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, in 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;
Compendium of Environmental Law

1. "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things, created by human activities which adversely affect the environment.

2. "Person" means any natural or juridical person; "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things, created by human activities which adversely affect the environment.

3. "Region", for the purpose of this Proclamation, means any of those parts of Ethiopia, including the Addis Ababa and Dire Dawa Administrative Regional State, a court designated in the case of a national regional state, a court designated by the relevant Regional Administration of Ethiopia and, for the purpose of this Proclamation, includes the Addis Ababa and Dire Dawa Administrative Regional State.

4. "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things, created by human activities which adversely affect the environment.

5. "Control of Pollution" means any administrative or legal measure against any person who, in violation of law, releases or causes pollution to the environment.

6. "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things, created by human activities which adversely affect the environment.

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14. "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things, created by human activities which adversely affect the environment.

15. "Pollution" means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things, created by human activities which adversely affect 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 be 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 or 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 and 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) 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 find necessary to protect or 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;
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 with in 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 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 or an imprisonment of 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.

(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 other relevant 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 Birr and not more than fifty thousand Birr 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 or 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 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