

FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

PROCLAMATION NO.300/2002 ENVIRONMENTAL POLLUTION CONTROL PROCLAMATION

WHEREAS, some social and economic development endeavors may inflict environmental harm that could make the endeavors counter-productive;

WHEREAS, the protection of the environment, general, and the safeguarding of human health and well being, as well as the maintaining of the biota and the aesthetic value of nature, in particular, are the duty and responsibility of all;

WHEREAS, it is appropriate to eliminate or, when not possible, to mitigate pollution as an undesirable consequence, or social and economic development activities;

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

1. *Short Title*

This Proclamation may be cited as the "Environmental Pollution Control Proclamation No.300/2002".

2. Definitions

In this Proclamation:

- 1) "Authority" means the Environmental Protection Authority;
- 2) "Chemical" means an element or a compound whether by itself, or in a mixture or a preparation, whether manufactured or obtained from nature;
- 3) "Competent agency" means any Federal or Regional Government organ entrusted by law with a responsibility related to the subject specified in the provision where the term is used;
- 4) "Competent Court" means, in the case of the Federal Government, a first instance court and in the case of a national regional state, a court designated on the basis of the law of that state;
- 5) "Effluent" means waste water, gas or other fluid, treated or untreated, discharged directly or indirectly into the environment;
- 6) "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 beings, including but not restricted to, land, atmosphere, weather and climate, water, living things, sound, odour, taste, social factors, and aesthetics;
- 7) "Environmental Inspector or Inspectors" means the body designated under Article 7(1) of this Proclamation;
- 8) "Hazardous material" means any substance in solid, liquid or gaseous state, or any plant, animal or micro organism that is injurious to human health or the environment;

- 9) "Hazardous Waste" means any unwanted material that is believed to be deleterious to human safety or health or the environment;
- 10) "Person" means any natural or juridical person;
- 11) "Pollutant" means any substance whether liquid, solid, or gas which directly or indirectly:
 - (a) alters the quality of any part of the receiving environment so as to effect its beneficial use adversely; or
 - (b) produces toxic substances, diseases, objectionable odour, radioactivity, noise, vibration, heat, or any other phenomenon that is hazardous or potentially hazardous to human health or to other living things;
- 12) "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare to living things created by altering any physical, radioactive, thermal, chemical, biological, other property of any part of the environment; in contravention of any condition, limitation or restriction made under this Proclamation or under any other relevant law;
- 13) "Region" means any of those parts of Ethiopia specified as such under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purpose of this Proclamation, includes the Addis Ababa and Dire Dawa Administrations;
- 14) "Regional Environmental Agency" means any regional government organ entrusted, by the government of the region, with responsibility for the protection or regulation of the environment and natural resources;
- 15) "Release" means placing any pollutant in the environment in any way be it intentionally or otherwise.

PART TWO

Control of Pollution

3. Control of Pollution

- 1) No person shall pollute or cause any other person to pollute the environment by violating the relevant environmental standard.
- 2) The Authority or the relevant Regional environmental agency may take an administrative or legal measure against a person who, in violation of law, release an', pollutant to the environment.
- 3) Any person engaged in any field of activity which is likely which is to cause pollution or any other environmental hazard shall, when the Authority or the relevant regional environmental agency so decides, install a sound technology that avoids or reduces, to the required minimum, the generation of waste and, when feasible, apply methods for the recycling of waste.
- 4) Any person who causes any pollution shall hi required to clean up or pay the cost of cleaning up the polluted environment in such a manner and within such a period as shall be determined by the Authority by the relevant regional environmental agency
- 5) When any activity poses a risk to human health or to the environment, the Authority or the relevant regional environmental agency shall take any necessary measure up to the closure or relocation of any enterprise in order to prevent harm.

4. *Management of Hazardous Waste, 'Chemical .H*

Radioactive Substance

- 1) The generation, keeping, storage, transportation treatment or disposal of any hazardous waste without a permit from the Authority or the relevant regional environmental agency is prohibited.
- 2) Any person engaged in the collection, recycling, transportation, treatment or disposal of any hazardous waste shall take appropriate precaution to prevent any damage to the environment or to human health or well-being.
- 3) The importation, mining, processing, keeping, distribution, storage, transportation or use of radioactive substances shall be subject to a permit from the competent agency.
- 4) The importation, preparation, keeping, distribution storage, transportation or use of a chemical categorized as hazardous or of restricted use, shall be subject to a permit from the Authority or the relevant regional environmental agency or from any other competent agency.
- 5) Any person engaged in the preparation, production manufacturing or transportation or in trading in an; hazardous or restricted chemical may ensure that the chemical is registered, packed and labeled as per the applicable standards.

5. *Management of Municipal Waste*

- 1) All urban administrations shall ensure the collection transportation, and, as appropriate, the recycling, treatment or safe disposal of municipal waste through the institution of an integrated municipal waste management system.
- 2) In collaboration with the relevant regional environmental agency, the Authority shall monitor and evaluate the adequacy of municipal waste management systems and ensure the effectiveness of their implementation.
- 3) Any person responsible for the maintenance of any premise to which the public has access shall, at all times, ensure that adequate and suitable toilets and containers and other required facilities are provided for the disposal of waste.
- 4) The Authority shall, in collaboration with the relevant regional environmental agencies and any other competent agencies, monitor the situation with regard to the availability of waste disposal facilities and take the necessary measures to ensure that their availability is satisfactory.

PART THREE

Environmental Standards

6. *Environmental Standards*

- 1) In consultation with competent agencies, the Authority shall formulate practicable environmental standards based on scientific and environmental principles. The sectors that require standards shall include at least the following:

- (a) Standards for the discharge of effluents into water bodies and sewage systems.
 - (b) Air quality standards that specify the ambient air quality and give the allowable amounts of emission for both stationary and mobile air pollution sources.
 - (c) Standards for the types and amounts of substances that can be applied to the soil or be disposed of on or in it.
 - (d) Standards for noise providing for the maximum allowable noise level taking into account the settlement patterns and the availability of scientific and technological capacity in the country.
 - (e) Waste management standards specifying the levels allowed and the methods to be used in the generation, handling, storage, treatment, transport and disposal of the various types of waste.
- 2) Sources of noxious odour shall be regulated so that the nuisance they cause is prevented.
 - 3) The Authority may prescribe different environmental standards for different areas as it may be necessary to protect or to rehabilitate the environment.
 - 4) National regional states may, based on their specific situation, adopt environmental standards that are more stringent than those determined at the Federal level. However, they shall not adopt standards which are less rigorous than those determined at the Federal level.
 - 5) The Authority may, for a fixed period of time, authorize the waiver of the duty to comply with some requirements of specified environmental standards in order to promote public benefit.

PART FOUR

Environmental Inspectors

7. Environmental Inspectors

- 1) Environmental inspectors (hereinafter referred to as inspectors") shall be assigned by the Authority or by the relevant regional environmental agency.
- 2) Inspectors shall exercise due diligence and impartiality in the discharge of their powers and duties under this Proclamation.

8. Powers and Duties of Inspectors

- 1) Inspectors shall have the following powers and duties:
 - (a) ensure compliance with environmental standards and related requirements;
 - (b) without prejudice to Sub-Articles (3) and (6) of this Article, enter any land or premises at any time which seems appropriate to them without prior notice or court order;
 - (c) question any person alone or in the presence of witnesses;
 - (d) check, copy or extract any paper, file or any other document related to pollution;
 - (e) take, free of charge, samples of any material as required and carry out or cause to be carried out tests to determine whether or not it causes harm to the environment or to life;

- (i) take photographs, measure, draw, or examine any commodity, process or facility in order to ensure compliance with this Proclamation and with any other relevant law;
 - (g) seize any equipment or any other object which is believed to have been used in the commission of an offence under this Proclamation or any other relevant law.
- 2) When a person contravenes any of the provisions of this Proclamation or of any other relevant law, the inspector on duty shall specify the matter constituting the contravention and may also specify the measures that shall be taken to remedy the contravention within a given period of time.
 - 3) When an inspector on duty suspects that any activity may cause damage to the environment, he shall order the taking of corrective measures up to the immediate cessation of the activity.
 - 4) Every inspector shall have an identity card issued by the Authority or by the relevant regional environmental agency, bearing its official seal and show it when requested;
 - 5) Whenever a sample is to be taken, the proprietor has the right to be present or to send his representative and he shall be informed accordingly.
 - 6) When an inspector on duty visits an undertaking, he shall notify the proprietor unless he considers that such notification may be prejudicial to the efficient performance of his duty.

9. *Right to Appeal*

- 1) Any person dissatisfied with any of the measures taken by the inspector may appeal to the Head of the Authority or the relevant regional environmental agency, as the case may be, within ten days from the date on which the measure was taken.
- 2) Any person dissatisfied because no decision has been given as provided under Sub article (1) of this Article, or feels that the decision given is inappropriate, may institute a court case within thirty days from the date on which the decision was given or the deadline for decision has elapsed.

10. *Incentives*

- 1) Incentives for the introduction of methods that enable the prevention or minimization of pollution into an existing undertaking shall be determined by regulations issued hereunder.
- 2) Importation of new equipment that is destined to control pollution shall, upon verification by the Authority, be exempted from payment of custom duty.

11. *Right to standing*

- 1) Any person shall have, without the need to show any vested interest, the right to lodge a complaint at the Authority or the relevant regional environmental agency against any person allegedly causing actual or potential damage to the environment.
- 2) When the Authority or regional environmental agency fails to give a decision within thirty days or when the person who has lodged the complaint is dissatisfied with the decision, he may institute a court case within sixty days from the date the decision was given or the deadline for decision has elapsed.

PART FIVE
Offences and Penalties

12. *General*

- 1) A person who, under this Proclamation or under any other relevant law, commits an offence for which no penalty is provided for either in the Penal Code or under this Proclamation, is liable on conviction:
 - (a) in the case of a natural person, to a fine of not less than five thousand Birr and not more than ten thousand Birr or an imprisonment of not more than one year or both;
 - (b) in the case of a juridical person, to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.
- 2) Where a juridical person is convicted pursuant to Sub-Article (1) of this Article, the officer in charge who should have known the commission of the offence, and who failed to fulfill his duty appropriately shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr or an imprisonment of not more than two years or both.
- 3) Unless the provisions of the Penal Code provide more severe penalties, the penalties laid down under this Proclamation shall be applicable.

13. *Offences Relating to Inspectors*

- 1) A person commits an offence if he hinders or obstructs an inspector on duty in the execution of his duty, fails to comply with a lawful order or requirement made by an inspector, impersonates an inspector, or refuses an inspector entry into any land or premise or hinders an inspector from getting access to records, prevents an inspector from checking, copying or extracting any paper, file or any other document, withholds, misleads or gives wrong information to an inspector.
- 2) A natural person who commits an offence under Sub-Article (1) of this Article is liable, on conviction, to a fine of not less than three thousand Birr and not more than ten thousand Birr, and, in the case of a juridical person, to a fine of not less than ten thousand Birr and not more than twenty thousand Birr, and imprisonment of the officer in charge for a term of not less than one year and not more than two years or a fine of not less than five thousand Birr and not more than ten thousand Birr or both.

14. *Offences Relating to Records*

A person commits an offence if he fails to comply with this Proclamation or any regulations issued hereunder to keep records of activities or products or of the types, characteristics or amounts of waste or of any other information, or if he alters any record shall be liable, on conviction, to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.

15. *Offences Relating to Wastes and Other Materials that are Hazardous*

- 1) A person commits an offence if he fails to manage a hazardous waste or another substance according to the relevant laws, mislabels or fails to label or in any way withholds information about any hazardous waste or other material or attempts to take part or takes part or attempts to aid or aids in the illegal traffic of any hazardous waste or other material.
- 2) A natural person who commits an offence under Sub Article (1) of this Article is liable, on conviction, to a fine of not less than twenty thousand Bin- and not more than fifty thousand Bin- and in the case of a juridical person to a fine of not less

than fifty thousand Birr and not more than one hundred thousand Birr, and to a term of imprisonment of the officer in charge of not less than five years and not more than ten years, or a fine of not less than five thousand Birr and not more than ten thousand Birr of both.

16. Offences Relating to Pollution

A natural person commits an offence if he discharges any pollutant contrary to the provisions of this Proclamation or regulations issued hereunder and is liable, on conviction, to a fine of not less than one thousand Birr and not more than five thousand Birr or to an imprisonment of not less than one year and not more than ten years or both and, in the case of a juridical person, to a fine of not less than five thousand Birr and not more than twenty five thousand Birr and an imprisonment of the officer in charge for a term of not less than five years and not more than ten years, or a fine of not less than five thousand Birr and not more than ten thousand Birr or both.

17. Forfeiture and Restoration

The court, before which a person is prosecuted for an offence under this Proclamation or regulations issued hereunder, may, in addition to any penalty it impose upon the convicted person, order:

- (a) the confiscation of any thing used in the commission of the offence in favor of the state or to dispose of it in any other way;
- (b) that the cost of cleaning up and the disposing of the substance, chemical or equipment seized be borne by the convicted person; and
- (c) the convicted person to restore to the state in which the environment was prior to the infliction of the damage, and when such restoration is not possible to pay appropriate compensation.

PART SIX

Miscellaneous Provisions

18. Transitory Provision

Regulations to be issued hereunder shall determine the manner in which existing undertakings shall comply with this Proclamation.

19. Duty to Provide Information

- 1) Any person engaged in an activity pertaining to any of the provisions of this proclamation or any other related law shall provide any information on his activity as required by the Authority or the relevant regional environmental agency.
- 2) The Authority shall have access to all environmental data and information.

20. Power to Issue Regulations

The Council of Ministers may issue Regulations necessary for the effective implementation of this Proclamation.

21. Inapplicable Laws

Any law or practice inconsistent with this Proclamation is inapplicable regarding matters provided herein.

22. Effective Date

This Proclamation shall come into force as of the 3rd day of December, 2002.

Done at Addis Ababa, this 3rd day of December, 2002.

GIRMA WOLDE GIORGIS
PRESIDENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA