

FEDERAL NEGARIT GAZETTE

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

24th Year No. 40
ADDIS ABABA 5th April, 2018

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PROCLAMATION NO. 1075/2018

**A PROCLAMATION TO PROVIDE FOR THE
REGISTRATION AND ADMINISTRATION
OF INDUSTRIAL CHEMICAL**

WHEREAS, Ethiopia is in the process of economic transformation from agricultural to industrial led economy which in turn steadily increases the demand of imported or domestically produced chemicals;

WHEREAS, it is found important to put in place a system to prevent and control of adverse effects to the human and animals health as well as environment safety that may arise from mismanagement of the chemicals in the process of production, importation, exportation, transportation, storage, and use of industrial chemicals;

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

PART ONE
GENERAL PROVISIONS

1. Short Title

This Proclamation may be cited as the “Industrial Chemical Registration and Administration Proclamation No. 1075/2018”.

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2. Definition

In this Proclamation:

1/ "industrial chemical" means any chemical that is used for industrial, educational and training, research and transfer purposes, with the exclusion of pharmaceutical and medical, food and food additives, agricultural, chemical weapons and radioactive chemicals;

2/ "environment" means the totality of all materials whether in their natural state or modified or changed by humans, their external spaces and the interactions which affect their quality or quantity and the welfare of human or other living things, including but not restricted to, land, atmosphere, weather and climate, water, living things, sound, odour, taste, social factors, and aesthetics;

3/ "competent authority" means includes Ministry of Industry, Chemical and Construction Input Industry Development Institute, Ministry of Agriculture and Natural Resource, Ministry of Health, the Food, Medicine and Health Care Administration and Control Authority, Ministry of Trade, Ministry of Labour and Social Affairs, Ministry of Science and Technology, Ministry of Education, Revenue and Custom Authority, and any governmental institution which has a mandate to register and administer industrial chemicals in according to this Proclamation and other laws, as well as regional responsible entities in charge of these institutions' mandates;

4/ "registration number" means an identification number used to categorize and utilize industrial chemicals;

/ " "	5/ "repacking" means the transfer and packing of an industrial chemical from any commercial package into any other, usually smaller container for the subsequent ease of sale;
/ " ")))	6/ "obsolete chemicals" means industrial chemical: a) the use of which has been banned for the environmental or health reasons by applicable provisions of the Stockholm or Rotterdam convention; or b) that has been expired; or c) that has been deteriorated as a result of improper management and cannot be used again;
/ " " -	7/ "Prior Informed Consent Procedure" means the procedure under the Rotterdam Convention for exchanging and handling information in international trade on banned or severely restricted chemicals and severely hazardous industrial chemicals;
/ " "	8/ "restricted chemicals" means the use of which has been restricted and obliges to prior informed consent for the environmental or health reasons by applicable provisions of the Stockholm or Rotterdam Convention;
/ " "	9/ "Certificate of Competence" means a certificate issued by the Ministry or competent authority demonstrating that a person has fulfilled the necessary requirements to produce, import and use of industrial chemicals that has been restricted by Rotterdam Convention and directive issued by the Ministry;

/ " "	10/ "Rotterdam Convention" means the convention on the prior informed consent procedure for certain hazardous and chemicals and pesticides in international trade ratified on July 2002 pursuant to Proclamation No. 278/2002;
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/ " "	11/ "Stockholm Convention" means the convention on persistent organic pollutants ratified on July 2002 pursuant to Proclamation No. 279/2002;
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/ " "	12/ "label" means a written printed or graphic matter on, or attached to the immediate container of an industrial chemical and the outside container or wrapper of the immediate containers;
/ " " " "	13/ "Ministry" or "Minister" means the Ministry or Minister of Environment, Forest and Climate Change respectively;
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/ " "	14/ "Region" means any state referred to under Article 47(1) of the constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city Administrations;
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/ " "	15/ "industrial chemical transaction" includes manufacturing, importation, exportation, packing, transportation, distribution, storage, selling, using and transferring to third party of industrial chemicals;
/ " "	16/ hazard" means the inherent property of industrial chemicals or situation having the potential to cause adverse effects or damage to human or animal health, the environment or property;
/ " "	17/ "container" means anything in which or by which industrial chemicals are encase, covered, enclosed, contained or packed, including materials in contact with the industrial chemicals;

/ " "	18/ "manufacturing" means to prepare, compound, formulate, mix or make industrial chemicals for its distribution or use;
/ " "	19/ "user" means any person who use industrial chemicals as an inputs for manufacturing of various products or other services;
/ " "	20/ "person" means any natural or juridical person;
/	21/ any expression in the masculine gender includes the feminine.
• _____	3. <u>Scope of Application</u> This Proclamation shall be applicable to any person who is engaged in the transaction of industrial chemicals.
• _____	4. <u>Objective</u> This Proclamation shall have the following objectives:
/	1/ establishing a national system for registration and administration of industrial chemicals; and
/	2/ preventing and controlling the adverse effects arising from the mismanagement of chemicals to the human and animals health as well as environment safety that may occur in the transaction of industrial chemicals;
_____	<u>PART TWO</u>
_____	<u>CERTIFICATE OF COMPETENCE AND REGISTRATION</u>
• _____	5. <u>Certificate of Competence</u> Any person who engages in the importation, exportation, transportation and storage of industrial chemicals that has been restricted by Rotterdam Convention and directive issued by the Ministry shall obtain a certificate of competence from Ministry or competent authority.

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6. Registration of Industrial Chemicals and Establishment Registry

1/ The Ministry of Industry shall maintain an industrial chemicals registry which contains a list and information on industrial chemicals domestically produced and imported from abroad; the details of the information that needs to be maintained in the registry shall be specified by regulation.

2/ No person shall produce, import, pack, sell, distribute, store or use industrial chemicals unless registered by competent authority.

3/ The competent authority shall report information about administered chemicals which they oversee to the ministry of Industry annually.

4/ The Ministry of Industry shall submit chemicals information report to the ministry on an annual basis.

PART THREE

RECORD KEEPING AND REPORTING

7. Record keeping

1/ Any person who is producing, importing, exporting, distributing, or using industrial chemicals shall keep the following information:

a) the type and amount of industrial chemicals produced, exported imported, distributed, and used;

b) the type and amount of industrial chemicals sold and distributed in the domestic market;

c) the type and amount of industrial chemicals that has been deteriorated as a result of improper management or prolonged storage;

)	d) the country, name and address where the industrial chemical has been produced.
/ ()	2/The information specified under sub-article (1) of this Article shall be maintained for a minimum of five years.
- /	8. Reporting
/	1/ Any person who is producing, importing, exporting, distributing and using industrial chemicals shall, report annually to the Ministry of Industry, about the type and amount of industrial chemicals that are imported, exported, produced, distributed, used or transferred to a third party.
/	2/ No person shall engage in a business of industrial chemicals transaction without reporting to the Ministry of Industry the type and amount of industrial chemicals produced or imported.
/	3/ Any person who is producing, importing, exporting, distributing and using industrial chemicals shall report to the Ministry of Industry or competent authority one year before expiry date of the industrial chemicals.
/	4/ Any industrial chemical producer, importer, exporter, distributor and user, when dispossessed industrial chemical by a third party through theft or forcibly or by any other means shall inform the Ministry or the Competent Authority within 48 hours of loss of possession.

PART FOUR

**IMPORTATION, PACKING, LABELING,
TRANSPORTING AND STORING OF
INDUSTRIAL CHEMICAL**

9. Importation of Industrial Chemicals

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2/ Any person may pack or repack industrial chemicals, only if it is in a container which:

a) is safe for storage, handling and use; and

b) prominently displays a legible label in English or Amharic which and cannot easily be detached.

11. Transportation of Industrial Chemicals

Any person who is engaged in transportation of industrial chemicals shall ensure:

1/ that the chemicals are labeled on containers and packages in accordance with Article 10 (1) of this Proclamation;

2/ that the industrial chemicals are not being transported along with passengers, animals, or food and drugs;

3/ that any means of transportation of industrial chemical shall be outfitted with the emergency response equipments;

4/ that the loading and unloading of industrial chemicals do not cause risks.

12. Storage of Industrial Chemicals

1/ Any storage facility of industrial chemicals shall:

a) be built in such a way that the design, construction and arrangement of the building do not cause risks to human, animals and environment and comply with the standards set facility for this purpose;

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b) have a separate compartment for storing of deteriorated and obsolete chemicals separately;

c) be accessible to carry out visual inspection of chemicals and its container on regular basis and put in place a procedure for dealing with any issues that may be identified such as damage to containers and illegible labels.

2/ Dry ports and airport shall arrange a separate temporary industrial chemicals storage compartments.

13. Collaborative responsibilities

1/ The Competent authority shall work in synergy to ensure chemicals are managed, used and disposed without causing damage on the human or animals health and to the environment.

2/ The entities which compromise the competent authority shall ensure all administered chemicals are registered.

3/ The detail responsibilities and roles of the competent authority shall be determined by regulation to be issued by the council of ministries.

14. Monitoring and Regulatory Responsibilities

In accordance with this proclamation and other laws enacted with pursuant of this proclamation the ministry shall have the authority to monitor and control enforcement of chemical related activities.

PART FIVE

MISCELLANEOUS PROVISIONS

15. Penalty

Whosoever:

1/engages in transaction of industrial chemicals in a manner against the provisions of this Proclamation; or

2/ imports, produce, uses or distributed industrial chemical without having certificate of competence issued from the Ministry; or

3/ produces, imports, uses or distributes industrial chemical which does not meet the standards set by the relevant standard setting body; or

4/ intentionally provides false information or document for information requested pursuant to this Proclamation; or

5/ Produced, importd, used or distributed industrial chemicals; or

6/ fails to inform the Ministry or competent authority about chemicals that can no more of be use due to their expiration or deterioration;

shall be punished with rigorous imprisonment of not less than two year and not exceeding five years and with a fine not less than Birr 100,000 and not exceeding Birr 500,000.

16. Power to issue Regulations and Directive

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/The Ministry may issue directive for the implementation of this Proclamation and regulations issued under sub-article (1) of this Proclamation.

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17. Inapplicable Laws

No law or practice shall, in so far as it is inconsistency with this Proclamation, be applicable with respect to matters covered under this Proclamation.

18. Effective Date

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

Done at Addis Ababa, this 5th day of April,2018.

MULATU TESHOME (DR.)

**PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA**