REGULATION No. 159/2008
COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE PREVENTION OF INDUSTRIAL POLLUTION

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 20 of the Environmental Pollution Control Proclamation No. 300/2002.

1. Short Title
This Regulation may be cited as the “Prevention of Industrial Pollution Council of Ministers Regulation No. 159/2008”

2. Definitions
In this Regulation unless the context otherwise requires:
1. “competent licensing agency” means any federal or regional government organ empowered by law to issue business license;
2. “competent environmental organ” means any federal or regional environmental protection agency;
3. “Authority” means the Environmental Protection Authority established pursuant to Proclamation No. 295/2002;

<table>
<thead>
<tr>
<th>Unit price</th>
<th>2.80</th>
</tr>
</thead>
</table>

Negarit Gazeta P.O.box 80,001
4. "region" means any region referred to in Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purpose of this Regulation, includes the Addis Ababa and Dire Dawa city administrations;

5. "existing factory" means a factory that is under operation or a project to which an application to obtain a license to establish a factory has been submitted before or on the date of entry into force of this Regulation;

6. "pollution" means any condition which is hazardous or potentially hazardous to human health, safety or welfare or to living things created by altering any physical, radioactive, thermal chemical, biological or other property of any part of the environment in contravention of any condition, limitation or restriction made under this Regulation, the relevant environmental standard or under any other relevant law;

7. "person" means a natural or juridical person;

8. Under this Regulation any expression in the masculine gender shall also include the feminine gender.

3. **Scope of Application**

The provisions of this Regulation shall apply to a factory which is in an industrial sector listed in a directive issued under this Regulation or has been notified by the competent environmental organ in accordance with sub-article (5) of Article 4 of this Regulation, until it ceases to operate or until such additional time as has been determined by the competent environmental organ.

4. **General Obligations**

1. A factory subject to this Regulation shall prevent or, if that is not possible, shall minimize the generation of every pollutant to an amount not exceeding the limit set by the relevant environmental standard and dispose of it in an environmentally sound manner.

2. Every factory shall have the obligation to handle equipment, inputs and products in a manner that prevents damage to the environment and to human and animal health.

3. Every factory shall notify the competent environmental organ any potentially pollutant, input or product under its possession.

4. If any factory loses a potentially pollutant, input or product it shall immediately notify the competent environmental organ.
5. Even if a factory is not subject to the provisions of this Regulation, the competent environmental organ may require it to take appropriate measures in order to eliminate any risk that might emanate from its operation.

6. The competent environmental organ shall issue a written order to a factory that it believes will entail substantial damage by transgressing the limit set by the environmental standard to take measures to remove the risk.

5. Licensing

The competent licensing agency can grant a license to a factory after verifying that the effluent is not a pollutant or will not exceed the limit set under the relevant environmental standard and it will not entail damage if released into the environment.

6. Varying Licensing Requirements

1. The competent environmental organ may order a variation of the conditions of a license that has been granted whenever:
   a) the factory introduces change in its operational technique or undertakes an expansion;
   b) the factory does not commence its operations within the set time limit; or
   c) an unforeseen fact of serious implication is realized.

2. Any order issued pursuant to sub-article (1) of this Article shall state the reason for the issuance of the order and the time limit within which it shall be implemented.

3. The owner or legal representative of any factory who challenges the appropriateness of the order issued pursuant to sub-article (2) of this Article may, within 30 days from receipt of the order, submit a written complaint to the competent environmental organ.

4. The competent environmental organ shall, within 30 days, issue its decision on the complaint submitted to it in accordance with sub-article (3) of this Article.

7. Suspension or Cancellation of License

1. The competent environmental organ shall suspend or cancel the license of a factory whenever it finds out that the conditions of the license set in accordance with this Regulation have not been complied with.
2. The competent environmental organ shall, despite the factory’s observance of the requirements set under the provisions of this Regulation, suspend or cancel a license if it has reason to believe that the continuation in operation of the factory may entail serious pollution.

3. The competent environmental organ shall, when it decides to suspend cancel a license in accordance with sub-article (1) or (2) of this Article, notify the competent licensing agency its reason and the time when it shall be implemented. The licensing agency shall ensure the enforcement of the decision accordingly.

4. The owner or legal representative of any factory who challenges the appropriateness of the decision issued pursuant to sub-article (3) of this Article may, within 30 days from receipt of the decision, submit a written complaint to the competent environmental organ.

5. Within 30 working days from the date of receipt of any challenge submitted to it in accordance with sub-article (4) of this Article, the competent environmental organ shall amend, cancel or uphold its decision.

8. Emergency Respones system

1. Any factory subject to the provisions of this Regulation shall prepare and implement an emergency response system.

2. The emergency response system prepared pursuant to sub-article (1) of this Article shall be notified to the competent environmental organ by the factory.

9. Monitoring of Environmental Safety

1. A factory subject to the provisions of these Regulation shall, with a view to ensuring its compliance with this Regulation, prepare and implement its own internal environmental monitoring system.

2. The competent environmental organ may, if it deems it necessary, apply the provisions of sub-article (1) of this Article even if the industrial sector of the factory is not listed in a directive issued pursuant to Article 3 of this Regulation.

10. Public complaints

1. The competent environmental organ shall prepare a mechanism to respond to any person who complains concerning pollution without requiring him to prove vested interest.
11. Information on Pollution Management

1. Any factory subject to this Regulation shall keep written information describing the equipment and input it has used, the product it has produced, the pollutant it has generated, and the disposal mechanisms it has used to dispose of the pollutant and other related matters.

2. Every factory shall submit to the competent environmental organ an annual report describing how it is complying with the provisions of this Regulation.

3. The Authority shall issue a report on the amount, source, movement and disposal of pollutants in Ethiopia at least every five years.

12. Existing Factories

1. An existing factory that is in an industrial sector listed in a directive issued pursuant to this Regulation shall, within a maximum of 5 years, fully comply with the provisions of this Regulation.

2. Every existing factory that is in industrial sector subject to this Regulation shall, with a view to complying with this Regulation, undertake environmental audit, and prepare and implement an environmental management plan.

3. The competent environmental organ shall, if it is not possible to avoid the adverse impacts likely to emanate from the operation of the factory within the time limit specified in sub-article (1) of this Article take any measure it deems appropriate to avoid the adverse impacts. The decision may include either the relocation or closure of the factory.
13. Responsibility

1. It shall be the responsibility of the Authority to enforce this Regulation with respect to a factory licensed by the Federal Government.

2. It shall be the responsibility of the regional competent environmental organ to enforce this Regulation with respect to a factory licensed by a regional government.

14. Penalties

The provisions of the Criminal Code on environmental pollution shall apply for the enforcement of this Regulation.

15. Effective Date

This Regulation shall come into force up on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa this 7th Day of January, 2009.

MELES ZENAWI
PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA