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ፌደራል ነጋሪት ጋዜጣ

FEDERAL NEGARIT GAZETTE

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ሃይ አምስተኛ ዓመት ቁቀር ሮጀ አዲስ አበባ ኃሐሴ ፫ ቀን ፪ሺ፲፬ ዓም

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Content

Proclamation No. 1150/2019

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አዋጅ ቁጥር ፩ሺ.8፻9/8ሺ.16

የንግድ ምዝገባና ፌቃድ አዋጅን ለማሻሻል የወጣ አዋጅ

የንግድ ምዝገባና ሬ.ቃድ አገልግሎት አሰጣተን ቀላል፡ ቀልጣፋ፡ ወጪ ቆጣቢ፡ በመናዊ እና ተደራሽ በማድረግ ለንግድ ሥራ መጀመር ምቹ ሀገር ለመሆን እንዲያስችል የንግድ ምዝገባና ፌቃድ አዋጅ ቁጥር ፱፻፹/፪ሺ፰ን ማሻሻል አስፌላጊ ሆኖ በመገኝ ተ፡፡

በኢትዮጵያ ፌደራሳዊ ዲሞክራሲያዊ ሪፖብሊክ ሕገ-መንግሥት አንቀጽ ፵፭ (፩) መሠረት ይህ ማሻሻያ አዋጅ ታውጇል።

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ይህ አዋጅ "የንግድ ምዝገባና ፌቃድ (ማሻሻድ) አዋጅ ቁጥር ፩ሺ፩፫፻፵፫ሺ፲፩" ተብሎ ሲጠቀስ ይችላል።

PROCLAMATION No. 1150/2019

A PROCLAMATION TO PROVIDE FOR THE AMENDMENT OF COMMERCIAL REGISTRATION AND BUSINESS LICENSING

WHEREAS, it has become necessary to amend proclamation registration and business licensing No.980/2016 to put in place a commercial registration and business licensing regime that is responsive to the needs of doing business through simple, efficient, modern and accessible registration and licensing services;

NOW THEREFORE, in accordance with article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows.

1. Short Title

This proclamation may be cited as the "Commercial Registration and Business Licensing (amendment) Proclamation No. 1150/2019".

ያንዱ ዋ.ኃ Unit Price 10.35

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የንግድ ምዝገባና ፌቃድ አዋጅ ቁጥር <u>፱፻፹/፪ሺ</u>፰ እንዴሚከተለው ተሻሽሏል:-

- ፩/ የአዋጁ አንቀጽ ፪ (፪) ተሰርዞ በሚከተለው አዲስ ንዑስ አንቀጽ (፪) ተተክቷል:-
 - "፪/ "ነጋዴ" ማለት ንግድን የሙያ ሥራው አድርት ተገቢውን ጥቅም ለማግኘት በንግድ ሕጉና በኢትዮጵያ የንግድ ሥራ ፌቃድ መስጫ መደብ መመሪያ ውስጥ የተዘረዘሩትን ማንኛውንም ሥራዎች የሚሰራ ሰው ነው።"
- ጀ/የአዋጁ አንቀጽ ፪ (፴፬) ተሰርዞ በሚክተለው አዲስ ንዑስ አንቀጽ (፴፬) ተተክቷል:-
 - "፴፬/ "የኢትዮጵያ የንግድ ሥራ ፌቃድ መስጫ መደብ መመሪያ" ማለት በኢትዮጵያ ውስጥ የንግድ ሥራ ፌቃድ የሚሰጥባቸው የንግድ ሥራዎችን ዓይነትና ዝርዝር መግለጫ የያዘ ሀገር አቀፍ ትሬዓሚነት ያለው በሚኒስቴሩ የሚወጣ መመሪያ ነው።"
- ፫/የአዋጁ አንቀጽ ፪ (፵፬) ተሰርዞ በሚከተለው አዲስ ንውስ አንቀጽ (፵፬) ተተክቷል:-
 - "፵፬/"አግባብ ያለው ባለስልጣን" ማለት የንግድና ኢንዱስትሪ ሚኒስቴር ወይም በክልል ንግድን ለማስተዳደር በሕግ ሥልጣን የተሰጣቸው አካላት ናቸው።"
- ፬/ የአዋጁ አንቀጽ ፪ (፵፭) ተሰርዞ በሚከተለው አዲስ ንዑስ አንቀጽ (፵፭) ተተክቷል:-
 - "፵፭/ "ሚኒስቴር" ወይም "ሚኒስትር" ማለት የንግድና ኢንዱስትሪ ሚኒስቴር ወይም ሚኒስትር ነው።"

2. 'Amendment

The Commercial Registration and Business Licensing Proclamation No.980/2016 is amended as follows:

- 1/ article 2 (2) of the proclamation is deleted and replaced by the following new sub article (2):
 - "2/"business person" means any person who professionally and for gain carries on any of the activities specified in the commercial code and the Ethiopian Business Licensing Categories."
- 2/ article 2 (34) of the proclamation is deleted and replaced by the following new subarticle (34)
 - "34/ "the Ethiopian Business Licensing Categories Directive" means a directive of national application issued by the ministry providing for a list and types of commercial activities for which business licenses are issued in Ethiopia.
- 3/ article 2 (44) of the proclamation is deleted and replaced by the following new sub-article (44)
 - "44/ "relevant authority" means Ministry of Trade and Industry or Regional Organs Administering Commercial Activities."
- 4/ article 2 (45) of the proclamation is deleted and replaced by the following new sub-article(45)
 - "45/ "Ministry" or "Minister" means the Ministry of Trade and Industry or the Minister of Trade and Tndustry."

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- ፩/ ከአዋጁ አንቀጽ ፬ (፲፮) ቀጥሎ አዲስ ንዑስ አንቀጽ (፲፯) ተጨምሯል፡
 - "፲፫/ የሚኒስቴር 25000 0.7: 1775 6.95 አገልግሎቶችን ราการ የኢንፎርሚሽን 00755 \$115° NO E አውታሮችን በመጠቀም ナフムンドギ O.S. አገልግሎት ឋមា 🐠 OKHA ሳይቀርቡ አንልግሎቶችን እንዲያገኙ የሚያስችሉ አሰራሮችን እና ሥርዓቶችን በሀገር አቀፍ ደረጃ ይበረጋል፣ ተል9ሚ እንዲሆንም ያደርጋል።"
- ½/ የአዋጁ አንቀጽ ፭ (፮) ተሰርዞ በሚከተለው አዲስ ንውስ አንቀጽ (፮) ተተክቷል። ከአዋጁ አንቀጽ ፭ (፱) ቀጥሎ የሚከተለው አዲስ ንውስ አንቀጽ (፲) ተጨምሯል።
 - "፤/ በንግድ ማህበራት መመስረቻ ጽሑፎችና መተዳደርያ ደንቦች እንዲሁም ማሻሻያዎች እና ለውጦቻቸው የንግድ ምዝገባና ፌቃድ አገልግሎት ሰጪ አካላት ውስጥ በሚቋቋሙ የአንድ ማዕከል አገልግሎት ሰንዶችን ለማረጋገጥ በሕግ ሥልጣን የተሰጠው አካል ሙያተኛ በመመደብ እንዲረጋገጥ ያደርጋል።"
 - "፲/ በንግድ ምዝገባና ፊቃድ አገልግሎት ሰጪ አካላት ውስጥ በሚቋቋሙ የአንድ ማዕከል አገልግሎቶች የግብር ከፋይ መለያ ቁጥርን ለመስጠት በሕግ ሥልጣን የተሰጠው አካል ሙያተኛ በመመደብ ሥራው እንዲሰራ ያደርጋል።
- %/ የአዋጁ አንቀጽ % (፪) ተሰርዞ በሚከተለው አዲስ ንዑስ አንቀጽ (፵፭) ተተክቷል።

- 5/ a new sub-article (17) is added following article 4 (16) of the proclamation;
 - "17/ the ministry shall put in place and follow up the implementation of systems that will make it possible for service recipients to get registration and licensing services without physically appearing at the registering offices by means of information and communication technology."
- 6/ article 5 (6) of the proclamation is deleted and replaced by the following new sub article (6); a new sub-article (10) is added following article 5 (9) of the proclamation;
 - "6/ memorandum of associations and articles of associations and any amendments and alterations thereto shall be authenticated by a Professional to be assigned by a government body authorized by law to authenticate documents who will based in one stop shop centers to be set up within the commercial registering and business licensing bodies."
 - 10/ a body authorized by law to issue tax
 identification numbers shall assigned a
 Professional to the one stop shop centers to
 be set up within the commercial registering
 and licensing bodies to issue tax
 identification numbers;
- 7/ article 7 (2) of the proclamation is deleted and replaced by the following new sub article (2);

- "፪/ የግለሰብ ንጋዲ ወይም የንግድ ማህበራት ሲመሰራቱ ወይም በዚህ አዋጅ መሠረት የምዝገባ የምስክር ወረቀት ለሚሰጣቸው ሰዎች አግባብ ያለው ባለስልጣን ተደራሽ የሆኑ የኢንፎርሜሽን መገናኛ ቴክኖሎጂ አውታሮችን በመጠቀም የምዝገባና ፊቃድ መረጃዎቻቸውን ይፋ ያደርጋል።"
- ጀ/ የአዋጁ አንቀጽ ፲ (፭) ተሰርዟል።
- ፱/ የአዋጁ አንቀጽ ፲ (፩) ተሰርዞ በሚከልተው አዲስ ንዑስ አንቀጽ (፩) ተተክቷል:-
 - "፩/ ማንኛውም የንግድ ምዝገባ ለውጥ ወይም ማሻሻያ በንግድ ሕጉ መሥረት መዘጋጀቱን በማረጋገጥ መዝጋቢው አካል መመዝገብ አለበት።"
- ፲/ የአዋጁ አንቀጽ ፲፭ (፭) (ሥ)፣ (፪) አና (፰)

 ተሰርዘው ከንዑስ አንቀጽ (፫) እስከ (፯)

 ያሉት እንደቅደም ተከተላቸው ከንዑስ
 አንቀጽ ፪ እስከ ፯ ሆነው ተሽጋሽገዋል፣
- ፲፩/ የአዋጁ አንቀጽ ፲፩ (፯) (እንደተሽጋሽገው) ተሰርዞ በሚከተለው አዲስ ንዑስ አንቀጽ (፯) ተተክቷል:-
 - "፤/ ማንኛውም ኃላፊነት፡ የተወሰነ የንግድ ማህበር ምዝገባ ስረዛ የሚወናው አግባብ ያለው ባለስልጣን ስረዛውን ተደራሽ በሆነ የኢንፎርሜሽን መገናኛ ቴክኖሎጂ አውታርን ተጠቅሞ ካሳወቀበት ከአንድ ወር በኋላ ነው፡፡ የግለሰብ ነጋዴ በሆነ ጊዜ ስረዛው ከተከናወነበት ቀን ጀምሮ እንደተሰረዝ ይቆጠራል፡"
- ፲፪/የአዋጁ ክፍል ፫ ርዕስ ስለ "ንግድ ስም' ምዝገባ የሚለው ተሰርዞ በሚከተለው አዲስ ርዕስ ተተክቷል:-

- "2/ where sole proprietorships or business organizations are established, or registration certificates are issued to any person under this proclamation, the relevant authority shall, by means of accessible information communication technology make public information relating to their registration and licensing."
- 8/ article 10(5) of the proclamation is deleted;
- 9/ article 10 (1) of the proclamation is deleted and replaced by the following new sub-article (1)
 - "1/ the registering office shall before registering ensure any alterations of or a mendment to commercial registration are prepared in accordance with the provisions of the commercial code."
- 10/ article 11(1) (e) (2) and (8) of the proclamation are deleted and the subsequent sub articles from 3 to 7 re-arrnged as sub articles (2) to (6) respectively;
- 11/ article 11 (6) of the proclamation (as renumbered) is deleted and replaced by the following new sub article (6).
 - "6/ cancellation of registration of a private limited company shall only be valid a month after the registering authority made it public by means of accessible communication and information technology. Where the cancellation involves sole proprietorships it shall be valid as from the date of such cancellation.
- 12/the title of part three of the Proclamation "registration of trade name" is deleted an replaced by the following new title of part three:

"የክፍል ሦስት:- ርዕስ "ስለድርጅትና ንግድ ስሞች"

- ፲፫/ የአዋጁ አንቀጽ ፲፬ እና ፲፭ ተሰርዘው በሚከተሉት አዲስ አንቀጾች ፲፬ እና ፲፭ ተተክተዋል:-
 - "አንቀጽ ፲፬ ርዕስ <u>"ስለደርጅት ስም ምዝገባ"፤</u>" "አንቀጽ ፲፭ ርዕስ "ስለንግድ ስም ምዝገባ"፤
- ፲፬/ የአዋጁ አንቀጽ ፲፮ (፩) (ሐ) ተሰርዞ፡ ክፌዴል ተራ (መ) እስከ (ሪ) ያሉት እንዴቅዴም ተከተሳቸው ከፌዴል ተራ (ሐ) እስከ (ሥ) ሆነው ተሽጋሽባዋል።
- ፲፭/ ከአዋጁ አንቀጽ ፲፮ (፫) ቀጥሎ የሚከተለው አዲስ ንዑስ አንቀጽ (፬) ተጨምሯል፡ "፬/ በዚህ አንቀጽ ስለንግድ ስም የተገለውት ለድርጅት ስምም ያገለግላሉ፡"
- ፲፮/ ከአዋጁ አንቀጽ ፳፩ (፭) ቀጥሎ የሚከተለው አዲስ ንዑስ አንቀጽ (፯) ተጨምሯል፡
 - %/በአዋጁ ወይም በሌሎች ሕጎች ወይም በውክልና ስልጣን የንግድ ሥራ ፌቃድ ተግባራትን የሚያከናውኑ አካላት የንግድ ሥራ ፌቃድ መረጃዎችን ሚኒስቴና ለዚህ ዓላማ ሳዘጋጀው የመረጃ ቋት የንግድ ሥራ ፌቃዱ እንደተከናወነ
- ፲፯/ የአዋጁ አንቀጽ ፳፯ (፪)፣ (፯) አና (፯) ተሰርዘው በሚከተሉት አዲስ ንውስ አንቀጾች(፪)፣ (፯) አና (፯) ተተከተዋል:-
 - "፪/ ኃላፊንታቸው የተወሰን የንግድ ማህበራት ካስመዘገቡት ካፒታል ሦስት አራተኛውን እና ከዚያም በሳይ የከሰሩ ከሆነ ካፒታላቸው ከአንድ አራተኛ በሳይ እንዲሆን በማድረግ ፊቃዳቸውን ማሳደስ ይችላሉ፤"

Part Three: "Company and Trade Names"

- 13/ Article 14 and 15 of the proclamation are deleted and replaced by the following new article 14 and 15:
- "Title of article 14. Registration of Company Names
- "Title of article 15. Registration of Trade Names"
 - 14/ article 16 (1) (c) of the proclamation is deleted and the subsequent from paragraph (d) to (f) are rearranged as paragraph (c) to (e) respectively;
 - 15/ a new sub-article (4) is added following article 16 (3) of the proclamation;
 - "4/ Trade name expressed under this article shall be applicable to company names;"
 - 16/ a new sub-article (6) is added following article 21(5) of the proclamation;
 - "6/ licensing bodies issuing licenses pursuant to the proclamation or in accordance with other authorizing laws or through delegated powers shall forward information to the ministry's commercial registration data center, prepared for the purpose, immediately after issuing licenses;
 - 17/article 27 (2), (6) and (7) of the proclamation are deleted and replaced by the following new sub-articles (2),(6) and (7):
 - "2/ Where three fourth or above of the capital of private limited companies are lost, they can raise their capital by more than one fourth and get their licenses renewed.

- "፯/ በቅጣት የማደሻ ጊዜ ውስጥ ያላደሰ ማንኛውም ነጋዴ በቅጣት የማደሻው ጊዜ ከተጠናቀቀበት ቀን ጀምሮ ባለው አንድ ዓመት ጊዜ ውስጥ ብር ኛ ሽ, በመክፊል ማደስ ይችላል።"
- "፯/ በዚህ አንቀጽ ንዑስ አንቀጽ (፮)
 መሠረት ይልታደስ ንግድ ፌቃድ
 እንደተሰረዘ ይቆጠራል፡፡ ሆኖም ይንኮ
 ፌቃድ መልሶ ማውጣት የሚቻለው
 በቅጣት የማሳደሻ ጊዜው ከተጠናቀቀበት
 ቀን ጀምሮ ከአንድ ዓመት በኋላ
 ይለምንም ተጨማሪ ቅጣት እንደአዲስ
 መውሰድ ይችላል፡"

i. አዋጁ የሚጸናበት ጊዜ

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

አዲስ አበባ ንሐሴ ፫ ቀን ፪ሺ፲፩ ዓ.ም

ሳህለወርቅ ዘውዴ

የኢትዮጵያ ፌደራሳዊ ዴሞክራሲያዊ ሪፖብሊክ ፕሬዘዳንት

- "6/ Where a business person has not renewed its business license within the period of renewal under penalty it can renew the license within one year after the end of the period of renewal under penalty upon payment of birr 20,000.
- 7/ Business license not renewed in accordance with sub-article (6) of this article shall be deemed cancelled. notwithstanding the foregoing, the license under review can be issued without any other penalty as new, provided application is submitted a year after the end of the period for the renewal of licenses."

3. Effective Date

This proclamation shall enter into force on the date of its publication in the Federal negarit gazette.

Done at Addis Ababa, this 9th day of Auguste, 2019.

SAHLEWORK ZEWDIE

PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

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