

ፌዴራል ነገሥት ሀገራዊት FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራስድስተኛ ዓመት ግንባር ስር
አዲስ አበባ ሐምሌ 18 ቀን 2010

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16th Year No. 45
ADDIS ABABA 4th August, 2010

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PROCLAMATION NO. 678/2010.
A PROCLAMATION TO PROMOTE
SUSTAINABLE DEVELOPMENT
OF MINERAL RESOURCES
WHEREAS the Constitution of the Federal Democratic Republic of Ethiopia provides that the right to ownership of all natural resources of Ethiopia is exclusively vested in the government and in the peoples' of Ethiopia and that the government is the custodian thereof;
WHEREAS minerals are non-renewable natural resources and that the government shall ensure the conservation and development of these resources to the socio-economic progress of all Ethiopians;
WHEREAS it is the obligation of the government to protect the environment for the benefit of present and future generations and to ensure ecologically sustainable development of minerals;
WHEREAS to achieve these ends it is essential to promulgate a new law on mining operations;
NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

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1. አጭር ስም

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PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the "Mining Operations Proclamation No. 678/2010".

2. Definitions

In this Proclamation, unless the context otherwise requires:

1/ "arms length transaction" means the value of any mineral resource at a commercial price that would have been agreed to by unconnected persons for such a resource if those persons were freely negotiating on the open market under similar circumstances taking into account solely the characteristics of quality and quantity of the mineral resource transferred;

2/ "artisanal mining" means a mining operation carried out by individuals or cooperatives which is mostly of manual nature and that does not involve the engagement of employed workers;

3/ "construction mineral" means any mineral directly or indirectly used as input for construction purposes such as marble, granite, limestone, basalt, sand, aggregate, ignimbrite and clay and includes any other non-metallic mineral designated as such by directives of the Ministry;

4/ "consumables" means anything needed for mining operations that are expendable and replaced during service including chemicals and those the Ministry may, by directives, designate as consumables;

5/ "day" means a calendar day and when any particular number of days are prescribed for the doing of any thing in this Proclamation, regulations or directives, those days shall be determined by excluding the first and including the last day, unless the last day falls on a Saturday, a Sunday or any public holiday;

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- b) natural gas and petroleum as defined in the relevant petroleum law;
- c) top soil and oil shale;
- 20/ "mining license" means large scale, small scale or artisanal mining license issued pursuant to this Proclamation;
- 21/ "mining operation" means any activity associated with or connected to reconnaissance, exploration, retention or mining;
- 22/ "mineral right" means any right associated with reconnaissance license, exploration license, retention license or mining license;
- 23/ "Ministry" means the Ministry of Mines and Energy or any successor thereof;
- 24/ "precious mineral" means precious metallic mineral such as platinum, gold and silver or precious stone such as diamond, ruby, emerald and sapphire and includes any other mineral the Ministry may, by directives, designate as such;
- 25/ "person" means any natural or juridical person;
- 26/ "processing" means winning, extracting, concentrating, calcining, classifying, crushing, screening, washing, reduction, or gasification of a mineral;
- 27/ "reconnaissance" means any operations carried on in a general search for any mineral;
- 28/ "register" means the register of mining rights or the electronic mining cadastre provided for in this Proclamation;
- 29/ "regulation" means regulation issued pursuant to this Proclamation;

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37/ "strategic mineral" means any mineral the Ministry may, by directives, designate as such;

38/ "transfer" means a sale, encumbrance, inheritance, assignment or any other transfer;

39/ "work program" means the program of work for exploration or mining, as the case may be, that shows details of the work, the time schedule, the required budget, the organizational structure and its manning;

40/ any expression in the masculine gender includes the feminine.

3. Scope of Application

This Proclamation shall apply to and govern the conduct of all mining operations and related activities within the territory of the Federal Democratic Republic of Ethiopia.

PART TWO

FUNDAMENTAL PRINCIPLES AND GENERAL PROVISIONS

4. Objectives

The objectives of this Proclamation are to:

- 1/ give effect to the principle of the custodianship of the country's mineral resources by the government;
- 2/ promote socio-economic growth of the country;
- 3/ promote employment and advance the social and economic welfare of all Ethiopians;
- 4/ provide for security of tenure for all investors in respect of exploration and mining operations; and
- 5/ ensure that the country's mineral resources are developed in an orderly and sustainable manner.

- 4/ ሁለተኛውን የሥነ ምግብ ማስታወቂያ ላይ ለሚገኝ ሕግ ስርዓት ይገባል።
- 5/ ሀገርን ለማስፈን ለሚገባው የሥነ ምግብ ማስታወቂያ ስርዓት ስርዓት ላይ ለሚገኝ ሕግ ስርዓት ይገባል።

- 4/ A legal notice issued pursuant to sub-article (2) of this Article, may not affect land which, on the date of the notice is subject to a mineral right.
- 5/ The government may, where it is in the national interest of the country, authorize the opening of any reserved area under sub-articles (2) or (3) of this Article for mining operations upon providing appropriate compensatory arrangements.

7. ማስፈን ስርዓት

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- 5/ ለማስፈን ስርዓት ለማስፈን ስርዓት ስርዓት ላይ ለሚገኝ ሕግ ስርዓት ይገባል።

7. Requirement of License

- 1/ No person may undertake mining operations without having obtained the relevant license under this Proclamation.
- 2/ No person may hold, transport or sell any minerals in their natural state without having a valid license.
- 3/ A legitimate occupant of land may produce and use for non commercial purpose, free of charge and with out permission of the Licensing Authority, construction minerals from the area he occupies, provided that the area is not excluded or reserved pursuant to the provisions of this Proclamation and provided further that he does not disturb or damage the adjacent occupant’s land or property.
- 4/ Any person may produce and use for non commercial purpose, without charge and with the permission of the Licensing Authority, construction minerals for the construction and maintenance of roads, dams, airports, schools, hospitals and other public works.
- 5/ Any Ethiopian may conduct reconnaissance without having license provided that he does not interfere with the rights of a licensee or any other person

8. ለማስፈን ስርዓት ስርዓት ላይ ለሚገኝ ሕግ ስርዓት ይገባል።

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8. Government Mining Operations

The government may undertake mining operations that are vital for the overall economic growth either by itself or in partnership with private investors.

9. ቅጽደታ ለግብርና

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- 2/ ለግብርና ስራ
- 3/ ለግብርና ስራ
- 4/ ለግብርና ስራ
- 5/ ለግብርና ስራ
- 6/ ለግብርና ስራ

10. ለግብርና ስራ

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- 2/ ለግብርና ስራ

11. ለግብርና ስራ ለማካተት

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9. Types of Licenses

The following licenses may be issued under this Proclamation:

- 1/ a reconnaissance licence;
- 2/ an exploration licence;
- 3/ a retention licence;
- 4/ artisanal mining license;
- 5/ small scale mining licence; and
- 6/ large scale mining licence.

10. Types of Certificates

The following certificates may be issued under this Proclamation:

- 1/ a certificate of discovery;
- 2/ a certificate of professional competence.

11. Eligibility for License

1/ A license may be granted to any person who satisfies the requirements of the relevant license set out in this Proclamation, regulations and directives provided that the applicant is qualified to carry on trade under the provisions of the relevant law and possess or has a confirmed access to financial resources and technical competence.

2/ No person is required to possess financial resources, technical and professional competence in order to carry on artisanal mining operation.

3/ No license may be granted or held by:

a) a person who is un-rehabilitated insolvent, or is under a scheme of arrangement with creditors;

b) a business organization which is in liquidation, other than a liquidation which forms a part of a scheme for the reconstruction of the business organization or for its amalgamation with another business organization;

c) a non-citizen of Ethiopia or a group of persons who are not registered as a cooperative society in accordance with the relevant law where it is for artisanal mining license.

2/ ጸጋ ምድር ስምምነት ለማሰጠት አይችልም።

08. ምድር ስምምነት ለማሰጠት

1/ ምድር ስምምነት ለማሰጠት ለሚያስፈልገው ገንዘብ ለማግኘት ምድር ስምምነት ለማሰጠት ለሚችል ሰው፡-

G) ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

K) ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

N) ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

S) ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

2/ ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

09. ምድር ስምምነት ለማሰጠት ለሚችል ሰው

1/ ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

2/ ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

3/ ምድር ስምምነት ለማሰጠት ለሚችል ሰው ለምሳሌ ለሥራ ለማስፈጸም ለሚያስፈልገው ገንዘብ ለማግኘት ለሚችል ሰው፡-

2/ A reconnaissance license shall not be renewable.

18. Granting Exploration License

1/ The Licensing Authority shall grant an exclusive exploration license where:

a) the applicant has demonstrated that it has acquired or has access to the financial resources and the technical ability to conduct the proposed exploration operation in accordance with the work programme;

b) the estimated exploration expenditure is in accordance with the prescribed minimum exploration expenditure and the exploration work program;

c) the environmental impact plan is approved; and

d) the applicant is not in breach of any obligation of his reconnaissance license, if any.

2/ Where the Licensing 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 an initial period specified in the license; provided however, that such period shall not exceed three years.

2/ An exploration license may be renewed twice for a period not exceeding one year each. The Licensing Authority may further allow extension of renewal to be made on each year where the licensee proves the necessity to undertake exploration activity beyond the initial work programme. Provided however, that such period shall not exceed five years.

3/ The licensee shall have the right to renew the license provided that he has fulfilled the obligations specified in the license, meets all the requirements in connection with the application for the renewal and is not in breach of any provision of this Proclamation, regulations or directives which constitute grounds for suspension or revocation of the license.

፲. የኢትዮጵያ ምርመራ ባለፈቃድ መብትና ግዴታዎች

1/ ላይካው ለተገኘው ተቋማት አዲስ የምርመራ ግዴታዎች እንደተጠበቁ ሆነው የማዕድን ምርመራ ህግ ስር ተቋማት ላይ የሚሰጡ ስልጣናት ማጠቃለያ፡-

- G) ይዘት የመቆየት ፈቃድ እንዲሰጠው ማጠቃለያ ስልጣን ማግኘት
- K) ስራ ላይ ሲገቡ ለህዝብ ጤና ማስጠበቅ የሚያስፈልገው ሁኔታዎችን ማሟላት ስልጣን ማግኘት
- N) ስራ ላይ ሲገቡ ለደንበኞች ጤና ማስጠበቅ የሚያስፈልገው ሁኔታዎችን ማሟላት ስልጣን ማግኘት

2/ ላይካው ለተገኘው ተቋማት አዲስ የምርመራ ግዴታዎች እንደተጠበቁ ሆነው የማዕድን ምርመራ ህግ ስር ተቋማት ላይ የሚሰጡ ስልጣናት ማጠቃለያ፡-

- G) የምርመራ ስራ ላይ ሲገቡ የሚከተሉትን ስልጣናት ማግኘት
- K) ስራ ላይ ሲገቡ የሚከተሉትን ግዴታዎች ማሟላት
- N) ስራ ላይ ሲገቡ የሚከተሉትን ስልጣናት ማግኘት

፲፩. የምርመራ ስራ ማስፈጸም

1/ የምርመራ ስራ ላይ ሲገቡ የምርመራ ስራ ማስፈጸም ለማስፈጸም የሚያስፈልገው ሁኔታዎችን ማሟላት ስልጣን ማግኘት

- 2/ የምርመራ ስራ ላይ ሲገቡ የምርመራ ስራ ማስፈጸም ለማስፈጸም የሚያስፈልገው ሁኔታዎችን ማሟላት ስልጣን ማግኘት
- G) የምርመራ ስራ ላይ ሲገቡ የምርመራ ስራ ማስፈጸም ለማስፈጸም የሚያስፈልገው ሁኔታዎችን ማሟላት ስልጣን ማግኘት
- K) የምርመራ ስራ ላይ ሲገቡ የምርመራ ስራ ማስፈጸም ለማስፈጸም የሚያስፈልገው ሁኔታዎችን ማሟላት ስልጣን ማግኘት

20. Rights and Obligations of the Holder of an Exploration License

1/ Without prejudice to the appropriate provisions of this Proclamation, the holder of an exploration license shall have the rights to:

- a) apply for and be granted a retention license;
- b) apply for and be granted a mining license;
- c) remove and transport minerals or bulk samples found during the course of exploration in such quantities as may be required to conduct tests or other analysis with the prior written permission of the Licensing Authority; provided however that, such minerals shall remain the property of government and the licensee may not sell them without the prior written approval of the Licensing Authority.

2/ Without prejudice to the appropriate provisions of this Proclamation, the holder of an exploration license shall have the obligations to:

- a) commence with exploration activities within 60 days from the date on which the exploration license becomes effective;
- b) comply with the terms and conditions of the license;
- c) keep duplicates of samples removed and transported for tests or any other analysis.

21. Variation of Work Program

1/ The holder of an exploration license may at any time apply to vary the approved work program.

- 2/ Any application for variation shall:
 - a) demonstrate the events that prevent the licensee from carrying out the approved work program; and
 - b) be accompanied with the intended amendments of the work program.

- 3/ ጽንጹፍ ህጋዊ ስርዓት ለግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- G) ከግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- K) ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።

12. የግብይት ስጦታ ለውጥ ማጠናከሪያ ሰነድ

- 1/ ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- 2/ ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።

13. የግብይት ስጦታ ለውጥ ማጠናከሪያ ሰነድ

- 1/ ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- G) ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- K) ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- 2/ ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- G) ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- K) ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- N) ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።
- 3/ ግብይት ለውጥ ማጠናከሪያ ሰነድ ለማቀር ማዘጋጀት ወይም ለማስተካከል ማግኘት የሚችል ሆኖ ማረጋገጥ ይገባል።

- 3/ The Licensing Authority shall, after examining the application for variation:
 - a) approve the variation if it finds it acceptable; or
 - b) if it rejects the application, it shall notify, in writing, the applicant the reasons for refusal.

22. Relinquishment of Portion of License Area

- 1/ In applying for each renewal of an exploration license, the licensee shall indicate the portion of the license area, to be relinquished which shall not be less than one fourth of the license area.
- 2/ The form, orientation and other details regarding relinquishment shall be specified by directive.

23. Granting Retention License

- 1/ The Licensing Authority shall grant an exclusive retention license to the applicant where:
 - a) the applicant has demonstrated that the discovery of a mineral deposit within the exploration area which is potentially of commercial significance; and
 - b) the mineral deposit cannot be developed immediately because of adverse market conditions, other economic factors, or unavailable processing technologies, which are of a temporary character.
- 2/ The Licensing Authority may refuse to grant a retention license if it is established that:
 - a) the required processing technology is available and the mineral deposit can be mined profitably;
 - b) it may prevent fair competition; or
 - c) it may result in the concentration of mineral resources in the hands of the applicant.
- 3/ Where the Licensing Authority refuse to grant a retention license, it shall notify, in writing, the applicant of the decision and the reasons for refusal.

9. አንድ ዓመት የተሰጠውን የአቅርቦት ስምምነት ማረጋገጥ

- 1/ አንድ ዓመት የተሰጠውን የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ አገልግሎት ማስጠበቅ ይኖርብዎትዎታል፡፡
- 2/ አንድ ዓመት የተሰጠውን የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ለማጠናቀቅ ስምምነት ማስጠበቅ ይኖርብዎትዎታል፡፡
- 3/ የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ለማጠናቀቅ ስምምነት ማስጠበቅ ይኖርብዎትዎታል፡፡

10. የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ማስጠበቅ ይኖርብዎትዎታል፡፡

- 1/ አንድ ዓመት የተሰጠውን የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ለማስጠበቅ ይኖርብዎትዎታል፡፡
- 2/ አንድ ዓመት የተሰጠውን የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ለማስጠበቅ ይኖርብዎትዎታል፡፡

11. የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ማስጠበቅ ይኖርብዎትዎታል፡፡

- 1/ አንድ ዓመት የተሰጠውን የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ለማስጠበቅ ይኖርብዎትዎታል፡፡
- 2/ የአቅርቦት ስምምነት ማረጋገጥ ለማድረግ ለማስጠበቅ ይኖርብዎትዎታል፡፡

29. Duration and Renewal of Small Scale Mining License

- 1/ A small scale mining license shall be valid for the period specified in the license; provided however, that such period shall not exceed 10 years.
- 2/ A small scale mining license may be renewed for a period not exceeding five years each subject to sub-article (3) of this Article.
- 3/ The licensee shall have the right to renew the license provided that he can demonstrate the continued economic viability of mining the deposit, has fulfilled the obligations specified in the license, and is not in breach of any provision of this Proclamation, regulations or directives which constitute grounds for suspension or revocation of the license.

30. Rights and Obligations of Holders of Small and Large Scale Mining Licenses

- 1/ The holder of a small scale or large scale mining license shall have the rights to market and sell minerals produced.
- 2/ The holder of a small scale or large scale mining license shall:
 - a) commence mining operations within one year from the date on which the license becomes effective; and
 - b) comply with the terms and conditions of the license.

31. Variation of Work Program

- 1/ The holder of a small scale or large scale mining license may at any time apply to vary the approved work program.
- 2/ Any application for variation shall:
 - a) demonstrate the events that prevent the licensee from carrying out the approved work program; and

K) የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

> Kuፍ::

3/ ስምምነት ለሰጠው ሰነድ ላይ የተገለጹትን ስምምነቶችና ግዴታዎች ለማስፈጸም

G) የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

K) የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

"2. የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

1/ ስምምነት ለሰጠው ሰነድ ላይ የተገለጹትን ስምምነቶችና ግዴታዎች ለማስፈጸም

2/ የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

G) የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

K) የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

3/ የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

4/ ስምምነት ለሰጠው ሰነድ ላይ የተገለጹትን ስምምነቶችና ግዴታዎች ለማስፈጸም

5/ የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

6/ የግብርና ስምምነቶችና ግዴታዎች ስለሆኑ

b) be accompanied with the intended amendments of the work program.

3/ The Licensing Authority shall, after examining the application for variation:

a) approve the variation if it finds it acceptable; or

b) if it rejects the application, it shall notify, in writing, the applicant the reasons for refusal.

32. Artisanal Mining License

1/ The Licensing Authority shall grant an exclusive artisanal mining license where the applicant is eligible for such license.

2/ The holder of an artisanal mining license shall:

a) be obliged to undertake the mining operations in accordance with the environment, health and safety standards prescribed for artisanal mining in the relevant laws;

b) comply with the terms and obligations of the license.

3/ An artisanal mining license shall be valid for the period specified in the license; provided however, that such period shall not exceed three years.

4/ The license may be renewed twice for three years each.

5/ The Licensing Authority may, after giving 90 days prior written notice, revoke an artisanal mining license where it is considered that the deposit requires more advanced exploration and mining method for the best development of its economic potential.

6/ The Licensing Authority shall give preferential treatment to the licensee where the latter shows that he has the necessary technical and financial resources to engage in the advanced exploration and mining as prescribed by the Licensing Authority.

- [) K?KA< cዎች እንዲያገለገሉባቸው መሰናክል የማይፈጥር እስከሆነ ዩ፣[e u'v` ¼SW[] MT f አውታሮች የመገልገል፤
 - c) " Å ðnÉ ; MK< KS É[e > eðLN> ¼J`' <" S " ÑÉ KT " <x f ¼ÓÉ Sq[Ø ÁKvt` <" ³ö< w% ¼SI [Ø&
 - g) በፈቃዱ መሠረት የገባቸውን ግዴታዎች " TL pÉT`Á TeÖ" kMÁ uS eÖf ¼ðnÉ ; MK<" uS << " ÅU uÝðM " ÅU uðnÆ LÄ u} Ökc< f T °É" f LÄ ÁK` <" Swf ¼SMkp&
 - k) ፈቃዱ ሌሎች ማዕድናትን እንዲያካታፍ ፍፍ " ÅU ¼ðnÉ ; MK< ¼T ° É" ; U< ~" uS << ¼TÁ" f f ÝJ' ¼T ° É" ; U< ~" S << እንዲሸፍን ተደርጎ እንዲሸሻልለት ¼S Ö¼p::
- 2/ ¼T B u` u` É` Ñy " M } ðì S ue } - k` ðnÉ KS Ö¼p uk[u T SMY% " ÅU ðnÆ ÝScÖ~ " ÅU ¼Ñፈ? T ^2T`Á ÝSÁ[Ñ< uðf u`u[" < HÄf ¼} ðçS ¼ö` T K=+ > KST ILf ¼vKðnÆ" Swf > ÁOÉMu f U::

- f) use the existing infrastructure if such use shall not impair the use thereof by other persons;
 - g) cut such timber as is strictly necessary for access to the license area;
 - h) relinquish all or part of the license area by giving prior written notice to the Licensing Authority and upon fulfillment of all obligations of the license;
 - i) modify his license to include other minerals not specified in the license or to include other areas outside his license area where he believes that the license area does not include the entire deposit of minerals.
- 2/ Except in the case of fraud, no irregularity in the application for or in the proceedings previous to the grant or extension of term of a license shall affect the rights of the licensee.

"4. ሰለባሰፊ ቃላት አጠቃላይ ግዴታዎች

34. General Obligations of Licensees

- 1/ > Óvw vL t` < ¼²=| > ።፣ K?KA< É" ÕÑፈዎች የተመለከቱት ግዴታዎች እንደተጠበቁ ሆነው ማን-` < U vKðnÉ የሚከተሉት ግዴታዎች ሌላው ገለጹ:-
- G) ¼T ° É" Y ^` <" uØ" no' f Õ ትና ቅልጥፍና በተሞላበት ሁኔታ } Ñu= uJ' < QNA< ' , j • KAÍ = " KT ° É" > = "Æef] } kvÃ' f vÑ- ¼> c^` MUÉ SW[f ¼T " HÉ&
- K) ¼` Ý=KA±" ' ¼W ^ } ጠ± " " ¼K? KA< cዎች " Õ?" f " ÅI " f uT`Á[ÕÓØ" u} ðØa > " vU= LÄ ¼T`Á` e Ñçf" " ÅU wÝ L" u} %oK S Õ" S ÝLYM uT`Á ስንድ ሁኔታ የማዕድን ሥራውን ¼T Ý" " " &
- N) KT ° É" Y ^` < > eðLN> ¼J' Y MÖ" " f UI ` f W ^ } ጠ± እንዲያገ- ¼T É[Ó&
- S) uðnÆ ; MM' u} Ý ^ ¼` < S ` f" > ። d` uJ' S ` f LÄ ስጋዊ የይዘታ መብት ያላቸውን cዎች LKT ; j } Ñu= ` < " Ø" no ¼S " < É&

- 1/ In addition to the obligations under other relevant provisions of this Proclamation, a licensee shall have the obligations to:
- a) carry out mining operations in a prudent, diligent, and efficient manner, in accordance with the appropriate laws, technology and good mining operation practices generally accepted in the mineral industry;
- b) conduct mining operations in such a manner as to ensure the health and safety of his agents, employees and other persons, and comply with the applicable laws pertaining to environmental protection;
- c) ensure that employees get the training and education necessary for mining operations;
- d) take proper precautions not to interfere with other legitimate occupants of the license area, the land covered by a lease and adjacent land;

"5. ዕድገት ገበያዎች"

ዕድገት ገበያዎች፡-

- 1/ ዕድገት ገበያዎች ለሆኑት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-
 - ገበያዎች ላይ ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-
 - ገበያዎች ላይ ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-
- 2/ ዕድገት ገበያዎች ለሆኑት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-

"6. የዕድገት ገበያዎች ስፔሻል ግብይት ምዕራፍ"

ዕድገት ገበያዎች ላይ ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-

"7. የዕድገት ገበያዎች ስፔሻል ግብይት ምዕራፍ"

- 1/ ዕድገት ገበያዎች ላይ ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-
 - G) ዕድገት ገበያዎች ላይ ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-
 - K) ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-
- 2/ ዕድገት ገበያዎች ላይ ለሚከተሉት ሰዎች ለሚኖሩት ስፔሻል ግብይት ምዕራፍ ለሚከተሉት ዕድገት ገበያዎች ላይ ሊከተሉት ይችላሉ፡-

35. Boundaries of License Area

A license area shall comprise of:

- 1/ the land within the boundaries and all sub-soil there under to an indefinite depth within the vertical planes passing through each boundary where the mining involves a primary or placer mining operations;
- 2/ the depth of the deposit compiled where the mining involves mining operations from stockpile or residue.

36. Superimposition of Licenses

The Licensing Authority may, subject to Article 37(1) of this Proclamation, grant licenses for different minerals within the same license area subject to notification of the holder of any existing license in the same area upon assessment of the impact of the superimposed license on existing mining operation.

37. Precedence of Licenses

- 1/ Unless the Licensing Authority determines otherwise on the basis of the economic benefit of the minerals or other appropriate investment objectives:
 - a) a large scale mining operations shall take precedence over small scale and artisanal mining operations, and small scale mining operations shall take precedence over that of artisanal mining operations;
 - b) if more than one licenses of the same status have been issued covering the same area but for different minerals, the first issued license shall take precedence over mining operations of the other license.
- 2/ If any area subject to a license is found to be superimposed upon that of another such license for the same minerals, the area in dispute shall be considered to be within the area of the first-issued license.

N) ጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

ሁለተኛውን ስራ ለማገዝ አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

#1. የጠቅላይ ሚኒስትር ተቃራኒ

1/ ጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

ግ) የጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

አ) የጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

2/ ጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

#2. የጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

1/ የጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

2/ ጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

3/ ጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

#3. የጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

1/ ጠቅላይ ሚኒስትር ለሕዝብ አገልግሎት ማሻሻል አስፈሪ ስራዎችን በሙሉ ኃላፊነት ለማገዝ ማጠቃለያ ማድረግ ወይንም ሌላ ዓይነት ስራዎችን ለማገዝ ማስፈቀድ ወይም ማሻሻል ይችላል።

c) for the preparation by or on behalf of the government of statistics in respect of mining operations, provided such disclosure is no more specific in detail than is necessary for the purpose of the statistics concerned.

41. Records and Reports

1/ Any licensee shall maintain, in the country, proper records containing the following information and submit reports to the Licensing Authority:

- a) information pertaining to his mining operations and the results connected therewith, including borehole core and core-log data;
- b) employment, financial, commercial and other relevant information.

2/ The licensee may not dispose of or destroy any record, borehole core or core-log data specified in sub-article (1) of this Article, without the prior written consent of the Licensing Authority.

42. Title to, Sale and Export of, Minerals

1/ The holder of an exploration license shall have the right to remove, transport, analyze and, with the prior consent of the Ministry, export samples of minerals for testing; provided however, that such minerals shall remain the property of the government, and the licensee shall not dispose of them without the prior consent of the Ministry.

2/ The holder of a mining license shall obtain title to the minerals specified in the license upon their extraction.

3/ The holder of a mining license shall have the right to sell locally or export the minerals referred to in sub-article (2) of this Article.

43. Technology Transfer

1/ Where any licensee concludes a technology transfer agreement in connection with his mining operations, he shall submit the same to the Ministry for approval and registration.

2/ ጥያቄው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

#4. ማጠቃለያውን ያሳያል።

1/ ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

2/ ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

G) ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

K) ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

N) የፈቃዱን መሠረታዊ ደንብ ለማስፈጸም ይችላል።

S) ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

W) ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

[) ማጠቃለያው ላይ ያሉትን ሁኔታዎች ለማሟላት ማስፈጸም ይችላል።

2/ Where the Ministry receives a technology transfer agreement pursuant to sub-article (1) of this Article, it shall give its decision thereon subsequent to the necessary evaluation in accordance with the Technology Transfer Council of Ministers Regulation No. 121/1993.

44. Suspension and Revocation of Mineral Rights

1/ Subject to sub-articles (3) and (4) of this Article, the Licensing Authority may suspend mineral rights partially or fully where it believes that the activity of the Licensee is likely to become an imminent danger to the local community, the environment or its employees provided that such suspension is the only remedy under the prevailing circumstances. The Licensing Authority shall inform the licensee the date by which the suspension lapses and it may resume operation.

2/ Subject to sub-articles (3) and (4) of this Article, the Licensing Authority may revoke any license if the licensee:

a) fails to comply with the financial obligations prescribed in this Proclamation, regulation or directive;

b) conducts mining operations in a grossly negligent or wilfully improper manner;

c) breaches any material term or condition of his license;

d) is not conducting his mining operations in accordance with the work programme;

e) is in breach of the approved environmental impact assessment, and safety and health standards;

f) has submitted false or fraudulent information in connection with any matter required to be submitted under this Proclamation, regulation or directive;

c) ገንዘብና ጥቅም ላይ የዋለው የሚያሳዩ መዝገብ የሆኑትን ደብዳቤዎች ለማሳደግ ወይም ለማስደምገም ማድረግ የሚችል ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

g) fails to maintain complete, accurate and current books and records or other documents or materials required or fails to file reports or other documents or fail to give notices required; or

g) ማስቀመጥ ወይም ማስደምገም የሚችል ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

h) fails to grant a duly authorized official of the Licensing Authority access into the license area, the area covered by a lease or to any other site or premises of the mining operations or to his books, records, other documents or materials, or fails to carry out a lawful order or instruction of such official.

ዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

3/ Before acting under sub-article (1) or (2) of this Article, the Licensing Authority shall give notice in writing to the licensee:

3/ ዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

a) setting out the grounds for considering the suspension or revocation of the license;

G) ዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

b) directing the licensee to take specified measures to remedy any contravention, breach or failure; and

K) የዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

c) specifying a reasonable date of not less than 5 working days, before which the licensee may, in writing, submit any matter for the Licensing Authority to consider.

N) የዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

4/ The Licensing Authority may lift the notice for suspension or revocation of a mineral right where:

4/ የዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

a) the licensee complies with the notice contemplated in sub-article (3)(b) of this Article by rectifying, removing, or as appropriate by mitigating the grounds for suspension or revocation, or by preventing the recurrence of such grounds within the time specified in the notice; or

G) የዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

b) where it accepts the reasons supplied by the licensee in accordance with sub-article (3)(c) of this Article for the lifting of the suspension or revocation.

K) የዕድሜ ማሳሰቢያ ለመስጠት የሚያስፈልጉትን ማህተም ማስቀመጥ ወይም ማስደምገም ማድረግ ይኖርበት ይገባል።

ገንዘብና ጥቅም ላይ የዋለው

፲፩ኛው ህጋዊ ቅጽ
፳፭ኛው ህጋዊ ቅጽ

፩. ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል

1/ ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

- G) ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-
- K) ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-
 - (1) ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-
 - (2) ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

N) ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

2/ ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

- G) ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-
- K) ፳፩ኛው ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-
- N) ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

S) ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

ህጋዊ ቅጽ ላይ የሚገኘውን ህጋዊ ቅጽ ማሻሻል፡-

PART FIVE
ADMINISTRATION

52. Powers and Duties of the Licensing Authority

1/ The licensing authority of a state shall have the powers and duties to:

- a) issue artisanal mining license;
- b) issue to domestic investors:
 - (1) reconnaissance, exploration and retention licenses with respect to construction and industrial minerals;
 - (2) small scale mining licenses for industrial minerals and small and large scale mining licenses for construction minerals;
- c) issue certificate of discovery for minerals other than those specified in sub-article (2)(b) of this Article.

2/ The Ministry shall have the powers and duties to:

- a) issue reconnaissance, exploration, retention and mining licenses other than those to be issued by a state licensing authority under sub-article (1)(a) of this Article;
- b) issue a certificate of discovery for strategic minerals;
- c) issue a certificate of professional competence for professionals who wish to engage in consultancy services in the mining sector;
- d) conduct testing and give permission for the export of samples of minerals; provided however, that it shall obtain the approval of the Council of Ministers in respect of issuing any mining license.

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- a) the person from whose possession or control any document is taken shall be allowed, under the supervision of the inspector, to make copies or extracts thereof;
- b) if no legal proceedings are instituted in connection with any of the items seized, or if it appears that such item is not required at any trial for the purpose of evidence or upon an order of court, that item shall be returned immediately to the person from whom it was seized.

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3/ The inspector shall show his letter of authorization to the appropriate officer of the licensee for conducting inspection under sub-article (1) of this Article.

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55. Prohibition of Occupational Detriment Against Employees

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The holder of any license may not subject any of his employees to any occupational detriment on account of any such employee disclosing information to the Licensing Authority or any authorised person regarding the failure by such holder to comply with any provision of this Proclamation, regulation, directive or his license.

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56. Reduction of Profitability and Curtailment of Mining Operations

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1/ The holder of a small scale or large scale mining license shall notify the Licensing Authority if:

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- a) the prevailing economic conditions cause the profit to revenue ratio of the relevant mine to be less than six per cent on average for a continuous period of 12 months; or
- b) if any mining operation is to be scaled down or to cease with the possible effect that 10 per cent or more of the labour force are likely to be retrenched in any 12 months period.

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59. Determination of Compensation by the Licensing Authority

1/ Either the licensee or the property owner may, where they are unable to reach an agreement on compensation to be paid, request in writing the Licensing Authority to determine the compensation.

2/ In the process of determining compensation, the Licensing Authority shall allow both parties to present their evidences and arguments after which it shall:

a) fix a place and date for conducting a determination of compensation and notify the parties of the same;

b) make a determination on the basis of the evidences and arguments submitted;

c) record its decision in writing; and

d) give a copy of its decision to each party.

**PART SEVEN
ENVIRONMENT**

60. Environmental Impact Assessment and Rehabilitation Fund

1/ Except for reconnaissance license, retention license or artisanal mining license, any applicant for a license shall submit an environmental impact assessment and obtain all the necessary approvals from the competent authority required by the relevant environmental laws of the country.

2/ Except the holder of reconnaissance license, retention license or artisanal mining license, any licensee shall allocate funds to cover the costs of rehabilitation of environmental impact.

3/ To be determined by the licensee area and by agreement, mineral licensee and, as appropriate, exploration licensee shall participate in community development plan of the peoples with in the license area, and shall allocate money for such expenses.

4/ Particulars shall be determined by regulation to be issued for the implementation of this Article.

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61. Mine Closure

1/ The holder of a small scale or large scale mining license shall apply to the Licensing Authority for a mine closure certificate upon:

- a) revocation of the license;
- b) termination of the mining operations;
- c) relinquishment of the whole or any portion of the license area; or
- d) abandonment of the mine.

2/ The application shall be made within 180 days from the occurrence of any of the events specified under sub-article (1) of this Article.

3/ No closure certificate shall be issued until the provisions pertaining to health, safety and the environment have been addressed.

4/ The grant of mine closure certificate in no way relieves the licensee from the responsibility to monitor environmental effects after closure of the mine as required in the environmental impact assessment and shall not release the licensee from the liability of performing the duties imposed upon him and due to be performed during the term of the license.

62. Remedial Powers of the Licensing Authority

1/ In the event the holder of a license is deceased, cannot be traced, or in the case a company ceases to exist or has been liquidated, the Licensing Authority may take the necessary measures to prevent further pollution or to make the area safe.

2/ The measures contemplated in sub-article (1) of this Article shall be funded from the financial provision established by the holder of the license or, if there is no such provision or it is inadequate, from money appropriated by government treasury for that purpose.

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- c) አዳግ ማኅበራዊ ፍቃድ ለማግኘት የሚያስፈልጉ የተገቢ ገቢ ለማስፈጸም ሲገቡ 2% ሆኖ ይደገፍታል፡፡

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PART EIGHT
ROYALTY, INCOME TAX AND OTHER
FINANCIAL REGIME

63. Royalty

1/ The holder of a mining license shall pay royalty based on the sales price of the commercial transactions of the minerals produced in accordance with sub-article (2) and (3) of this Article.

2/ The amount of royalty payable by holders of large scale mining licenses shall be at the following rate:

- a) precious minerals 8%
- b) semi-precious minerals 6%
- c) metallic minerals 5%
- d) industrial minerals 4%
- e) construction minerals 3%
- f) salt 4%
- g) geothermal 2%

3/ The amount of royalty payable by the holders of artisanal and small scale mining licenses shall be at the rate fixed by the laws of the states.

64. Provisional Assessment of Royalty

1/ In the event that it is impractical to assess the amount of any royalty, the licensee shall make a provisional payment of the royalty.

2/ When the amount of the royalty is ascertained, the licensee shall pay any balance or shall be repaid any excess sum paid on such provisional assessment.

3/ The Licensing Authority may, in circumstances it deems appropriate, cause the reduction, suspension or waiver of the payment of royalty by requesting the appropriate government body.

65. Income Tax

1/ Any holder of a large scale mining license shall pay income tax in accordance with the Mining Income Tax Proclamation No. 53/1993 (as amended).

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2/ ðnÉ cÜ " < vKY Mx" u²=| > " kê " @e > " kê (1) SW[f 3/4T ÅeÖMÑk መረጃዎች እንዳይቀርቡ ወይም እንዲጠፉ } } Æ Ñ^M wKA c=ÅU" u²=| > ^ | > " kê \$4 መሠረት ምርመራ እንዲካሄድ K=Á` Å< LM::

%7. aÁM+G 3/4Ñu= Ów` eLKS i ÖM

vKõnÉ S ÝÖM vKuf Ñ? " < eØ aÁM+ ' 3/4Ñu= Ów` " ÅU T " t " < U KÏ j õÁ dÄYÖM Ýk[' ðnÉ cÜ " < vKY Mx" ያልተከፈሉ ክፍያዎች ተጠናቀው እስኪከፈሉ ወይም j õÁ " < KS öçU 3/4T ÅexM uðnÉ cÜ " < vK'AAጣን ተቀባይነት ያለው ዘዴ እስኪመጡት É[e Ñçç ÝT S KY} " < T " - " < U 3/4T °É" ማምረቻ ቦታ ወይም በባለፈቃዱ ከተያዘ KÏ የማዕድን ማምረቻ ቦታ ምንም ዓይነት ማዕድን እንዳይነሳና እንዳይሸጥ በመከላከል ትዕዛዝ ሊሰጥ Å< LM::

%8. 3/4S f Ý=^Ä

1/ T " - " < U vKõnÉ uðnÉ LÄ K} SKY} " < j MM 3/4S_f Ý=^Ä u3/4 S ~ upÉT Ä ÄYÖLM:: 3/4Ý=^Ä S Ö" j MKA< uT Ä` xD t " < Q0< 3/4T > " c" J • T " t " < U 3/4Ý=^Ä " S Ö" 3/4T * " < Ø 3/4Q0 T hhÄ } ðéT > 3/4T > " < T hhÄ " < Ý " xuf k" u%L uT xÖ< ðnÉ< LÄ 1% ÄJ " M::

2/ T " - " < U vKõnÉ ÝðnÉ j MM " < B uÝ=^Ä KÄ² " < S_f u3/4 S ~ upÉT Ä Ý=^Ä ÄYÖLM:: 3/4Ý=^Ä S Ö" 3/4Ý=^Ä S wf u} SW[} uf c'É 3/4T > " c" J • uc'Æ " < eØ ተቃራኒ ስምምነት ከሌለ በስተቀር እስከ Ý=^Ä ²S " S Ú [h 3/4ç" ÄJ " M::

%9. eKõnÉ j õÁ

u²=| > ^ | SW[f KT xÖ< ðnÉ< " ðnÉ±" KT dÄe 3/4ðnÉ j õÁ ÄYÖLM:: 3/4j õÁ " < S Ö" " 3/4> ÝÖØK< G'ፀ እንደአግባቡ በደንብና በክልል ሕጎች ይወሰናል::

2/ Income tax to be paid by holders of artisanal and small scale mining licenses shall be determined by the laws of the states.

66. Collection of Information

1/ The Licensing Authority may, by notice in writing, require any licensee to produce or make available any oral, written or electronic information as may be required to ensure the proper adherence to the provisions of this Proclamation with respect to royalty.

2/ The Licensing Authority may issue an order for conducting investigation in accordance with Article 54 of this Proclamation where it believes that information required under sub-article (1) of this Article is being withheld or destroyed.

67. 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 Licensing 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 Licensing Authority for the payment thereof.

68. Rentals

1/ Any licensee shall pay annually in advance surface rentals for the license area. The rate of rentals shall be specified by laws to be issued by states and any amendment thereto shall only apply to licenses issued after the date of amendment.

2/ Any licensee shall also pay annually in advance a rental for the area covered by a lease. Such rental shall be fixed in the instrument granting the lease and shall remain fixed during its term, unless the instrument provides otherwise.

69. License Fees

License fees shall be paid for the issuance and renewal of licenses in accordance with this Proclamation. The amount and manner of payment of such fees shall be determined by regulation and the laws of states as appropriate.

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Y ^ዎ< ucዎ< Ö?'''f' QÅ'' f”
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ርጩ::

፩፻፶፬ ንግግር
ጠ: ጠ: ፩” ስነዎ

&8. p x f

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¾T > ለ d e f S [I > p ` x Y } ስ –

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ÅU ሀG<K~U ለK x M::

- 4/ የዚህ አንቀጽ ንዑስ አንቀጽ /፩/ ድንጋጌ
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ደረጃ የሚገባው ቅጣት ይህን አዋጅ
ለማስፈጸም በሚወጣ ደንብ ይወሰናል።

&9. eKp ታ > k ^ [w

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ውሳኔ ላይ ይግባኝ እንዲታይለት ለፍርድ
ሀ’f T p [w ¾T x K “ < uðnÉ c Ü “ <
vKY Mx” ለK < > e } ር ለ ለ ሰ S ö f N?
ዎ < ሀ S < k } T I Ö “ < “ K l ሀ % l ለ “ <::

- 3/ The licensee shall be required on termination of a small scale or large scale mining license, to fence and safeguard to the satisfaction of the Licensing Authority, any pits and such other works in the license or lease area so that the health, life and property of persons may not be endangered.

PART NINE
MISCELLANEOUS PROVISIONS

78. Penalty

Any person who:

- 1/ contravenes or fails to comply with an order given under Article 67 of this Proclamation or, while being aware of such order, receives a mineral the disposal of which is prohibited by the order;
- 2/ contravenes or fails to comply with any provision of this Proclamation, regulation, directive or the terms and conditions of a license; or
- 3/ submits inaccurate or misleading information in connection with any matter required to be submitted under this Proclamation, regulation or directive;

shall, be punished with a fine up to Birr 200,000 or an imprisonment up to five years or both.

- 4/ Notwithstanding the provisions of sub-article (3) of this Article, the degree of offence and the extent of penalty to each offence shall be determined by regulation to be issued for the implementation of this Proclamation.

79. Appeal Procedures

- 1/ Any person who is aggrieved by any administrative decision of the Licensing Authority pursuant to this Proclamation may apply to the officials of the Licensing Authority hierarchically.
- 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 Licensing Authority.

3/ የማዕድን ሥራዎች የሚኒስትሮች ምክር ቤቅ ለ"ወ 1ፀ 1)' 2/09)' 5 ሰ"ፀ ጌዎች የዚህን አዋጅ ድንጋጌዎች እስካል ያከፋፈሉ ድረስ የሚፈጸሙ ይሆናሉ።

3. አዋጁ የሚፀናበት ጊዜ

ይህ አዋጅ በፌዴራል ነጋሪት ጋዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል።

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3/ The provisions of the Mining Operations Council of Ministers Regulation No. 182/1994 shall, in so far as they are consistent with this Proclamation, remain in force until replaced by regulation issued pursuant to this Proclamation.

83. Effective Date

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

Done at Addis Ababa, this 4th day of August , 2010

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA