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FEDERAL NEGARIT GAZETTE

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ሃያ ሦስተኛ ዓመት ቁጥር
አዲስ አበባ ግንቦት ፳፰ ቀን ፪ሺ፱ ዓ.ም

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23rd Year No.
ADDIS ABABA, 5th June, 2017

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PROCLAMATION NO. 1051 /2017

**A PROCLAMATION TO PROVIDE FOR COFFEE
MARKETING AND QUALITY CONTROL**

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WHEREAS it has become necessary to establish a sustainable and traceable coffee marketing and quality control system which enables supply of quality, voluminous and competitive unfrosted and value added coffee to the global market;

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WHEREAS, it has been found necessary to establish modern, legal and fair alternative coffee transaction system, in order to boost the benefits of coffee producers, transaction actors and the country;

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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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SECTION ONE
GENERAL PROVISIONS

1. Short Title

This Proclamation may be cited as the “Coffee Marketing and Quality Control Proclamation No.1051/2017”.

2. Definition

Unless the context requires otherwise, in this Proclamation:

- 1/ “coffee” means the fruit of a coffee tree or parts of such fruits in whatever form and processing;
- 2/ “red cherry coffee” means the red fruit of a coffee tree picked after it is naturally ripened but not pulped;
- 3/ “coffee with pulp” means a red cherry coffee picked timely and dried in bed or a place made by cement or in other technically allowed means but not hulled;
- 4/ “washed coffee with parchment” means red cherry coffee which has been pulped, fermented or not washed and dried with its husk through allowed technical procedures set by the Authority or relevant regional states;
- 5/ “washed coffee” means red cherry coffee which has been removed its sticky mucilage and parchment through allowed technical procedures set by the Authority or relevant regional states;
- 6/ “semi-washed coffee” means dried and pulped red cherry coffee with its sticky mucilage through allowed technical procedures set by the Authority or relevant regional states;

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7/ “natural or sun dried coffe ” means coffee with pulp hulled, cleaned and sorted through allowed technical procedures set by the Authority or relevant regional states;

8/ “special coffee” means coffee certified in its special production, process and quality by standards of relevant organ and sell in a better price than the other coffees;

9/ “supply coffee” means coffee processed by industries located in the production area for delivery directly to the Ethiopia Commodity Exchange or export processing industries;

10/“export coffee” means raw, roasted, roasted and grinded or processed in other value added form in compliance with the country’s export quality standard and buyer needs for export;

11/“coffee by product” means coffee mixed with light, broken, under developed coffee and coffee husk;

12/“domestic consumption coffee” means coffee not exportable, consisting a total of 15% pure coffee and coffee by product.

13/“traditionally processed coffee” means coffee processed using outdated methods of wood or stone grinder, which does not fit export level;

14/ “coffee supplier” means a person who, is certified and licensed to trade coffee by the appropriate regional states, upon meeting the required criteria, collects prepares and processes coffee with pulp or red cherry coffee from auction

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options between producers, suppliers, exporters, value added industries and foreign coffee importer companies as well as wholesaler and retailers;

20/ “coffee quality control” means inspection and control of the picking, transaction, processing, storage, roasting or roasting and grinding, packaging and transportation of coffee, in accordance with acceptable norms and quality standards, to ensure delivery of coffee to consumers in its natural state;

21/ “coffee processing” means a process which includes washing coffee, semi washed coffee and natural and sun dried processing of coffee in first level and export processing industries in accordance with the country’s quality and grade requirements and the buyers’ needs as per the authorized technical procedures;

22/ “value added industries “means industries that roast or roast and grind or process in other forms of coffee product for domestic or export market;

23/ “value added coffee processing” means the process of roasting,roasting and grinding or changing in to various forms per the authorized technical procedures;

24/ “coffee producer” means small-scale coffee farmers, coffee farmers’ co-operatives and commercial growers;

25/ “coffee quality inspection and grading center” means a

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coffee;

36/ “coffee husk” means a wet or dry cover find out of pulped red cherry coffee, coffee with pulp or washed coffee with parchment, hulled, cleaned, sorted coffee by product which may contain about 1% of clean coffee;

37/ “export coffee contract” means an enforceable agreement signed between coffee exporter and foreign coffee buyer to sale row, roast, roast or grind coffee to different destinations and by describing price, amount, type and quality standard level, exporting date or shipment date and conditions of payment and recognized and registered by the National Bank of Ethiopia has obligation of implementation the same;

38/ “mixed coffee processing” means a process of mixing different types of coffee in accordance with its own trade name and the appropriate technical procedure of the Authority;

39/ “service provider” means a person who, upon being licensed to provide service by the Authority or appropriate regional organ and fulfilling the requirements set, engaged in coffee wash, pulp, clean and sort, export coffee processing roast, grind, store or transport;

40/ “manipulation” means any act that results or is likely to result in confusion or deception of market participants or the Government as to the price, quantity, quality level, process type or storing or transporting of coffee;

41/“seal” means an act of sealing, closing or packing of coffee with a device or substance into a sack or a container or a

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This Proclamation shall apply to any person who directly or indirectly involves in coffee marketing and quality control.

SECTION TWO

COFFEE QUALITY CONTROL AND MARKETING PROCESS

4. Coffee Quality Control Process

1/ The legally designated regional quality control organ shall:

- a) Inspect transaction of red cherry coffee and coffee with pulp in first level or other transactions options, based on the set standard quality.
- b) Inspect and supervise competence of coffee processing industries and supervise the handling, storing and processing are carried out in accordance with appropriate technical procedure.
- c) Inspect the locality of production and pre-release document and send with release document as closed with seal to the legal destination and follow up its end.

2/ The coffee quality inspection and grading center shall verify that the coffee arrived is properly sealed and grade through an appropriate examination based on a representative sample.

3/ The Authority shall send the sealed graded coffee to the export coffee processing industries after the necessary document is completed and shall supervise its process.

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4/ The Authority shall inspect that the coffee is prepared in accordance with the standards set for mixed coffee processing containing the characteristics and name of agro-ecology of its production area before it is exported.

5/ The Authority shall send to the port for consignment, the sealed and certified coffee graded by coffee quality inspection and leveling center and shall follow up its end.

6/ other inspection center allowed by the Ethiopian Commodity Exchange or the Authority shall seal and send domestic consumption coffee to consumer regions upon verification of leveling and issuance of a certificate and shall follow up to its final destination.

7/ The Authority shall decide on complaints presented in domestic and export coffee quality inspection and leveling.

5. Coffee Transaction Process

Coffee transaction shall take place as follows:

1/ red cherry coffee or coffee with pulp between small scale farmers or commercial growers, coffee suppliers or co-operative associations or out growers or value adding industries;

2/ if supply coffee is intended for export, between a coffee supplier and a coffee exporter or a coffee supplier and an export coffee roaster;

3/ if supply coffee does not fit for export level, between a coffee supplier and a wholesaler or between a domestic coffee

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11/ cherry coffee or coffee with pulp transaction shall be made with commercial coffee growers and small scale farmers through coffee out growers contractual agreement in accordance with the regulation issued for the execution of this Proclamation;

12/ coffee exporters shall register to National Bank of Ethiopia and notify to the Authority, the export coffee contracts of coffee purchased from the Ethiopia commodity Exchange or in other alternative transaction or produced in their own farm and coffee roasted, roasted and grinded sold in foreign market;

13/ graded and value added export coffee only can be sold in foreign exchange in domestic market to promote the natural taste and origin in accordance with the place and time stated in the regulation.

14/ industries engaged in value addition may import raw coffee from abroad in accordance with a regulation to be issued following this Proclamation.

6. Coffee Husk Transaction

1/ In accordance with the certificate of competence provided by the appropriate regional body or the Authority, any coffee producer or processor or a person who legally buys coffee, may deliver the processed coffee parchment to domestic or foreign market.

2/ Without prejudice to the sub-article (1) of this Article, a person who has a license from relevant government organ may use coffee husk for making natural fertilizer or changing it to other products.

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SECTION THREE

OBLIGATIONS OF TRANSACTING ACTORS

7. Obligations of Person Involved in Coffee Transaction

Any person involved in coffee transaction shall:

- 1/ conduct a transaction of red cherry coffee and coffee with pulp only in transaction centers or coffee processing industries which are allowed by the appropriate regional organ;
- 2/ if supply coffee transaction takes place in other alternative transaction options outside Ethiopia Commodity Exchange, the coffee type, quality standard, quantity, price and date shall be registered and carried out in the Authority
- 3/ unless it is allowed in special directive by the Authority, acquire a certificate from the coffee quality inspection and grading center before submitting supply coffee to domestic coffee transaction;
- 4/ ensure, before loading supply or export coffee for transportation, that a vehicle and its driver comply with competence standard;
- 5/ submit competence certificate issued by the Authority or the appropriate regional organ;
- 6/ submit a representative sample from the coffee prepared for transaction when so requested for quality inspection purposes;
- 7/ get a legal letter of release before transporting any red cherry coffee and coffee with pulp from the transaction center permitted by the Authority or appropriate regional organ to pulp or hull coffee industries;

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8/ have appropriate executive body seal and issue a letter of release when transporting any supply or export coffee;

9/ maintain a register of the daily coffee exchange quantity, grade, price and list of purchase and disclose such register to the Authority or relevant inspection and cooperate when physical presence for site visit or inventorying is required;

10/refrain from all acts that may damage the good name of the country's coffee and respect the quality standards of the country;

11/comply with and cause to implement all regulations, directives and procedures enacted by the appropriate body for the proper execution of this Proclamation.

8. Obligation of Coffee Producers

Any coffee Producer shall:

1/ except farmer, hold valid competence certificate and trade license from appropriate government organ,

2/ without prejudice sub-article (1) Article 5 of this Proclamation, have the right to directly export coffee from his own farm, only after submitting the same to the coffee quality inspection and grading center for grading before and after processing for export;

3/ without prejudice sub-article (1) of this Article, if transaction takes place in domestic market in the Ethiopia Commodity Exchange or other alternative transaction center shall cause to grade by the Coffee quality inspection and

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grading center;

4/ buy coffee from small-scale farmers through development and transaction relation, provide extension technology support, pay better price or share profit after sale in accordance with their contract;

5/ sell coffee by product in the Ethiopia Commodity Exchange, only after having examined by coffee quality inspection and grading centers;

6/ coffee bought in the Ethiopia Commodity Exchange or other alternative transaction centers, and or the coffee produced by self or collected from out growers scheme shall be exported within in determined period of time,

9. Obligation of Coffee Suppliers

Any coffee supplier shall:

1/ purchase, process, transport and keep the natural state and origin of red cherry coffee or coffee with pulp only in the area designated and shall not mix it with coffee of other agro ecologies;

2/ within 8 hours, process red cherry coffee into washed parchment coffee, semi-washed coffee, or sun dried coffee in accordance with the technical process required by the Authority;

3/ deliver processed supply coffee to the Ethiopia Commodity Exchange or other alternative transaction center for sale or export before the next harvest;

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4/ ensure that the supply coffee submitted to coffee quality inspection and grading center or sold directly to the exporter or exported directly by himself, complies with quality standards and has a moisture amount or content to be determined in-accordance with a regulation to be issued following this proclamation.

5/ sell in the Ethiopia commodity exchange ,if it is export coffee graded by the coffee quality liquoring and inspection centers;

6/ hand over to the buyer ,if it is sold in other alternative transaction;

7/ store in licensed commercial warehouses not involved in the coffee trading business in case he wants to wait for better price;

8/ hold certificate of competence showing his readiness from the relevant regional organs, before the beginning of the new transaction year.

10. Obligations of Coffee Exporters

Any coffee exporter shall:

1/ hold valid competence certificate and trade license from appropriate government organ;

2/ process export coffee in accordance with the country's quality standard, for export;

3/ maintain the name ,characteristics and place of origin of export coffee, except in cases of mixing processes, registered under special permission of the Authority;

4/ register the contract within 24 hours, at the National Bank of Ethiopia, and notify the same to the Authority within three working days;

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5/ export before the next harvest, coffee collected from any alternative transactions or his own farm or if it is co-operative association collected from the members farm, without wastages and keeping quality;

6/ sell coffee by product leftover from export coffee in the auction centers or in the Ethiopia Commodity Exchange;

7/ without prejudice to the extension of a contract permitted by the National Bank of Ethiopia upon showing of sufficient reasons, perform the contract on the due date;

8/ not submit export coffee graded by the coffee quality inspection and grading center, for domestic sale in the Ethiopian Commodity Exchange or in other alternative transaction center, unless it is specially allowed by the Authority.

11.Obligations of Domestic Consumption Coffee Wholesalers

Any domestic consumption coffee wholesaler shall:

- 1/ hold valid competence certificate and trade license from appropriate government organ;
- 2/ only purchase domestic consumption coffee from the Ethiopia Commodity Exchange;
- 3/ not purchase, sell or transport export coffee;
- 4/ only sell domestic consumption coffee in the region or zone or city where he is licensed for wholesaling;
- 5/ transport and sell domestic consumption coffee purchased from the Ethiopia Commodity Exchange to the domestic consumers region or zone or city, cause the coffee to be

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sealed , obtain a letter of release , show on demand, obtain assurance from the relevant organ and provide it to the Authority that the coffee has reached sealed;

6/ obtain certificate of competence showing his readiness from the relevant regional organs, before the beginning of the new transaction year.

12.Obligations of Domestic Consumption Coffee Retailers

Any domestic consumption coffee **wholesaler** shall:

- 1/ hold valid competence certificate and trade license from appropriate government organ;
- 2/ only purchase domestic consumption coffee from domestic consumption wholesaler or domestic coffee roaster;
- 3/ not purchase, or transport, or hold export coffee;
- 4/ only sell domestic consumption coffee in retail shop or place licensed for retail;
- 5/ maintain a register of coffee transaction and disclose on demand.

13. Obligations of Export Coffee Roasters

Any person who engages in the roasting or roasting and grinding of export coffee shall have obligation to:

- 1/ hold valid competence certificate and trade license from appropriate government organ;
- 2/ obtain his input coffee from his own farm or purchase from the Ethiopia Commodity Exchange or directly buy from

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10/maintain a register of purchase of coffee, process and sell and provide them when requested by the Authority and other relevant organs.

11/ import raw coffee from abroad in-accordance with a regulation to be issued following this Proclamation.

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14. Obligations of Domestic Consumption Coffee Roasters

Any person who engages in domestic roasting and grinding of coffee for selling shall have the obligation to:

- 1/ hold valid competence certificate and trade license from appropriate government organ;
- 2/ purchase coffee permitted for domestic consumption from the Ethiopia Commodity Exchange and roast or, roast and grind and supply only for domestic market;
- 3/ purchase coffee permitted for domestic consumption from the Ethiopia Commodity Exchange and roast or, roast and grind and wholesale on the current domestic market price;
- 4/ not store the roasted or, roasted and grinded coffee more than its consumption period;
- 5/ label on the packaging of the processed domestic consumption roasted and ground coffee the name of enterprise produced, quality level, content, production and expiring date, type of coffee and its trade mark;
- 6/ obtain certificate of competence from the appropriate government organ and renew it on time;
- 7/ prepare the packaging and the export roasted or, roasted and ground coffee by maintaining appropriate quality standards of the country;
- 8/ maintain a register of purchase of coffee, process and sell and provide them when requested by the Authority and other relevant organs.

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contract entered into;

- 4/ ensure the legality of the coffee received for processing and not to receive and process coffee released without recognition of the Authority or relevant organ;
- 5/ obtain certificate of clearance of environmental pollution from appropriate environmental pollution control office if it is engaged in coffee pulping, cleaning and sorting, export coffee processing, roasting or roasting and grinding.

17. Obligations of Coffee Transport Service Providers

Any owner of a vehicle or driver or agent engages in coffee transport service shall, as appropriate, have obligations to:

- 1/ have certificate of competence for the vehicle pursuant to the requirements provided in regulation and directives issued by the Authority in collaboration with relevant organ and renew on time;
- 2/ on that day report to a lawful organ of the locality and produce evidence if a vehicle sustained malfunctions or crime is committed against the vehicle while transporting coffee;
- 3/ verify before loading the coffee that the coffee has been prepared for transportation in conformity with this Proclamation;
- 4/ transport the coffee he received from its place of consignment to its destination without breaking the seal and tearing the canvas and by preserving its quality;
- 5/ not to hold on the parts of the vehicle additional coffee or other substance that may affect the quality of coffee, other than those permitted to transport;
- 6/ supervise the vehicle from illegal acts if transfer in contracts of rent or in others form to third party.

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SECTION FOUR

MISCELLANEOUS PROVISIONS

18. Power of the Authority

Without prejudice to the powers vested in it under other laws and the provisions of this Proclamation, the Authority shall have the power to:

- 1/ identify, based on study conducted in collaboration with regional organs, places to follow up coffee transaction and control of its quality, assign supervisor, administer or delegate;
- 2/ issue certificate of competence to coffee transaction actors follow up and inspect same pursuant to criteria's issued in regulation and directives;
- 3/ grant certificate, conduct quality inspection, issue letter of release, and issue production country certification for export coffee;
- 4/ authorize export of coffee for purposes of sampling or trade fair;
- 5/ inspect, seal, suspend or seize with court warrantee or in cases of urgent circumstance without court warrantee in accordance with criminal procedure law in collaboration with relevant justice and security organs, any warehouse, dwelling house, premises, or any other place on sufficient ground when the Authority or appropriate regional organ suspects the existence of illegal coffee with the view to ensure compliance with this Proclamation or regulations and

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directives; and subject to the right of the owner of the coffee to appeal to the court; confiscate and sale such coffee where such coffee is ascertained illegal;

6/ without prejudice to sub-article (5) of this Article, the Authority or appropriate regional organs before make decision they shall be verify and pass decision on the coffee seized through suspect;

7/ suspend or revoke certificate of competence of coffee transaction actor, who is found distorting the transaction process or who lacks competence, pursuant to regulations and directives issued to prevent him from receiving the service and notify the same to the appropriate body;

8/ determine and execute by issuing directive the amount and implementations of commission to be paid to whistle blowers and who report and seize illegal coffee transactions, movements and storage.

19. Prohibitions and Penalties

1/ Any coffee processor who fails to comply with technical procedure provided by the Authority or an appropriate regional body and thereby causes damage to the quality of the coffee or to the local community shall, without prejudice to the closure of his processing plant and prohibition of his product not to be supplied for transaction, be punished with rigorous imprisonment not less than one year and not exceeding three years and a fine from Birr 20,000 to Birr 40,000.

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2/ Any coffee transaction actor who buys or sells coffee outside the Ethiopia Commodity Exchange or other optional transaction centers established by Authority shall, without prejudice to the confiscation of his coffee, be punished with rigorous imprisonment not less than one year and not exceeding three years and a fine from Birr 20,000 to Birr 40,000.

3/ Any person who is engaged in coffee transaction and stores coffee out of the specified time and place without prejudice regulation, to the confiscation of his coffee, be punished with rigorous imprisonment not less than one year and not exceeding three years and a fine from Birr 20,000 to 40,000.

4/ Any person who sells coffee or processed roasted and grinded coffee of an export standard in the domestic market without special permit of the Authority shall, without prejudice to the confiscation of the coffee, be punished with rigorous imprisonment not less than three years and not exceeding five years and a fine from Birr 60,000 to 100,000.

5/ Any person who commits deceiving act in relation to coffee quality or marketing directly or indirectly, intentional or by negligence to procure to himself or to another person illegal benefit shall be punished with rigorous imprisonment not less than three years and not exceeding five years and a fine from Birr 60,000 to Birr 100,000.

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6/ Any person, who stores coffee in places other than those allowed by the Authority or an appropriate regional body shall, without prejudice to confiscation of the coffee, be punished with rigorous imprisonment not less than three years and not exceeding five years and a fine from Birr 60,000 to Birr 100,000.

7/ Any person who transports coffee other than the rout line leads to destination and permitted by the Authority or an appropriate regional body shall, in addition to confiscation of the coffee and the vehicle, be punished with rigorous imprisonment not less than three years and not exceeding five years and a fine from Birr 60,000 to 100,000.

8/ Any transporter who received coffee to transport and breaks the seal or tears the canvas or change the quality and types of coffee or reduce its amount shall be punished with rigorous imprisonment not less than three years and not exceeding five years and a fine from Birr 60,000 to 100,000.

9/ Any driver who loads, on the parts of the vehicle, additional coffee or any other product or mixes coffee with other commodity shall, without prejudice to confiscation of the additional coffee and other product or commodity, be punished with simple imprisonment not less than six months and not exceeding three years and a fine from Birr 10,000 to 40,000.

10/ Any person who is engaged in coffee transaction or directly or indirectly connected to coffee transaction is sells, buys, stores

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its destination of processing industries, or to the Ethiopia Commodity Exchange warehouse or to port or reduces or add its volume or type or quality shall be punished with rigorous imprisonment not less than five years and not exceeding ten and a fine from Birr 100,000 to 200,000 .

15/ Any person who is engaged in the coffee trading business or directly or indirectly connected to the coffee trading business if uses the confidential information he obtained due to his official or employee position that may distort coffee transaction or quality, to procure illegal benefit for himself or to other person, shall be punished with rigorous imprisonment not less than one year and not exceeding five years and a fine from Birr 20,000 to 40,000.

20. Punishment Applicable to Legal Persons

A legal person which participates in the commission of criminal offence stipulated under Article 19 of this Proclamation, as provided in Article 34 of the Criminal Code, shall be punishable in accordance with Article 90 of the Criminal Code.

21. Jurisdiction

- 1/ The Federal First Instance Court shall have jurisdiction on criminal matters provided under article 19 and 20 of this proclamation.
- 2/ The Federal First Instance Court shall have jurisdiction on coffee civil matters.

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22. Repealed and Inapplicable Laws

- 1/ The Coffee Quality Control and Marketing Proclamation No. 602/2008 is hereby repealed.
- 2/ No proclamation, regulation, directive or customary practices shall, in so far as they are inconsistent with the provisions of this Proclamation, have effect on matters provided under this Proclamation.

23. Transitory Provisions

- 1/ Notwithstanding sub-article (1) of Article 21 of this Proclamation, pending cases shall be finalized pursuant to the provisions of the previous Proclamation.
- 2/ Any certificate of competency issued before the coming into force of this Proclamation shall be deemed to have been issued as per this Proclamation, until replaced by a new certificate of competency issued by the competent authority in accordance with the provisions of this Proclamation.

24. Power to Issue Regulations and Directives

- 1/ The Council of Ministers may issue regulation necessary for the implementation of this Proclamation.
- 2/ The Authority may issue directives necessary for the implementation of this Proclamation and regulations issue pursuant to sub-article (1) of this Article.
- 3/ The Regional States may issue laws necessary for the implementation of this Proclamation.
- 4/ The Ethiopia commodity Exchange and Ethiopia Commodity Exchange Authority may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article with respect to coffee trading on the Ethiopia Commodity Exchange.

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25. Effective Date

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

Done at Addis Ababa, this __day of July , 2017

MULATU TESHOME (Dr.)
PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

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