳሪያዎችን እንዳይመለከቱ ካደረገ፤ ወይም

71. Revoking License

The Authority may revoke mineral operation license if the licensee is found to commit the following acts:

- 1) If he deliberately or with grave negligence undertakes mineral operation illegally;
- 2) If he breaches the basic agreements of the license or the obligations;
- 3) If he fail to conduct the mineral operations for which he has acquired license in accordance with work schedules;
- 4) If he is found violating the provisions of environmental impact assessment, the approved safety and health standards;
- 5) If the mineral production operation causes adverse impact on the health or safety of any person or endangers the mineral deposit;
- 6) If he sells or exports minerals to foreign countries or move by loading or holding minerals without having mineral sale receipt or lawful evidence provided by the Authority;
- 7) If he is found intentionally submit incorrect or mistaken evidences;
- 8) If he does not have complete and accurate necessary books and records that indicate the existing situation, fail to present other documents timely or unable to give necessary notices on time;
- 9) If he conducts mineral production operations through leasing land without notifying to the Authority;
- 10) If he makes the lawful inspector not to enter in to the mineral operation areas and not to inspect the organization, books, records, other documents or materials; or

11) Ajaja seera qabeessa ta'e Abbaa Taayitaatiin kennamu raawwachu yoo dide.

72. Akeekkachiisa Kennuu

Abbaan Taayitaa abbaa hayyamaa irratti tarkaanfii hayyama dhorkuu yookiin haquu fudhachu isaatiin dura akeekkachisa qabxiilee armaan gadii ofkeessatti qabate barreeffamaan kennuu qaba:

- 1) Abbaan hayyamaa dhimmoota irra darbe, balleessaa raawwate, seera cabse yookiin hir'ina uumame sirreessuuf tarkaanfii fudhachu qabu; fi
- 2) Abbaan hayyamaa dhimmoota naaf ilaaluu qaban jedhu kamiyyuu yoo qabaate barreeffamaan guyyaa hojii 5 (shan) keessatti Abbaa Taayitaaf dhiyeeffachuu qaba.

73. Dhorkaa yookiin Haqamiinsa Hayyamaa Kaasuu

Abbaan Taayitichaa akeekkachisa dhorkaa yookiin haqamiinsaa haala armaan gadiitiin kaasuu ni danda'a:

- 1) Abbaan hayyama dhorkamuu yookiin haqamuu hayyamichaaf wantoota sababa ta'anii tarreeffaman akkaataa akeekkachisa bu'ura Labsii kana Keewwata 72 tiin kennameen yeroo ibsame keessatti haala gaarii ta'een kan sirreesse, fooyyesse, dhabamsiise yookiin akka hin deebine dhorkera yoo ta'e; yookiin
- 2) Dhorkiin yookiin haqamiinsi raawwatamuu hin qabu jechuudhaan abbaan hayyamaa sababa gahaa dhiyeeffatee fudhatama yoo argate.

74. Albuuda Dhaaluu

Ittigaafatamummaan yakkaa akkuma eeggameetti ta'ee, namni kamiyyuu hayyama albuudaa seera qabeessa ta'e harkatti osoo hin qabaatin albuuda kuusee, fe'ee yookiin qabatee osoo socho'uu yoo qabame, Abbaan Taayitichaa albuuda qabame ofisaatiin dhaaluun bu'ura seera rogummaa qabuun mootummaaf galii akka ta'u gochuu ni danda'a. Akkaataan raawwii isaa Dambii baahuun kan murtaa'u ta'a.

11) በባለሥልጣኑ የሚሰጠውን ህጋዊ ትዕዛዝ ካልፈጸመ፡፡

72. ማስጠንቀቂያ መስጠት

ባለሥልጣኑ በባለፈቃዱ ላይ የፈቃድ መከላከል ወይም መሰረዝ እርምጃ ከመውሰዱ በፊት ከዚህ በታች ያሉትን ነጥቦች በውስጡ የያዘ ማስጠንቀቂያ በጽሁፍ መስጠት አለበት፡-

- 1) ባለፈቃዱ የተላለፋቸውን ጉዳዮች፣ የፈጸመውን ጥፋት፣ የተላለፈው ህግ ወይም የተፈጠረውን ጉድለት ለማስተካከል መውሰድ ያለበት እርምጃ፤ እና
- 2) ባለፈቃዱ ማንኛውም ሊታዩልኝ ይገባል የሚላቸው ጉዳዮች ካለው፤ በ5 (አምስት) የስራ ቀናት ውስጥ በጽሁፍ ለባለሥልጣኑ ማቅረብ አለበት፡፡

73. የፈቃድ ክልከላን ወይም ስረዛን ስለማንላት

ባለሥልጣኑ የፈቃድ ማስጠንቀቂያ ክልከላ ወይም ስረዛን በሚከተለው ሁኔታ ሊያነሳ ይችላል፡-

- 1) ባለፈቃዱ ለፈቃዱ መከላከል ወይም መሰረዝ ምክንያት በመሆን የተዘረዘሩ ነገሮችን በዚህ አዋጅ አንቀጽ 72 መሰረት በተሰጠው ማስጠንቀቂያ መሰረት በተገለጸው ጊዜ ውስጥ በጥሩ ሁኔታ ያስተካከለ፣ ያሻሻለ፣ ያስወገደ ወይም እንዲያመለስ ክልከሎ ከሆነ፤ ወይም
- 2) ባለፈቃዱ ክልከላው ወይም ስረዛው መፈጸም የለበትም በማለት በቂ ምክንያት አቅርቦ ተቀባይነት ካገኘ፡፡

74. ማዕድን ስለመውረስ

የወንጀል ተጠያቂነቱ እንደተጠበቀ ሆኖ ማንኛውም ሰው ህጋዊ የሆነ የማዕድን ፈቃድ ላይዝ ማዕድን አከማችቶ፣ ጭኖ ወይም ይዞ ሲንቀሳቀስ ከተያዘ ባለሥልጣኑ የተያዘውን ማዕድን እራሱ በመውረስ አግባብ ባለው ህግ መሰረት ለመንግሥት ገቢ እንዲሆን ሊያደርግ ይችላል፡፡ የአፈጻጸሙ ሁኔታ በሚወጣው ደንብ የሚወሰን ይሆናል፡፡

11) If he refuses to perform the lawful order of the Authority

72. Providing Reprimand

The Authority shall provide written reprimand containing the following issues before taking measures of suspending or revoking license on the licensee;

- 1) Measure to be taken to correct the matters that the licensee has violated, faults he has committed, the laws he has violated or the drawback occurred; and
- 2) The licensee shall submit in writing the issues that he wants to be reconsidered, if any, to the Authority within five (5) working days.

73. Lifting up Suspension or Revocation of License

The Authority may lift up the reprimand, suspension or revocation of license in the following conditions:

- 1) If the licensee has effectively corrected, improved, eliminated or prevented the problems specified as reasons for the suspension or revocation of the license within the time provided in accordance with the reprimand given under article 72 of this proclamation;
- 2) If the licensee has objected the suspension or revocation decision by substantiating with sufficient reasons and his objection is accepted.

74. Inheriting Mineral

Without prejudice to criminal liability, if any person hoards mineral, seized while transporting by loading or holding minerals without having lawful mineral license, the Authority may inherit the controlled mineral in itself and deposit it to the government in accordance with appropriate law. Its implementation particulars shall be determined by the regulation to be issued.

75. Sirna Ol'iyyannoo

- 1) Namni adabbiin bulchiinsaa akkaataa Labsii kanaatiin Abbaa Taayitaan irratti fudhatame kamiyyuu murtii kenname irratti komii yoo qabaate komii isaa barreeffamaan Abbaa Taayitichaa sadarkaa sadarkaan jiranitti dhiyeeffachuu ni danda'a.
- 2) Namni adabbiin bulchiinsaa irratti kenname kamiyyuu murtiin adabbii bulchiinsaa kun Abbaa Taayitichaa sadarkaa sadarkaan jiranitti bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin dhiyeefachuu murtiin dhumaa hanga itti hin kennaminitti ol'iyyannoo isaa gara Mana Murti idileetti dhiyeeffachuu hin danda'u.
- 3) Qaamni murtii dhumaa qaama bulchiinsaa ol'iyyannoo dhaggeeffatun akkaataa Labsii kanaatiin kenname irraa komii qabu, ol'iyyannoo isaa guyyaa 30 (soddoma) keessatti Mana Murti idileetii dhiyeeffachuu ni danda'a.

76. Adabbi Yakkaa

- 1) Namni kamiyyuu seera biraatiin caalmaatti kan adabsiisu yoo ta'e malee:
- (a) Akkaataa Labsii kana keessatti tumameen Abbaa Taayitichaa irraa hayyama hojii albuudaa osoo hin argatin yookiin hayyamni kenname erga haqameen booda hojii misooma albuudaa kamiyyuu hojjetee yoo argame adabbii hidhaa waggaa 5 (shan) hin caallee fi adabbii maallaqaa Qarshii 100,000.00 (kuma dhibba tokko) hin caalleen ni adabama;
- (b) Bu'uura Labsii kana Keewwata 61 tin ajaja kenname yoo kabajuu dide yookiin ajaja albuuda harka isaa gahee akka hin sochoofne yookiin hin gurgurre Abbaa Taayitichaa kennameef cabsee albuuda sochoosee yookiin gurguree yoo argame adabbii hidhaa waggaa 3 (sadii) hin caalleen yookiin adabbii maallaqaa hanga Qarshii 20,000.00 (kuma digdama) gahuun yookiin haalli dhimmichaa ulfaataa yoo ta'e la-maaniin ni adabama;

75. የይግባኝ ሥነ-ሥርዓት

- 1) በዚህ አዋጅ መሰረት በባለሥልጣኑ አስተዳደራዊ እርምጃ የተወሰደበት ማንኛውም ሰው በውሳኔው ቅር ከተሰኘ ቅሬታውን በየደረጃው ላሉት ባለሥልጣን በጽሁፍ ሊያቀርብ ይችላል።
- 2) የአስተዳደራዊ ቅጣት የተወሰደበት ማንኛውም ሰው ይህን ውሳኔ በዚህ አንቀጽ ንዑስ አንቀጽ (1) መሰረት በየደረጃው ላሉት ባለሥልጣን በማቅረብ የመጨረሻ ውሳኔ እስካልተሰጠ ድረስ ይግባኙን ለመደበኛ ፍርድ ቤት ማቅረብ አይችልም።
- 3) በዚህ አዋጅ መሰረት በይግባኝ ሰሚ አስተዳደር አካል በተወሰነው የመጨረሻ ውሳኔ ላይ ቅሬታ ያለው አካል ይግባኙን በ30 (ሰላሳ) ቀናት ውስጥ ለመደበኛ ፍርድ ቤት ሊያቀርብ ይችላል።

76. የወንጀል ቅጣት

- 1) ማንኛውም ሰው በሌላ ህግ የበለጠ የሚያስቀጣው ካልሆነ በስተቀር፡-
- (ሀ) በዚህ አዋጅ በተደነገገው መሰረት ከባለሥልጣኑ የማዕድን ሥራ ፈቃድ ሳያገኝ ወይም የተሰጠው ፈቃድ ከተሰረዘ በኋላ ማንኛውንም የማዕድን ልማት ሥራ ሰርቶ ከተገኘ ከ5 (አምስት) አመት በማይበልጥ እስራት እና ከ100,000 (መቶ ሺህ) ብር በማይበልጥ የገንዘብ መቀጮ ይቀጣል።
- (ለ) በዚህ አዋጅ አንቀጽ 61 መሰረት የተሰጠውን ትዕዛዝ ካላከበረ ወይም በእጁ የገባውን ማዕድን እንዳያንቀሳቅስ ወይም እንዳይሸጥ በባለሥልጣኑ የተሰጠውን ትዕዛዝ በመጣስ ማዕድን አንቀሳቅሶ ወይም ሽጦ ከተገኘ ከ3 (ሦስት) ዓመት በማይበልጥ እስራት ወይም ከ20,000 (ሀያ ሺ) ብር በሚደርስ የገንዘብ መቀጮ ወይም ጉዳዩ ከባድ በሚሆንበት ጊዜ በሁለቱም ይቀጣል።

75. Appeal Procedure

- 1) Any person who is aggrieved by administrative penalty taken by the Authority in accordance with this proclamation may submit his complain in writing to the Authority found at each hierarchy.
- 2) No person may apply to the competent court for the review of an administrative decision contemplated in sub-article (1) of this Article until he has exhausted the administrative remedies with the Authority found at each hierarchy.
- 3) A party dissatisfied with the final decision of the appeal hearing administrative body given in accordance with this proclamation may lodge his appeal to the ordinary court within thirty (30) days.

76. Criminal Penalty

- 1) Unless it is punishable with more severe penalty under other laws, any person:
- (a) Who is found performing any mineral development operation without obtaining mineral license from the Authority or after the license is revoked as provided in this proclamation shall be punished with imprisonment not exceeding five (5) years and fines not exceeding one hundred thousand (100,000.00) Birr;
- (b) Who fail to observe the order provided in accordance with article 61 of this proclamation or if he is found moving or selling the mineral at his hand violating the order given by the Authority, shall be punished with imprisonment not exceeding three (3) years or fines up to twenty thousand (20,000.00) Birr or both if the case is grave;

- | | | |
|--|--|---|
| <p>(c) Hojii misooma albuudaa keessatti ragaa sirrii hin taane yookiin dogoggorsiisuu danda'u dhiyeessee yoo argame adabbii hidhaa hanga wagga 5 (shan) gahuun yookiin adabbii maallaqaa hanga Qarshii 200,000.00 (kuma dhibba lama) gahuun yookiin haalli dhimmichaa ulfaataa yoo ta'e la-maaniin ni adabama;</p> <p>(d) Albuuda iddoo daangaa hayyama yookiin daangaa yeroo turmaata hayyamaatiin ala darbee oomishee yoo argame adabbii hidhaa waggaa 3 (sadii) hin caallee fi adabbii maallaqaa Qarshii 30,000.00 (kuma soddoma) hin caalleen ni adabama;</p> <p>(e) Oomishni hojii albuudaa fayyummaa yookiin nageenya namaa fi uumama naannoo irratti miidhaa geessisee yoo argame, miidhaa dhaqqabsiiseef ittigaafatamummaan hariiroo hawaasaa akkuma eegameetti ta'ee, adabbii hidhaa waggaa 5 (shan) hin caallee fi adabbii maallaqaa Qarshii 100,000.00 (kuma dhiibba tokko) gahuun ni adabama.</p> <p>2) Konkolaachisaanii fi namni albuuda seeraan ala qabatanii socho'uu, fe'uu fi geejjibsiisuu keessatti hirmaate kamiyyuu, albuudni fe'ame qabamee dhaalamuun mootummaaf galii ta'ee, seera biraatiin caalmaatti kan adabsiisu yoo ta'e malee adabbii hidhaa waggaa 1 (tokkoo) gadi hin taanee fi waggaa 5 (shan) hin caalleen fi adabbii maallaqaa hanga Qarshii 50,000.00 (kuma shantama) gahuun ni adabama.</p> | <p>(ሐ) በማዕድን ልማት ሥራ ውስጥ ትክክለኛ ያልሆነ ወይም የሚያሳስት ማስረጃ አቅርቦ ከተገኘ እስከ 5 (አምስት) ዓመት በሚደርስ እስራት ወይም እስከ 200,000 (ሁለት መቶ ሺ) ብር በሚደርስ የገንዘብ መቀጮ ወይም ጉዳዩ ከባድ በሚሆንበት ጊዜ በሁለቱም ይቀጣል፡፡</p> <p>(መ) የተፈቀደውን ክልል ወይም ከተፈቀደው የፈቃድ ቆይታ ጊዜ ውጪ በማለፍ ማዕድን አምርቶ ከተገኘ ከ3 (ሦስት) ዓመት በማይበልጥ እስራትና ከ30,000 (ሰላሳ ሺ) ብር በማይበልጥ የገንዘብ መቀጮ ይቀጣል፡፡</p> <p>(ሠ) የማዕድን ማምረት ሥራ በሰው ጤና ወይም ደህንነት እና በአካባቢ ተፈጥሮ ላይ ጉዳት አድርጎ ከተገኘ ላይረሰው ጉዳት ያለበት የፍትሕ ብሔር ተጠያቂነት እንደተጠበቀ ሆኖ ከ5 (አምስት) ዓመት በማይበልጥ እስራትና ከ100,000 (አንድ መቶ ሺ) ብር በሚደርስ የገንዘብ መቀጮ ይቀጣል፡፡</p> <p>2) በህገወጥ መንገድ ማዕድን ይዞ በመንቀሳቀስ፣ በመጫንና በማጓጓዝ ድርጊት ውስጥ የተሳተፈ ማንኛውም ሾፌርና ሰው፣ ተጭኖ የተያዘው ማዕድን በውረስ ለመንግስት ገቢ ሆኖ፣ በሌላ ህግ የበለጠ የሚያስቀጣ ካልሆነ በስተቀር ከ1 (አንድ) ዓመት በማያንስና ከ5 (አምስት) ዓመት በማይበልጥ እስራት እና እስከ 50,000 (ሀምሳ ሺ) በሚደርስ የገንዘብ መቀጮ ይቀጣል፡፡</p> | <p>(c) Who is found submitting incorrect or misleading evidences in mineral development operation shall be punished with imprisonment up to five (5) years or fines up to two hundred thousand (200,000.00) Birr or both if the case is grave;</p> <p>(d) Who is found producing minerals beyond the boundary of the license area or more than the duration of the license shall be punished with imprisonment not exceeding three (3) years and with fines not exceeding thirty thousand (30,000.00) Birr;</p> <p>(e) If his mineral production operation has caused damage on the health or safety of human beings and the environment, without prejudice to his civil liability, he shall be punished with imprisonment not exceeding five (5) years and fines up to one hundred thousand (100,000.00) Birr.</p> <p>2) Any driver and person participated on trafficking, loading and transporting minerals illegally, after the loaded mineral controlled inherited and deposited to the government, unless punishable with more severe penalty by other laws, they shall be punishable with imprisonment not less than one (1) year and not exceeding five (5) years and with fines up to fifty thousand (50,000.00) Birr;</p> |
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- 3) Konkolaataan albuuda seeraan ala fêee bu'uura Keewwata kana Keewwata Xiqqaa 2 tiin qabame, haala meeshaa dhoksuu dandeessisuun kan hojjatame yoo ta'e yookiin konkolaaticha irratti qaamni meeshaa dhoksuuf dandeessisu kan tolfame yoo ta'e yookiin abbaan konkolaataa konkolaaticha irratti albuudni seeraan alaa fe'amu isaa osoo beekuu akka hin fe'amne ittisuuf yookiin dhaabsisuuf tarkaanfii barbaachisaa ta'e fudhachuu yoo dhabe konkolaataan qabame albuudicha waliin ni dhaalama.
- 4) Tumaan Keewwata kanaa adabiin bulchinsaa fi ittigaafatamummaa hariiroo hawaasaa abbaa hayyamaa irratti akka hin fudhatamne kan daangeessuu miti.

77. Hirmaannaa Yakkaa Dhaabbata Qaama Seerummaa Qabuu

- 1) Abbaa Taayichaa osoo hin dabalatin dhaabbanni qaamni seerummaa kennameef yak-koota Labsii kana Keewwata 76 jalatti ibsaman keessaa tokkotti hirmaate yammuu argamu, akkaataa akaakuu yakkichaatti adabbii maallaqaa hanga Qarshii 200,000.00 (kuma dhibba lama) gahuun ni adabama.
- 2) Hooggantootaa fi miseensota Abbaa Taayichaa osoo hin dabalatin hojii gaggeessaan, dubbii fixaan, miseensi, bulchaan yookiin miseensi to'annaa yookiin qaamni qulqulleessaa herreegaa haala Keewwata kana Keewwata Xiqqaa 1 jalatti ibsameen yakki yammuu raawwatamu gahee hojii jaarmiyicha gaggeessuu keessatti qaburraa kan ka'e yakkicha keessatti hirmaataa yoo ta'e akaakuu yakkaa Keewwata 76 jalatti tumaman keessaa tumaa Keewwatichaa roggummaa qabu jalatti adabbii tumame ni adabama.

- 3) ህገወጥ ማዕድን ጭኖ በዚህ አንቀጽ ንዑስ አንቀጽ 2 መሰረት የተያዘው ተሽከርካሪ ዕቃዎችን ለመደበቅ በሚያስችል ሁኔታ የተሰራ ከሆነ ወይም በተሽከርካሪው ላይ እቃ ለመደበቅ የሚያስችል ተሰርቶ ከሆነ ወይም የተሽከርካሪው ባለቤት ተሽከርካሪው ላይ ህገወጥ ማዕድን መጫኑን እያወቀ እንዳይጫን ለመከላከል ወይም ለማስቆም አስፈላጊውን እርምጃ ያልወሰደ ከሆነ የተያዘው ተሽከርካሪ ከማዕድኑ ጋር በመንግስት ይወረሳል።
- 4) የዚህ አንቀጽ ድንጋጌዎች በባለፈቃዱ ላይ የሚወሰደውን አስተዳደራዊ እርምጃና የፍትሐብሔር ሀላፊነትን አያስቀርም።

77. የህግ ሰውነት ያለው ተቋም የወንጀል ተሳታፊነት

- 1) ባለሥልጣኑን ሳይጨምር የህግ ሰውነት የተሰጠው ተቋም በዚህ አዋጅ አንቀጽ 76 ሥር ከተገለጹት ወንጀሎች በአንዱ ተሳትፎ ሲገኝ እንደ ወንጀሉ ዓይነት እስከ 200,000 (ሁለት መቶ ሺ) ብር በሚደርስ የገንዘብ መቀጮ ይቀጣል።
- 2) የባለሥልጣኑን ሐላፊዎችና አባላትን ሳይጨምር ሥራ-አስኪያጅ፣ ነገረፈጅ፣ አባል፣ አስተዳዳሪ ወይም የቁጥጥር አባል ወይም የሂሳብ አጣሪ አካል በዚህ አንቀጽ ንዑስ አንቀጽ (1) በተገለጸው መሰረት ወንጀል ሲፈጸም ድርጅቱን ለመምራት ካለው ድርሻ የተነሳ በወንጀሉ ተሳታፊ ከሆነ በአንቀጽ 76 ሥር ከተደነገጉት የወንጀል ዓይነቶች ውስጥ አግባብ ባለው የአንቀጽ ድንጋጌ ሥር የተደነገገውን ቅጣት ይቀጣል።

- 3) The vehicle that has loaded minerals illegally and seized in accordance with sub article 2 of this article, if it is assembled in a way that help to conceal materials or if a part that help to conceal materials is fixed on it or if the owner of such vehicle, being aware of the fact that mineral has been illegally loaded on the vehicle and fail to take necessary measure to prevent or to stop the mineral not to be loaded, the seized vehicle shall be inherited together with the mineral;
- 4) The provisions of this article shall not bar the administrative penalty and civil liability from the licensee.

77. Criminal Participation of Organization Having Legal Personality

- 1) Except the Authority, if an organization given legal personality is found participating on one of the offences specified under article 76 of this proclamation, it shall be punishable with fines up to two hundred thousand (200,000) Birr depending on the type of the offence.
- 2) Except the leaders and members of the Authority, if the manager, advocate, members, administrator or controlling member or finance investigation body has participated on the offence committed as specified under sub article 1 of this article due to his management role in the organization, shall be punishable with the penalty provided under the appropriate provision among the types of offences provided under article 76.

Kutaa Sagal**Tumaalee Adda Addaa****78. Dirqama Deeggarsa Kennuu**

Namni kamiyyuu dhimmoota Labsii kana keessatti tumaman hojiirraa oolchuuf qaama dhimmi ilaaluun yeroo gaafatamu deeggarsa kennuuf dirqama qaba.

79. Aangoo Abbaa Seerummaa

Manneen Murtii Mootummaa Naannichaa sadarkaa sadark-aadhaan jiran yakkoota Labsii kana Keewwata 76 fi 77 jalatti ibsaman irratti aangoo abbaa seerummaa ni qabaatu.

80. Aangoo Dambii fi Qajeelfama Baasuu

- 1) Labsii kana raawwachiisuuf Manni Maree Bulchiinsa Mootummaa Naannichaa Dambii baasuu ni danda'a.
- 2) Abbaan Taayitichaa Labsii kanaa fi Dambii bu'uura Labsii kanaatiin bahu raawwachiisuuf Qajeelfama baasuu ni danda'a.

81. Tumaalee Ce'umsaa

- 1) Hojiirra oolmaa Labsii kanaatiin dura hayyamni hojii albuudaa Abbaa Taayitichaan kenname yookiin waliigalteen albuudaa Abbaa Taayitichaa waliin taasifame akka haaraatti guyyaa Labsichi ragga'ee bahe irraa eegalee ji'a 6 (jaha) keessatti Abbaa Taayitichaa biratti irra deebi'ee galmaa'uun bu'uura Labsii kanaatiin hayyama fudhachuu qaba.
- 2) Hojiirra oolmaa Labsii kanaatiin dura dhimmoonni uumamanii himannaaf sababa ta'an yookiin falmiin jalqabamee jiru yookiin adeemsa raawwii irra jiran bu'uura seerota duraan jiraniin xumura kan argatan ta'u.

ክፍል ዘጠኝ**ልዩ ልዩ ድንጋጌዎች****78. ድጋፍ የመስጠት ግዴታ**

ማንኛውም ሰው በዚህ አዋጅ ውስጥ የተደነገጉትን ጉዳዮች ሥራ ላይ ለማዋል በሚመለከተው አካል በሚጠየቅበት ጊዜ ድጋፍ የመስጠት ግዴታ አለበት፡፡

79. የዳኝነት ሥልጣን

በየደረጃው ያሉ የክልሉ መንግስት ፍርድ ቤቶች በዚህ አዋጅ አንቀጽ 76 እና 77 ሥር በተገለጹት ወንጀሎች ላይ የዳኝነት ሥልጣን ይኖራቸዋል፡፡

80. ደንብና መመሪያ የማውጣት ሥልጣን

- 1) ይህን አዋጅ ለማስፈጸም የክልሉ መንግስት አስተዳደር ምክር ቤት ደንብ ሊያወጣ ይችላል፡፡
- 2) ባለሥልጣኑ ይህን አዋጅና በዚህ አዋጅ መሰረት የሚወጣውን ደንብ ለማስፈጸም መመሪያ ሊያወጣ ይችላል፡፡

81. የመሽጋገሪያ ድንጋጌዎች

- 1) ይህ አዋጅ ሥራ ላይ ከመዋሉ በፊት በባለሥልጣኑ የተሰጠ የማዕድን ሥራ ፈቃድ ወይም ከባለሥልጣኑ ጋር የተደረገ የማዕድን ስምምነት አዋጁ ጸድቆ ከወጣበት ቀን ጀምሮ በ6 (ስድስት) ወራት ውስጥ እንደ አዲስ ባለሥልጣኑ ዘንድ እንደገና በመመዝገብ በዚህ አዋጅ መሰረት ፈቃድ መውሰድ አለበት፡፡
- 2) ይህ አዋጅ ሥራ ላይ ከመዋሉ በፊት የተከሰቱና ለክስ ምክንያት የሆኑ ወይም ክርክራቸው የተጀመረ ወይም በአፈጻጸም ሂደት ላይ ያሉ ጉዳዮች ቀድሞ በነበሩ ህጎች መሰረት ፍጻሜ የሚያገኙ ይሆናል፡፡

Part Nine**Miscellaneous Provisions****78. Obligation to Provide Support**

Any person shall be obliged to provide support whenever required by the concerned body to implement the matters provided under this proclamation.

79. Jurisdiction

The Courts of the regional state found at each hierarchy shall have jurisdiction on the offences provided under article 76 and 77 of this proclamation.

80. Power to issue Regulation and Directive

- 1) The Regional State Administrative Council may issue regulation for the implementation of this proclamation.
- 2) The Authority may issue directive for the implementation of this proclamation and regulation to be issued in accordance with this proclamation.

81. Transitory Provisions

- 1) The mineral operation license issued by the Authority or mineral agreement concluded with the Authority before the coming in to force of this proclamation shall be newly re-registered to the Authority and acquire license in accordance with this proclamation within six months from the date of approval of this proclamation.
- 2) Any cause of action created, legal proceeding started, or on the process of enforcement before the coming in to force of this proclamation shall get final solution in accordance with previous laws.

82. Seerota Raawwatiinsa Hin Qabaanne

- 1) Labsiin Misooma Qabeenya Albuudaa Naannoo Oromiyaa Lakkoofsa 91/1997 Labsii kanaan haqameera.
- 2) Labsiin, Dambiin, Qajeelfamni yookiin barmaatileen hojii Labsii kanaan walfaallessan kamiyyuu dhimmoota Labsii kana keessatti hammataman irratti raawwatiinsa hin qabaatan.

83. Yeroo Labsichi Hojiirra Itti Oolu

Labsiin kun guyyaa Magalata Oromiyaa irratti maxxanfame irraa eegalee hojiirra kan oolu ta'a.

Finfinnee

Guraandhala 11 Bara 2012

Shimallis Abdiisaa

Pirezidaantii Mootummaa Naannoo Oromiyaa

82. ተፈጻሚነት ስለማይኖራቸው ህጎች

- 1) የኦሮሚያ ማዕድን ሀብት ልማት አዋጅ ቁጥር 91/1997 በዚህ አዋጅ ተሸራጊ።
- 2) ከዚህ አዋጅ ጋር የሚቃረን ማንኛውም አዋጅ፣ ደንብ፣ መመሪያ ወይም ልማዳዊ አሰራር በዚህ አዋጅ በተሸፈኑ ጉዳዮች ላይ ተፈጻሚነት አይኖራቸውም።

83. አዋጁ ሥራ ላይ የሚውልበት ጊዜ

ይህ አዋጅ በመገለጥ ኦሮሚያ ከታተመበት ቀን ጀምሮ ሥራ ላይ የሚውል ይሆናል።

ፊንፊኔ

የካቲት 11 ቀን 2012 ዓ.ም

ሺመልስ አብዲሳ

የኦሮሚያ ክልላዊ መንግስት ፕሬዝዳንት

82. Inapplicable Laws

- 1) Oromia Region Mineral Resources Development Proclamation No 91/2004 is repealed by this proclamation.
- 2) Any proclamation, regulation, directive or customary practice in contradiction with this proclamation shall not be applicable on the matters covered under this proclamation.

83. Effective Date

The proclamation shall become effective as of its publication on Megeleta Oromia.

Finfine,

19 February, 2020

ShimelisAbdisa

President of Oromia Regional State

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በጨፌ ኦሮሚያ ጽ/ቤት የታተመ

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